

Housekeeping amendments to draft Ryde LEP 2014

Proposal Title : Housekeeping amendments to draft Ryde LEP 2014

Proposal Summary : The housekeeping planning proposal (PP) proposes amendments to draft Ryde LEP 2014.

Most of the proposed amendments are supported. The housekeeping planning proposal is also an opportunity to correct errors in draft Ryde LEP 2014 and to update draft Ryde LEP 2014 to reflect submissions to that draft LEP.

The proposed amendments are described in detail in the attached Table 1.

The amendments SUPPORTED involve:

Zones/ precincts:

- _LEP Centres maps
- _Ryde Town Centre precincts map
- _Lot size map
- _Flood planning map
- _IN2 land use table

Clauses:

- _Cl.1.2 Aims of Plan
- _Cl.4.1A Dual occupancy (attached) strata subdivision
- _Cl.4.3A Exceptions to height of buildings
- _Cl.4.5A Density controls for Zone R2 Low Density Residential
- _Cl.4.5B Macquarie Park Corridor
- _Cl.4.6 Exceptions to development standards
- _Cl.6.6 Environmental Sustainability

Sites:

- _11-15 Farm St Gladesville
- _2 Hughes St West Ryde
- _North Ryde Common
- _1 Monash Rd Gladesville
- _391 Blaxland Rd Ryde
- _14-20 Oxford St Gladesville
- _436-484 Victoria Rd Gladesville (as listed in Schedule 1)
- _2 Nile Cl Marsfield

RMS requests:

- _removals from and additions to the Land Reservation Acquisition map
- _Land Zoning map

Heritage:

- _various amendments relating to descriptions, additions and deletions.

The amendments NOT SUPPORTED are:

- Including 'home business' and 'home industry' as permissible uses in the R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones.
- Including 'secondary dwellings' as a permissible use in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones.
- Including 'building identification signs' as permissible in the IN2 Light Industrial zone.
- Amending Clause 6.6 Environmental sustainability in relation to workplace travel plans.
- Zoning, floor space ratio and height amendments to the Ryde Civic Centre site.

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- Amending Schedule 1 Additional permitted uses for 131 & 133 Herring Road and 208 Epping Road, Marsfield to permit a 'medical centre'.

PP Number : PP_2014_RYDEC_001_00 Dop File No : 14/04723

Proposal Details

Date Planning Proposal Received :	03-Mar-2014	LGA covered :	Ryde
Region :	Sydney Region East	RPA :	Ryde City Council
State Electorate :	LANE COVE RYDE	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Multiple across entire LGA		

DoP Planning Officer Contact Details

Contact Name : Sarah Waterworth
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RPA Contact Details

Contact Name : Susan Wotton
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DoP Project Manager Contact Details

Contact Name : Sandy Shewell
Contact Number : 0285754115
Contact Email : sandy.shewell@planning.nsw.gov.au

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Department's knowledge.**

The Department has not met with any lobbyists in relation to this proposal, nor has the Department been advised of any meeting between other officers and lobbyists concerning the proposal.

Supporting notes

Internal Supporting Notes : **All amendments are detailed in the attached Table 1, which includes Council justification and Department comment. The planning proposal is generally supported because it updates the draft Ryde LEP 2014 in a manner consistent with the NSW strategic planning framework.**

External Supporting Notes : **Council supports the planning proposal because:**
_it will bring into effect amendments identified within submissions received to DLEP 2014 from Government agencies and the community, and supported by Council;
_correct omissions and anomalies to DLEP 2014; and
_bring into effect amendments associated with Council resolutions related to DLEP 2014 and the updating of the LEP based on recent studies.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Council states the intended outcomes of the planning proposal are to:**

- (a) Incorporate changes to DLEP 2014, identified in submissions and subsequently supported by Council during the development of DLEP 2014, so as to better reflect community expectations.**
- (b) Improve the operation of DLEP 2014 through the correction of errors and omissions.**
- (c) Incorporate Council-initiated resolutions made with respect to DLEP 2014 so as to reflect the strategic direction Council has taken for the future development and growth of the City of Ryde and update the LEP with respect to the recent studies.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal provides an explanation of provisions for each amendment.**

A number of amendments have been included by the Department because they were either:

- _included in the Council resolution;
- _raised in agency submissions; or
- _were matters that needed to be addressed as part of DLEP 2014.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

- SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development**
- SEPP No 6—Number of Storeys in a Building**
- SEPP No 19—Bushland in Urban Areas**
- SEPP No 21—Caravan Parks**
- SEPP No 22—Shops and Commercial Premises**
- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**
- SEPP No 33—Hazardous and Offensive Development**
- SEPP No 55—Remediation of Land**
- SEPP No 64—Advertising and Signage**
- SEPP No 65—Design Quality of Residential Flat Development**
- SEPP No 70—Affordable Housing (Revised Schemes)**
- SEPP (Building Sustainability Index: BASIX) 2004**
- SEPP (Exempt and Complying Development Codes) 2008**
- SEPP (Housing for Seniors or People with a Disability) 2004**
- SEPP (Infrastructure) 2007**
- SEPP (Major Projects) 2005**
- SEPP (Temporary Structures and Places of Public Entertainment) 2007**
- SREP (Sydney Harbour Catchment) 2005**
- SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered :

The Metropolitan Plan for Sydney 2036, draft Metropolitan Strategy for Sydney 2031, draft Inner North Subregional Strategy and the Ryde 2021 Community Strategic Plan.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The planning proposal as submitted by Ryde Council is inconsistent with s117 Direction 3.1 Residential Zones because the item to amend the zoning, FSR and height of the Ryde Civic Centre site proposes the loss of land zoned for residential purposes.

However, this item is not supported by the Department because it is the subject of a separate planning proposal (with gateway determination) for which this inconsistency

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has already been approved by the former Director General.

Consequently, if the Gateway agrees that the item to amend the planning controls for the Ryde Civic Centre should not be included within this housekeeping planning proposal, there are no remaining inconsistencies with section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Ryde Council has identified a 28 day exhibition period. This is considered reasonable.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

DLEP 2014 is expected to be made around June 2014.

Council's internal review and public exhibition of DLEP 2014 resulted in a number of post-exhibition changes that, collectively, are significant enough to require re-exhibition. Rather than delay the making of DLEP 2014, this planning proposal addresses the majority of the post-exhibition changes sought by Council.

Assessment Criteria

Need for planning
proposal :

The planning proposal is needed to incorporate changes to DLEP 2014 resulting from: recent studies; Council resolutions; submissions from Government agencies and the community; and the correction of errors and anomalies.

All amendments are detailed in the attached Table 1, which includes Council justification and Department comment.

Item 13 is discussed below because Council does not agree with the Department's position.

ITEM 13

Amending Schedule 1 Additional permitted uses for 131 & 133 Herring Road and 208 Epping Road, Marsfield to permit a 'medical centre' - SEE TAG A FOR A MAP

Council has proposed the amendment in response to submissions from the landowner.

COUNCIL JUSTIFICATION FOR ITEM 13

133 Herring Road has approval for 'professional consulting rooms and the landowner has

submitted two submissions to DLEP 2014 wanting to expand and intensify the current medical activities to the adjoining land (131 Herring Road and 208 Epping Road).

Access to the site is via Herring Road in close proximity to the intersection of Herring and Epping Roads.

Council supports the expansion of the use via Schedule 1 based on:

- _part of the site is currently being used as consulting rooms;
- _development of all three sites would result in better parking and traffic outcomes –
- access to the site could be relocated further away from the intersection of Herring/ Epping Roads;
- _the introduction of a land use which is in line with the objectives of the R2 Low Density Residential zone, i.e. to enable other land uses that provide facilities or services to meet the day to day needs of residents; and
- _maintaining a FSR of 0.5:1 and a maximum height of 9.5m.

Council does not support a rezoning of the site to B1 Neighbourhood Centre because it believes that would substantially impact on the overall character of the area by virtue of both the nature of the land uses permitted and the development controls that would apply.

Council consider a strategic study of the subject site and area on the southern side of Epping Road is required prior to any change of zoning that would result in an expansion of land uses as permitted.

Council's Local Planning Study, 2010 recommended such a study be undertaken, however it is unlikely to be completed in the short term due to financial reasons.

DEPARTMENT RESPONSE TO ITEM 13

The amendment as proposed by Council, to amend Schedule 1 is not supported by P&I for the following reasons:

- _a rezoning to B1 Neighbourhood Centre would more appropriately support the proposed use for the site, ie medical centre;
- _ Council has not provided adequate justification for the use of Schedule 1. The draft Practice Note on Schedule 1 uses states Schedule 1 can be used for additional permitted uses in exceptional circumstances where it has been demonstrated by Council that there is no other possible solution to permitting a use; and
- _the rezoning of the site to B1 is considered appropriate for the area. The site is located in an area in close proximity to the mixed use zone of Herring Road, Macquarie University and the Macquarie shopping centre - an area containing commercial and high density residential development. The area will increase in mixed use intensity, in the future, with the development of the Herring Road Urban Activation Precinct. Opposite the site (across Herring Road) is the Ranch Hotel which has recently been rezoned from R2 to B1 to accommodate a retail liquor store. Further north along Epping Road (corner with Balaclava Road), the corner lot is also zoned B1 and contains a supermarket.

A planning proposal proposing: a rezoning of the site, appropriate FSR and height controls, addressing the traffic impacts, and impacts on adjoining residential development is considered a more appropriate way forward to enable additional uses on this site.

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Consistency with strategic planning framework :

The amendments are generally consistent with the objectives and strategies of the Metropolitan Plan for Sydney 2036, the draft Inner North Subregional Strategy and the Ryde Local Planning Study 2010 as they were consistently used in the preparation of DLEP 2014. The amendments are also considered consistent with the draft Metropolitan Strategy for Sydney 2031 as they are minor amendments consistent with best planning practice.

The planning proposal is consistent with all relevant s117 Directions and SEPPs, except s117 Direction 3.1 Residential Zones because item 2 (zoning, FSR and height amendments to the Ryde Civic Centre site) proposes the loss of land zoned for residential purposes.

However, item 2 is subject of a separate planning proposal (with gateway determination) for which this inconsistency has already been approved by the Director General.

Environmental social economic impacts :

Generally, no adverse environmental or social impacts are raised with the planning proposal. None of the amendments would impact any critical habitat or threatened species, populations or ecological communities.

Environmental impacts are raised with item 13 if it were to proceed as Council has requested. The impacts of the development of a medical centre adjoining residential dwellings and the traffic impacts on the Herring Road and Epping Road intersection would need to be addressed prior to any planning proposal being exhibited.

Assessment Process

Proposal type : Routine Community Consultation Period : 28 Days

Timeframe to make LEP : 12 months Delegation : RPA

Public Authority Consultation - 56(2) (d) : Office of Environment and Heritage
Transport for NSW
Department of Health
Transport for NSW - Roads and Maritime Services

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons : As detailed, some amendments are SUPPORTED by the Department and some amendments are NOT SUPPORTED.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Housekeeping amendments to draft Ryde LEP 2014

Schedule 5 Heritage_as amended 21Feb2014.pdf	Proposal	Yes
Attachment 1 - Copy of Officers report to Council (Extract from Agenda of meeting 8 October 2013 - Part 1).pdf	Proposal	Yes
Attachment 1 - Copy of Officers report to Council (Extract from Agenda of meeting 8 October 2013 - Part 2).pdf	Proposal	Yes
Attachment 2 - Copy of minutes for the ~ (Official Records Copy Extract from Minutes of Council Meeting 8 October 2013).pdf	Proposal	Yes
Attachment 3 - Planning Proposal - Attachment WW.pdf	Proposal	Yes
Attachment 3 - Planning Proposal - Attachment XX Part 1.pdf	Proposal	Yes
Attachment 3 - Planning Proposal - Attachment XX Part 2.pdf	Proposal	Yes
Attachment 3 - Planning Proposal - Attachment YY and YY- 1.pdf	Proposal	Yes
Attachment 3 - Planning Proposal - Attachment ZZ.pdf	Proposal	Yes
Attachment 3 - Planning Proposal - Attachments 1A - 23A_Part1.pdf	Proposal	Yes
Attachment 3 - Planning Proposal - Attachments 1A - 23A_Part2.pdf	Proposal	Yes
Attachment 3 - Planning Proposal - Attachments 1A - 23A_Part3.pdf	Proposal	Yes
Attachment 3 - Planning Proposal - Attachments 1A - 23A_Part4.pdf	Proposal	Yes
Attachment 4 - Communication Engagement Plan.pdf	Proposal	Yes
Attachment 5 - RMS submissions.pdf	Proposal	Yes
1. Letter to DoPI re Gateway determination Housekeeping PP.pdf	Proposal	Yes
Additional maps to support planning proposal.pdf	Proposal	Yes
Benelong final report.pdf	Proposal	Yes
Attachment 3 - Planning Proposal for LEP (Housekeeping Amendment) 2013.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
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 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **The planning proposal is supported subject to the following conditions:**

1. Community consultation is required under sections 56(2) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal and all associated studies/assessments and reports must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made

publicly available as identified in the current Guide to Preparing LEPs.

2. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:

- (a) Office of Environment and Heritage
- (b) Transport for NSW
- (c) Department of Health
- (d) Transport for NSW – Roads and Maritime Services

The public authorities are to be provided with a copy of the planning proposal and any relevant supporting material. This public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. The public authority may request additional information or additional matters to be addressed in the planning proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

4. The timeframe for completing the LEP is 12 months from the week following the date of the gateway determination.

5. Council's request for plan making delegations in respect of this planning proposal is supported.

6. Council is to amend the planning proposal to include the additional items listed in Table 1.

Supporting Reasons :

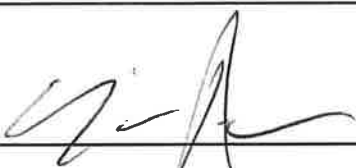
The amendments SUPPORTED by the Department are supported because:

- 1. It builds upon the mandatory Standard Instrument Aims and Zone objectives and reflects the feedback received during exhibition and Council's internal review of the draft LEP, and addresses outstanding agency submissions.
- 2. It is consistent with Council's own strategic plans and the NSW strategic planning framework.
- 3. It makes minor changes, corrects errors and updates DLEP 2014 in line with recent Council studies and resolutions.

The amendments NOT SUPPORTED by the Department are not supported either because:

- 1. the amendments do not have strategic planning merit;
- 2. the amendments are already subject of a separate planning proposal;
- 3. the amendments are not required because they are already covered by State Environmental Planning Policies; or
- 4. the amendments have been made as post-exhibition changes to DLEP 2014 by the Department.

Signature:



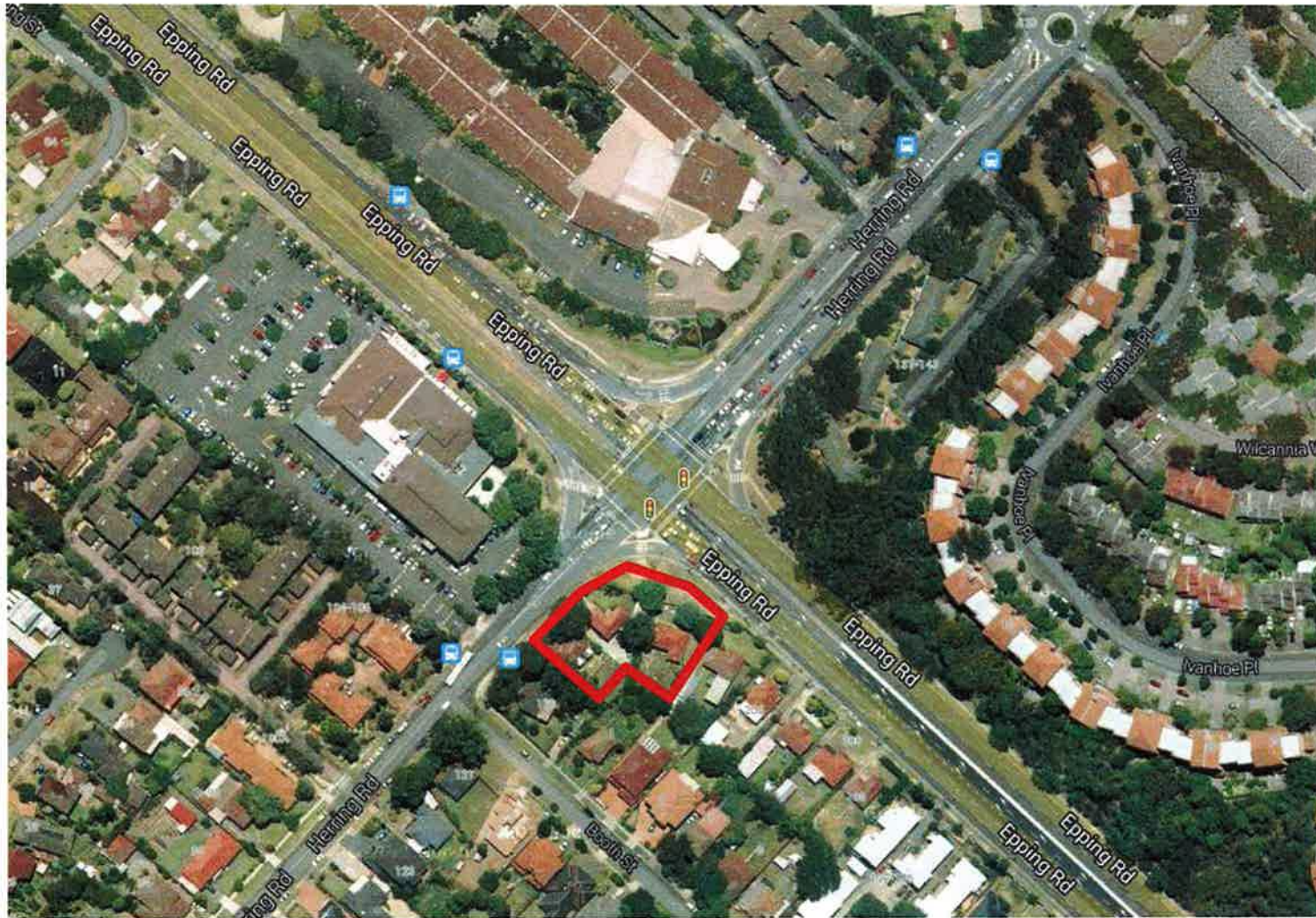
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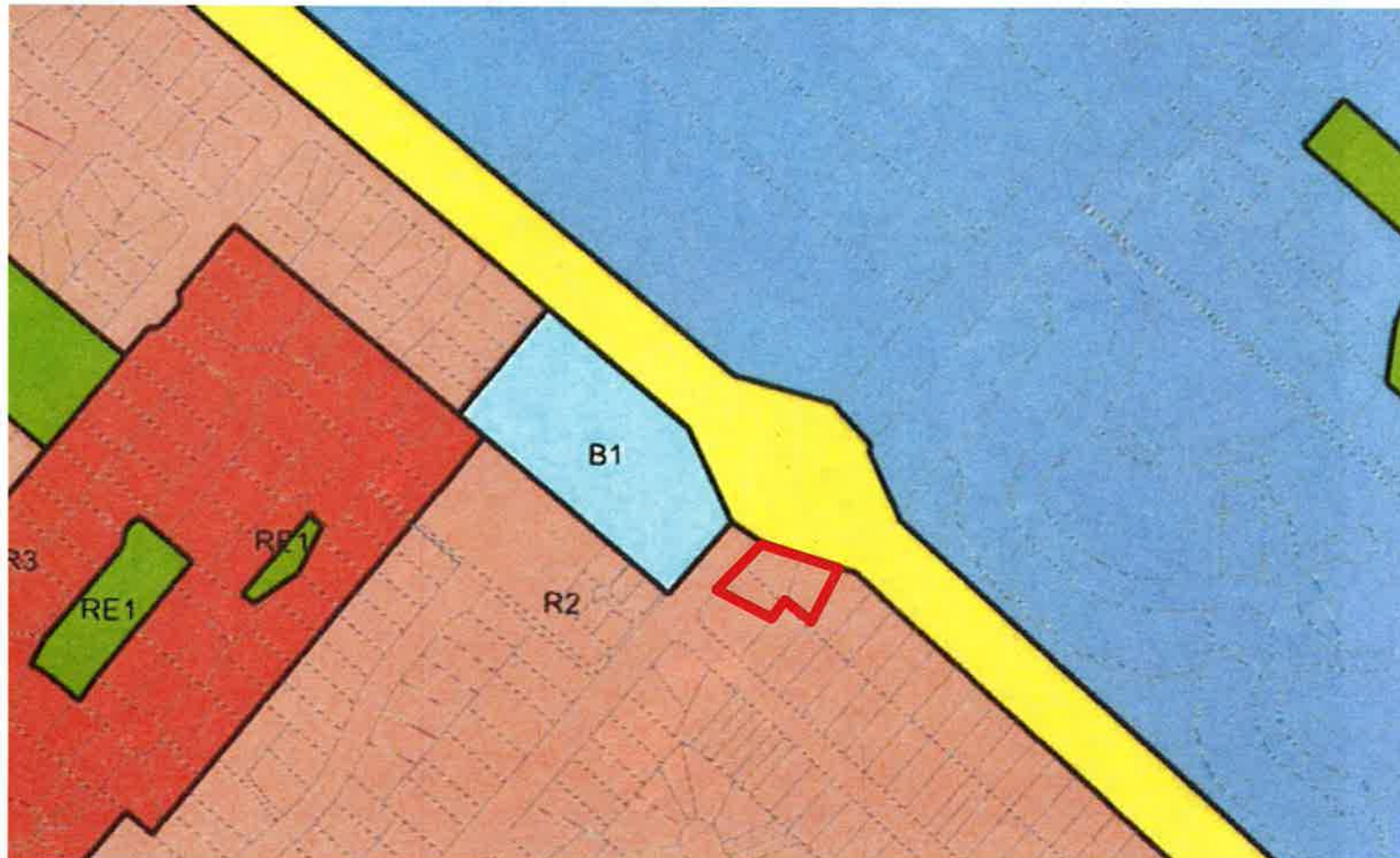
Date:

Tim Archer

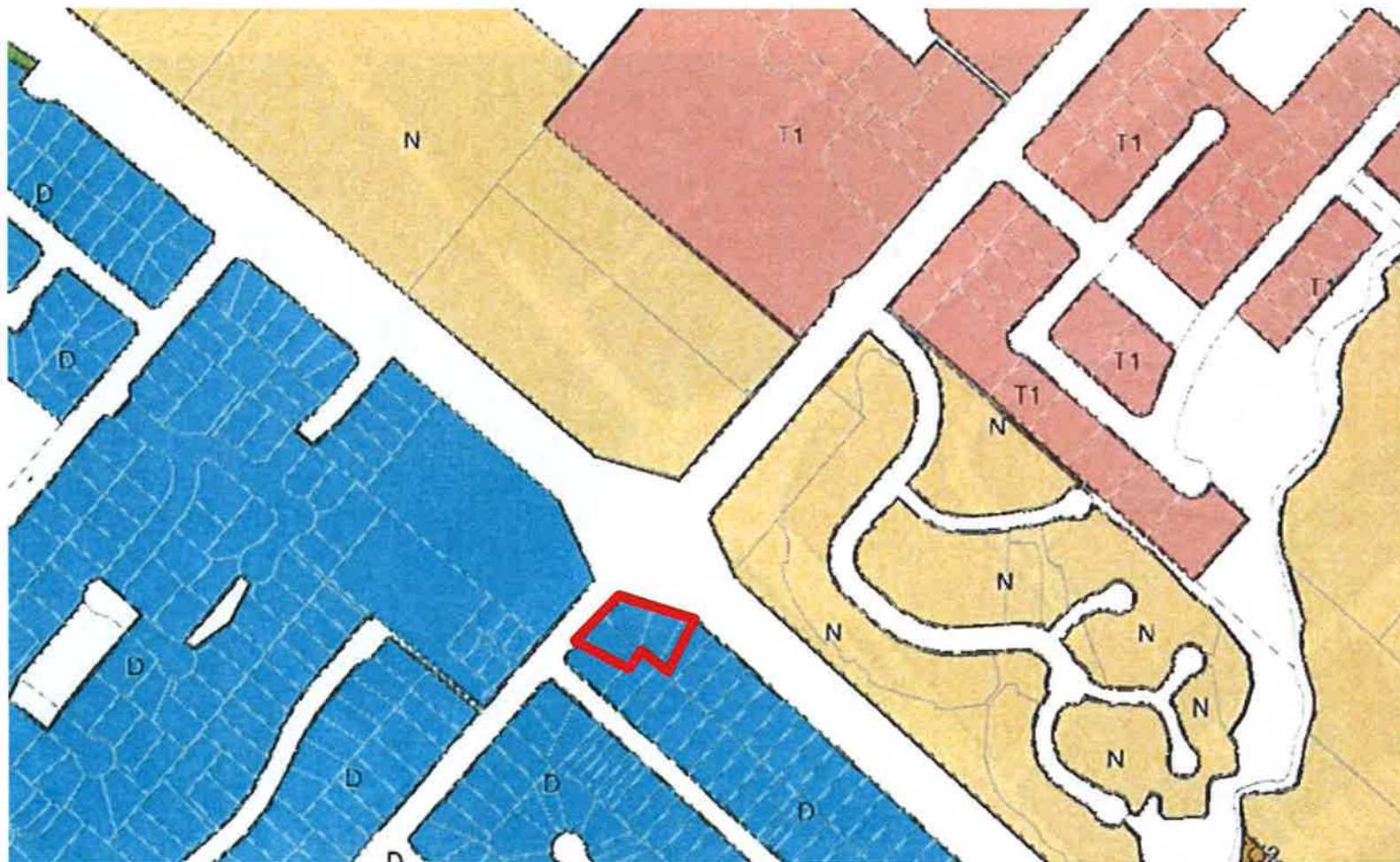
TAG A - 131 & 133 Herring Road and 208 Epping Road, Marsfield (Item 13 of planning proposal)



Current zoning: R2 Low Density Residential



Current FSR: 0.5:1



Current height: 9.5m

