
2 PLANNING PROPOSAL - AMENDMENTS TO LEP 2013

Report prepared by: Strategic Planner

File No.: LEP2013/12/003 - BP13/1294

REPORT SUMMARY

Council on the 12 March 2013 resolved to undertake a Planning Proposal to amend LEP 2013 (previously known as LEP 2011) in accordance with a table of 30 amendments and as part of the consideration of those amendments that a community workshop be held.

That community workshop (known as *Community Forum - Planning Proposal for LEP 2013*) was held on the 31 July 2013. A total of 14 speakers addressed Council with respect to LEP 2013 on the following amendments:

1. Torrens titling of dual occupancy developments - 2 speakers
2. 11-15 Farm Street Gladesville - 10 speakers
3. 14-20 Oxford Street Gladesville - 1 speaker
4. 391 Blaxland Rd Ryde - 1 speaker.

The outcome of the community workshop was that a further workshop not be conducted but rather that a report outlining options with respect to the first three items be presented to Council for consideration.

A record of the *Community Forum*, speakers and directions from Council is **ATTACHED** (Attachment 1).

This report outlines the proposed amendments to LEP 2013 (*Table 1 Planning Proposal Amendments to LEP 2013*) which are a result of:

- Submissions to LEP 2013
- Council resolutions
- Anomalies and errors identified in LEP 2013

Table 1 Planning Proposal Amendments to LEP 2013 is **ATTACHED** (Attachment 2).

Council is to note that the gazettal of LEP 2013 is imminent, as the anticipated final comments on the draft Plan was sent to Parliamentary Counsel on 25 September 2013. The reference to draft LEP 2013 is to be read as LEP 2013 upon the instruments gazettal.

The report also provides detailed information on the items discussed at the community workshop with options and a recommendation being provided for Council consideration with respect to items 1-3.

ITEM 2 (continued)

In this regard the report recommends the following:

1. Torrens titling of dual occupancy developments

- That the Torrens titling of current Dual Occupancy developments be permitted on lots 580sqm or greater; and
- That the Torrens titling of future Dual Occupancy developments be permitted on lots 580sqm or greater with a minimum road frontage of 20m (this results in lots of 290sqm with a 10m road frontage.)

The concerns with respect to the Torrens titling of dual occupancy development are:

- the subdivision pattern of 580sqm for residential areas will be compromised;
- design issues associated with dwellings on small allotments;
- increased residential density; and
- applications to Council to vary the subdivision standards.

Legal advice obtained states that it is at the time of an original consent that the lawfulness of a land use is determined. For a dual occupancy development to be permitted the minimum lawful lot size requirement is 580sqm (consistent with the Lot Size Map). Based on this it is considered that the integrity of the standards in the Lot Size Map are not compromised where subdivision of land is ancillary to a dual occupancy development.

In line with this, a separate clause will be required to be inserted into the LEP stating that despite the provisions of the Lot Size Map, the subdivision of a dual occupancy development is permitted subject to the area of each resulting lot complying with a specified minimum lot size (min lot size of 290sqm with a 10m road frontage).

The design criteria for a dual occupancy development regardless of the ability to Torrens title will remain the same and is to be specified in Development Control Plan 2013.

Under LEP 2013 the strata subdivision of all dual occupancy developments on land 580sqm or greater will be permitted. It is recognised that the ability to strata subdivide may result in a substantial increase in the number of DAs received by Council seeking approval for such developments. However regardless of the nature of the subdivision permitted, based on an area of 580sqm and 20m road frontage there is a maximum number of allotments (approximately 3000) that can be developed for dual occupancy within the City.

Under *Clause 4.6 Exceptions to development standards (a standard instrument clause in the LEP)* any development standard can be varied with Council consent. It is considered that similar to the development standards for the erection of a dual occupancy i.e. 20m road frontage and a minimum allotment size of 580sqm, there will be applications made to Council to vary the subdivision standard. To prevent variations occurring it is recommended that the minimum lot size and width requirements for a dual occupancy be made exempt from the subject clause.

ITEM 2 (continued)

2. 11-15 Farm Street Gladesville

- That 11-15 Farm St be rezoned B4 Mixed Use with a FSR of 1.15:1 and a height of 9.5m for a distance of 19m from the front property boundary with a maximum height of 12m for the remainder of the site.

The design criteria of 11-15 Farm Street that was presented at the community workshop has been reviewed with the aim of reducing the bulk of the building on the site as viewed from Farm St and reducing overshadowing. The amended plans prepared suggest a maximum height of 9.5m for a distance of 19m from the front property boundary with the remainder of the site having a maximum height of 12m. Based on the new height criteria it is anticipated that the site could be developed for 25 residential units at a floor space ratio of 1.15:1.

It is considered that by amending the maximum height permitted on the land the impacts of future development of the site has been reduced.

3. 14-20 Oxford Street Gladesville

- That 14-20 Oxford Street Gladesville – be zoned B4 Mixed Use with a FSR of 0.5:1 and maximum height of 9.5m.

The subject land and 329 Victoria Rd, which is zoned B4 Mixed Use, is under the one ownership and used for a variety of church and school related activities. In view of these factors it is considered reasonable to maintain a singular zoning for the land i.e. B4 Mixed Use. However to maintain a level of development in keeping with the surrounding residential zoning the reinstatement of a 0.5:1 FSR and maximum height of 9.5m is required.

4. Other Key Matters

The report further examines issues associated with:

- 100 Rowe Street Eastwood;
- Secondary dwellings; and
- Floor Space and Height controls within Ryde Town Centre; and
- A range of matters including increasing the number of permitted uses in the IN2 zone, amendment to Schedule 1 to allow 131-133 Herring Road and 208 Epping Road as a Medical Centre, 5m height limits to the rear dwelling in a dual occupancy development and amendments to a number of the maps.

The report recommends that Council prepares a PP to amend LEP 2013 on the basis of the changes identified in *Table 1 Planning Proposal Amendments to LEP*. Council resolutions relating to the items identified above are to be incorporated into *Table 1 Planning Proposal Amendments to LEP 2013*.

ITEM 2 (continued)**RECOMMENDATION:**

- (a) That Council endorse the preparation of a Planning Proposal to amend Draft LEP 2013 (previously known as LEP 2011) in accordance with *Table 1 Planning Proposal Amendments to DLEP 2013* attached to this report.
- (b) That Council forward the planning proposal for the amendments to LEP 2013 to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that the Minister's delegation enabling Council to determine the LEP be requested.
- (c) That in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the Planning Proposal Amendments to DLEP 2013 be placed on public exhibition and a further report be presented to Council following the completion of the exhibition period.
- (d) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include that Torrens title subdivision of:
 - current/approved Dual Occupancy developments be permitted on lots 580sqm or greater;
 - future Dual Occupancy developments be permitted on lots 580sqm or greater with a minimum road frontage of 20m (resulting in lots of a minimum 290sqm with a 10m road frontage).
- (e) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include the following planning controls for 11-15 Farm Street Gladesville:
 - zoning of B4 Mixed Use
 - FSR of 1.15:1 and
 - a maximum height of 9.5m for 19m from the front property boundary with the remainder of the site having a maximum height of 12m.
- (f) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include the following planning controls for 14-20 Oxford Street Gladesville:
 - zoning of B4 Mixed business
 - FSR of 0.5:1
 - a maximum height of 9.5m

ITEM 2 (continued)

- (g) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include the following planning controls for 100 Rowe Street, Eastwood:
- zone part of the land B4 Mixed Use and part RE1 Public Recreation with the area to be zoned RE1 to be determined by Group Manager of Public Works.
 - a maximum height of 15.5m on the area zoned B4 Mixed Use
 - amend the Land Reservation Acquisition Map to reflect the area to be zoned RE1 Public Recreation only.
- (h) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include that secondary dwellings:
- be permitted in the R1, R2 , R3 and R4 residential zones with the consent of Council.
- (i) That DCP 2013 - Part 3.3 Dwelling houses and dual occupancy be amended to incorporate controls for the development of secondary dwellings in the R1, R2 , R3 and R4 zones
- (j) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include changes to LEP 2013 Height of buildings Map, Floor space ratio Map and related incentive clauses for the Ryde Town Centre in accordance with the changes outlined in this report.
- (k) That Council seeks the Department of Planning and Infrastructures support for the inclusion of *Clause 4.1C Minimum lot sizes for dual occupancy and multi dwelling housing* as it applies to dual occupancy in *Clause 4.6(8) Exceptions to development standards*.

ATTACHMENTS

- 1 Community Forum 31 July 2013
- 2 Table 1 - Planning Proposal Amendments to LEP 2013
- 3 Design Criteria Farm St 11-15
- 4 Traffic Study 11 - 15 Farm St
- 5 Communications Plan for Exhibition of Planning Proposal

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Report Approved By:

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ITEM 2 (continued)**Background**

Council on the 12 March 2013 considered a report on Draft LEP 2011 and the outcomes of the Open Community Workshop on the draft Plan that was held on the 5 and 7 February 2013.

Council resolved at that meeting that Draft LEP 2011 be amended in accordance with *Table 1 – Amendments to LEP 2011* and that the amended Plan be forwarded to the Department of Planning and Infrastructure with a S68 report requesting that the Minister make the Plan.

Council further resolved the following:

- That items 1 and 2 (Farm Street properties and Our Lady Queen of Peace) in *Table 1 – Amendments to LEP 2011* be placed into *Table 2 Planning Proposal Amendments to DLEP 2011*.
- That a Planning Proposal (PP) be prepared to amend Draft LEP 2011 in accordance with *Table 2 Planning Proposal Amendments to DLEP 2011* and be supported by a consultation programme prepared by Council's Media and Communications Group and reported back to Council for further discussion and endorsement.
- That Table 2 be amended to include the Torrens titling of current dual occupancy developments be permitted under DLEP 2011 for properties approximating a minimum of 800sqm to 1000sqm.
- That during consideration of the items in Table 2 a community workshop be held prior to the planning proposal being considered by Council.
- That planning proposals are accepted for consideration by Council for:
 - 12A-14 Epping Road and 86 Blenheim Road, North Ryde
 - 2-14 Tennyson Road, Gladesville
 - 2 College Street/10 Monash Road, Gladesville
 - Bulky goods premises in the IN2 zone, Gladesville
 - 44-48 Eltham Street, Gladesville.

Council on the 31 July 2013 held a community workshop (known as *Community Forum - Planning Proposal for LEP 2013*) on the PP for LEP 2013. A total of 14 speakers made representations with respect to LEP 2013. In the body of this report each item addressed by a speaker and the discussion outcomes that were recorded are outlined.

A record of the *Community Forum*, speakers and directions from Council is **ATTACHED** (Attachment 1).

The outcome of Council's resolution of 12 March 2013 was that the matters outlined in *Table 2 Planning Proposal Amendments to DLEP 2011* Amendments to DLEP2011 were to be included in a planning proposal prepared by Council staff and submitted to Council for further consideration. The discussion section of this report addresses the matters listed in this table.

ITEM 2 (continued)

Discussion

Planning Proposal to LEP 2013

Amendments proposed to LEP 2013 are a result of:

1. Council resolutions with respect to specific issues
2. Submissions received from government agencies and the community to LEP 2013 as exhibited.
3. Identified anomalies/errors in LEP 2013.

The following section of this report itemises each amendment proposed within the three categories with detailed information being provided on specific amendments.

1. Amendments resulting from a specific resolution of Council

Planning Proposal Amendments	Basis for amendment
1. Permit the Torrens titling of current dual occupancy developments for properties approximately 800sqm to 1000sqm.	Council resolution 12 March 2013
2. 11-15 Farm Street Gladesville To enable further community discussion on the proposed zoning, height and FSR controls for the land as proposed under LEP 2013 (as exhibited). The following are to be amended: a. Land Zoning Map b. Height of Buildings Map c. Floor space ratio Map d. Centres map	Council resolution 12 March 2013
3. Our Lady of Queen of Peace – 14-20 Oxford St Gladesville. To enable further community discussion on the proposed zoning, height and FSR controls for the land as proposed under LEP 2013 (as exhibited). The following are to be amended: a. Land Zoning Map b. Height of Buildings Map c. Floor space ratio Map d. Centres map	Council resolution 12 March 2013

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
4. Ryde Civic Precinct Amend LEP 2013 to reflect controls proposed within the Planning Proposal for the Ryde Civic Precinct to LEP 2010: a. Land Zoning Map b. Height of Buildings Map c. Floor space ratio Map d. Ryde Town Centre Precinct Map	Council resolution 12 February 2012. Council on 13 November 2012 as part of a Mayoral Minute 16/12, in relation to the Civic Centre Site, resolved: <i>(a) Council staff immediately develop a project plan to expedite the rezoning of the Civic Centre site back to RL91 with a density of 60,000sq metres and to be zoned SP2 community use through a planning proposal.</i> Council resolved on the 12 February 2012 that a Planning Proposal to rezone the site and amend both the Height of Buildings and Ryde Civic Precinct Maps be forwarded to DoPI for a Gateway determination. The PP was forwarded to DoPI on the 22 February 2013. DoPI on 2 July 2013 requested further justification for the PP. A response to DoPI was provided on the 2 August 2013.
5. Add a new clause <i>Macquarie Park Corridor – Serviced apartments in Zone B3 Commercial Core</i> prohibiting the strata subdivision of serviced apartments	Council resolution 27 September 2011. In the report of the 27 September 2011 it was stated that Council should make a formal submission to DLEP 2011 once on exhibition requesting the reinstatement of Clause 4.5B(5) in LEP 2010 with respect to prohibiting the subdivision of such developments.
6. 100 Rowe Street Eastwood Rezone to B4 Mixed Use and deleted from Ryde LEP 2011 Land Reservation Acquisition Map subject to agreement of the owner to enter into a legal agreement with Council to allow for stormwater works and a permanent easement to allow ongoing access to the resulting stormwater infrastructure at a timing of Council's choosing.	Council resolution 12 March 2013.

ITEM 2 (continued)

The following proposed amendments are reviewed in detail:

- Torrens titling of current dual occupancy developments;
- 11-15 Farm Street Gladesville;
- Our Lady of Queen of Peace – 14-20 Oxford St Gladesville; and
- 100 Rowe Street Eastwood.

Torrens titling of current dual occupancy developments (2 speakers)

At the Community Forum on the PP to 2013 the **Discussion Outcomes** relating to the Torrens titling of dual occupancy developments were recorded as follows:

There was some consensus that consideration be given to reviewing Council's current position with regard to Torrens Title. However, no clear direction was provided. Options for consideration were requested to be reported to Council. The options need to consider dealing with the subdivision of existing/approved dual occupancies and controls for the subdivision of future dual occupancies.

Torrens titling is a method of recording and registering land ownership and interests. The advantage of Torrens title is that it is a single document guaranteed by the State Government of New South Wales that documents the status of any land with respect to ownership, easements, caveats etc.

The following Tables provide information on the number of current /approved dual occupancy developments (Table 1) and the number of possible future dual occupancy developments based on the LEP 2013 site requirements of a minimum 580sqm and 20m road frontage for such development (Table 2).

Table 1 – Existing dual occupancy developments

Dual Occupancy (DO) Developments	Total	Not subdivided	Subdivided
Existing DO developments on land 580sqm or greater	373	309	64 (previous State legislation permitted Torrens titling of DO)
Existing DO on land 800 sqm or greater	109	109	0

Table 2 – Dual Occupancy development sites (minimum 20m road frontage – may include some existing DO developments)

Land size (20m road frontage)	Total No. allotments(approximate)
580sqm to 650sqm	930
650sqm to 800sqm	882
800 sqm to 900sqm	295
900 sqm or greater	876
Total allotments	2983 (may include some existing DO developments)

ITEM 2 (continued)

It should be noted that there have been some low density residential sites in Ryde where approval has been given for groups of dual occupancy developments to be built and subdivided i.e. 36-40 Balaclava Rd, North Ryde (approved in 1999) and Princes St/Linley Way Ryde (previously part of Mount St Margaret's Hospital and rezoned residential in 1993).

These properties are not reflected in the figures above and contain dual occupancy developments which have been community titled (36 Balaclava Rd) or Torrens titled (Princes St) resulting in a range of lot sizes e.g. 241sqm, 255sqm, 270sqm and 411sqm.

Comment

The concerns with respect to the Torrens titling of dual occupancy development are:

- the subdivision pattern for residential areas will be compromised,
- design issues associated with dwellings on small allotments
- increased residential density
- applications to Council to vary the subdivision.

The following addresses the above concerns:

- Legal advice obtained states that it is at the time of an original consent that the lawfulness of a land use is determined. For a dual occupancy development to be permitted the minimum lawful lot size requirement is 580sqm (consistent with the Lot Size Map). Based on this it is considered that the integrity of the standards in the Lot Size Map are not compromised where subdivision of land is ancillary to a dual occupancy development. In line with this, a separate clause will be required identifying that the variation to the standards in the Lot Size Map only applies to dual occupancy developments.

For Council's information - It should be noted that a minimum lot size of 580sqm for the erection of a dual occupancy development was introduced by Ryde Local Environmental Plan 72 on 17 March 1995 and was specified because it was in keeping with the existing subdivision pattern in the City.

As 580sqm is the minimum land size required for the development of a dual occupancy, to require land to be greater in size for Torrens title subdivision of a dual occupancy i.e. 800sqm – 1000sqm would result in:

- A subdivision requirement for dual occupancy development that has no relationship to any existing planning control.
- An arbitrary figure which, once adopted, would be subject to numerous requests for variation based on the minimum lot size of 580sqm to develop a dual occupancy. Such request would be difficult to refuse on planning grounds.

ITEM 2 (continued)

- The design criteria for a dual occupancy development regardless of the ability to Torrens title will remain the same and is to be specified in Development Control Plan 2013. With respect to design issues it should be noted that for future dual occupancy developments that are proposed to be subdivided a minimum road frontage of 10m per lot would be required (this is based on a minimum 20m road frontage being required to approve the original development). This is the same as the 10m lot frontage requirement specified under DCP 2013 for a new residential lot. It should also be noted that the minimum 20m frontage for dual occupancy developments has been required to deliver better design outcomes, particularly with regard to compatibility with existing streetscapes. For example with a 20m frontage it is considered that separate driveways to each dwelling will now be possible so reducing the bulk of building in terms of garage appearance.
- Under LEP 2013 the strata subdivision of all dual occupancy developments on land 580sqm or greater will be permitted. It is recognised that the ability to strata subdivide will result in a substantial increase in the number of Das received by Council seeking approval for such developments. However regardless of the nature of the subdivision permitted based on an area of 580sqm and 20m road frontage there is a maximum number of allotments (approximately 3000) that can be developed for dual occupancy in the City.
- It is considered that similar to the development standards for the erection of a dual occupancy i.e. 20m road frontage and a minimum allotment size of 580sqm, there will be requests made to Council to vary the subdivision standard for dual occupancy developments regardless of what is adopted e.g. requests to allow Torrens title of a dual occupancy on land 550sqm and with an 18m road frontage. Two ways of approaching this are:
 - *Clause 4.6 Exemptions to development standards* of LEP 2013 allows a level of flexibility in applying any development standard within an LEP. Clause 4.6(8) specifies the controls in the LEP where no such flexibility or variation can be permitted. It is considered that Council should seek approval to list Cl 4.1C Minimum lot sizes for dual occupancy and multi dwelling housing as it applies to dual occupancy developments in Cl 4.6(8). If supported by the DoPI there can be no variation in the development standards that apply to the erection of a dual occupancy development. It should be noted that such requests relating to other development controls have previously been denied.
 - have both a minimum road frontage requirement as well as minimum lot size requirement for the Torrens titling of future dual occupancy developments. A minimum subdivision requirement of 290sqm and 10m road frontage per lot (i.e. the original lot being 580sqm with a 20m road frontage) would reinforce Councils controls with respect to the erection of dual occupancy developments which in turn will mean that Council will be in a stronger position to argue that variation to either the development standards for the erection or subdivision of a dual occupancy should only be supported in extreme circumstances.

ITEM 2 (continued)

The below table provides information on adjoining Council approaches to the subdivision of dual occupancy developments.

Council	Strata Sub	Torrens Sub	Size of subdivided lot	Minimum lot size to erect dual occupancy (attached)	Minimum Lot size as per Lot Size Map
Hunters Hill (Detached & Attached permitted)	Yes	Yes	Compliance with lot size map – 700 – 1000sqm each lot	700sqm	700-1000sqm
Canada Bay (Detached & Attached permitted)	Yes	No	NA	450sqm	200 – 450 sqm (majority 450sqm)
Lane Cove (Detached & Attached permitted)	No	Yes	Compliance with lot size map – detached only 550sqm each lot	750sqm	550sqm
Willoughby (Detached & Attached permitted)	Yes	Yes	To subdivide must be on <i>Dual Occ Restriction Map</i> 5 year wait 350sqm each lot	Non specified	550sqm (majority R2 zoned land)
Parramatta (Detached & Attached permitted)	Yes	Yes	300sqm each lot	600sqm (majority)	550sqm
Hornsby (Detached & Attached permitted)	No	Yes	Compliance with lot size map. 500 sqm per lot	Non Specified	500 sqm

As stated previously Council determined a number of years ago that a minimum lot size of 580sqm for the erection of a dual occupancy development is appropriate as it is in keeping with the existing subdivision pattern in the City and such development could be built on a standard residential lot. It can be seen from the table above that a number of adjoining Councils require a larger allotment of land to erect a dual occupancy than to carry out a residential subdivision.

The minimum lot size resulting from the subdivision of a dual occupancy development in the adjoining Council areas is reflective of either the area required to erect a such a development or the area required for a residential allotment in accordance with the Lot Size Map.

ITEM 2 (continued)

To specify an arbitrary figure with respect to the subdivision of a dual occupancy development that has no relationship to either the area required to erect a dual occupancy or subdivide residential land, could be subject to numerous requests for variation. Such request could be difficult to refuse on planning grounds.

It should be noted that if Torrens titling is acceptable in existing developments it is difficult on planning grounds to argue that the subdivision of future developments of the same nature and size are not. It will leave Council open to further approaches and legal challenges to permit such subdivision in the future.

In relation to the information outlined above the following options are proposed:

Options

- Permit Torrens titling of all existing Dual Occupancy (DO) developments – (approx. 309 lots)
- Permit Torrens titling of existing DO on land 800sqm or greater – (approx. 109 lots)
- Permit Torrens titling of existing and future DO developments on land 800sqm or greater – (approx. 1171 lots)
- Permit Torrens titling of existing and future DO developments on land 580sqm – (approx. 2983 lots).

Recommendation

That the Torrens titling of:

- Current/approved Dual Occupancy developments be permitted on lots 580sqm or greater and
- future Dual Occupancy developments be permitted on lots 580sqm or greater with a minimum road frontage of 20m (resulting in lots of a minimum 290sqm with a 10m road frontage.) be permitted on the following grounds:
 - The subdivision pattern of residential areas will be not be compromised.
 - The design criteria for a dual occupancy development regardless of the ability to Torrens title will remain the same and is to be specified in Development Control Plan 2013.
 - Council is to request the DoPI to exclude the minimum lot size requirements for dual occupancy developments from *Clause 4.6 Exemptions to development standards* so preventing the standards from being varied.

Regardless of the nature of the subdivision permitted based on an area of 580sqm and 20m road frontage there is a maximum number of allotments (approximately 3000) that can be developed for dual occupancy in the City.

ITEM 2 (continued)

11-15 Farm Street Gladesville (10 speakers)

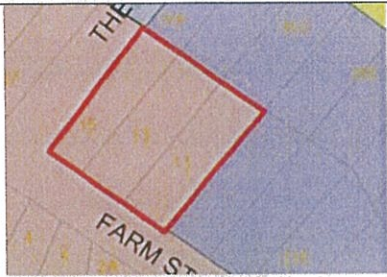
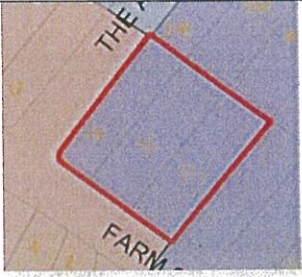
At the Community Forum on the PP to 2013 the **Discussion Outcomes** relating to the subject site were recorded as follows:

Some concern was raised by Councillors regarding the potential height and impact of a future development should the lots be rezoned to B4 with a height of 12m.

It was noted that the proposal presents a unique situation. It was requested that options for the site be reported to Council for consideration, including a variation in building heights across the site to reduce the impact of any future development on the properties on the southern side of Farm Street.

Table 3 provides information on zoning, height and FSR controls for the land as under LEP 2010 and as proposed under LEP 2013 (as exhibited).

Table 3

	LEP 2010	LEP 2013 (as exhibited)
Zoning		
Height		
Floor Space Ratio		

An urban design review of 11-15 Farm Street was undertaken by where controls for the amalgamated site were provided.

ITEM 2 (continued)

The below provides proposed height and setback controls and resulting shadow diagrams.



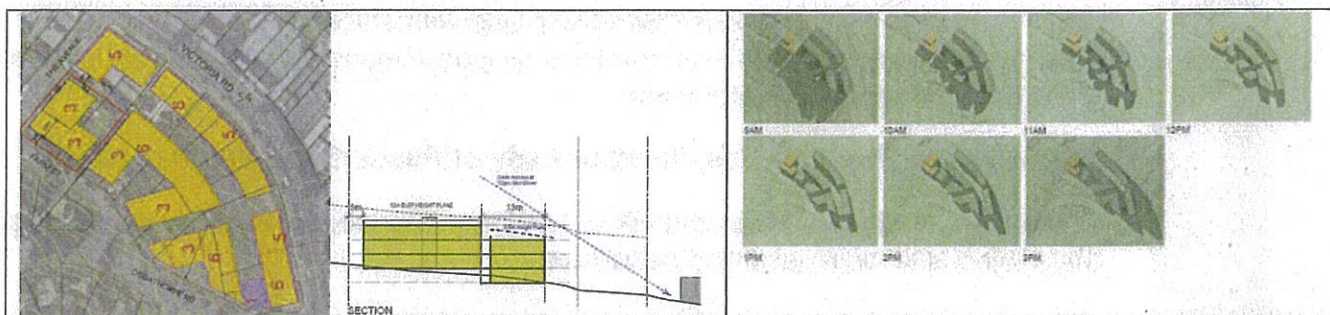
Based on the heights permitted under LEP 2013 (as exhibited) overshadowing of adjacent residential land was largely clear of dwellings by 10am and clear of front setback areas by 11am on 21 June.

Following the community workshop on 31 July 2013 the design criteria with an aim of reducing the bulk of the building as it appears from Farm Street and reducing overshadowing. The resultant design has a 6m setback to Farm Street, 9.5m maximum height for a distance of 13m from the setback (19m from front of boundary) and a 12m maximum height for the remainder of the site.

Based on the new height criteria, it is anticipated that the site could be developed for 25 residential units at a floor space ratio of 1.15:1.

A copy of the design criteria report is **ATTACHED** (Attachment 3).

The diagrams below indicate the amended design controls and overshadowing impacts.



The level of overshadowing has marginally improved based on the changed height controls however it is considered that the most significant impact will be in the reduction in the bulk of the building as it appears from Farm Street. At 9.5m height for 19m of the site the land is predominately under the same height controls as presently applies under LEP 2010 for residential development.

ITEM 2 (continued)

A traffic study was also conducted on the site by Bitzios Consulting. The key findings were:

- Existing traffic volumes on Farm St are relatively low (less than 50veh/h in both directions)
- Vehicle speeds on Farm St are generally less than 40km/h
- Peak hour traffic generation from the site is estimated to be some 15veh/h
- When distributed on the road network the additional trips are unlikely to affect the normal traffic operation or amenity of the local streets.
- no significant impacts on other road users or public transport are envisioned as a result of the proposed changes.

A copy of Bitzios Consulting's report is **ATTACHED** (Attachment 4).

Comment

Based on the reduction in height on the site to 9.5m for a distance of 19m from the front property boundary and the reduced floor space to 1.15:1 it is considered that the impacts of the future development of the site have been minimised.

Options

- LEP 2010 zoning height and FSR be reinstated i.e. R2 Low Density Residential, FSR 0.5:1 and a maximum height 9.5m.
- LEP 2013 (as exhibited) zoning, height and FSR be reinstated i.e. B4 Mixed Use, FSR 1.5:1 and a maximum of 12m.
- Land be zoned B4 Mixed Use, FSR 1.15:1 a maximum height of 9.5m for 19m from front property boundary and a maximum height of 12m for remainder of site.

Recommendation

That 11-15 Farm St be rezoned B4 Mixed Use with a FSR of 1.15:1 and a height of 9.5m for a distance of 19m from the front property boundary with a maximum height of 12m for the remainder of the site

14-20 Oxford Street Gladesville (Our Lady of Peace Church) (1 speaker)

At the Community Forum on the PP to 2013 the **Discussion Outcomes** relating to the subject site were recorded as follows:

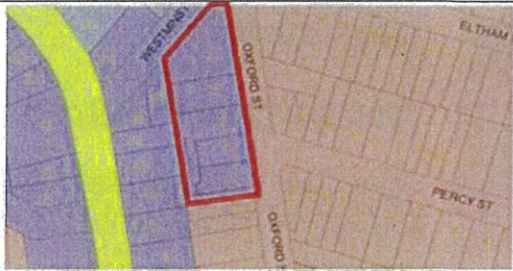
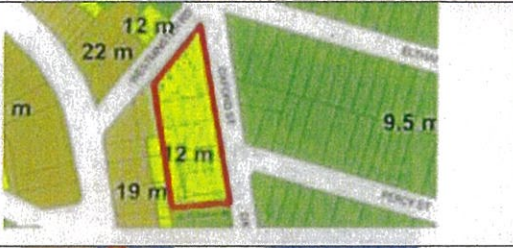
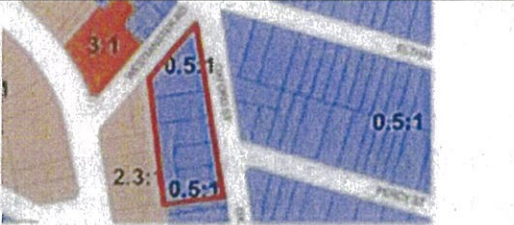
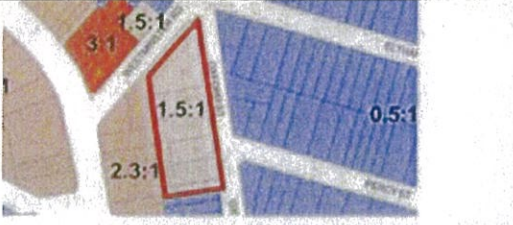
There was general agreement to retain the current R2 zoning for this site, pending discussion with the church.

Ryde LEP (Gladesville Town Centre and Victoria Rd Corridor) 2010 was gazetted in 2011. A number of properties on the periphery of the LEP boundary were not included in the LEP because of timing and technical issues. In the Centres and Corridors Study it was considered appropriate that those properties including 14-28 Oxford St should now be included in the Gladesville Town Centre with zoning and development controls similar to the surrounding land in the Centre.

ITEM 2 (continued)

Table 4 provides information on zoning, height and FSR controls for the land as under LEP 2010 and as proposed under LEP 2013 (as exhibited).

Table 4

	LEP 2010	LEP 2013 (as exhibited)
Zoning		
Height		
Floor Space Ratio		

Comment

The subject land and 329 Victoria Rd, which is zoned B4 Mixed Use, is under the one ownership and used for a variety of church and school related activities. As a result of the singular ownership and nature of uses it is considered reasonable to maintain a singular zoning for the land i.e. B4 Mixed Use. However to maintain a level of development in keeping with the surrounding residential zoning the reinstatement of a 0.5:1 FSR and maximum height of 9.5m is required.

A letter advising of the reconsideration of the zoning and development controls on the site was forwarded on the 5 September 2013 to Our Land Queen of Peace Parish Office. The Office was contacted on several occasions (5, 12 and 25 September) at which time meetings and further discussions with Council officers were offered. As of the 30 September 2013 no contact had been made to Council by the landowner.

Options

- LEP 2010 zoning height and FSR be reinstated i.e. R2 Low Density Residential, FSR 0.5:1 and a maximum height 9.5m.
- LEP 2013 (as exhibited) zoning, height and FSR be reinstated i.e. B4 Mixed Use, FSR 1.5:1 and a maximum height 12m.

ITEM 2 (continued)

- Land be zoned B4 Mixed Use, FSR 0.5:1 and a maximum height 9.5m.

Recommendation

That 14-20 Oxford Street be zoned B4 Mixed Use with an FSR 0.5:1 and maximum height of 9.5m.

100 Rowe Street Eastwood

Under LEP 2013 (as exhibited) the subject land was zoned RE1 Public Recreation and was identified on the Land Reservation Map as required for "Local Open Space".

LEP 2013 (as exhibited)



The zoning on the land under DLEP 2013 was based on two previous resolutions of Council to acquire the land for open space purposes largely based on stormwater issues on the land.

Council on the 12 March 2013 resolved to rezone the land to B4 Mixed Use, delete the land from Land Reservation Acquisition Map subject to agreement of the owner to enter into a legal agreement with Council to allow for stormwater works and a permanent easement to allow ongoing access to the resulting stormwater infrastructure at a timing of Council's choosing.

The Manager of Infrastructure Integration has advised the following:

The current resolution requires an agreement between Council and the owner before the property is changed to B4 zoning (currently Open Space in LEP 2011). The resolution states that the agreement would grant Council an easement to carry out the stormwater works whenever we choose.

The agreement can be made easily enough however practically we wouldn't do any work due to the zero lot alignment and the risks associated with damaging the building structure and the excessive costs associated with underground tunnelling. Also a major component of the flood works is to provide overland flow, which obviously can't happen if there is a building there. The earliest we could do the work would be when the site is developed.

ITEM 2 (continued)

Whether we had an agreement or not, we would obtain an easement as a condition of consent and do the work when funds are available. So the need for an agreement is redundant and the agreement doesn't create an overland flow path.....

The owners put forward a proposal for Council to purchase 1/3 of the lot so as to carry out the stormwater works. Currently the lot has three shops on it. The owner was advised they would need to subdivide the lot first so that Council could purchase one lot only which is really what both sides are after.

The purchase of 1/3 of the current lot allows us to reduce flood hazard in the area and the owner retains two shops which become medium flood risk instead of high flood risk, thus increasing their development options. Demolition of the one shop required, as it is zero lot aligned, there are risks associated with damaging the adjacent structures, which are not present with option 1 and 2."

Options

- Retain existing RE1 zoning and identification of land on Land Reservation Map.
- Reinstate LEP 2010 B4 Mixed Use zoning and height controls and create an easement as a condition of consent. Only actioned when the site is developed.
- Retain a RE1 zoning for 1/3 of the land and reinstate B4 zoning and height controls (15.5m) on remainder of land.

Recommendation

Retain a RE1 zoning for 1/3 of the land and reinstate B4 zoning and height controls (15.5m) on remainder of land.

"The demolition of one shop in the future can be achieved as there are structural walls separating the shops, it is a single level building, and the roof is sheet metal.this achieves both ours and the property owner's needs".

2. Amendments resulting from a submission to DLEP 2013.

Planning Proposal Amendments	Basis for amendment
1.Add to <i>Schedule 1 Additional permitted uses</i> 131 & 133 Herring Rd and 208 Epping Road – Development for the purposes of a medical centre is permitted with consent.	In response to a submission. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 p31.
2.Ryde Town Centre - Amend LEP 2013 FSR Map to 2:1 for the whole of Precinct 3 and land within the Ryde Town Centre with an FSR 1.8:1 under the Draft Plan.	In response to a submission. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p108.

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
- Amend the LEP 2013 HOB Map for the corresponding area mentioned above to a height of 18.5 m. - Amend LEP 2013 HOB Map to make area F as referred to in Clause 4.3(2A) to correspond with area described above. - Amend LEP 2013 FSR Map for Ryde Town Centre by combining area H and I into area H. - Amend Clause (4.3)(2A)(f) <i>Height of buildings</i> to 6m for area F - Amend Clause (4.4)(2A) <i>Floor space ratio</i> as follows; Subclause (h) amended to read - (h) 0.5:1 if the building is in area H and if the building is on a site having an area of at least 900sqm and provides laneway access and is mixed development. - Clause 2 (4.4) (2A) (i) to be deleted.	
3. Amend clause 4.3 (2C) <i>Height of buildings</i> so that the maximum height for dwellings in both multi dwelling housing and dual occupancy development that do not have frontage to a street is 5m.	In response to a submission from Ryde City Council – Assessment group. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Additional submissions p7. The clause at present only applies to multi dwelling housing developments and to ensure consistent controls exist governing the height of all rear dwellings the clause should include dual occupancy developments.

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
4. <i>Wholesale supplies, Building identification signs</i> and Recreation facility (indoor) be added to uses permitted in the IN2 Light Industrial zone. <i>Emergency services facilities</i> be deleted from uses prohibited in the IN2 Light Industrial zone. Under SEPP (Infrastructure) emergency service facilities are permitted in the zone (the use is listed as <i>prohibited</i> in the land use table in DLEP 2011 and should be deleted to be in accordance with the SEPP).	In response to a submission. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions. Attachment 3 p36 & Attachment 4 p110. In response to a submission. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 p36.
5. Update the LEP 2013 Centres Map for Ryde Town Centre, West Ryde Town Centre and Gladesville Town Centre.	In response to a submission. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions Attachment 4 p106.
6. Amend the LEP 2013 Land Zoning Map and FSR Map for the property 391 Blaxland Rd Ryde to R2 and 0.5:1 The land is currently zoned R2 and is part of a small group of shops on Blaxland Rd. The Local Planning Study adopted by Council 7 December 2010 recommended the group be zoned B1 in accordance with usage. The land is on the edge of the group and land adjoining to the east of the subject site is zoned R2. It is considered reasonable for the zoning to be reinstated.	In response to a submission. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p124.
7. Amend LEP 2013 Land Zoning Map for St Michaels Church and School Hughes Street Meadowbank to SP2 Educational Establishment and Place of Public Worship	In response to submission. Refer to Council report of 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p128.

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
8. Amend LEP 2013 Land Zoning Map for North Ryde Common from SP2 to RE1 Public Recreation	In response to a submission from NSW Health – Macquarie Hospital. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p61.
9. LEP 2013 Land Reservation Acquisition Map be amended in line with requested R&MS boundary changes (with corresponding changes to the Land Zoning Map) and that the inclusion of land in Vimiera Rd on the Land Reservation Acquisition (LRA) Map be highlighted to DoPI for their consideration.	In response to a submission from Roads and Maritime Services. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 p11.
10. <i>Home business and Home industries</i> be added as a permitted use with Council consent in the R2, R3 and R4 zones. Under SEPP (Exempt and Complying Development Codes) 2008 home businesses, home industries and home occupations that do not involve the manufacture of food products or skin penetration procedures is exempt development. Council has received numerous enquiries with respect to being able to carry out cake making and other food preparation activities which are defined as a home industry and prohibited under the land use table and not permitted as exempt development.	In response to a submission. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 p33.
11. <i>Home based child care centres</i> where permitted without consent in the land use table be made development permitted with consent. Use is classified by Rural Fire Service as Special Fire Protection Purpose and requires an assessment under	In response to a submission from NSW Rural Fire Service. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 - Submissions Attachment 4 p56.

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
section 100B of the Rural Fires Act 1997.	
12. Schedule 2 Exempt Development – Signage (temporary) Additional condition added (d) Must not be illuminated	In response to a submission from Ryde City Council – Environment and Planning. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 3 p8.
13. 4.5B(c) Macquarie Park Corridor be expanded to read <i>“To encourage greater public transport and active transport options”</i>	In response to a submission from Health – Northern Sydney Local Health District. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p58.
14. Amend Clause 1.2(2)(f) to read “ to improve access to the city, minimise vehicle kilometres travelled, facilitate the maximum use of public transport and encourage walking and cycling”	In response to a submission from Ryde City Council – Environment Group. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p55.
15. Clause 6.6 (f) – Environmental Sustainability be expanded to read <i>“Transport initiative to reduce car dependence such as providing bicycle and pedestrian facilities, car share /carpool/small vehicle parking spaces and public transport information and the development of a workplace travel plan.”</i>	In response to a submission from Ryde City Council – Environment Group. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – Submissions Attachment 4 p56.

The following amendments are reviewed in detail:

- 131 & 133 Herring Rd and 208 Epping Road – Add to *Schedule 1 Additional permitted uses* Development for the purposes of a medical centre is permitted with consent.
- 391 Blaxland Rd Ryde to R2 - Amend the Land Zoning Map and FSR Map for the property
- Ryde Town Centre - Amend LEP 2013 with respect to height and floor space.

ITEM 2 (continued)

131 & 133 Herring Rd and 208 Epping Rd North Ryde - Add to Schedule 1

Additional permitted uses - Development for the purposes of a medical centre is permitted with consent.



Under LEP 2013 (as exhibited) the subject land is zoned R2 Low Density Residential, has a FSR of 0.5:1 and a maximum height of 9.5m.

Approval was given by Council in 1999 for use of the property 133 Herring Rd Marsfield as a *professional consulting room*. A submission was received to LEP 2013 to expand the current medical activities to adjoining land.

Access to parking on the site is via Herring Road in close proximity to the intersection of Herring and Epping Roads. Adjoining properties 131 Herring Rd and 208 Epping Rd contain dwelling houses. The property opposite is presently used as a hotel and a planning proposal has been submitted for the expansion of uses on the site to include a retail outlet.

The expansion of uses on the land is considered reasonable in that:

- Part of the land is presently being used with Council consent as a doctor's surgery.
- Development of all three sites would result in a better traffic and parking outcome in that access could be relocated further away from the intersection of Epping and Herring Rds.
- The site retains the R2 zone, FSR 0.5:1 and height of 9.5m.

391 Blaxland Rd Ryde (1 speaker) – Rezone R2 Low Density Residential

At the Community Forum on the PP to 2013 the **Discussion Outcomes** relating to the subject site were recorded as follows:

There was generally support the reinstatement of the site as a R2 zoning as requested.

The land is zoned B1 Neighbourhood Centre under LEP 2013 (as exhibited) and is part of a small group of shops on Blaxland Rd. The Local Planning Study adopted by Council 7 December 2010 recommended the group be zoned B1 in accordance with usage.

ITEM 2 (continued)

The owner of the land has requested the reinstatement of the R2 Low Density Residential zoning of the property on the basis it has been used for a residential dwelling for a number of years.

As the subject site is on the edge of the group of properties rezoned B1 under LEP 2013 and adjoining to the east of the subject site is land zoned R2 it is considered reasonable for the zoning to be reinstated.

Ryde Town Centre - Amend LEP 2013 with respect to height and floor space

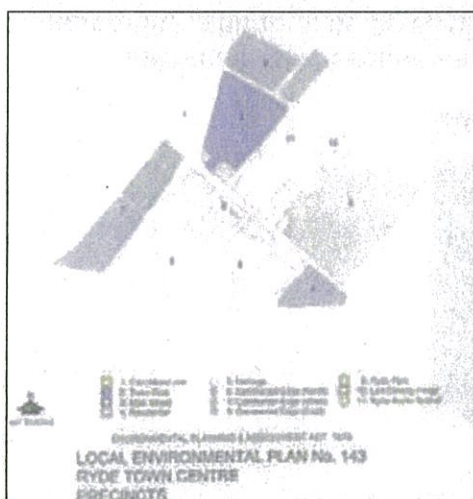
Some background to the planning controls for Ryde Town Centre is outlined as follows:

- In 2006 *LEP 143 Ryde Town Centre (RTC)* rezoned land, created precincts and amended heights within the Ryde Town Centre. Floor space controls were introduced for only specific areas of RTC being *Precinct 1 Civic /Mixed Use* and *Precinct 2 Town Core*.

The maximum heights permitted for the Ryde Town Centre varied between 4-5 storeys, the majority of land having a 4 storey height limit (with the exception of Precincts 1 and 2 which were given maximum RL heights).

The LEP also introduced height incentive clauses with respect to *Precinct 3 Main Street* that permitted all land in that precinct to develop to a maximum of 5 storeys subject to certain conditions being satisfied i.e. laneway access being provided and sites amalgamated to 900sqm. Precinct 3 is identified in the below map.

LEP 143 Ryde Town Centre Precincts



- LEP 2010 converted the heights from storeys to metres and maintained the incentive clauses allowing an increase in height from 15.5m (4 storeys) to 18.5m (5 storeys) for sites that could provide laneway access and a site of 900sqm in Precinct 3.

ITEM 2 (continued)

LEP 2010 Height of buildings



Maximum Building Height (m)

- The Local Planning Study adopted by Council in November 2010 made the following recommendations with respect to Ryde Town Centre:
 - Introduction of FSR for the Centre ranging between 1.5:1 and 2.5:1.
 - Expand the incentive clause in LEP 2010 through providing FSR and height incentives to promote lot amalgamation and laneway provision.
- LEP 2013 as exhibited:
 - introduced floor space controls as identified in the Local Planning Study for the RTC
 - maintained heights for the RTC as per LEP 2010 but expanded the height incentive clause so as to allow an additional 3m height to the majority of the RTC (Area E) and an additional 6m for some specific sites if certain conditions could be satisfied, such as mixed use development, site areas of 900msq and the provision of a laneway. The areas are indicated in the map below.
 - Introduced Floor space ratio incentives so as to enable appropriate development to occur if the height incentives were achieved.

LEP 2013 Height of buildings Map (exhibited)



ITEM 2 (continued)

A submission was received to LEP 2013 requesting a variation to the height and FSR on specific land in RTC. Council's property section also requested the heights and FSR be reviewed within Precinct 3 as the feasibility testing that had been undertaken Council owned land (within Precinct 3) found that the planning controls as proposed in the exhibited LEP2013 were not ensuring financial viable development.

This information and the landowners submission resulted in a review of all height and FSR controls for the RTC. It was determined that in trying to make the incentive clauses attractive the FSRs on the FSR Map were too low, making it difficult to achieve the heights permitted. As a result of this and factors such as fragmented landownership, small lots and minimal development activity in that part of RTC it was considered that the following should occur:

- An FSR of 2:1 should be applied to properties in *Precinct 3 Main Street* (under DLEP 2013 the area has FSRs of 1.5:1 and 1.8:1).
- Properties in the RTC with a FSR of 1.8:1 should be increased to an FSR of 2:1.
- All properties with a FSR of 2:1 should be increased in height to 18.5m (some of the properties affected already are under a height control of 18.5m others have a maximum height of 15.5m).

It was also considered that incentive clauses relating to both height and FSR should also be amended resulting in:

- A 3m increase in height in area E subject to the provision of laneway access and a mixed use development occurring – this increases to 6m if a minimum site area of 900sqm is also achieved.
- A maximum 6m increase in height in Area F if laneway access, a mixed use development occurs and a minimum site area of 900sqm is achieved.
- An increase in FSR of 0.5:1 in RTC if laneway access, a mixed use development occurs and a minimum site area of 900sqm is achieved.

The below maps indicate the proposed amendments to LEP 2013 Height of buildings Map, LEP 2013 Floor spaces ratio Map and LEP 2013 (as exhibited) RTC Precincts Map.

ITEM 2 (continued)

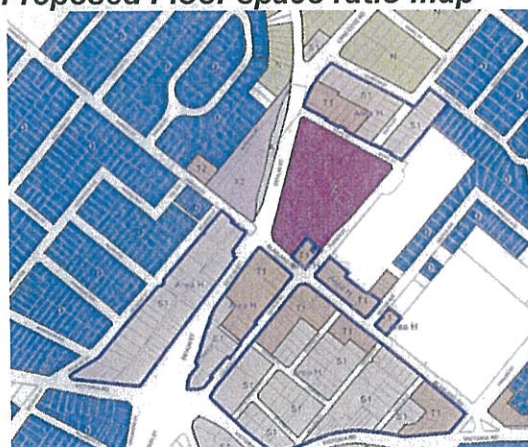
Proposed HoB Map



Maximum Building Height (m)

A	0	R1	21.5
J	9.5	R2	22
K	10	S1	23
L	11.5	S2	24
M1	12	T1	26
M2	12.5	T2	27.5
N1	13	U1	30
N2	14	U2	30.5
O1	15	U3	33
O2	15.5	U4	33.5
O3	16	V	37
P	18.5	W	44.5
Q	19	AA	75

Proposed Floor space ratio map



Floor Space Ratio (n:1)

A1	0.00	T1	2.00
A2	0.30	T2	2.20
A3	0.33	T3	2.30
O	0.50	U1	2.50
G	0.65	U2	2.60
J	0.80	U3	2.70
K	0.88	U4	2.90
N	1.00	V	3.00
O	1.10	V2	3.20
P1	1.20	V3	3.50
P2	1.25	X1	4.30
O1	1.30	X2	4.37
O2	1.39	Z	5.00
S1	1.50		
S2	1.80		

LEP 2013 (as exhibited) Ryde Town Centre Precincts Map



Precincts

1	Civic/Mixed use
2	Town Core
3	Main Street
4	Residential
5	Heritage
6	Commercial Edge (North)
7	Commercial Edge (West)
8	Commercial Edge (East)
9	Ryde Park
10	Low Density Fringe
11	Ryde Public School

ITEM 2 (continued)

Amendments resulting from identification of an anomaly in DLEP 2013.

Planning Proposal Amendments	Basis for amendment
1. Amend LEP 2013 Floor Space Ratio Map with respect to 1 Monash Road Gladesville to bring it in line with <i>Ryde LEP (Gladesville Town Centre and Victoria Road Corridor) 2010 Floor Space Ratio Map</i>.	Anomaly in DLEP 2011. Under Ryde LEP (Gladesville Town Centre and Victoria Road Corridor) 2010 Floor Space Ratio Map the subject property, which is a heritage item has no FSR. An error occurred in the transfer of FSR controls for the site and under DLEP 2011 it has been given a FSR. Approval to develop the subject land was recently given based on the planning controls within LEP 2010 (Gladesville Town Centre and Victoria Rd Corridor) 2010. The proposed amendment is in line with the controls that were used to assess that DA and has no impact on the approval issued. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p127.
2. Update the LEP 2013 Ryde Town Centre Precincts Map to include additional areas as identified in Draft DCP 2013 - Part 4.4 Ryde Town Centre	Anomaly in DLEP 2011. Consistency between LEP and DCP is required. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p127.
3. Amend LEP 2013 Lot Size Map to delete all areas from the map which are not zoned residential in the Land Zoning Map.	Anomaly in DLEP 2011. A number of properties have been rezoned in the Land Zoning Map from a residential to a business zone. This change however was not carried through to the Lot Size Map which only relates to residential properties. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p127.
4. <i>Schedule 2 Exempt development</i> - Amend controls for Signage (real estate sign for a residential site)	Anomaly in DLEP 2011. An error occurred in the Schedule in that the controls for <i>Signage (retail premises windows)</i> was repeated for <i>Signage (real estate sign for a residential site)</i>. It is

ITEM 2 (continued)

Planning Proposal Amendments	Basis for amendment
	proposed to reinstate the existing controls under LEP 2010 for <i>Signage (real estate sign for a residential site)</i>. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p128.
5. Amend Clause 4.5A(b) <i>Density Controls for Zone R2 Low Density Residential</i> by deleting reference to access to private open space in multi dwelling housing.	Control more appropriate to a DCP. The clause requires that separate access to private open space from an unbuilt upon portion of the site. This requirement is more appropriately covered in a DCP in that specific ways of achieving such access such as through a garage can be specified. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p127.
6. Amend the land use table for the R1, R2, R3 and R4 zones to include secondary dwellings as being permitted with Council consent.	To bring DLEP in line with SEPP Secondary dwellings are permitted under SEPP (Affordable Rental Housing) 2009 in all residential zones. To reduce existing administrative procedures and to ensure the provision of design criteria secondary dwellings should be permitted with Council consent in all residential zones. Refer to Council report of the 24 July 2012 Draft Ryde LEP 2011 – p130.
Minor amendments to Written document if necessary to incorporate any changes required by DoPI or identified drafting or description errors.	
Minor amendments to Maps if necessary to ensure maps are in line with DoPI requirements and to improve legibility of maps.	

The following amendments are reviewed in detail:

- Ryde Town Centres Precincts Map - amend to include additional areas as identified in Draft DCP 2011 - Part 4.4 Ryde Town Centre.

ITEM 2 (continued)

- LEP 2011 Lot Size Map - to delete all areas from the map which are not zoned residential in the Land Zoning Map.
- Land use table for R1, R2, R3 and R4 zones – amend to include secondary dwellings as being permitted with Council consent.

Ryde Town Centre Precincts Map

As a result of some additional land around the Ryde Town Centre being rezoned and design principals being established in relation to how those areas connect to Ryde Town Centre as a whole within Draft DCP 2013 it is necessary to reflect the new areas in LEP 2013 Ryde Town Centre Precincts Map.

Ryde Town Centre Precincts Map (LEP 2013 as exhibited)		Proposed Ryde Town Centre Precincts Map
	Precincts - Greenfield site - Main City - High Street - Haymarket - Enterprise - Commercial Edge North - Commercial Edge West - Commercial Edge South - Ryde Park - Low Density Rings - Ryde Public School	

Lot Size Map

Minimum subdivision requirements under LEP 2013 apply to residential land only. As such LEP 2013 Lot Size Map should indicate only residentially zoned properties. However changes to the zoning of land from residential to B4 Mixed Use and B6 Enterprise Corridor in areas around Glen Street Eastwood and Victoria Road West Ryde have not been reflected in LEP 2013 Lot Size Map. This results in such land being inappropriately required to comply with the minimum subdivision requirements for residential land.

Land Use Table for R1, R2, R3 and R4 Zones

Under draft LEP 2013 secondary dwellings which are defined in the SI as:
a self-contained dwelling that:

- is established in conjunction with another dwelling (the principal dwelling), and*
- is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- is located within, or is attached to, or is separate from, the principal dwelling.*

are prohibited in all residential zones. However under SEPP (Affordable Rental Housing) 2009 secondary dwellings are permitted in all residential zones as either complying development or with Council consent.

ITEM 2 (continued)

At present if a development does not satisfy complying conditions a DA is required and approval given by Council under the SEPP to the secondary dwelling. This is procedurally complicated and difficult to assess as there are no design criteria for secondary dwellings (as they are prohibited under the LEP).

It is considered that to provide relevant design standards for secondary dwellings the use should be permitted with Council consent in all residential zones as per the SEPP and that DCP 2013 – Part 3.3 Dwelling houses and dual occupancy amended to incorporate controls such as setback and landscaping requirements etc.

Other Matters

- *Flood Planning Map*

Under LEP 2013 as exhibited *Clause 6.5 Flooding* applies to areas shown on the Flood Planning Map. At the time of development of the LEP the only flood catchment area that had been adopted by Council was the Eastwood Terry's Creek Catchment and as such this area was reflected on the DLEP 2013 Flood Planning Map. Since that time Council has adopted the Macquarie Park Catchment Area which covers the areas of Marsfield, Macquarie Park, Ryde and North Ryde. It is considered the Flood Planning Map should be amended to reflect the land identified as flood affected in the Macquarie Park Catchment.

- *Schedule 5 Environmental Heritage*

- Council on the 19 July 2011 resolved in part the following:

That Bennelong's potential grave site is protected under the provisions of the Environmental Planning and Assessment Act and included in Schedule 5, Ryde Local Environmental Plan 2011 as a potential Archaeological Item.

It is considered that *Schedule 5 Environmental heritage* and the Heritage Maps be amended to include the area identified in Dr P Mitchell's report on *Bennelong's grave site* dated 10 November 2010.

- Council's Urban Planning Unit has identified some minor 'housekeeping' matters relating to heritage items contained within Schedule 5 of the DLEP 2013. These matters are to be considered of a minor nature with no significant impacts on the heritage status or management of these items. The proposed amendments primarily relate to the renaming of existing heritage items and include the removal of a Heritage Item contained within Hunters Hill Local Government Area (LGA). The proposed amendments identify the relevant Heritage items as listed in the RLEP 2010, identifies are as follows:

ITEM 2 (continued)

LEP 2010 Schedule 5 Description	Amendment	Reason
Denistone Park Suburb: West Ryde	Amend LEP 2013 Schedule 5 description to: Denistone Park Suburb: Denistone	Incorrect suburb address.
22 Miriam Rd Suburb: West Ryde	Amend LEP 2013 Schedule 5 description to: 22 Miriam Rd Suburb: Denistone	Incorrect suburb address.
28 Miriam Rd Suburb: West Ryde	Amend LEP 2013 Schedule 5 description to: 28 Miriam Rd Suburb: Denistone	Incorrect suburb address.
312 Morrison Rd Suburb: Ryde	Amend LEP 2013 Schedule 5 description to: 312 Morrison Rd Suburb: Putney	Incorrect suburb address.
Bedlam Point Wharf Remains	Remove from LEP 2013 Schedule 5	Not located within Ryde LGA and is listed within Hunters Hill Local Environmental Plan 2012
Buildings B00A & B00C Ryde Public School Address 2 Tucker St, Ryde	Amend LEP 2013 Schedule 5 description to: Ryde Public School Buildings B00A & B00C	Reverse the order of the naming for ease of interpretation and understanding.
Buildings B00M, B00J & B00N North Ryde Public School Address: 154 Coxs Road, North Ryde	Amend LEP 2013 Schedule 5 description to: North Ryde Public School Buildings B00M, B00J & B00N	Reverse the order of the naming for ease of interpretation and understanding.
House Address: 958 Victoria Rd, West Ryde	Amend LEP 2013 Schedule 5 description to: House (former engineers residence)	Update description to ensure the significance is understood. Originally the building was not a dwelling.

ITEM 2 (continued)

- *36 Hillview Rd Eastwood*

Council on the 17 August 2010 resolved to include 36 Hillview Rd (Lot 4 DP 546071) being St Kevin's Catholic Church in LEP 2013 *Schedule 5 Environmental heritage*. Council further resolved that it not pursue compulsory heritage listing of any property unless the land owner of the property applies for a heritage listing of the property.

It has now been identified that the property address and land description of St Kevin's Catholic Church was incorrect and should have been 32-36 Hillview Rd being Lot 4 in DP546071 and Lots 46 and 47 in DP 8043. It is considered that subject to the land owner being notified of the error, the property and land description of the heritage item should be amended as part of the Planning Proposal.

- *Macquarie University*

In September 2009 Macquarie University was identified under SEPP (Major Development) 2005 in *Schedule 3 State Significant Sites*. Under the SEPP the site is zoned SP2 Educational establishment and B4 Mixed Use.

The SEPP also specifies a Gross floor area Map and a Height of buildings Map for the site. The zoning, FSR and height maps are significantly different to LEP 2013. The DoPI have advised they will liaise with Council should the controls for Macquarie University need to be transferred from the Major Development SEPP into the LEP 2013.

It is considered that unless directed by DoPI there is no requirement to amend LEP 2013 to bring it in line with its zoning, FSR or height under the SEPP.

- *Submissions*

After the community workshop on the 31 July 2013 two submissions were received with respect to 11-15 Farm Street Gladesville. One submission is in support of the proposed changes to floors space, height and zoning as indicated in LEP 2013 (as exhibited) and suggests that flexibility with respect to height on the site would be appropriate if the 1.5:1 FSR can still be achieved. The second submission requests that the land be redeveloped in accordance with the restrictions of the R2 zoning that currently applies under LEP 2010. This matter is addressed earlier in the report.

- *Coulter Street car park*

At the Community Forum on the 31 July 1 speaker outlined their concerns relating to the development of the Coulter Street car park. This is not a matter relates to LEP 2013. A separate report on this matter will be presented to Council in the future.

ITEM 2 (continued)**Conclusion**

All the amendments to occur as a result of the matters discussed above have been incorporated into *Table 1 Planning Proposal amendments to DLEP 2013* which identifies all the proposed amendments to DLEP 2013 is **ATTACHED**.

It is intended to develop a Planning Proposal that will carry out all the amendment to LEP 2013 identified in *Table 1 Planning Proposal amendments to DLEP 2013* and to submit the Planning Proposal to the Department of Planning for a Gateway Determination.

Financial Implications

Should a Gateway Determination be issued allowing the planning proposal to proceed to community consultation it will be necessary to place an advertisement in a local newspaper. The cost of placing the advertisement is estimated at \$1000. These funds provided for in the current budget for the financial year 2013/14 from the Urban Planning budget.

Consultation with relevant external bodies

Under the gateway plan-making process, a gateway determination is required before community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan.

Council on the 12 March 2013 resolved in part the following:

That a Planning Proposal be prepared to amend Draft LEP 2011 in accordance with Table 2 Planning Proposal Amendments to DLEP 2011 and be supported by a consultation programme prepared by Council's Media and Communications Group and reported back to Council for further discussion and endorsement.

A communications and consultation program has been prepared by Council's Communication and Media (C&M) Unit with respect to the exhibition of a draft LEP should Gateway approval be given and is **ATTACHED** (Attachment 5).

ITEM 2 (continued)

If the Planning Proposal is approved and a gateway determination given, consultation will be managed in accordance with the Communications Plan and will include the following:

- written notice given:
 - in the local newspaper circulating in the area,
 - on Council's webpage and
 - affected landowners and adjoining landowners where applicable. (Note: This will not apply to properties affected by an administrative map change or a broad policy change - for details see Communications Plan Attachment 5)
- the written notice will:
 - provide a brief description of the objectives and intended outcomes,
 - indicate the land affected,
 - state where the planning proposal can be inspected,
 - indicate the last date for submissions and
 - confirm whether the Minister has chosen to delegate the making of the LEP.

Policy Implications

The proposal is consistent with the development of a comprehensive LEP in that amendments resulting from submissions, resolutions of Council and identifying anomalies is anticipated when developing a comprehensive LEP of such significance and covering the whole of the City of Ryde.

Options

Council has the option to decide to proceed with the planning proposal to the next stage (gateway determination and community consultation) or to decide not to proceed.

Should the Minister for Planning determine that the planning proposal can proceed to community consultation Council will have a further opportunity to assess submissions and comments made by the community.