



Planning Proposal



20 Waterview Street, Putney

Amendment to the Ryde Local Environmental Plan 2010

Submitted to City of Ryde

On Behalf of Drivas Property Group

September 2013 ■ 13028

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This report has been prepared by:

Stephanie Ballango

A handwritten signature in black ink, appearing to read 'Ballango', with a stylized flourish at the end.

24 September 2013

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Executive Summary

This Planning Proposal is to request the land at 20 Waterview Street, Putney described as (Lot 1 DP 430647, Lot 1 DP 70489, Lot 2 DP 70488, Lots 440 to 447 in DP 15224, and part of Volume 5018 Folio 1 owned by Lilac Pty Ltd be rezoned to permit development for a mix of residential, retail, business premises, and marina purposes under the current Ryde Local Environmental Plan (LEP) 2010 and the new Draft Ryde Local Environmental Plan 2011.

The Site has an area of approximately 15,600m². The Site is currently zoned IN4 Working Waterfront under the Ryde Local Environmental Plan 2010 and part W1 Maritime Waterways under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The Site is currently under utilised and cannot continue to feasibly operate in its current configuration

Drivas Property Group (the proponent) seeks to introduce additional permitted uses and to introduce new height controls. This will 'unlock' the Site and enable it to retain its core working harbour and marina uses but also permit residential and ancillary retail development, as well as business premises to facilitate office or commercial uses to facilitate consulting suites or similar uses that may wish to locate on the site. The proposal therefore seeks to make a real contribution towards an important foreshore site in the Ryde local government area (LGA).

The Planning Proposal will facilitate

- construction of a marina with 50 floating berths to accommodate a mix of small and large boats;
- adaptive re-use of the existing boat shed and creation of an additional 1-2 levels to accommodate:
 - dry boat storage for approximately 100 boats (to be vertically stacked);
 - approximately 1,860 square metres of ground floor retail space;
 - approximately 19 residential apartments on upper floor;
- the carrying out of remediation and other environmental improvement works;
- 19 x two storey townhouses broken into two blocks fronting Waterview Street;
- a 3 storey residential flat building accommodating approximately 27 apartments located on the southern portion of the Site;
- an at-grade car park with approximately 30 spaces for the non-residential uses, and a basement car park of approximately 114 spaces for the residential development;
- provision of public access through the Site to connect the foreshore public parks on either side of the Site, and a marine plaza to provides a managed interface between the residential area and non-residential uses;
- retention of existing mangroves along the foreshore and other vegetation on the Site where possible; and
- dual vehicular access points – one associated with the residential and a separate access point for marina, retail and other non residential uses – in order to minimise conflicts.

The key strategic planning issues, merits and justification associated with the Planning Proposal are as follows:

Urban Context and Surrounding Land Uses

The urban and subregional context of the Site is characterised by:

- a prime waterfront location that is capable of being developed for marina and working waterfront uses;
- a relatively central location within the Sydney metropolitan urban region with a good level of accessibility to transport, jobs, services and recreation/entertainment facilities;
- a good level of public transport accessibility in the form of the bus and ferry services;
- adjacent to low-medium density residential areas;
- adjacent to a large expanse of open space; and
- physical separation from other key industrial zones in the subregion preventing synergies with other industrial users.

The urban and subregional context of the Site is suitable for the development of a mix of residential, retail, business premises, and marina uses with a medium density and scale of development.

Consistent with Strategic Planning Objectives

The Planning Proposal to allow a mix of new residential, retail, business premises, and marina uses will contribute to achieving important objectives and directions in NSW Government planning strategies and policies including:

- addressing the demand for boat storage by providing facilities that cater for a growing segment of the market;
- providing direct employment during the construction phase and maintains permanent employment during the operational phase;
- providing new marina facilities that will service the long term needs of boating communities; and
- contributing to achieving housing targets within the Inner North Subregion and Ryde LGA in a location that is well serviced with infrastructure and accessible to the transport network and centres of employment, retailing and business services, recreational and entertainment opportunities.

Not Significant for Industrial Land Supply

Whilst the Site is identified as a Strategic Employment Site in the Inner North Subregional Strategy, the Site not strategically significant industrial zone land. The introduction of additional uses to permit a mix of residential, retail, business premises, and marina uses as proposed will not have a significant impact on the viability of the industrial land supply at Ryde in the following respects:

- the Site does not contain any infrastructure of strategic significance and is dislocated from other industrial land in Ryde;
- the introduction of new land uses will not impact on the continued viability of the industrial zone;
- the location, context and attributes of the Site are more highly suitable for a mix of residential, retail, business premises, and marina uses, and there are no significant environmental constraints to such a mixed use development on the land;
- the Site's redevelopment consistent with the Planning Proposal can support a range of uses that are more employment intensive than the current underlying uses; and

- the proposed rezoning of the Site is unique and will not create a precedent or expectations for other landowners to rezone industrial land given the unique circumstances of the Site being isolated and clearly separated from the remainder of other industrial zoned land..

Economic Impacts and Employment Opportunities

The existing buildings and structures on the Site are reaching the end of their functional and economic life and there is an opportunity to redevelop the Site to provide new and improved marina facilities, complemented by residential, retail and business premises uses. In addition, the Site is contaminated and the remediation costs are greater than the existing use value of the buildings/structures that currently occupy the Site.

The current land use zones and various master plans that have been prepared to date cannot provide an economic return on the Site as the high costs associated with the construction of only working waterfront uses and the remediation costs made it difficult to create a viable outcome. Consequently an amplification of the existing uses on the Site is required to financially justify the required remediation costs.

The Proposal will allow a wider range of employment generating land uses, whilst retaining the core working waterfront uses that are already permitted on the Site.

Access and Transport Infrastructure

The Traffic Assessment undertaken concludes that the Planning Proposal is unlikely to have a significant impact on the road network. Possible conflicts between the egress traffic from the Site can be minimised via a proposed second access which will need to be demonstrated at DA stage.

Potential car parking demand has also been considered, particularly in recognition of overlapping of residents and marina users. The projected car parking demand arising from potential development on the rezoned site is considered acceptable as:

- the overlapping of uses and traffic generation expected as a result of the Proposal can be accommodated within the surrounding road network;
- existence of good public transportation close to the Site (buses and ferry); and
- there is the potential for any additional parking resulting from the Proposal to be easily accommodated in nearby on street parking surrounding the Site.

Therefore, with the projected reduction in car parking demand due to the redevelopment of both marinas and empty on street spaces, there will be no adverse car parking impacts

Heritage Impact

The Site is identified as a heritage item under the SHCREP 2005 and is in close proximity to a number of locally significant heritage items in the surrounding locality. A key consideration to any future development on the Site will be how future development integrates with the existing heritage values of the Site and surrounding items. The preferred option that is the subject of this Planning Proposal has the opportunity to enhance the heritage values of the Site, and will include an interpretative facility which relates to the important naval history of the Site. In addition, the provisions of the Ryde LEP 2010 and SHCREP 2005 will continue to apply, ensuring that an appropriate assessment of the impact of any development proposal on nearby adjacent heritage items is undertaken. Any future development application for the Site will need to be the subject of a heritage impact assessment.

Environmental Constraints

The Site is contaminated as a result of past activities on the Site including:

- storage of waste, old boats, boat parts, paint, detergents, and old batteries;
- metal working and fabrication of timber components; and
- painting, stripping, refitting and cleaning of small craft.

The Planning Proposal will facilitate redevelopment of the Site, and enable the costly remediation works to be undertaken including removal of the old wharf structures and construction / maintenance of the new marina, wharves and landings, to make the Site safe for public use. Without a viable development, the Site cannot sustain the high costs of remediation.

There is no other environmentally sensitive land or land with significant biodiversity value on or Site that will be affected by the Planning Proposal. The environmental issues associated with the Planning Proposal are addressed in the following documents prepared by Drivas Property Group's consultants:

- Urban Design Study prepared by JBA Planning including detailed schedules to indicate the likely potential development yields under five scenarios;
- Parking and Traffic Report prepared by Parking and Traffic Consultants Pty Ltd; and
- Phase 2 Contamination Assessment prepared by Martens Engineering Consultants.

Conclusion

Given the above, the draft Planning Proposal to introduce new residential, retail, business premises, and marina uses at Putney has strategic planning merit and is considered to provide a net community benefit and lead to a more sustainable planning outcome for the region. There is a strong and compelling strategic planning case for the Site to be able to be redeveloped for residential, retail, business premises, and marina uses. Therefore, we request that Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with section 56 of the EP&A Act.

1.0 Introduction

This Planning Proposal seeks an amendment to the Ryde Local Environmental Plan *Ryde Local Environmental Plan 2010* (Ryde LEP 2010) for land at 20 Waterview Street, Putney (the site). It has been prepared by JBA Urban Planning Consultants Pty Ltd (JBA) on behalf of Drivas Property Group.

The purpose of this Planning Proposal is to rezone part of the site by introducing additional permitted uses and to introduce new height controls to apply to the site. This will 'unlock' the site and enable the site to retain its core working harbour and marina uses but also permit residential and ancillary retail development, as well as business premises to facilitate office or commercial uses to facilitate consulting suites or similar uses that may wish to locate on the site. The site is currently under utilised and cannot continue to feasibly operate in its current configuration. The proposal therefore seeks to make a real contribution towards an important foreshore site in the Ryde local government area (LGA).

This Planning Proposal is prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 (EP&A Act). As required it includes the following:

- a statement of the objectives or intended outcomes of the proposed instrument;
- an explanation of the provisions that are to be included in the proposed instrument;
- the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under Section 117 of the EP&A Act);
- draft LEP amendment map; and
- details of community consultation.

The preparation of the Planning Proposal has had regard to "A guide to preparing local environmental plans" and "A guide to preparing planning proposals" published by the then Department of Planning in 2009, and follows preliminary discussions with both the Council and the Department of Planning & Infrastructure (DP&I).

The Planning Proposal considers the physical characteristics of the site and the commercial context of the surrounding area and canvasses the key planning issues associated with the site to a level of detail appropriate to support a LEP Gateway Determination by the DP&I.

Accompanying this Planning Proposal is an urban design study (included at **Appendix A**) prepared by JBA. The study demonstrates that the current planning controls that apply to the site will not deliver an economically viable use of the site nor facilitate the highest and best use of the land in the long term. In addition, the current planning controls limit the ability to undertake remediation works which are required to remove contamination related to the site's historical use.

1.1 Background to the Planning Proposal

The Site has been the subject of a number of master planning exercises and investigations dating back to the early 2000s.

On 3 September 2003, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) adopted a master plan for the Site under the now repealed State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries ('the Original SEPP 56 Master Plan'). The Original SEPP

56 Master Plan was subsequently amended and approved by the Director-General on 25 August 2010 ('the Adopted Master Plan 2010') and proposed the following land uses:

- marina with 50 floating berths;
- adaptive reuse of the existing boat shed to include:
 - a boat repair facility and dry boat storage for 250 boats;
 - boat maintenance;
 - club facilities;
 - café/kiosk or marine tenancies; and
- adaptive re-use of the mess hall as a waterside restaurant.

The Adopted Master Plan 2010 is taken to have been adopted for the purposes of the Sydney Harbour REP (clause 11(4)) and has the legal status of a DCP (Schedule 6, clause 95(3) of the EP&A Act). This means that the Adopted Master Plan 2010 does not 'approve' the uses for construction, and nor does it permit those uses with consent.

In July 2011, Drivas Property Group met with Council officers to discuss a new preliminary concept for the Site, which included a marina, dry boat storage, residential and retail uses ('the Architectus 2011 Scheme').

Drivas Property Group subsequently refined the preliminary concepts established in the Architectus 2011 Scheme, formulating a revised scheme in collaboration with JBA that was submitted to Council to support a submission made by the Drivas Property Group in response to the public exhibition of the Draft Ryde Local Environmental Plan 2011 ('the JBA 2012 Scheme'). The JBA 2012 Scheme envisaged a mixed uses development comprising:

- adaptive re-use of the existing boat shed and creation of an additional 1-2 levels to accommodate:
 - dry boat storage for approximately 100 boats (to be vertically stacked);
 - approximately 2,700m² of ground floor retail space
 - residential apartments on upper floor;
- residential flat buildings in the south-eastern part of the Site, accommodating approximately 70 units over 2-3 storeys, with the third storey set back from Waterview Street;
- provision of ground floor retail space of approximately 250m² within the residential building adjoining the boat shed;
- construction of a marina with 50 floating berths to accommodate a mix of small and large boats;
- provision of public access through the Site to connect the foreshore public parks on either side of the Site, and a marine plaza to provide a managed interface between the residential area and non-residential uses;
- retention of existing mangroves along the foreshore and other vegetation on the Site where possible;
- an at-grade car park with approximately 70 spaces for the non-residential uses, and a basement car park of approximately 99 spaces for the residential flat buildings; and
- dual vehicular access points – one associated with the residential and commercial vehicles and a separate access point for vehicles with trailers – in order to minimise conflicts.

Earlier this year, JBA prepared an alternative development option for the Site to provide a greater range of housing typologies and reduce the level of at grade public car parking which has previously been the cause of concern ('the JBA 2013 Scheme'). The JBA 2013 Scheme proposes the following mixed use vision for the Site:

- construction of a marina with 50 floating berths to accommodate a mix of small and large boats;
- adaptive re-use of the existing boat shed and creation of an additional 1-2 levels to accommodate:
 - dry boat storage for approximately 100 boats (to be vertically stacked);
 - approximately 1,860 square metres of ground floor retail space;
 - approximately 19 residential apartments on upper floor;
- 19 x 2-3 storey townhouses broken into two blocks fronting Waterview Street;
- a 3 storey residential flat building accommodating approximately 27 apartments located on the southern portion of the site;
- an at-grade car park with approximately 30 spaces for the non-residential uses, and a basement car park of approximately 114 spaces for the residential development;
- provision of public access through the Site to connect the foreshore public parks on either side of the Site, and a marine plaza to provides a managed interface between the residential area and non-residential uses;
- retention of existing mangroves along the foreshore and other vegetation on the Site where possible; and
- dual vehicular access points – one associated with the residential and a separate access point for marina, retail and other non residential uses – in order to minimise conflicts.

A summary of each of the 5 options explored is provided overleaf. The JBA 2013 Scheme now forms the basis of this Planning Proposal as it is one of only two options found to be financially viable. All Schemes summarised above are provided in the Urban Design Study prepared by JBA for Drivas Property Group at **Appendix A**.

1.1.1 Consultation with Ryde City Council

The proponent has consulted with Ryde City Council throughout the projects history as summarised above.

Most recently, the proponent met with Ryde City Council's officers on 17 September 2013 to discuss the proposal. The key issues discussed at that meeting can be summarised as follows:

- the Planning Proposal's public benefits, and in particular, intentions for public open space including any dedication and/or restricted access arrangements;
- the heritage values of the Site;
- any implications of the Proposal having regarding to the density of surrounding residential development;
- the range and mix of proposed uses, as well as the eventuating floor space ratio should the Planning Proposal be supported and the Site be redeveloped in accordance with the JBA 2013 Scheme; and
- potential traffic impacts, specifically in terms of having a marina on Site.

This Planning Proposal addresses the above matters throughout this report.

SCHEME	1: Existing	2: Approved Master Plan	3: Architectus Scheme	4: JBA Scheme 1	5: JBA Scheme 2
					
ASSESSMENT CRITERIA					
Retains existing vegetation	100%	90%	80%	90%	90%
Provides public through site access	No	Yes	Yes	Yes	Yes
Provides public open space	No	No	Yes approx. 1,000m ²	Yes approx. 1,000m ²	Yes approx. 1,900m ²
Building Height from Waterview Street	n/a	n/a	14m	14m	9m
Provides new residential capacity	No	No	Yes 110-120 apartments	Yes 70 apartments	Yes 19 townhouses and 48 apartments
Provides marine related uses - boat repairs - marina berths - dry boat storage (depending on type & size)	Yes No No	Yes Yes (50 marina berths) Yes (storage for approx. 250 boats)	No Yes (50 marina berths) Yes (storage for approx. 100 boats)	No Yes (50 marina berths) Yes (storage for approx. 100 boats)	No Yes (50 marina berths) Yes (storage for approx. 100 boats)
Provides on site parking	Yes approx. 30 spaces surface parking	Yes approx. 100 spaces surface parking	Yes approx. 70 public carparking spaces and 182 spaces for residential - underground	Yes approx. 70 public surface carpark spaces and 99 residential spaces underground	Yes approx. 30 public surface carpark spaces and 114 residential spaces underground
Provides suitable active uses/place making opportunities	No	No	Yes	Yes	Yes
Protects heritage shed	Yes	Yes	Yes	Yes	Yes
Provides historical interpretation facility	No	No	No	No	Yes
Allows for site remediation	No	No	Yes	Yes	Yes
Economically viable solution (after site remediation)	n/a	Not Economically Viable	Not Economically Viable	Economically Viable	Economically Viable

2.0 Strategic Planning Background

The site is identified broadly in various State regional and local strategic planning documents. The relevant Strategic planning framework is discussed below.

2.1 Metropolitan Plan for Sydney 2036

The Metropolitan Plan 2036 (The Plan) is the strategic plan that guides Sydney's growth to 2036. The Plan is an integrated, long-term planning framework that will significantly manage Sydney's growth and strengthen its economic development to 2036, while enhancing its unique lifestyle, heritage and environment.

The Plan sets five central aims to manage Sydney's growth by enhancing the city's liveability, strengthening economic competitiveness, ensuring fairness, protecting the environment and improving governance.

The Plan projects Sydney's population to grow by 1.7 million to almost 6 million people by 2036. To support the population growth, Sydney will need an additional 770,000 homes by 2036. In addition to the housing targets, employment growth is envisioned at 760 000 jobs, with approximately 20% of these needed in the middle ring suburbs of Sydney such as Putney. The Plan sets capacity targets for each subregion to facilitate housing and economic growth through providing more jobs closer to home.

The Plan also aims to concentrate development within the Global Economic Arc, extending from the Sydney CBD, via North Sydney, Chatswood, Macquarie Park and linking to the Parramatta CBD. A significant portion of the Global Economic Arc earmarked for future growth falls directly within the City of Ryde. This demonstrates the significant future development that the LGA will be required to accommodate to 2036.

2.2 Inner North Subregion

The Metropolitan area is too large and complex to resolve all the planning aims and directions down to a detailed local level. Thus, the Metropolitan Plan sets the framework targets for 10 Metropolitan subregions to provide for major growth in housing and employment in the subregion.

The Draft North West Subregional Planning Strategy, which covers LGAs of Hunters Hill, Lane Cove, Mosman, North Sydney, Ryde and Willoughby, sets the broad direction for additional dwelling and employment growth. The target for the North West is 60,000 new jobs between 2006 and 2036.

The majority of jobs (representing over 35% of the Subregion's target) will be concentrated within the Ryde LGA. To achieve the jobs target set by the State government for the subregion and Ryde, there will need to be a pipeline of projects able to deliver employment generating floor space. The site has the potential to have a direct impact on Ryde and contribute to the jobs target, however without the proposed amendments to the Ryde Centre LEP 2010 the site's full potential will not be able to be realised.

The Site is identified in the Draft Subregional Strategy as one of seven Strategic Employment Land Sites which should be retained for industrial uses. The Draft Strategy states that *"In view of continued demand for Employment Lands, conversion of existing Employment Lands should be highly restricted within the subregion and existing precincts (Artarmon, Lane Cove West, East Chatswood, Gore Cove, West Ryde, Gladesville and the former ADI Site) should be retained."* The Draft Subregional Strategy also provides *"In order to accommodate potential future demand, there may be some intensification of*

Employment Lands in select precincts. However this must not undermine the integrity of the Employment Lands in servicing the local and broader needs of Sydney..." There are robust and compelling strategic planning arguments for the Site to be rezoned and achieve these objectives as set out throughout this Proposal.

2.3 Boat Storage Policy for Sydney Harbour

The Boat Storage Policy (June 2004) was prepared by the former NSW Waterways (now NSW Roads and Maritime Services) to set out the NSW Government's strategic policy for dealing with boat storage on Sydney Harbour, including the Parramatta River. The Policy aims to provide:

- a more strategic and certain approach to regulating boat storage facilities on the harbour, and
- a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshores and waterways.

Whilst now superseded by the Draft Sydney Harbour Boat Storage Strategy, the Boat Storage Policy provides a good summary of the critical issues facing the boating industry in Sydney Harbour. These can be summarised as follows:

- changing demands - there are clear trends toward larger boats and a shift in composition toward motorised rather than sailing boats, suggesting a future growth in demand for fixed berth storage rather than moorings;
- discouraging and moving away from privatisation of the foreshore and waterway; and
- complex planning frameworks:
 - do not reflect the physical and operational requirements of boat storage facilities within the harbour;
 - comprise multiple layers of planning controls with differing definitions and approaches to boat storage;
 - provide little certainty and make decision making difficult; and
 - multiple land and consent authorities, adding further complexity and time delays.

The Policy contains a number of Boat Storage Policy Statements for effective boat storage on Sydney Harbour and the Parramatta River which are particularly relevant to the Site:

- *Commercial marinas will generally be allowed where foreshores are already modified through development, including existing maritime commercial and recreational activities; conflicts with other land and water uses are minimised; public access to and use of the foreshores and waterways is not reduced; and the visual impacts of the development are acceptable.*
- *The Government supports dry boat storage as an efficient form of boat storage that can contribute to the freeing up of water space for navigation and recreational activities and less visual clutter in the waterway. However, such facilities must be appropriately designed and located to avoid potential amenity impacts such as visual quality, traffic and noise on the surrounding area.*
- *The Government firmly supports an updated legislative framework including more detailed development controls for all marinas. This will provide greater clarity and certainty to consent authorities, applicants (including the boating industry) and the boating and general public on how decisions for boat storage will be made. It will also promote improved marina design and environmental outcomes.*

2.4 Draft Sydney Harbour Boat Storage Strategy

Transport for NSW's Draft Sydney Harbour Boat Storage Strategy (April, 2013) commits to the development of a Boat Storage Strategy that considers boat storage capacity requirements in NSW on a waterway-by-waterway basis. The Draft Strategy has specific references to the promotion of dry boat storage facilities and also has references to the issues with private stored trailer boats.

More specifically, the draft Strategy highlights the nature of the boat storage challenges facing Sydney Harbour to 2021. In order to keep pace with growth and ensure a mix of facilities best suited to the characteristics of vessels in the region the following growth targets have been identified:

- 1,000-1,200 new spaces in dry-stack storage facilities.
- 600-800 new commercial marina berths.
- 300 new mooring spaces.
- 150-250 new berths at private marinas and domestic facilities.

The Strategy has also identified the need to investigate the establishment of dedicated boat trailer parking facilities to help accommodate the expected growth in trailerable vessels, which are already causing parking concerns in many Harbour-side suburbs. The Site presents the opportunity to contribute to the delivery of these targets.

3.0 Site Context

3.1 Site Description

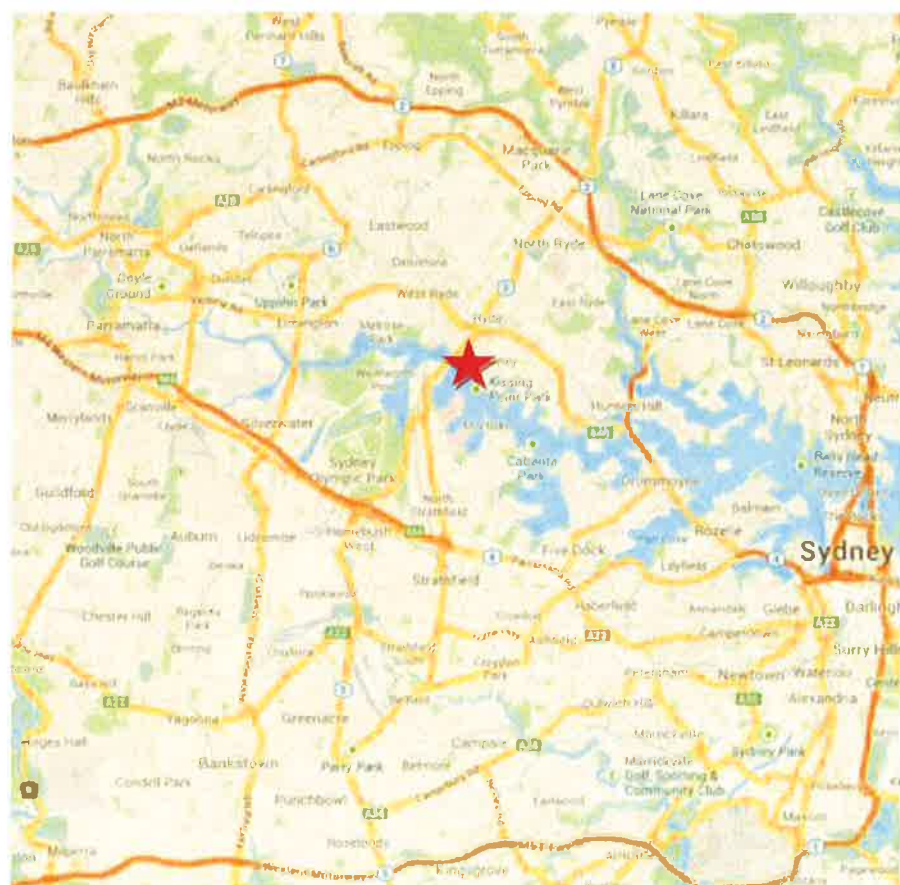
The Site is located at 20 Waterview Street, Putney within the Local Government Area of Ryde, and is on the northern foreshore of the Parramatta River. It is located approximately 15 kilometres north west of the Sydney CBD, and is also within close proximity to the Ryde town centre and approximately 11 kilometres east of the regional centre of Parramatta (refer to Figure 1).

The Site straddles the land water interface, comprising:

- a land-based area of approximately 15,600m² owned by Lilac Pty Ltd (Lot 1 DP 430647, Lot 1 DP 70489, Lot 2 DP 70488, Lots 440 to 447 in DP 15224); and
- lease of a water-based area by Lilac Pty Ltd from Roads and Maritime Services of a further 2,230m² (part of Volume 5018 Folio 1).

Reference to 'site' in this Planning Proposal means all allotments and the part of Volume 5018 Folio 1 identified above.

An aerial photo of the site is shown at Figure 2.



★ Approximate site location

Figure 1 – Site context



Figure 2 – Aerial photograph

The Site currently accommodates a large, high clearance 13m high industrial shed which is a dominant element on the Site and within the local landscape. The shed is currently used for boat sales, repairs, upholstery and storage with an ancillary office. It has large doors opening in a southerly direction onto a concrete hardstand and the waterfront.

Structures attached to the main shed include a large fibreglass shed to the north, as well as a paint store, machine rooms and ancillary structures on the south-eastern and north-western sides. There are service buildings in the south-eastern portion of the Site including a waterfront mess hall built behind mangroves and staff amenities buildings to the north of the mess hall. There is also a fibro caretaker's cottage on the north-eastern part of the Site. The majority of the ancillary structures are vacant. A significant portion of the Site is asphalted car park and driveways.

In front of the main shed there is a concrete hardstand area, jetties and an iron slipway. A dilapidated timber wharf also extends out across the water from the south-east corner of the Site. On 23 May 2011, the (then) NSW Maritime issued a notice to Lilac Pty Ltd requiring the jetty to be closed off immediately in the interests of public safety.

Photographs of existing development are shown in Figures 3 - 11. As illustrated, the Site is ideally positioned for redevelopment with existing buildings reaching the end of their lifecycle. Equally, the nature and scale of existing development limits their potential to contribute towards meeting Ryde's employment targets.



Figure 3 – Vehicular entrance to the site



Figure 4 – The existing shed, as viewed from the jetty



Figure 5 – The existing slipway



Figure 6 – Structures on the Site are in disrepair and pose safety risks



Figure 7 – Ancillary structures on the Site



Figure 8 – Ancillary structures on the Site



Figure 9 – Ancillary structures on the Site



Figure 10 – Ancillary structures on the Site



Figure 11 – View of the Site looking back across the Parramatta River

3.2 Environmental Characteristics of the Site

Topography

The Site generally slopes down from the street boundary to the water. On the northern end of the Site, the Site falls from RL 3.25 at the street alignment down to RL 1.25 near the main shed, over a distance of about 150m. On the southern end, the Site falls from RL 9.33 at the street alignment down to about RL 1.00 in the southern corner, over a distance of 85m. The concrete hardstand and timber wharf are elevated almost 2m above the water. The northern boundary of the Site is bounded by a rock retaining wall with a height of around 1.35m.

Properties on the opposite side of Waterview Street are slightly elevated above the waterfront side of the Site at RL 3.92 to RL 10.79, rising in a south-easterly direction.

Vegetation

Vegetation in the area is characterised by mangroves which occupy the foreshore open space on either side of the Site and also extend onto the Site. The mangrove growth is dense, screening almost half of the Site (excluding the hardstand and jetty areas), and provides a visual buffer to residential development to the north-east when viewed from the water.

The northern side of the Site adjacent to Waterview Street is densely lined with a number of mature trees including a mixture of native and introduced species. This dense planting screens the existing structures on the Site from the residential properties on Waterview Street.

Contamination

Martens Consulting Engineers have undertaken a Stage 1 Environmental Site Assessment and Stage 2 Environmental Site Assessment, attached at **Appendices C and D**, to determine the level of contamination on the site. The Site is contaminated as a result of past activities on the Site including:

- storage of waste, old boats, boat parts, paint, detergents, and old batteries;
- metal working and fabrication of timber components; and

- painting, stripping, refitting and cleaning of small craft.

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) requires a planning authority to be satisfied that land can be made suitable for a proposed use prior to rezoning land. Redevelopment of the Site offers the opportunity to remediate the Site, as further discussed at Section 6.0 of this report.

Heritage

The Site is listed as a heritage item under the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SHCREP 2005). The item is listed as the "Naval Refit Centre" and identified as having State significance under the SHREP 2005, however it is not listed on the State Heritage Register under the *Heritage Act 1977* (NSW).

The Site's heritage value, as identified under the SHCREP 2005, is not publicly documented however it is likely to be attributed to:

- its association with James Squire, an early settler of Ryde and pioneer of Australia's brewing industry, and the establishment of the first hops brewery in Australia; the Site has potential to yield archaeological information about early brewing practices;
- the Site's former use as the Lars Halvorsen Sons boat building operation, which is a recognised forerunner in the development of Sydney's marine industry.

A Statement of Heritage Impact and Supplementary Heritage Assessment, both prepared by Architectural Projects Pty Ltd further detail the Site's historical significance (refer to **Appendices F** and **G** respectively).

Kissing Point Park, directly to the south of the Site is listed as an item of local heritage under the Ryde LEP 2010. There are no known European or indigenous archaeological heritage items on, or in the vicinity of, the Site.

3.3 Surrounding Land Uses and Development

The predominant land use to the north and east of the Site is low scale residential comprising a mix of single- and two-storey buildings. Local convenience uses such as an IGA supermarket and small-scale shops, are located further to the east, along Charles Street at the southern end of Waterview Street.

Bennelong Park adjoins the Site to the south-east and there is another unnamed park adjoining the Site to the north-west. These parks are used as passive recreation areas and include attractive pedestrian links.

Ryde Bridge, to the west of the Site, restricts access for vessels westbound up the River to a maximum height of 4.6m above mean high water springs. This means the Site is the western-most operational maritime industrial facility that can accommodate substantial sailing and motor vessels. Water depth between the Site and Port Jackson is greater than 3-4m throughout, which provides good access for larger vessels.¹

Figures 12 - 17 show photographs of the surrounding development.

¹ *Former ADI Site Putney – Master Plan*, April 2010, prepared by CityPlan Urban Design.



Figure 12 – The open space surrounding the Site



Figure 13 – The open space surrounding the Site



Figure 14 – The open space surrounding the Site



Figure 15 – Existing development on Waterview Street opposite the Site



Figure 16 – Kissing Point Wharf



Figure 17 – The local IGA within 2 mins drive of the Site

3.4 Key Current Planning Controls

3.4.1 Ryde LEP 2010 and SHCREP 2005

Ryde LEP 2010 and SHCREP 2005 are the principal planning instruments applying respectively to the land based and water based components of the Site.

Zoning

The land based portion of the Site is currently zoned IN4 Working Waterfront under the Ryde LEP 2010, whilst the water based portion of the Site is currently zoned W1 Maritime Waters under the SHCREP 2005 (Figure 18).

The permissible uses under each of these land use zones are presented in Table 1. Notably, the range and mix of land uses envisaged by all design options considered since 2003 are prohibited under the Ryde LEP 2010 and SHCREP 2005 (with the exception of commercial marinas, which are permitted in the W1 Maritime Waters Zone).



Figure 18 – Zoning extract (Ryde LEP 2010 and SHCREP 2005)

Table 1 – Permissible uses under existing planning controls

Land Use Zone	Permissible Uses	Prohibited Uses
Ryde LEP 2010		
IN4 Working Waterfront	- Boat building and repair facilities; - Boat launching ramps; - Business identification signs; - Industrial retail outlets; - Jetties; - Light industries; - Recreation areas; and - Roads.	Any development not specified under 'Permitted without consent' or 'Permitted with consent'. This includes (for example): - Marinas; - Residential accommodation; - Retail premises; and - Wharf or boating facilities.
SHCREP 2005		
W1 Maritime Waters	- Aviation facilities - Boat launching ramps (Public) - Boat lifts (other than boat lifts for storage of vessels above water) - Boat repair facilities - Charter and tourism facilities - Commercial marinas - Commercial port facilities - Community facilities - Dredging - Flora and fauna enclosures - Public boardwalks - Public water recreational facilities - Public water transport facilities - Recreational or club facilities - Skids	- Advertisements; - Advertising structures; - Boat lifts for the storage of vessels above water; - Boat sheds (private); - Houseboats; - Intertidal dredging; - Mooring pens; - Private landing facilities; - Private marinas; - Reclamation works; - Residential development; - Slipways; - Swimming enclosures (private); - Swimming pools;

	– Telecommunications facilities	– Tourist facilities; – Water-based restaurants and entertainment facilities; – Waterfront access stairs.
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Height of Buildings

There is no existing height limit on the Site under the Ryde LEP 2010. Surrounding land is restricted to a height control of 9.5 metres. There is no height control applied under the SHCREP 2005.

Floor Space Ratio

The Ryde LEP 2010 applies a floor space ratio (FSR) of 1:1 to the Site (**Figure 19**), equating to a maximum permissible development potential of 15,600m² of working waterfront uses under the current zoning controls. It should be noted however that this quantum of floor space is merely theoretical, as it is unlikely the land would ever be developed to its potential under the current configuration of the land use controls.

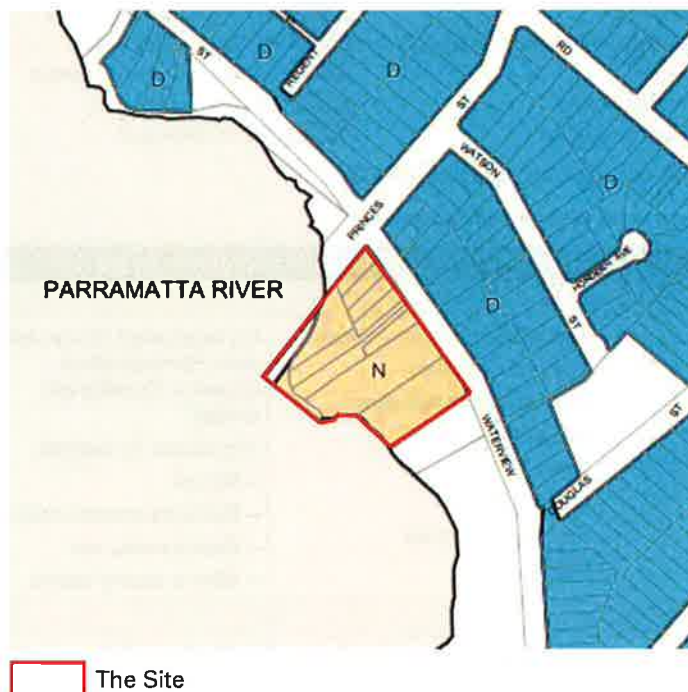


Figure 19 – Floor space ratio map (Ryde LEP 2010)

Heritage

As noted in Section 3.2, the Site does not contain any heritage items, nor is the Site located within a heritage conservation area under the Ryde LEP 2010. Item 157 Kissing Point Park however, adjoins the Site (refer to **Figure 20**).

The Site is however identified in the SHCREP 2005 as containing a heritage item (see **Figure 20**). The description of the item in Schedule 4 of the SHCREP is “Naval Refit Centre” and it is identified as an item of State heritage significance.

The Site is not listed on the State Heritage Register under the Heritage Act, 1977.

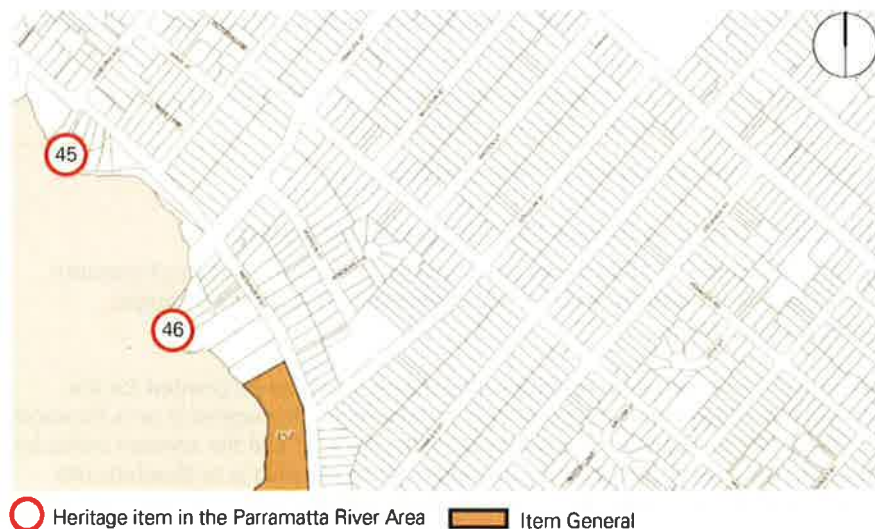


Figure 20 – Heritage Maps (Ryde LEP 2010 and SHREP 2005)

Wetlands Protection

Part of the Site is within the wetlands protection area (see Figure 21). Before granting development consent the consent authority is required to consider a number of matters such as the consistency of the proposed development with the NSW Wetlands Management Policy 1996 and whether the proposed development will preserve and enhance the wetlands. These provisions will be addressed at the DA stage.

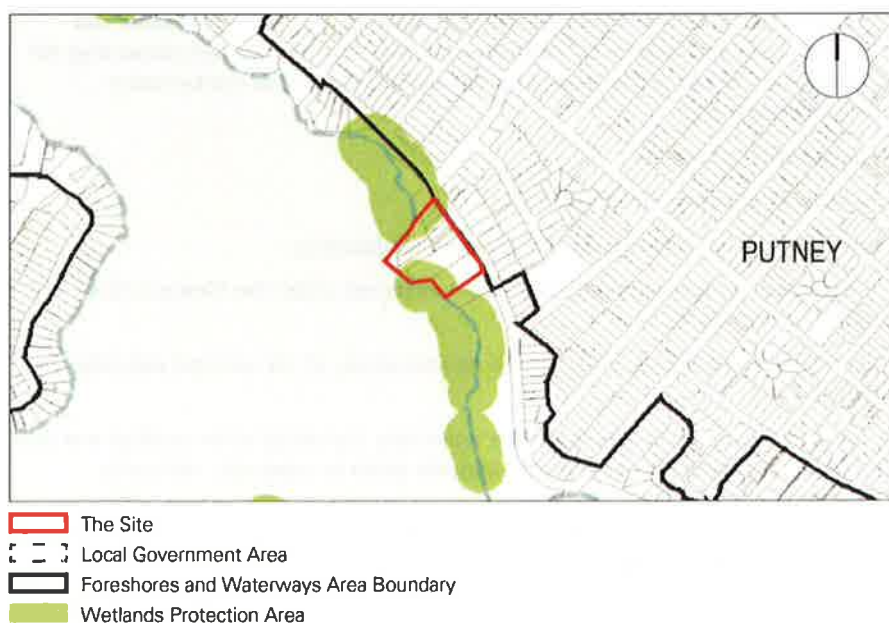


Figure 21 – SHCREP 2005 Wetlands Protection Area Map

Acid Sulfate Soils

The Site is identified on the Council's Acid Sulfate Soils Map as 'Class 5' land, which is the least sensitive class. An Acid Sulfate Soils Management Plan may need to be prepared and submitted to the consent authority if:

- it is proposed to carry out works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum (AHD) and by which

the watertable is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land;

- the works involve the disturbance of more than 1 tonne of soil, such as occurs in the carrying out of dredging (for example); or
- the works are likely to lower the watertable.

Strategic Foreshore Sites – Master Plan Requirements

Part 4 of the SHCREP 2005 contains provisions relating to Strategic Foreshore Sites. The Site is identified as a Strategic Foreshore Site on the Strategic Foreshore Sites Map.

Clause 41(1) provides that development consent must not be granted for the carrying out of development (except for certain minor development) on a Strategic Foreshore Site unless there is a master plan for the site, and the consent authority has taken the master plan into consideration. A master plan is to illustrate and explain, where appropriate, proposals for the following:

- *design principles drawn from an analysis of the site and its context,*
- *phasing of development,*
- *distribution of land uses including foreshore public access and open space,*
- *pedestrian, cycle and motor vehicle access and circulation networks,*
- *parking provision,*
- *infrastructure provision,*
- *building envelopes and built form controls,*
- *heritage conservation (including the protection of archaeological relics and places, sites and objects of Aboriginal heritage significance), implementing the guidelines set out in any applicable conservation policy or conservation management plan,*
- *remediation of the site,*
- *provision of public facilities,*
- *provision of open space, its function and landscaping,*
- *the impact on any adjoining land that is reserved under the National Parks and Wildlife Act 1974,*
- *protection and enhancement of the natural assets of the site and adjoining land,*
- *protection and enhancement of the waterway (including water quality) and any aquatic vegetation on or adjoining the site (such as seagrass, saltmarsh, mangroves and algal communities).*

Pursuant to clause 41(2), the Minister can waive compliance with the master plan requirement in certain circumstances, namely:

- *if satisfied that preparation of a master plan is unnecessary because of:*
 - *the nature of the proposed development,*
 - *the fact that the proposed development will affect only a small proportion of the site, or*
 - *the adequacy of other planning controls applying to the proposed development; or*
- *for such other reason as the Minister considers sufficient,*

so long as the Minister is satisfied that the proposed development will not compromise the application of the planning principles set out in clauses 13, 14 and 15 (see below).

In addition, the SHCREP 2005 prescribes a number of matters that are to be considered in the rezoning process, the preparation of master plans/DCPs and in the assessment of DAs. In summary, the SHCREP 2005 provides that development should:

- protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its foreshores (clause 14);
- recognise and conserve the heritage significance of particular heritage items in and around Sydney Harbour (clause 15);
- have a neutral or beneficial effect on the quality of water entering the waterways (clause 21);
- maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation (clause 22);
- preserve the character and functions of a working harbour, in relation to both current and future demand (clause 23);
- minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses (clause 24);
- maintain, protect and enhance the unique visual qualities of Sydney Harbour (clause 25);
- maintain, protect and enhance views (including night views) to and from Sydney Harbour (clause 26); and
- increase the number of public boat storage facilities and encourage the use of such facilities (clause 27).

These matters are addressed through the Planning Proposal and will need to be considered in more detail at the relevant time. Subject to the rezoning of the Site, it is intended that a Stage 1 DA will be lodged in the future to satisfy the master plan requirement.

3.4.2 Sydney Harbour Catchment Development Control Plan 2005

The Sydney Harbour Foreshores Area Development Control Plan 2005 (SH DCP 2005) builds upon and provides more detailed provisions than the SHREP 2005. As with the RDCP 2010, the provisions of the SH DCP 2005 will be more relevant as part of the future redevelopment of the water based component of the Site.

The SH DCP 2005 sets out the framework to guide ecological assessment, design and landscaping controls and the procedural guidelines for development. Under this Plan, the Site includes intertidal mudflats of high conservation status as well as open woodland categorised as moderate conservation status. The Site is located within Area 14 and the DCP provides the following criteria for future development within this zone:

Any development within these areas is to satisfy the following criteria:

- *consideration is given to the cumulative and incremental effects of further development along the foreshore and to preserving the remaining special features;*
- *development is to avoid substantial impact on the landscape qualities of the foreshore and minimise the removal of natural foreshore vegetation,*

radical alteration of natural ground levels, the dominance of structures protruding from rock walls or ledges or the erection of sea walls, retaining walls or terraces;

- *landscaping is carried out between buildings to soften the built environment; and*
- *existing ridgeline vegetation and its dominance as the backdrop to the waterway, is retained.*

3.4.3 Ryde Development Control Plan 2010

The Ryde DCP 2010 (RDCP 2010) builds upon and provides more detailed provisions than the Ryde LEP 2010. Generally, the provisions of the DCP will be more relevant as part of the future redevelopment of the land. The DCP sets character setting controls for the local centres within the City of Ryde. The Site does not fall within one of these precincts. Other pertinent provisions within the DCP relate to building form and environmental protection measures. In terms of building form, Part 3.4 of the DCP is of most relevance to the Planning Proposal which provides specific controls relating to residential flat buildings and multi-unit residential development outside of the low density residential zone. The DCP does not contain specific provisions relating to retail, office uses or foreshore development.

3.5 State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 ensures that remediation work is considered by the consent authority when a rezoning proposal is being considered. It establishes a range of requirements on planning and consent authorities when considering rezoning and development proposals and it also aims to facilitate the remediation of contaminated land. SEPP 55 is supported by the Managing Land Contamination: Planning Guidelines (Contaminated Land Planning Guidelines), which reinforce the requirements of SEPP 55, stating:

If a rezoning allows a change of use that may increase the risk to health or the environment from contamination, then the planning authority must be satisfied that the land is suitable for the proposed use or can be remediated to make it suitable.

If remediation is necessary, the planning authority must be satisfied that suitable planning controls are in place to ensure that this occurs. To assist in considering these matters, the SEPP requires consideration of a report on a preliminary investigation where a rezoning allows a change of use that may increase the risk to health or the environment from contamination

A Phase 1 Environmental Site Assessment and Phase 2 Environmental Site Assessment have been prepared by Martens Consulting Engineers (**Appendices C and D**) in accordance with the requirements of SEPP 55 and the associated Contaminated Land Planning Guidelines. Analysis of the onsite soils and foreshore sediment samples collected by Martens Consulting Engineers indicate that the Site contains high concentrations of chemicals and minerals that occur at levels exceeding the adopted criteria for human health. These findings indicate that the Site in its current condition is not suitable for the proposed land uses (residential, retail, business premises, and marina uses) and associated with rezoning of the land.

The Site will therefore need to require remediation prior to it being suitable for the uses as envisaged by this Planning Proposal. A Remedial Action Plan (RAP) will need to be prepared in accordance with SEPP 55 which sets out the detailed

methodology for remediating the Site to make it suitable for the proposed uses. Martens has also identified additional investigations to inform the RAP, including:

- detailed assessment of groundwater across the site in light of reported areas of contamination;
- further assessment of soils within the main building / warehouse (Area 3) including a broad suite of analyses;
- sampling of additional areas surrounding identified contamination points; and
- further assessment of foreshore sediment, particular in areas below the intertidal zone to assess the degree of contamination.

Following preparation of the RAP and carrying out of the remediation works (with future development consent), validation of the completed remediation works and preparation of a validation assessment report will also need to be undertaken.

There is significant cost and time required to undertake these additional investigations, however the proponent is committed to satisfying SEPP 55 and the Contaminated Land Planning Guidelines. The proponent would therefore accept a successful Gateway Determination being contingent upon the preparation of a RAP and engagement of an accredited contaminated land auditor to prepare a Site Audit Statement (SAS) (i.e.: a section B site audit statement) confirming that remediation works undertaken in accordance with the RAP will make the site suitable for the proposed uses. The RAP and Section B SAS would need to be finalised prior to any gazettal of a rezoning for the Site.

Contaminated Land Management Act, 1997 (CLM Act 1997)

Based on the results of the Phase 1 Environmental Site Assessment and Phase 2 Environmental Site Assessment, the owner notified the EPA that the Site is contaminated under section 60(2) of the CLM Act 1997 on 26 March 2013. The EPA has, to date, not made a determination that the contamination is significant enough to warrant regulation under the CLM Act 1997. This does not prevent the progression of this Planning Proposal as the EPA will be one of the authorities consulted during the process.

Ryde Council's Contaminated Land Policy

Ryde Council's Contained Land Policy (August 2008) was made by Council to satisfy the requirements of SEPP 55 and the Contaminated Land Planning Guidelines. The Policy sets out a framework for the management of contaminated land within the City of Ryde and outlines how land contamination issues are incorporated into and addressed by Council's planning and environmental decision making processes.

The preparation of the Phase 1 Environmental Site Assessment and Phase 2 Environmental Site Assessment, and proponent's commitment to prepare a RAP and Section B SAS prior to any gazettal of a rezoning for the Site satisfies Council's Contaminated Land Policy.

3.6 Draft Ryde Local Environmental Plan 2011

Ryde Council has drafted a new *Ryde Local Environmental Plan 2011 (Draft LEP 2011)* based on the City of Ryde Local Planning Study 2010 to replace the current Ryde LEP 2010. Draft LEP 2011 was publicly exhibited between 30 May and 13 July 2012 and it is understood that the Draft LEP 2011 is in the final stages of being finalised.

3.6.1 Zoning

The Draft LEP proposes to zone the Site IN4 Working Waterfront, the same as the current zoning, however there will be a different range of permitted and prohibited uses. **Table 2** reproduces the proposed land use table for the zone. as can be seen in Table 2, the range of development that will be permissible is much wider, and will include any development that is not explicitly being listed as prohibited. Most importantly, marinas will become permitted with consent.

Table 2 – Draft LEP Land Use Table

Permitted without consent	Permitted with consent	Prohibited
Nil	■ Boat launching ramps; ■ Boat repair facilities; ■ Business identification sign; ■ Jetties; ■ Light industries; ■ Roads; ■ Any development not specified under 'Permitted without consent' or 'Prohibited'.	■ Agriculture; ■ Air transport facilities; ■ Amusement centres; ■ Biosolids treatment facilities; ■ Business premises; ■ Bulky goods premises; ■ Caravan parks; ■ Car parks; ■ Cemeteries; ■ Charter and tourism boating facilities; ■ Child care facilities; ■ Community facilities; ■ Correctional centres; ■ Crematoriums; ■ Depots; ■ Educational establishments; ■ Electricity generating works; ■ Entertainment facilities; ■ Environmental facilities; ■ Exhibition homes; ■ Exhibition villages; ■ Extractive industries; ■ Forestry; ■ Freight transport facilities; ■ Function centres; ■ Health services facilities; ■ Highway service centres; ■ Home based child care; ■ Home business; ■ Home occupation (sex services); ■ Industries Information and education facilities; ■ Landscape and garden supplies; ■ Mining; ■ Mortuaries; ■ Office premises; ■ Passenger transport facilities; ■ Places of public worship; ■ Public Administration buildings; ■ Recreation facilities (indoor); ■ Recreation facilities (major); ■ Recreation facilities (outdoor); ■ Registered clubs; ■ Residential accommodation; ■ Restricted premises; ■ Retail premises; ■ Registered clubs; ■ Rural industries; ■ Rural supplies; ■ Service stations;

		■ Sewage treatment plants; ■ Sex services premises; ■ Signage; ■ Storage premises; ■ Timber and building supplies; ■ Tourist and visitor accommodation; ■ Transport depots; ■ Truck depots; ■ Vehicle body repair workshop; ■ Vehicle repair stations; ■ Vehicle sales or hire premises; ■ Veterinary hospital; ■ Warehouse and distribution centres; ■ Waste or resource management facilities; ■ Water recreation structures; ■ Water recycling facilities; ■ Water supply systems; ■ Wholesale supplies.
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3.6.2 Other matters

No changes are proposed to the current height and FSR controls, or the heritage and acid sulphate soils clauses in the current Ryde LEP.

4.0 The Proposed Redevelopment

As outlined in Section 1.1, the JBA 2013 Scheme is the basis of this Planning Proposal. The Scheme contemplated by the Planning Proposal is for a mixed use development, comprising:

- construction of a marina with 50 floating berths to accommodate a mix of small and large boats;
- adaptive re-use of the existing boat shed and creation of an additional 1-2 levels to accommodate:
 - dry boat storage for approximately 100 boats (to be vertically stacked);
 - approximately 1,860m² of ground floor retail space;
 - approximately 19 residential apartments on upper floor;
- the carrying out of remediation and other environmental improvements works;
- 19 x two storey townhouses broken into two blocks fronting Waterview Street;
- a 3 storey residential flat building accommodating approximately 27 apartments located on the southern portion of the Site;
- an at-grade car park with approximately 30 spaces for the non-residential uses, and a basement car park of approximately 114 spaces for the residential development;
- provision of public access through the Site to connect the foreshore public parks on either side of the Site, and a marine plaza to provides a managed interface between the residential area and non-residential uses;
- retention of existing mangroves along the foreshore and other vegetation on the Site where possible; and
- dual vehicular access points – one associated with the residential and a separate access point for marina, retail and other non residential uses – in order to minimise conflicts.

The JBA 2013 Scheme is premised on the demolition of the wharf, the large fibreglass shed attached to the northern side of the main boat shed, caretaker's cottage and service buildings located within the south-eastern part of the Site.

Figure 22 provides an illustrative graphic of the JBA 2013 Scheme.



Figure 22 – JBA 2013 Scheme

5.0 The Planning Proposal

This Planning Proposal has been prepared in accordance with section 55 of the EP&A Act and the guide prepared by the former Department of Planning dated July 2009 entitled *A guide to preparing planning proposals* which requires the following matters to be addressed:

- objectives and intended outcomes of the amendment to the LEP;
- explanation of provisions;
- justification;
- relationship to strategic planning framework;
- environmental, social and economic impact;
- state and Commonwealth interests; and
- community consultation.

5.1 Objectives and Intended Outcomes

The Planning Proposal is a site specific amendment to the Ryde LEP 2010 to introduce additional permitted uses to permit residential and ancillary retail and business premise uses as well as a marina. A new height control is also proposed to be introduced to control the scale of any future development on the Site.

The major objective of the Planning Proposal is to facilitate the future development of the Site. The proposed amendments will have the effect of 'unlocking' the Site and enabling a commercially viable mixed uses development that can facilitate the required remediation works which need to be undertaken to decontaminate the Site. The amendment under this Planning Proposal will also ensure that the final form of development on the Site is more appropriately tailored to the Site's characteristics and opportunities.

Ultimately, the Planning Proposal will proactively facilitate development of a strategic foreshore site.

5.2 Explanation of Provisions of Draft Plan

The proposed amendment to the Ryde LEP 2010 is to Schedule 1– Additional Permitted Uses as follows:

Use of certain land at 20 Waterview Street, Putney

(1) This clause applies to land at 20 Waterview Street, Putney, being Lot 1 DP 430647, Lot 1 DP 70489, lot 2 DP 70488 and Lots 440 to 447 DP 15224

(2) Development for the purposes of marina, residential flat buildings, attached dwellings, multi-dwelling housing, food and drink premises, business premises, shops and kiosks is permitted with consent.

(3) Development for the purposes of marina, residential flat buildings, attached dwellings, multi-dwelling housing, food and drink premises, business premises, shops and kiosks must be undertaken in accordance with the Height of Buildings Map.

Land Zoning and Permissible Uses

The land zoning is currently part IN4 Working Waterfront and part W1 Maritime Waterways. The planning proposal seeks to introduce a range of new additional permissible uses to the Site. The underlying IN4 Working Waterfront and W1 Maritime Waterways zones would still apply, and as such marinas would continue to be permissible with consent, consistent with the existing zoning of the

Parramatta River under the SHCREP 2005 and the proposed zoning under draft Ryde LEP 2011.

A conventional rezoning of the site, comprising replacement of the IN4 Working Waterfront Zone with a B4 Mixed Uses Zone or similar is not proposed. The proponent is committed to retaining the working waterfront uses are permitted under the current zoning. In addition, the distribution of proposed uses across the site, and in particular adaptive re use of the shed, makes delineation of zone boundaries along cadastral boundaries (as would normally be the case) difficult to achieve.

The range of proposed additional uses sought are intended to provide sufficient flexibility in the range and mix of future uses, to ensure the project is commercially viable, and encourage a vibrant and active community. Residential uses are required to ensure the project is commercially viable, and can deliver the return required to fund the required remediation costs. The proposed retail and business premise uses are sought to enable the provision of small scale complimentary uses that may choose to co-locate at the future marina due to the synergistic advantages of doing so. These may include, for example, a chandlery; consulting suites for maritime/boating uses, boating supplies shop, and cafe or takeaway shop.

Height of Building Controls

Building height within the Ryde LGA is controlled by Clause 4.3 which sets the objectives and sets the building height for development as shown on the Height of Buildings Map.

As outlined in Section 3.4.1, the Site is not currently subject to any floor space ratio controls. However, this Planning Proposal proposes the introduction of a new building height control by amending the Ryde LEP Height of Building Map (Sheet HOB_006) as shown in **Appendix B**. A draft Height of Building control of 14m is proposed.

Floor Space Controls

Floor space within the Ryde LGA is controlled by Clause 4.4 which sets the objectives for floor space ratio controls and sets the maximum floor space ratio for buildings as shown on the Floor Space Ratio Map.

As outlined in Section 3.4.1, the Site is currently subject to a floor space ratio of 1:1. The proposed quantum of GFA proposed by the JBA Scheme 2013 equates to 11796m² or 0.83:1, which is within the existing FSR control of 1:1 (refer to Appendix A). This Planning Proposal therefore does not seek to amend the floor space ratio.

5.3 Relationship of Planning Proposal to Relevant Clauses of LEP

Clause 4.3 - Height of Buildings

The Planning Proposal seeks to introduce a new building height control for the Site. The new building height control will ensure the objectives of Clause 4.3 are met, as follows:

- facilitating residential development that is orientated to Waterview Street and provides an interface between the existing residential neighbourhood and the boat storage facility; and
- placing a maximum height to ensure solar access and privacy of development within the Site and the surrounding neighbourhood.

Clause 4.4 – Floor Space Ratio

Whilst the Planning Proposal does not seek to introduce a new floor space ratio for the Site, the proposed FSR will continue to ensure the objectives of Clause 4.4 are met, as follows:

- ensuring an appropriate bulk and scale of development that is an orderly use of land;
- facilitating the continuation of employment generating land uses on the Site in accordance with the strategic framework; and
- enabling the consent authority to permit development within an existing serviced area reducing the need for additional infrastructure and servicing.

Clause 4.5A Density Controls for Zone R2 Low Density Residential

Following the proponent's meeting with Ryde Council officers on 17 September 2013, Council requested the proponent specifically address Clause 4.5A of the Ryde LEP 2010.

Clause 4.5A provides:

- (1) The consent authority must not consent to the erection of multi dwelling housing (attached) on land in Zone R2 Low Density Residential unless:*
 - (a) the site area for the building is not less than:*
 - (i) for each 1, 2 or 3 bedroom dwelling—300 square metres, and*
 - (ii) for each 4 or more bedroom dwelling—365 square metres, and*
 - (b) each dwelling will have its own contiguous private open space and separate access to that space from an unbuilt portion of the site.*
- (2) The consent authority must not consent to the erection of a dual occupancy (attached) on a lot in Zone R2 Low Density Residential unless:*
 - (a) the lot has an area of not less than 580 square metres, and*
 - (b) it is satisfied that adequate arrangements have been made for the disposal of sewage and stormwater from each dwelling.*

Whilst Clause 4.5A is a matter for consideration during the development assessment process, it should also be noted that this Planning Proposal does not seek to rezone the site as R2 Low Density Residential, and accordingly Clause 5.4A is not relevant to the current proposal.

6.0 Justification

6.1 Need for the Planning Proposal

6.1.1 Is the planning proposal a result of any strategic study or report?

The proposed amendment to the Ryde LEP 2010 is consistent with the major objectives and directions of the Metropolitan Plan for Sydney and Inner West Subregional Strategy as discussed within Section 5.2.1. The contribution required by the State Government's strategic planning objectives for Ryde supports the need for this Planning Proposal.

In addition, the Planning Proposal is consistent with State Government policy Draft Sydney Harbour Boat Storage Policy relating to dry storage by seeking to contribute to the boating storage requirements established by that strategic policy. Furthermore, foreshore land for working harbour purposes is a valuable commodity in Sydney, in hand with public foreshore access. The SHCREP 2005 identifies a limited number of sites for active maritime uses, this being one of them. The Planning Proposal seeks to maximise the development potential of the Site by proposing uses that are primarily of a maritime nature but are supported by related functions to foster improved access to and along the foreshore. The opening up of the Site, through the provision of a pedestrian link, and introduction of uses such as residential, business premises, and retail uses will further activate the waterfront as a maritime recreation precinct. Redevelopment of the Site will increase public access and encourage the nonboating community to use and frequent the waterfront.

The mix and intensity of uses provides a gross floor area that is intrinsic to the historic and current working harbour / maritime uses and which the Site can sustain from an environmental perspective as discussed in Section 6.3 below.

The Urban Design Study (the study) for the Site (included at **Appendix A**) has examined whether (existing zoning and FSR controls aside) a commercially viable development could be achieved on the Site which still achieved a balanced outcome with respect to the working waterfront vision for the Site, public foreshore objectives, protection of heritage values, improvements to pedestrian amenity and the public domain, and the like. The Study provides a development framework for the Site based on an analysis of the scale of development achievable under relevant current controls and tests five options which progressively introduce new land uses and the potential need for height controls. Specifically, the Study examined the potential development of the Site and identified options for:

- assessing the implications of leaving the Site in its current guise on the assumption that the existing or similar users can utilise the Site;
- providing working waterfront and marina uses that satisfy the objectives of the current zoning of the Ryde LEP 2010 and SHCREP 2005, as well as the Draft Sydney Harbour Boat Storage Policy;
- providing land for public purposes consistent with the underlying zonings and State policies which encourage and promote public foreshore access;
- maximising development potential and promoting the effective and efficient use of the Site;
- introducing a vibrant mix of maritime and other uses which will assist in activating and publicising the waterfront and will promote social interaction;

- providing a stronger economic model which can be re-invested into the development to implement superior environmental systems / initiatives such as the remediation of the Site, and contribute to wider Council and State Government programs;
- access, car parking and loading;
- achieving an ecologically sustainable development; and
- introducing new built form that is:
 - sympathetic to prioritising pedestrian movements across the Site and connecting with the surrounding open space areas;
 - sympathetic to the heritage values of adjoining sites; and
 - respectful (particularly in allowing sun access) to proposed and existing public spaces and the public domain; and
 - is capable of providing a commercially viable mix and distribution of residential, retail, business premises, and marina uses across the Site.

The Planning Proposal will enable the development potential of the land to be unlocked, thereby enabling a viable residential, retail, business premises, and marina development to be realised that contributes to the long term viability of the Site. Without the Planning Proposal proceeding, the required site contamination investigations and associated remediation costs cannot be realised.

6.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best and most appropriate means of achieving the desired future redevelopment of the Site. Due to the current underlying permissibility issues, the Site cannot be redeveloped in a manner that will deliver a good urban design or built form outcome for the Site, nor will it enable the feasible redevelopment of the Site.

Essentially, the current zoning and limitation of working waterfront uses sterilises the land from future development. The existing controls do not adequately address the land/water interface and do not facilitate the remediation of the Site through redevelopment. Accordingly, the proposed amendment to Schedule 1 of the Ryde LEP 2010 is considered the most appropriate method, rather than a rezoning application, as this adequately reflects the unique characteristics of the Site.

6.1.3 Is there a net community benefit?

The Planning Proposal will result in a net community benefit and serve the public interest by facilitating a residential, retail, business premises, and marina development which will in turn deliver a vibrant mix of marine related activity and uses, in close proximity to services and public transport.

Specifically, the Planning Proposal will enable the land to be 'unlocked' thereby facilitating a much needed addition to marina, boating and dry storage facilities on the Parramatta River. In addition, the Planning Proposal:

- contributes towards meeting the employment targets for the region by generating new permanent jobs;
- provides improved connectivity and permeability of Site through the realisation of through site linkages providing public pedestrian access to the Parramatta River foreshore, consistent with the Ryde River Walk Master Plan 2007 and the Sharing Sydney Harbour Access Plan 2003;
- reinvigorates the Site and helps further activate a key strategic foreshore site;

- improves the quality of the public domain;
- improves the urban form and visual amenity when viewed from the Parramatta River;
- improves the urban form and amenity of the locality with high quality well designed development;
- provides the opportunity to remediate a currently contaminated site, reducing the risk of leaching of pollutants into surrounding sensitive uses including the Parramatta River; and
- facilitates the ability to provide dwellings in the Ryde LGA within close proximity and access to existing public transport services and the Ryde town centre that can contribute to the dwelling targets set for Ryde and the Inner West Subregion.

The proposal provides for approximately 1,900m² of formal open space fronting the residential uses and the public marine plaza and foreshore walk. Whilst the future governance arrangements surrounding the proposed open space have not been finalised to date, it is likely that pedestrian access between the restored and adaptively reused shed (labelled "A" on the JBA Scheme 2013 at **Appendix A**) and the hardstand area for boat storage and loading will need to be controlled to minimise conflict between the general public and boat building/ working waterfront uses. The foreshore path is however expected to be publicly accessibly during marina hours.

The areas labelled as public open space along the foreshore area and those portions of the Site surrounding future residential uses on the JBA Scheme 2013 at **Appendix A**) are expected to be publicly available with the exception of any courtyards or private open space specifically provided for residential uses.

6.2 Relationship to the Strategic Planning Framework

6.2.1 Consistency with Relevant Subregional and Metropolitan Planning Strategies

The strategic planning context for the consideration of this Planning Proposal includes:

- Metropolitan Plan for Sydney 2036 (Metropolitan Plan) released by the State Government in December 2010; and
- the draft Inner North Subregional Strategy (draft Subregional Strategy) exhibited between 24 December 2007 to 28 March 2008.

The Planning Proposal is considered consistent with the objectives and provisions of the guiding strategic planning framework. The compliance of the Planning Proposal with the relevant regional and sub-regional strategies is set out in **Table 2** below.

Table 3 – Consistency with the regional and sub-regional planning framework

Provision	Comment
Metropolitan Plan for Sydney 2036	
The Metropolitan Plan for Sydney 2036 sets out Key Strategic Directions on the key areas of housing, employment, centres, the environment, transport and parks and public places.	The Planning Proposal is consistent with the Key Strategic Directions of the Metropolitan Plan as described below: – A3 contain Sydney's urban footprint; – D1.1 locate at least 70% of new housing within existing urban areas;

Provision	Comment
	- D1.2 reflect new subregional housing targets in <i>Subregional Strategies</i> and LEPs, and monitor their achievements; - D1.2 produce housing that meets expected future needs; - C2.3 provide a mix of housing; - E3.2 identify and retain strategically important employment lands; and - H2.4 enhance regional open space in the Sydney region.
Draft Metropolitan Strategy for Sydney to 2031	
The Draft Metropolitan Strategy for Sydney to 2031 refocuses the approach of the 2010 Metropolitan Plan, setting action points under the fields of balanced growth, a liveable city, productivity and prosperity, health and resilient environment, accessibility and connectivity.	The Planning Proposal is consistent with the actions and policies of the Draft Metropolitan Strategy as described below: - increasing recreation access to the Parramatta River foreshore through property regeneration; - improving water quality of the Parramatta River and soil quality of foreshore area through remediation of a contaminated site; - providing an economically feasible area for new residential development close to existing services; - providing a range of housing types; - providing additional employment where people live; - providing a high quality of urban design; and - protecting industrial maritime land uses.
Draft Inner-North Subregional Strategy 2005	
The Draft Subregional Strategy identifies the Site as one of seven 'Employment Lands precincts' and recognises the role it continues to play in supporting working-harbour activities and employment. The Strategy notes that the Site has historically supported working harbour activities and is currently used for boat repair facilities. The Strategy recommends that maritime industrial uses be retained on the Site.	The proposed amendment to the Ryde LEP 2010 does not remove maritime industrial uses on the Site, as all uses in the IN4 Zone will remain permissible with consent. It introduces certain additional uses, most significantly residential flat buildings, which are necessary to help sustain a viable use of the land. The proposal is consistent with the Draft Strategy in that it retains maritime employment-generating uses on the subject Site but also introduces new employment-generating uses and residential uses which can contribute to the equally important residential targets set for the region.

The Planning Proposal is considered consistent with these strategic documents as it seeks to provide a mix of uses in an established area with established services. Further, the proposal will facilitate significant remediation works of a contaminated site and restore conditions of the Parramatta River.

6.2.2 Consistency with Council's Community and Strategic Plans

The Planning Proposal is considered consistent with the objectives and provisions of the guiding local strategic planning framework as it will facilitate the redevelopment of the Site, which in turn will contribute towards the economic vitality of the Site and Ryde and also deliver a major commercial property investment.

The compliance of the Planning Proposal with the relevant local strategies is set out in Table 3 below.

Table 4 – Consistency with the local strategic planning framework

Provision	Comment
Sharing Sydney Harbour Access Plan 2003	

The <i>Sharing Sydney Harbour Access Plan 2003</i> is the key policy document for the improvement of public access to the Sydney Harbour and Parramatta River waterway and waterfront for recreational boat users, pedestrians and cyclists.	The proposal is consistent with its objectives.
The Site is identified as a key access point for small boats.	The proposed scheme will seek to provide a marina with 50 floating berths and dry boat storage for 100 boats. It is intended to accommodate both small and large boats as this will cater for market demand. The Adopted Master Plan 2010 recognised the ability of the Site to accommodate both small and large vessels.
The plan promotes the establishment of a publicly accessible network of pedestrian and cycleways along the length of the Parramatta River foreshore.	The private ownership of the Site and the existing maritime uses currently prohibit the provision of public access through the Site, and cyclists and pedestrians are instead forced to use on-road pathways. The Planning Proposal will facilitate redevelopment of the Site to provide improved access to the foreshore.
Ryde River Walk Master Plan 2007	
The <i>Ryde River Walk Master Plan 2007</i> seeks to establish a contiguous shared recreation trail along the length of the Parramatta River foreshore between the West Ryde Jetty and Looking Glass Bay in the implementation of the <i>Sharing Sydney Harbour Access Plan 2003</i> within the Ryde LGA. It identifies a 'potential future link' which cuts through the subject Site to create a new off-street connection between Kissing Point Park and Settlers Park.	This through-site linkage can only be achieved through the redevelopment of the Site, however any public access through the Site will be required to achieve a suitable level of safety and casual surveillance. These principles have been incorporated into the JBA 2013 Scheme. The current configuration of the Site operating during normal daylight business hours is not conducive to providing good surveillance of this area during the periods of peak usage for the proposed recreation trail (mornings, evenings and weekends). The introduction of a residential element would provide a significantly safer space which encourages public use. The inclusion of a small retail and business premises element will provide an activity centre and will serve as an attractor which encourages additional patronage along the foreshore. This retail and business premise elements will provide an important element which will attract and support public usage of both Kissing Point Park and the entire waterfront recreational trail and generates pedestrian and cyclist activity throughout the day.
Ryde 2025 Community Plan	
The plan sets out seven outcomes relating to connectedness, environmental sensitivity, cultural building, leadership and business development. The plan highlights the need to encourage an active lifestyle with a diverse range of community activities on offer.	The proposal envisages new through-site linkages providing foreshore public access, enhancing the connectedness of the Site with the local neighbourhood. The Planning Proposal facilitates a broader range of land uses, creating a more dynamic and active use of the Site.
Ryde Local Planning Study 2010	
The Ryde Local Planning Study 2010 formed the basis of the preparation of the Draft LEP. It reflects the Draft Inner-North Subregional Strategy in relation to the retention of maritime industrial uses on the Site.	See our response to the Draft Inner-North Subregional Strategy above.

6.2.3 Consistency with State Environmental Planning Policies

An assessment of the Planning Proposal against applicable State Environmental Planning Policies (SEPPs) is set out in the **Table 4** below.

Table 5 – Assessment against SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 1 Development Standards			✓	SEPP 1 does not apply to the Ryde LEP 2010.
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development			✓	SEPP 4 does not apply to the Ryde LEP 2010.
SEPP No 6 Number of Storeys			✓	Standard instrument definitions apply.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓			The planning proposal is consistent with SEPP 32 in providing for the opportunity for the development of additional housing in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities.
SEPP No 55 Remediation of Land	✓			The Site has been identified as contaminated land and a Phase 1 Environmental Assessment Report and Phase 2 Environmental Assessment Report has been prepared by Martens Consulting Engineers. The proponent is committed to preparing a RAP and obtaining a Section B SAS to verify the site can be made suitable for the proposed uses prior to gazettal of the new controls. The Planning Proposal will facilitate redevelopment of the Site that can pay for the required remediation works.
SEPP No 60 Exempt and Complying Development			✓	SEPP 60 does not apply to the Ryde LEP 2010.
SEPP No 64 Advertising and signage			✓	Not relevant to the Planning Proposal and proposed development. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	✓			Detailed compliance with SEPP 65 will be demonstrated at the time of DA is prepared. Nonetheless, the Planning Proposal seeks to facilitate and achieve best practice compliance with SEPP 65 by formalising the provision of generous private and communal open space areas, which are technically included in the floor space calculations for the Site.
SEPP No.70 Affordable Housing (Revised Schemes)			✓	Not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	Not relevant to proposed amendment
SEPP (BASIX) 2004	✓			Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application.
SEPP (Exempt and Complying Development Codes) 2008	✓			May apply to future development of the Site.
SEPP (Infrastructure) 2007			✓	May apply to future development of the Site.
SEPP (State and Regional Development) 2011	✓			The future development of the Site is likely to be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the JRPP acting as the determining authority.

6.2.4 Consistency with Ministerial Directions

A summary assessment of the Planning Proposal against the Directions issued by the Minister for Planning under Section 117 of the *EP&A Act* is provided in Table 5 below.

Table 6 – Assessment against relevant Section 117 Directions

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
1. Employment and Resources				
1.1 Business and Industrial Zones	✓			The proposal provides for a mix of uses in the form of residential, retail, business premises, and marina uses whilst retaining a large proportion of the Site as per the current zoning, ensuring compatibility and consistency with its industrial zoning. The residential uses provide an appropriate complement to the Site's context, and support key housing objectives established by the State Government. The Planning Proposal is therefore consistent with the objectives of the above S.117 Direction 1.1 Business and Industrial Zones in the following respects: – it continues to permit employment generating uses including the boat slip ways and repairs, as well as retail and business premises uses on the Site; – it proposes a range of 'catalyst' uses that can trigger viable redevelopment, and which provide the opportunity to reconfigure and intensify the employment generating uses that are already permissible on the Site (and will continue to be) but also introduce other new employment generating uses – it does not propose to create any out-of-centre employment uses that could compete with surrounding centres. On the basis of the above, the Planning Proposal is consistent with the specific directions in Clauses 4(a) – (e) as the proposal does not seek to reduce the existing industrial floor space, or employment capabilities of the Site nor does it create a new competing employment area. Notwithstanding this, it should be noted that in accordance with Clause 5(a) and (b) of the S.117 Direction, the Planning Proposal may be inconsistent with Clause 4 if it is justified by a strategy or study. This Planning Proposal is justified by the validations provided throughout this Planning Proposal and supporting documentation.
2. Environment and Heritage				
2.1 Environmental Protection Zones	✓			The Site is identified under the SHCREP 2005 as a Wetlands Protection Area. The Planning Proposal is consistent with the objective of the S.117 Direction 2.1 Environmental Protection Zones as it seeks to minimise the impact of future development on the existing mangrove community. Further, remediation works proposed will ensure the protection of the species from contamination currently existing on the Site. The Planning Proposal is compliant with

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
				Clause 6(c) as it is consistent with the controls of the SHCREP 2005 with respect to the protection of mangrove habitat.
2.3 Heritage Conservation	✓			The Planning Proposal is consistent with the objectives of the S.117 Direction 2.3 as it seeks to restore and preserve the heritage item on the Site through appropriate adaptive reuse of the structures. Further heritage studies are proposed to be completed post Gateway Determination.
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			The Planning Proposal is consistent with clauses 4 and 5 of the S.117 Direction 3.1 Residential Zones in the following respects: – it will broaden the choice of building types and locations available in the housing market; – make more efficient use of existing infrastructure and services; – reduce the consumption of land for housing and associated urban development on the urban fringe; and – be of good design subject to future DAs.
3.4 Integrating Land Use and Transport	✓			The Planning Proposal will concentrate residential uses in an appropriate location to support public transport and improve access to jobs and services by walking, cycling and public transport. The Planning Proposal is consistent with the objectives of the Section 117 Direction - 3.4 Integrating Land Use and Transport as it will: – improve access between housing, jobs and services by walking, cycling and public transport; – increase the choice of available transport and reducing dependence on cars; – reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and – support the efficient and viable operation of the existing public buses transport services and road network.
4. Hazard and Risk				
4.1 Acid Sulphate Soils	✓			The Site has been identified as Class 5 Acid Sulphate Soils on the Acid Sulphate Soils map. The Planning Proposal has taken into consideration the Stage 2 Environmental Assessment Report prepared by Martens Consulting Engineers in respect to land contamination on the Site. The Stage 2 Environmental Assessment Report considers a more sensitive land use on the Site appropriate given significant site remediation works associated with the proposal. Ryde LEP 2010 contains acid sulphate soils provisions and this Proposal does not seek to amend them.

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
4.3 Flood Prone Land			✓	The City of Ryde is currently finalising the Flood Study and Floodplain Risk Management Study and Plan that considers the flood risk on the Site. Once the Floodplain Risk Management Plan is in force, any future development on the Site will be considerate of this Plan. Ryde LEP 2010 contains flooding provisions and this Proposal does not seek to amend them
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			No new concurrence provisions are proposed.
6.2 Reserving Land for Public Purposes	✓			No new reservation of land for public purposes is proposed.
6.3 Site Specific Provisions	✓			This Planning Proposal seeks to expand the permitted land uses on the Site to facilitate a particular development master plan for the Site. The Planning Proposal does not contain drawings detailing a specific development proposal on the Site – this will be subject of future Development Applications.
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Plan for Sydney 2036	✓			The Planning Proposal is consistent with the objectives and strategies of the Metropolitan Plan in that it will facilitate the delivery of residential and employment generating floor space which provides uses which will contribute to the vitality of the Site.

6.3 Environmental, Social & Economic Impacts

6.3.1 Impact on Critical Habitat, Threatened Species, and Ecological Communities

The Site has been identified as a mangrove conservation area under the SHCREP 2005, however the Site has historically been developed for working waterfront uses and is highly modified. Notwithstanding this, the Planning Proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor is it expected to have any adverse environmental effects.

6.3.2 Environmental Effects of the Planning Proposal

Built Form

This Planning Proposal is accompanied by an Urban Design Study and preliminary concepts for the redevelopment of the Site (see **Appendix A**). The concept is not a detailed design for the final development of the Site, but is a massing study that examines five (5) alternatives as to how the Site may be developed as a result of the proposed amendment to the Ryde LEP 2010.

The concepts are based on an analysis of the Site's opportunities and constraints, its contamination and the Site's future role along the Parramatta River as a strategic foreshore site. Based on the characteristics of the Site and its surrounds the following constraints and opportunities are identified. The Site is constrained in the following ways:

- it straddles the land/water interface and therefore is subject to two environmental planning instruments that are inconsistent in their approach to land use controls;
- the underlying controls do not currently permit the Site to be redeveloped even for working waterfront uses in a manner that is viable;
- there are existing and proposed public open spaces nearby which require protection from overshadowing; and
- the Site fronts the Parramatta River and therefore view impacts of any future development will need to be carefully considered.

The urban design study and concept designs have been developed around the following opportunities:

- the Site is a strategic foreshore site, earmarked for marina and dry storage boat facilities;
- the Site is strategically positioned to support a more efficient land use that is capable of contributing to housing and employment targets set for the area;
- there is the potential to open up the Site and provide a new public access to the foreshore and an activated streetscape; and
- there is a potential to provide residential development on the Site, which is compatible with the residential character of the neighbourhood, particularly as a transition in density from residential flat buildings to town houses which mirror existing low scale dwellings fronting Waterview Street opposite the Site.

The various built form options have been considered and tested for their environmental sustainability, urban form and community outcomes. Whilst the final built form will be the subject of a future detailed design and approvals process, the concept planning has shown that an appropriate built form can be achieved under the proposed LEP amendments. Specifically, it will:

- deliver the opportunity to “open-up” the Site for the first time in over 60 years and provide links to the foreshore and the adjoining passive recreation areas;
- promote view sharing and the retention of existing views currently enjoyed by surrounding residences;
- control the appearance of the Site from and to foreshore public open space and other public open space and vantage points;
- control views to the Site from Parramatta River (i.e.: from the water looking back into the Site);
- continue and strengthen the current and previous maritime uses on the Site;
- maintain, protect and enhance the unique visual qualities of the heritage landscape;
- appreciating the role that the Site has had as part of Sydney Harbour’s working harbour and industrial maritime history;
- conserving, where appropriate, the fabric, setting and views to and from the Site and its landscape.

Land Contamination

As set out previously, a Phase 1 Environmental Site Assessment and Phase 2 Environmental Site Assessment have been undertaken by Martens Consulting Engineers which confirm that the Site is significantly contaminated. Pollutant levels, including heavy metal concentrations are in excess of the human health based soil investigation levels and the interim sediment quality guidelines for residential or commercial development. Further investigations are required to inform the preparation of a RAP, which the proponent is willing to commission post-Gateway Determination but prior to gazettal to verify the Site can be made

suitable for the proposed range of uses. As set out in Section 3.5, the proponent is also willing to obtain a Section B Site Auditors Statement to accompany the RAP to provide Council and the Department of Planning and Infrastructure with the confidence that the future carrying out works in accordance with the RAP will make the Site suitable.

The Planning Proposal will facilitate redevelopment of the Site, and enable the cost of remediation works to be undertaken including removal of the old wharf structures and construction / maintenance of the new marina, wharves and landings, to make the Site safe for public use. Without a viable development, the costs of remediation act as a disincentive to improve the overall environment.

Traffic and Access

Parking and Traffic Consultants has undertaken a preliminary traffic assessment to assess the likely traffic implications of redeveloping the Site under each of the 5 scenarios considered in the Urban Design Study. The traffic report is included at **Appendix E**.

The existing road network within the vicinity of the Site comprises the following:

- Waterview Street is a non-divided two carriage-way collector road, providing direct access to the Site. Parking is allowed on both sides of the road. The road is subject to a 50km/h speed limit.
- Princes Street, Douglas Road and Regent Street are non-divided two carriage-way local roads, providing direct access to the Site. Parking is allowed on both sides of the road. The roads are subject to a 50km/h speed limit.
- Morrison Road offers access from the north to the area surrounding the Site. Morrison Road is a nondivided two carriage-way local road. It also offers one parking lane on both sides of the road. It is subject to 50km/h speed limit.
- Church Street is classified as a State Road and provides access from the north-west to the area surrounding the Site. In the immediate vicinity, Church Street comprises a divided carriageway accommodating three lanes in each direction and it is subject to a 60km/h speed limit. The existing access to the Site is located less than 500m to this road, through the "Loop".
- Victoria Road, another State Road, is located approximately 1,200 metres from the Site.

In order to estimate the likely impact of the Planning Proposal on traffic generation within the surrounding road network, Parking and Traffic Consultants investigated the existing traffic movements and established peak hour traffic flows at key intersections. RTA's *Guide to Traffic Generating Development* (Oct 2002) does not contain trip data for a model, such as the Planning Proposal. Accordingly, in order to determine trip generation rates for the proposed development, Parking and Traffic Consultants also collected trip generation data from approved marina development DAs operating in NSW. The predicted traffic generation of each of scenario is provided within Parking and Traffic Consultants Report at **Appendix E**. The predicted traffic generated by the Planning Proposal (i.e.: JBA 2013 Scheme) were calculated to be:

Table 7 – Predicted peak hour trip generation

Land Use	# Units	Weekday AM Peak	Weekday PM Peak	Weekend Peak
Residential	19 townhouses	13 (20% in, 80% out)	13 (80% in, 200% out)	7 (50% in, 80% out)
	48 apartments	14 (20% in, 80% out)	14 (0% in, 20% out)	7 (50% in, 80% out)
Retail	930m ²	14 (50% in; 50% out)	14 (50% in; 50% out)	37 (50% in; 50% out)
Restaurant	930m ²	19 (50% in; 50% out)	14 (50% in; 50% out)	37 (50% in; 50% out)
Marina	150 berths	16 (80% in; 20% out)	16 (20% in; 80% out)	41 (50% in; 50% out)
	Total	76 (35 in; 41 out)	90 (49 in; 41 out)	129 (64 in; 65 out)

In light of the above figures, and their observations of the surrounding road network, Parking and Traffic Consultants considers that the Planning Proposal would be unlikely to have a significant impact on the road network. Any possible conflict between the egress traffic from the Site and Princes Street could be minimised via a proposed second access which would need to be demonstrated at DA stage.

In addition, Parking and Traffic Consultants has considered the potential car parking demand of any redevelopment of the Site, as envisaged under this Planning Proposal. Strict application of the RMS Guide to Traffic Generating Developments, and Ryde DCP 2008's rates for the range and mix of land uses results in inappropriate and car parking rates of provisions have accordingly been adjusted to acknowledge the overlapping of residents and marina users. Whilst on-site parking is not fully compliant with the relevant rates, the proposed parking provision is considered acceptable as:

- there is considerable supply of on-street parking in the vicinity of the Site;
- the overlapping of uses and traffic generation expected as a result of the Proposal can be accommodated within the surrounding road network;
- existence of good public transportation close to the Site (buses and ferry); and
- there is the potential for any additional parking resulting from the Proposal to be easily accommodated in nearby on street parking surrounding the Site.

Heritage Impact

The Site is identified as a heritage item under the SHCREP 2005 and is in close proximity to a number of locally significant heritage items in the surrounding locality.

The Statement of Heritage Impact and Supplementary Heritage Assessment prepared by Architectural Projects Pty Ltd were prepared in support of an earlier scheme to redevelop the Site for a 200 river berth and 250 dry berth boating complex. Whilst this Planning Proposal now seeks an alternative range of uses, the following conclusions by Architectural Projects Pty Ltd in relation to the previous scheme are prudent:

- the Site exhibits cultural significance attributed to its former use by Lars Halverson Sons as a boat building complex;
- retention of marine related structure were encouraged by Architectural Projects Pty Ltd, however conversely removal of the slip ways as proposed was not considered a significant impact;
- plaques, photographs and other recording / archiving initiatives were acknowledged;
- the Site's former association with James Squire, an early settler of Ryde and pioneer of Australia's brewing industry, and the establishment of the first hops brewery in Australia has potential to yield archaeological information about early brewing practices;
- the Site has little significance for its potential to reveal indigenous heritage values.

A key consideration to any future development on the Site will be how future development integrates with the existing heritage values of the Site and surrounding items. The proponent is committed to engaging further heritage studies post Gateway Determination, however, the provisions of the Ryde LEP 2010 and SHCREP 2005 will ensure that an appropriate assessment of the impact of any development proposal on nearby adjacent heritage items is undertaken. Any

future development application for the Site will need to be the subject of a heritage impact assessment.

Visual Impacts

The visual impact will need to be considered in the broader context of Parramatta River, Waterview Street residences and from the River looking back towards the Site. A significant cumulative visual impact is not expected to be created as a result of this Planning Proposal.

The major visual change will be from the Parramatta River looking back towards the Site. There will also be some change from the adjoining open space, potentially elevated locations along Waterview Street (which are higher than the Site) and to a lesser extent properties opposite the marina, although these views are screened by existing trees.

6.3.3 Economic Impact

In general, investment in major projects can only be justified if the benefits of doing so exceed the costs. Such an assessment must consider all costs and benefits, and not simply those that can be easily quantified. As a result, the EP&A Act specifies that such a justification must be made having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.

In addition, one of the key objectives of the Environmental Planning and Assessment Act 1979 is to encourage “the promotion and co-ordination of the orderly and economic use and development of land”. This and the other objectives of the Act recognise that the planning system needs to enable and facilitate the redevelopment of land in an economic manner, while balancing environmental and social impact and the public interest.

The Site is confronted by significant environmental constraints which would inhibit its redevelopment for maritime industrial purposes in an orderly and economic manner. The significant costs associated with addressing these constraints means that redevelopment for maritime industrial purposes is not economically viable. In particular:

- the Site is heavily contaminated and has fallen into disrepair, and requires substantial and costly remediation and upgrade;
- a Stage 2 Environmental Site Assessment prepared by Martens Consulting Engineers (see **Appendix C**) concludes that heavy metals on the Site have the potential to leach to nearby sensitive environmental receptors including residences and the Parramatta River;
- the existing boat shed on the Site is a heritage item of State significance under the SHCREP 2005 and it may need to be retained and restored;
- On 23 May 2011 NSW Maritime (as it was then known) issued a notice to Lilac Pty Ltd requiring the eastern most jetty to be closed off immediately in the interests of public safety;
- an engineer’s condition report from July 2011 found that the waterside structures including the concrete hardstand area, travel lift arms and slipways, are deteriorated or corroded and require either replacement or substantial repair and maintenance to maximise ongoing serviceability and to meet RMS standards; and
- the rent charged by RMS for leasing the waterway area has more than doubled, from approximately \$17,500 plus GST per annum to approximately \$40,000 plus GST per annum.

It is in the public interest that the Site be remediated and that the existing boat shed be conserved and its heritage significance interpreted in an appropriate manner. However, there are significant costs associated with remediation and conservation (and upgrade generally) to meet contemporary environmental standards as well as RMS standards for the waterside structures. For example, in December 2008, Drivas Property Group obtained a fee proposal from an engineering consultant who quoted \$3.3 million plus GST for remediation of the Site alone. This cost would have increased since that time and will need to be validated once a remedial action plan is prepared; these costs will prevent the redevelopment of the Site unless redevelopment is economically viable.

It is therefore crucial that the applicable planning framework enable the redevelopment of the Site in an orderly and economic manner. Otherwise, the opportunity to remediate and restore the Site will be lost. The redevelopment of the Site for a marina (including wet and dry storage), multi unit housing; residential flat buildings and appropriate retail and business premises uses would promote the orderly and economic redevelopment of the Site because it would enable the remediation, conservation and upgrade of the Site and would offset the significant costs associated with this.

6.4 State and Commonwealth Interests

There are no significant Commonwealth or State interests in the Planning Proposal other than in general for a more appropriate planning and development outcome on the Site consistent with the State's regional and subregional strategies strategic planning framework described above.

6.4.1 Public Infrastructure

The Site is in close proximity to bus and ferry services). It is accordingly in the interest of the State Government to intensify employment and residential densities in close proximity to these services and thereby increase viable patronage of this significant infrastructure investment.

6.4.2 Consultation with State and Commonwealth Authorities

No formal consultation has been undertaken with either State or Commonwealth authorities at the time of writing this Planning Proposal. Where necessary, consultation with relevant authorities will be undertaken as required in accordance with initial Gateway determination.

6.5 Community Consultation

It is proposed that in accordance with '*A guide to preparing local environmental plans*' that the Planning Proposal undergo a 28 day public exhibition period. It is noted that confirmation of the public exhibition period and requirements for the Planning Proposal will be given by the Minister for Planning and Infrastructure as part of the LEP Gateway determination.

7.0 Conclusion

The Site is located in a prominent location and demand for maritime related development in this location is reinforced through the underlying Waterfront and Maritime Waterways zones, as well as State Government policies which promote dry storage uses.

Waterfront maritime land is a valuable commodity on the Parramatta River and any opportunity to fully reuse and maximise the Site should be explored within reasonable parameters where the public interest, environmental objectives and efficient and economic use of land can be realised. In this context, the current planning framework is prohibitive to realising the Site's potential, and left in its current form, will ultimately sterilise the Site as the land based controls in particular are based on a false economic premise. That premise is that the current permissible uses will result in an optimal, economic and environmentally sustainable outcome. This report indicates that only through an amendment to the range of permissible uses can this be achieved.

We note the Ryde LEP 2010 and SHCREP 2005 objectives and believe they can be better achieved through a Planning Proposal to permit residential, retail, business premises, and marina uses. The urban design study undertaken for the land demonstrates that changes to existing zoning and built form controls (as proposed by this Planning Proposal) will support a built form outcome that is appropriate in the context of the site and, importantly, is commercially viable.

The built form, remediation, traffic and car parking, heritage and visual values, and public foreshore access, are key influences for any future redevelopment of the Site. However, this Planning Proposal will facilitate development that has demonstrable urban design, social and economic benefits and the opportunity to revitalise a key strategic foreshore site.

On balance, it is considered that sufficient information is available to give Council the confidence it needs to refer the Planning Proposal to the Minister for Gateway Determination.

