

Planning Services

Gateway Determination Report

LGA	Ryde
RPA	City of Ryde Council
NAME	Planning proposal to amend Ryde Local Environmental Plan 2014 to rezone Dunbar Estate from R3 Medium Density Residential to R2 Low Density Residential
NUMBER	PP_2018_RYDEC_002_00
LEP TO BE AMENDED	Ryde Local Environmental Plan 2014
ADDRESS	Dunbar Estate, Marsfield
DESCRIPTION	72 lots, refer to Attachment A
RECEIVED	15 January 2018
FILE NO.	IRF18/1210
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal seeks to amend the Ryde Local Environmental Plan (LEP) 2014 to rezone a residential estate in Marsfield, known as the Dunbar Estate, from R3 Medium Density Residential to R2 Low Density Residential.

Background

In 1979, the Dunbar Estate was owned by the Department of Education and zoned “special uses” for the purposes of a school. The Department of Education abandoned its plans to use the site in 1980. It was then privately sold, rezoned in 1984 for residential purposes and later subdivided.

This 1984 residential zoning permitted dwelling houses and residential flat buildings, among other land uses, and was transitioned to the R3 Medium Density zone as a like-for-like zoning under City of Ryde Council’s standard instrument LEP (Ryde LEP 2014).

A development application for a residential flat development within the estate was submitted to Council in 2017. The proposal raised more than 120 submissions objecting to it and was refused by Council, as Council considered it incompatible with the surrounding land uses and local character, and inconsistent with State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development. An appeal against the decision has been lodged with the Land and Environment Court, with a hearing on the matter scheduled for April 2018.

The proposed R2 Low Density Residential zoning of the estate was raised as a notice of motion at Council’s 22 August 2017 meeting and supported by Council.

Council contends that the R3 Medium Density Residential zone does not reflect the current character of the estate or surrounding area and is therefore seeking to apply a lower-density residential zone, which Council considers is consistent with and will protect the estate's character.

Site description

The Dunbar Estate is in the suburb of Marsfield, approximately 16km north-west of the Sydney CBD.

The residential estate is generally low density in character, comprising 72 residential allotments that range from 280m² to more than 1000m² in area, local pocket parks and wide local streets.

All 72 allotments have been developed and are being used for residential purposes. There are 58 single-dwelling houses, three multi-dwelling house developments (three attached dwellings) and 11 duplexes (two attached dwellings). There are no existing residential flat developments in the estate. The Department is not aware of any approvals for residential flat development in the estate.



Figure 1: Aerial view of subject site (outlined in red and shaded in blue) and surrounds (source: Six Maps).

Surrounding area

The site is surrounded by land zoned and used for low-density residential purposes (Figure 2, next page). There is one parcel of land adjoining the site to the north-east that is zoned B1 Neighbourhood Centre and used as a liquor store and hotel (known as The Ranch). Dunbar Park adjoins the site to the west.

Other major land uses within 1km of the site include a Woolworths shopping centre, Macquarie University, Macquarie University Hospital, Macquarie Shopping Centre and Macquarie University Train Station.

Mapping

The planning proposal contains suitable mapping to identify the site and the current and proposed land use zones.

NEED FOR THE PLANNING PROPOSAL

The proposal is not the direct result of a strategic study or report.

Council's cover letter to the proposal states that Council's resolution to pursue the rezoning is a result of community and resident requests.

Council contends that the proposed rezoning will ensure low-density zone objectives apply to the estate, reflective of its character, and that out of character development is precluded.

Rezoning land from medium density to low density is not a frequent planning outcome. However, it is considered there is suitable merit / justification for the proposal to proceed when considering the estate's characteristics, with an FSR and height limit identical to surrounding R2 land.

In terms of residential land uses, the key difference between the R2 and R3 zones is the prohibition of attached dwellings, seniors housing, serviced apartments and residential flat buildings within the R2 zone.

The 72 allotments within the estate have already been developed for residential use. There are 12 allotments within the estate with lot sizes greater than 900m² and of these nine have been strata subdivided, limiting the potential for future redevelopment. It is considered that this existing development pattern, the 9.5 metre building height and 0.5:1 maximum FSR limit the potential for future medium density development in the estate.

STRATEGIC ASSESSMENT

Greater Sydney Region Plan

The Greater Sydney Region Plan was released by the Greater Sydney Commission on 18 March 2018, after the planning proposal was submitted to the Department for a Gateway determination.

While the plan has a primary focus on growth management, the directions within it relate to liveability and creating places for people.

The proposed rezoning of the estate reduces housing diversity; however, the application of a zone to reflect an area's current built form character and community interest is consistent with these directions.

It is recommended the planning proposal be updated to address the plan prior to community consultation.

North District Plan

The Greater Sydney Commission released the North District Plan on 18 March 2018, after the planning proposal was submitted for a Gateway determination.

The plan contains planning priorities and actions to guide the growth of the North District while improving the district's social, economic and environmental assets.

Like the Greater Sydney Region Plan, the proposal meets the liveability planning priorities under the district plan.

Local centres are a focal point under the plan. Marsfield is identified as a local centre under the plan and an area within a key urban renewal corridor.

The plan notes that the management of local centres is predominantly led by councils and informed by local housing strategies. Council will be required to prepare a local housing strategy for its LGA.

It is recommended the planning proposal be updated to address the plan prior to community consultation.

City of Ryde Local Planning Study

Council prepared a local planning study in 2010, which investigated opportunities for growth for the LGA up to 2021.

The study describes Dunbar Estate as being part of a transitional area between the commercial centre of Macquarie Park and the residential area to the south. The study indicates a preference that the controls applying to the land be informed by a wider strategic review.

Allowing the proposal to progress would not preclude or undermine this potential future wider review.

Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with all section 9.1 Directions except for Direction 3.1 Residential Zones.

The objectives of this Direction are to encourage a variety of housing types, make efficient use of existing infrastructure and services, ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource land.

The planning proposal is inconsistent with this Direction as it seeks to reduce dwelling potential. However, opportunities to increase density on the site are limited given that building height and FSR are limited to 9.5 metres and 0.5:1, respectively. This scale and density is more compatible with low to medium density development, which is permitted in the R2 zone. Therefore, higher density development is constrained by these controls, which is also reflected in the current built form character for the estate.

The proposal is supported by a planning and property valuation report (**Attachment H**), which indicates that the R2 zone is reflective of the market conditions for the area.

It is considered suitable to allow the proposal to progress with the inconsistency with this Direction remaining unresolved. This will allow further consultation and review of the proposal to be undertaken with the landowners it directly affects.

The matters raised by the community can then be considered prior to determining if the inconsistency is of minor significance.

State environmental planning policies

State Environmental Planning Policy (Affordable Rental Housing) 2009

The intent of this SEPP is to increase the supply and diversity of affordable rental and social housing. Affordable housing that complies with the requirements of the SEPP is currently a permissible use within the site, as residential flat development is permissible under the Ryde LEP 2014.

The zoning from R3 to R2 would preclude residential flat development at the site under the Ryde LEP 2014 and, in turn, development at the site under the provisions of this SEPP. However, this is an isolated pocket of R3 land with limited redevelopment potential given the existing pattern of development and the development controls applying to the site. The planning proposal will not limit the potential for affordable housing elsewhere in the LGA

pursuant to the SEPP. The proposal would therefore have a minor impact on the application of the SEPP.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The zoning from R3 to R2 would preclude seniors housing at the site under the Ryde LEP 2014.

Seniors housing may be permitted at the site under this SEPP where it meets the SEPP requirements.

SITE-SPECIFIC ASSESSMENT

Social

The proposal states that it is responding to community interests about retaining the estate's low-density residential character and ensuring development remains consistent with the existing level of access to social infrastructure.

Allowing the proposal to proceed will provide an opportunity for the community to formally comment and raise their views on this proposal prior to a final decision on the matter being made.

Environmental

There are no known critical habitats, threatened species or ecological communities on the site, nor is the land mapped to be subject to natural hazards or within a terrestrial biodiversity area under the Ryde LEP 2014.

Economic

The planning proposal is supported with a planning and property valuation report by HillPDA (**Attachment H**). This report states that residential flat development is not a viable developable option within the estate due to the existing subdivision pattern and limiting development standards under the Ryde LEP 2014. The report also indicates that land values will not be impacted by the proposed rezoning.

The Department has not undertaken its own feasibility testing.

It is recommended the landowners within the estate be informed about the proposal and its exhibition and given suitable time to make their own assessment on the matter.

The issues raised will then be considered as part of the finalisation of this proposal, including the reconsideration of section 9.1 Direction 3.1 Residential Zones.

CONSULTATION

Community

The Gateway determination should include a requirement that Council write to all affected landowners about the exhibition of the proposal.

An exhibition period of 28 days is considered acceptable to allow all affected landowners to review the material, seek their own advice and make a submission to Council.

Agencies

Consultation with other state agencies is not considered necessary. The proposal will not increase or reduce demands on infrastructure, nor does it have the potential to impact on the natural environment or heritage values.

TIME FRAME

The proposal indicates a time frame of 12 months to finalise the plan. A time frame of 12 months is considered appropriate given the nature of the proposal.

LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the local plan-making authority.

The matter is being led by Council and is of local significance. It is considered suitable that Council is the local plan-making authority; however, the Gateway determination should confirm that Council will be required to obtain the Secretary's agreement to the proposal's inconsistency with section 9.1 Direction 3.1 Residential Zones prior to making the plan.

This will provide an opportunity for the Department to consider the matters raised by the community or stakeholders and any other state direction or policy before the plan is finalised.

CONCLUSION

The planning proposal is supported as it is a is an isolated pocket of R3 that is developed. It seeks to apply a zone that is reflective of the area's current local character.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Direction 3.1 Residential Zones is unresolved.

It is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should proceed subject to the following conditions:

1. The proposal should be updated prior to community consultation to:
 - confirm that a savings provision clause will be added to the Ryde LEP 2014 to ensure the proposal reflects current applications or court hearing processes; and
 - address the recently released Greater Sydney Region Plan and North District Plan.
2. Council should write to all affected landowners about the exhibition of the proposal.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be authorised to be the local plan-making authority.
6. Council will be required to obtain the agreement of the Secretary regarding the proposal's inconsistency with section 9.1 Direction 3.1 Residential Zones after community consultation and before the plan is finalised.



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