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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING

Plan Making and Urban Renewal

DRAFT RYDE LOCAL ENVIRONMENTAL PLAN 2010 (AMENDMENT 1) AND **DRAFT RYDE LOCAL ENVIRONMENTAL PLAN 2010 (AMENDMENT 2)-** **CONVERSION TO PART 3 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT**

PURPOSE

- To enable the conversion of pending LEPs, applying to the Ryde LGA, to planning proposals under the current Part 3 of the EP&A Act.

RECOMMENDATION

- That the Deputy Director-General, as a delegate of the Director-General and Minister for Planning:
 - pursuant to clause 12(2) of the EP&A Regulation, notify Ryde Council that the plan making provisions for pending LEPs cease to apply to Draft Ryde LEP 2010 (Amendment 1) and Draft Ryde LEP 2010 (Amendment 2); and
 - pursuant to clause 122(2) of Schedule 6 to the EP&A Act, the Draft Ryde LEP 2010 (Amendment 1) and Draft Ryde LEP 2010 (Amendment 2) be converted to planning proposals, and dispense with conditions precedent for the making of the LEPs prior to:
 - a) section 57 of the Act for Draft Ryde LEP 2010 (Amendment 1) and
 - b) section 59(1) of the Act for Draft Ryde LEP 2010 (Amendment 2).

CURRENT POSITION

- The LEPs are being prepared under the former provisions of Part 3 of the EP&A Act and are pending LEPs to which clause 12 of the EP&A Regulation applies.

Draft Ryde LEP 2010 (Amendment 1) – Macquarie Park Corridor

- The Draft Ryde LEP (Amendment 1) updates planning controls for the Macquarie Park Corridor which is identified as a Specialised Centre. The Draft LEP introduces incentive height and FSR controls (to be operative once voluntary planning agreements ('VPAs') for additional infrastructure are negotiated).
- Please note this DLEP has been under discussion since April 2008. The only impediment to its progress is that the new Part 5B of the Act would require the Minister's approval of some infrastructure being covered by VPAs. Discussion with the Minister's office has been initiated and a meeting with landowners and council is to be held. The Executive Director, Strategy and Infrastructure Planning is involved.
- The Draft LEP is supported to proceed to exhibition for the following reasons:
 - Macquarie Park is a key Specialised Centre under the Metropolitan Strategy that has had considerable State Government support in the form of a new rail line.
 - The additional height and FSR will assist to transform Macquarie Park from a campus style centre to an urban centre that capitalises on the public transport investment;
 - Key landowners were consulted throughout the master planning process by Council;
 - The DLEP will avoid an ad hoc approach to assessing Part 3A proposals (4 submitted to date for the Minister's determination);
 - Access within the area for both pedestrians and transport will be aided by the additional streets planned that will give new development street addresses where there are currently large lots;
 - The additional open space improves stormwater and drainage, protects ecology and improves amenity for current and future workforce;
 - Public domain embellishments will improve area's marketability, aesthetics, competitiveness and amenity; and
 - Placing the Draft LEP on public exhibition will provide market feedback on the attractiveness of the scheme to landowners.
- The Draft LEP is inconsistent with Direction 6.2 as it:
 - alters the existing zoning and classifies land at 130 Talavera Road as operational land

- rezones and reserves land for a public purpose within the eastern part of Macquarie Park to SP2 – Infrastructure (Lots 102, 104 and 105 in DP 292964 and Lots 101 and 103 in DP 292697).
- Both require Director-General or his nominee's approval and is supported because both matters are of minor significance:
 - Reclassification and rezoning of land at 130 Talavera Road is considered to be compatible with the surrounding zoning and landuses and does not conflict with the objectives of this Direction.
 - Office of Strategic Lands (Owner) has confirmed support for the proposed SP2 zoning and reservation of land in the eastern part of Macquarie Park for future acquisition at the request of the RTA and the proposed rezoning and reservation does not conflict with the objectives and aims of this Direction.
- All relevant section 117 Directions shall be exhibited with the Draft LEP.
- The Council has no delegation to process the Draft LEP and no delegation is recommended given the complex nature of the proposal.
- Council shall also address the outstanding matter raised by the RTA in relation to the Traffic Study which underpinned the pending DLEP before the DLEP is submitted to the Department for making.
- A 28 day public consultation is recommended if the Draft LEP is transferred into a Planning Proposal and a 12 month period is recommended to make the Plan i.e. 31 December 2011 deadline.
- The Council will need to be consulted on the final drafting, as required by section 59(1) of the Act, although a PC draft of the LEP has already been prepared and circulated to Council in 2009.
- Further information on the Draft Ryde LEP 2010 (Amendment 1) is at **Attachment 1**.

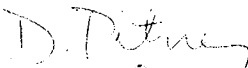
Draft Ryde LEP 2010 (Amendment 2) – Ryde Civic Centre

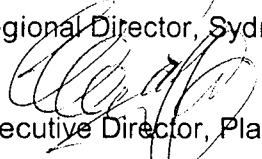
- The Draft LEP proposes to increase the height control on Council's own site at 1 Devlin Street Ryde, from RL 91 to RL 130 without the need for a design competition.
- In May 2006, Minister Sartor made an LEP for the Ryde Civic Centre and stipulated that alterations to the height should be subject to an architectural competition. However, in May 2009, under section 54(4) of the Act, Council was allowed to proceed making this Draft LEP. Council was authorised to exercise delegation for public exhibition under section 65 of the Act.
- Section 62 consultations have been held and the General Manager has delegation to issue the public exhibition certificate and proceed to exhibit the draft LEP.
- Council has not had the resources to prepare the exhibition while it is completing its Standard Instrument work. It is expected that Council will submit the Principal LEP to the Department under section 64 in December 2010 and exhibit the Planning Proposal after March 2011).
- Council plans to exhibit a master plan and concept designs for the site to determine the best outcome and options with respect to height, FSR, setbacks, open space and road network. It also plans to exhibit Council's vision for community benefits for comment.
- A minimum 28 day exhibition is recommended (Council indicated 6 weeks) with a 12 month period to complete the LEP (by 31 December 2011) to avoid conflict with the Standard Instrument work.
- The Council will need to be consulted on the final drafting, as required by section 59(1) of the Act.

BACKGROUND

- On 31 December 2010, the former LEP making provisions will cease to apply to 'pending LEPs'.
- On 29 October 2010, Council wrote to the Department in response to Departmental letter dated 29 September 2010 seeking conversion of two draft pending LEP's into the Gateway process.

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9228 6207

 19/11/10
A/Regional Director, Sydney Region East

 23.11.10
Executive Director, Planning Operations

 25/11/10
Deputy Director-General, Plan Making and Urban Renewal
As delegate of the Minister and the Director-General



Mr John Neish
General Manager
Ryde Council
Locked Bag 2069
North Ryde NSW 1670

10/22095

Dear Mr Neish

Conversion of Draft Ryde LEP 2010 (Amendment 1) Macquarie Park Corridor and Draft Ryde LEP 2010(Amendment 2) Ryde Civic Centre to Planning Proposals

Thank you for responding to my letter of 29 September 2010 requesting the conversion of two of Ryde's pending Local Environmental Plans (LEPs) to Planning Proposals. The Draft LEPs will cease to exist on 1 January 2011 and it is unlikely that they will be finalised in time for the Minister to consider them before this deadline, in which case they would cease to be pending LEPs pursuant to clause 12(1) of the *Environmental Planning and Assessment Regulation 2000* (the Regulation). On this basis, I am converting the plans to Planning Proposals.

I have determined (as the delegate of the Director-General) under clause 12(2) of the Regulation that the former LEP plan-making provisions cease to apply to the Draft LEPs. The current provisions of Part 3 of the *Environmental Planning and Assessment Act 1979* (the Act) now apply.

Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 of the Act to dispense with all conditions precedent up to section 57 of the Act for Draft LEP 2010 (Amendment 1) and 59(1) of the Act for Draft LEP 2010 (Amendment 2) for the making of these Planning Proposals.

The Planning Proposals should each be made publicly available for a period of at least 28 days. Any supporting documentation associated with the planning proposals shall be exhibited at the same time.

I note that a meeting between the Macquarie Park landowners, Ryde Council and the Minister's Office is being considered in relation to the new Part 5B of the Act which, when it commences, would require the Minister's approval of some infrastructure being covered by proposed VPAs. The outcome of this meeting may have further implications for the making of Draft LEP 2010 (Amendment 1) which will be discussed in due course.

Please also be advised that in relation to Draft LEP 2010 (Amendment 1) inconsistencies in relation to Direction 6.2 have been approved by the Director General's delegate and are considered to be of minor significance. Nonetheless, all relevant section 117 Directions shall be exhibited with the Draft LEP.

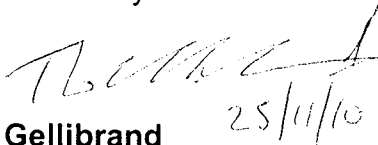
In addition, the Land Reservation Acquisition Map and Land Zoning Map shall be revised before exhibition in relation to land at Pittwater Road, Macquarie Park (Lots 101 and 103 in DP 292697 and Lots 102, 104 and 105 in DP 292964) to respond to the RTA request to rezone the land and identify it for reservation for a public purpose. You are also reminded of the outstanding issue raised by the RTA on the Traffic Study which should be resolved before the Draft LEP is submitted to the Department for finalisation.

The amending LEPs are to be finalised by 31 December 2011. Council's request for the Department to draft and finalise the LEPs should be made eight (8) weeks prior to the projected publication date. Council is reminded that all relevant LEP maps shall comply with the technical requirements before they are submitted with the LEPs to be finalised.

Council will note that this dispensation means that Council will be consulted concerning final drafting of the amendments. Following consultation with Council and an opinion of the Parliamentary Counsel being obtained, a decision by the Minister (or delegate) will be necessary for the LEP to be finalised.

Should you have any queries in regard to this matter, please contact Danijela Karać-Cooke of the Sydney Region East Office on 9228 6207.

Yours sincerely

Handwritten signature of Tom Gellibrand in black ink, with the date 25/11/10 written below it.

Tom Gellibrand
Deputy Director-General
Plan Making & Urban Renewal
(as delegate of the Minister and the Director-General)