

PCU021532

Mr Sam Haddad  
Director-General  
NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001



City of Ryde

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5 April 2011

Attention: The Regional Director  
Sydney Region East

Our Ref: COR2007/1244 D10/102309

Dear Mr Haddad,

**Planning Proposal – 9-19 Second Avenue, Eastwood**

At its meeting on 1 March 2011, Council's Committee of the Whole considered a report on a planning proposal submitted by owner of the land at 9-19 Second Avenue, Eastwood. The planning proposal is a request for the rezoning of the land at 9-19 Second Avenue, Eastwood from RE2 Private Recreation to R2 Low Density Residential under Ryde LEP 2010.

Council resolved:

*“(a) That the planning proposal to rezone the land at 9-19 Second Avenue, Eastwood to R2 Low Density Residential under Ryde LEP 2010 be forwarded to the Minister for Planning to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.*

*(b) That, in the event of a gateway determination being issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979, Council will be advised of the terms of the determination and next steps.*

*(c) That Council notes its desire that the proponents provide a final plan/design that addresses the provision of public open space for the community.”*

The planning proposal is submitted for determination under the gateway plan-making process.

Disclosure of Political donations and gifts

In correspondence from the proponent and owner of the land which is the subject of the planning proposal, the following statement was made:

### English

If you do not understand this letter, please come to the Ryde Civic Centre, Devlin Street, Ryde, to discuss it with Council staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact Council for you. Council's phone number is 9952 8222. Council office hours are 8.30am to 4.30pm, Monday to Friday.

### Arabic

إذا كنت لا تفهم محتويات هذه الرسالة، فالرجاء الاتصال بمركز مجلس بلدية رايد Ryde Civic Centre، وعنوانه: Ryde، Devlin Street، لمناقشتها مع العاملين في المجلس عن طريق مترجم، يستعين به العاملون لمساعدتك. أو يمكنك، بدلا من ذلك، أن تتصل بمكتب خدمات الترجمة TIS على الرقم 131 450 وأن تطلب من أحد المترجمين أن يتصل بالمجلس نيابة عنك. رقم تليفون المجلس هو 9952 8222، وساعات العمل هناك هي من الساعة 8.30 صباحا إلى 4.30 بعد الظهر من يوم الاثنين إلى يوم الجمعة.

### Armenian

Եթե այս նամակը չէք հասկնար, խնդրեմ եկե՛ք՝ *Րայդ Կիվիկ Սենթըր, Տեվլին* փողոց, Րայդ, խոսակցելու Քաղաքապետարանի պաշտօնեաներուն հետ, որոնք թարգմանիչ մը կրնան կարգադրել: Կամ, կրնաք հեռաձայնել Թարգմանություն Սպասարկություն՝ 131 450, եւ խնդրել որ թարգմանիչ մը Քաղաքապետարանին հետ կապ հաստատել ձեզի համար: Քաղաքապետարի հեռաձայնի թիւն է՝ 9952 8222: Քաղաքապետարանի գրասենեակի ժամերն են՝ կ.ա. ժամը 8.30 - կ.ե. ժամը 4.30, Երկուշաբթիէն Ուրբաթ:

### Chinese

如果您看不懂這封信，請到位于 Devlin Street, Ryde 的禮特區市府禮堂 (Ryde Civic Centre)與區政廳工作人員討論，他們將會給您安排傳譯員服務。或者您自己打電話給“翻譯及傳譯服務”，電話：131 450，請他們替您與區政廳聯係。區政廳的電話號碼是：9952 8222。區政廳工作時間是：周一至周五，上午 8.30 到下午 4.30。

### Farsi

اگر این نامه را نمی فهمید لطفا به مرکز شهرداری رايد در Devlin Street مراجعه کنید. کارمندان شهرداری ترتیب استفاده از يك مترجم را براي شما خواهند داد. یا میتوانید به سرویس ترجمه کتبی و شفاهی شماره 131 450 تلفن بنزید و بخواهید که يك مترجم از جانب شما با شهرداری تماس بگیرد. شماره تلفن شهرداری 9952 8222 و ساعات کار از 8.30 صبح تا 4.30 بعد از ظهر مي باشد.

### Italian

Le persone che hanno difficoltà a capire la presente lettera, sono pregate di presentarsi al Ryde Civic Centre in Devlin Street, Ryde, e parlarne con gli impiegati municipali che provvederanno a richiedere l'intervento di un interprete. Oppure possono chiamare il Translating & Interpreting Service al 131 450 e chiedere ad uno dei loro interpreti di mettersi in contatto con il comune di Ryde. Il numero del comune è 9952 8222. Gli uffici comunali sono aperti dalle 8.30 alle 16.30, dal lunedì al venerdì.

### Korean

이 편지를 이해할 수 없으시면 Ryde의 Devlin Street에 있는 Ryde Civic Centre로 오셔서 카운슬 직원과 상담하여 주십시오. 저희 직원이 통역 서비스를 연결해 드릴 것입니다. 아니면 131 450번으로 통번역 서비스(TIS)에 전화하셔서 통역사에게 대신 카운슬에 연락해 주도록 부탁드립니다. 카운슬 전화 번호는 9952 8222번입니다. 카운슬의 업무 시간은 오전 8:30부터 오후 4:30, 월요일에서 금요일까지입니다.



*“The Club has not made any donations in the last five (5) years to any of Council's currently elected representatives or their political parties, with the exception of a donation to offset room hire costs for branch meetings (after payment has been received from the organiser) a concession offered to all political parties and a substantial number of community groups.”*

Should you require more information or have any questions about this matter, please contact Melissa Burne, Strategic Planner, by phone on 9952 8261.

Yours sincerely



Vince Galletto  
Acting Manager – Urban Planning

Attachments:

- Copy of officer's report to Council (Extract from Agenda of Committee of the Whole meeting 1 March 2011 - Item 2)
- Copy of minutes for the officer's report to Council (Official Records Copy: Extract from Minutes of Committee of the Whole Meeting 1 March 2011 - Item 2)
- City of Ryde Planning Proposal for 9-19 Second Avenue, Eastwood

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**2 PLANNING PROPOSAL - Second Avenue, Eastwood**

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**Report prepared by:** Strategic Planner**Report dated:** 16/02/2011**File No.:** GRP/11/6/3/3 - BP11/5

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**Report Summary**

Council has received a planning proposal for the site known as 9-19 Second Avenue, Eastwood currently occupied by the *Hawks on Second Bowling Club*. The owner of the site, Ryde-Eastwood Leagues Club Ltd, is requesting rezoning of the land to R2 Low Density Residential to enable redevelopment of the land under the terms of Ryde Local Environmental Plan (LEP) 2010. The subject land is currently zoned RE2 Private Recreation under Ryde LEP 2010. The surrounding land in all directions is zoned R2 Low Density Residential under Ryde LEP 2010.

A planning proposal is the first step under the NSW State Government's new rezoning process known as the "gateway plan-making process" which came into effect 1 July 2009. This process replaces the former spot rezoning and local plan-making process, and was introduced with the aim of streamlining plan-making. Council as the "relevant planning authority" decides whether or not to proceed at this stage. The second step of the process is the gateway determination by the Minister for Planning, or delegate. This is required before community consultation on the planning proposal takes place. The relevant planning authority may also choose to vary or proceed further with the proposal after community consultation.

This report outlines the planning proposal and its assessment in relation to the requirements under the gateway plan-making process. The proposal is consistent with the zoning of surrounding sites and there is justification on planning grounds to proceed. This report recommends that Council refer the proposed rezoning to the Minister for Planning to request a Gateway Determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979.

**RECOMMENDATION:**

- (a) That the planning proposal to rezone the land at 9-19 Second Avenue, Eastwood to R2 Low Density Residential under Ryde LEP 2010 be forwarded to the Minister for Planning to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
- (b) That, in the event of a gateway determination being issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979, Council will be advised of the terms of the determination and next steps.



**ITEM 2 (continued)**

**ATTACHMENTS**

- 1** Land Use Zones under Ryde LEP 2010 for Second Avenue, Eastwood and Surrounding Area
- 2** Extract from Planning Proposal - Justification and Need

Report Prepared By:

**Melissa Burne**  
**Strategic Planner**

Report Approved By:

**Lexie Macdonald**  
**Team Leader - Strategic Planning**

**Meryl Bishop**  
**Manager - Urban Planning**

**Dominic Johnson**  
**Group Manager Environment & Planning**

**ITEM 2 (continued)****Background**

As this is the first time Council has considered a planning proposal, this section of the report provides a brief description of the “gateway plan-making process”, including an explanation of the legislative requirements relating to a planning proposal, in addition to a summary of the steps leading to the submission of the subject planning proposal.

This is followed by the main report on the planning proposal which includes the description of the site, description of the proposed LEP amendment and an appraisal of the subject planning proposal.

**The Gateway plan-making Process**

At its meeting on 11 August 2009, Council considered a report on changes to the Environmental Planning and Assessment Act 1979 with respect to the making of environmental planning instruments, in particular Local Environmental Plans under a new process known as the “gateway plan-making process”.

The gateway process has a number of steps. The preparation and submission of a Planning Proposal is the first of five main steps, summarised as follows:

- 1. Planning proposal** - this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.
- 2. Gateway** –determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
- 3. Community Consultation** - the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
- 4. Assessment** — the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan — the legal instrument.
- 5. Decision** — the making of the plan by the Minister (or delegate).

**Planning Proposal – Second Avenue, Eastwood**

On 25 August 2010, Council received a letter from the Ryde-Eastwood Leagues Club enclosing a Planning Proposal requesting a rezoning of 9-19 Second Avenue and 14-18 Third Avenue, Eastwood from RE2 Private Recreation to R2 Low Density Residential under Ryde LEP 2010. A preliminary assessment of this proposal was carried out to determine if there was sufficient material for consideration under the gateway plan-making process.

On 30 September 2010, a letter was sent to the Ryde-Eastwood Leagues Club advising the process for consideration of the proposal, requesting the additional information and material needed to progress the assessment and outlining the required fee.



**ITEM 2 (continued)**

On 1 November 2010, a meeting was held at Council offices between members of the Club, the Club's planning consultant and Council staff to discuss the contents of Council's letter of 30 September 2010. Subsequent to this meeting, a new Planning Proposal for 9-19 Second Avenue, Eastwood, and the relevant fees were received by Council on 8 December 2010. That submission is the subject of this report.

**Report**

Council has received a planning proposal for the site known as 9-19 Second Avenue, Eastwood, including properties at the rear of 14-16 Third Avenue, currently occupied by the *Hawks on Second Bowling Club* (refer plan **ATTACHMENT 1**). The owner of the site, Ryde-Eastwood Leagues Club Ltd, is requesting rezoning of the land to R2 Low Density Residential to enable redevelopment of the land under the terms of Ryde Local Environmental Plan (LEP) 2010. The subject land is currently zoned RE2 Private Recreation. The surrounding land in all directions is zoned R2 Low Density Residential under Ryde LEP 2010.

According to section 55 of the Environmental Planning and Assessment Act, a Planning Proposal must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal
- A **justification** of the objectives, outcomes and provisions including the process for implementation
- **Maps where relevant**, containing the appropriate detail are to be submitted, including land use zones
- Details of the **community consultation** that will be undertaken.

Council is the relevant planning authority for this proposal which has been prepared by a consultant planner on behalf of the proponent. The proposal has been assessed by Council staff in respect of the information required to be included in a Planning Proposal. This report describes the site and proposal; and assesses the impacts of the proposal. Assessment of the potential impacts forms the basis of a recommendation to forward the proposal to the Minister for Planning for a determination under the second main step known as the Gateway.

**The Site**

The subject site comprises eight lots which are legally described as: Lots 77 to 79 in DP 4684; Lot 1 in DP 455457; Lot A in DP 386523; Lot B in DP 341289; Lot B in DP 342511; and Lot B in DP386523. Five of these lots are located on the southern side of Second Avenue, Eastwood (known as 9-19 Second Avenue), between Young Parade and Ryedale Road, and the remaining three are located at the rear of 14-18 Third Avenue. The site is approximately 6446.75 sq m in area with a frontage of approximately 109m to Second Avenue and 56m to Young Parade.

A map showing the location and zoning of the site and the surrounding area under Ryde LEP 2010 is attached (**ATTACHMENT 1**).

**ITEM 2 (continued)**

The site falls to the street at Second Avenue. The site is not affected by overland flow. There is a small area of urban bushland identified along the rear boundary of the site (Third Avenue properties). There are no listed heritage items on the site. There is one heritage item in the vicinity of the site about 60 metres distant at No. 2 Second Avenue, Eastwood (house of local significance).

The land currently contains *Hawks on Second Avenue*, a bowling club which accommodates:

- Two lawn bowling greens;
- A large single storey contemporary brick licensed club building, which contains a lounge area, restaurant and other facilities for club members;
- At-grade off-street car parking facilities; and
- Greenkeeper's facilities.

**Site Context**

Surrounding properties to at least 100m radius of the site are zoned R2 Low Density Residential. Current development on surrounding properties in Second Avenue, Young Parade and Third Avenue includes a mixture of dwellings, duplexes, and villa developments.

There are four properties adjoining the subject land which are also in the ownership of the Ryde-Eastwood Leagues Club Limited. These properties are currently zoned R2 Low Density Residential and not part of this planning proposal. Other properties adjoining the site are in private ownership.

The map attached (refer **ATTACHMENT 1**) shows the zoning of the site and the surrounding properties under Ryde LEP 2010.

**Proposed Amendment****Statement of Objective and Intended Outcome**

The objective of this Planning Proposal is to facilitate the rezoning of the land which is currently zoned RE2 Private Recreation under the terms of RLEP 2010, to R2 Low Density Residential (refer **ATTACHMENT 1**). As stated in the proposal, the intended outcome is to enable the redevelopment of the land in the same manner as that permitted on all surrounding residential properties. The proposal does not include any requests to amend development standards applicable to development in the R2 Low Density Residential zone.

The proposal would require a change to the relevant Land Zoning Map under Ryde LEP 2010 and require an amendment to the following maps to apply the development standards applicable to the R2 Low Density Residential zone:

- the definition of Height of Buildings Map to indicate a Maximum Building Height – J 9.5m to apply to the land on Sheet HOB-1 02;
- the definition of Floor Space Ratio Map to indicate a Maximum Floor Space Ratio - D -0.5:1 to apply to the land on Sheet FSR-102; and



**ITEM 2 (continued)**

- the definition of Land Size Map to indicate a Minimum Allotment Size - L - 580m<sup>2</sup> (standard allotments)/740m<sup>2</sup> (hatchet shaped allotments not including access handle) to apply to the land on Sheet LSZ-001.

A comparison of the development standards applicable to the proposed zone and current zone is provided later in this report under Planning Appraisal.

**Justification and Net Community Benefit**

The planning proposal provides details about the history of the club on the site since the establishment of the first clubhouse in 1930, the decline in membership and the decision last year to cease bowling activities on 31 October 2010. This information is provided as part of the justification for the proposed change in zoning of the site.

An extract from planning proposal covering the justification and the need for the proposal is provided at **ATTACHMENT 2** titled Extract from Planning Proposal – Justification and Need.

In summary, the proponent submits that the bowling club is unviable and does not support the aim of the Environmental Planning and Assessment Act 1979 to promote the orderly and economic use and development of the land. Further, if an alternative use cannot be found, then residential development would satisfy this aim given the context of the site. The proponent submits that the planning proposal is expected to result in a net community benefit.

The request for the change of the zone is because residential development (in all its forms) is not a permitted use under the current zone applicable to the site. Permitted land uses in the RE2 Private Recreation zone under Ryde LEP 2010 (and under draft Ryde LEP 2011 as adopted 7 December 2010) are:

*Environmental protection works; Business identification signs; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Water recycling facilities*

By comparison, permitted land uses in the R2 Low Density Residential zone under Ryde LEP 2010 are:

*Home-based child care; Home occupations; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing (attached); Places of public worship; Recreation areas; Residential care facilities; Roads*

[Note: under draft Ryde 2011 (adopted 7 December 2011), permitted uses also include *Environmental protection works*, and *multi-dwelling housing* (“attached” removed).

**ITEM 2 (continued)****Planning Appraisal**Existing and Proposed Zones and Related Controls

Under Ryde LEP 2010 (gazetted 30 June 2010), the subject site is zoned RE2 Private Recreation, the purpose being to enable land to be used for private open space or recreational purposes. The club was established in 1930, and the zone applied under Ryde LEP 2010 recognised the existing land use.

There are principal development standards applying to development in the R2 Low Density Residential zone under Ryde LEP 2010. A comparison of these for the existing and proposed zones are provided in the table below.

| <b>Ryde LEP 2010 Development Standard</b> | <b>Current zone: RE2 Private Recreation</b> | <b>Proposed zone: R2 Low Density Residential</b>                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Height:                                   | No maximum building height applies          | A maximum building height of 9.5m applies                                                                                                                                                                                                                                                                                                                                                                                                                              |
| FSR:                                      | No FSR applies                              | A maximum floor space ratio of 0.5:1 applies to dwelling house and dual occupancy (attached) development.                                                                                                                                                                                                                                                                                                                                                              |
| Minimum subdivision requirements:         | No minimum subdivision lot sizes apply      | The following minimums apply: <ul style="list-style-type: none"> <li>• Standard allotments (not hatchet shape) require an area not less than 580 m<sup>2</sup>, a road frontage not less than 10m, and a width of not less than 15 m at 7.5m distance from the frontage;</li> <li>• Hatchet shaped allotments (not including access handle) require a minimum site area of 740 m<sup>2</sup>, a road frontage not less than 3m, minimum 3m access corridor.</li> </ul> |
| Density:                                  | No density provisions apply                 | For multi-dwelling housing (attached) minimum building site areas per dwelling are: <ul style="list-style-type: none"> <li>• 300m<sup>2</sup> 1,2 or 3 bedroom dwellings,</li> <li>• 365 m<sup>2</sup> for 4 or more bedroom dwellings.</li> </ul> A minimum site area of 580m <sup>2</sup> is required for dual occupancy (attached) development.                                                                                                                     |

Under the Draft Ryde LEP 2011, there are no changes proposed to the above standards. There are however additional standards for the R2 Low Density Residential zone that require a minimum frontage of 20m for dual occupancy development (attached) and multi dwelling development, and a minimum site area of 900 m<sup>2</sup> for multi dwelling development.

This planning proposal is a request for a change in zoning. Any proposed redevelopment of the site is a matter for the owner, and will be subject to a development application and determination process.



**ITEM 2 (continued)****Policy and Strategic Context*****Draft Inner North Subregional Strategy***

In July 2007, the NSW State Government released the Inner North Subregion: Draft Subregional Strategy (Draft Subregional Strategy) covering the City of Ryde LGA. The Draft Subregional Strategy set targets for housing (dwellings) and employment (jobs) for the subregion to be reached by 2031, including a dwelling target for the City of Ryde of 12,000.

The planning proposal has no adverse impacts on the aims and strategies of the Draft Subregional Strategy. The dwelling target for City of Ryde can be met without the additional potential dwellings which would result from the proposed rezoning.

***Ryde LEP 2010***

The proposed rezoning from RE2 Private Recreation to R2 Low Density Residential under Ryde LEP 2010 is consistent with the zone of all properties surrounding the subject site and the permitted uses within the R2 zone are consistent with existing surrounding development.

***Local Planning Study***

The City of Ryde Local Planning Study (adopted 7 December 2010) has been prepared as Council's local planning response to the Draft Subregional Strategy. The proposed rezoning does not conflict with the strategies adopted under the Local Planning Study.

***Draft Ryde 2011***

There are minor differences between the R2 Low Density Residential zone under Ryde LEP 2010 and Ryde LEP 2011, with respect to minimum frontage for dual occupancy and multi-dwelling housing and minimum site area for multi-dwelling housing. The planning proposal is for a change in land use only and not for any change to the development standards applicable to the R2 Low Density Residential zone.

**Consultation**

Under the gateway plan-making process, a gateway determination is required before community consultation (formerly known as public exhibition) on the planning proposal takes place. The consultation process will be determined by the Minister but implemented by Council.

The Department of Planning's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan. The Department has advised that low impact proposals are generally those which are consistent with the current predominant zoning, and do not cover a significant area. At this stage, it is not known whether this proposal is a major plan or a low impact plan as this is determined by the Minister. Consultation will include exhibition, notification, and a review of submissions.

**ITEM 2 (continued)****Critical Dates**

There are no critical dates or deadlines to be met at this stage of the process. Time periods for preparation of amending LEPs apply upon issue of the Gateway Determinations by the Minister.

**Financial Impact**

Adoption of the option(s) outlined in this report will have no financial impact.

**Policy Implications**

There are no policy implications through adoption of the recommendation.

**Next Steps**

Should Council resolve to support this planning proposal for the purposes of community consultation and a gateway determination, the next step is to forward the planning proposal to the Department of Planning. Gateway determinations are issued by the Minister for Planning or delegate and are required before community consultation (public exhibition) on the planning proposal takes place.

**Other Options**

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

Should the Minister for Planning determine that the planning proposal can proceed to community consultation, Council has another opportunity to decide whether to proceed, vary or reject the proposal following community consultation.

**Conclusion**

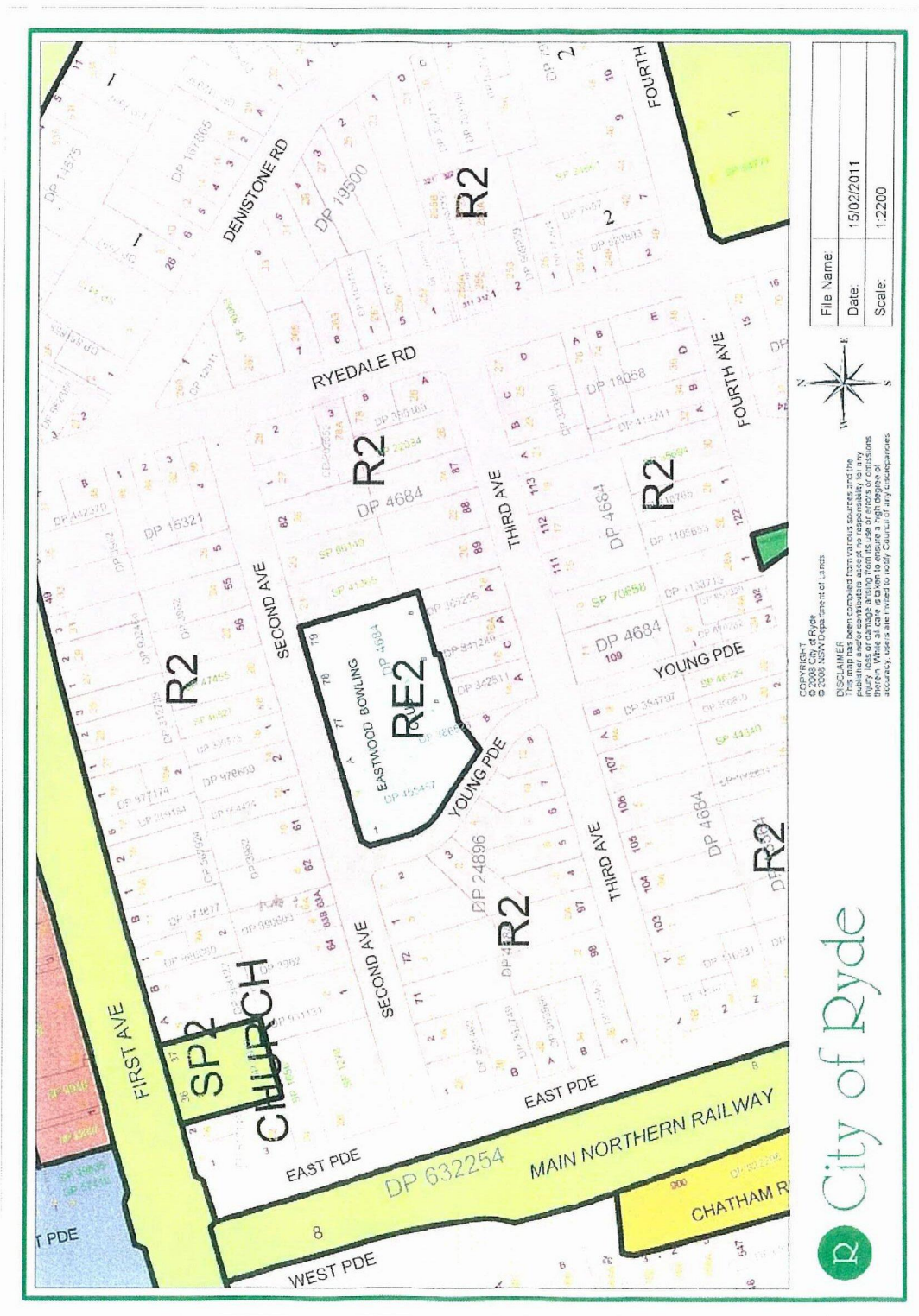
The planning proposal to rezone 9-19 Second Avenue, Eastwood currently occupied by the *Hawks on Second Bowling Club* to R2 Low Density Residential from RE2 Private Recreation under Ryde LEP 2010 is considered appropriate to proceed to the Minister for Planning for a gateway determination as to whether it should proceed to the consultation stage. The proposed zone is consistent with the zoning of all surrounding properties and the permitted uses within the zone are consistent with existing surrounding development.

It is therefore recommended that Council forward the subject planning proposal to the DoP for Gateway Determination.



**ITEM 2 (continued)**

**LAND USE ZONES UNDER RYDE LEP 2010 FOR SECOND AVENUE, EASTWOOD AND SURROUNDING AREA** (Note: RE2 land in centre of map is the land which is the subject of the planning proposal)



**ITEM 2 (continued)****ATTACHMENT 2****EXTRACT FROM PLANNING PROPOSAL – JUSTIFICATION AND NEED**  
(pages – 8-12 inclusive)**4.0 Part 3 - Justification****4.1 Justification**

The Eastwood Bowling Club was formed in 1929 and the first clubhouse was opened in 1930 on the present site.

The original clubhouse and a number of extensions and improvements served the community for many decades with membership peaking in the late 1970's.

Declining memberships and a decline in the Club's financial position in the late 1990's saw an amalgamation partner being sought.

Initially, the Club considered an amalgamation with the Eastwood Masonic Club to provide funds to enable refurbishment of its facilities. However, these negotiations proved to be unfruitful.

Late in 1999, the Club commenced discussions with Ryde-Eastwood Leagues Club.

These discussions resulted in the amalgamation of the Clubs in 2001.

Key agreements of the amalgamation were that the existing clubhouse was to be re-built and that the Bowling Club would continue to operate for a minimum of five (5) years from the opening of the new clubhouse.

The need to re-build the clubhouse was based on the fact that the old clubhouse was in a very run down state and had inadequate parking and to have any chance of successfully continuing the Bowling Club's operation, the clubhouse needed to provide a high level of facilities, amenities and services.

\$4.5 million was spent on the re-construction of the clubhouse, its fit-out and the relocation of the greens.

The new clubhouse and renovated bowling facilities opened on 14 August 2003, the clubhouse featuring a large lounge area, a restaurant and other facilities for club members.

The Bowling Club traded at reasonable levels for the first few years, although it never traded at a profit.

Over the past two (2) years, the level of trade has deteriorated to the point where the Leagues Club has been required to inject in the order of \$100,000/annum to ensure that the Bowling Club stays open.

Despite many marketing initiatives over the years, the Bowling Club has suffered from the same problems that saw its demise in the late 1990's, i.e.:

- an aging membership;
- infrequent member visits; and
- the large number of nearby bowling facilities competing for a diminishing market of members.



**ITEM 2 (continued)****ATTACHMENT 2***Planning Proposal*

Membership of the Bowling Club peaked in 1976, when it boasted 360 members and had a two (2) to three (3) year waiting list.

By 2003, membership had dropped to 163 members, declining to 113 members by January 2010.

On 17 July 2010, the Bowling Club convened a Special General Meeting at which it passed a motion that due to the inevitable closure of the Bowling Club, it would cease bowling activities on 31 October 2010 to allow for the completion of the Club's Championships and to enable bowlers who wished to play Pennants and participate in other clubs' championships in 2011 time to establish themselves at a new club.

Despite the significant investment by the Leagues Club in the ongoing operations of the Bowling Club, the Bowling Club has lost the critical mass of members that it required to keep it vibrant and economically viable.

This outcome appears to be a result of:

- social and cultural changes associated with the community's recreation and leisure demands;
- demographic changes which has seen a younger and more culturally diverse population residing into the area; and
- the oversupply of lawn bowling facilities in the immediate locality.

With improvements in health, lifestyle, mobility and transport, people in the seniors age group are seeking more active recreation and leisure pursuits than those resorted to in the post-World War periods between 1920 and 1960, and do not appear to be as interested in participating in bowling as they once were.

During these post-war periods people were restricted in terms of the distance they could travel to access their local recreation facilities and it was the time during which most of the bowling clubs in this area were established.

There are twelve (12) bowling clubs within a 5km radius of the Bowling Club.

The nearest of these clubs are located at:

| Club                                     | Address                                        |
|------------------------------------------|------------------------------------------------|
| Denistone East Bowling & Recreation Club | Salter Crescent, East Denistone                |
| Brush Farm Bowling Club                  | Cnr Marsden Road & Rutledge Street, Eastwood   |
| Denistone Bowling & Recreation Club      | 59 Chatham Road, West Ryde                     |
| Ryde City Bowling Club                   | 11 Blaxland Road, Ryde                         |
| Ryde Ex-Services Memorial Bowling Club   | 16 Eagle Street, Ryde                          |
| Gladesville Bowling & Sports Club        | 181A Ryde Road, Gladesville                    |
| North Ryde RSL Community Club            | Cnr Pittwater Road & Magdala Roads, North Ryde |
| Putney-Tennyson Bowling & Community Club | Frances Street, Putney                         |
| Henley Bowling Club                      | Crown Street, Henley                           |
| Hunters Hill Bowling Club                | 12 Madeline Street, Hunters Hill               |
| North Epping Bowling & Community Club    | 132 Boundary Road, North Epping                |

The number of bowling clubs available in this area and declining memberships have resulted in the economic marginalisation of a number of them, with the closing of the Epping Bowling Club and, more recently, the Ryde City Bowling Club.

**ITEM 2 (continued)****ATTACHMENT 2***Planning Proposal*

Ryde-Eastwood Leagues Club has used its best endeavours to foster, promote, maintain and sustain the economic viability of the use of the land for recreational purposes.

Despite its substantial capital investment to achieve this goal, it has been unsuccessful in maintaining the Bowling Club's ongoing viability.

The Leagues Club must ensure the economic use and development of this land asset.

Such an approach is consistent with the objects specified in Section 5 of the EP&A Act which encourage:

- the proper management and development of natural resources for the purpose of promoting the social and economic welfare of the community; and
- the promotion and co-ordination of the orderly and economic use and development of land.

In this context, the rezoning of the land to permit residential development of the nature permissible on surrounding properties is appropriate.

**4.2 Section A - Need for the Planning Proposal****Is the planning proposal a result of any strategic study or report ?**

There is no specific strategic study or report relating to the rezoning proposed in this Planning Proposal.

Council is currently preparing a *Local Planning Strategy* in response to the NSW Government's *Metropolitan Strategy* and draft *Inner North Draft Subregional Strategy* to outline a vision for the development of Ryde over the next 20 years.

In this regard, Council on 17 August 2010 resolved to adopt a housing study, an environment and open space study and a transport study for the purposes of a targeted community consultation program.

The purpose of the housing study is:

- to ensure that the expectations and housing needs of the current and future community are met;
- to inform the preparation of a comprehensive Local Environmental Plan for the LGA;
- to review and respond to the directions and actions of the *Metropolitan Strategy* and the draft *Inner North Subregional Strategy*; and
- to propose a way to meet the 12,000 dwelling target set for the City of Ryde by the draft *Inner North Subregional Strategy*.

The study indicates that significant change is not required to Council's current and draft planning controls to achieve the State Government's housing targets.



**ITEM 2 (continued)****ATTACHMENT 2***Planning Proposal*

In respect to land in the Eastwood area, the strategies proposed in the housing study relate principally to:

- the review of controls for development in the Town Centre;
- the review of controls for villa developments; and
- the retention of existing controls for allotment size, height and floor space ratio for dwelling houses and duplexes.

The study does not provide any guidance relating to the use of land no longer required for the purpose for which it is currently zoned in terms of providing additional housing opportunities.

The study does, however, advocate a strategy of encouraging sustainable residential development by increasing densities in and around centres.

This Planning Proposal is consistent with the strategies contained in the housing study.

The environment and open space study only addresses issues associated with land zoned RE1 (Public Recreation) and E2 (Environmental Conservation) and specifically excludes land zoned RE2 (Private Recreation), the zoning applying to the land the subject of this Planning Proposal.

The Planning Proposal is, therefore, consistent with Council's *Local Planning Strategy*.

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

The Planning Proposal represents the only means of dealing with the future development of this land in circumstances where the land is no longer required for the purpose for which it is currently zoned.

The Proposal will achieve:

- the objects of the Act;
- the objective and intended outcome of the Planning Proposal; and
- the outcomes sought to be achieved by Council's *Local Planning Strategy*.

**Is there a net community benefit ?**

The planning system provides for the setting aside and zoning of land to accommodate public or community recreational requirements.

However, the ongoing activities and operations of the bowling club have always been privately financed by its members and the current zoning of the land as RE2 Private Recreation under *RLEP 2010* reflects this situation.

Such facilities are zoned in retrospect, i.e. after they have been established, rather than in any strategic town planning sense, and provide access to a limited portion of the community.

It would be unreasonable to use the planning system to require any group within the community to maintain any such facility that is unwanted by its members for the purpose for which it was established.

**ITEM 2 (continued)****ATTACHMENT 2***Planning Proposal*

As there is little, if any, demand for the ongoing operation of the bowling club, there will be little, if any, community cost involved in its closure and rezoning as proposed.

The Leagues Club provides a wide range of recreational and leisure pursuits for its members.

If its asset, in the form of the bowling club, is unviable or an alternative use for it cannot be found, then the residential development of the land would provide finance for the Club to apply to other recreational or leisure pursuits of its members.

This would provide a significant benefit.

The economic development and use of the land is a community benefit in that it makes best use of existing land resources.

It also negates degradation of the land that may occur during a hiatus between the cessation of an uneconomic use of land and its rezoning to permit appropriate redevelopment.

The land is intensely developed with bowling greens, maintenance sheds, car parking areas and a large licensed club building and general public access to it is severely restricted.

Consequently, the land does not make any real contribution to the level of open space in this area.

This is confirmed by Council's exclusion of the land from its environment and open space study which has been prepared to inform its *Local Planning Strategy* for the future development of the LGA.

The extensive bowling club facilities located in the proximity of the site have been documented in Section 4.1 of this Proposal.

It would suffice to say that there is more than adequate capacity to provide for the bowling needs of the community.

In addition, there are extensive public open space facilities located on proximity of the site, including:

- Eastwood Park
- Glen Reserve
- Outlook Park
- Darvall Park
- Symons Reserve
- Denistone Park

Consequently, a satisfactory level of public open space or recreational facilities will be available in the area should this Proposal proceed.

In summary, the Planning Proposal is expected to result in a net community benefit.



EXTRACT FROM REPORT OF THE COMMITTEE OF THE WHOLE NO. 03/11  
AT ITS MEETING HELD ON 1 MARCH 2011

## **2 PLANNING PROPOSAL - Second Avenue, Eastwood**

**MOTION:** (Moved by Councillors Petch and Pickering)

- (a) That the planning proposal to rezone the land at 9-19 Second Avenue, Eastwood to R2 Low Density Residential under Ryde LEP 2010 be forwarded to the Minister for Planning to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
- (b) That, in the event of a gateway determination being issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979, Council will be advised of the terms of the determination and next steps.
- (c) That Council notes its desire that the proponents provide a final plan/design that addresses the provision of public open space for the community.

**AMENDMENT:** (Moved by Councillors Tagg and Campbell)

That the Motion be dealt with in seriatim.

On being put to the meeting, the voting on the Amendment was five (5) votes For and five (5) Against. The Mayor used his casting vote against the Amendment and the Amendment was **LOST**.

**Record of Voting:**

For the Amendment: Councillors Campbell, Li, Perram, O'Donnell and Tagg

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, Petch, Pickering and Yedelian OAM

The Motion was then put and **CARRIED** unanimously.

**RESOLUTION:** (Moved by Councillors Petch and Pickering)

- (a) That the planning proposal to rezone the land at 9-19 Second Avenue,

Eastwood to R2 Low Density Residential under Ryde LEP 2010 be forwarded to the Minister for Planning to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

- (c) That, in the event of a gateway determination being issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979, Council will be advised of the terms of the determination and next steps.
- (c) That Council notes its desire that the proponents provide a final plan/design that addresses the provision of public open space for the community.

**Record of Voting:**

For the Motion: Unanimous



# City of Ryde

Planning Proposal for  
9-19 Second Avenue, Eastwood

**Submission to NSW Department of  
Planning  
April 2011**

# Planning Proposal: Second Avenue, Eastwood

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## INTRODUCTION

This Planning Proposal has been prepared under the terms of Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and seeks to rezone land currently accommodating the Hawks on Second Avenue Bowling Club at 9-19 Second Avenue, Eastwood, which is zoned RE2 Private Recreation under the terms of *Ryde Local Environmental Plan 2010 (RLEP 2010)* to R2 Low Density Residential.

The planning proposal is submitted by City of Ryde and comprises a component of work submitted by the Ludvik and Associates Ltd planning consultants on behalf of the owners of the land)

### The Land to which this Planning Proposal Applies

The subject site comprises eight lots which are legally described as: Lots 77 to 79 in DP 4684; Lot 1 in DP 455457; Lot A in DP 386523; Lot B in DP 341289; Lot B in DP 342511; and Lot B in DP386523. Five of these lots are located on the southern side of Second Avenue, Eastwood (known as 9-19 Second Avenue), between Young Parade and Ryedale Road, and the remaining three are located at the rear of 14-18 Third Avenue.

### Site Characteristics

The site is irregular in shape, and approximately 6446.75 sq m in area with a frontage of approximately 109m to Second Avenue and 56m to Young Parade. The site experiences moderate falls from its southern rear boundary to its Second Avenue frontage.

The land currently contains *Hawks on Second Avenue (AKA Eastwood Bowling Club)*, a bowling club which accommodates:

- Two lawn bowling greens;
- A large single storey contemporary brick licensed club building, which contains a lounge area, restaurant and other facilities for club members;
- At-grade off-street car parking facilities; and
- Greenkeeper's facilities.

The maps overleaf show the location and zoning of the site and the surrounding area under Ryde LEP 2010 (Figure 1) and an aerial view of the site (Figure 2).

### Site Context

Surrounding properties to at least 100m radius of the site are zoned R2 Low Density Residential. Current development on surrounding properties in Second Avenue, Young Parade and Third Avenue includes a mixture of dwellings, duplexes, and villa developments.

There are four properties adjoining the subject land which are also in the ownership of the Ryde-Eastwood Leagues Club Limited. These properties are currently zoned R2 Low Density Residential and not part of this planning proposal. Other properties adjoining the site are in private ownership.



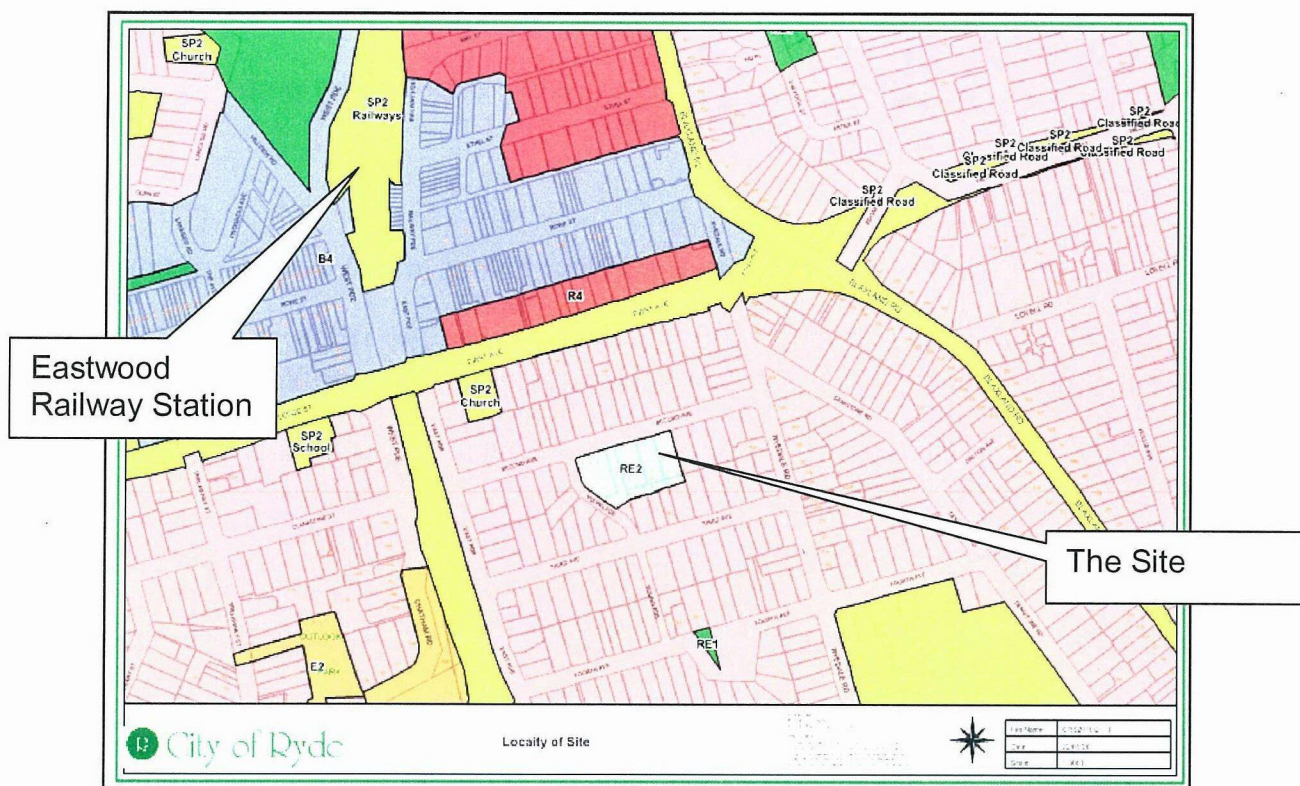


Figure 1: Extract from Ryde LEP 2010 map showing location and zoning of the site and locality

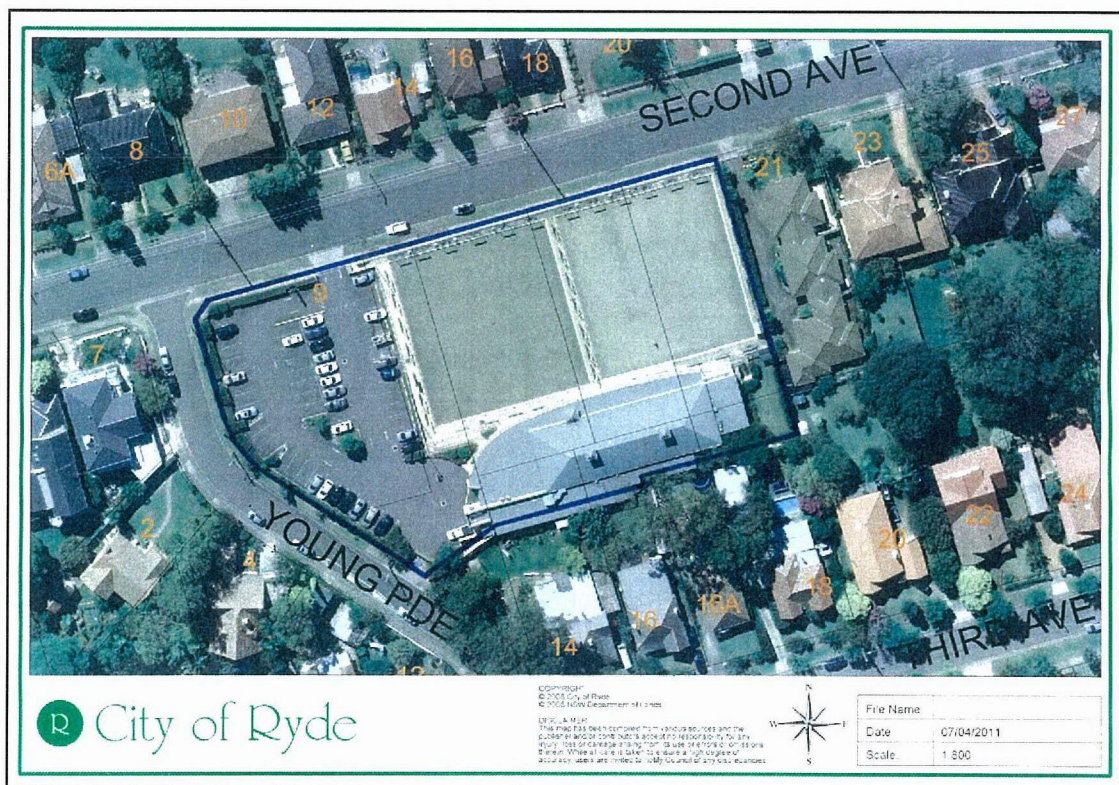


Figure 2: Aerial map showing location of site (boundary identified in blue)



Site Context continued

The land immediately to the east and south of the site comprises the property known as 21 Second Avenue and 14-20 Third Avenue.

These properties contain:

- a contemporary single storey brick villa homes development containing three (3) dwellings on 21 Second Avenue; and
- single storey older-styled brick dwelling houses on 14-20 Third Avenue, with the house on 14 Third Avenue including land fronting Young Parade.

The land to the north, on the opposite side of Second Avenue, comprises the properties known as 8-26 Second Avenue.

These properties contain:

- contemporary two (2) storey brick dwelling houses on 8, 10, 12, 16, 22 and 26 Second Avenue;
- a single storey older-styled weatherboard dwelling house on 14 Second Avenue;
- contemporary single storey brick attached dual occupancy developments on 18/18A and 20/20A Second Avenue; and
- a contemporary two (2) storey brick attached dual occupancy development on 24/24A Second Avenue.

The land to the west, on the opposite side of Young Parade, comprises the properties known as 7 Second Avenue, 2-4 Young Parade and 10-12 Third Avenue.

These properties contain:

- a contemporary two (2) storey brick dwelling house on 7 Second Avenue;
- single storey older-styled brick dwelling houses on 2 Young Parade and 10-12 Third Avenue; and
- an older-styled two (2) storey brick dwelling house on 4 Young Parade.

The area is well served by public transport with:

- Sydney Buses Routes 515 and 515X using Second Avenue to connect the area to Eastwood Railway Station and the Sydney CBD and intervening areas;
- Sydney Buses Route 544 using First Avenue to connect the area to Auburn and the Macquarie Shopping Centre and intervening areas; and
- the Eastwood Railway Station, which is located on the Main Northern Railway Line, located some 700m to the north-west of the land.

There are bus stops for Routes 515 and 515X located outside the land.

## Part 1 - Statement of Objective and Intended Outcome

The objective of this Planning Proposal is to facilitate the rezoning of the land indicated in **Figure 2**, which is currently zoned RE2 Private Recreation under the terms of *RLEP 2010* to R2 Low Density Residential.

The Proposal will not involve any subdivision of the land and will retain the established subdivision pattern in this area.

The intended outcome of the Proposal is to enable the redevelopment of the land in the same manner as that permitted on all surrounding residential properties.

The range of development that is permissible, with Council's consent, in R2 Low Density Residential zone includes:

- subdivision into residential allotments complying with the *Land Size Map* associated with *RLEP 2010*;
- the construction of dwelling houses, attached dual occupancies, attached multi dwelling housing and/or residential care facilities as permitted in the R2 Low Density Residential zone by *RLEP 2010*; and
- the construction of seniors housing as permitted by *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Any development proposed as a result of the rezoning of the land will require the submission of a development application to Council, complying with the normal requirements applying to development on surrounding residential properties.



## Part 2 - Explanation of Provisions of Draft Plan

Land zoning in the City of Ryde is applied by virtue of Clause 2.2 of *RLEP 2010* which provides that land is within the zones indicated on the *Land Zoning Map*, a term which is defined in the Dictionary accompanying the *Plan*.

The changing of the land's zoning is to be achieved by amending the definition of "*Land Zoning Map*" to incorporate the map accompanying the draft local environmental plan (LEP) which specifies the land in the Zone R2 Low Density Residential on Sheet LZN-102 of the *Land Zoning Map*.

The planning proposal seeks to:

- (a) change the zoning of 9-19 Second Avenue, Eastwood from RE2 Private Recreation to R2 Low Density Residential
- (b) apply the development standards equal to those that apply to the surrounding R2 Low Density Residential land

The changes will require changes to a subset of the Ryde LEP 2010 maps, and clauses in the LEP applicable to the maps. The proposed changes and how they relate to the LEP maps are identified in the table below (Table 1).

**Table 1: Proposed Changes to 9-19 Second Avenue, Eastwood in the Ryde LEP 2010**

| Ryde LEP 2010<br>(Map<br>References) | Current Zone/<br>Development<br>Standards                               | Proposed Zone                                                                                                                                                                                                  |
|--------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zoning<br>(Sheet LZN-102)            | RE2 Private Recreation                                                  | R2 Low Density Residential                                                                                                                                                                                     |
| Height<br>(Sheet HOB-102)            | No maximum height standards apply to the RE2 Private Recreation zone    | Maximum Building Height of applies of 9.5m (indicated in the Legend as J)                                                                                                                                      |
| Floor Space Ratio<br>(Sheet FSR-102) | No floor space ratio standards apply to the RE2 Private Recreation zone | Maximum Floor Space Ratio of 0.5:1 (indicated in the Legend as D)                                                                                                                                              |
| Land Size Map<br>(Sheet LSZ-102)     | No minimum lot size standards apply to the RE2 Private Recreation zone  | Minimum subdivision requirements apply (indicated in the Legend as L): 580 sq m (standard allotment) / 740 sq m (hatchet shaped allotment not including access handle). Refer to Clause 4.1A of Ryde LEP 2010. |

These development standards are identical to those applying to all surrounding properties.

Example wording of the draft LEP written document is contained in **Appendix 1**.

An explanation of the provisions contained in the draft LEP is as follows.

- Clause 1:** This clause provides the name of the LEP.
- Clause 2:** This clause specifies that date upon which the LEP will come into force.
- Clause 3:** This clause specifies the aim of the LEP, which is to rezone the land from RE2 Private Recreation under the terms of *RLEP 2010* to R2 Low Density Residential.
- Clause 4:** This clause specifies the land to which the LEP applies.
- Clause 5:** This clause amends the definition of *Land Zoning Map*, *Height of Buildings Map*, *Floor Space Ratio Map* and *Land Size Map* contained in the Dictionary accompanying *RLEP 2010* to affect the rezoning of the land in accordance with the objectives of the LEP and apply the same development standards to those applying to all other surrounding residential properties.

The draft LEP does not contain any additional provisions relating to the development of this land to those currently contained in *RLEP 2010* applying to development in the R2 Low Density Residential zone.

The principal local environmental plan applying to the land, *RLEP 2010*, makes adequate provision for issues relating to:

- zone objectives and land use tables – Clause 2.3;
- subdivision control – Clause 2.6;
- minimum subdivision lot sizes – Clauses 4.1 and 4.1A;
- height of buildings – Clause 4.3;
- floor space ratio – Clauses 4.4 and 4.4A;
- density controls for Zone R2 Low Density Residential – Clause 4.5A;
- preservation of trees and vegetation – Clause 5.9;
- heritage conservation – Clause 5.10; and
- acid sulfate soils – Clause 6.1.

Development on the land will not raise any issues relating to environmental protection, flooding, landslip, contaminated land, bushfire or urban bushland that may require the incorporation of any additional provisions in *RLEP 2010* to facilitate its future redevelopment.



## Part 3 - Justification

This section provides justification for the objectives, outcomes and provisions of the proposed local environmental plan, and the process for their implementation.

### Justification

The Eastwood Bowling Club was formed in 1929 and the first clubhouse was opened in 1930 on the present site.

The original clubhouse and a number of extensions and improvements served the community for many decades with membership peaking in the late 1970's. Declining memberships and a decline in the Club's financial position in the late 1990's saw an amalgamation partner being sought.

Initially, the Club considered an amalgamation with the Eastwood Masonic Club to provide funds to enable refurbishment of its facilities. However, these negotiations proved to be unfruitful.

Late in 1999, the Club commenced discussions with Ryde-Eastwood Leagues Club. These discussions resulted in the amalgamation of the Clubs in 2001.

Key agreements of the amalgamation were that the existing clubhouse was to be re-built and that the Bowling Club would continue to operate for a minimum of five (5) years from the opening of the new clubhouse.

The need to re-build the clubhouse was based on the fact that the old clubhouse was in a very run down state and had inadequate parking and to have any chance of successfully continuing the Bowling Club's operation, the clubhouse needed to provide a high level of facilities, amenities and services. \$4.5 million was spent on the re-construction of the clubhouse, its fit-out and the relocation of the greens.

The new clubhouse and renovated bowling facilities opened on 14 August 2003, the clubhouse featuring a large lounge area, a restaurant and other facilities for club members.

The Bowling Club traded at reasonable levels for the first few years, although it never traded at a profit.

Over the past two (2) years, the level of trade has deteriorated to the point where the Leagues Club has been required to inject in the order of \$100,000/annum to ensure that the Bowling Club stays open.

Despite many marketing initiatives over the years, the Bowling Club has suffered from the same problems that saw its demise in the late 1990's, i.e.:

- an aging membership;
- infrequent member visits; and
- the large number of nearby bowling facilities competing for a diminishing market of members.



Membership of the Bowling Club peaked in 1976, when it boasted 360 members and had a two (2) to three (3) year waiting list. By 2003, membership had dropped to 163 members, declining to 113 members by January 2010.

On 17 July 2010, the Bowling Club convened a Special General Meeting at which it passed a motion that due to the inevitable closure of the Bowling Club, it would cease bowling activities on 31 October 2010 to allow for the completion of the Club's Championships and to enable bowlers who wished to play Pennants and participate in other clubs' championships in 2011 time to establish themselves at a new club.

Despite the significant investment by the Leagues Club in the ongoing operations of the Bowling Club, the Bowling Club has lost the critical mass of members that it required to keep it vibrant and economically viable.

This outcome appears to be a result of:

- social and cultural changes associated with the community's recreation and leisure demands;
- demographic changes which has seen a younger and more culturally diverse population residing into the area; and
- the oversupply of lawn bowling facilities in the immediate locality.

With improvements in health, lifestyle, mobility and transport, people in the seniors age group are seeking more active recreation and leisure pursuits than those resorted to in the post-World War periods between 1920 and 1960, and do not appear to be as interested in participating in bowling as they once were.

During these post-war periods people were restricted in terms of the distance they could travel to access their local recreation facilities and it was the time during which most of the bowling clubs in this area were established.

There are twelve (12) bowling clubs within a 5km radius of the Bowling Club. The location of the nearest of these clubs is identified in the table below (Table 2):

**Table 2: Location of bowling clubs within a 5km radius of the land**

| Club                                     | Address                                        |
|------------------------------------------|------------------------------------------------|
| Denistone East Bowling & Recreation Club | Salter Crescent, East Denistone                |
| Brush Farm Bowling Club                  | Cnr Marsden Road & Rutledge Street, Eastwood   |
| Denistone Bowling & Recreation Club      | 59 Chatham Road, West Ryde                     |
| Ryde City Bowling Club                   | 11 Blaxland Road, Ryde                         |
| Ryde Ex-Services Memorial Bowling Club   | 16 Eagle Street, Ryde                          |
| Gladesville Bowling & Sports Club        | 181A Ryde Road, Gladesville                    |
| North Ryde RSL Community Club            | Cnr Pittwater Road & Magdala Roads, North Ryde |
| Putney-Tennyson Bowling & Community Club | Frances Street, Putney                         |
| Henley Bowling Club                      | Crown Street, Henley                           |
| Hunters Hill Bowling Club                | 12 Madeline Street, Hunters Hill               |
| North Epping Bowling & Community Club    | 132 Boundary Road, North Epping                |

The number of bowling clubs available in this area and declining memberships have resulted in the economic marginalisation of a number of them, with the closing of the Epping Bowling Club and, more recently, the Ryde City Bowling Club.



Ryde-Eastwood Leagues Club has used its best endeavours to foster, promote, maintain and sustain the economic viability of the use of the land for recreational purposes.

Despite its substantial capital investment to achieve this goal, it has been unsuccessful in maintaining the Bowling Club's ongoing viability.

The Leagues Club must ensure the economic use and development of this land asset.

Such an approach is consistent with the objects specified in Section 5 of the *EP&A Act* which encourage:

- the proper management and development of natural resources for the purpose of promoting the social and economic welfare of the community; and
- the promotion and co-ordination of the orderly and economic use and development of land.

In this context, the rezoning of the land to permit residential development of the nature permissible on surrounding properties is appropriate.

## Section A - Need for the Planning Proposal

### 1. Is the planning proposal a result of any strategic study or report ?

There is no specific strategic study or report relating to the rezoning proposed in this Planning Proposal.

Council has adopted *Local Planning Study (December 2010)* in response to the NSW Government's *Metropolitan Strategy* and draft *Inner North Draft Subregional Strategy* to outline a vision for development of Ryde over the next 20 years.

In this regard, Council on 17 August 2010 resolved to adopt a housing study, an environment and open space study and a transport study for the purposes of a targeted community consultation program.

The purpose of the housing study is:

- to ensure that the expectations and housing needs of the current and future community are met;
- to inform the preparation of a comprehensive Local Environmental Plan for the LGA;
- to review and respond to the directions and actions of the *Metropolitan Strategy* and the draft *Inner North Subregional Strategy*; and
- to propose a way to meet the 12,000 dwelling target set for the City of Ryde by the draft *Inner North Subregional Strategy*.

The study indicates that significant change is not required to Council's current and draft planning controls to achieve the State Government's housing targets.

In respect to land in the Eastwood area, the strategies proposed in the housing study relate principally to:

- the review of controls for development in the Town Centre;
- the review of controls for villa developments; and
- the retention of existing controls for allotment size, height and floor space ratio for dwelling houses and duplexes.

The study does not provide any guidance relating to the use of land no longer required for the purpose for which it is currently zoned in terms of providing additional housing opportunities.

The study does, however, advocate a strategy of encouraging sustainable residential development by increasing densities in and around centres.

This Planning Proposal is consistent with the strategies contained in the housing study.

The environment and open space study only addresses issues associated with land zoned RE1 (Public Recreation) and E2 (Environmental Conservation) and specifically excludes land zoned RE2 (Private Recreation), the zoning applying to the land the subject of this Planning Proposal.

The Planning Proposal is, therefore, consistent with Council's *Local Planning Study*.



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

The Planning Proposal represents the only means of dealing with the future development of this land in circumstances where the land is no longer required for the purpose for which it is currently zoned.

The Proposal will achieve:

- the objects of the *Act*;
- the objective and intended outcome of the Planning Proposal; and
- the outcomes sought to be achieved by Council's *Local Planning Study*.

**3. Is there a net community benefit ?**

Yes, the Planning Proposal will result in a net community benefit.

The planning system provides for the setting aside and zoning of land to accommodate public or community recreational requirements.

However, the ongoing activities and operations of the bowling club have always been privately financed by its members and the current zoning of the land as RE2 Private Recreation under *RLEP 2010* reflects this situation.

Such facilities are zoned in retrospect, i.e. after they have been established, rather than in any strategic town planning sense, and provide access to a limited portion of the community.

It would be unreasonable to use the planning system to require any group within the community to maintain any such facility that is unwanted by its members for the purpose for which it was established.

As there is little, if any, demand for the ongoing operation of the bowling club, there will be little, if any, community cost involved in its closure and rezoning as proposed.

The Leagues Club provides a wide range of recreational and leisure pursuits for its members.

If its asset, in the form of the bowling club, is unviable or an alternative use for it cannot be found, then the residential development of the land would provide finance for the Club to apply to other recreational or leisure pursuits of its members.

This would provide a significant benefit.

The economic development and use of the land is a community benefit in that it makes best use of existing land resources.

It also negates degradation of the land that may occur during a hiatus between the cessation of an uneconomic use of land and its rezoning to permit appropriate redevelopment.

The land is intensely developed with bowling greens, maintenance sheds, car parking areas and a large licensed club building and general public access to it is severely restricted.

Consequently, the land does not make any real contribution to the level of open space in this area.

This is confirmed by Council's exclusion of the land from its environment and open space study which has been prepared to inform its *Local Planning Study* for the future development of the LGA.

The extensive bowling club facilities located in the proximity of the site have been documented in Section 4.1 of this Proposal.

It would suffice to say that there is more than adequate capacity to provide for the bowling needs of the community.

In addition, there are extensive public open space facilities located on proximity of the site, including:

- Eastwood Park
- Glen Reserve
- Outlook Park
- Darvall Park
- Symons Reserve
- Denistone Park

Consequently, a satisfactory level of public open space or recreational facilities will be available in the area should this Proposal proceed.

In summary, the Planning Proposal is expected to result in a net community benefit.



## Section B – Relation to Strategic Planning Framework

### **1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies) ?**

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

- *City of Cities - A Plan for Sydney's Future, (Metro Strategy)* published by the State Government in 2005, which provides the Government's vision for the shape of Sydney by 2031; and
- the draft *Inner North Draft Subregional Strategy (draft Subregional Strategy)* exhibited between 18 July to 17 September 2007.

The *Metro Strategy* is predicated on Sydney's population growing to 5.3 million people and the need to provide an additional 640,000 dwellings by 2031.

*Metro Strategy* embodies a housing strategy which includes:

- the concentration of development to strengthen existing centres focused around public transport; and
- the provision of 60-70% of new housing in existing urban areas.

The Planning Proposal is consistent with the thrust of the *Metro Strategy* in that it will lead to an increase in housing potential in an area that is conveniently located to the Eastwood Town Centre and the public transport services focused on the Centre.

The draft *Subregional Strategy* relates to Ryde, Hunters Hill, Lane Cove, Mosman, North Sydney and Willoughby LGA's.

The 2031 targets proposed for the sub-region involve:

- an increase in the number of dwellings by 30,000 dwellings from 129,000 to 159,000; and
- an increase in employment capacity by 60,000 from 228,000 to 288,000.

The Planning Proposal is consistent with the thrust of the draft *Subregional Strategy* in that it will lead to an increase in housing potential in an area that is conveniently located to the Eastwood Town Centre and the public transport services focused on the Centre.

The Planning Proposal is appropriate in terms of its strategic regional planning context.

**2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan ?**

Council has adopted *Local Planning Study (December 2010)* in response to the NSW Government's *Metropolitan Strategy* and draft *Inner North Draft Subregional Strategy* to outline a vision for development of Ryde over the next 20 years.

This issue has been addressed in Section 4.2 and it would suffice to say that the Planning Proposal is consistent with Council's *Local Planning Study*.

**3. Is the planning proposal consistent with applicable state environmental planning policies ?**

A summary assessment of the Planning Proposal in terms of State Environmental Planning Policies is contained in the table below (Table 3).

This assessment indicates that the draft LEP contained in this Planning Proposal is consistent with all relevant State environmental planning policies.

**Table 3: Summary of Consideration of State Environmental Planning Policies and Regional Environmental Plans**

| State Environmental Planning Policies (SEPPs)                                                                                           | Consistent |    | N/A | Comment |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------|----|-----|---------|
|                                                                                                                                         | YES        | NO |     |         |
| SEPP No 1 Development Standards                                                                                                         |            |    | ✓   |         |
| SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development (excluding clauses 6 and 10 and Parts 3 and 4) |            |    | ✓   |         |
| SEPP No 6 Number of Storeys                                                                                                             | ✓          |    |     |         |
| SEPP No 10 Retention of Low Cost Rental Accommodation                                                                                   |            |    | ✓   |         |
| SEPP No 14 Coastal Wetlands                                                                                                             |            |    | ✓   |         |
| SEPP No 15 Rural land-Sharing Communities                                                                                               |            |    | ✓   |         |
| SEPP No 19 Bushland in Urban Areas                                                                                                      | ✓          |    |     |         |
| SEPP No 21 Caravan Parks                                                                                                                |            |    | ✓   |         |
| SEPP No 22 Shops and Commercial Premises                                                                                                |            |    | ✓   |         |
| SEPP No 26 Littoral Rainforests                                                                                                         |            |    | ✓   |         |
| SEPP No 30 Intensive Agriculture                                                                                                        |            |    | ✓   |         |
| SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)                                                                            | ✓          |    |     |         |
| SEPP No 33 Hazardous and Offensive Development                                                                                          |            |    | ✓   |         |
| SEPP No 36 Manufactured Home Estates                                                                                                    |            |    | ✓   |         |
| SEPP No 39 Spit Island Bird Habitat                                                                                                     |            |    | ✓   |         |
| SEPP No 41 Casino Entertainment Complex                                                                                                 |            |    | ✓   |         |
| SEPP No 44 Koala Habitat Protection                                                                                                     |            |    | ✓   |         |
| SEPP No 47 Moore Park Showground                                                                                                        |            |    | ✓   |         |
| SEPP No 50 Canal Estate Development                                                                                                     |            |    | ✓   |         |



| State Environmental Planning Policies (SEPPs)                                  | Consistent |    | N/A | Comment |
|--------------------------------------------------------------------------------|------------|----|-----|---------|
|                                                                                | YES        | NO |     |         |
| SEPP No 52 Farm Dams and Other Works                                           |            |    | ✓   |         |
| SEPP No 53 Metropolitan Residential Development                                | ✓          |    |     |         |
| SEPP No 55 Remediation of Land                                                 | ✓          |    |     |         |
| SEPP No 59 Central Western Sydney Regional Open Space and Residential          |            |    | ✓   |         |
| SEPP No 60 Exempt and Complying Development                                    | ✓          |    |     |         |
| SEPP No 61 Exempt & Complying Development for White Bay and Glebe Island Ports |            |    | ✓   |         |
| SEPP No.62 Sustainable Aquaculture                                             |            |    | ✓   |         |
| SEPP No 64 Advertising and signage                                             | ✓          |    |     |         |
| SEPP No 65 Design Quality of Residential Flat Development                      | ✓          |    |     |         |
| SEPP(BASIX) 2004                                                               | ✓          |    |     |         |
| SEPP No.70 Affordable Housing (Revised Schemes)                                | ✓          |    |     |         |
| SEPP(Housing for Seniors or People with a Disability) 2004                     | ✓          |    |     |         |
| SEPP (Major Projects) 2005                                                     | ✓          |    |     |         |
| SEPP (Temporary Structures and Places of Public Entertainment) 2007            | ✓          |    |     |         |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007             |            |    | ✓   |         |
| SEPP (Infrastructure) 2007                                                     | ✓          |    |     |         |
| SEPP (Exempt and Complying Development Codes) 2008                             | ✓          |    |     |         |
| Regional Environmental Plans                                                   |            |    |     |         |
| <b>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</b>      | ✓          |    |     |         |

Of particular relevance to this proposal are:

- *State Environmental Planning Policy No.32 - Urban Consolidation (Redevelopment of Urban Land)*, (SEPP 32), which was made on 15 November 1991; and
- *State Environmental Planning Policy No 53 - Metropolitan Residential Development (SEPP 53)*, which was made on 26 September 1997.

SEPP 32 aims:

- (a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development; and

- (b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:
- i) the location of housing in areas where there are existing public infrastructure, transport and community facilities;
  - ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities; and
  - iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas.

The Planning Proposal is consistent with the aims of *SEPP 32* as the land is appropriately located to provide additional housing opportunities.

*SEPP 53* aims to encourage the provision of housing in the metropolitan area:

- to broaden the choice of building types and locations available in the housing market;
- to make more efficient use of existing infrastructure and services;
- to reduce the consumption of land for housing and associated urban development on the urban fringe; and
- to create housing which is of good design.

This Planning Proposal is consistent with these aims of *SEPP 53*.

**4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions) ?**

A summary assessment of the Planning Proposal in terms of the Directions issued by the Minister for Planning under Section 117 of the *EP&A Act* (last update 1 February 2011) is contained in the table overleaf (Table 4).

This assessment indicates that the draft LEP contained in this Planning Proposal is consistent with all relevant Directions.



**Table 4: Consideration of Relevant Section 117 Directions applying to planning proposals**

| Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979          | Consistent |    | N/A | Comment |
|---------------------------------------------------------------------------------------------------------|------------|----|-----|---------|
|                                                                                                         | YES        | NO |     |         |
| <b>1. Employment and Resources</b>                                                                      |            |    |     |         |
| 1.1 Business and Industrial Zones                                                                       |            |    | ✓   |         |
| 1.2 Rural Zones                                                                                         |            |    | ✓   |         |
| 1.3 Mining, Petroleum Production and Extractive Industries                                              |            |    | ✓   |         |
| 1.4 Oyster Aquaculture                                                                                  |            |    | ✓   |         |
| 1.5 Rural Lands                                                                                         |            |    | ✓   |         |
| <b>2. Environment and Heritage</b>                                                                      |            |    |     |         |
| 2.1 Environment Protection Zones                                                                        | ✓          |    |     |         |
| 2.2 Coastal Protection                                                                                  |            |    | ✓   |         |
| 2.3 Heritage Conservation                                                                               | ✓          |    |     |         |
| 2.4 Recreation Vehicle Areas                                                                            |            |    | ✓   |         |
| <b>3. Housing, Infrastructure and Urban Development</b>                                                 |            |    |     |         |
| 3.1 Residential Zones                                                                                   | ✓          |    |     |         |
| 3.2 Caravan Parks and Manufactured Home Estates                                                         |            |    | ✓   |         |
| 3.3 Home Occupations                                                                                    | ✓          |    |     |         |
| 3.4 Integrating Land Use and Transport                                                                  |            |    | ✓   |         |
| 3.5 Development Near Licensed Aerodromes                                                                |            |    | ✓   |         |
| 3.6 Shooting Ranges                                                                                     |            |    | ✓   |         |
| <b>4. Hazard and Risk</b>                                                                               |            |    |     |         |
| 4.1 Acid Sulfate Soils                                                                                  |            |    | ✓   |         |
| 4.2 Mine Subsidence and Unstable Land                                                                   |            |    | ✓   |         |
| 4.3 Flood Prone Land                                                                                    |            |    | ✓   |         |
| 4.4 Planning for Bushfire Protection                                                                    |            |    | ✓   |         |
| <b>5. Regional Planning</b>                                                                             |            |    |     |         |
| 5.1 Implementation of Regional Strategies                                                               |            |    | ✓   |         |
| 5.2 Sydney Drinking Water Catchments                                                                    |            |    | ✓   |         |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast                              |            |    | ✓   |         |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast                            |            |    | ✓   |         |
| 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010) |            |    | ✓   |         |
| 5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)                       |            |    | ✓   |         |
| 5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)                                     |            |    | ✓   |         |
| 5.8 Second Sydney Airport: Badgerys Creek                                                               |            |    | ✓   |         |
| <b>6. Local Plan Making</b>                                                                             |            |    |     |         |
| 6.1 Approval and Referral Requirements                                                                  | ✓          |    |     |         |
| 6.2 Reserving Land for Public Purposes                                                                  | ✓          |    |     |         |
| 6.3 Site Specific Provisions                                                                            | ✓          |    |     |         |
| <b>7. Metropolitan Planning</b>                                                                         |            |    |     |         |
| 7.1 Implementation of the Metropolitan Plan for Sydney 2036                                             | ✓          |    |     |         |

## **Section B - Summary**

The Planning Proposal is consistent with:

- the strategic planning framework for development in this part of the Sydney sub-region;
- all relevant State environmental planning policies; and
- all relevant Section 117 Directions.



## Section C - Environmental, Social & Economic Impact

### **1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal ?**

The land is situated in a suburban context and intensely developed for recreational purposes.

Consequently, 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.

### **2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed ?**

Development that may result from the Planning Proposal is unlikely to have any adverse environmental effect and any effect is capable of being managed and regulated in the same way as development on surrounding residentially zoned land.

### **3. How has the planning proposal adequately addressed any social or economic effects ?**

Issues relating to the potential impact to the community of loss of recreational land and access to social pursuits has been addressed in Section 4.2 of this Planning Proposal.

The Proposal will not result in any deleterious social or economic impacts.

It will, in fact:

- increase the extent of available housing;
- provide additional housing opportunities without any adverse environmental effects;
- be consistent with the *Metro Strategy* in terms of its urban consolidation and urban containment outcomes; and
- result in the creation of additional employment opportunities during any residential development phase.

## **Section D - State and Commonwealth Interests**

### **1. Is there adequate public infrastructure for the planning proposal ?**

There is extensive public utility service infrastructure available in this area which supports the existing bowling club's operations and surrounding residential development, including:

- water;
- sewerage;
- electricity;
- gas;
- telecommunications; and
- transport.

The available infrastructure is expected to be more than adequate to support the residential use of the land.

### **2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination ?**

The Planning Proposal does not raise any issues that are expected to be of concern to any State or Commonwealth public authority.

Any State or Commonwealth authority who is identified in the gateway determination as needing to be consulted, will be consulted following that determination.



## Part 4 - Community Consultation

This section provides details of the community consultation that is to be undertaken on the planning proposal:

The community consultation process to be undertaken for this Planning Proposal is expected to involve the normal requirements, including:

- community consultation requirements of Section 57 of the *EP&A Act* and the *Environmental Planning and Assessment Regulation 2000*; and
- consultations considered necessary by the Department of Planning with relevant State and Commonwealth authorities.

# **APPENDIX 1**

## **Possible wording of Draft Local Environmental Plan**



## **Ryde Local Environmental Plan 2010 (Amendment No. )**

under the  
Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
Environmental Planning and Assessment Act 1979.

TONY KELLY, MLC  
Minister for Planning

### **Ryde Local Environmental Plan 2010 (Amendment No. )**

#### **1 Name of Plan**

This Plan is Ryde Local Environmental Plan 2010 (Amendment No. ).

#### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

#### **3 Aims of Plan**

This Plan aims to amend Ryde Local Environmental Plan 2010 to rezone the land to which this plan applies from RE2 Private Recreation under the terms of Ryde Local Environmental Plan 2010 to R2 Low Density Residential.

**4 Land to which Plan applies**

This Plan applies to land situated in the City of Ryde, being Lots 77 to 79, DP 4684; Lot B, DP 341289; Lot B, DP 342511; Lot B, DP 365296; Lot A, DP 386523 and Lot 1, DP 455457, and known as 9-19 Second Avenue which includes land at the rear of 14-18 Third Avenue, Eastwood, as shown edged heavy black and lettered "R2" on the map marked "Ryde Local Environmental Plan 2010 (Amendment No. )" deposited in the office of Ryde City Council.

**5 Amendment of Ryde Local Environmental Plan 2010**

Ryde Local Environmental Plan 2010 is amended by inserting in the appropriate order in the definition of "*Floor Space Ratio Map*", "*Height of Buildings Map*", "*Land Zoning Map*" and "*Lot Size Map*" contained in the Dictionary the following words:

Ryde Local Environmental Plan 2010 (Amendment No. )