

## 6 PLANNING PROPOSAL FOR 17 ACACIA STREET AND 16 VERA STREET, EASTWOOD

**Report prepared by:** Strategic Planner; Senior Coordinator - Strategic Planning  
**File No.:** LEP2017/18/4 - BP17/900

### REPORT SUMMARY

Council has received a Planning Proposal (PP) to amend controls within Ryde Local Environmental Plan 2014 (RLEP2014) as they apply to 17 Acacia Street, Eastwood (Lot 69 DP 17583) and 16 Vera Street, Eastwood (Lot 14 DP 26340) (known as the "the site"). The PP was submitted by John Brunton Planning Pty Ltd on behalf of the owner Denistone East Uniting Church (Uniting Church Property Trust (NSW)).

The site is currently zoned SP2 Infrastructure - Place of Public Worship under RLEP2014 and contains an existing dwelling house (manse) at 16 Vera Street, a church building at 17 Acacia Street (Fig 1) and a related hall located between the church and manse. The buildings are now surplus to the needs of the Uniting Church.



(Fig 1)

The Planning Proposal (**ATTACHED**) seeks to make the following amendments to the RLEP2014:

1. Rezone the subject land from SP2 Infrastructure - Place of Public Worship to R2 - Low Density Residential (which is the same as the adjacent zone)
2. Amend the Height of Buildings Map for the subject land to include a height control of 9.5 metres (which is the same as the adjacent land)
3. Amend the Floor Space Ratio Map for the subject land to include an FSR control of 0.5:1 (which is the same as the adjacent land)

Planning and Environment Committee, dated 9 March 2018, submitted on 13 February 2018.

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4. Amend the Lot Size Map for the subject land to include a minimum lot control of 580 square metres (which is the same as the adjacent land).

The proposed amendments to the RLEP will allow for the disposal and the redevelopment of the land consistent with the surrounding low density residential area.

An assessment of the PP has been undertaken and it is considered that:

- The PP is consistent with the objectives and actions of state, regional and local planning policies and strategies; and
- That the PP will have minimal environmental, amenity, traffic and parking impacts.

This report recommends that Council supports forwarding the PP to the Department of Planning and Environment for a Gateway Determination and community consultation as the proposed changes are in accordance with the zoning of the surrounding area and the current uses are permitted within the proposed new R2 Low Density Zone.

**RECOMMENDATION:**

- (a) That Council submit the Planning Proposal relating to 17 Acacia Street, Eastwood (Lot 69 DP 17583) and 16 Vera Street, Eastwood (Lot 14 DP 26340) for Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that Council request delegation from the Minister to implement the Plan.
- (b) That Council, when the Gateway Determination is issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, delegate authority to the Acting General Manager to publicly exhibit the Planning Proposal. A further report will be presented to Council following the completion of the exhibition period.

**ATTACHMENTS**

- 1 Planning Proposal - Acacia Street 17 and Vera Street 16, Eastwood

Report Prepared By:

**Susan Wotton**

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Planning and Environment Committee, dated 9 March 2018, submitted on 13 February 2018.

**ITEM 6 (continued)**  
**Strategic Planner**  
**Lexie Macdonald**  
**Senior Coordinator - Strategic Planning**

Report Approved By:

**Lexie Macdonald**  
**Senior Coordinator - Strategic Planning**

**Dyalan Govender**  
**Manager - City Planning**

**Sam Cappelli**  
**Acting Director - City Planning and Development**

## ITEM 6 (continued)

### Discussion

This report contains a description of the site, a description of the proposed LEP amendments and an appraisal of the subject Planning Proposal (PP). This appraisal forms the basis of a recommendation to forward the PP to the Minister for Planning for a Gateway Determination and subsequent community consultation.

### Gateway Plan Making Process

The Gateway process has a number of steps as outlined below:

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 to the next stage to seek a Gateway Determination.
2. **Gateway Determination** by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed, including the community consultation process and any additional studies.
3. **Community Consultation** – the proposal is publicly exhibited.
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).

This proposal, which has been submitted by John Brunton Planning Pty Ltd on behalf of the proponents Uniting Church Property Trust (NSW), is at Step 1 of the Gateway process. The PP has been assessed by Council staff to ensure that the information provided is consistent with the requirements and technical standard as per the Department of Planning and Environment's (DPE) *Guide to Preparing Planning Proposals*.

### 1.1 Site Description and Context

The site is 17 Acacia Street, Eastwood (Lot 69 DP 17583) and 16 Vera Street, Eastwood (Lot 14 DP 26340). The site runs between two parallel streets and has an area of 2 013.5sqm. It consists of an existing dwelling house (manse) at 16 Vera

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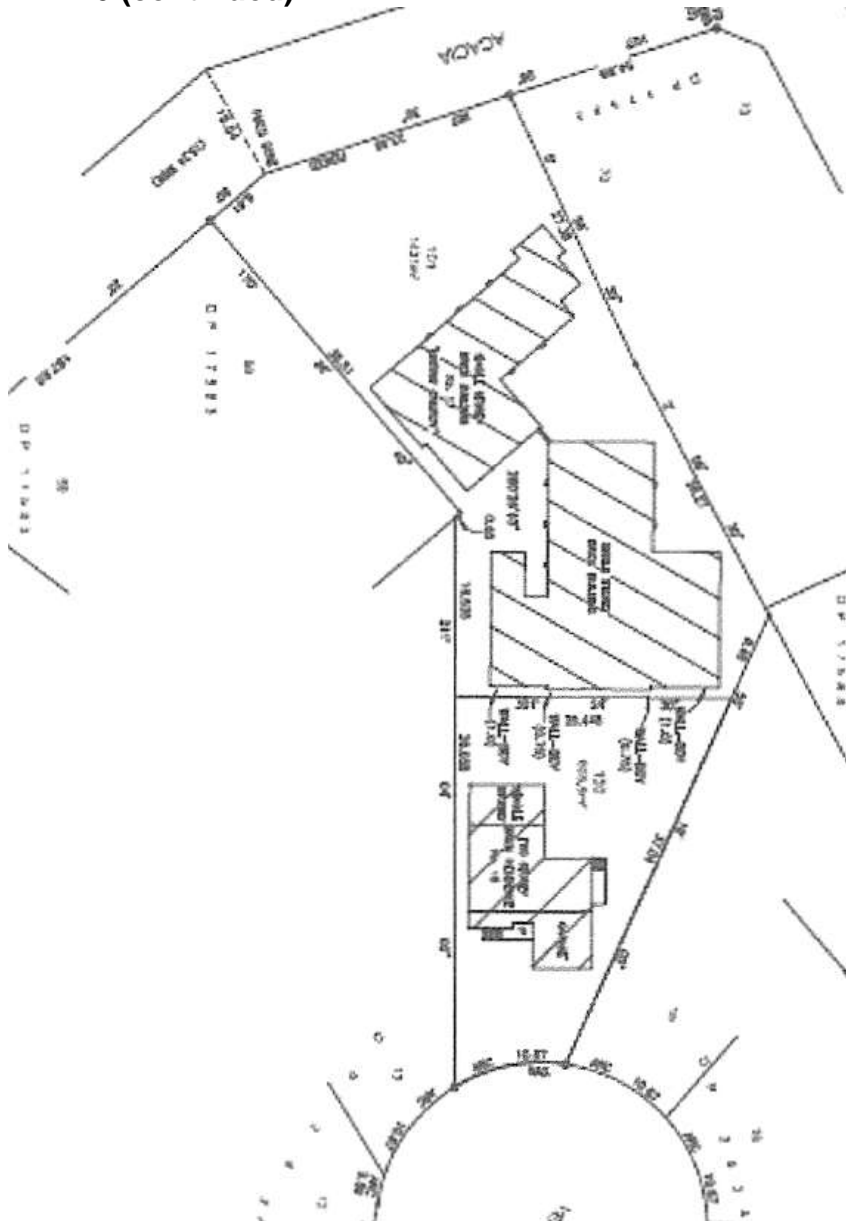
Street, a church building at 17 Acacia Street and a related hall located between the church and manse. The buildings are now surplus to the needs of the Uniting Church. The site is identified in Figures 2a and 2b below.



**Fig2a:** Subject land



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**Fig 2b Survey Plan (PP Attachment 3)**

**Context**

Vera Street and Acacia Streets both connect to North Road to the north of the site, Denistone East Primary School is located to the south and Acacia Park is approximately 100m south east of the site.

Adjoining properties in Vera Street and Acacia Street are zoned R2 Low Density Residential and have been predominantly developed for dwelling houses (Figs 3a and 3b).

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Vera Street with No 16 the church manse on the far left of the photo.

**Fig 3a**



Acacia Street looking south from the church at No 17.

**Fig 3b**

**1.Current Planning Controls**

*Zoning*

The subject site is currently zoned SP2 Infrastructure – Place of Public Worship under the RLEP2014.

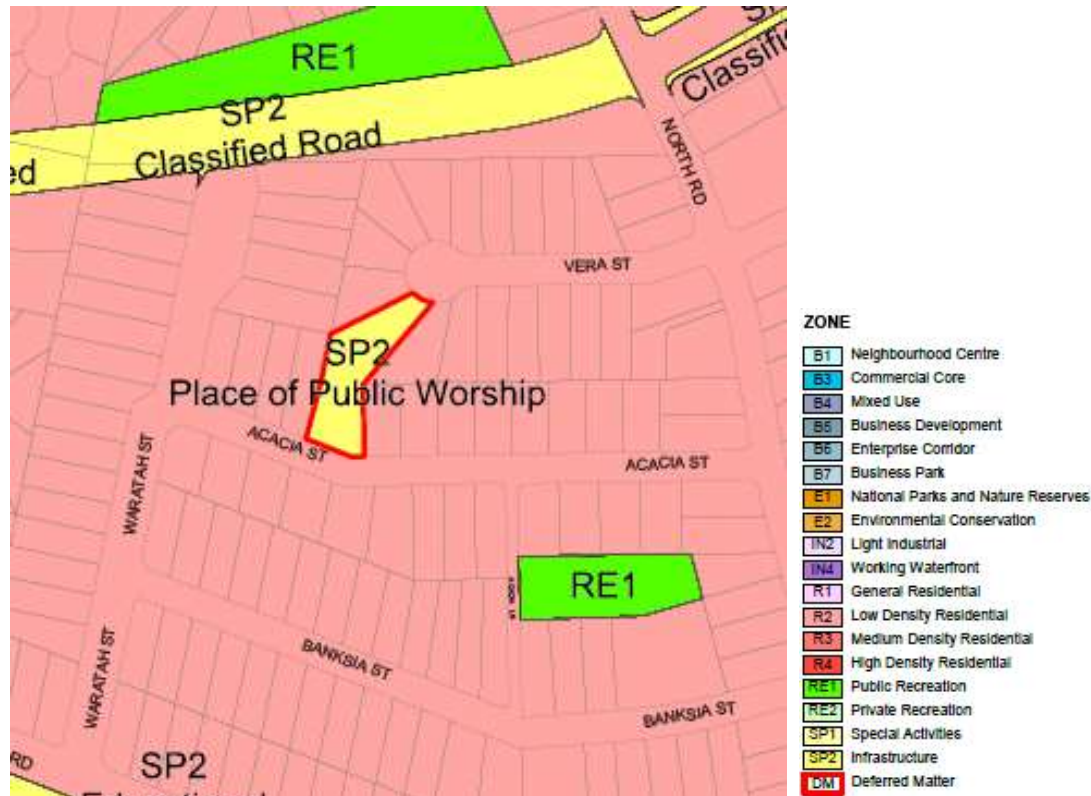
The objectives of the SP2 Infrastructure – Place of Public Worship zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure the orderly development of land so as to minimise any adverse effect of development on other land uses.

The land uses permitted in the SP2 Infrastructure - Place of Public Worship zone are roads, places of public worship and any development that is ancillary to that use. The existing dwelling (manse), church building and hall are in keeping with the zoning and permitted use of the site as a place of public worship.

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Land adjoining the site is zoned R2 Low Density Residential (Figure 4).



**Fig 4** Land Zoning Map

*Building Height and Floor Space Ratio (FSR)*

Under RLEP2014 the site has no height or floor space controls. This is consistent with all other land in the City which is zoned SP2 Infrastructure – Place of Public Worship under RLEP2014.

The R2 low density residential land adjoining the site has a maximum height control of 9.5m and a maximum floor space ratio control of 0.5:1 (Figures 5 and 6).



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**Fig 5 Height of Buildings Map**



**Fig 6 Floor Space Ratio Map**

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### Lot Size Map

Under RLEP2014 only land zoned residential is included in the Lot Size Map with a minimum subdivision requirement of 580sqm.

As the subject land is zoned SP2 Infrastructure – Place of Public Worship there are no minimum subdivision requirements with respect to the land. (Fig 7)



**Fig 7 Lot Size Map**

## Objectives and Intended Outcomes

The PP states:

*The primary objective of the Planning Proposal is to provide the subject site with the same zoning and development standards as currently exist for the surrounding suburb's low density housing areas. This will enable the site to be redeveloped for the same purposes and at the same scale as the surrounding locality. (PP pg. 10)*

The PP further states the proposed amendments to the RLEP2014 will have the following key outcomes:

- *Consistency with State Government policy for church land to be zoned consistent with the surrounding land*

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- *Consistency with State and Regional strategic planning priorities and actions*
- *Consistency with the Ryde City Council's strategic planning document for the future planning of local suburban housing areas*
- *Potential for low density housing redevelopment consistent with existing streetscapes (PP pg 10)*

**Justification**

The PP provides the following justification for the proposed amendments to RLEP2014:

- The existing zoning of the site allows only one land use (other than roads) that is specific to religious organisation and does not allow flexibility for any other land use.
- The rezoning of the land will help achieve the objective of increasing supply and mix of housing opportunities in the Ryde LGA and
- The rezoning is in line with State Government policy of rezoning SP2 Infrastructure – Place of Public Worship land to an adjoining zone. (PP pgs. 10 and 11)

**Proposed changes to Ryde Local Environmental Plan 2014 (RLEP2014)**

Future Use of Land

The Planning Proposal seeks to change the land use zoning, height, FSR and lot size controls applying to the site to facilitate the redevelopment of the land for low density residential purposes in line with existing development on adjoining land.

RLEP2014 Map amendments

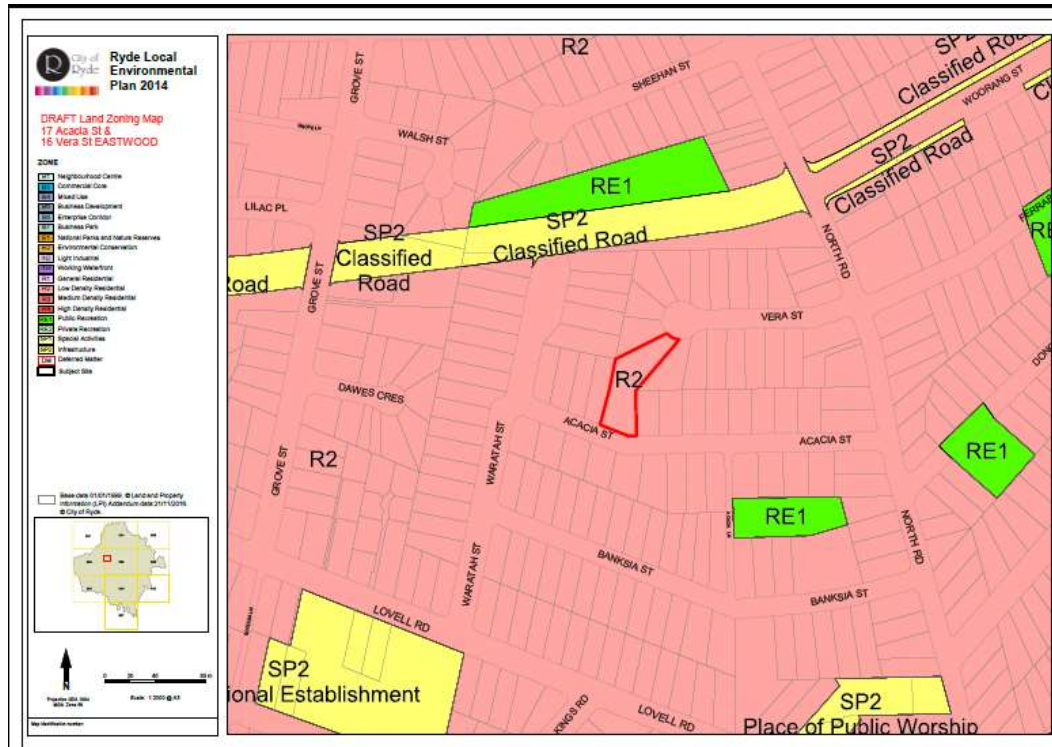
The Planning Proposal seeks to amend RLEP2014 by recognising the existing use of the surrounding land for low density residential purposes and amending the planning controls for the site to reflect R2 Low Density Residential controls.

The proposed amendments include:

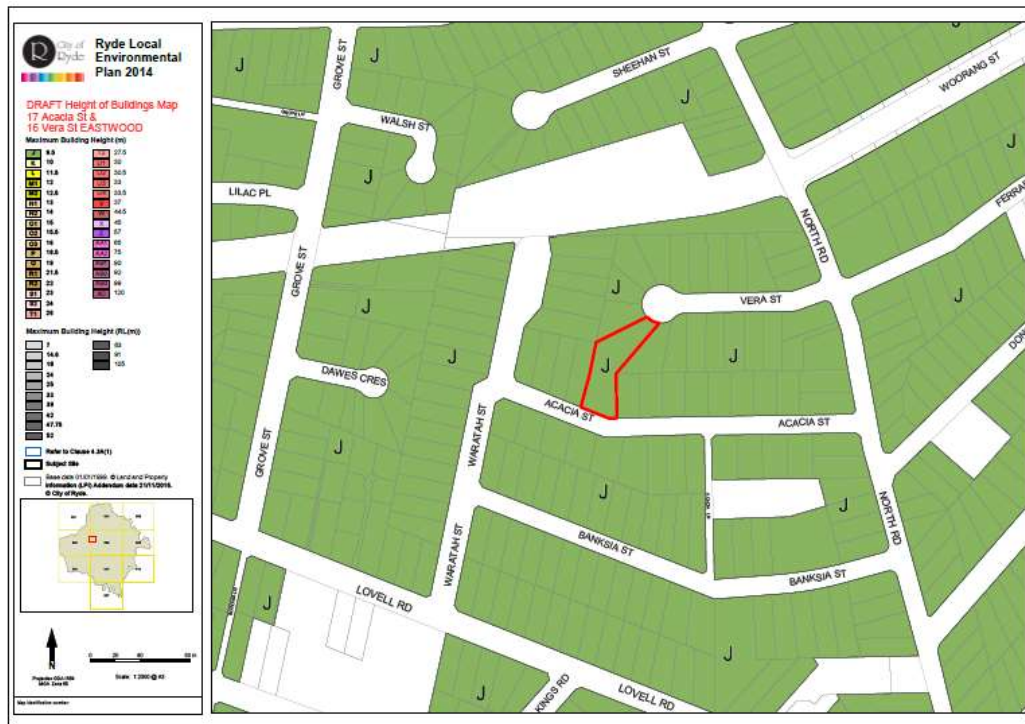
- Amending RLEP2014 Land Zoning Map from SP2 Infrastructure - Place of Public Worship to R2 Low Density (Fig 9)
- Amending RLEP2014 Height of Buildings Map to give the land a maximum Building Height of 9.5 metres (Fig 10)
- Amending RLEP2014 Floor Space Ratio Map to give the land a maximum FSR control of 0.5:1 (Fig 11)
- Amending RLEP2014 Lot Size Map to include the land into the map requiring a minimum lot size of 580sqm. (Fig 12)



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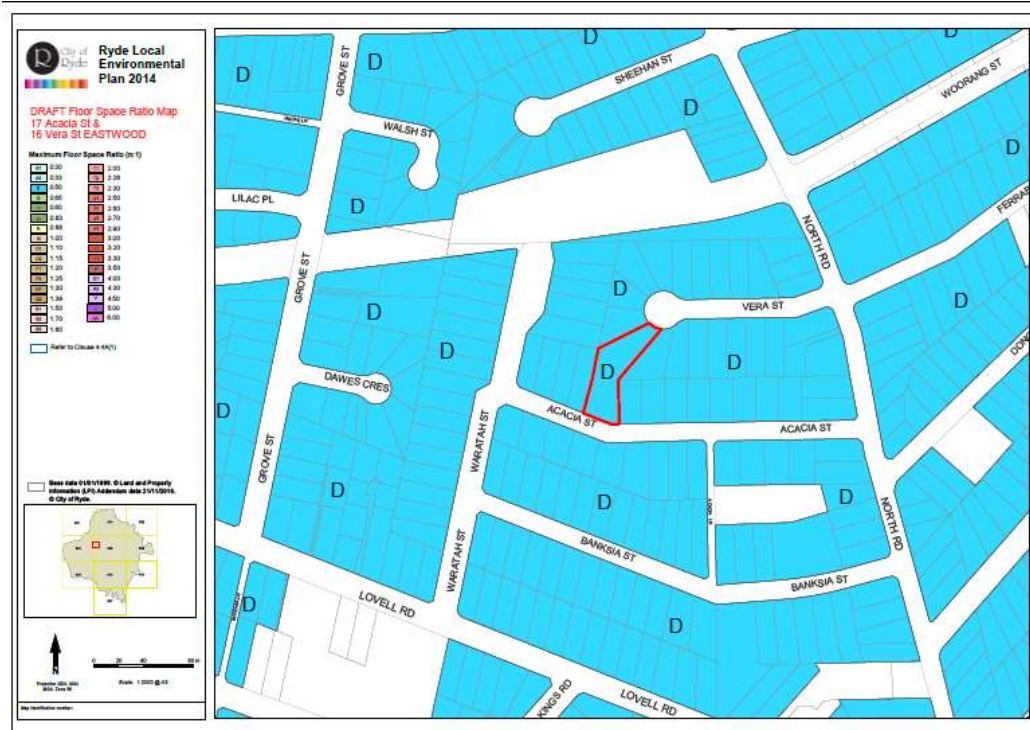
**Fig 9: Proposed Land Zoning Map**



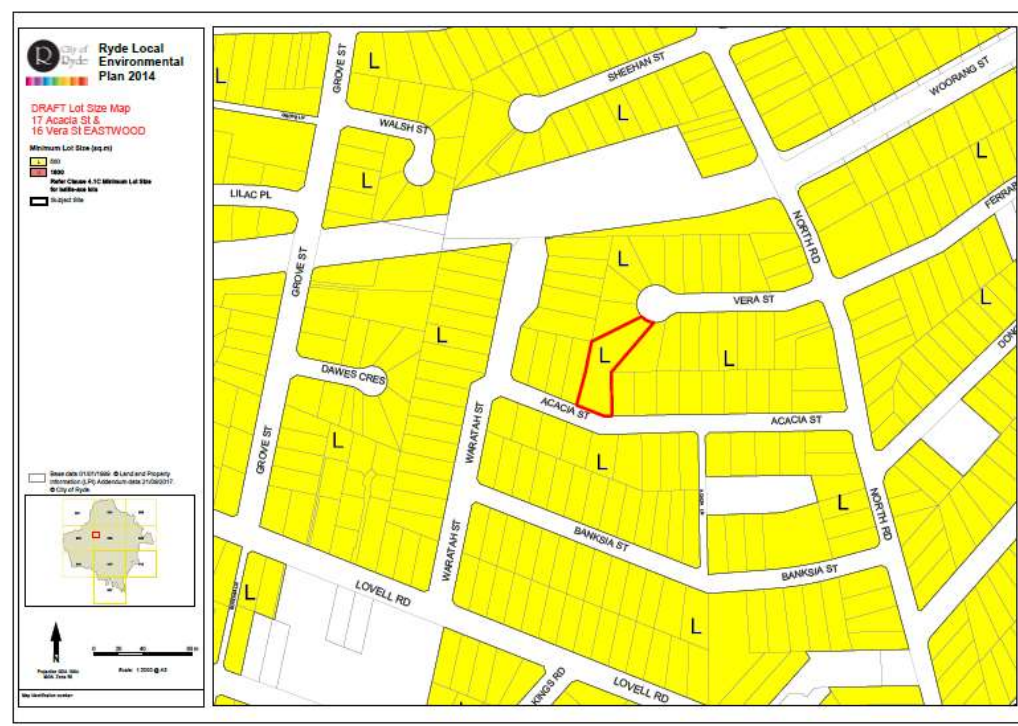
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**Fig 10: Proposed Height of Building Map**



**Fig 11: Proposed Floor Space Ratio Map**



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**Fig 12:** Proposed Lot Size Map (PP page 20-23)

**Assessment of the Planning Proposal (PP)**

The following provides an assessment and review of the PP based on the required considerations under the DPE's *Guide to Preparing Planning Proposals*.

Adequacy of Documentation

The documentation as submitted is satisfactory and addresses all necessary requirements of the Gateway process.

Assessment of Need for the Planning Proposal

In accordance with the Gateway process the following questions must be considered:

***Is this planning proposal the result of any strategic study or report?***

The Planning Proposal states it is not the result of a specific strategic study or report, but is consistent with the relevant City of Ryde strategic planning documents. (PP pg.11)

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

The PP states that the proposed rezoning of the land is the best means of achieving the objectives and intended outcomes for the site, specifically, the expansion of land uses on the site.

The PP further states:

*The existing zoning allows only one land use that is specific to religious organisations and does not allow flexibility for any other land use or landowner. The amendment is the only way to enable the land to be used for the same purposes as the R2 zoned surrounding land. (PP pg.11)*

**Response**

The land under its current zoning of SP2 Infrastructure - Place of Public Worship prohibits the use of the land for residential purposes except when dwellings are an ancillary function to the use of the land as a place of public worship.

For the land to be used for residential purpose it must be rezoned.

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

The Planning Proposal states the following:

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**A Plan for Growing Sydney and Draft Greater Sydney Regional Plan**

*A Plan for Growing Sydney, released in December 2014, was the NSW Government's plan to guide Sydney's future growth... the following directions were made for the implementation of the plan:*

*Direction 2.1: Improve housing supply across Sydney*

*Direction 2.2: Ensure more homes closer to jobs*

*Direction 2.3: Improve housing choice to suit different needs and lifestyles*

*On 22<sup>nd</sup> October 2017 a new Metropolitan Strategy, the Draft Greater Sydney Region Plan was released by the Greater Sydney Commission for public comment... There are ten overarching directions to guide the delivery of the Draft Plan's objectives. The objectives of the Housing Direction are:*

*Objective 10: Greater Housing supply.*

*Objective 11: Housing is more diverse and affordable.*

*This Planning Proposal is consistent with the housing related directions of the existing A Plan for Growing Sydney, and with the Housing Direction of the new Draft Greater Sydney Region Plan for the Eastern Harbour City. This Proposal is consistent because it will provide the opportunity for small scale urban renewal that is compatible with the local neighbourhood identity, will contribute to housing supply, and provide the opportunity for more diverse and affordable housing in Ryde City. Rezoning will facilitate the development of the site for additional housing, and the site is of such a size that there are several viable housing options. (Addendum November 2017)*

**Draft North District Plan (2016)**

*A Revised Draft North District Plan October 2017 (NDP)...provides the means by which the Greater Sydney Region Plan can be put into action at a local level ... Under the Revised Draft NDP the Housing Direction is Planning Priority No 5: Providing housing supply, choice and affordability, with access to jobs and services. ...This Planning proposal is consistent with the Revised Draft NDP as it will provide additional land for housing within an existing low density residential setting, with the opportunity for the construction of several additional detached or attached dwellings as permissible within the proposed R2 zone. (Addendum November 2017)*

**Response**

It is considered that the PP is consistent with both 'A Plan for Growing Sydney', the Draft Greater Sydney Regional Plan, and the Draft North District Plan, in that it will result in a release of land for additional housing in keeping with the surrounding area.

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### ***Is the planning proposal consistent with a council's local strategy or other local strategic plan?***

The PP states the following:

#### **Ryde Local Planning Study 2010**

*The Local Planning Study established the planning direction for the City over the next 20 years and guided the preparation of the new comprehensive local environmental plan (LEP) for the City of Ryde...*

*As a consequence of the Study, no actions were proposed for major change to the subject site or to the surrounding suburban area, which remained as a low density residential zoning in the current RLEP2014. The Study did recommend allowing villa developments and duplex buildings throughout the low density residential areas in order to deliver a range of smaller dwellings which are attractive to families, lone person households and ageing households.*

*This Planning Proposal is consistent with the Study as it proposes to zone the subject site R2 Low Density Residential the same as the surrounding residential area and will therefore increase the capacity for villa developments and duplex buildings in the neighbourhood. (Addendum November 2017)*

#### **Ryde 2025 Community Strategic Plan**

*This Plan articulates the needs and aspirations of the Ryde City community. The seven outcomes that form the basis of the Plan establish an overall direction for the City over the next ten years. The Plan follows on from the previous 2012 Community Strategic Plan.*

*The Outcome for City of Liveable neighbourhoods is: A range of well-planned clean and safe neighbourhoods and public spaces, designed with a strong sense of identity and place. Strategies to ensure this outcome include: To design our City to reflect the unique character, identity and housing needs of our community.*

*This Planning Proposal, to change the zoning of the subject site to R2 Low Density Residential under RLEP2014 is consistent with the Ryde 2015 Community Strategic Plan outcome and strategies for City of Liveable Neighbourhoods, as it reflects the character of the existing neighbourhood and will contribute towards the additional housing needs of the community. (Addendum November 2017)*

#### **Response**

It is considered that the PP is in line with goals and strategies of the Community Strategic Plan and Ryde Local Planning Study.

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### ***Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs include:

State Environmental Planning Policy No 55 - Remediation of Land.  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004  
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004  
State Environmental Planning Policy (Infrastructure) 2007  
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

### **Response**

It is considered that the PP does not contradict any applicable State Environmental Planning Policies, however, further consideration of these Policies will occur with the detailed assessment of any Development Application received.

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

The relevant Section 117 directions are identified and detailed in the PP (pg. 15-17) and below.

<b>Section 117 Direction</b>	<b>Assessment</b>
<b>1 Employment 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	N/A
<b>2. Environment Heritage</b> 2.1 Environment Protection Zones 2.2 Coastal Protection 2.3 Heritage Conservation 2.4 Recreation Vehicle Areas 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
<b>3.Housing , Infrastructure and Urban Development</b>	
3.1 Residential Zones	The PP states: <i>The proposal will provide for</i>

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	<i>existing and future housing needs. The subject site is located within an existing low density residential suburb and will make use of existing infrastructure and services provided to the site. (PP pg 12)</i>
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrated Land Use and transport	The PP states: <i>The proposal supports the efficient use of public transport services</i>
3.5 Development near Licensed Aerodromes 3.6 Shooting Ranges	N/A
<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	N/A The PP states: <i>The subject site is not identified on the RLEP2014 Acid Sulfate Soils Map.</i>
<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) 5.6 Sydney to Canberra Corridor (Revoked) 5.7 Central Coast (Revoked) 5.8 Second Sydney Airport: Badgerys Creek 5.9 North West Rail Link Corridor Strategy 5.10 Implementation Regional Plans	N/A
<b>6. Local Plan Marketing</b> 6.1 Approval and Referral Requirements 6.2 Reserving Land for Public Purposes 6.3 Site Specific Provisions	N/A
<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of the Metropolitan Plan Objective</b> (1) <i>The objective of this direction is to give legal effect to the planning principles; directions and priorities for subregions, strategic centre and transport gateways contained in A Plan for Growing Sydney.</i>	The PP states: <i>The Planning Proposal is consistent with the aims of A Plan for Growing Sydney as discussed in Section 4.1 and 4.2 above. (PP pg 13)</i>



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7.2 Implementation of Greater Macarthur Land Release Investigation	N/A
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**Response**

The PP complies with the relevant Ministerial Directions (s.117 directions).

**Environmental, social and economic impact**

***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 PP states that there are no critical habitats or threatened species located on the site (PP pg. 13).

**Response**

The PP site is located in a built up area and contains existing development. The land has not been identified as containing a specific habitat that will be affected by the PP.

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

The PP states:

*There are not likely to be any environmental impacts associated with the future development of the site for uses permissible within the R2 Low Density Residential zone. There is likely to be less traffic generation and street parking compared to the existing church use. (PP pg 13)*

**Response**

It is considered that there will be minimal environmental effects as a result of the PP.

***Has the planning proposal adequately addressed any social and economic effects?***

The PP states that there are no anticipated social or economic effects. (PP pg.13)

**Response**

It is considered that there will be minimal social and economic effects as a result of the PP.

**State and Commonwealth interests**

**Is there adequate public infrastructure for the planning proposal?**

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The PP states there is adequate infrastructure available for the proposal as the site is served by existing utility services, telecommunication and the local road network. (PP pg.13).

**Response**

As the PP is rezoning the land to reflect its existing partial residential use it is considered that there is adequate infrastructure available.

***What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway determination?***

The PP states (PP pg.13).

*No consultation with State or Commonwealth authorities has been undertaken for this Planning Proposal as it is considered to be of local significance only.*

**Response**

As the PP is rezoning the land to reflect part of its current use for residential purposes it is not considered necessary to consult with any external authority at this time. Relevant authorities will be consulted in accordance with the conditions of the Gateway Determination issued by the DPE. (Note: The GD always nominates state government agencies and departments required to be consulted together with the duration of consultation.)

**Consultation with relevant external bodies**

*Internal Consultation*

The PP was referred to the relevant Council staff for comment on matters relating to contamination and development contributions.

Council's Development Contributions Coordinator has advised that the Planning Proposal does not generate any additional demand on Council's services, as it does not change the current on ground uses of the site. However, should the land owners seek changes to the uses of the site resulting from the LEP amendment an assessment of whether or not development contributions would be applicable would be undertaken at that time.

Council's Senior Environmental Health Officer has advised that based on Council's records it appears that land contamination is unlikely to be an issue.

*Community Consultation*

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

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The DPE's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan. If the PP is approved and a Gateway Determination given, consultation will include the following:

- written notice given:
  - in the local newspaper circulating in the area,
  - on Council's webpage,
  - to adjoining landowners (where this involves strata titled properties, a letter will be sent to the body corporate), and
  - consultations considered necessary by the Department of Planning and Environment with relevant State and Commonwealth authorities.
- the written notice will:
  - provide a brief description of the objectives and intended outcomes,
  - indicate the land affected,
  - state where the planning proposal can be inspected,
  - indicate the last date for submissions, and
  - confirm whether the Minister has chosen to delegate the making of the LEP.

### **Critical Dates**

Time periods for preparation of amending LEPs apply upon the issue of the Gateway Determinations by the Greater Sydney Commission. No timeline has been provided within the PP however a timeline will be provided to the Greater Sydney Commission by Council when submitting the PP for a Gateway determination. That timeline will be part of any exhibited PP document.

### **Financial Implications**

To exhibit the Planning Proposal it is necessary to place an advertisement in a local newspaper. The cost of placing the advertisement is estimated at \$1000. Funds are provided for this purpose in current budget for the financial year 2017/18 from the City Planning budget.

### **Options**

1. That Council proceed with the Planning Proposal to the next stage of the plan making process (gateway determination and community consultation). Should the Greater Sydney Commission determine that the planning proposal can proceed to community consultation Council has another opportunity to decide whether to proceed, vary or reject the proposal after community consultation; or

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2. That Council not to proceed with the Planning Proposal. This is not the recommended option. If Council decides not to proceed with the Planning Proposal, the applicant can lodge a request with the Department of Planning and Environment for a pre-gateway review.

Option 1 is the recommended option because the proposal is of a minor nature and will enable the planning controls for the land to reflect the zoning of adjoining land and the existing use of the land for residential and place of public worship purposes.