

City of Ryde

Planning Proposal for
283-289 Blaxland Road, Ryde

**Submission to NSW Department of
Planning and Infrastructure
July 2011**

Planning Proposal: 283-289 Blaxland Road, Ryde

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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 at 283-289 Blaxland Road, Ryde, from R2 Low Density Residential to R4 High Density Residential.

The planning proposal is submitted by City of Ryde and comprises a component of work submitted by Boston Blyth Fleming Town Planners on behalf of the owners of the land.

The Land to which this Planning Proposal Applies

The subject site comprises one lot which is legally identified as Lot 20 in DP 565527, 283-289 Blaxland Road, Ryde. This lot is located at the corner of Blaxland Road and Kulgoa Avenue.

Site Characteristics

The site is irregular in shape having primary frontage to Blaxland Road of 61.965m, secondary frontage to Kulgoa Avenue of 50.55m and a total site area of 1960m².

The site is currently vacant after having recently been remediated following demolition of the service station previously occupying the site. A number of scattered trees are located around the perimeter of the site. The eastern portion of the site appears to have been filled with an existing retaining wall visible from the Kulgoa Avenue frontage.

The maps overleaf identify the subject site and surrounding development (**Figure 1**) and the zoning of the subject site and immediate surrounds under *Ryde Local Environmental Plan 2010* (RLEP 2010) (**Figure 2**).

Site Context

Surrounding properties consist of a variety of development, including educational establishments, residential flat buildings, housing stock owned by the Department of Housing and detached single dwellings.

The property immediately to the north of the site is housing stock owned by the Department of Housing. To the east of the site are two detached dwellings houses on separate allotments in a battleaxe configuration. It should be noted that the Department of Housing land has a secondary frontage to Kulgoa Avenue located approximately 80m from the subject site. This creates a small separated section of low density residential development addressing Kulgoa Avenue that is bounded by the subject site, the Department of Housing owned land and Kulgoa Avenue. Within this area is an 'urban housing' development. The Department of Housing owned land consists primarily of 'townhouse' style development that is generally 1-2 storeys in height.

Opposite the site addressing Blaxland Road is Ryde College which includes the Ryde TAFE and the 'Le Cordon Bleu' cooking school. Extending south along Blaxland Road and opposite the site on Kulgoa Avenue are a series of residential flat buildings that are generally 3-4 storeys in height.

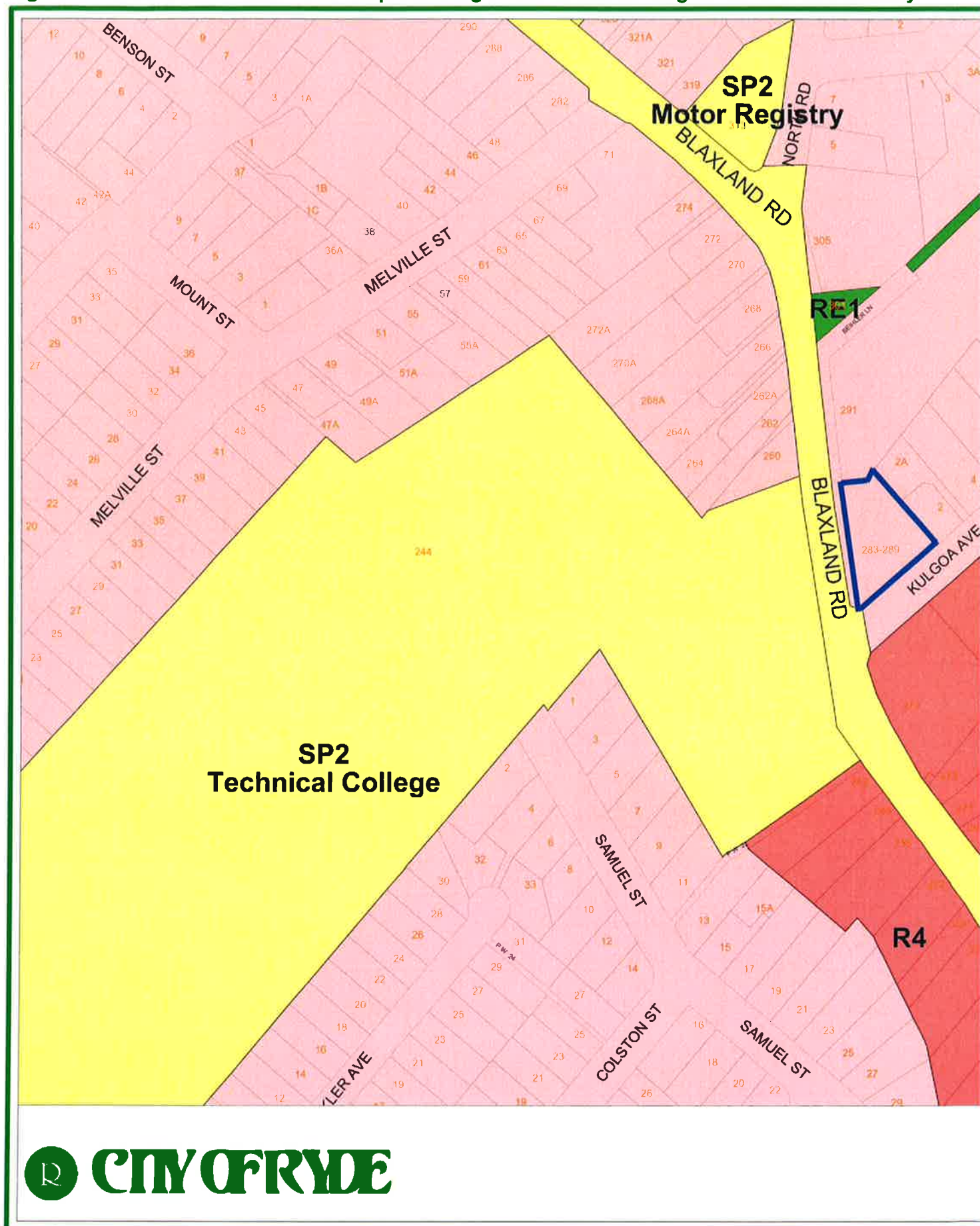
Figure 1: Map showing location of site and surrounding development



IMMEDIATE SITE CONTEXT

The site is located at the boundary of a medium to high residential development. The site is a commercial facility containing TAFE, hotel and conference centre. The area is characterised by villa and townhouse developments and

Figure 2: Extract from RLEP 2010 map showing location and zoning of the site and locality



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 1**, which is currently zoned R2 Low Density Residential under the terms of *RLEP 2010* to R4 High Density Residential. The proposal also includes the amendment of the applicable height and floor space ratio controls to suit the new zoning.

The intended outcomes are as follows:

- To amend *RLEP 2010* to rezone the site from R2 Low Density Residential to R4 High Density Residential.
- To amend *RLEP 2010* to enable a maximum building height of 11.5 metres.
- To amend *RLEP 2010* to enable a maximum Floor Space Ratio of 1.0:1.

As a result of the above amendments, future development of the subject site will:

- provide a diversity of housing choice in this locality with future development to incorporate both town house style and residential flat accommodation. Such outcome will be accommodated on a site which is conveniently located to Top Ryde town centre, employment opportunities and a range of public transport options.
- increase the density of the development on the site to take advantage of the site's Blaxland Road location and its contextual relationship with surrounding development whilst providing an appropriate transition between Blaxland Road and the low density residential environment to the east.

In order to provide certainty of future development outcomes, the proponents have provided conceptual plans of a three storey residential flat building fronting Blaxland Road and a two storey town house building fronting Kulgoa Road. These conceptual plans have been provided in **Appendix 2**. Any such development will be subject to a separate development application to be lodged with Council following gazettal of the rezoning proposal.

It is intended that should the planning proposal be initially supported by the Department of Planning and Infrastructure, a site specific addition to Council's Development Control Plan will be prepared at the applicants expense prior to public exhibition.

The concept plans demonstrate that the site is of adequate size and dimension to accommodate a compliant and contextually appropriate residential flat town house development compliant with the provisions of *RLEP 2010* and State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development.

The Proposal will not involve any torrens title subdivision of the land and will retain the established subdivision pattern in this area. Future development may be subject to strata subdivision.

Generally, the intended outcome of the Proposal is to enable the redevelopment of the land in a form more appropriate to its context and setting.

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 R4 High Density Residential on Sheet LZN-006 of the *Land Zoning Map*.

The planning proposal seeks to:

- (a) *change the zoning of 283-289 Blaxland Road, Ryde from R2 Low Density Residential to R4 High Density Residential, and*
- (b) *apply the development standards equal to those that apply to the nearby R4 Low Density Residential land.*

The changes will require changes to a subset of the RLEP 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 283-289 Blaxland Road, Ryde in the RLEP 2010

RLEP 2010 (Map References)	Current Development Standards	Zone/ Proposed Zone
Zoning (Sheet LZN-006)	R2 Low Density Residential	R4 High Density Residential
Height (Sheet HOB-006)	Maximum Building Height of applies of 9.5m (indicated in the Legend as J)	Maximum Building Height of applies of 11.5m (indicated in the Legend as L)
Floor Space Ratio (Sheet FSR-006)	Maximum Floor Space Ratio of 0.5:1 (indicated in the Legend as D)	Maximum Floor Space Ratio of 1.0:1 (indicated in the Legend as N)

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~~. *R2 Low Density Residential* *R4 High*
- 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 R4 Low Density Residential zone.

It should be noted that some R4 High Density Residential Areas within the Ryde LGA have maximum densities applied through Clause 4.5B of the *RLEP 2010*. It is not intended that this clause will apply to the subject site. As such, no reference is made to this clause within the Draft Plan. The density of development on the site will be subject to achieving compliance with the applicable planning controls relating to the total amount of development to occur on the subject site.

The *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;
- preservation of trees and vegetation – Clause 5.9;
- 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

As provided by Section 5(a)(ii) of the *Environmental Planning and Assessment Act 1979*, an object of the Act is to encourage ‘...the promotion and co-ordination of the orderly and economic use and development of land...’. A key method through which this is achieved is for land to be zoned to ensure its best and most appropriate use.

The subject site is of a substantial size and surrounded by a range of different uses including single residential dwellings, Ryde College, Department of Housing land and residential flat buildings. On this basis it is questionable whether limiting the uses of the site to R2 Low Density Housing constitutes orderly and economic use and development of land.

The justification for the planning proposal must give consideration to other alternate development outcomes on the subject site other than that to occur as a result of the proposed changes. Potential development outcomes are limited by the *RLEP 2010* and other applicable State Environmental Planning Policies.

Existing Zone and Related Controls

Under *RLEP 2010* (gazetted 30 June 2010), the subject site is zoned R2 Low Density Residential.

There are principal development standards applying to development in the R2 Low Density Residential zone under *RLEP 2010*. These are provided in the table below.

Development Standard	Current
Zone	R2 Low Density Residential
Height	9.5m
FSR	0.5:1
Subdivision	Clause 4.1A provides a minimum subdivision requirement for both zones as follows: – each regular lot must have: (i) an area of not less than 580m², and (ii) a frontage to a road of not less than 10 metres, and (iii) a width of not less than 15 metres at a distance of 7.5 metres from the frontage of the lot. – each hatched shaped lot has: (i) an area of not less than 740m² (not including the access corridor and any part of the lot that is intended for access to other lots), and

	(ii) a frontage to a road of not less than 3 metres, and (iii) an access corridor not less than 3 metres wide.
	No changes to these controls are proposed under Draft RLEP 2011.

Consideration of the appropriateness of the above identified controls and their development outcomes is dependant on:

- the suitability of the potential development outcomes achieved under the current controls and
- the appropriateness and impact of resulting built form outcomes of a R4 High Density Residential Zoning.

The resulting built form outcomes and their appropriateness of the proposed R4 High Density Residential Zoning is discussed in depth under *Section C – Environmental, Social & Economic Impact* of this report.

The current zoning of R2 Low Density Residential under *RLEP 2010* (and under draft RLEP 2011 as adopted 2 November 2010) provides for the following uses with Council consent:

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 RLEP 2011 (adopted 2 November 2011), permitted uses also include *Environmental protection works*, and *multi-dwelling housing* (“attached” removed).

Under the current zoning of the site and the various State Environmental Planning Policies that apply to the subject site, the most likely permissible uses on the subject site are:

- single detached dwelling
- multi-dwelling housing (attached),
- dual occupancies (attached),
- Various housing types under:
 - *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
 - *State Environmental Planning Policy (Affordable Rental Housing) 2009*

It should be noted that the above, forms of development would likely have a similar built form outcome to multi-dwelling housing attached.

The anticipated development outcomes on the subject site can in be limited to the above identified built forms or subdivision.

Suitability of potential development outcomes

Given the scope of density surrounding the site, its size and the potential built form outcomes of the above identified development outcomes are not considered to represent orderly and economic use and development of the land. This is detailed below:

Development Outcome	Consideration
Single Detached Dwelling or Dual Occupancy	A key concern with these uses is the size of the site which is 1960m². Under a FSR of 0.5:1 this allows a building with a floor space of 980m². Given the context and surrounds, it can be seen that this would result in a dwelling of excessive size or would result in a dwelling that is a substantial underdevelopment of the site.
Subdivision	This also is not considered a suitable outcome for the site as the <i>RLEP 2010</i> provides: – Regular allotment: a minimum frontage of 10m, a minimum width of 15m at 7.5m from the front boundary and a minimum size of 580m² – Hatchet shaped allotments: a frontage of 3m, an access corridor of 3m and a minimum size of 740m² (not including access ways). The above controls when combined with the irregular shape of the allotment and its existing topography ensure that any future subdivisions of the subject site would result in development and dwellings not in keeping with that of adjoining and adjacent properties. It should also be noted that it is not considered appropriate for additional vehicular access points to be provided along Blaxland Road.
Multi dwelling housing (attached)	This is not currently permissible on the subject site due to being located within the minimum linear separation distance of 6 Kulgoa Avenue, Ryde which currently contains Urban Housing (LDA2007/0358). The linear separation control within the Development Control Plan 2010 generally permits a dual occupancy (attached) or multi dwelling housing (attached) development to occur on every 3 allotments. Notwithstanding the above, due to the configuration, topography and orientation of the site, it is unlikely that multi dwelling housing in accordance with the requirements of <i>Part 3.5 Multi Dwelling Housing (attached) (for Low Density Residential Zone)</i> of <i>Development Control Plan 2010</i> would result in a good urban form outcome. Of particular concern in this respect, are the limitations on excavation and fill, maximum height and storey requirements and adequate vehicular and pedestrian access to the site.

Given the above, it can be clearly seen that the application of the R2 Low Density Residential Zoning to the subject site will not result in the best outcome for the subject site. As such, given that an R4 High Density Residential Zoning may be the most appropriate.

This is as it will:

- Allow for the provision of additional housing within an existing centre and in close proximity to employment centres such as Macquarie Park consistent with the strategic planning direction of Sydney's Metropolitan Strategy and the draft Inner North Subregional Strategy.
- Ensure the future development on the site responds to its context by providing a transition from high density development to the south and the non-residential development to the north to the medium density development to the north and the low density development to the east.
- Future development will provide a visual built form and acoustic buffer between Blaxland Road and the low density residential environment to the east
- Increase the diversity of housing types in the locality and meet an increasing demand for new town house and apartment style housing on the fringe of the Top Ryde Town Centre precinct.
- The concept proposal demonstrates that the proposed amendments will provide for a development on the site that includes apartment and townhouse style housing. This form of housing is generally more affordable than detached single dwellings which are the predominant form of housing in the inner north subregion.
- The orientation of the site provides for exceptional residential amenity in terms of views, solar access and prevailing breezes. All vehicular access can be provided from Kulgoa Avenue.
- Existing utilities will not need to be augmented to service future development.
- A bus stop is located immediately adjacent to the site with Top Ryde Town Centre located within short walking distance of the property.
- Provide for a 2 and 3 storey development, as detailed on the concept plans, the massing of which is appropriately distributed on the site to provide an appropriate built form transition to the low residential environment to the east.

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.

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 generally considered to be consistent with the strategies contained in the housing study and the wider principles contained within Council's *Local Planning Study*, which was adopted by Council on 7 December 2010.

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

As identified in the justification section of this Planning Proposal, it is considered that the subject site is one that should be developed with a higher level of density as a result of its size and context. Given the current zoning that applies, this can only be undertaken through a rezoning of the site. As such, a Planning Proposal is considered to be the best means of achieving the objectives and intended outcomes.

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?

The 'Guide to Preparing a Planning Proposal' produced by the Department of Planning states that the guidance on conducting a Net Community Benefit Test included in the Draft Centres Policy should be followed when assessing the net community benefit of a planning proposal.

The proposal is assessed against the evaluation criteria for the net community benefit test in the following table.

Criteria	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?	As outlined elsewhere in this report, the <i>State and regional strategic direction</i> for site is within the 800m radii of the Ryde Town Centre. The development of the site for higher density residential development will be consistent with one of the key aims of the Metropolitan Strategy which is to provide housing in locations well serviced by public transport.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The strategic centres identified in the draft Inner North Subregional Strategy are: Sydney-North Sydney, St Leonards, Macquarie Park and Chatswood.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The adjoining property owners have been approached to determine whether proposed zoning should be extended to encompass the adjoining properties. The adjoining property owners indicated they were supportive of the current - zoning of their properties. As such, It is not expected that the LEP will create a precedent or change the expectations of other landholders.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Other spot re-zonings in the wider locality will have no impact on the merit of the proposed rezoning of the site. The housing target for Ryde LGA in the

	draft Inner North Subregional Strategy is 12,000 additional dwellings by 2031. This target is likely to be revised upwards following the release of updated population targets and the Metropolitan Strategy review process which is currently in progress. Additional housing is therefore likely to be required on other sites in the locality even if this planning proposal proceeds.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The subject site is currently zoned residential. The proposal will not therefore impact on the supply of employment lands.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The LEP will increase the housing density permitted on the subject site thereby increasing the supply of housing in the locality. An increase in housing supply will assist in reducing the upward pressure on house prices.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?	The local road network is capable of accommodating the small increase in traffic that will result from the development of the site.
Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The site is well serviced by public transport with a bus stop located immediately adjacent to the frontage of the property. Bus services operate on Blaxland route and additional routes can be accessed from the bus stop at the Top Ryde City Shopping Centre.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The provision of additional housing within close proximity of key employment centres such as Macquarie Park, and the provision of housing in a town centre which is well serviced by public transport will help to reduce car dependency of employees of businesses within these employment centres.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The proposal does not require any additional Government investment or services.

Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The proposal will not impact on land that has been identified for protection. The land is not affected by any environmental constraints such as flooding, land slip or bushfire hazard.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposed higher density residential development on the site is consistent with the density of development along Blaxland Road between Top Ryde and the subject site. Future development on the site will be designed to minimise any impacts on the adjoining properties.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal will provide additional housing which will be required to meet the Ryde LGA housing target of 12,000 additional dwellings by 2031. The proposal will increase the supply of apartment and townhouse style development in the locality which will help to relieve the upward pressure on house prices. Higher density development is generally more affordable than detached dwellings which are the predominant form of housing in the inner north subregion. If the planning proposal does not proceed, an opportunity to achieve the objectives of the Metropolitan Strategy relating to increasing housing within centres will be missed.

As identified above, it is considered that the proposal will 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 Ryde 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 is considered 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 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 29 Western Sydney Recreation Area			✓	
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			✓	
SEPP No 52 Farm Dams and Other Works			✓	

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
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.62 Sustainable Aquaculture			✓	
SEPP No 64 Advertising and signage	✓			
SEPP No 65 Design Quality of Residential Flat Development	✓			
SEPP No70 Affordable Housing (Revised Schemes)	✓			
SEPP No 71 Coastal Protection			✓	
SEPP (Affordable Rental Housing) 2009	✓			
SEPP(BASIX) 2004	✓			
SEPP(Housing for Seniors or People with a Disability) 2004	✓			
SEPP (Rural Lands) 2008			✓	
SEPP (Sydney Drinking Water Catchment) 2011			✓	
SEPP (Sydney Region Growth Centres) 2006			✓	
SEPP (Temporary Structures) 2007			✓	
SEPP (Urban Renewal) 2010			✓	
SEPP (Western Sydney Employment Area) 2009			✓	
SEPP (Western Sydney Parklands) 2009			✓	
SEPP (Kosciuszko National Park—Alpine Resorts) 2007			✓	
SEPP (Kurnell Peninsula) 1989			✓	
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	✓			
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	✓			

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

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.

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		
1. Employment and Resources				
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			✓	
2. Environment and Heritage				
2.1 Environment Protection Zones	✓			
2.2 Coastal Protection			✓	
2.3 Heritage Conservation	✓			
2.4 Recreation Vehicle Areas			✓	
3. Housing, Infrastructure and Urban Development				

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
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			✓	
4. Hazard and Risk				
4.1 Acid Sulfate Soils			✓	
4.2 Mine Subsidence and Unstable Land			✓	
4.3 Flood Prone Land			✓	
4.4 Planning for Bushfire Protection			✓	
5. Regional Planning				
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			✓	
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			
6.2 Reserving Land for Public Purposes	✓			
6.3 Site Specific Provisions	✓			
7. Metropolitan Planning				
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 has not been identified as containing critical habitat or threatened species, populations or ecological communities or their habitats.

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?

Given that the planning proposal seeks to rezone the site and increase the height and FSR rates applicable, consideration must be given to the potential built form outcomes to result from the development and its associated environmental effects. Generally it is considered that development to result from the Planning Proposal is unlikely to have any unreasonable adverse environmental effects.

This has been demonstrated by the concept plans of future development provided by the proponent. Furthermore, should the planning proposal be supported by the Department of Planning and Infrastructure a site specific part of the Development Control Plan will be prepared prior to the public exhibition of the Planning Proposal. The primary environmental effects to arise from the future redevelopment of the site in accordance with the proposed rezoning are overshadowing, privacy and streetscape.

Overshadowing

With respect to overshadowing, the proponents have prepared an indicative development outcome that demonstrates the potential development that could result from the amendments to the *RLEP 2010*. This includes a shadow diagram that clearly shows that the shadows to result from the proposed development due to the orientation of the site would fall primarily on Kulgoa Avenue and Blaxland Road, having negligible amenity impacts on adjoining and adjacent residences. These indicative plans, including the shadow diagrams, have been attached (**Appendix 2**).

Privacy

The potential loss of privacy for adjoining residences that may result from the proposal would be subject to the location of windows and balconies. These elements would be subject to further detailing by the proponents as part of any forthcoming Development Application for the site. Consideration of privacy of adjoining dwellings would be required in any forthcoming development application by *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat*

Development. Notwithstanding this, the indicative development outcomes (**Appendix 2**) has indicated that sufficient separation from any future buildings and existing residences could be achieved that would ensure privacy.

Streetscape

The potential outcomes to result from the development with respect to streetscape are considered acceptable given the range of development and built form styles of adjoining and adjacent properties. In considering streetscape, it must be noted that on the eastern side of Blaxland Road, there are currently 3 storey residential flat buildings located to the south of the subject site. Furthermore, directly opposite the site is Ryde College which is 3 storeys in height.

Generally it is considered that the Planning Proposal will not result in unreasonable environmental effects.

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

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 ?

Due to the urbanised nature of the immediate surrounds of the subject site and its context, there is extensive public utility service infrastructure available in this area, including:

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

Generally, 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 and Infrastructure 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.

Brad Hazzard
Minister for Planning and Infrastructure

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 R2 Low Density Residential under the terms
of Ryde Local Environmental Plan 2010 to R4 High Density Residential.

4 Land to which Plan applies

This Plan applies to land situated in the City of Ryde, being Lot 20 in DP
565527, and known as 283-289 Blaxland Road, Ryde, as shown edged heavy
red 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*",
and "*Land Zoning Map*" contained in the Dictionary the following words:

Ryde Local Environmental Plan 2010 (Amendment No.)