
3 PLANNING PROPOSAL - 283-289 BLAXLAND ROAD RYDE

Report prepared by: Client Manager

Report dated: 9/03/2011

File No.: GRP/11/6/3/3 - BP11/208

Report Summary

The purpose of this report is to seek support from Council for a Planning Proposal for the rezoning of land at 283-289 Blaxland Road, Ryde. The owner of the site has requested the rezoning of the land to R4 High Density Residential to enable appropriate redevelopment of the site. The subject land is currently zoned R2 Low Density Residential and has a maximum building height of 9.5m.

The proponents are seeking a rezoning of the site to R4 High Density Residential and a building height of 11.5m. The proponents have not stipulated a Floor Space Ratio (FSR) for the site, however upon consideration of the site and other R4 High Density Zonings within the Local Government Area, a FSR of 1.0:1 is recommended. It has also been recommended that a site specific provisions be developed as an amendment to the *Development Control Plan 2010* be prepared following endorsement of the Planning Proposal by Council and the Department of Planning. This will assist in guiding suitable development outcomes and ensure that a greater degree of amenity is preserved for adjoining and adjacent properties, should the site be redeveloped in future.

Generally it is considered that the subject site is suitable for an increased level of density due to its location and context.

Background

On 1 April 2010, a pre-lodgement meeting was held between Council Staff and the proponents for the construction of 7 attached dwellings on the subject site. The proposal failed to achieve compliance with the requirements of Council's planning controls due to the extent and nature of the proposed development. The proponents were advised that the proposal would be unlikely to be supported in its current form due to the extent of proposed non-compliances.

During the meeting the possibility of a Planning Proposal or rezoning for the subject site was raised, given the size of the site and its context. Following the pre-lodgement meeting, several meetings were held with the proponents regarding the planning proposal process and the documentation to be submitted to Council.

The Planning Proposal was lodged with Council on 19 January 2011 and is the subject of this report.

Report

Council has received a Planning Proposal for 283-289 Blaxland Road, Ryde, legally known as Lot 20 in DP 565527 (see **ATTACHMENT 1**). The owner of the site is requesting rezoning of the land to R4 High Density Residential and associated amendments to the applicable planning controls. The subject land is currently zoned R2 Low Density Residential. Whilst the proponents have provided details of indicative

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development (**ATTACHMENT 4**) to occur as a result of the planning proposal, the proposal is for the rezoning of the site only. Any development of the site would be subject to a future development application.

The site is bounded by Kulgoa Avenue to the south, Blaxland Road to the west and low density residential properties to the north and east. Opposite the site on Blaxland Road is Ryde College which is zoned SP2 Technical College. Opposite the site on Kulgoa Avenue, are residential flat buildings which are zoned R4 High Density Residential. The land to the north and east of the subject site is currently zoned R2 Low Density Residential.

According to section 55 of the *Environmental Planning and Assessment Act 1979*, 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.

In addition to the above, the Department of Planning have also released *A Guide to Preparing Planning Proposals*. It is generally considered that the Planning Proposal prepared by the proponents complies with these guidelines.

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 provides an overview of the proposal and considers its appropriateness and merits.

The 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 Gateway Process.

The Site

The subject site is legally described as Lot 20 in DP 565527 and is known as 283-289 Blaxland Road, Ryde. The site is approximately 1960m² in area and is irregular in size with a frontage of approximately 61m to Blaxland Road and 50m to Kulgoa Avenue.

A map showing the location of the site and the surrounding area is attached (**ATTACHMENT 1**). Also attached is a map showing the zoning of the site and surrounds under RLEP 2010 (**ATTACHMENT 2**).

The subject site is currently vacant and was previously used as a petrol station.

ITEM 3 (continued)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.

The map attached (refer **ATTACHMENT 2**) shows the zoning of the site and the surrounding properties under RLEP 2010.

Proposed AmendmentStatement of Objective and Intended Outcome

The objective of this Planning Proposal is to amend the current zoning restrictions and associated planning controls that apply to 283-289 Blaxland Road, Ryde. This includes changing the zoning from R2 Low Density Residential to R4 High Density Residential. The intent of this rezoning is to take advantage of the unique size, location and context of the subject site.

The proposal would require a change to the relevant Land Zoning Map under RLEP 2010 and an associated amendment to the following maps to apply development standards applicable to the R4 High Density Residential zone:

- the Height of Buildings Map to indicate a Maximum Building Height – L 11.5m to apply to the land on Sheet HOB-1 06.

It should be noted that the proponents have not specified a FSR for the subject site, however it is recommended that a FSR of 1.0:1 be applied. This would ensure development standards would comply with the provisions of the Draft RLEP 2011

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

ITEM 3 (continued)Justification

An extract from planning proposal covering the justification and the need for the proposal is provided at **ATTACHMENT 3** titled Extract from Planning Proposal – Justification.

In summary, the proponent submits that the primary reason for the Planning Proposal is to ensure that future development of the site responds to its context by providing a transition from surrounding development. It is considered by Council Staff that the proposed rezoning supports the aims of the *Environmental Planning and Assessment Act 1979* by promoting the orderly and economic use and development of the land. It is considered that given the size, scope and location / context of the subject site, it is better suited to high density development rather than low density development.

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, the highest form of density permissible is multi-dwelling housing (attached).

Planning AppraisalExisting and Proposed Zones 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 and R4 High Density zone under RLEP 2010. A comparison of these is provided in the table below.

Development Standard	Current	Proposed
Zone	R2 Low Density Residential	R4 High Density Residential
Height	9.5m	11.5m
FSR	0.5:1	No FSR proposed by proponents however it is recommended that a FSR of 1.0:1 be applied. See discussion below under <i>Built</i>

Committee of the Whole, dated 19 July 2011, submitted on 3 May 2011.

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		Form Controls for further information.
Density	For multi-dwelling housing (attached) minimum building site areas per dwelling are: • 300m² 1,2 or 3 bedroom dwellings, • 365 m² for 4 or more bedroom dwellings. A minimum site area of 580m² is required for dual occupancy (attached) development.	For residential flat buildings or multi dwelling housing (attached), the most applicable controls pertaining to density are those under Area 4 (located immediately south of the subject site) of the RLEP 2010. This control provides a minimum site area for the above types of development, dependant on the ratio and number of bedrooms / dwellings proposed. This is as follows: – 1 bedroom, 70m² – 2 bedroom, 100m² – 3 or more bedroom, 130m²
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 proposed amendments is dependant on:

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

Potential development outcomes of current controls

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. As discussed previously within this report, 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.

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Under the current zoning, the most likely outcomes for the site are primarily limited to a single detached dwelling, a dual-occupancy (attached), multi-dwelling housing (attached) or subdivision of the site. Given the scope of density surrounding the site, its size and the potential built form outcomes of these types of development on the site, it is not considered that these uses 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. In addition to the above, the site could also be subdivided for dwelling houses or dual occupancies. However, this also is not considered a positive outcome for the site as the RLEP 2010 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). 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) of 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, careful consideration as to the applicable built form outcomes must be undertaken. This is detailed below.

Built form outcomes

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The primary built form controls that would apply to the subject site under Ryde Local Environmental Plan 2010 are Height and FSR. In this respect, the proponents have sought an increase in height from 9.5m to 11.5m. The primary concerns resulting from this increase are overshadowing, privacy and streetscape. It should be noted that should the Planning Proposal be supported by Council and the Department of Planning, a site specific controls placed into the Development Control Plan 2010 will be prepared prior to undertaking any community consultation.

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 **(ATTACHMENT 4)**.

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 **(ATTACHMENT 4)** 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.

Floor-Space-Ratio

With regards to FSR, the proponents have not proposed a FSR for the subject site on the basis that Clause 4.5B from RLEP 2010 will provide a maximum density for the subject site, dependant on the number of bedrooms for each unit to result from the amended controls.

In this respect, between the proponents commencing initial discussions with Council and lodging the Planning Proposal, the Draft RLEP 2011 has undergone substantial development and has been adopted by Council for submission to the Department of Planning. The Draft RLEP 2011 includes the deletion of Clause 4.5B and the

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inclusion of FSR within the R4 Zone. As such, it is considered that a FSR apply to the subject, ensuring an appropriate FSR is achieved for the subject site given its zoning and potential future development.

The Draft RLEP 2011 provides a maximum FSR of 1.0:1 for all R4 High Density zones within the Ryde LGA. As such, given the size of the subject sites and its proposed zoning, a FSR of 1.0:1 should apply to the site. It must be noted that this FSR is a maximum only. The total floor space area to be achieved on the subject site would also be dependant on compliance with other applicable planning controls including and not limited to setbacks, height, building separation, overshadowing and privacy. These planning controls would include those applicable under the RLEP 2010 or Draft RLEP 2011, *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development* and a site specific part of *Development Control Plan 2010*.

Policy and Strategic Context

Many of the key matters applicable on a Policy and Strategic basis have been considered by the proponent within their Planning Proposal. In this respect, only the major issues have been detailed below.

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.

State Environmental Planning Policies

The proponents have included within their Planning Proposal consideration of the applicable State Environmental Planning Policies, including *State Environmental Planning Policy No. 55 – Remediation of Land*. It must be noted that the proponents have included a Site Contamination Audit Report, given that the subject site was previously used as a Petrol Station. The Site Contamination Audit Report provides that the subject site is suitable for residential purposes.

RLEP 2010

The proposed rezoning from R2 Low Density Residential to R4 High Density Residential under RLEP 2010 is considered suitable due to the location of the subject site and its context.

Development Control Plan 2010

The planning proposal seeks the amendment of the RLEP 2010 and does not seek the redevelopment of the site. Any future redevelopment would be subject to a future

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development application. However, notwithstanding the above, the proponents have provided indicative plans of the type of development that could be achieved under the proposed controls.

Council's current *Development Control Plan 2010* does not have controls that adequately address the uniqueness of the subject site due to its frontage to Blaxland Road, existing surrounding development and the size of the subject site. As such, in order to ensure that the future development of the subject site provides a reasonable built form outcome and a level of amenity for future and existing residents, a site specific addition to the *Development Control Plan 2010* must be prepared. It is envisaged that such planning controls would include but not be limited to matters such as setbacks, solar access and privacy and would be located with *Part 6 Specific Sites* of the *Development Control Plan 2010*.

The preparation of a site specific addition to the *Development Control Plan 2010* would occur once the Planning Proposal has been firstly adopted by Council and subsequently considered by the Department of Planning. Should the Department of Planning support the Planning Proposal, the site specific addition to the DCP 2010 would be prepared prior to any community consultation taking place. This has been included in the recommendations of this report.

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 RLEP 2011

There are minor changes between the R4 High Density Residential zone under RLEP 2010 and RLEP 2011. These changes are:

- The deletion of 2 objectives from the R4 High Density Residential Land Use Table,
- The deletion of clause 4.5B which provides maximum density controls for the development of Residential Flat Buildings within the R4 High Density Zoning, and the introduction of FSRs to the R4 Zone.

It is considered that the proposed changes from the RLEP 2010 and the Draft RLEP2011 are relatively minor. The proposed changes have been adopted for submission to the Department of Planning by Council on the 2 November 2010.

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.

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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.

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. Council should note that the lodgement of the planning proposal has been subject to Council's Fees and Charges Schedule to amend Local Environmental Plans.

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 283-289 Blaxland Road, Ryde to R4 High Density Residential from R2 Low Density Residential under RLEP 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 and the development achievable under it, is considered appropriate for the site given its size, context and location. This is subject to the inclusion of a 1.0:1 FSR on the subject site and a site specific addition to the Development Control Plan 2010 prior to undertaking community consultation.

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

RECOMMENDATION:

- (a) That the Planning Proposal be forwarded to the Department of Planning for Gateway Determination, subject to a FSR of 1.0:1 being applied to the subject site and a site specific addition to the Development Control Plan 2010 being prepared prior to community consultation occurring.
- (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.

ATTACHMENTS

- 1 Attachment 1 - 283-289 Blaxland Rd - Site Plan
- 2 Attachment 2 - 283-289 Blaxland Rd - Current Zoning
- 3 Attachment 3 - Extract from Planning Proposal – Justification
- 4 Attachment 4 - Indicative Development Outcomes - provided UNDER SEPARATE COVER

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IMMEDIATE SITE CONTEXT

re. The site is immediately adjacent to regular
: M52 Metro bus, regional shopping facilities,

CONTEXT - AERIAL VIEW

BLAXLAND ROAD HOUSING

TCO BUILDERS

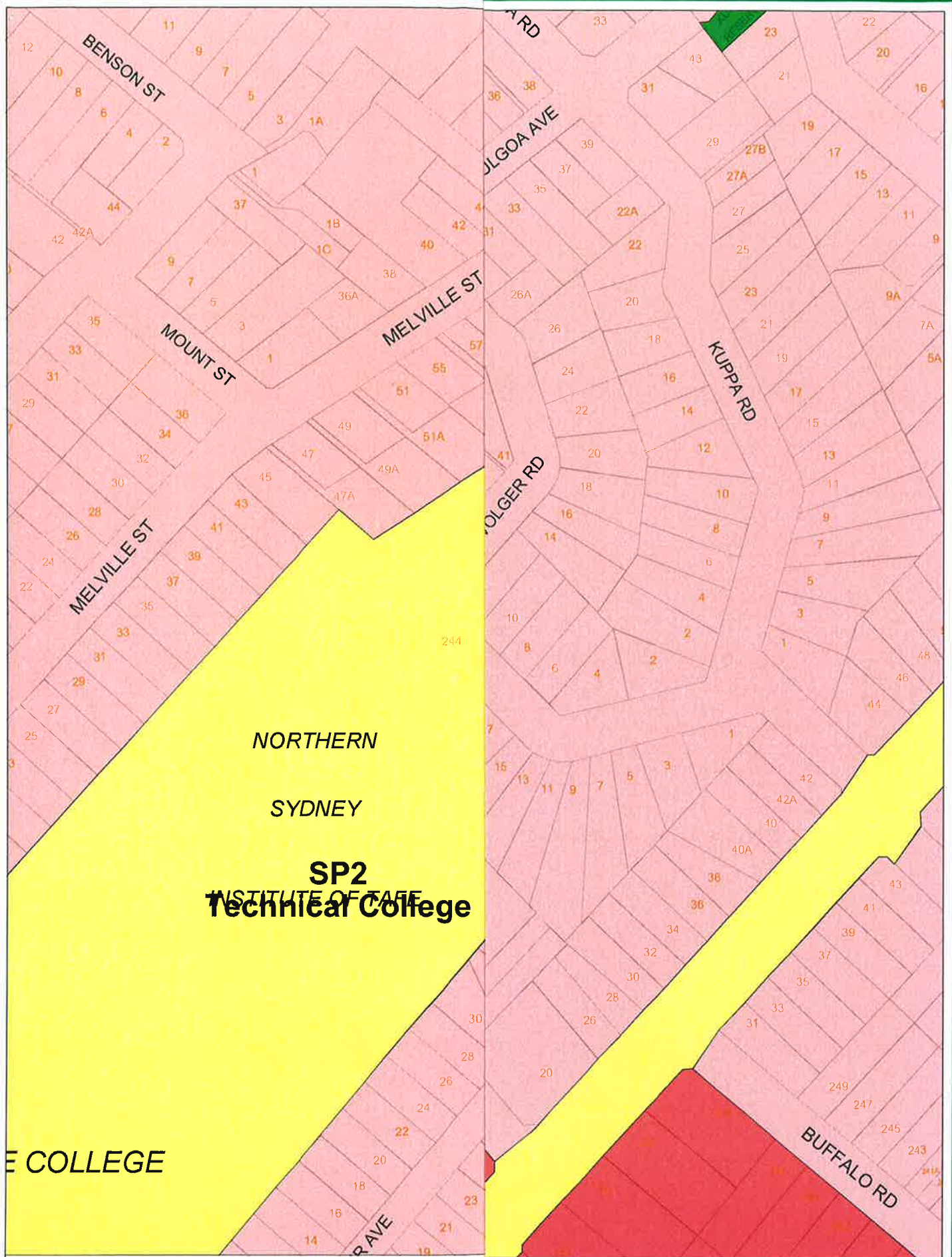


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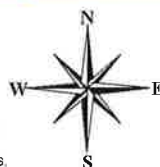
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City of Ryde



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- To provide certainty in relation to future development outcomes by detail conceptual plans of a three storey residential flat building fronting Blaxland Road and a two storey town house building fronting Kulgoa Road. A development application will be submitted for such development following gazettal of the rezoning proposal.
- 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 Ryde Local Environmental Plan 2010, Ryde Development Control Plan 2010 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

4.0 PART 2 – EXPLANATION OF THE PROVISIONS

To achieve the objective of the planning proposal the following amendments are required to RLEP 2010:

- Amendment to the RLEP 2010 Zoning Map to provide for a site zoning of R4 High Density Residential.
- Amendment to the RLEP 2010 Height of Buildings Map to provide for a maximum building height of 11.5 metres.

These amendments will facilitate the development of the site in accordance with the objective and intended outcomes of this planning proposal.

5.0 PART 3 – JUSTIFICATION

The planning proposal seeks to rezone the site from R2 Low Density Residential to R4 High Density Residential through an amendment to the Ryde LEP 2010.

The rezoning of the subject property to allow for higher density residential development is considered appropriate 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. The performance of the concept plans when assessed against the applicable built form controls is detailed in Section 6 of this submission.