

Spot Rezoning 108 Herring Road Marsfield

Proposal Title : **Spot Rezoning 108 Herring Road Marsfield**

Proposal Summary : **Rezoning land at 108 Herring Road Marsfield from R2 Low Density Residential to B1 Neighbourhood Centre.**

PP Number : **PP_2012_RYDEC_001_00** Dop File No : **qA225681**

Proposal Details

Date Planning Proposal Received : **19-Nov-2012** LGA covered : **Ryde**

Region : **Sydney Region East** RPA : **Ryde City Council**

State Electorate : **RYDE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **108 Herring Road**

Suburb : **Marsfield** City : **Sydney** Postcode : **2122**

Land Parcel : **Lot 590 DP 656070**

DoP Planning Officer Contact Details

Contact Name : **Danijela Karac**

Contact Number : **0292286207**

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RPA Contact Details

Contact Name : **Margaret Fasan**

Contact Number : **0299528226**

Contact Email : **mfasan@ryde.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro Inner North subregion** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 23

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The Planning Proposal to rezone land from R2 Low Density Residential to B1 Neighbourhood Centre is sought to enable commercial premises to be permissible on this site.

If the rezoning is supported, Dan Murphy's proposes to lodge a Development Application for an off-license (1,350sqm) on the subject land. The existing hotel, bistro and restaurant would remain on site (currently operating under existing use rights).

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The Planning Proposal seeks to amend Ryde LEP 2010 by:

- 1. rezoning land at 108 Herring Road, Marsfield from R2 Low Density Residential to B1 neighbourhood Centre; and**
- 2. Adding "hotel or motel accommodation" under Schedule 1 for this site.**

The rezoning would permit commercial premises and other uses currently permitted under the Ryde LEP 2010 B1 zone. The operators of Dan Murphy's intend to submit a Development Application for an off-license premises on this site, following a successful rezoning of this site.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The Planning Proposal involves a map change which will update Land Zoning Map Sheet 004 to reflect the new zoning for this site.

Council also proposes to include "hotel or motel accommodation" under Schedule 1 to recognise the continued use of part of the site as a hotel "The Ranch".

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Consistency with Direction 3.1 Residential Zones.

The Planning Proposal is inconsistent with this Direction as it proposes to rezone residential zoned land. However, the site is currently occupied by non residential uses and is a low amenity site which has a busy road frontage onto Epping Road which would make it a highly constrained residential site. For this reason, the rezoning to a non residential zone is acceptable and the inconsistency with this Direction is considered to be of minor significance.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Adequate maps have been submitted for exhibition purposes. Closer inspection of the maps would reveal whether the proposed new Land Zoning Map Sheet 4 is fully compliant with the technical guidelines. However, this can be undertaken at a later stage.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has indicated that it intends to conduct community consultation but has not specified a timeframe. It is recommended that this Planning Proposal be exhibited for a minimum of 14 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **March 2013**

Comments in relation to Principal LEP :

Ryde Council has a Standard Insutrment LEP in place (gazetted in 2010). The next iteration of the comprehensive LEP is underway and is expected to be finalised in 2013. Depending on the progress of this Planning Proposal, it is likely that it will be an amendment to the next

iteration of the comprehensive LEP. Council needs to be reminded that it needs to carefully monitor the timing of this Planning Proposal against the Draft Comprehensive LEP.

Assessment Criteria

Need for planning proposal :	The Planning Proposal is necessary in order to permit commercial premises on this site. Operators of Dan Murphy's liquor store intend to submit a Development Application for a 1,350sqm store when the Planning Proposal is finalised, if it proceeds. In relation to adding "hotel or motel accommodation" under Schedule 1 for this site, this is not necessary as this use is already operating on site and benefits from existing use rights. This approach is supported by the Department's Draft LEP Practice Note Schedule 1 Additional Permitted use exhibited until October 2012.
Consistency with strategic planning framework :	The Planning Proposal is inconsistent with Ryde Council's strategic planning framework which identified no change to the residential zoning in this part of the Ryde Council area. However, the Planning Proposal is considered acceptable as the intended commercial uses are more suitable in this low amenity location than residential development which currently does not exist on this site.
Environmental social economic impacts :	The Planning Proposal would not have any significant environmental or social impacts, with the added benefit of generating 23 new jobs.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 Month	Delegation :	DG
Public Authority Consultation - s6(2)(d) :			
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) :	No		
If Yes, reasons :	Nil		
Identify any additional studies, if required. :			
If Other, provide reasons :			
Nil			
Identify any internal consultations, if required :			
No internal consultation required			
Is the provision and funding of state infrastructure relevant to this plan?	No		
If Yes, reasons :			

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Documents

Document File Name

DocumentType Name

Is Public

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 3.4 Integrating Land Use and Transport
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **1. Exhibit for a minimum period of 14 days;**
 2. 9 months to finalise the Planning Proposal;
 3. Inconsistency with Direction 3.1 Residential Zones is of minor significance;
 4. Addition of "hotel or motel accommodation" to Schedule 1 is not supported as the
 existing uses on site can continue to operate under existing use rights.

Supporting Reasons : **The site is more suitable for non residential development in this low amenity location.**
 The Planning Proposal will generate 23 additional jobs in this area.

Signature:



Printed Name:

Susan Sky

Date:

29/11/2012

