

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

26 May 2016

Attention: The Regional Director, Sydney Region East

Our ref: LEP2016/3

Dear Ms McNally,

Planning Proposal- Blenheim Park- request for Gateway determination

At its meeting on the 26 April 2016, Council resolved to prepare a Planning Proposal for properties adjoining Blenheim Park, at 86 Blenheim Road, 12A and 14 Epping Road, North Ryde.

The Planning Proposal includes the following changes:

1. Change the zoning of the subject land from R2 Low Density Residential to RE1 Public Recreation;
2. Remove the current Floor Space Ratio control of 0.50:1
3. Remove the current Height of Buildings control of 9.5m
4. Identify the site as "Local Open Space" on the Land Reservation Acquisition Map.

Council resolved:

(a) That Council prepare and submit to the NSW Department of Planning and Environment for Gateway Determination, a Planning Proposal for 86 Blenheim Road and 12A-14 Epping Road, North Ryde. The effect of the Planning Proposal is to amend Ryde Local Environmental Plan 2014 to:

- i. Rezone the land from R2 Low Density Residential to RE1 Public Recreation in order to facilitate the expansion of Blenheim Park and address an open space deficiency in the North Ryde and Macquarie Park area; and*
- ii. Amend the maximum floor space ratio (FSR) development standard applicable to the site in order to remove the FSR consistent with the planning approach to land zoned RE1 in the City of Ryde; and*
- iii. Amend the maximum height of building development standard to remove the height limit applicable to the site*

- consistent with the planning approach to land zoned RE1 in the City of Ryde; and*
- iv. *Include 86 Blenheim Road and 12A-14 Epping Road (DP 410408 parcels C, D and E) on the relevant Land Acquisition Reservation Map as "Local Open Space."*
- (b) That, consistent with the Council resolution of 8 March 2016, the General Manager be delegated authority to immediately proceed with the acquisition of 86 Blenheim Road and 12A-14 Epping Road, North Ryde.*

Council had previously considered another Planning Proposal for the site, submitted by the property owner, which proposed zoning the land R4 High Density Residential. Council resolved on 8 March 2016 not to support this Planning Proposal as it (inter-alia):

- Constitutes an ad-hoc rezoning of the site in isolation of an agreed strategic vision for the southern side of Epping Road;
- Is not supported by any strategic land use study prepared by either Council or the Department of Planning and Environment;
- Will have an unacceptable traffic impact on the intersection of Pittwater Road/ Blenheim Road and Pittwater Road/ Epping Road;
- Is inconsistent with the development options for the site previously outlined to the proponent to develop the site for multi-dwelling housing (villas) or a lower scale residential flat development;
- Does not provide urban design rationale for high rise development in this low rise residential and parkland setting;
- Has overshadowing impacts on neighbouring Blenheim Park and Myall Reserve;
- Will have an unacceptable visual impact on surrounding low density residential areas.

At this meeting Council resolved that *"the General Manager be delegated to investigate and action the acquisition of the land for open space to be incorporated into Blenheim Park"*.

The current Planning Proposal is consistent with Council's Integrated Open Space Plan 2012 identifying public open space deficiencies in this area which is experiencing high population growth.

I request that the Department of Planning and Environment review the Planning Proposal and issue a Gateway determination and the Minister's delegation. Please find attached:

- Planning Proposal prepared by Council;
- Copy of Minutes of Council meeting 26 April 2016;
- Copy of Minutes of Council meeting 22 March 2016; and
- An indicative timeline for the planning proposal.

Should you require any further information please contact Lara Dominish,
Senior Strategic Planner on 9952 8455.

Yours sincerely


Meryl Bishop
Manager Strategic City



City of Ryde

Lifestyle and opportunity @ your doorstep

A horizontal bar composed of a series of small, colored squares in shades of purple, blue, green, yellow, and red.

Strategic City Department

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**Planning Proposal
LEP (Blenheim Park) 2016**

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Introduction

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. This planning proposal has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (in particular section 55) and relevant guidelines produced by the Department of Planning and Environment, including "A Guide to preparing Planning Proposals".

The Department of Planning and Environment requires a Planning Proposal to cover six main parts which form the basis of this document as follows:

- Part 1 – Statement of Objectives and Intended Outcomes of the proposed LEP
- Part 2 – Explanation of the Provisions to be included in the LEP
- Part 3 – Justification of objectives, outcomes and process for implementation
- Part 4 – Maps to identify intent and applicable area
- Part 5 – Community Consultation proposed to be undertaken on the Draft LEP
- Part 6 – Project timeline - anticipated timeframe for the making of the LEP

Background

In July 2015 Council received a Planning Proposal for 86 Blenheim Road, 12A and 14 Epping Road, North Ryde, proposing to rezone the land from R2 Low Density Residential to R4 High Density Residential, and increasing the height to 45 metres to allow the construction of a residential flat building up to 16 storeys in height. On 8 March 2016 Council considered a report assessing the original proposal and resolved not to support the Proposal as it (inter-alia):

- Constitutes an ad-hoc rezoning of the site in isolation of an agreed strategic vision for the southern side of Epping Road;
- Is not supported by any strategic land use study prepared by either Council or the Department of Planning and Environment;
- Will have an unacceptable traffic impact on the intersection of Pittwater Road/ Blenheim Road and Pittwater Road/ Epping Road;
- Is inconsistent with the development options for the site previously outlined to the proponent to develop the site for multi-dwelling housing (villas) or a lower scale residential flat development;
- Does not provide urban design rationale for high rise development in this low rise residential and parkland setting;
- Has overshadowing impacts on neighbouring Blenheim Park and Myall Reserve;
- Will have an unacceptable visual impact on surrounding low density residential areas.

Council also resolved at this meeting to delegate authority to the General Manager to investigate and action the acquisition of the land for open space to be incorporated into Blenheim Park.

On 26 April 2016 Council considered a Notice of Motion and resolved as follows:

- (a) *"That Council prepare and submit to the NSW Department of Planning and Environment for Gateway Determination, a Planning Proposal for 86 Blenheim Road and 12A-14 Epping Road, North Ryde. The effect of the Planning Proposal is to amend Ryde Local Environmental Plan 2014 to:*
- i. Rezone the land from R2 Low Density Residential to RE1 Public Recreation in order to facilitate the expansion of Blenheim Park and address an open space deficiency in the North Ryde and Macquarie Park area; and*
 - ii. Amend the maximum floor space ratio (FSR) development standard applicable to the site in order to remove the FSR consistent with the planning approach to land zoned RE1 in the City of Ryde; and*
 - iii. Amend the maximum height of building development standard to remove the height limit applicable to the site consistent with the planning approach to land zoned RE1 in the City of Ryde; and*
 - iv. Include 86 Blenheim Road and 12A-14 Epping Road (DP 410408 parcels C, D and E) on the relevant Land Acquisition Reservation Map as "Local Open Space."*
- (b) *That, consistent with the Council resolution of 8 March 2016, the General Manager be delegated authority to immediately proceed with the acquisition of 86 Blenheim Road and 12A-14 Epping Road, North Ryde".*

Site description



The subject site consists of three properties 86 Blenheim Road and 12-14 Epping Road, North Ryde, legally known as Lots C, D and E DP 410408. Current development on the site includes three dwelling houses, 12A and 14 Epping Road being single storey and 86

Blenheim Road being 2 storey. 12A and 14 Epping Road have driveway crossings from Epping Road, and 86 Blenheim Road has vehicular access from Blenheim Road.

The site adjoins Blenheim Park and has a combined site area of 2004.5m^2 (86 Blenheim Road – 790.4m^2 , 12A Epping Road – 607.03m^2 , 14 Epping Road- 607.03m^2). The site has a frontage of 41 metres to Epping Road. The site slopes away from Epping Road with a three metre crossfall to the rear boundary.



The existing provisions for 86 Blenheim Road, 12A and 14 Epping Road under RLEP2014 are:

- Zoned R2 Low Density Residential;
- Maximum building height of 9.5m; and
- Maximum FSR of 0.5:1.

These controls in association with Ryde Development Control Plan 2014 (RDCP) currently allow a single two storey residential dwelling on each of these three sites or multi-unit housing in the form of villas.

1.0 Objectives or Intended Outcomes

This part of the planning proposal responds to Section 55(1) of the Environmental Planning and Assessment Act 1979 which requires an explanation of what is planned to be achieved by the proposed amendments to RLEP2014.

The intent of this Planning Proposal (PP) is to change the zoning of the site to reserve the land for open space. This will address an open space deficiency in the vicinity and enable the future creation of a recreational precinct in this location.

This PP involves the following amendments to RLEP2014:

1. Change the zoning of the subject land from R2 Low Density Residential to RE1 Public Recreation;
2. Remove the current Floor Space Ratio control of 0.50:1;
3. Remove the current Height of Buildings control of 9.5m; and
4. Identify the site as "Local Open Space" on the Land Reservation Acquisition Map.

2.0 Explanation of Provisions

The proposed outcomes identified in the previous part of the PP reflecting the acquisition of the subject land as public open space require the following amendments to RLEP2014.

Schedule of amendments to RLEP2014

LEP part	Proposed change
Land Zoning Map	Amend map LZN_009 to change the zoning of the site from R2 Low Density Residential to RE1 Public Recreation.
Floor Space Ratio Map	Amend map FSR_009 to remove the FSR control for the subject land.
Height of Buildings Map	Amend map FSR_009 to remove the FSR control for the subject land.
Land Reservation Acquisition Map	Amend map LRA_009 to identify the site as "Local Open Space" (coloured yellow).

3.0 Justification

Section 55 (3) of the Environmental Planning and Assessment Act 1979 enables the Director-General to issue requirements with respect to the preparation of a PP. This section responds to all matters to be addressed in a PP – including Director-General's requirements for the justification of all PPs (other than those that solely reclassify public land).

3.1 Need for the Planning Proposal

The existing planning controls in RLEP2014 do not reflect the Council's intent to acquire the land as public open space. An open space deficiency and consequent need for additional open space in the vicinity has been identified in Council's Integrated Open Space Plan. The Planning Proposal represents an opportunity to expand on a well utilised and popular area of open space, being Blenheim Park.

3.1.1 Is the planning proposal a result of any strategic study or report?

State Environmental Planning Policy Amendment (North Ryde Station Precinct) 2013 identified a number of sites for additional density in close proximity to North Ryde Station. The North Ryde Station Priority Precinct is located on the northern side of Epping Road and the subject site was not included in the Precinct.

The Finalisation Report prepared by the Department of Planning and Environment in July 2013 removed two sites from the Precinct, including land owned by Roads and Maritime Services land on the northern side of Epping Road and the Tennis World site on the southern side of Epping Road. The reasons for removing the RMS land was its limited capacity for high density uses, its small size, poor residential amenity and the site being effectively an isolated "island" surrounded by major arterial roads. The reasons for removing the Tennis World site included that the proposed development would be out of context with the surrounding residential homes and would set a precedent for increases in density on the southern side of Epping Road which would be a poor planning outcome in terms of residential amenity and potential access constraints to Epping Road.

The City of Ryde Integrated Open Space Plan 2012 reviewed the provision of open space in the City of Ryde, identified needs and demands and outlined an implementation plan. The Plan identified North Ryde as a priority area for the acquisition of open space. The Plan concluded that substantial population growth in North Ryde will require Council to optimise the capacity of existing open space and evaluate options for future land acquisition for additional open space in order to meet the growing demand.

Further, the objectives of the Plan discuss the need for a strategic approach to extending the existing quantum of open space, based on consolidation, stand-alone acquisitions and rationalisation. The Plan identifies Blenheim Park as a potential option for land consolidation:

“Consolidation: identifying properties or spaces that are not currently zoned as public open space either within reserves or adjoining reserves, the consolidation of which would extend the capacity of that reserve; an example would include identifying residences adjoining or interjecting into park spaces for acquisition when they come to market, permitting extension of an existing reserve or joining of two separated parks (e.g. Blenheim Park)”

The Planning Proposal is consistent with the objectives of Council’s “Generic Plan of Management: Sportsgrounds, Parks, Natural Areas, General Community Use 2001”, which include the objective “to improve the land in such a way as to promote and facilitate its use”. The future design and function of the land is to form the creation of a recreation precinct incorporating Blenheim Park and Tennis World.

The Planning Proposal reflects Council’s intention to acquire the site as public open space as outlined in the Council resolution of 21 April 2016.

The Planning Proposal removes controls for height and FSR for the subject site which is consistent with the approach for other sites zoned RE1 within the City of Ryde.

3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

A PP under the Environmental Planning and Assessment Act which proceeds as an amendment to RLEP2014 is the only means to change the zoning and identify the site as open space.

3.2 Relationship to strategic planning framework

This section discusses relevant strategic planning documents and their relationship to the PP.

3.2.1 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)?

In December 2014 the NSW Government released Sydney’s Metropolitan Plan “A Plan for Growing Sydney”. The PP is consistent with this Plan.

The proposed amendments to RLEP2014 to identify the site as open space is consistent with Action 1.11.3: “Undertaken long-term planning for social infrastructure to support growing communities”. The amendments also align with Direction 3.2 “Create a network of interlinked, multipurpose open and green spaces across Sydney” and Direction 3.3 “Create healthy built environments”.

3.2.2 Is the planning proposal consistent with the local council's local strategy, or other local strategic plan?

City of Ryde 2021 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. The following parts of the Community Strategic Plan are relevant to this Planning Proposal:

Outcome	Goal	Strategy
A City of Liveable Neighbourhoods	All residents enjoy living in clean, safe, friendly and vibrant neighbourhoods. Our neighbourhoods thrive and grow through sustainable design, planning and regulation that support community needs.	To collaborate with our partners to increase social and recreational opportunities in our neighbourhoods.
		To create active public places and spaces through good planning and design.
A City of Wellbeing	Our residents are encouraged and supported to live healthy and active lives.	To offer a range of cultural, sport, recreational and leisure facilities to meet the needs of all.
		To provide a variety of activities that encourage social interaction and stimulate every day wellbeing.
		To collaborate with our partners to encourage more people to lead healthy and active lives locally.
	Residents feel secure and included in an environment where they can connect socially and are supported by their neighbours.	To encourage a healthy, happy, inclusive and active community where neighbours look out for each other.
A City Of Progressive Leadership	Our city is well led and managed.	To provide safe community spaces and places for people to meet and get to know each other
		To be responsive to the changing needs of our community.

Local Planning Study (LPS)

Council adopted *Local Planning Study (December 2010)*. This study informed the preparation of RLEP2014.

The PP supports the Study's Principle to "retain the total area of open space" and in particular the recommendation to "undertake a program that investigates ... the purchasing of appropriate land to increase the size of larger parks for active sports".

3.2.4 Is the planning proposal consistent with applicable state environmental planning policies?

A summary assessment of the PP in terms of State Environmental Planning Policies (SEPPs) is contained in the table below (Table 1).

This assessment indicates that the draft amendments to RLEP2014 contained in this PP is consistent with all relevant SEPPs.

Table 1 – Consistency with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 19 Bushland in Urban Areas			✓	Applies to the whole of the State. Not relevant to proposed amendment. The Planning Proposal will ensure that bushland in the neighbouring Reserve is protected from overshadowing from inappropriate development.
SEPP No 21 Caravan Parks			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 30 Intensive Agriculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)			✓	Applies to all urban land. Not relevant to the proposed amendment
SEPP No 33 Hazardous and Offensive Development			✓	Applies to the whole of the State. Not relevant to the proposed amendment
SEPP No 50 Canal Estate Development			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 55 Remediation of Land			✓	Applies to the whole of the State.
SEPP No.62 Sustainable Aquaculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 64 Advertising and signage			✓	Applies to the whole of the State. Not relevant to the proposed amendment
SEPP No 65 Design			✓	Applies to the whole of the State. Not relevant

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
Quality of Residential Flat Development				to the proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	Applies to the whole of the State. Not relevant to the proposed amendment.
SEPP(BASIX) 2004			✓	Applies to the whole of the State.
SEPP (Exempt and Complying Development Codes) 2008			✓	Applies to the whole of the State. Not relevant to proposed amendment
SEPP(Housing for Seniors or People with a Disability) 2004			✓	Applies to the whole of the State. Not relevant to proposed amendment
SEPP (Infrastructure) 2007			✓	Applies to the whole of the State. Not relevant to proposed amendment
SEPP (Major Development) 2005			✓	Applies to the whole of the State. Not relevant to proposed amendment
SEPP (Mining, Petroleum Production and Extractive Industries) 2007			✓	Applies to the whole of the State. Not relevant to proposed amendment
SEPP (State and Regional Development) 2011			✓	Not relevant to the proposed amendment
Deemed SEPPs				
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005			✓	The PP is not inconsistent with the relevant planning principles for the Sydney Harbour Catchment.
Draft State Environmental Planning Policies				
SEPP No 66 - Integration of Land Use and Transport 2001			✓	Not relevant to proposed amendment
SEPP (Competition) 2010			✓	Applies to the whole of the State

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

A summary assessment of the PP 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 2).

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to PPs lodged with the Department of Planning and Environment on or after the date the particular direction was issued:

Consideration of Relevant Section 117 Directions applying to PPs

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones		✓		The Planning Proposal is inconsistent with Section 5 (b) of this direction. This inconsistency is considered to be justifiable and of minor significance in terms of the objectives of this direction as it involves the loss of only 3 residential lots. The purpose of the Planning Proposal is to facilitate the expansion of an existing area of open space which will help to accommodate the open space needs of residents in the neighbouring North Ryde Station Precinct. Council seeks the Director General's view that this inconsistency is justifiable and of minor significance. The housing supply and numbers are sufficient to meet the demand and housing targets and needs of the residents of Ryde, with an estimated 20,000 units to be completed by 2031. These additional dwellings will primarily be delivered in Priority Precincts and town centres.
6. Local Plan Making				
6.2 Reserving Land for Public Purposes	✓			The proposal seeks the acquisition of land for public open space.

3.3 – Environmental, social and economic impact

3.3.1 Impact on Critical Habitat, Threatened Species and Ecological Communities

The PP 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.

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

The site is located to the north of Myall Reserve and any potential high density development on the subject site would have shadowing impacts on the Reserve. The PP will reduce the likelihood of inappropriate development impacting negatively on Myall Reserve.

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

The PP would result in a positive social impact, by increasing the availability of public open space in an area with a growing population.

3.4 State and Commonwealth interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The planning proposal will not place additional demands on public infrastructure.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

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

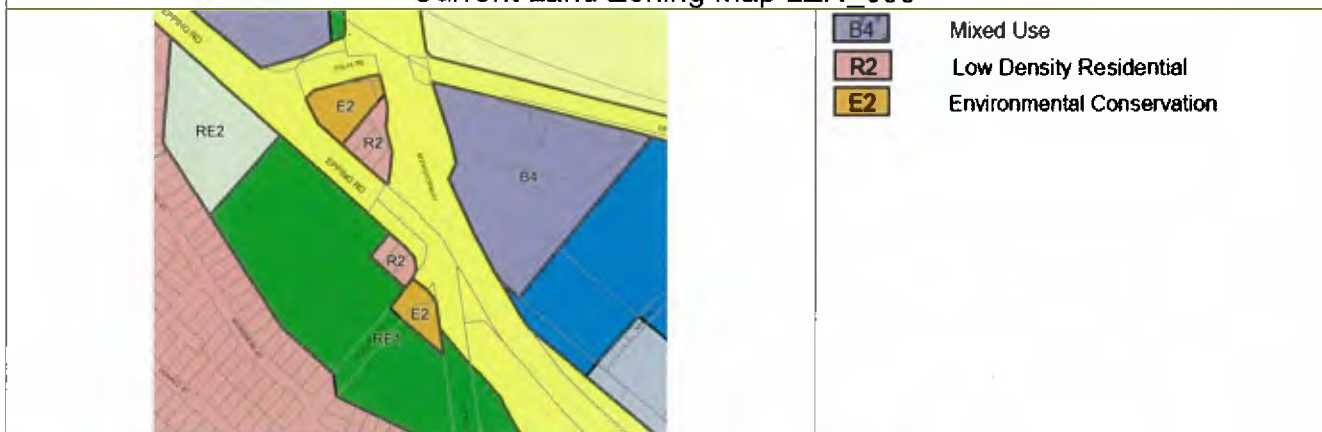
Any State or Commonwealth authority that is identified in the gateway determination will be consulted following that determination.

4.0 Mapping

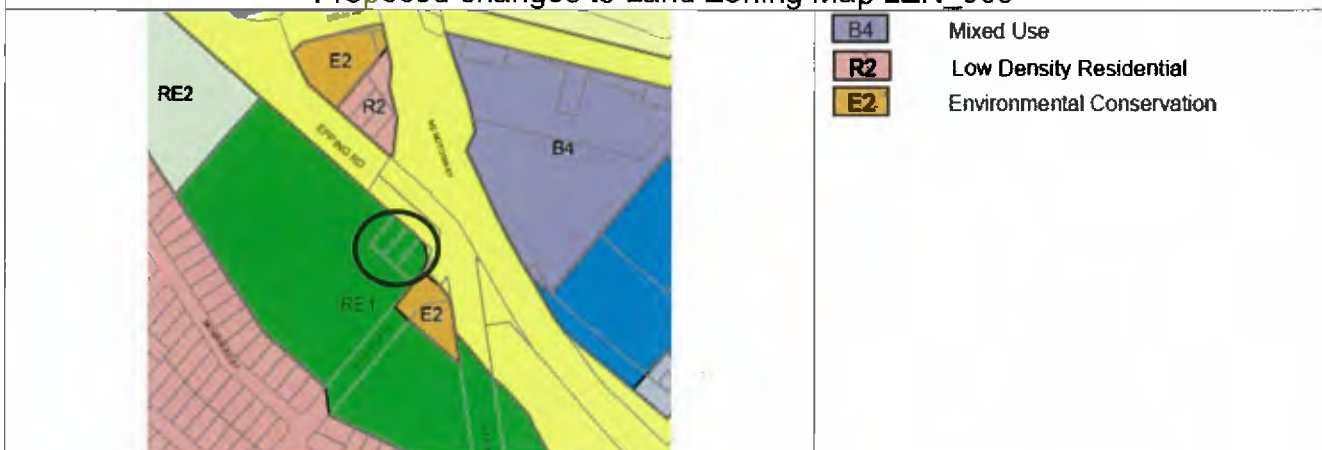
Maps identifying the intent of the PP are provided below.

Map	Proposed amendment
LZN_009	Amend the Land Zoning Map to rezone the site from R2 Low Density Residential to RE1 Public Recreation
LRA_009	Amend the Land Reservation Acquisition Map to reserve the site for Local Open Space (RE1)
FSR_009	Amend the Floor Space Ratio Map to remove the floor space ratio for the site
HOB_009	Amend the Height of Buildings Map to remove the height control for the site

Current Land Zoning Map LZN_009



Proposed changes to Land Zoning Map LZN_009



Current Land Reservation Acquisition Map LRA_009



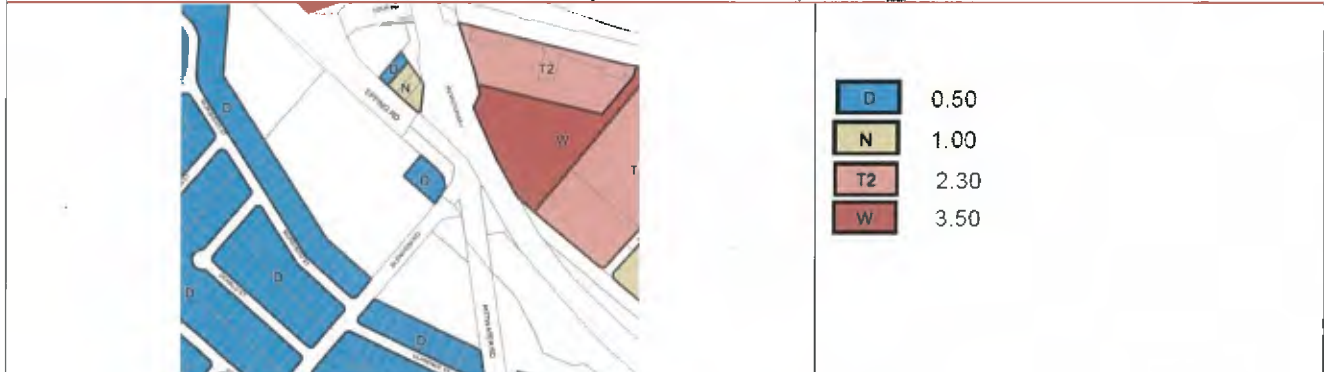
Classified Road (SP2)
Local Open Space (RE1)
Regional Open Space (RE1)

Proposed changes to Land Reservation Acquisition Map LRA_009

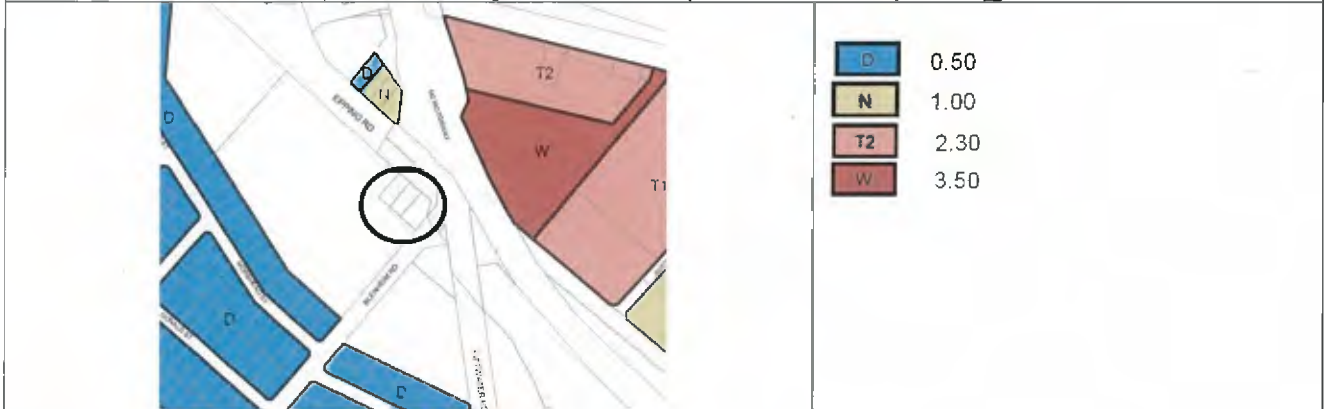


Classified Road (SP2)
Local Open Space (RE1)
Regional Open Space (RE1)

Current Floor Space Ratio Map FSR_009



Proposed changes to Floor Space Ratio Map FSR_009

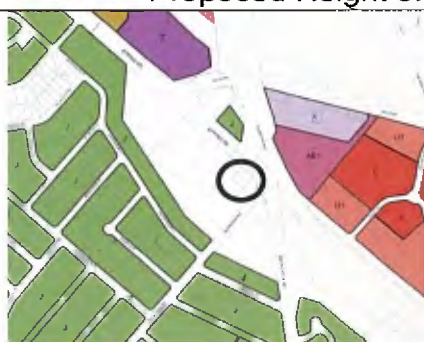


Current Height of Buildings Map HOB_009



J	9.5
U1	30
V	37
X	45
AB1	92

Proposed Height of Buildings Map HOB_009



J	9.5
U1	30
V	37
X	45
AB1	92

5.0 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 PP is expected to be undertaken in the following manner for a period of 4 weeks:

- written notice given:
 - in the local newspaper circulating in the area
 - on Council's webpage
 - to subject landowners and surrounding residents
 - to local state government representatives
 - 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.
- The following materials will be placed on exhibition:
 - the PP
 - the Gateway determination.

The consultation process will include an opportunity to book an appointment with a planner to explain the provisions of the Planning Proposal.

6.0 Project Timeline

Planning Proposal submitted to Gateway	June 2016
Gateway determination received by Council	August 2016
Community consultation (4 weeks)	September 2016
Outcomes of community consultation presented to Council	October 2016
PP submitted to DoPE requesting notification on Government website	November 2016

