

Planning Services

Plan Finalisation Report

Local Government Area: Ryde

File Number: IRF18/1350

1. NAME OF DRAFT LEP

Ryde Local Environmental Plan 2014 Amendment No 16.

2. SITE DESCRIPTION

The planning proposal applies to land at 124A and 126 Epping Road, 366-372 Lane Cove Road and 1 Paul Street, North Ryde (Figure 1).

The site is zoned R2 Low Density Residential and contains six single-storey dwellings, a specialist medical centre and an associated car park that is accessed via the Epping Road on-ramp. The site has an area of 6653m² and fronts Lane Cove Road, Epping Road and Paul Street.

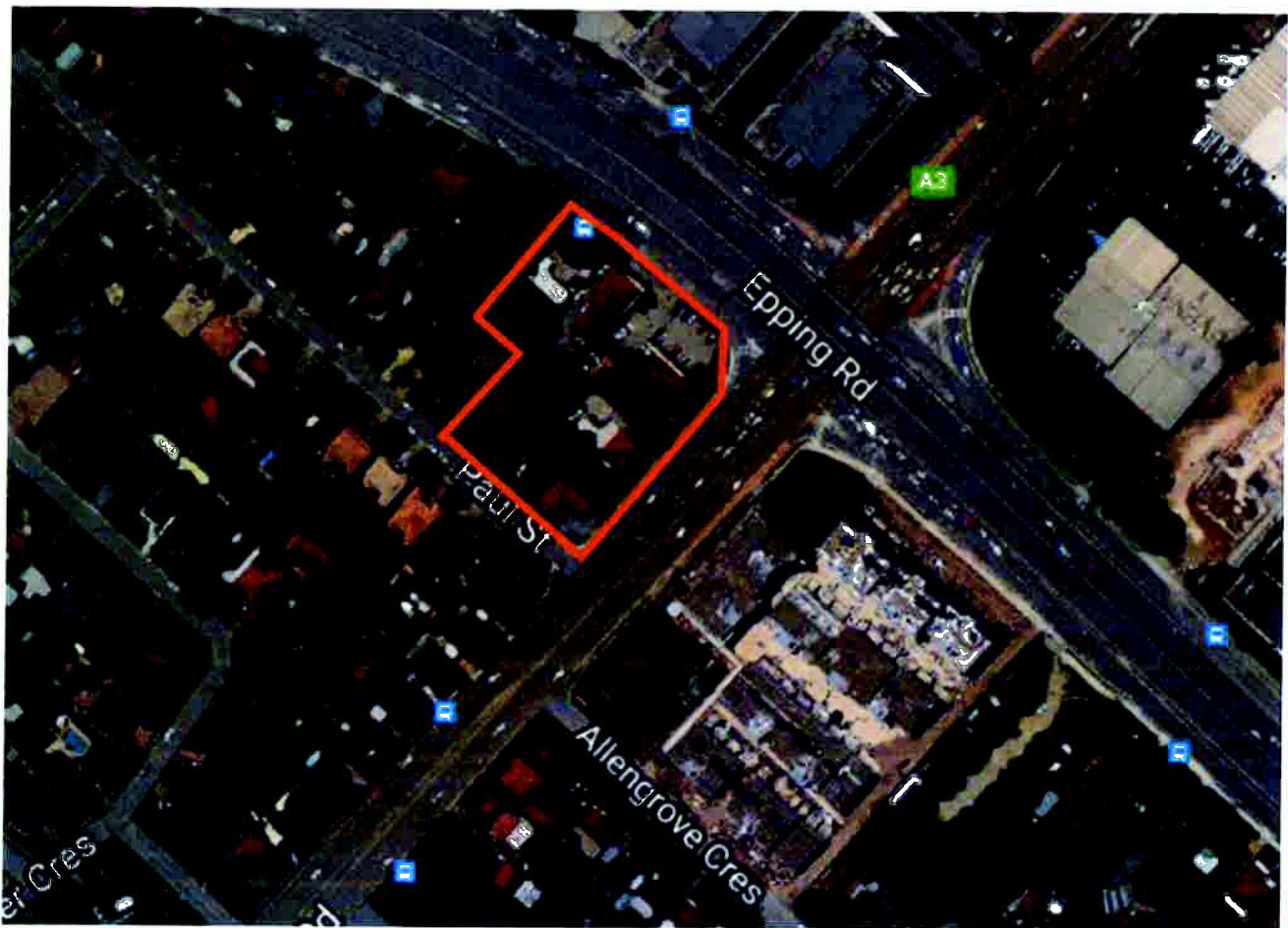


Figure 1: Site location.

3. PURPOSE OF PLAN

The proposal seeks to:

- rezone the site from R2 Low Density Residential to R3 Medium Density Residential;
- increase the maximum permitted building height from 9.5m to 36.6m (10-storey equivalent);
- increase the maximum permitted floor space ratio (FSR) from 0.5:1 to 1.5:1; and
- include medical centres and food and drink premises as schedule 1 additional permitted uses.

A concept design was exhibited with the planning proposal demonstrating three potential mixed-use density options of 10 storeys (108 dwellings), seven storeys (95 dwellings) and five storeys (83 dwellings). These alternative density options were required as a condition of Gateway for exhibition.

Consistent with the Sydney North Planning Panel's recommendation of 13 December 2017 (**Attachment F**), the draft LEP seeks to:

- rezone the site from R2 Low Density Residential to R3 Medium Density Residential;
- increase the maximum permitted FSR from 0.5:1 to 1.2:1;
- increase the maximum height of buildings from 9.5m to 21.5m (5-storey equivalent);
- include a site-specific clause to ensure appropriate height transition to adjoining residential land;
- include medical centre and food and drink premises on the site as additional permitted uses;
- include a requirement for a minimum 1200m² gross floor area (GFA) of non-residential floor space; and
- include a section of the site on the land acquisition map for future road widening.

4. BACKGROUND

On 28 April 2015, City of Ryde Council resolved not to support the planning proposal. Subsequently, the proponent lodged a pre-Gateway review request on 26 May 2015.

On 23 November 2015, the proposal was referred to the former Sydney East Joint Regional Planning Panel for independent advice. The Panel considered the planning proposal and unanimously recommended to defer the proposal to allow the applicant to revise the zoning, reduce building heights and the overall density and increase the publicly available open space.

In March 2016, the Panel considered the revised proposal and recommended it be submitted for a Gateway determination. In June 2016, the Department agreed that the proposal should proceed to Gateway determination stage and Council was invited to act as the planning proposal authority (PPA).

In September 2016, Council resolved to accept the PPA role for the proposal subject to the Gateway determination being conditioned to reduce the maximum building height to five storeys and reduce the FSR to 1.2:1. As a Gateway determination had not yet been issued, this request was considered to predetermine the assessment process.

On 1 December 2016, the Secretary, as delegate of the Greater Sydney Commission, appointed the Sydney North Planning Panel as the PPA.

5. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Ryde State Electorate. The Hon Victor Dominello MP is the State Member for Ryde.

The site falls within the Bennelong Federal Electorate. The Hon John Alexander MP is the Federal Member for Bennelong.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

6. GATEWAY DETERMINATION

The Gateway determination issued on 21 December 2016 (**Attachment C**) determined that the proposal should proceed subject to conditions and required finalisation of the LEP by 28 December 2017.

7. PUBLIC EXHIBITION

In accordance with the Gateway determination, community consultation was undertaken by the Sydney North Planning Panel from 3 May to 31 May 2017.

The key issues raised in community submissions have been summarised and considered below. A summary of issues raised is available in the submissions report (**Attachment G**). The Panel held a public meeting on 13 December 2017 and considered the submissions report in making its final recommendation.

Traffic

Concern was raised that the existing street network is unable to cope with the traffic impacts of the proposal and other approved developments within the locality.

The proposal is supported by a traffic impact assessment, which is based on the proponent's preferred 10-storey density option and states that the proposal would result in 35-69 additional vehicle trips during peak hours. The assessment indicates that the additional traffic represents a minor impact on the surrounding road network. Roads and Maritime Services (RMS) did not raise any concerns with the traffic impacts of the proposal in its post-Gateway submission.

The traffic study indicated that traffic flows are not a key constraint for the proposal. Further detailed design work for maintaining and/or improving the local road network and intersection capacities can be undertaken at the development application stage.

Building height and density

As per the Gateway determination, the exhibited planning proposal provided three density options at five storeys, seven storeys and 10 storeys to provide the community with the opportunity to comment on what they believe is an appropriate density for the site and to allow the Panel to consider the alternative options.

Approximately half of the submissions received (51%) raised concern that the height and density of the proposal represents an overdevelopment of the site.

The Panel was of the view that the five-storey option was best suited to the site and recommended an additional provision for a three-storey transition at the boundary adjacent to land zoned low-density residential.

It is considered that impacts arising from the bulk and scale of the development can be addressed at the development application stage and that the Panel has adequately addressed the issues raised.

Impact on schools

Submissions raised concern about the ability for local schools to accommodate the potential increase in student numbers resulting from the proposal.

There are several schools in the area, including North Ryde Public School and Holy Spirit School within 800m of the site, and Kent Road Public School approximately 1.6km to the west of the site. Macquarie University is 1km to the north-west.

On 18 June 2017, the NSW Government committed to the following school infrastructure projects in the area:

- upgrades to Kent Road Public School, including 20 new classrooms;
- upgrades to West Ryde Public School (approximately 6km from the site), including 14 new classrooms; and
- a new primary school at Smalls Road, Ryde (approximately 2km from the site).

The school upgrades are designed to meet the needs of current and future students in the area, including any new demand generated by the development of the site in accordance with the proposal.

8. ADVICE FROM PUBLIC AUTHORITIES

The Panel was required to consult the Department of Education, Transport for NSW (TfNSW), RMS and City of Ryde Council in accordance with the Gateway determination. A copy of agency submissions is provided at **Attachment H**.

The Panel has consulted these authorities and responses were received from TfNSW, RMS and Council raising the following issues:

Road widening

A section of land within the site's frontage has been identified for road widening by RMS and TfNSW to facilitate the Macquarie Park Bus Priority Infrastructure Program.

Consistent with the Panel's recommendation, the identified land has been added to the draft Ryde LEP land reservation acquisition map as per RMS and TfNSW's request.

RMS advised that other land within the Macquarie Park Bus Priority Infrastructure Program will be dedicated as a public road by gazettal after acquisition and road construction. Therefore, the affected land may be rezoned SP2 Infrastructure post-construction should the road widening proceed. For further information, refer to Section 4.1 Road widening in the submissions report (**Attachment G**).

Traffic impact assessment:

TfNSW highlighted inconsistencies in the traffic impact assessment (GTA Consultants, January 2015) in relation to the proposed zone and FSR.

The inconsistencies identified in the assessment were due to changes requested by the Panel prior to exhibition. In response to TfNSW's submission, the proponent provided a revised traffic impact assessment to address issues raised and reflect the current proposed zone and FSR. The revised assessment does not include a reference to the additional

permitted uses, although 1210m² of commercial floor area is included in the analysis of traffic impacts. The assessment concludes that the proposal will have a minor impact on the local road network.

It is considered that TfNSW's issues have been appropriately addressed in the revised traffic impact assessment and that issues such as a sustainable travel plan, the provision of bicycle lockers and pedestrian facilities can be appropriately dealt with at the development application stage.

Building heights

Council's submission indicated that of the three options presented in the planning proposal, option 2 with a height of five storeys and an FSR of 1.2:1 is supported subject to the four-storey element adjacent to low-density residential properties in Paul Street being restricted to a maximum of three storeys.

The Panel's final recommendation achieves this position. The draft LEP proposes a maximum building height of 21.5m (five storeys with lower-level commercial floor space) and a site-specific provision to ensure the height of any proposed building adequately transitions to the adjoining residential accommodation by considering any impacts on amenity.

9. POST-EXHIBITION CHANGES

Consistent with the Panel's recommendation of 13 December 2017, the following changes to the proposal were made post-exhibition:

- the inclusion of a site-specific clause to ensure appropriate height transition to adjoining residential land. Although the Panel recommended a 12m height limit on the boundaries of the site adjacent to R2 land, this has been translated into a site-specific clause to allow a merit-based assessment taking into consideration urban design and amenity;
- the inclusion of a requirement for a minimum 1200m² (GFA) of non-residential floor space; and
- the inclusion of a portion of the site on the land acquisition map for future road widening.

The proposed changes are considered suitable and do not require re-exhibition of the proposal because:

- the changes will reduce the impact of the proposal on the surrounding area;
- the revised height and FSR have already been exhibited in the five-storey alternative option as per the Gateway determination;
- the extent of the post-exhibition change is confined within the boundaries of the site;
- the changes made to the planning proposal are in response to submissions from the community, public agencies and Council; and
- the Panel has satisfactorily addressed the concerns raised by the community, public agencies and Council.

10. ASSESSMENT

The proposal is supported because:

- it will enable additional dwellings in an accessible location near Macquarie Park;
- it has met the conditions required by the Gateway determination of 21 December 2016;
- it includes a portion of the site to be reserved for a future bus slip lane to help support the delivery of the Macquarie Park Bus Priority Infrastructure Program;

- the proposal requires a minimum 1200m² (GFA) of non-residential floor space to promote employment-generating land uses on the site;
- the proposal has demonstrated that it will not have unacceptable traffic impacts; and
- the proposal will contribute to the housing targets of the Greater Sydney Region Plan and the North District Plan by providing approximately 80 additional dwellings on the site.

Section 9.1 Directions

Direction 6.2 Reserving Land for Public Purposes applies to the planning proposal as it will create a reservation of land for public purposes, which requires the approval of the relevant public authority and the Secretary of the Department.

Roads and Maritime Authority has requested the role of acquisition authority for land identified on the Land Reservation Acquisition map (Attachment J). While approval has not been sought from the Secretary, it is considered appropriate that the Secretary's delegate determine that the objectives of this Direction have been met and therefore this inconsistency is of minor significance.

State environmental planning policies (SEPPs)

The proposal is consistent with all relevant SEPPs.

Region and district plans

In March 2018, the Greater Sydney Commission published the North District Plan. The plan contains specific priorities aimed at guiding the liveability, productivity and sustainability of the district.

The proposal is within the North District and is considered to give effect to the plan as it is consistent with the priorities and actions of the draft plan, particularly those relating to liveability and productivity, as it will facilitate a mixed-use development providing employment and housing in an area close to transport and services.

The Greater Sydney Region Plan was also published in March 2018, providing a 40-year vision for Greater Sydney. It promotes collaboration across government to align land-use planning with future transport services and is designed to inform district plans, local plans and the assessment of planning proposals. The proposal is generally consistent with the 10 directions outlined in the plan.

11. MAPPING

Land zoning, height, FSR and land reservation acquisition maps have been prepared by the Department's ePlanning team with assistance from the Sydney Region East team and have been sent to Parliamentary Counsel for notification (**Attachment Maps**).

Council was consulted on the mapping on 14 February 2018 and provided comments that have been taken into consideration in the final maps (**Attachment E**).

12. CONSULTATION WITH THE PANEL

The Panel was consulted on the terms of the draft instrument (**Attachment D**). Responses were received from the Panel on 2 March 2018 and 5 March 2018 indicating support of the draft instrument and providing comments relating to the description of adjacent land. These comments have been taken into consideration.

Council was consulted on 12 February and 28 February 2018 and did not provide comments on the draft instrument.

13. PARLIAMENTARY COUNSEL OPINION

On 14 March 2018, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

14. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate determine to make the draft LEP as it is consistent with relevant section 9.1 Directions, the North District Plan and the Greater Sydney Region Plan, and will facilitate a mixed-use development, providing employment and housing in an area close to transport and services.

B. Metcalfe 5/7/18

Brendan Metcalfe
Team Leader, Sydney Region East

A. Harvey 9/4/18
Amanda Harvey
Director Regions,
Sydney Region East

Contact Officer: Carina Lucchinelli
Senior Planning Officer
Phone: 9274 6563