

Mr Sam Haddad
Director-General
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

20 December 2012

Attention: The Regional Director
Sydney Region East

Our Ref: LEP2012/5/ D12/94082

Dear Mr Haddad,

Planning Proposal – 461- 495 Victoria Road, Gladesville

At its meeting on 13 November 2012, Council considered a report on a planning proposal submitted by the owner of the land at 461 – 495 Victoria Road, Gladesville. The planning proposal is a request to rezone the land at 461 – 495 Victoria Road, Gladesville to amend:

- Clause 4 of Schedule 1 of Ryde Local Environmental Plan 2010 to include additional land uses; and
- Height of Building Map 06 of Ryde Local Environmental Plan 2010.

In response to the planning proposal Council resolved:

a) That Council note the Planning Proposal for 461-495 Victoria Road, Gladesville to amend Clause 4 'Use of certain land at 461-495 Victoria Road, Gladesville' of Schedule 1 under Ryde Local Environmental Plan 2010 to include the following land uses, bulky goods premises, hardware and building supplies and garden centre, and to amend the Height of Building Map (06) under Ryde Local Environmental Plan.

(b) That Council forward the planning proposal to 461-495 Victoria Road, Gladesville to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

(c) That, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.

(d) That Council support a site specific addition to the Ryde Development Control Plan 2010 be prepared for 461-495 Victoria Road, Gladesville and public exhibited together with the planning proposal.

Disclosure of Political donations and gifts

The applicant for the planning proposal has completed a Political Donations Disclosure Statement which is attached.

Should you require more information or have any questions about this matter, please contact Meryl Bishop, Manager – Urban Planning on 9952 8228.

Yours sincerely



Meryl Bishop
Manager – Urban Planning

Attachments:

- Copy of officer's report to Council (Extract from Agenda of meeting 15 November 2012 - Item 10)
- Copy of minutes for the officer's report to Council (Official Records Copy: Extract from Minutes of Council Meeting 13 November 2012 - Item 10)
- Planning Proposal for 461 – 495 Victoria Road, Gladesville
- Signed Political Donations Disclosure Statement
- Site Identification Map
- Height of Building Map (Tile 06)

10 PLANNING PROPOSAL - 461 - 495 VICTORIA ROAD, GLADESVILLE

Report prepared by: Heritage / Strategic Planner

File No.: GRP/12/5/5/5 - BP12/1264

REPORT SUMMARY

A planning proposal to rezone 461 – 495 Victoria Road, Gladesville was submitted by Bunnings Group Limited to Council, March 2012. The proposal is to include additional land uses in Schedule 1 Ryde Local Environmental Plan 2010 and to amend the Height of Building Map Ryde Local Environmental Plan 210. The planning proposal is considered appropriate to proceed for a gateway determination to the Minister for Planning, to determine whether the planning proposal should proceed to the community consultation. The proposed amendments and achievable development is considered appropriate for the site given its size, context and location. A site specific addition to the Ryde Development Control Plan 2010 will be prepared prior to undertaking community consultation and exhibited together with the LEP amendment.

This report outlines the planning proposal and provides a preliminary assessment in relation to the requirements under the gateway plan-making process. The proposal is congruous with the objectives of the IN2 Light Industrial Zone and there is justification on planning grounds to proceed. This report recommends that Council refer the proposed rezoning to the Minister for Planning to request a Gateway Determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION:

- (a) That Council note the Planning Proposal for 461-495 Victoria Road, Gladesville to amend Clause 4 'Use of certain land at 461-495 Victoria Road, Gladesville' of Schedule 1 under Ryde Local Environmental Plan 2010 to include the following land uses, *bulky goods premises, hardware and building supplies and garden centre*, and to amend the Height of Building Map (06) under Ryde Local Environmental Plan.
- (b) That Council forward the planning proposal to 461-495 Victoria Road, Gladesville to receive a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.
- (c) That, in the event of a gateway determination being issued pursuant to Section

Council, dated 11 December 2012, submitted on 13 November 2012.

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56 of the *Environmental Planning and Assessment Act 1979*, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.

- (d) That Council support a site specific addition to the Ryde Development Control Plan 2010 be prepared for 461-495 Victoria Road, Gladesville and public exhibited together with the planning proposal.

ATTACHMENTS

- 1 461-495 Victoria Road, Gladesville - Planning Proposal - Submitted Report Documentation - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Renee Walmsley
Heritage / Strategic Planner

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 10 (continued)**Background**

This section of the report provides a brief description of the “gateway plan-making process”, including an explanation of the legislative requirements relating to a planning proposal. This section also includes a summary of the steps leading to the submission of the subject planning proposal.

Gateway Plan-Making Process

In July 2009 the NSW Government enacted changes to the *Environmental Planning and Assessment Act 1979* with respect to the making of environmental planning instruments, in particular Local Environmental Plans, under a new process known as the “gateway plan-making process”.

The gateway process has a number of steps. The preparation and submission of a Planning Proposal is the first of five main steps, summarised as follows:

1. **Planning proposal** - this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.
2. **Gateway** –determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
3. **Community Consultation** - the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. **Assessment** — the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan — the legal instrument.
5. **Decision** — the making of the plan by the Minister (or delegate).

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;

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- 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; and
- Details of the **community consultation** that will be undertaken.

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 preliminary assessed by Council staff in respect of the information required to be included in a Planning Proposal.

Submission of Planning Proposal – 461- 495 Victoria Road, Gladesville

A '*bulky good premises*' is not a permitted land use on the site in the IN Light Industrial Land use zone. During 2010 the City of Ryde prepared the Local Planning Study in response to the State Government's Metropolitan Regional Plan and the draft Inner North Subregional Strategy. The study comprised a comprehensive review of the Ryde Local Government Area ('LGA'), including all centres and corridors in the LGA. The site was included and reviewed in the centres and corridors study.

A key finding of the centres and corridors study is that *bulky goods premises* should be adopted as a permitted use on the site as the site is located in a section of Victoria Road identified as a potential enterprise corridor and suitable for *bulky goods premises* land use. This was subsequently included as a recommendation of the study and set out in the Local Planning Study report to Council on 2 November 2010 to be considered by the Committee of the Whole. The resolution of Council was to adopt all recommendations in the Local Planning Study, inclusive of the recommendation that *bulky goods premises* should be adopted as a permitted land use with consent on 461-495 Victoria Road, Gladesville. The recommendations of the Local Planning Study were incorporated into Council's draft RLEP 2011 and Clause 4 Schedule 1 was subsequently amended to include *bulky goods* as a permitted use with development consent (Clause 4 is referred to as Clause 6 in draft RLEP 2011).

On 1 November 2011, a workshop presentation was held by Bunnings Group Limited, to brief Councillors and senior Council Staff of proposed future development plans to the subject site, 461-495 Victoria Road, Gladesville and amendments to the planning controls pursuant to Ryde Local Environmental Plan 2010 ('RLEP 2010') and consideration of the draft Ryde Local Environmental Plan 2011 ('draft RLEP 2011').

Council, dated 11 December 2012, submitted on 13 November 2012.

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On 14 February 2012 a further meeting was held between Council Staff and the proponents regarding a planning proposal at 461-495 Victoria Road, Gladesville. The meeting was principally held to discuss the proposal to amend Schedule 1 of RLEP 2010 to include the additional land uses for the site under the current zone IN2 Light Industrial, including the proposal for *bulky goods premises* land use on the site, and to discuss amendments to the Height of Building Map under RLEP 2010.

A planning proposal was lodged with Council on 20 March 2012. That planning proposal submission is the subject of this report.

Report

This section of the report contains the main report on the planning proposal which includes the description of the site, description of the proposed LEP amendment and an appraisal of the subject planning proposal forms the basis of a recommendation to forward the proposal to the Minister for Planning for a gateway determination.

Planning Proposal – 461- 495 Victoria Road, Gladesville

Council received a Planning Proposal for 461-495 Victoria Road, Gladesville ('the subject site') on 20 March 2012. The LEP amendment will permit the development of a separate Bunnings retail outlet centre and bulky goods warehouse on the subject site. A site specific addition or part to the Ryde Development Control Plan 2010 will be prepared to ensure that the future development of the subject site provides a reasonable built form outcome

The proponent is requesting rezoning of the land to amend Clause 4 Schedule 1 of RLEP 2010 to include the additional uses *bulky goods premises, garden centre and hardware and building supplies*. The current IN2 Light Industrial land use zoning under RLEP 2010 will be retained as part of the planning proposal. The planning proposal also seeks to retain the land uses already permitted by Clause 4 in Schedule 1 RLEP 2010, which allows the existing building premises and office development at 495 Victoria Road, Gladesville known as 'Building H' currently occupied by Fernwood Gymnasium.

There is no maximum building height on industrially zoned land under RLEP 2010. The planning proposal also seeks to amend the Height of Building Map under RLEP

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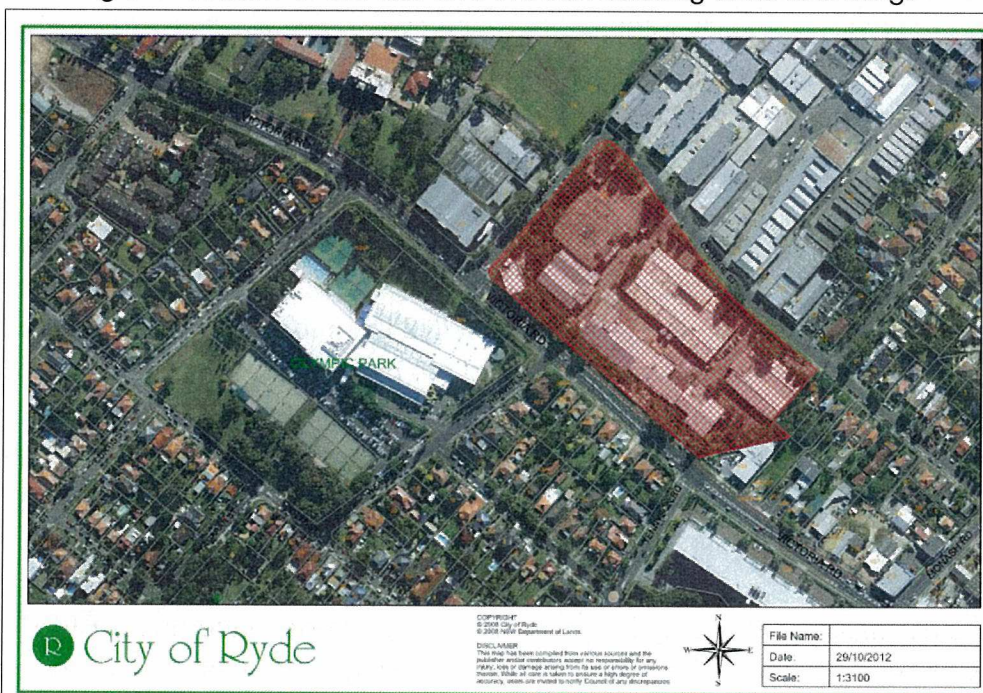
2010 to indicate maximum RLs over the subject site because under draft RLEP 2011 a 10 metre maximum building height will apply to industrially zoned land.

A site specific amendment for the Ryde Development Control Plan 2010 ('RDCP 2010') will be prepared prior to public consultation of the LEP amendment. The preparation of a site specific addition to RDCP 2010 would occur once the planning proposal has been supported by Council for exhibition and achieves a gateway determination from the Department of Planning. The site specific RDCP 2010 amendment will be publicly exhibited with the LEP amendment so that the public may understand the built form and function of the development.

The site

The subject site ('the site'), 461-495 Victoria Road, Gladesville, is legally known as Lot 1 DP 739556 and is currently zoned IN2 - Light Industrial.

The site is a former quarry now known as Enterprise Park, forming part of the Gladesville Industrial Area. The site is bounded by College Street to the north, low density residential and commercial development to the east, Victoria Road to the south and Frank Street to the west. However due to the topography of the site, the principal site frontage is defined by College Street. Vehicular access is principally gained from College Street and the corner of Frank and College Street. A map showing the location of the site and the surrounding area following.



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Given the site was a quarry development the natural topography has been extensively altered and much of the site is below ground level. The site falls steeply from its highest point at Victoria Road (RL49) to the lowest point at in the centre of the site (RL35) (a 14 metre change across the site). The series of photos below depict the fall of the site and it's location below the level of College Street.



View over the site - 461-495 Victoria Road, Gladesville - Upper car park deck viewed from Frank Street



On site looking to the north boundary, with College Street located behind the plane trees and beyond the two storey light industrial warehouse buildings. Note retaining wall and step back up to ground level at College Street

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On site looking to the east boundary defined by a vertical wall with the car wash located behind. Note car wash roof is just visible behind the tree line in the centre of the photograph.



On site looking to the south boundary defined by a vertical embankment with Victoria Road behind at ground level.

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The site is occupied by a number of warehouse buildings generally used for a variety of light industrial purposes (as shown in the images above) and a three storey building at the corner of Frank Street and Victoria Road (shown below), known as 495 Victoria Road, which is occupied by Fernwood Gymnasium.



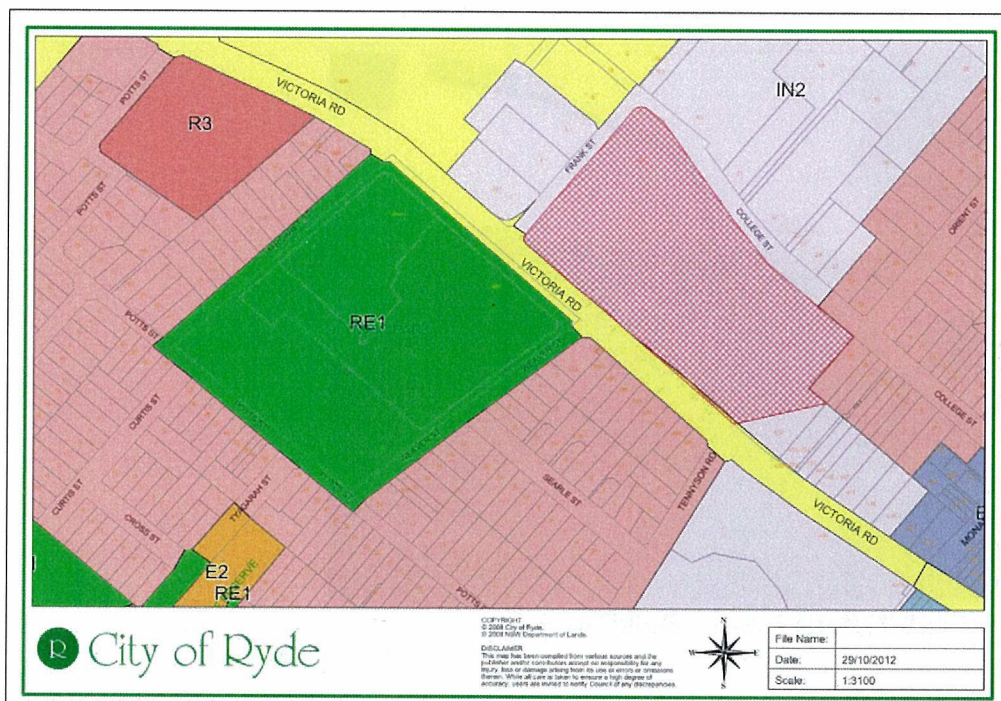
View of 495 Victoria Road – Building H

The existing warehouse buildings and 495 Victoria Road has an estimated gross floor area of 22,000 square metres. The warehouse buildings are serviced by an internal road on the site which is accessed from College and Frank Streets. The building at 495 Victoria Road is accessed from Frank Street. Car parking is provided on site, with parking spaces provided around the warehouse buildings at ground level and on a large roof top car parking area accessed from the corner of College and Frank Streets. The building at 495 Victoria Road has a small number of on-site parking spaces accessed from Frank Street. There are two discussed driveway crossing from Victoria Road.

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Site Context

The surrounding development consists of a variety of light industrial uses, detached single dwellings, recreational and educational uses. The map following shows the zoning under Ryde Local Environmental Plan 2010 of the site and the surrounding sites.



North of the subject site – College Street

The site is bounded to the north by light industrial land uses comprising the Gladesville Industrial area. Industrial buildings are generally two storeys in scale comprising self storage and small industrial units. Access to the Industrial area is provided off College Street and some through sites are also accessed from Buffalo Road.

East of the subject site – Residential and Commercial land uses

The site is adjoined to the east by residential and light industrial land uses. The adjoining residential development fronts College Street with a shared western boundary to the site. The development comprises single and two storey detached dwellings and a villa development. Access to these dwellings is provided from College Street. The adjoining light industrial development fronting Victoria Road and comprises a car wash and care business. There is a substantial level change along the western boundary between the site and Victoria Road.

Council, dated 11 December 2012, submitted on 13 November 2012.

ITEM 10 (continued)*South of the subject site – Victoria Road*

The site is bounded to the south by Victoria Road and a mix of uses; the Ryde Aquatic Leisure Centre, residential and commercial development. To the south-west of the subject site is the Ryde Aquatic Centre. The Aquatic Centre is accessed from Margaret Street and Weaver Street. East of the Aquatic Centre, is residential land uses bounded by Weaver Street to the west and Tennyson Road to the east. Residential development comprises single and two storey dwellings, with some three and four storey residential flat building. To the east of the residential land uses is the Gladesville Business Centre. Industrial zoned land comprising a range of light industrial and warehouse uses are located along Tennyson Road.

West of the subject site – Frank Street

The site is bounded to the west by light industrial land uses, such as Kennards storage facility and further west the education establishment, Holy Cross College. Access to Kennards Self Storage is provided off Frank Street. Access to Holy Cross College is provided off Victoria Road, with a secondary entry point off Cressy Road.

Proposed Amendment to Ryde Local Environmental Plan 2010

The object of this planning proposal is to include additional permitted uses on the site by amending Schedule 1 'Additional Uses' pursuant to RLEP 2010 and to amend the Building Height Map pursuant to RLEP 2010 to permit a maximum building height across the site. The current IN2 Light Industrial land use zoning will be retained as part of the planning proposal.

Clause 4 in Schedule 1 'Additional Uses' pursuant to RLEP 2010 permits development for the purpose of existing building premises or office at 495 Victoria Road, known as 'Building H'. This use will be retained on the site.

The planning proposal seeks to amend Clause 4 Schedule 1 Ryde Local Environmental Plan to include additional land uses permitted with consent. The additional land uses include, *bulky goods premises, garden centre and hardware and building supplies*. The planning proposal also seeks to amend the following Height of Building Map RLEP 2010 (Sheet HOB-106) to apply maximum building heights to the site. The proposed heights are outlined as followed (note: the range in meters is due to the significant variation in topography): RL 63 (12 to 15 metres); RL52 (6 to 14 metres across the site); and RL42 (0 to 4 metres).

ITEM 10 (continued)**Justification and Net Community Benefit**

The planning proposal provides information about the need for a major hardware store in the Ryde Local Government Area ('RLGA') and to vary the maximum building height limits to facilitate a suitable urban design outcome on a topographically constrained site. The proponent submits that the planning proposal would promote the orderly and economic use and development of the subject site, and that the planning proposal is expected to result in a net community benefit, which included:

- *Increase employment generating capacity including opportunities for part time, casual and younger employees and key workers;*
- *The ability to satisfy latent demand for a large hardware store and bulky goods premises in the Ryde LGA;*
- *A considered approach to building heights across the site having regard for the various streetscape outcomes and residential interfaces; and*
- *Reducing permissible height to the sensitive College Street frontage and also minimising potential building height to the adjoining residential property at 18 College Street.*

Documentation covering the justification and the need for the proposal is provided at **ATTACHMENT 1** titled '461-495 Victoria Road, Gladesville - Planning Proposal- Submitted Report Documentation'. The relevant sections are found at 'Part 3 – Justification' on page 24 of the planning report prepared by Don Fox Planning and the 'Economic Assessment' report prepared by Leyshon Consulting Pty Ltd.

City of Ryde Appraisal of the Planning Proposal

Pursuant to RLEP 2010, the subject site is zoned IN2 – Light Industrial, the purpose being to enable land to be used for light industrial and associated purposes. The principal development standards applying to the IN2 Light Industrial zone under RLEP 2010, including the provision of Clause 4 Schedule 1 are provided in the table below.

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Provision	Ryde Local Environmental Plan 2010
Zoning	IN2 – Light Industrial SP2 – Infrastructure (classified road)
Height	No height limit
Floor Space Ratio	1:1
Clause 4 Schedule 1 – Additional Land Uses	(1) This clause applies to land at 461-495 Victoria Road, Gladesville, being part Lot 1, DP 739556 (Building H) (2) Development for the purposes of business premises and office premises Building H (known as 495 Victoria Road) that include 48 car parking spaces is permitted with consent

Additional Land Uses

The planning proposal seeks to amend Clause 4 Schedule 1 RLEP 2010 to include additional uses with consent. A comparison of the provisions included under Ryde Local Environment Plan 2010, Ryde Local Environmental Plan 2011 and the planning proposed is provided below.

Provision	RLEP 2010	Draft RLEP 2011	Proposed Provisions under the Planning Proposal
Schedule 1 – Additional Land uses	Clause 4 – Use of Certain Land at 461 - 495 Victoria Road, Gladesville (1) This clause applies to land at 461-495 Victoria Road, Gladesville, being part Lot 1, DP 739556 (Building H) (2) Development for the purposes of business premises and office premises Building H (known as	Clause 6 – Use of certain land at 461 Victoria Road, Gladesville (1) This clause applies to land at 461 Victoria Road, Gladesville being Lot 1 DP739556 (2) Development for the purpose of bulky goods is permitted with consent (3) Development for the purpose of business premises and office premises (Building H	Clause 4 – Uses of certain land at 461-495 Victoria Road, Gladesville (1) This clause applies to land at 495 Victoria Road, Gladesville being Lot 1 DP739556 (2) Development for the purposes of bulky goods, garden centre and hardware and building supplies permitted with consent

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Provision	RLEP 2010	Draft RLEP 2011	Proposed Provisions under the Planning Proposal
	495 Victoria Road) that include 48 car parking spaces is permitted with consent	only) is permitted with consent	(3) Development for the purposes of business premises and office premises (Building H)

Council have adopted additional land uses into the zoning land use table as part of Schedule 1 'Additional Uses' pursuant to draft RLEP 2011. The permitted uses with consent in the IN Light Industrial zone under RLEP 2010 do not include *hardware and building supplies, garden centre or bulky goods*. The draft RLEP 2011 was adopted 2 November 2011. The draft RLEP 2011 includes the additional permitted uses with consent *Hardware and building supplies*. The adoption of *hardware and building supplies* in Clause 4 Schedule 1 RLEP 2010 is consistent with the "permitted land uses with consent" and the overall intention of the draft RLEP 2011.

The Local Planning Study informs the City of Ryde draft RLEP 2011. During 2010 the City of Ryde prepared the Local Planning Study in response to the State Government's Metropolitan Regional Plan and the draft Inner North Subregional Strategy. The study comprised a comprehensive review of the Ryde Local Government Area ('LGA'), including all centres and corridors in the LGA.

During the Local Planning Study preparation, submissions were received from the public. On 20 September 2010, Council received a submission on behalf of the land owners of the subject site requesting Council consider the inclusion of 'Bulky Goods Premises' as a permitted land use with consent. The request was reviewed by Council staff and a recommendation was made in the Local Planning Study that *bulky goods premises* should be adopted as a permitted land use with consent on the subject site. The Study recognised the subject site as being located in the section of Victoria Road identified as a potential enterprise corridor and suitable for *bulky goods premises* use.

On 2 November 2010 Council reviewed the recommendations set out in the Local Planning Study report to Council. The resolution of Council was to adopt all recommendations in the Local Planning Study. This resolution was inclusive of the recommendation that *bulky goods premises* should be adopted as a permitted land

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use with consent on 461-495 Victoria Road, Gladesville. The recommendations of the Local Planning Study were incorporated into Council's draft RLEP 2011 and Clause 4 Schedule 1 was subsequently amended to include *bulky goods* as a permitted use with development consent for the site (Clause 4 is referred to as Clause 6 in draft RLEP 2011).

Council sought advice from the Department of Planning on the inclusion of *bulky goods premises* under Clause 6 Schedule 1 of the draft RLEP 2011 as a permitted use with development consent on the subject site. The Department advised Council the following on 20 June 2012:

"An expansion of land uses in the industrial zones such as bulky goods is acceptable provided the area of land zoned for industrial does not change. The introduction of bulky goods into the land use table for the IN2 zone (therefore all areas of Ryde where the zone exists) would be acceptable subject to a rationale addressing the appropriateness of such a use in the zone being provided to DoPI. Our preference is to exclude bulky goods retail from industrial zones as an additional use across the zone but the inclusion of 'bulky goods' is not considered fundamentally to be a retail use that is likely to reduce the amount of industrial land...

The preference now is to either: 1). cluster permissibility of these uses in a suitable area (close to commercial is ideal but may not be achievable) and to give them a B5 zoning or 2) allow the use by a Schedule 1 amendment for the particular site based on suitability criteria"

Based on the above the inclusion of *bulky goods premises* by a Schedule 1 amendment in the draft RLEP 2011 is acceptable to the Department, with proper justification from the proponent.

Conclusion

It is recommended that the Amendment to Schedule 1 'Additional Uses' RLEP 2010 to include addition land uses of *bulky goods premises*, *hardware a building supplies* and *garden centre* is supported because Council resolve to adopt the recommendations of the Ryde Local Planning Study, which was inclusive of adopting 'bulky goods premises' as a land use on the site, the inclusion of *hardware and building supplies* in the IN2 Light Industrial land use table pursuant to draft RLEP 2011 and the inclusion of *bulky goods premises* on the site in Clause 6 in Schedule 1 draft RLEP 2011.

Council, dated 11 December 2012, submitted on 13 November 2012.

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Maximum Building Height

The planning proposal seeks to amend Height of Buildings Map to indicate three Maximum Building Heights across the subject site on Sheet HOB – 1 06. A comparison of the provisions included under RLEP 2010, draft RLEP 2011 and the planning proposed is provided below, including a draft maximum building height plan for the site.

Provision	RLEP 2010	Draft RLEP 2011	Proposed Provisions under the Planning Proposal
Height of Building	No Maximum Height of Building limit	10m Maximum Height of Building limit	RL63 (12 to 15 metres building height), RL52 (6 to 14 metres building height) and RL42 (0 to 4 metres).



As a result of the topography the maximum buildings height of 10 metres in the draft RLEP 2011 will result in a deficient urban design outcome, especially from Victoria Road. The maximum building heights capable of being achieved under the proposed RLs will vary across the subject site and at the interface of each boundary. The concept plans submitted with the planning proposal outline that the principal built

Council, dated 11 December 2012, submitted on 13 November 2012.

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form is contained within the RL63 (coloured pink on the above draft plan) and that those structures that will occur in RL52 (coloured blue on the above draft plan) are generally ancillary built form structures, such as car parking, awnings, ramps or driveways. The proposed RL42 (coloured green on the above draft plan) to a depth of 10 metres is located at the interface with adjoining residential developments and will act as a buffer between proposed development on the site and the residential land uses.

A detailed outline of the maximum building height that could be achieved for each proposed RL point is provided following:

North site boundary – College Street

At College Street the ground level at the site boundary falls from RL 40 to RL38, the lowest point occurring toward the centre of the site. At the centre of the site the ground level falls to RL35, which sets the centre of the site below ground level at the site boundary fronting College Street. Any built form on the subject site will be visible from ground level at the site boundary to College Street (RL38 to RL40).

East site boundary – Residential and Commercial land uses

At the eastern boundary of the site the ground level fall adjoining the residential development fronting College Street falls from RL40 to RL35. Adjoining the car wash at the south-eastern portion of the site boundary the ground level steeply falls from approximately RL49 to RL35, which represents a change of 14 metres. Due to the steep fall of the land majority of the built form visible from this site boundary will occur below ground level.

South site boundary – Victoria Road

At the southern site boundary the ground level is generally consistent at RL49 to RL48. The site boundary will be characterised a maximum building height to RL63. Along Victoria Road, RL63 represents a maximum building height above street level of approximately 14 – 15 metres setback between 6 - 9 metres from the site boundary. This maximum height of the built form is congruous built form with the adjoining site to the west, Kennard's storage and south-east, Glade View Business Park.

West site boundary – Frank Street

At the western site boundary the ground level varies between RL49 to RL45. Due to the nominal change in topography along this boundary, the resultant potential built

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form will be visible to and from Frank Street. RL52 represents a maximum building height of approximately 3 to 7 metres from street level (RL42 to RL45) at a zero setback to the site boundary. RL63 represents a maximum building height of approximately 18 – 21 metres from ground level (RL42 to RL45) setback 33 metres from the site boundary.

Conclusion

It is recommended that the proposed heights for the site be supported because the amendment to the heights will permit a potential development above ground at Victoria Road, providing street activation and a building presentation to an otherwise blank site and the maximum height is appropriately setback from College Street and the residential interface through the adopted of three RL's across the site.

Access

The site is accessed from:

- Two access points along College Street;
- Two access points along Frank Street. One access point provides access to a roof top car park and the second provides access to the building at 495 Victoria Road, Gladesville; and
- Two disused access points off Victoria Road.

The concept plans submitted with the planning proposal demonstrate that access to the site will be re-orientated around three access points following:

- An access point at the corner of College and Frank Street;
- An access point from Frank Street; and
- A new access point from Victoria Road at the intersection of Victoria and Tennyson Roads.

The new access point from Victoria Road will be created in the south-eastern corner of the site and adjoining the car wash. The access point will provide entry and exit from the site via a traffic light controlled intersection at Victoria and Tennyson Roads and will include, slip lane access heading east along Victoria Road, right turn access at the intersection heading west along Victoria Road, and straight through the intersection from Tennyson Road. A development application for the formation of this intersection to provide access to Building E on the site was lodged with Council on 2 November 2012 (LDA2012/412).

ITEM 10 (continued)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.

Metropolitan Strategy and Employment Lands for Sydney Action Plan

In March 2007, the NSW State Government adopted the Metropolitan Strategy and Employment Lands for Sydney Action Plan covering the City of Ryde. The strategy and plan identify the need to retain employment lands (including traditional industrial areas such as Gladesville). The planning proposal has no adverse impacts on the aims and strategies of the Metropolitan Strategy.

Draft Inner North Subregional Strategy

The Inner North Subregion: Draft Subregional Strategy (Draft Subregional Strategy) covering the City of Ryde LGA. The Draft Subregional Strategy sets a number of objectives and directions for employment and centres and corridors for the subregion to be reached by 2031. The targets set out by the Strategy include, a jobs target for the city of Ryde LGA of 21,000 new jobs; the retention of the Gladesville industrial area for industrial purposes servicing the local population; and identification of parts of Victoria Road, Gladesville as an enterprise corridor. The planning proposal has no adverse impacts on the aims and strategies of the Draft Subregional Strategy and will contribute to diverse employment opportunities within RLGA.

*Ministerial Directions (s.117 directions)*Direction 1.1 – Business and Employment Zones

The objective of the direction is to protect employment land in business and industrial zones and encourage employment growth in suitable locations. On the basis of advice received from the Department of Planning and Infrastructure dated 20 June 2012 and as detailed throughout the report, Council is of the opinion that the proposed inclusion of additional land uses in the IN2 Light Industrial zone under RLEP 2010 does not conflict with the objectives adopted under Direction 1.1.

Direction 6.3 – Site Specific Provisions

The objective of the direction is to discourage unnecessarily restrictive site specific planning controls. The proposed planning proposal does not conflict with the objectives adopted under Direction 1.1.

Council, dated 11 December 2012, submitted on 13 November 2012.

ITEM 10 (continued)*Ryde LEP 2010*

The planning proposal retains the IN2 Light Industrial Land Use zone. The planning proposal request to include the additional land uses *bulky goods premises, hardware and building supplies* and *garden centre* for the subject site only as an amendment to clause 4 Schedule 1 RLEP2010 is considered suitable due to the location of the site and its context in RLGA and the delays in progressing DLEP 2011 to gazettal.

Development Control Plan 2010

Council's current *Development Control Plan 2010* does not have controls that adequately address the uniqueness of the topography of the site, the size of the site the proposed development type and interface with existing surrounding development. 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 site occupiers and adjoining residents, a site specific addition to the *Development Control Plan 2010* must be prepared.

The draft DCP would include elements such as:

- *Street setbacks;*
- *Setbacks to the adjoining residential property at 18 College Street and treatment of the setback area;*
- *Stepped building form to the College Street frontage;*
- *Façade treatment;*
- *Retention of street trees along College street;*
- *Landscaping of setback areas;*
- *Pedestrian entry and activation to Victoria Road;*
- *Vehicle access;*
- *Acoustic buffer to residential properties on College Street; and*
- *Stormwater management.*

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.

ITEM 10 (continued)*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 Inner North Subregional Strategy. The proposed planning proposal does not conflict with the strategies adopted under the Local Planning Study. The relevance of the recommendation of the Local Planning Study and this site is discussed earlier in this report.

Draft Ryde 2011

Under draft LEP 2011 the land is zoned IN Light Industrial. The land use table permits the land use *hardware and building supplies* with development consent. Clause 6 of Schedule 1 'Additional Uses' pursuant to draft RLEP 2011 permits under sub-clause (2) *bulky good premises* land use and retains sub-clause (3) development for the purposes of business premises and office premises (Building H). Should Council support the planning proposal Clause 6 of Schedule 1 would be amended to include *garden centres* into sub-clause (2) as a permitted land use.

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 and stipulated as part of the gateway determination.

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 low impact proposals are generally those which are consistent with the current predominant zoning, and do not cover a significant area. Consultation will be managed by Council and will include exhibition of the draft RLEP 2010 and RDCP 2010 amendment, notification, and a review of submissions.

Critical Dates

Time periods for preparation of amending LEPs apply upon issue of the Gateway Determinations by the Minister. There is usually a 6 to 12 month time period allowed.

Financial Impact

ITEM 10 (continued)

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

The proposal is consistent with Council's Local Planning Study which guides amendments to Council's planning instrument and development control plan.

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 461 – 495 Victoria Road, Gladesville to include additional uses in Schedule 1 RLEP 2010 and to amend the Height of Building Map (Sheet HOB-106) to apply maximum building heights across the subject site. The planning proposal 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 amendments 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 site specific addition to the Development Control Plan 2010 prior to undertaking community consultation.

ITEM 10 (continued)

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

Extract from Minutes of Council Meeting 13 November 2012

**10 PLANNING PROPOSAL - 461 - 495 VICTORIA ROAD,
GLADESVILLE RESOLUTION:**

(Moved by Councillors Yedelian OAM and Perram)

(a) That Council note the Planning Proposal for 461-495 Victoria Road, Gladesville to amend Clause 4 'Use of certain land at 461-495 Victoria Road, Gladesville' of Schedule 1 under Ryde Local Environmental Plan 2010 to include the following land uses, *bulky goods premises, hardware and building supplies* and *garden centre*, and to amend the Height of Building Map (06) under Ryde Local Environmental Plan.

(b) That Council forward the planning proposal to 461-495 Victoria Road, Gladesville to receive a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.

(c) That, in the event of a gateway determination being issued pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.

(d) That Council support a site specific addition to the Ryde Development Control Plan 2010 be prepared for 461-495 Victoria Road, Gladesville and public exhibited together with the planning proposal.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Maggio, Perram, Pickering, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillors Li, Pendleton and Simon