



IRF23/1800

Gateway determination report – PP-2022-4319

2 Thistle Street, Ryde

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal, December 2022
Aboriginal Heritage Due Diligence (undated)
Report on Detailed Site Investigation (Contamination), February 2021

Civil Concept Design Report, 25 November 2022

Ryde Council Meeting Minutes, 23 May 2023

Traffic and Parking Assessment, 3 November 2022

Ryde Local Planning Panel Advice, 11 May 2023

Existing Survey, 25 November 2022

Open Space Assessment, revised September 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Ryde
PPA	City of Ryde Council
NAME	Rezone the site from SP2 Infrastructure (Educational Establishment) to RE1 Public Recreation and introduce centre based child care as an additional permitted use (APU) on Lot 1 DP 437180
NUMBER	PP-2022-4319
LEP TO BE AMENDED	Ryde Local Environmental Plan (LEP) 2014
ADDRESS	2 Thistle Street, Ryde
DESCRIPTION	Lot 1 DP 135062, Lot 1 DP 437180 and Lot 1 DP 120850
RECEIVED	26/05/2023
FILE NO.	IRF23/1800
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives and intended outcomes of the planning proposal are to:

- facilitate the delivery of a new public open space recreation area that responds to the needs of the growing population;
- convert the former school hall for use as a community facility; and
- enable the operation of the centre-based child care facility on Lot 1 DP 437180.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend the Ryde Local Environmental Plan 2014 (RLEP) per the changes in **Table 3** below.

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	SP2 Infrastructure Educational Establishment	RE1 Public Recreation
Schedule 1 Additional permitted uses (APU)	-	Centre-based child care facility permitted on Lot 1 DP 437180

1.4 Site description and surrounding area

The site is located at 2 Thistle Street, Ryde and is legally described as Lot 1 DP 120850, Lot 1 DP 437180 and Lot 1 DP 135062 (**Figure 1**).

The site has an area of approximately 1 hectare, with a frontage of 95m to Thistle Street and 96m to Belmore Street. The site contains the former Meadowbank Public School. The school buildings are located towards the north of the site, with a child care centre located towards the eastern corner of the site. Playgrounds are located to the southwest. The site has vehicle access from Gale Street and Thistle Street, as well as pedestrian access from Belmont Street.

To the north, east and north west of the site are generally single storey residential dwellings. To the south and south east of the site are generally five story medium density residential buildings. The site is adjacent to a Council owned Depot building located to the south of the site.

The site does not contain heritage items or conservation areas. There are two local heritage listed items in the surrounding area, namely a federation style dwelling at 11 Constitution Road and a residence called ‘Crowie home’ at 74 and 78 Belmore Street.

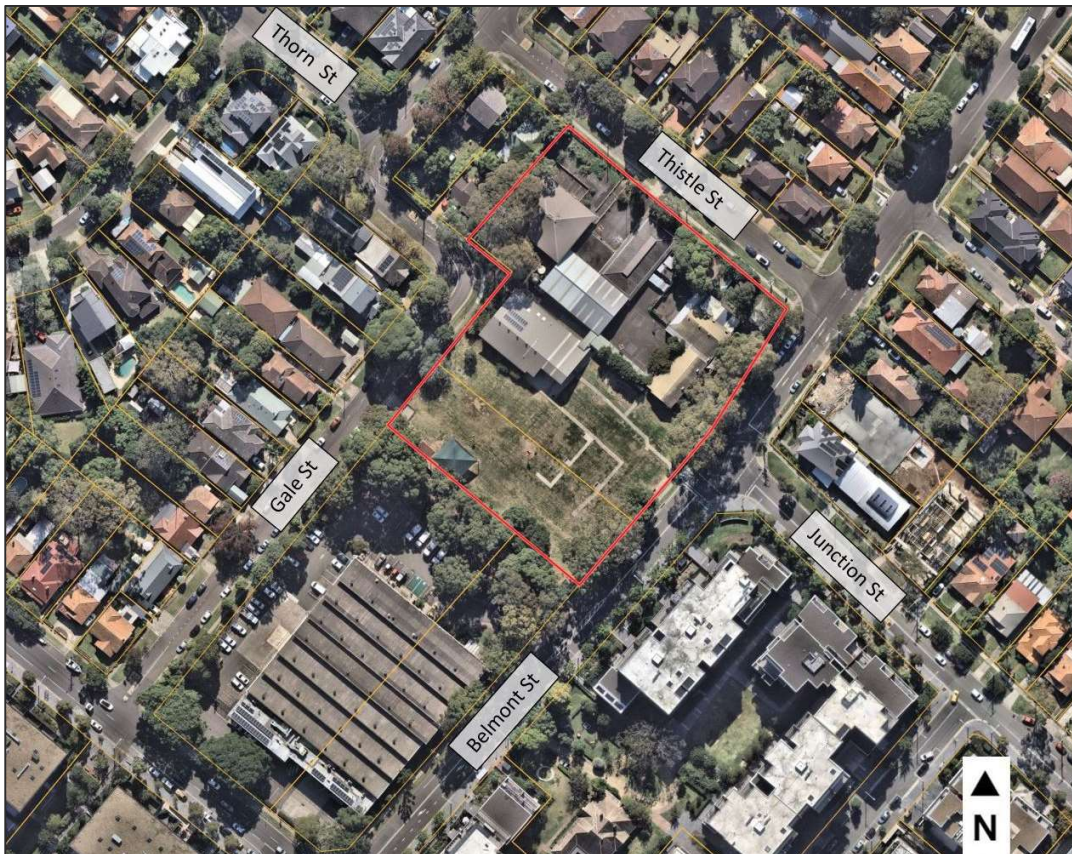


Figure 1 Subject site (source: Near Maps)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning Map, which are suitable for community consultation.

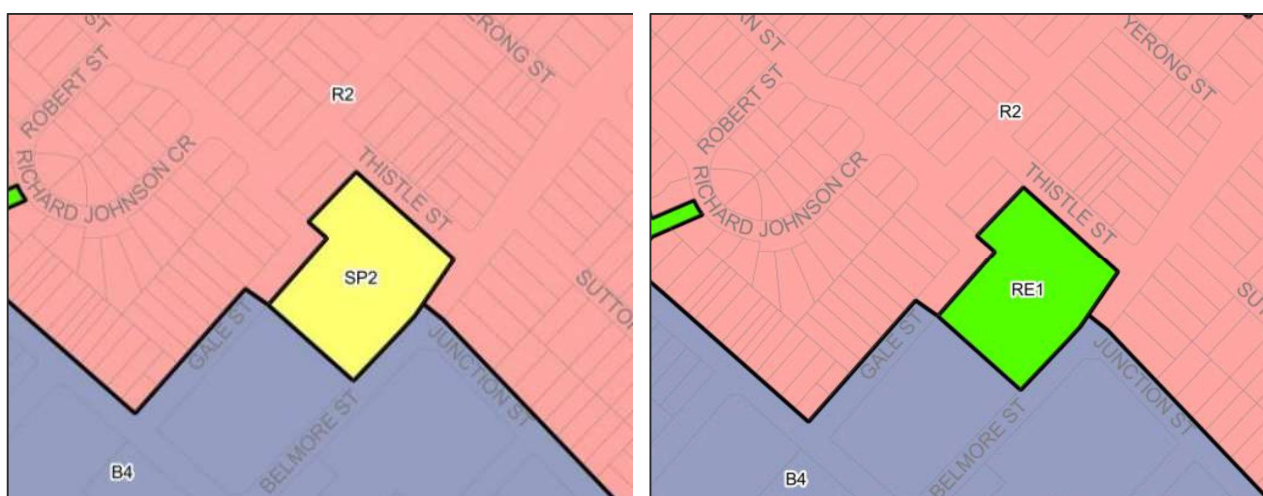


Figure 2 Current zoning map (Planning Proposal / NSW Planning Portal - Special viewer)

1.6 Background

A summary of the project timeline to date is provided in **Table 4** Below.

Table 4 Planning Proposal Timeline

Date	Event / Milestone
16 March 2021	Meeting between NSW Department of Education (the proponent) and Council to explain the proposal and discuss potential exhibition. Open space requirements, school infrastructure demands and traffic and parking identified as key considerations for the assessment.
29 November 2022	Pre lodgement meeting with Council staff, School Infrastructure NSW and Mecone. Council requested minor amendments to the draft planning proposal regarding site ownership, school catchment capacity, site specific provisions and public consultation.
6 December 2022	Council requested the planning proposal be updated to include a flood impact assessment, address local school capacity, clarify future ownership, consider traffic impacts and include a high-level concept plan. The planning proposal has been amended to address most of these requests. However, it does not include a flood impact assessment.
11 May 2023	Planning proposal was considered by the Ryde Local Planning Panel (Section 3.4).
23 May 2023	Council resolved to support the planning proposal proceeding to Gateway and advised that it would like to exercise its functions as a Local Plan Making Authority (LPMA).

25 May 2023

Planning proposal submitted to the Department for Gateway assessment.

2 Need for the planning proposal

The planning proposal is the result of the Department of Education's decision to move the Meadowbank Public School to 6 Rhodes Street, Meadowbank. This relocation is part of the Education and Employment Precinct Schools Project.

The proposal is required to redevelop the site to a public park, community hall and childcare facility, as shown in the indicative concept plan (**Figure 3**). The planning proposal includes the centre based child care centre as an APU within the RE1 Public Recreation zone to ensure its ongoing permissibly in that location.



Figure 3 Indicative site plan (source: Planning Proposal)

The intended outcomes of the planning proposal align with Section 5.1 'open space and active recreation' of the City of Ryde Local Strategic Plan.

A planning proposal is required to amend the RLEP to achieve the intended outcomes for the site.

3 Strategic assessment

3.1 Regional Plan

The site is within the Greater Sydney Region and is subject to the *Greater Sydney Region Plan – A Metropolis of Three Cities* (March 2018). **Table 5** provides an assessment of the planning proposal against relevant aspects of the Regional Plan.

Table 5 Regional Plan Assessment

Regional Plan Objectives	Justification
Objective 3 Infrastructure adapts to meet future needs	Objective 3 seeks to ensure that infrastructure can adequately adapt to future technological advancements and lifestyle trends. The proposed new public park and multipurpose community hall will improve access to local infrastructure in response to the relocation of the school.
Objective 6 Services and infrastructure meet communities changing needs	Objective 6 seeks to ensure that social infrastructure meets the needs of the community now and in the future. Noting the Department of Education decision to relocate the school, the proposal will provide a park and ensure the continued use of an existing child care facility serving community needs for social infrastructure and active open space.
Objective 7 Communities are healthy, resilient, and socially connected	Objective 7 seeks to improve the health and wellbeing of communities by promoting the provision of community facilities and interactive spaces. Noting the Department of Education decision to relocate the school, the proposal will improve access to open space and help the Ryde community to be healthy, resilient and socially connected.
Objective 31 Public open space is accessible, protected and enhanced	Objective 31 seeks to ensure the provision of quality open spaces that are accessible and meets the needs of a growing population. The proposal will provide a park and ensure the continued use of an existing child care facility serving community needs for social infrastructure and active open space.

3.2 District Plan

The site is within the North District and the then Greater Sydney Commission (now called the Greater Cities Commission) released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The following table includes an assessment of the planning proposal against relevant directions and actions (**Table 6**).

Table 6 District Plan assessment

District Plan Priorities	Justification
Planning Priority N1 Planning for a city supported by infrastructure	<p>Priority N1 seeks to ensure that infrastructure meets the needs of a successful and growing city.</p> <p>The proposal will provide additional public space, a community hall and child care facilities for a growing metropolitan area in need of social infrastructure and amenity. The proposal is therefore consistent with Priority N1.</p>
Planning Priority N3 Providing services and social infrastructure to meet people's changing needs	<p>Priority N3 seeks to promote the provision of social infrastructure that meets the needs of a diverse and growing metropolitan city.</p> <p>Noting the Department of Education decision to relocate the school, the new public space and ongoing use of the child care facility will contribute to serving community needs for active open space and social infrastructure within the local and surrounding areas. The proposal is therefore consistent with Priority N3.</p>
Planning Priority N4 Fostering healthy, creative, culturally rich and socially connected communities	<p>Priority N4 seeks to deliver services and social infrastructure that reflects the needs of the community now and into the future.</p> <p>Noting the Department of Education decision to relocate the school, the new public space and ongoing use of the child care facility will help support a healthy a healthy, creative and socially connected community. The proposal is therefore consistent with Priority N4.</p>
Planning Priority N20 Delivering high quality open space	<p>Priority N20 seeks to promote the provision of high quality open spaces that responds to the needs and values of a growing population.</p> <p>The planning proposal will facilitate the provision of a new public park, which will improve access to public open space for the local community. The detailed design and layout of the park will be subject to a future development application.</p> <p>The proposal is therefore consistent with Priority N20.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 7 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement 2020 (LSPS)	<p><u>Council position</u></p> <p>The planning proposal is generally consistent with the Ryde LSPS.</p> <p>The proposal will increase the proportion of the population within 400 metres of public open space greater than 1,500sqm, and will increase the amount of public open space in the City of Ryde. By increasing access to open space, it will contribute to LSPS Priority H5 to provide high levels of residential amenity and priority OS1 to provide accessible open space to service population needs.</p> <p>There are no identified inconsistencies with the targets or priorities of the LSPS.</p>

Local Strategies	Justification
	<u>Department consideration</u> The Department is satisfied that the planning proposal is consistent with the LSPS.

3.4 Local planning panel (LPP) recommendation

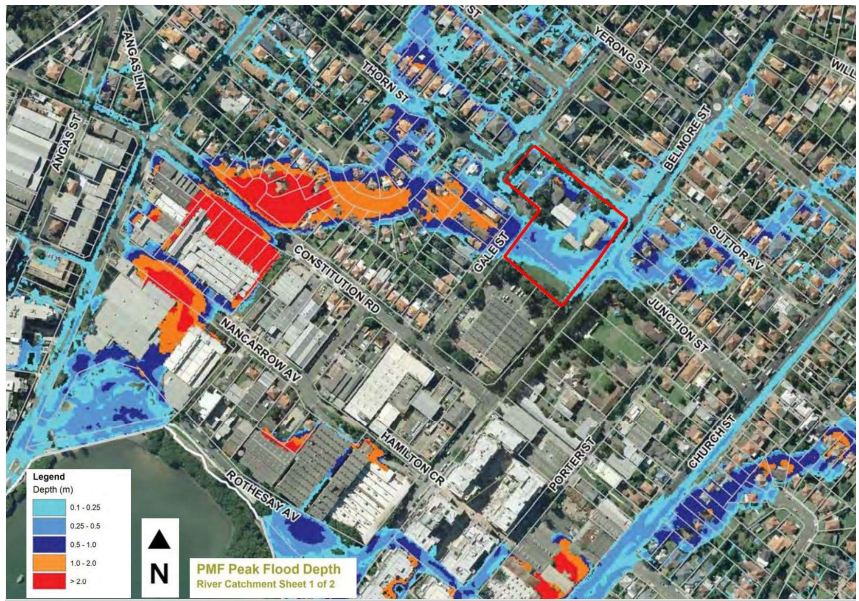
The Ryde Local Planning Panel (LPP) considered the planning proposal on 11 May 2023. The LPP supported the proposal and recommended that it be submitted for Gateway determination.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 8 9.1 Ministerial Direction assessment

Directions	Consistent / Inconsistent / Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1 Implementation of Regional Plans	Consistent	<p>Direction 1.1 seeks to give effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal is consistent with the Regional Plan, as discussed in Section 3.1. The Department recommends a condition that Table 8 of the planning proposal be updated to reflect that Direction 1.1 applies to the proposal.</p>
Direction 1.3 Approval and Referral Requirements	Consistent	<p>Direction 1.3 seeks to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The Department agrees that the proposal does not include consultation, referral, or concurrence provisions, nor clarifies any development as designated development.</p>
Direction 1.4 Site Specific Provisions	Consistent	<p>Direction 1.4 seeks to discourage unnecessarily restrictive site specific planning controls.</p> <p>The Department is satisfied that the APU on Lot 1 DP 437180 is reasonable as it ensures a child care centre is permitted with consent in its current location within the proposed RE1 Public Recreation zone.</p>

Directions	Consistent / Inconsistent / Not Applicable	Reasons for Consistency or Inconsistency
Direction 4.1 Flooding	Consistency yet to be justified	<p>Direction 4.1 seeks to implement the NSW Government's flood policies and ensure that provisions of an LEP consider potential flood impacts.</p> <p>The planning proposal considers that the Direction does not apply, as the site is not located in flood prone land.</p> <p>The site is mapped on Council's Flood Study and Risk Management Mapping (SKM, January 2015) as being within an overland flow path during a Probably Maximum Flood (PMF) event (Figure 4). Therefore, the Department considers that Direction 4.1 applies.</p>  <p>Figure 4 overland flow depths during PMF events (Source: Flood study report 29 August 2013)</p> <p>The Department therefore recommends a condition that the planning proposal be updated to address Ministerial Direction 4.1.</p>
Direction 4.4 Remediation of Contaminated Land	Consistent	<p>Direction 4.4 seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The planning proposal is supported by a Detailed Site Investigation Report from 2021, which concludes that there are generally low levels of soil and ground water contamination at the site, and subject to several recommendations the site can be made suitable (from a contamination perspective) for the proposed open space use.</p>
Direction 4.5 Acid Sulfate Soils	Consistent	<p>Direction 4.5 seeks to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The proposal site is mapped as containing Class 5 Acid Sulfate Soils, being low risk. The Department considers the proposed use of the land is appropriate.</p>

Directions	Consistent / Inconsistent / Not Applicable	Reasons for Consistency or Inconsistency
Direction 5.1 Integrating Land Use and Transport	Consistent	<p>Direction 5.1 seeks to ensure that development improves access by active and public transport, increases transport choice, reduces car dependency, reduces travel demand, supports public transport and provides for efficient freight.</p> <p>The planning proposal will improve access to public open space and community facilities within the local community, and therefore help to encourage active transport and discourage car use.</p>
Direction 5.2 Reserving Land for Public Purposes	Consistent	<p>Direction 5.2 seeks to facilitate the reservation of land for public purposes.</p> <p>The site has not been reserved for a public purpose and no requests have been made to reserve the site as such. Notwithstanding, the proposal facilitates a new public recreation area that will be owned by the Department of Education (who are in discussions with Council about the ongoing operation and maintenance of the hall and open space).</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 9 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Transport and Infrastructure) 2021	Chapter 3 – Educational establishments and childcare facilities	Consistent	<p>The proposal aligns with the objectives of the SEPP as it:</p> <ul style="list-style-type: none"> • does not result in a decrease in the number of available educational facilities, as the former school has relocated nearby • provides for the continued use of the site as a child care centre, for use by the local community and supported by a new park • does not inhibit the operation of the SEPP, including any relevant provisions relating to concurrences or consultation with other State agencies.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021	Chapter 4 Remediation of land	Consistent	<p>The planning proposal is supported by a Detailed Site Investigation Report from 2021, which concludes that there are generally low levels of soil and ground water contamination at the site, and subject to several recommendations the site can be made suitable (from a contamination perspective) for the proposed open space use.</p> <p>The proposal site is also mapped as containing Class 5 Acid Sulfate Soils, being low risk. The Department considers the proposed use of the land is appropriate.</p>

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 10 Environmental impact assessment

Environmental Impact	Assessment
Flooding	As noted in Section 3.4 , the site is mapped on Council's Flood Study and Risk Management Mapping (SKM, January 2015) as being within an overland flow path during a Probably Maximum Flood (PMF) event (Figure 4). The Department therefore recommends a condition that the planning proposal be updated to address Ministerial Direction 4.1.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 11 Social and economic impact assessment

Social and Economic Impact	Assessment
School Capacity	The proposed rezoning of the site from SP2 Infrastructure (Educational Establishment) to RE1 Public Recreation will prevent the site from being used as an educational establishment in the future (unless through a new planning proposal). However, the Department notes that the former Meadowbank Public School has been relocated nearby through the Education and Employment Precinct Schools Project, and the Department of Education does not require further school capacity in the area at this time.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 12 Infrastructure assessment

Infrastructure	Assessment
Traffic and Parking	<p>The proposed rezoning from SP2 Infrastructure (Educational Establishment) to RE1 Public Recreation will change the traffic and parking activity on the site.</p> <p>The proposal is supported by a Traffic and Parking Assessment (TPA), prepared by Stantec Australia, dated 3 November 2023.</p> <p>The TPA found that the peak car parking demands for the proposed open space, community centre and childcare facilities can be managed with existing on-street parking. Based on expected demand, the proposal will generate low traffic volumes and is not expected to significantly impact the surrounding road network.</p> <p>The Department is therefore satisfied that the proposal can be accommodated without adverse traffic and parking impacts on the surrounding area.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

It is not recommended that any agencies be consulted on the planning proposal.

6 Timeframe

Council have not proposed a time frame to complete the LEP.

In accordance with the LEP Plan Making Guideline 2022, the Department recommends that the LEP be completed by Friday 26 April 2024.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as the LPMA.

Given the nature of the proposal being a new local park, the Department recommends that Council be authorised to be the LPMA for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- Noting the Department of Education decision to relocate the school, the new public park and ongoing use of the child care facility will contribute to serving community needs for active open space and social infrastructure within the local and surrounding areas;
- The proposal is consistent with the relevant regional, district and local strategic plans, State Environmental Planning Policies and ministerial directions.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- amend Table 8 of the planning proposal to state that Direction 1.1 applies to the proposal; and
- address Ministerial Direction 4.1 Flooding.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 4.1 is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - amend Table 8 of the planning proposal to state that Direction 1.1 applies to the proposal
 - address Ministerial Direction 4.1 Flooding.
2. The planning proposal should be made available for community consultation for a minimum of working 20 days.
3. The LEP is to be finalised by 26 April 2024.
4. Given the nature of the proposal, Council should be authorised to be the LPMA.



6/7/2023

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7 July 2023

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