

8 PLANNING PROPOSAL: HOUSEKEEPING REVIEW 2022

Report prepared by: Senior Strategic Planner
File No.: LEP2021/8/5 - BP22/15

REPORT SUMMARY

The purpose of this Planning Proposal is to amend the *Ryde Local Environmental Plan 2014* (LEP) to update and address a range of miscellaneous administrative issues identified in the operation of the plan through the correction of errors, omissions and anomalies. It also introduces community facilities and recreation areas in more locations to ensure the City of Ryde can support the needs of its community and new advertising and signage provisions to reduce reliance on existing use rights. Additionally, it expands community education and capacity of Council's waste management practices.

The Planning Proposal is provided at **ATTACHMENT 1**.

This report provides an overview of the Planning Proposal and recommends that it be placed on public exhibition in accordance with the Gateway Determination. Following the exhibition period, the results of the public exhibition will be reported back to Council prior to finalisation.

It is a requirement under the *Environmental Planning and Assessment Act 1979* the Planning Proposal be considered by the Local Planning Panel for the provision of advice to Council. The Planning Proposal was considered at the Local Planning Panel's meeting of 10 March 2022 provided the following advice:

The Panel advises that they raise no objection to the Housekeeping Review 2022 Planning Proposal being submitted for Gateway Determination under 3.34 of the Environmental Planning and Assessment Act 1979.

The advice was unanimous.

RECOMMENDATION:

- (a) That Council forwards the Planning Proposal for Gateway Determination under Section 3.33 of the *Environmental Planning and Assessment Act 1979*.
- (b) That Council request delegation to be the Local Plan-making Authority.

ATTACHMENTS – CIRCULATED UNDER SEPARATE COVER

- 1 Planning Proposal - Housekeeping Review 2022 Meeting
- 2 Report to Local Planning Panel - 13 August 2020
- 3 Recommendation of Local Planning Panel - 13 August 2020
- 4 Report to Council - 22 September 2020
- 5 Withdrawn Administrative and Update LEP Planning Proposal
- 6 Department of Planning, Industry and Environment Letter - 28 April 2021

ITEM 8 (continued)

Report Prepared By:

Naomi L'oste-Brown
Senior Coordinator - Strategic Planning

Report Approved By:

Dyalan Govender
Manager - Urban Strategy

Liz Coad
Director - City Planning and Environment

ITEM 8 (continued)**Background**

The majority of this Planning Proposal was previously reported to the panel on 13 August 2020 as part of the Administrative and Update LEP Planning Proposal. The panel recommended to Council that that proposal be submitted for Gateway Determination. The proposal was reported to Council on 22 September 2020 and submitted to Department of Planning, Industry and Environment (DPIE) for Gateway Determination. Refer to report at **ATTACHMENT 2**, panel recommendation at **ATTACHMENT 3**, report to Council at **ATTACHMENT 4** and withdrawn Administrative and Update Planning Proposal at **ATTACHMENT 5**.

In a letter dated 28 April 2021, the DPIE recommended to Council that the proposal be withdrawn and resubmitted after removing elements that would require separate proposals. Refer to DPIE letter at **ATTACHMENT 6**.

This Planning Proposal addresses that recommendation by DPIE and does not include proposed provisions of the withdrawn Administrative and Update LEP Planning Proposal for the following:-

- Removal of prohibitions and restrictions in relation to uses within business and light industrial zones, including providing for creative enterprises (note – these matters are being addressed by State-wide changes to the employment zones);
- Design excellence in the City of Ryde Town Centres (to be pursued with future proposals specific to the centres);
- Advertisements on billboards (for community benefit) with development consent (to be undertaken on a site by site basis);
- Environmentally sensitive land provisions and mapping to provide conservation management outcomes (to be undertaken as a separate proposal when relevant studies and maps have been updated) and
- Protection of threatened ecological Sydney Turpentine Ironbark Forest community and riparian land on and adjoining the Ivanhoe Estate (to be undertaken separately with future Environmentally sensitive land updates; the current concept approval ensures development will not occur in areas where there are sensitive ecological communities or riparian land).

The background to each of the proposed amendments to the LEP provisions and mapping which is provided in Part 2 – An Explanation of the Provisions provided at **ATTACHMENT 1**.

ITEM 8 (continued)**The Planning Proposal**

The purpose of this Planning Proposal is to amend the *Ryde Local Environmental Plan 2014* (LEP) to update and address a range of miscellaneous administrative issues identified in the operation of the plan. It also introduces community facilities and recreation areas in more locations to ensure the City of Ryde can support the needs of its community and new advertising and signage provisions to reduce reliance on existing use rights. Additionally, it expands community education and capacity of Council's waste management practices.

The objectives of the Planning Proposal include:-

- Improve the operation of the LEP through the correction of historic errors, omissions and anomalies.
- Allow community facilities in additional locations to assist government agencies and non-profit community organisations in providing services.
- Allow recreation areas in the C2 Environmental Conservation Zone to reflect the existence of children's play areas in existing Council owned parks.
- Implement *Planning Ryde: Local Strategic Planning Statement 2020* by expanding on community education and capacity of Council's waste management practices.
- Incorporate Council-initiated resolutions made with respect to advertising to provide via exempt development, improved and enhanced access networks, services and facilities in the City of Ryde in terms of convenience, safety and amenity of pedestrians, cyclists, public transport and road users.

Two provisions are also included in the Administrative and Update LEP Planning Proposal, proposing to exempt general advertising on bus shelters and similar structures on Council roads and road related areas and community service signage on flagpoles, street lighting and multi-function poles. These proposed provisions have been redrafted into one more concise provision with the same intent.

The Planning Proposal as submitted (refer to **ATTACHMENT 1**) is considered to be generally in accordance with the requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment's 'Local Environmental Plan Making Guideline' (dated December 2021). The planning proposal adequately sets out the following:-

- A statement of the objectives or intended outcomes of the proposed amending LEP;
- An explanation of the provisions that are to be included in the proposed amending LEP;

ITEM 8 (continued)

- Justification for those objectives, outcomes and provisions and the process for their implementation;
- Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Details of the community consultation that is to be undertaken on the planning proposal; and
- A project timeline.

Ryde Local Planning Panel

Under the Section 9.1 Ministerial Direction signed on 27 September 2017, all Council's in the Greater Sydney Region are required to send all Planning Proposals (except those of a minor or inconsequential nature) to a Local Planning Panel comprised of independent experts. The Panel is to review the Proposal and make recommendations to Council.

The Planning Proposal was considered by the Ryde Local Planning Panel at their meeting on 10 March 2022. The Panel's recommendation was as follows:-

The Panel advises that they raise no objection to the Housekeeping Review 2022 Planning Proposal being submitted for Gateway Determination under 3.34 of the Environmental Planning and Assessment Act 1979.

The advice was unanimous.

Planning Assessment of Planning Proposal

The assessment of the subject Planning Proposal has been undertaken in accordance with the NSW Department of Planning and Environment's 'Local Environmental Plan Making Guideline' (dated December 2021).

• **Part 1 Objectives and intended outcomes**

The objectives of the proposed changes to the LEP are provided above and detailed in Part 1 – Objectives or Intended Outcomes provided at **ATTACHMENT 1**. The intended outcomes are also detailed in that part of the attachment.

• **Part 2 Explanation of provisions**

An explanation of provisions is detailed in Part 2 – Explanation of Provisions provided at **ATTACHMENT 1** and is not reiterated here due to the broad nature of the proposed new planning controls and amendments to existing provisions proposed.

ITEM 8 (continued)

- **Part 3 Justification**

Need for the Planning Proposal

The NSW Department of Planning and Environment's 'Local Environmental Plan Making Guideline' requires the following two questions be answered to demonstrate the need for the proposal:

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is not a result of a single strategic study or report. It responds to matters that have been raised by Council staff in relation to the operation of the LEP. It also responds to part of the LSPS and Council resolutions detailed in Part 2 – An Explanation of the Provisions provided in **ATTACHMENT 1**. The Planning Proposal is required to amend the LEP to resolve the identified issues.

The Planning Proposal is the only means to achieve the intended outcome as amendments to the LEP are required.

Relationship to Strategic Planning Framework – The Strategic Merit Test

A strategic merit test is provided in the following table and addresses the NSW Department of Planning and Environment's 'Local Environmental Plan Making guideline'.

Strategic Merit Issue	Comment
State Environmental Planning Policies and Local Directions	The Planning Proposal is generally consistent with the relevant State Environmental Planning Policies and Local Planning Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> . An analysis of compliance with these policies is provided in the attached Planning Proposal.
Greater Sydney Region Plan - A Metropolis of Three Cities	The planning proposal is generally consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities.
North District Plan	The Planning Proposal is generally consistent with the North District Plan.
Ryde Local Strategic Planning Statement (LSPS)	The Planning Proposal is consistent with Council's adopted LSPS and implements planning priorities identified by the strategy.

ITEM 8 (continued)**Key Assessment Issues**

Due to the number of proposed new provisions, amendments to existing provisions and amount of subject land, key assessment issues relevant to the Planning Proposal are detailed in Part 2 – Explanation of Provisions provided in **ATTACHMENT 1**.

Financial Implications

Adoption of the recommendation will have no financial impact.

Options**Option 1 (Recommended) – Endorse the Planning Proposal**

This option is supported as it will update and address a range of miscellaneous administrative issues identified in the operation of the LEP through the correction of anomalies. It will also achieve the above objectives that are considered beneficial to the City of Ryde for the reasons specified.

Should Council support the recommendations, the first step in the process to amend the LEP is to request a Gateway Determination followed by Community Consultation and a further decision by Council after consultation as to whether or not the Proposal should be brought into effect.

Option 2 – Not endorse the Planning Proposal

This option is NOT supported as the Planning Proposal will not proceed to Gateway or community consultation, and the range of miscellaneous administrative issues identified in the operation of the plan will not be addressed through the correction of anomalies. It will also not achieve the above objectives that are considered beneficial for the reasons specified to the City of Ryde.