

Meeting Date: Tuesday 13 May 2014
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

ATTACHMENTS FOR COUNCIL MEETING

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Ryde Civic Centre Planning Proposal

Independent Assessment

Prepared for: Ryde City Council
Date: April 2014

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This report is considered a draft for discussion purposes, unless signed by a Quality Assurance Manager or Director



29 April 2014

Michael Harrison, Director Urban Design and Planning

Revision history

Issue Reference	Issue Date	Issue Status	Director / QA Manager Review
A	15 April 2014	Draft issue to Council	Michael Harrison
B	22 April 2014	Draft Issue to Council	Michael Harrison
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Attachments

Attachment A - Letter from the Department of Planning and Infrastructure, dated 2 July 2013

Attachment B - NSW Planning Team Report on the Planning Proposal, dated 30 August 2013

Attachment C - NSW Panel Report on the Planning Proposal, dated 11 September 2013

Attachment D - Gateway Determination, dated 2 November 2013

Attachment E - Draft Amended Section 4.4 of Ryde DCP 2010, as exhibited.

1.0 Overview

1.1 Report Summary

Architectus has been engaged by the City of Ryde to undertake an independent assessment of the Ryde Civic Precinct Planning Proposal, which seeks to amend the Ryde LEP 2010 as follows:

- Rezone the land known as the Ryde Civic Precinct from B4 - Mixed Use to SP2 – Community Uses and Public Administration Building;
- Reinstate a maximum height of RL 91 AHD for the Civic Centre site; and
- Amend the Ryde Town Centre Precincts Map by renaming Precinct 1 - Civic/ Mixed Use to Precinct 1 - Ryde Civic and corresponding Schedule 6 references.

The Planning Proposal was initiated by City of Ryde Council. A Gateway Determination was issued by the Minister for Planning's delegate and was subsequently placed on public exhibition. This independent report has been prepared to inform Council about whether or not to proceed with the Planning Proposal, following this process.

Architectus has reviewed the relevant background information provided by Council, the current controls, the submissions received in response to the public exhibition process and has assessed the Planning Proposal against the applicable policies and controls, guided by the process set out in NSW Planning and Infrastructure's *Guide to Preparing Planning Proposals*.

Following our review, it is recommended that Council not proceed with the Planning Proposal in its current form on the grounds that:

- The Proposal is inconsistent with the criteria for assessing Planning Proposals, as outlined in the NSW Government's *Guide to Preparing Planning Proposal*, including:
 - *Section A – Need for a Planning Proposal;*
 - *Section B – Relationship to Strategic Planning Process;*
 - *Section C – Environmental, Social and Economic Impact and*
 - *Section D – State and Commonwealth Interests*
- The Planning Proposal is inconsistent with Ministerial Directions 1.1, 3.1, 3.4 and 7.1, and in Architectus' view the departure is not of 'minor significance'.
- The justification for the Planning Proposal is not clear and not based on any study or strategy, or shared community and agency vision.
- The Planning Proposal is not in the public interest because it does not seek to implement a plan for the site that is based on evidence and analysis and a clear plan for the future use of the site.
- Making the Planning Proposal does not represent 'orderly planning' (Clause 5, EP&A Act 1979) because it is inconsistent with the direction of the Draft Metropolitan Plan, Draft Subregional Plan and the Local Planning Strategy.

There has been no master plan, or planning strategy that recommends a departure from these strategies which have been developed in consultation the public.

In conclusion, it is recommended that any future changes to the controls are based on strategic planning, urban design and community needs analysis for the site and consultation with the wider community and agencies, and that considers the role of the site in the context of the planned Ryde 'Town Centre'.

1.2 Recommendation

This report recommends the following options for the Planning Proposal:

Options for how Council can resolve in considering this Planning Proposal	Recommendation
<p>Option 1 – Do not Proceed with the Planning Proposal</p>	<p><u>RECOMMENDED</u></p> <p>It is recommended that Council resolve to not proceed with the Planning Proposal because:</p> <ul style="list-style-type: none"> • The Proposal is inconsistent with the criteria for assessing Planning Proposals in Sections A – Need for a Planning Proposal; B – Relationship to Strategic Planning Process, C – Environmental, Social and Economic Impact and D – State and Commonwealth Interests, of the NSW Government's <i>Guide to Preparing Planning Proposals</i>. • The Planning Proposal is inconsistent with Ministerial Directions 1.1 – Business and Industrial Zones, 3.1 – Residential Zones, 3.4 – Integrating Land Use and Transport and 7.1 – Implementation of the Metropolitan Plan for Sydney, and the departure is not considered to be of 'minor significance'. • The justification for the Planning Proposal is not evidence based. It is not the result of a study or strategy, or shared community and inter-government agency vision. • The Planning Proposal is not in the public interest because it does not seek to implement a plan for the site that is based on evidence and analysis and which presents a shared community and Council vision for the site. • Making the Planning Proposal does not represent 'orderly planning' (Clause 5, EP&A Act 1979) because it is inconsistent with the direction of the Draft Metropolitan Plan, Draft Subregional Plan and the Ryde Local Planning Strategy and the previous direction for the site. There has been no master plan, economic or planning strategy that recommends a departure from these strategies developed with the public. • The proposed amendments to Ryde DCP 2010 should not be adopted.

Options for how Council can resolve in considering this Planning Proposal	Recommendation
<p>Option 2(a) – Amend the Planning Proposal to:</p> <ul style="list-style-type: none"> • Retain the B4 Mixed Use Zone (i.e. no change to zoning) • Lower the building height to RL91 AHD. • Re-name Precinct to 'Precinct 1 – Civic' 	<p>NOT RECOMMENDED</p> <p>It is recommended that Council resolve to not proceed with the Planning Proposal because:</p> <ul style="list-style-type: none"> • There is no basis on which to support the lowering of the building heights. Council own the site and can control its future. There is no alternative master plan or study that demonstrates what the heights should be. • There is inadequate information available to determine an alternative, appropriate building height for the site. There is no evidence available to us that demonstrates why the built form under the current controls is no longer appropriate. • This option would require amendments to the draft Ryde DCP 2010 amendments exhibited with this proposal, following a built form and urban design analysis. <p>Note: a revised Gateway Determination and re-exhibition is likely to be required to make this amended Planning Proposal.</p>
<p>Option 2(b) – Amend the Planning Proposal to:</p> <ul style="list-style-type: none"> • Re-zone the land to SP2 Infrastructure Zone – Community Uses and Public Administration Building • Retain the current height control of 75m and 21.5m and 15.5m • Re-name Precinct to 'Precinct 1 – Civic' 	<p>NOT RECOMMENDED</p> <p>It is recommended that Council resolve to not proceed with the Planning Proposal because:</p> <ul style="list-style-type: none"> • There is no basis on which to support the proposed re-zoning to SP2 Zone. Council own the site and can control its future. There is no alternative master plan that demonstrates what the best use of the site is. • The current civic uses are permissible under the B4 Mixed Use Zone. • This would require amendments to the draft Ryde DCP 2010 amendments exhibited with this proposal. <p>Note: a revised Gateway Determination and re-exhibition is likely to be required to make this amended Planning Proposal.</p>
<p>Option 3 – Make the Planning Proposal</p>	<p>NOT RECOMMENDED</p> <p>Whilst this option would respond, in part, to the submissions raised, it is recommended that Council do not proceed with making the Planning Proposal for the following reasons:</p> <ul style="list-style-type: none"> • The Proposal is inconsistent with the criteria for assessing Planning Proposals in Sections A – Need for a Planning Proposal; B – Relationship to Strategic Planning Process, C – Environmental, Social and Economic Impact and D – State and Commonwealth Interests, of the NSW Government's <i>Guide to Preparing Planning Proposals</i>. • The Planning Proposal is inconsistent with Ministerial Directions 1.1 – Business and Industrial Zones, 3.1 – Residential Zones, 3.4 – Integrating Land Use and Transport and 7.1 – Implementation of the Metropolitan Plan for Sydney, and the departure is not considered to be of 'minor significance'. • There is no agreed vision for the site or master plan that has been developed with the community that would normally inform

Options for how Council can resolve in considering this Planning Proposal	Recommendation
	<p>a Planning Proposal.</p> <ul style="list-style-type: none"> The Planning Proposal does not necessarily represent the community's expectations, or vision for the site, because consultation has been limited and the submissions on this Planning Proposal do not necessarily represent the view of the wider community.

1.3 Authors of This Report

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1.4 Background and Chronology of Civic Centre Site

Table 1 Ryde Civic Centre Summary of Legislation and Council Resolutions

<p>30 June 1979 Ryde Planning Scheme Ordinance (RPSO) gazetted</p>	<ul style="list-style-type: none"> • 1 and 1A Devlin Street, Ryde – zoned Special Uses ‘A’ – Public Buildings • Blaxland Road – Unzoned area • 150-156 Blaxland Road, Ryde – zoned Special Uses ‘A’ – Parking. • No height or floor space controls applied to the site.
<p>29 May 2006 Ryde LEP 143 – Ryde Town Centre amended the RPSO with respect to Ryde Town Centre (including the subject site).</p>	<ul style="list-style-type: none"> • Zoning – Business (Town Centre) • Precinct – Precinct 1 – Civic / Mixed Use • Height Controls: <ul style="list-style-type: none"> – 150-156 Blaxland Road – 4 storeys – Remainder of the precinct – RL 91 AHD (up to 10 storeys) • Floor space controls: <ul style="list-style-type: none"> – Maximum 100,000m² of floor area across the Precinct 1 site.
<p>30 June 2010 Ryde LEP 2010 was gazetted.</p>	<ul style="list-style-type: none"> • Zoning – B4 Mixed Use • Precinct – Precinct 1 – Civic / Mixed Use • Height Controls: <ul style="list-style-type: none"> – 150-156 Blaxland Road – 15.5 metres – Remainder of the precinct – RL 91 AHD (up to 10 storeys) • Floor space controls: <ul style="list-style-type: none"> – Maximum 100,000m² of floor area across the Precinct 1 site.
<p>December 2008 (exhibited 10 August – 21 September 2010) Council in December 2008 resolved to prepare a draft LEP to increase the height of the Ryde Civic Precinct (Precinct 1) from RL 91 to RL 130.</p>	<ul style="list-style-type: none"> • An exhibited Planning Proposal was prepared to: <ul style="list-style-type: none"> – Increase maximum height to RL 130 – Reduce net useable floor area in the Ryde Civic Precinct to 60,000m² • The Planning Proposal was exhibited for six weeks with a Concept Plan.
<p>18 October 2011 (exhibited 26 October to 23 November 2011) Council resolved to amend the Planning Proposal (as above).</p>	<ul style="list-style-type: none"> • The Planning Proposal was amended to reflect a range of maximum building heights on the land, ranging from 15.5 metres to 75 metres. • The Planning Proposal was exhibited for 4 weeks from 26 October to 23 November 2011.
<p>13 December 2011 Council resolved to approve the Planning Proposal.</p>	<ul style="list-style-type: none"> • Council resolved to approve the Planning Proposal as exhibited and that request the Minister make the plan.
<p>2 March 2012 The Government notifies the plan in the NSW Government Gazette.</p>	<ul style="list-style-type: none"> • Zoning – B4 Mixed Use • Precinct – Precinct 1 – Civic / Mixed Use • Height Controls: <ul style="list-style-type: none"> – 150-156 Blaxland Road – 15.5 metres – Remainder of the precinct – 75 metres, 21.5

	metres and 0 metres.
	<ul style="list-style-type: none"> Floor space controls: <ul style="list-style-type: none"> Maximum 60,000m² of floor area across the Precinct 1 site.
<p>13 November 2012 Council resolved to prepare a Planning Proposal</p>	<ul style="list-style-type: none"> Council resolved that a project plan be developed to expedite the rezoning of the Civic Centre site back to RL 91 with a maximum permissible floor area of 60,000m² with a zoning of SP2 – Community Use through a Planning Proposal.
<p>12 February 2013 Council resolved to refine and progress the Planning Proposal to public exhibition</p>	<ul style="list-style-type: none"> On 12 February 2013, Council defined the Planning Proposal in its current form and resolved to: <ul style="list-style-type: none"> Submit the Planning Proposal to the then NSW Department of Planning and Infrastructure with a request for a Gateway Determination; Place the Planning Proposal on public exhibition, once a Gateway Determination had been received; and Exhibit draft amendments to the Ryde DCP 2010.
<p>2 July 2013 The Department of Planning and Infrastructure's Planning Team and Panel did not support the Planning Proposal (refer to Section 1.5, below) .Additional justification for the Planning Proposal was requested.</p>	<ul style="list-style-type: none"> On 2 August 2014, Council provided further justification to the NSW Department of Planning and Infrastructure, primarily noting that the delivery of jobs and housing targets in the whole of Ryde can be achieved.
<p>2 November 2013 The Minister for Planning's delegate issued a Gateway Determination advising the planning proposal may proceed to exhibition.</p>	<ul style="list-style-type: none"> Despite unfavourable Panel and Planning Team reports (dated 30 August and September 2013), the NSW Department of Planning and Infrastructure advised the City of Ryde that the planning proposal seeking to vary the controls in the Ryde LEP2010 related to the Ryde Civic Centre site can proceed to public exhibition.
<p>20 November 2013 to 29 January 2013 Planning Proposal exhibited.</p>	<ul style="list-style-type: none"> The Planning Proposal (subject of this report) was exhibited for a period exceeding 70 days (far in excess of the 28 day requirement set out in the Gateway Determination). The results of the exhibition are detailed further in this report.

1.5 Correspondence: NSW Planning and Infrastructure and Ryde Council

The following correspondence between the NSW Department of Planning and Infrastructure and Ryde Council has been issued at Gateway Determination stage, and is referred to in this assessment:

- 22 February 2013** – Letter from Ryde Council requesting a Gateway Determination.
- 2 July 2013** – Letter from the NSW Department of Planning and Infrastructure identifying inconsistencies with the Ministerial Directions and requesting further assessment (**Attachment A** to this report).
- 2 August 2013** – Letter from Ryde Council providing more information about Ryde's capacity to achieve its targets (**refer to Council's website**).
- 30 August 2013** – NSW Planning Team Report: Having considered the

additional information provided, the NSW Department of Planning and Infrastructure issue a report (**Attachment B**) rejecting the Planning Proposal on the grounds that it is:

- *“Inconsistent with section 117 Direction 1.1 - Business and Industrial Zones;*
- *Inconsistent with section 117 Direction 3.1 - Residential Zones.*

Council has not adequately addressed these inconsistencies nor demonstrated that a planning proposal is the best means available to achieve the intended outcome: to maintain existing civic and government presence; and to ensure the continued use of the site for community activity and public purposes.”

The planning proposal remains inconsistent with the Directions because it reduces the potential of the site to provide employment uses and it reduces the ability of Ryde town centre to provide a variety and choice of housing types, taking advantage of existing infrastructure.

Council considers the reduction in employment and residential opportunities on the site to be of minor significance. The Department does not agree and considers the impact of the downzoning and decrease in commercial floor space and residential yield in a well serviced location, within the Ryde town centre, to be substantial”.

- **11 September 2013** – Gateway Panel Recommendation Report (**Attachment C**): Following a review by the Gateway Panel, another report is issued by the Department of Planning and Infrastructure’s Gateway Panel that also rejects the Planning Proposal on the grounds that:

1. *“The planning proposal removes the ability of the subject land to achieve residential and commercial floor space in the Ryde town centre, close to services and public transport.*
2. *The planning proposal is not supported by sufficient justification regarding the proposed reduction to residential and commercial floor space in the Ryde town centre.*
3. *The planning proposal is not considered necessary given the site is owned by Council and currently zoned to permit community and public uses”.*

- **2 November 2014** – Gateway Determination (**Attachment D**): Recommends that the Planning Proposal should proceed subject to the conditions. The letter also provides:

“I have also agreed the planning proposal’s inconsistencies with S 117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones are of minor significance as the dwelling and employment forecasts identified under the draft Inner North Subregional Strategy can be met elsewhere in the Ryde local government area. No further approval is required in relation to these Directions.

1.6 Gateway Plan-Making Process

This Planning Proposal process has been undertaken in accordance with the “gateway plan-making process”. This Planning Proposal is up to Stage 4 of this process. The following outlines the “gateway plan-making process”, and a summary of the subject planning proposal.

Table 2 Gateway Plan-Making Process

Plan-Making Progress	The Civic Centre Planning Proposal
<p>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.</p>	<p>On 13 November 2012, Ryde Council endorsed the draft Planning Proposal for submission to the Department of Planning and Infrastructure for Gateway Determination.</p>
<p>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.</p>	<p>On 2 November 2013, the NSW Department of Planning and Infrastructure issued the Gateway Determination, which advised that the Planning Proposal could go on public exhibition.</p> <p>The Gateway Determination is attached at Attachment D.</p>
<p>3. Community Consultation – the proposal is publicly exhibited.</p>	<p>During the exhibition period 749 submissions were received, including 1 against the Planning Proposal and 748 in support. Of the submissions received, 723 supporting letters were pro-forma (template) letters.</p>
<p>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.</p>	<p>This report provides an assessment of the Planning Proposal against the relevant plans and policies.</p>
<p>5. Decision – the making of the plan by the Minister (or delegate).</p>	

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;
- 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.

This report has been prepared to assess the Planning Proposal under Stage 4 of the plan-making process (see above).

1.7 Aims of this Planning Proposal

The Planning Proposal is a response to a Council Resolution dated 13 November 2012. Council resolved to expedite the rezoning of the Civic Centre site to reduce the maximum height from RL130 to RL91, maintain a gross floor area cap of 60,000m² and rezone the site from B4 Mixed Use, to SP2 Community Use. These controls apply under the Ryde LEP 2010.

The aims of this Planning Proposal (as identified in the various Council Officer reports) are to amend the existing planning controls to:

- “Maintain a civic and government presence in the City of Ryde”;
- “Ensure the continued use of the land for community activity and public purposes”;
- “To limit any future development on the site to a height in line with the existing Civic Centre building”.

The Planning Proposal seeks to amend the Ryde LEP 2010 as follows:

- Rezone the land known as the Ryde Civic Precinct from B4 - Mixed Use to SP2 – Community Uses and Public Administration Building;
- Reinstate a maximum height of RL 91 AHD for the Civic Centre site; and
- Amend the Ryde Town Centre Precincts Map by renaming Precinct 1 - Civic/ Mixed Use to Precinct 1 - Ryde Civic and corresponding Schedule 6 references.

2.0 The Site

This site provides an overview of the subject site.

2.1 Site Description

This planning proposal applies to land known as the Ryde Civic Precinct being 1 and 1A Devlin Street and 150 – 156 Blaxland Rd Ryde identified on the map titled “Ryde Local Environmental Plan 2010 - Amendment No. 6: Site Identification Map”.

The Ryde Civic Precinct comprises the following allotments of land: (see **Figure 1** overleaf)

1 & 1A Devlin Street

- Lot 10 in DP110978
- Lot 11 in DP 110978
- Lot 12 in DP 110978
- Lot 49 in DP 1115510
- Lot 50/53 DP1157410
- Lot 1 in DP1170801*
- Lot 2 in DP1170801*

Note: Lot 1 and Lot 2 in DP1170801 reflect Blaxland Road

Note: Parkes St adjoining the above land is not part of Precinct 1

150 – 156 Blaxland Rd

- Lot T in DP 443304
- Lot S in DP 443304
- Lot R in DP 443304
- Lot Q in DP443304

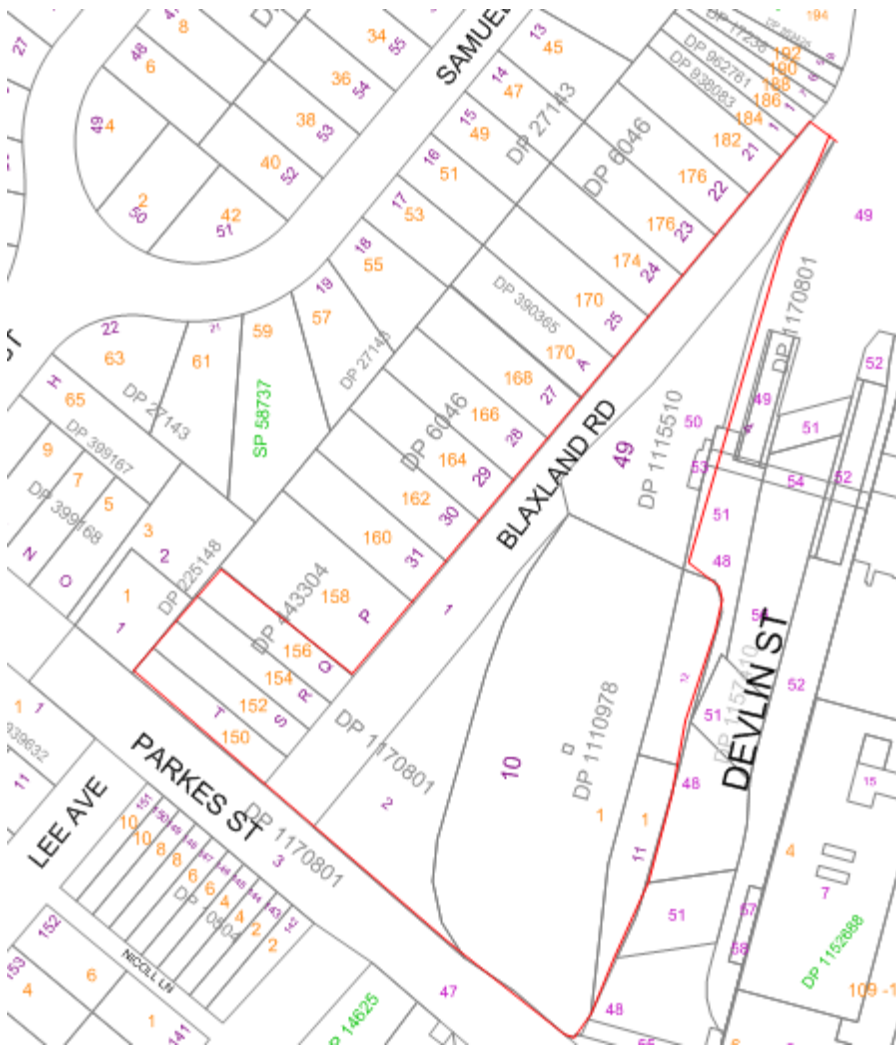


Figure 1 The subject site

The site which is approximately 16,500m² (1.65ha) in size is an irregular shape and generally orientated north-south. It has a 290m long frontage to Devlin Street and a 165m frontage to Parkes Street. Access into the site is via Blaxland Road.

Current improvements to the site include:

- Council chambers and offices;
- Civic Hall;
- Former Council library (the space now functions as part of the administration offices);
- Car parking for Council and the general public;
- Pedestrian footbridge landings including stair, ramp and lift access to provide crossing to Top Ryde Shopping Centre;
- Landscaped areas; and
- Roads.

A photograph of the existing site is shown at **Figure 4**.

The site contains two heritage items, identified in Schedule 5 of the RLEP 2010:

- **Item 49, Obelisk - Devlin Street** - currently located in the south west corner of the site immediately behind the former Council library building.
- **Item 54, Great North Road**, Bedlam Point to Eastwood

A site location plan is shown at **Figure 2** and an aerial photo of the site is shown at **Figure 3**.

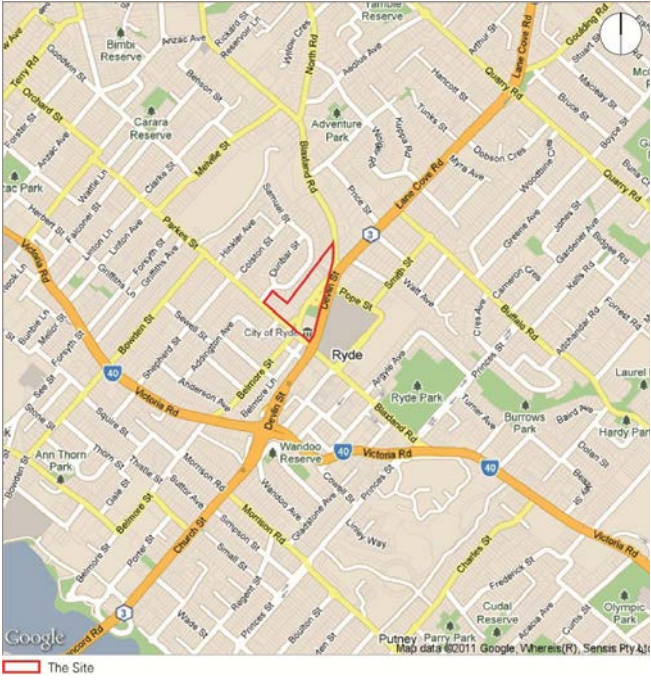


Figure 2 Location plan

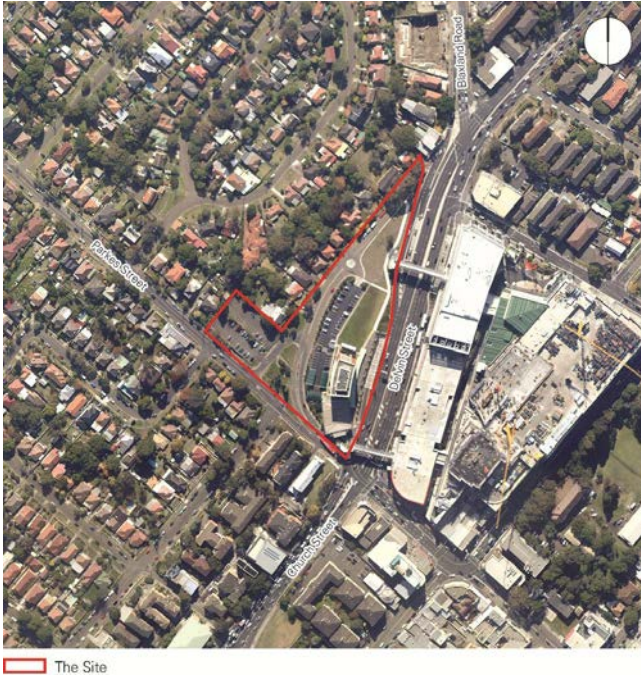


Figure 3 Aerial view of the subject site



Figure 4 Photograph of existing site and improvements

2.2 Site Context

The site forms part of the wider Ryde Town Centre which is generally bounded by Curzon Street, Ryde Public School and Argyle Street to the north; Victoria Road to the South; Blaxland Road and Belmore Street to the west; and Princes Street to the east.

Directly opposite the site to the east is the recently completed Top Ryde City Shopping Centre. Two pedestrian bridges at the northern and southern ends of the site connect directly into the shopping centre.

To the south of the site is a mix of retail, community and residential developments. The residential uses are a mix of residential flat buildings and single dwellings. To the west of the site is predominately low density residential development.

The site is also in the vicinity of three local heritage items listed under RLEP 2010, being:

- **Top Ryde Shopping Centre (now demolished)** – 115-121 Blaxland Road, Ryde (Lot 1 in DP 618154)*;
- **“Hatton’s Cottage” (Cottage)** - 158 Blaxland Road, Ryde (Lot P in DP 443304); and
- **Masonic Temple (Hall)** – 142 Blaxland Road (Lot 3 in DP 86255).
- **Great North Road, Bedlam Point to Eastwood** – State listed road being current Blaxland Road / Devlin Street to the east of the site.

** Note: DLEP 2011 proposes the removal of the heritage listing of the shopping centre due to its redevelopment in 2010.*

3.0 Planning Context

3.1 Strategic Context

Metropolitan Plan for Sydney 2036 (December 2011)

Whilst this plan does not specifically identify the Ryde town centre, it generally aims to:

- Build at least 70% of new homes in the existing urban area;
- Enable residential and employment growth in areas where there is available or planned public transport capacity;
- Increase the proportion of homes within 30 minutes by public transport of a job in a major centre, ensuring more jobs are located closer to home; and
- Build at least 80% of all new homes within the walking catchments of existing and planned centres of all sizes with good public transport.

Draft Metropolitan Plan for Sydney 2031 (March 2013)

Whilst this plan does not specifically identify the Ryde town centre, it includes the following applicable directions:

- The Sydney to Parramatta via Ryde corridor is identified as a priority for medium to long term improvement to travel times and congestion;
- The 'Balanced Growth' policy direction seeks to increase housing in all centres and encourage mixed use development in all centres;
- Promote and facilitate growth throughout Sydney in a balanced way that reflects community and business feedback and environmental and market considerations;
- Integrate infrastructure, transport and land use; and
- Provide housing choice while substantially increasing supply to capitalise on existing and planned infrastructure and provide market-led solutions.

Inner North Subregion: Draft Subregional Strategy (July 2007)

- This strategy identifies Ryde as a town centre. A town centre is described as:

“More a residential origin than employment destination. Towns have one or two supermarkets, community facilities, medical centre, school etc. Contain between 4,500 and 9,500 dwellings.”
- Ryde LGA is to accommodate 12,000 new dwellings by 2036 under the Draft Subregional Strategy. Council indicated that the LGA is on track for an additional 15,000 dwellings as part of its supplementary information to the NSW Planning and Infrastructure in justifying this Planning Proposal. Refer to Section 6 of this report for more information about the residential and job targets and planned capacity in the LGA.

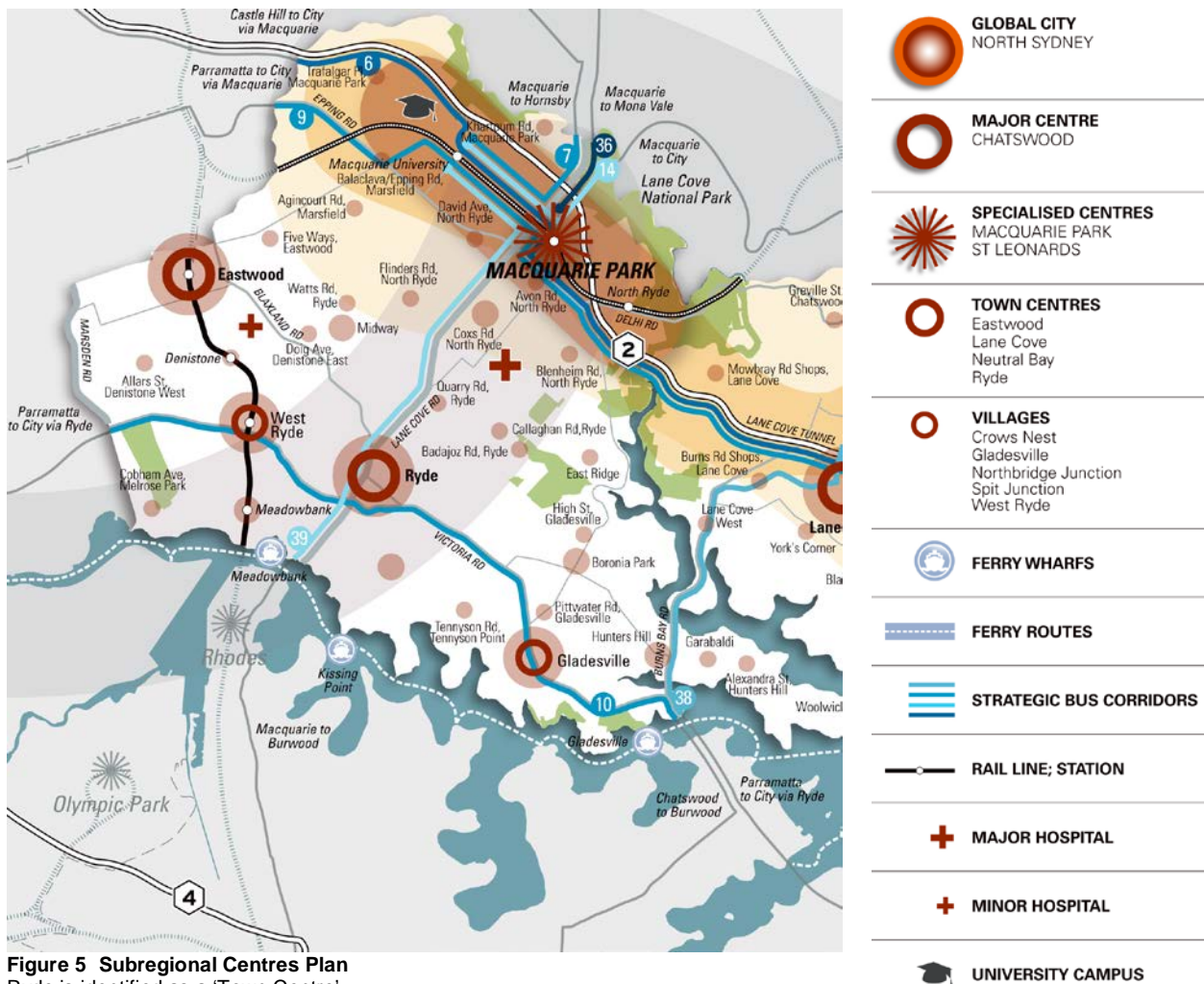


Figure 5 Subregional Centres Plan
Ryde is identified as a 'Town Centre'

Ryde Local Planning Strategy (December 2010)

- The Ryde Local Planning Strategy (LPS) provides a vision for Ryde as a 'major centre' rather than a 'town centre' which requires redevelopment of land in and around the Ryde town centre and the provision of employment floor space.
- The redevelopment of the Civic Centre site is a component of fulfilling the town centre's role of becoming a major centre and employment destination.
- The LPS envisages the subject site will comprise a range of uses including government, community, residential and commercial activities.
- The LPS identifies that an integrated traffic solution for Ryde shopping centre and civic site has been part implemented, to support 100,000m² of net floor space identified on the Civic Precinct. Its completion requires improvements to Parkes Street.
- The LPS envisages built form of up to 20 storeys and landscapes that demonstrate civic qualities and design excellence, governance, leadership and triple bottom line sustainability.
- The LPS envisages the public domain of Ryde Town Centre and the Civic Centre site to be capable of hosting community events, be robust and durable and an exemplar civic space.
- The LPS recommends at least 4,500m² of community and civic related floor space on the subject site.

3.2 Ministerial Directions

The Minister for Planning and Infrastructure, under section 117(2) of the EP&A Act, issues directions that relevant planning authorities, such as local councils, must follow when preparing Planning Proposals.

The Directions that are relevant to this Planning Proposal are:

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Key provisions from these directions are provided below.

It should be noted that Directions 1.1 and 3.1 relate to the protection of **potential for dwellings and jobs**, and not to the loss of actual jobs and dwellings on a site.

Direction 1.1 - Business and Industrial Zones

Objectives

- (1) *The objectives of this direction are to:*
- (a) *encourage employment growth in suitable locations,*
 - (b) *protect employment land in business and industrial zones, and*
 - (c) *support the viability of identified strategic centres.*

What a relevant planning authority must do if this direction applies

- (2) *A planning proposal must:*
- (a) *give effect to the objectives of this direction,*
 - (b) *retain the areas and locations of existing business and industrial zones,*
 - (c) *not reduce the total potential floor space area for employment uses and related public services in business zones,*
 - (d) *not reduce the total potential floor space area for industrial uses in industrial zones, and*
 - (e) *ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

Consistency

- (3) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or*
 - (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) *of minor significance.*

Direction 3.1 - Residential Zones

Objectives

- (4) *The objectives of this direction are:*
- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
 - (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
 - (c) *to minimise the impact of residential development on the environment and resource lands.*

What a relevant planning authority must do if this direction applies

- (5) *A planning proposal must include provisions that encourage the provision of housing that will:*
- (a) *broaden the choice of building types and locations available in the housing market, and*
 - (b) *make more efficient use of existing infrastructure and services, and*
 - (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
 - (d) *be of good design.*
- (6) *A planning proposal must, in relation to land to which this direction applies:*
- (a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
 - (b) *not contain provisions which will reduce the permissible residential density of land.*

Consistency

- (7) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
 - (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) *of minor significance.*

Direction 3.4 - Integrating Land Use and Transport

Objective

- (1) *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*
- (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
 - (b) *increasing the choice of available transport and reducing dependence on cars, and*
 - (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
 - (d) *supporting the efficient and viable operation of public transport services, and*
 - (e) *providing for the efficient movement of freight.*

Consistency

- (2) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
 - (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) *of minor significance.*

Direction 7.1: Implementation of the Metropolitan Plan for Sydney 2036

Objective

- (1) *The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.*

Consistency

- (2) *A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan:*
- (a) *is of minor significance, and*
 - (b) *the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.*

3.3 Current Planning Controls

Environmental Planning Instruments

The Ryde LEP 2010 is the principal planning instrument applying to the site.

Zoning

Under the Ryde LEP 2010, the site is zoned B4 Mixed Use (see zoning plan at **Figure 6** below), which permits a broad variety of residential, retail, commercial and community mixed uses.

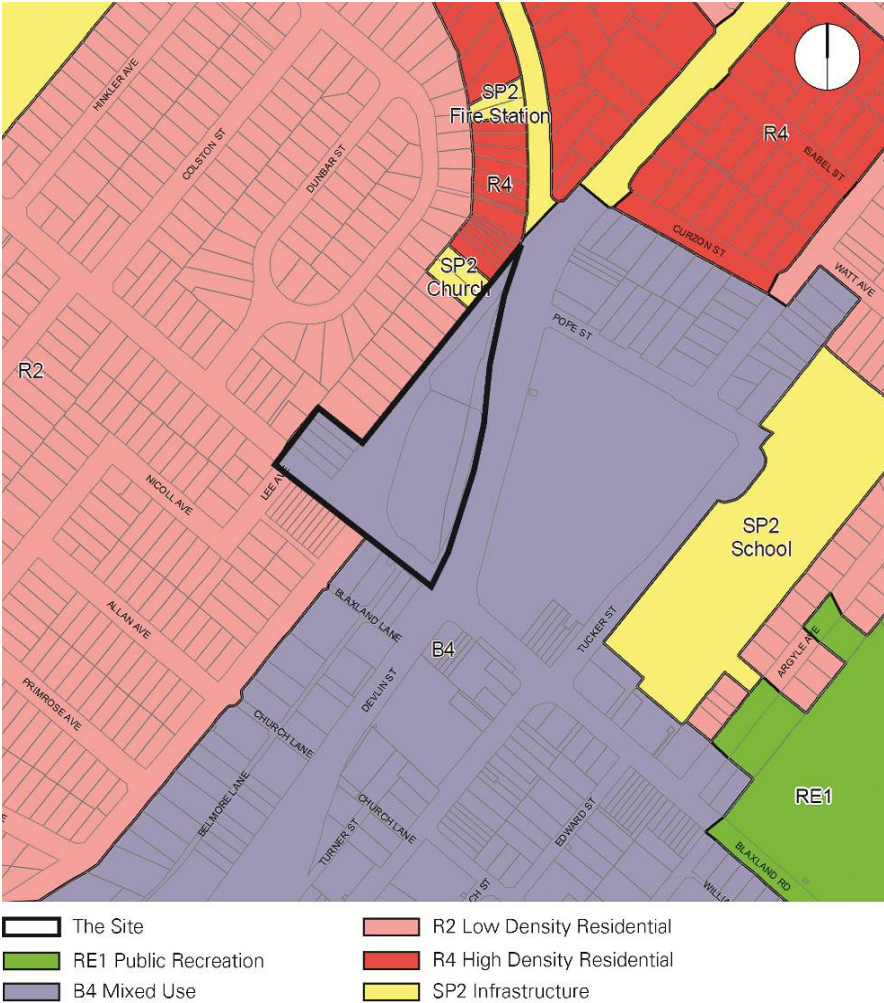


Figure 6 Land Use Zoning Plan – RLEP 2010

Building Height

Pursuant to clause 4.3 of RLEP 2010, the site is subject to four different height limits.

The maximum building height relating to the main part of the site, is to 75m (24 storeys above existing ground level). The existing Council car parking area on the corner of Blaxland Road and Parkes Street has a maximum building height of 15.5 metres (4 storeys) (see **Figure 7**).

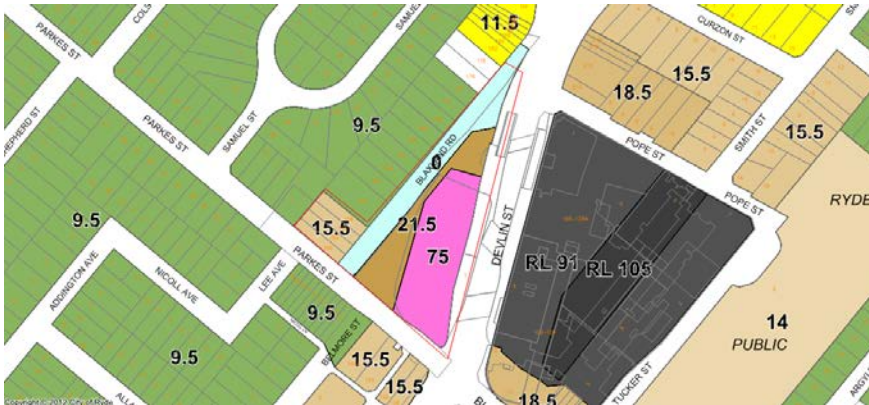


Figure 7 Building Height Plan – RLEP 2010

Floor Space Ratio

There is no maximum floor space ratio applying to any part of the Ryde Civic Precinct under Ryde LEP 2010. However, under Schedule 6 of Ryde LEP 2010, a maximum net useable floor area of 60,000m² is permitted in Precinct 1 Civic/Mixed use (otherwise known as Ryde Civic Precinct) (see **Figure 8** below).



Figure 8 Precincts Plan – RLEP 2010

Development Control Plan

The Ryde DCP 2010 is the primary DCP applicable to the subject site. Part 4.4 of the DCP specifically relates to the Ryde Town Centre.

The Ryde DCP includes the following requirements for the subject site:

- The DCP states the following in relation the existing Ryde Civic building:

“The Civic Centre has contributed to the character of the Precinct for in excess of 40 years. However, the current building no longer provides the scale and amenity required of a modern functional Civic building. It is constrained by a lack of sizeable floor space and is rapidly approaching the end of its useful life. The successful adaptive re-use of the existing building is cost prohibitive.”
- An active street frontage is required to the site’s Devlin Street frontage.
- Awnings are required along the site’s Devlin Street frontage.
- The subject site (as the Civic / Mixed Use Precinct) will comprise a range of government, community, residential and commercial uses and will incorporate buildings and landscapes that demonstrate civic qualities, design excellence, governance and leadership, and triple-bottom-line sustainability. The Precincts Plan is provided at **Figure 9** below.
- The DCP envisages high density mixed use development that supports the high density urban character and functions of the Ryde Town Centre.
- Replace the existing Ryde Civic Centre and Community Hall with approximately 2,600m² of net useable floor space (approx. 3,000m² of GFA) comprising a Council Chamber and civic uses (including flexible community, function, final and performance spaces).
- Realign Blaxland Road and undertake road network improvements to support the sites redevelopment.
- Establish significant new development that complements and supports the high density urban character and functions of the wider Ryde Town Centre.
- Preferred Civic Place location at the northern end of the site, with civic and active uses surrounding it.
- A transitional type development is envisaged for Site B within the Precinct.



Figure 9 Precincts Plan – Ryde DCP 2010

Refer to Section 4 of this report for a description of the proposed amendments to Ryde LEP 2010 and Ryde DCP 2010.

4.0 The Planning Proposal

4.1 Proposed Amendments to Ryde LEP 2010

The intended outcome of the Planning Proposal is to amend the existing planning controls to:

- Ensure the continued use of the subject land for community activity and public purposes;
- Maintain a civic and government presence in the City of Ryde; and
- Limit any future development on the site to a height in line with the existing Civic Centre building and use.

To achieve the above, the Planning Proposal seeks to:

- Amend Ryde LEP 2010 Land Zoning Map to rezone the land SP2 – Community facility and Public administration building
- Amend Ryde LEP 2010 Height of Buildings Map; to reinstate RL 91 (approximately 9 storeys) over the Civic Centre site (1 and 1A Devlin Street includes Blaxland Rd at the rear of the site).

Note: No change is proposed to the existing maximum height permitted on the Council car park land in the south west corner of the site (i.e. 150-156 Blaxland Road) this is to be maintained at 15.5m (4 storeys).

- Amend Ryde LEP 2010 Ryde Town Centre Precincts Map to identify Precinct 1 as Ryde Civic.

The amendments will require changes to a subset of the Ryde LEP 2010 maps, and clauses in the LEP applicable to the maps.

The table below provides a list of the proposed changes between the current and proposed RLEP 2010 controls under this Planning Proposal:

Table 3 Proposed Ryde LEP 2010 Changes

Control	Current Control	Proposed Legislation
Zoning	B4 Mixed Use <i>Commercial office and community facilities are permissible in this zone.</i>	SP2 – Community Facility and Public Administration Buildings <i>This zone permits development associated with the use of the site for community facilities and Council administration purposes.</i>
Height	<ul style="list-style-type: none"> • 75 metres – (24 storeys) • 21.5 metres (6-7 storeys) • 15.5 metres – (4 storeys) • 0m on Blaxland Road. 	RL 91 (current Civic Centre height)

Control	Current Control	Proposed Legislation
FSR	No Specific FSR control. However there is floor area of 60,000m2 permitted in Precinct 1 Civic/Mixed use according to Schedule 6 of RLEP 2010.	No change proposed
Precincts Map (RTC_006)	Precinct currently named “Precinct 1 Ryde Civic/Mixed Use”	Rename to “Precinct 1 – Ryde Civic Precinct”
Schedule 6 Planning Controls for Ryde Town Centre Precincts	Clause 1 identifies the site as “Precinct 1 – Civic and mixed use”	Rename clause to “Precinct 1 – Ryde Civic”

4.2 Proposed Amendments to Ryde DCP 2010

Council have also resolved to exhibit changes to Section 4.4 – Ryde Town Centre of City of Ryde Development Control Plan (DCP) 2011. The changes proposed (as described in Council’s exhibition material) are as follows:

- i. Section 4.4.8 rename precinct 1 from Civic /Mixed Use to Civic Precinct;*
- ii. Section 4.4.8 Civic Precinct remove reference to commercial uses;*
- iii. Figure 4.4.08 rename precinct 1 to Civic;*
- iv. Section 4.4.8.1 rename precinct 1 from Civic /Mixed Use to Civic Precinct;*
- v. Section 4.4.8.1 remove reference to the outdated Civic Building;*
- vi. Re-named Future Character to Character, removed reference to future development of a mixed-use tower*
- vii. Under General Precinct Provisions removing reference to non-residential uses*
- viii. Precinct Access and Circulation Site A remove reference to redevelopment to a landmark 75 m tower building*
- ix. Remove Image relating to preferred location of civic uses*
- x. Under land uses remove controls to commercial uses, residential uses, retail uses and part civic centre uses*
- xi. Under Built Form remove reference in text and images to future tower forms*
- xii. Remove Figure 4.4.19 Sections illustrating the built form and height transitions.*
- xiii. Remove sections named Residential Amenity;*
- xiv. Under Site B remove controls relating to Residential Flat Buildings.*

A copy of the proposed amendments to Ryde DCP 2010 is included at **Attachment E** to this report.

5.0 Community Consultation

The planning proposal was placed on public exhibition between 20 November 2014 and 29 January 2014. During this period a total of 724 submissions were received. Of these, 1 was against the proposal and 723 were in support. Of the 723 submissions in support, 715 were in a proforma style. There were two agency submissions generally in support of the Planning Proposal, and one submission against the Planning Proposal.

It is noted that the submissions were not received in their entirety by Architectus. A summary table of issues raised has been provided by Council. The following responses have been prepared by Architectus.

Table 4 Submissions summary

Submitter	Support/ Oppose	Number of Submissions	Issues Raised	Response
Template Submission	Support	715	<ul style="list-style-type: none"> Support the Planning Proposal. Want to see the site remain as it is. Do not want the site to be privately developed. Some individual submissions raised additional issues to that set out in the template, and these are listed below. 	<p>Support for the Planning Proposal is noted.</p> <p>However, it is noted that the reasons for support identified in the pro forma letter (i.e. preventing private development and keeping the site as it is) can be achieved under the current controls. A Planning Proposal is not required to achieve these outcomes because Council own the land and can control its future.</p>
		3 (of the above 715)	<ul style="list-style-type: none"> Objections to the exhibition period being held over Christmas / Holiday period 	<p>The public exhibition period ran for a period of 70 days from 20 November 2013 to 29 January 2014. This exceeded the 28 days required under the Gateway determination. This is considered an appropriate period of consultation.</p>
		4 (of the above 715)	<ul style="list-style-type: none"> Restoration of the existing Civic building 	<p>Council has resolved to spend approximately \$4.8 million in the next five years on refurbishment of the building. Work has started in the beginning of 2014.</p> <p>It is noted that under the Ryde DCP 2010, refurbishment of the existing building to provide an adaptive reuse is noted as being cost prohibitive. Given this, a cost-benefit analysis should be undertaken to inform the most cost-effective re-use or re-development of the building to meet Council's requirements.</p>

Submitter	Support/ Oppose	Number of Submissions	Issues Raised	Response
		4 (of the above 715)	<ul style="list-style-type: none"> Disappointment over Council trying to sell-off community / civic lands 	<p>This Planning Proposal was prepared by Council to re-instate the civic uses on the site.</p> <p>The current planning controls do not require or suggest the sale of Council / community lands. In addition, community facilities are permitted under the current zoning, and required to be provided under the Ryde DCP 2010.</p>
		5 (of the above 715)	<ul style="list-style-type: none"> Proposal to reinstate the Eternal Flame / Cenotaph / Memorial on the subject site 	<p>As part of the re-development of the Ryde Shopping Centre, the eternal flame was relocated to Ryde Park, under the Voluntary Planning Agreement (VPA) for Top Ryde City Shopping Centre. The VPA between Council and the City of Ryde was executed in 2007.</p> <p>The VPA clauses provided for the removal of the Cenotaph in consultation with local RSLs and a new Cenotaph being installed in a more suitable location in Ryde Park. The new Cenotaph was dedicated to Council in February 2008.</p>
		4 (of the above 715)	<ul style="list-style-type: none"> Potential for heritage listing of the Ryde Civic Centre Precinct building 	<p>The heritage status of the building is outside of the scope of this Planning Proposal.</p>
		1 (of the above 715)	<ul style="list-style-type: none"> Note that the Planning Proposal does not preclude the future redevelopment of the site. 	<p>Noted.</p>
		1 (of the above 715)	<ul style="list-style-type: none"> Increase community use of the land 	<p>Community uses are permitted under the current controls. A Planning Proposal is not required to achieve this outcome.</p>
Individual Submissions	Support	6	<ul style="list-style-type: none"> The Civic Centre should be retained. Objections to the exhibition period being held over Christmas / Holiday period. Further community consultation is required as part of any future planning of the site. The consultation of this Planning Proposal has been limited. 	<p>The Civic Centre can be retained under the current controls. A Planning Proposal is not required to achieve this outcome.</p> <p>The Planning Proposal was exhibited in accordance with the Gateway Determination.</p>
NSW Health	Support	1	<ul style="list-style-type: none"> Any redevelopment of the site should promote health by providing paths, bike access and 	<p>Open space, landscaping and pathways are permissible under the existing and proposed zoning.</p> <p>The Planning Proposal is not required to provide these outcomes.</p>

Submitter	Support/ Oppose	Number of Submissions	Issues Raised	Response
			landscaping / open space.	
RMS	Neutral	1	<ul style="list-style-type: none"> No objection as such. Noting the new organisational name. 	Noted.
Individual Submission	Against	1	<ul style="list-style-type: none"> The Planning Proposal is in response to a lobby group and not necessarily all of the community. The island site is not ideal for community uses. 	<p>Noted.</p> <p>It is agreed that it has not been demonstrated that the Planning Proposal represents a broader community and intergovernmental agency view.</p>

6.0 Assessment

6.1 Assessment of the Planning Proposal

This Section provides an assessment of the Planning Proposal against the following applicable guidelines and policies:

- ‘Guide to Preparing Planning Proposals’, published by the NSW Department of Planning and Infrastructure;
- Draft Metropolitan Plan for Sydney 2031;
- Inner North Subregion: Draft Subregional Strategy;
- Ryde Local Planning Strategy;
- Ryde 2025 Community Strategic Plan;
- Applicable State Environmental Planning Policies;
- Section 117 Directions (Ministerial Directions); and
- Sydney Metropolitan Plan 2036.

These issues are addressed at **Table 3** below.

Table 5 Planning Proposal Assessment Table

A Guide to Preparing Planning Proposal Direction	Compliance	Comment
SECTION A: NEED FOR THE PLANNING PROPOSAL		
Is the planning proposal a result of any strategic study or report?	No	<p>This planning proposal is not in response to a strategic study or report.</p> <p>Further, the Planning Proposal is inconsistent with existing local and State planning strategies.</p> <p>The current zoning and height controls for the subject site were informed by the Ryde Local Planning Strategy, a strategy prepared, exhibited and adopted by Council. This Planning Strategy provides a clear vision for the site, including its re-development, and notes the redevelopment of the site as a catalyst for the growth of Ryde in moving from a town centre to a major centre.</p> <p>It is not clear what the changes of circumstances are as to why different controls are now being pursued for the site. There has been no strategy or plan undertaken to justify this change in planning direction.</p> <p>As a result, the objectives or intent of the Planning Proposal are not clear. Council’s Planning Proposal and March 2013 Council Report (recommending that the Planning Proposal be submitted for Gateway Determination) identifies the purpose of the Planning Proposal as being:</p> <p><i>“The intended outcome of the Planning Proposal is to amend the existing planning controls to ensure the continued use of the subject land for community activity and public purposes, maintain a civic and government presence in the City of Ryde and to limit any future development on the site to a height in line with the existing Civic Centre building.”</i></p>

A Guide to Preparing Planning Proposal Direction	Compliance	Comment
		<p>We are of the conclusion that there is insufficient local or State policy direction, or master planning work to justify the limitation of future development on the site on planning grounds.</p> <p><u>Identifying 'community needs/ community's expectations'</u> Council's Planning Proposal is in response to submissions on the previous Planning Proposal exhibited for the site and other 'to community feedback', according to the March 2014 Council Report.</p> <p>In our view, the community is not necessarily represented by people who made submissions on this planning proposal. These submissions were in response to a specific outcome for the site and not a broader question about the future of the site.</p> <p>A master plan for the site should be based on evidence, broader consultation with the community and government and in response to the planning strategies and policies for Ryde.</p>
<p>Is the planning proposal the best means of achieving the objectives of intended outcomes, or is there a better way?</p>	<p>No</p>	<p>The Planning Proposal is not the best means of achieving the objectives or intended outcomes of the subject Planning Proposal. The objectives may be achieved under the current planning controls.</p> <p>Council's Planning Proposal and the March 2013 Council Report on the Planning Proposal identify the purpose of the Planning Proposal, as stated above.</p> <p>The objectives of the Planning Proposal are listed below, with comments as to the suitability of the Planning Proposal to achieve these objectives:</p> <ul style="list-style-type: none"> <p><u>Land Use - "to ensure the continued use of the subject land for community activity and public purposes, maintain a civic and government presence in the City of Ryde":</u> The current Mixed Use land use zone does not preclude the subject site from being used for community activity or public purposes. As such, the Planning Proposal is not required to achieve this outcome.</p> <p>The existing B4 Zone - Mixed Use allows for commercial and community uses in the zone. A Planning Proposal is not required to permit these uses on the site.</p> <p>Whilst the existing B4 Zone - Mixed Use allows for other uses on the site, such as residential and commercial uses, the zoning does not mean that these uses will necessarily occur on the site. Council owns the site and have the power to control the future use of the site. As stated in the Council report on 26 March 2014, relating to the heritage listing of the site:</p> <p><i>"Council is the owner of the site and in control of its future. The building is not under threat as Council has resolved to retain the building and expend up to \$4.85M on its maintenance."</i></p> <p>A Planning Proposal is not required to maintain the current use.</p> <p><u>Building Height - "to limit any future development on the site to a height in line with the existing Civic Centre building":</u> The current height controls set the maximum height to 75 metres, 21.5 metres and 15 metres.</p> <p>Council's objectives identify the desire to amend the controls but not why. If the concern is about the impact of taller buildings on the Civic</p>

A Guide to Preparing Planning Proposal Direction	Compliance	Comment
		<p>Centre, then this issue should be considered as part of developing a vision for the site, and any changes to the controls should be based on a preferred built form master plan for the site, that has been developed with broader community and potentially NSW Government and agency input.</p> <p>Further, the current height controls do not preclude the site being developed at a lower scale. As stated above, Council own the site and have control over its future development.</p> <p>Alternative, more suitable means for promoting a preferred land use and built form outcome for the site include:</p> <ul style="list-style-type: none"> • A vision for the site, developed with the community. • A master plan for the site, based on a council and community needs analysis, urban design analysis and consultation with the community; • DCP provisions about the future vision for the site.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

<p>Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?</p>	<p>No</p>	<p>Draft Metropolitan Plan for Sydney</p> <ul style="list-style-type: none"> • The Sydney CBD to Parramatta via Ryde corridor is identified as a priority for medium to long term improvement to travel times and congestion. Given the investment in infrastructure, it is good planning to focus density in planned centres, such as the subject site. The Planning Proposal seeks to reduce densities which as a result do not support this strategy. • The 'Balanced Growth' policy direction seeks to increase housing in all centres, encourage mix used development in all centres. The proposal is inconsistent with this policy direction and the intent of the Draft Metropolitan Plan for Sydney. <p>Draft Inner North Subregional Strategy</p> <ul style="list-style-type: none"> • This strategy identifies Ryde as a Town Centre. A Town Centre is described as: <p><i>“More a residential origin than employment destination. Towns have one or two supermarkets, community facilities, medical centre, school etc. Contain between 4,500 and 9,500 dwellings.”</i></p> <p>The residential capacity of the Ryde town centre and its ability to maintain the identified category of 'town centre' is unclear and is not addressed in Council's response to the Department of Planning and Infrastructure's request for further information about this Planning Proposal.</p> <ul style="list-style-type: none"> • Furthermore, the Local Planning Strategy sets aspirations for the Ryde Town Centre to develop into a Major Centre building on its current and future employment potential. Council's Planning Proposal does not address the issue of the impact of the Planning Proposal on Ryde's capacity to evolve as a Major Centre. <p>Residential Targets</p> <p>On 2 July 2013, the NSW Department of Planning and Infrastructure requested that Council provide further justification for the proposed departure from the Minister Directions 1.1 and 3.1 (which seek to maintain the capacity of land to provide for employment and dwellings, respectively).</p>
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A Guide to Preparing Planning Proposal Direction	Compliance	Comment
		<p>On 2 August 2013, Ryde Council provided a response, which is included at Attachment B to this report. In this correspondence, Council provide its Dwelling Numbers Study which demonstrates that the Draft Inner North Subregional Plan target identified for the City of Ryde of 12,000 dwellings by 2031 “can be met and that the location of those dwellings will be principally around major transport nodes”.</p> <p>The study concluded that a potential additional 15,571 dwellings are able to be provided in Ryde between 2004 and 2031, well in excess of the 12,000 dwelling target set by the Draft Inner North Subregional Plan.</p> <p>Having reviewed this response, Architectus does not consider that the finding justifies a departure from Ministerial Direction 3.1 because:</p> <ul style="list-style-type: none"> • Capacity to achieve these targets in other locations does not justify the down-zoning of land within a designated town centre. • It is highly unlikely Council will see 100% realisation of the 15,571 planned or approved dwellings. • The proposed down-zoning results in the loss of potential for approximately 530 dwellings (according to the 2011 Planning Proposal, prepared by JBA Planning); • Whilst Council’s response assesses the impact of the Planning Proposal on Ryde’s overall targets for the LGA, it does not justify the impacts of the Planning Proposal for the targets, or vision for Ryde Centre. <p>The non-compliance with Ministerial Direction 3.1 is not considered to be of a minor nature, because it represents a significant departure from the planning strategies and will result in lost capacity for over 500 dwellings in a well-serviced location.</p> <p>Employment Targets</p> <p>The Draft Regional Inner North Sub-region, identifies a capacity target of 21,000 new jobs need to be created within the City of Ryde by 2031.</p> <p>In the same response from Council, dated 2 August 2013, Council discussed the impacts of the Planning Proposal on employment targets. Council’s submission stated:</p> <p><i>“Ryde Planning Study – Employment Study indicates (Table 20 Forecast Spatial Distribution of Employment in Ryde 2004 - 2034 is attached) that the City of Ryde has the potential for the creation of 28 689 jobs well in excess of the required target number.</i></p> <p><i>The Draft Metropolitan Strategy for Sydney to 2031 also identifies an additional 135 000 jobs to be achieved in the Central Subregion between 2011 and 2021.</i></p> <p><i>Macquarie Park is identified as a Specialist Precinct in the Draft Strategy where it is anticipated that the area will provide capacity for at least 16 000 jobs to 2031. Based on this it can be considered that under the Draft Strategy Macquarie Park is anticipated to be the principal area for new employment creation within the City of Ryde.</i></p> <p><i>It should be noted that the proposed change of zoning to Precinct 1 - Ryde Civic Precinct does not in itself limit the number of person able to be employed on the site in Civic or community areas.”</i></p> <p>Having reviewed this response, Architectus does not consider that the finding justifies a departure from Ministerial Direction 1.1 because:</p> <ul style="list-style-type: none"> • Capacity to achieve these targets in other locations does not justify the down-zoning of land within a designated town centre. • It is highly unlikely Council will see 100% realisation of the planned job growth, particularly in this strong residential market. • The proposed down-zoning results in the loss of potential for

A Guide to Preparing Planning Proposal Direction	Compliance	Comment
		<p>60,000sqm of employment uses (at most, over 3000 jobs at a standard density rate of 1 person/ 19sqm), which could be developed on the site under the current B4 Zone.</p> <ul style="list-style-type: none"> • Whilst Council's response assesses the impact of the Planning Proposal on Ryde's overall targets for the LGA, it does not justify the impacts of the Planning Proposal for the targets, or vision for Ryde Centre. <p>The non-compliance with Ministerial Direction 1.1 is not considered to be of a minor nature, because it represents a significant departure from the planning strategies and will result in lost capacity for over 3000 jobs in a well-serviced location.</p>
<p>Is the planning proposal consistent with a council's local strategy or other local strategic plan?</p>	<p>No</p>	<p>Ryde Local Planning Strategy</p> <p>The Planning Proposal is <u>inconsistent</u> with the Ryde Local Planning Strategy (LPS) for the following reasons:</p> <ul style="list-style-type: none"> • The LPS identifies that an integrated traffic solution for Ryde shopping centre and civic site has been implemented, except for the widening of the intersection of Parkes Street and Devlin Street. These upgrades were planned and implemented on the basis that there would be 100,000m² of net floor space provided in the Civic Precinct. • The LPS indicates an interest for Ryde to become a 'major centre' rather than a 'town centre' which requires redevelopment of land in and around the Ryde town centre and the provision of employment floor space. This Planning Proposal does not address this issue. • The LPS envisages the subject site will comprise a range of uses including government, community, residential and commercial activities. This Planning Proposal compromises the use of the site to achieve this outcome with the exception of the existing staff parking site west of the civic centre, and therefore is contrary to the objectives of this plan. • The LPS envisages built form of up to 20 storeys and landscapes that demonstrate civic qualities and design excellence, governance, leadership and triple bottom line sustainability. This planning proposal will restrict development of the site so that it is unlikely the envisaged built form outcome could be achieved. • The LPS envisages the public domain to be capable of hosting community events, be robust and durable and an exemplar civic space. The Planning Proposal can accommodate this outcome. • The redevelopment of the Civic Centre site is considered the first step toward fulfilling the town centre's role of becoming a major centre and employment destination. The planning proposal will result in some compromising of the site to achieve this purpose by limiting the permissible commercial / retail and residential uses of the site. • The LPS recommends at least 4,500m² of community and civic related floor space. The Planning Proposal does not compromise achievement of this provision. <p>Ryde 2025 Community Strategic Plan</p> <ul style="list-style-type: none"> • The Planning Proposal is considered inconsistent with Goal One of A <i>City of Prosperity</i>, which states a strategy: <p><i>"To create a strong economic direction, with incentives that encourages new and diverse business investment and opportunities."</i></p> <p>The Planning Proposal will remove potential business development on the subject site, and thus the Ryde town centre, reducing the contribution the current controls provide to achieve this Goal.</p>

A Guide to Preparing Planning Proposal Direction	Compliance	Comment
		<ul style="list-style-type: none"> The Planning Proposal is considered inconsistent with Goal Two of A <i>City of Prosperity</i>, which states a strategy: <p><i>“To respond in our planning, now and in the future, to global and metropolitan trend.</i></p> <p><i>To provide innovation and integrated solutions to locate jobs, transport and housing together, to reduce time and travel costs and improve amenity.</i></p> <p><i>To design retailing places that encourage and attract a diversity of business opportunities and jobs.”</i></p> <p>This Planning Proposal goes against this Goal as it is contrary to global and metropolitan planning trends, which are moving toward mixed use and higher density centres. It also reduces the ability of the site to accommodate the co-location of jobs, housing and transport.</p>
Is the planning proposal consistent with the applicable State Environmental Planning Policies?	Yes	The Planning Proposal is not considered contrary to any State Environmental Planning Policies.
Is the planning proposal consistent with the applicable Ministerial Directions (s.117 directions)?	No	As set out below, the Planning Proposal is inconsistent with Ministerial Directions 1.1, 3.1, 3.4 and 7.1.
<i>1.1 Business and Industrial Zones</i>	No	<ul style="list-style-type: none"> The Planning Proposal is considered inconsistent with Direction 1.1 (4) (b) which states that a Planning Proposal should retain the areas and locations of existing business and industrial zones. The current Mixed Use zoning of the site allows capacity for future business uses on the subject site. This Planning Proposal will be contrary to this direction, and is not considered to be of minor significance given: <ul style="list-style-type: none"> Under Council’s LPS, the site is earmarked as a catalyst for the evolution of Ryde town centre into a major centre; The Planning Proposal will preclude any business use on the site, only permitting Council and ancillary uses.
<i>3.1 Residential Zones</i>	No	<ul style="list-style-type: none"> The Planning Proposal is inconsistent with direction 3.1 (5) (b) as it will reduce the permissible residential density of land. Whilst Ryde Council has identified that that the future housing capacity within the LGA will exceed the 12,000 dwellings target, the proposal is inconsistent with the anticipated future residential mixed use development envisaged for the site under the Ryde Local Planning Strategy. This represents a major departure from Council’s strategic planning.
<i>3.4 Integrating Land Use and Transport</i>	No	<ul style="list-style-type: none"> The Planning Proposal is considered to be inconsistent with direction 3.4 (4) (a) and (b). The two policies listed in this section (‘Improving Transport Choice and The Right Place for Business and Services’) clearly indicate a preference for location of mixed use and higher density zoning where the appropriate transport infrastructure is in place. The subject site is at the cross roads of two metropolitan strategic corridors (east-west and north- south). The Transport Plan for development of the subject site in conjunction with Top Ryde City has also been fully implemented according to the Ryde Local

A Guide to Preparing Planning Proposal Direction	Compliance	Comment
		<p>Planning Strategy. Accordingly, the site is considered to be ideal for mixed use, employment and residential development that is highly accessible and compatible with the desired future character of the Ryde town centre.</p>
<p>7.1 Implementation of the Metropolitan Plan for Sydney 2036</p>	<p>No</p>	<ul style="list-style-type: none"> • The proposed development is considered to be inconsistent with direction 7.1 (4) (a), in that it is inconsistent with the following policy settings of the Metropolitan Plan for Sydney 2036: <ul style="list-style-type: none"> – <i>Focus activity in accessible centres</i>. The Ryde town centre is highly accessible, located at the cross roads of two metropolitan strategic bus corridors and at the junction of multiple local bus routes. – <i>Plan for centres to grow and change over time</i>. The Planning Proposal reverses the potential of the subject site to contribute to the growth of the Ryde town centre. – <i>Plan for urban renewal in identified centres</i>. The Planning Proposal limits the opportunity for urban renewal of the subject site by effectively limiting development to what exists on the site. – <i>Target development around existing and planning transport capacity</i>. The Planning Proposal will restrict opportunity for redevelopment of the site, despite the implementation of an integrated transport plan that has been implemented together with the development of the Top Ryde City Shopping Centre development. Furthermore, the site is strategically located at the junction of two strategic bus corridors. <p><u>Additional issue: Setting an undesirable precedent for the future application of the Ministerial Directions.</u></p> <p>Directions 3.1 and 1.1 are critical for the purpose of ensuring that all Planning Proposals contribute towards NSW's residential and employment targets, which are ultimately to ensure that NSW is an affordable, competitive, desirable place to live in 2030 and beyond.</p> <p>The Minister has authority to approve Planning Proposals that are not consistent with these directions, and in this case, a delegate of the Minister has supported this departure on the grounds that the consequence is of 'minor significance'.</p> <p>In our view, the loss of potential for a large number of jobs and homes is not of minor significance, both in terms of impacts for the site, and in terms of the example it sets for other sites.</p> <p>In our view, support for a Planning Proposal that is not consistent with the Directions, for no compelling reason sets an undesirable precedent for the future application of the Directions.</p>
<p>SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT</p>		
<p>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?</p>	<p>Yes</p>	<p>The Planning Proposal is not likely to affect any known significant flora or fauna.</p>
<p>Are there any other likely environmental impacts as a result of the planning proposal</p>	<p>n/a</p>	<ul style="list-style-type: none"> • Because the Planning Proposal is not supported by a master plan or long-term vision of the site, it is difficult to assess the impacts, when compared to the development achievable under the existing controls.

A Guide to Preparing Planning Proposal Direction	Compliance	Comment
and how are they proposed to be managed?		<ul style="list-style-type: none"> • Having said that, there is potential for this Planning Proposal to have a negative impact because: <ul style="list-style-type: none"> – The Proposal will reduce the potential for density in the centre, reducing the number of people that can benefit from the existing transport infrastructure and increasing trips by private vehicle to other locations. – The Proposal results in the underdevelopment of this Town Centre site, which is a missed opportunity to maximise the utilisation of public investment in infrastructure and services. – The proposed development is not orderly planning and has the potential to set an undesirable precedent for future plan-making.
Has the planning proposal adequately addressed any social or economic effects?	No	<p>It is not considered the following social and economic impacts have been adequately addressed:</p> <ul style="list-style-type: none"> • The proposal will reduce the capacity for future employment and housing, thus reducing potential socio-economic and sustainability benefits to the community in the future. • The Planning Proposal provides no certainty that it will achieve improved community outcomes through revitalisation and provision of new community facilities, infrastructure and open space. • The Planning Proposal will have a negative economic and transport impact, reducing the cost benefit of the transport works that have been implemented in the Ryde town centre which were based on full redevelopment of the subject site and the Top Ryde City development. • The Planning Proposal has not been assessed from a cost-benefit analysis against the current and planning controls for the site. This is considered to be vital in determine the public interest, and socio-economic benefits of the Planning Proposal.
SECTION D – STATE AND COMMONWEALTH INTERESTS		
Is there adequate public infrastructure for the planning proposal?	No	The Planning Proposal will reduce the development capacity and future development outcomes for the site. Local transport upgrades were made in anticipation for redevelopment of the subject site, greater than that envisaged under the existing controls. Therefore, the proposed development reduces the anticipated use of completed infrastructure upgrades, and thus their cost benefit to the community.
What are the views of the state and Commonwealth public authorities consulted in accordance with the Gateway determination?	n/a	No State or Commonwealth authorities or agencies have been consulted in preparation of this Planning Proposal, as it was not a requirement of the Gateway Determination.

6.2 Assessment of Draft Ryde DCP 2010 Amendments

Council have also resolved to exhibit an amendment to Ryde DCP 2010 to correspond to the proposed changes to Ryde LEP 2010.

In summary, our review reveals that there is not enough justification for some of the proposed amendments. It is recommended that the changes are not made at this stage, but re-visited following an exercise to determine the best future use of the site.

Should the Planning Proposal be supported, then the proposed amendments should be made to achieve some consistency, with some changes listed in the right-hand column in the table below. Further work is also required as part of this option, to develop a desired future character statement for the site, and built form controls that reflect an agreed scheme.

It should be noted that the proposed changes are more extensive in the actual amended Ryde DCP 2010, than described in the amending document. The following table lists all of the proposed changes.

Table 6 Proposed Ryde DCP 2012 Amendments Assessment Table

	Proposed Amendment to Ryde DCP 2010	Assessment	Comment	Proposed changes, should the Planning Proposal be made
Section 4.4.8 – PRECINCTS				
Precinct 1 – Civic/Mixed Uses Description, Page 46				
i	Rename 'Precinct 1 - Civic/Mixed Use' to 'Precinct 1 - Civic Precinct'.	Not supported.	Whilst this proposed change is not significant, it is not supported on the grounds that there is no vision or plan that demonstrates the future land uses on the site. Also, there is no evidence that some mixed uses, such as a café or shop, for example, would not be a good future use on the site and support the civic uses.	If the Planning Proposal is made, it is appropriate that the change be adopted because mixed uses will not be permissible on the site.
ii	Remove reference to commercial uses.	Not supported.	There is no justification for the prohibition of commercial offices on the site. If Council have a view that offices are not an appropriate use on the site, then they have the capacity to not develop offices, as landowners.	If the Planning Proposal is made, it is appropriate that the change be adopted because offices will not be permissible on the site. The DCP should also be amended to remove 'residential' from the description.
				Generally, the description of Precinct 1 needs to be re-written to support a future vision for the site. The description as proposed does not provide much guidance.
iii	Figure 4.4.8 – rename Precinct 1 as 'Civic'	Not supported.	As per Item i.	As per Item i.

	Proposed Amendment to Ryde DCP 2010	Assessment	Comment	Proposed changes, should the Planning Proposal be made
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Section 4.4.8.1 - Precinct 1- CIVIC/MIXED USE

Page 48

iv	Rename 'Precinct 1 - Civic/Mixed Use' to 'Precinct 1 - Civic Precinct'.	Not supported.	As per Item 1.	As per Item 1.
v	Deletion of the paragraph that states that the Civic Centre is no longer functional and cost prohibitive to adaptively re-use.	No supported.	There is no evidence to suggest that this is no longer the case.	This section should be amended as proposed. A note may be added, suggesting that a cost benefit analysis should be undertaken.
vi	Rename 'Future Character' to 'Character', remove statements 1 to 5	Not supported.	The proposed changes seek to delete a larger portion of the statement, without replacing the controls with a new vision statement/ character statement. As proposed, the Character Statement just describes the site, which serves no purpose in the DCP. The purpose of this control is to describe a desired future, to ensure development contributes to achieving this future. A new Character Statement should be developed, following a master plan process to determine the best long term use of the site.	The Character Statement should be re-written to reflect a desired future character for the site. This may include public domain works for example.

Section 4.4.8.1 GENERAL PRECINCT PROVISIONS - Architecture and Built Form

vii	Remove reference to mixed use development.	Not supported.	There is no strategy to support the change in approach to land use mix.	If the Planning Proposal is made, it is appropriate that the change be adopted because missed uses will not be permissible on the site. Further information and provisions should be developed to reflect the desired character of the site.
viii	Delete 'Figure 4.4.10 Examples town centre built form'		These images should be replaced with images of desired future character, once established.	These images should be replaced with images of desired future character, once established.

Section 4.4.8.1 GENERAL PRECINCT PROVISIONS - Landscape and Public Domain Character

ix	Deletion of some images – 'Figure 4.4.11 Examples of high quality landscape and public domain'		These images should be replaced with images of desired future character, once established.	These images should be replaced with images of desired future character, once established.
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Section 4.4.8.1 GENERAL PRECINCT PROVISIONS - Precinct Access and Circulation

x	No changes proposed by Council		'Figure 4.4.12 Vehicular access and road network improvements' should be reviews as part of a master plan for the site.	
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	Proposed Amendment to Ryde DCP 2010	Assessment	Comment	Proposed changes, should the Planning Proposal be made
Section 4.4.8.1.6 – Site A				
xi	Delete paragraph about creating a new landmark tower.	Not supported	There is no plan to show why this strategy is no longer appropriate.	A new strategy should be developed to ensure that the Civic Centre is the landmark tower, or propose an alternative strategy.
xii	Objectives – No change proposed by Council		The objectives promote the creation of an articulated skyline, which send mixed messages about the future built form character of the site.	
xiii	Land Uses – Deletion of controls requiring mixed uses, new civic uses	Not supported.	There is no study to support the dramatic change in land use encouraged under the proposed controls. A clearer strategy is required to show how the site will relate to the new facilities in Precinct 2.	If the Planning Proposal is made, it is appropriate that the change be adopted because missed uses will not be permissible on the site. Further information and provisions should be developed to reflect the desired character of the site.
xiv	Delete 'Figure 4.4.14 Preferred Location of Civic uses'	Not supported.	An alternative strategy should be presented.	An alternative strategy should be presented.
xv	No changes proposed by Council		'Figure 4.4.14 Pedestrian Connections' should be reviews as part of a master plan for the site.	'Figure 4.4.14 Pedestrian Connections' should be reviews as part of a master plan for the site.
xvi	No changes proposed by Council		'Figure 4.4.15 Setbacks' should be reviews as part of a master plan for the site.	'Figure 4.4.15 Setbacks' should be reviews as part of a master plan for the site.
xvii	Site A Built Form – Most controls for setbacks, street sections, built form deleted.	Not supported.	The proposed changes result in a void of controls for development in the future. Alternative controls should be developed following a master plan for the site.	If the Planning Proposal is made, it is appropriate that the change be adopted because missed uses will not be permissible on the site. Further information and provisions should be developed to reflect the desired character of the site.
Section 4.4.8.1.7 - Site B				
xviii	Site B Built Form – Most controls for setbacks, street sections, built form deleted.	Not supported.	The proposed changes result in a void of controls for development in the future. Alternative controls should be developed following a master plan for the site.	If the Planning Proposal is made, it is appropriate that the change be adopted because missed uses will not be permissible on the site. Further information and provisions should be developed to reflect the desired character of the site.
Section 4.4.8.1.8 - CONCEPT PLAN □				
xix	New control – requirement for a Concept Plan	Supported		

The following plans should also be amended following a master plan process for the site:

- Figure 4.4.03 Active Frontage Control Drawing
- Figure 4.4.04 Awnings Control Drawing

7.0 Financial Implications

Should Council resolve to pursue this Planning Proposal in its current form, it may have the following financial implications:

- Potential reduction in land value of Council asset;
- A reduction in potential Section 94 Contributions that may have eventuated due to development of the site (or part thereof);
- Loss of receipt of new Council Chambers and other community assets that were to be delivered by the private sector as a result of future redevelopment on the site.

We are not aware of any financial analysis to determine the financial impact of this Planning Proposal.

8.0 Conclusion and Recommendation

This Independent Assessment recommends that the Planning Proposal **not proceed**.

Architectus has reviewed the relevant background information provided by Council, the current controls, the submissions received in response to the public exhibition process and has assessed the Planning Proposal against the applicable policies and controls, guided by the process set out in NSW Government's *Guide to Preparing Planning Proposals*.

Following our review, it is recommended that Council not proceed with the Planning Proposal in its current form on the grounds that:

- The Proposal is inconsistent with the criteria for assessing Planning Proposals, as outlined in the NSW Government's *Guide to Preparing Planning Proposal*, including:
 - *Section A – Need for a Planning Proposal;*
 - *Section B – Relationship to Strategic Planning Process;*
 - *Section C – Environmental, Social and Economic Impact and*
 - *Section D – State and Commonwealth Interests*
- The Planning Proposal is inconsistent with Ministerial Directions 1.1, 3.1, 3.4 and 7.1, and in Architectus' view the departure is not of 'minor significance'.
- The justification for the Planning Proposal is not clear and not based on any study or strategy, or shared community and agency vision.
- The Planning Proposal is not in the public interest because it does not seek to implement a plan for the site that is based on evidence and analysis and a clear plan for the future use of the site.
- Making the Planning Proposal does not represent 'orderly planning' (Clause 5, EP&A Act 1979) because it is inconsistent with the direction of the Draft Metropolitan Plan, Draft Subregional Plan and the Local Planning Strategy. There has been no master plan, or planning strategy that recommends a departure from these strategies which have been developed in consultation with the public and government agencies.

The justification for the Planning Proposal is not sufficient because:

- The purpose of the Planning Proposal is to maintain civic uses on the site. Community uses are permissible under the current controls. **A Planning Proposal is not required to achieve this outcome.**
- In terms of the proposed building heights, the stated purpose is to 'reduce the building height on the site'. This does not provide adequate justification for the proposed amendment. The urban design, planning and amenity outcomes being sought as a result of the proposed amendment are not clear.
- The Planning Proposal also seeks to respond to community feedback. Submissions on this Planning Proposal and previous schemes for the site do not necessarily represent the sentiments of the broader community, or government agencies. These previous submissions are also a response to a particular scheme, rather than a question about the future of the site.

It is also recommended that the proposed amendments to the Ryde DCP 2010 are not

made.

In conclusion, it is not within the broader public interest, nor is it orderly planning to amend the Ryde LEP 2010 as it applies to the Ryde Civic Centre site until there is a clear vision for the site that is based on broader consultation and land use and urban design analysis.

Attachment A

Letter from the Department of Planning and Infrastructure

2 July 2013



Contact: Martin Cooper
Phone: (02) 9228 2097
Fax: (02) 9228 6244
Email: Martin.Cooper@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

Ms Danielle Dickson
Acting General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Our ref: PP_2013_RYDEC_002_00 (13/04781)
Your ref: LEP 2012/15/4

Dear Ms Dickson,

Planning proposal to amend Ryde Local Environmental Plan (LEP) 2010

I am writing in response to Council's letter dated 22 February 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone the Ryde Civic Precinct at 1-1A Devlin Street and 150-156 Blaxland Road, Ryde from B4 Mixed Use to SP2 Infrastructure (Community Facility and Public Administration Building), reinstate the maximum height of buildings to RL 91 AHD on part of the subject land and rename the Precinct to Ryde Civic Precinct.


I have considered the planning proposal and request Council to provide further strategic justification for this proposal before a determination is made.

Specifically, Council should provide further justification for the proposal in the context of the strategic directions under the Metropolitan Plan for Sydney to 2036 and draft Metropolitan Strategy for Sydney to 2031 to achieve housing and jobs, close to public transport and services, to meet the needs of the growing population.

Council is also to provide additional information to justify the proposal's inconsistency with S117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones, given the proposal reduces the ability of the subject land to achieve greater residential and commercial floor space in the Ryde town centre.

You are requested to provide this additional information to the department within 4 weeks of the date of receiving this letter. Should you have any queries in regard to this matter, please contact Martin Cooper of the regional office of the department on 02 9228 2097.

Yours sincerely,


Neil McGaffin 2-7.13
A/Deputy Director General
Planning Operations and Regional Delivery

Attachment B

NSW Planning Team

Report on the Planning

Proposal

30 August 2013

Planning Proposal for 1-1A Devlin Street and 150-156 Blaxland Road Ryde

Proposal Title : **Planning Proposal for 1-1A Devlin Street and 150-156 Blaxland Road Ryde**

Proposal Summary : **The planning proposal aims to:**
1. rezone the land known as the Ryde Civic Precinct from B4 - Mixed Use to SP2 - Community Uses and Public Administration Building;
2. reinstate a maximum height of RL 91 AHD for the Civic Centre site;
3. amend the Ryde Town Centre Precincts Map by renaming Precinct 1 - Civic/ Mixed use to Precinct 1 - Ryde Civic and corresponding Schedule 6 reference.

PP Number : **PP_2013_RYDEC_002_00** Dop File No : **13/04781**

Proposal Details

Date Planning Proposal Received : **27-Apr-2013** LGA covered : **Ryde**

Region : **Sydney Region East** RPA : **Ryde City Council**

State Electorate : **RYDE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **1-1A Devlin Street**

Suburb : **Ryde** City : **Sydney** Postcode : **2112**

Land Parcel :

Street : **150 - 156 Blaxland Road**

Suburb : **Ryde** City : **Sydney** Postcode : **2112**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Sarah Waterworth**

Contact Number : **0285754113**

Contact Email : **sarah.waterworth@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Dominic Johnson**

Contact Number : **0299528190**

Contact Email : **cityofryde@ryde.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Sandy Shewell**

Contact Number : **0285754115**

Contact Email : **sandy.shewell@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Inner North subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Infrastructure's Code of Conduct has been complied with. Sydney Region East has not met with or communicated with any lobbyist in relation to this planning proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Council's primary objective for the planning proposal is to ensure the continued use of the Ryde Civic Precinct for community activities and public purposes, and to provide the community with assurance as to the future activities and development potential of the site.**

The Ryde Civic Precinct contains the Council chambers and offices; Civic hall; former council library; landscaped open space, roads, and a public/council car park.

The planning proposal effectively undoes previous strategic planning work undertaken by Council that resulted in Amendment No 2 to Ryde LEP 2010. The planning proposal removes the current potential in Amendment No. 2 to redevelop the Ryde Civic Precinct consistent with the current B4 zoning and 75 metre height control (for the site of the current civic centre building).

The planning proposal is not supported for the following reasons:

- 1. It is inconsistent with Section 117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones.**
- 2. It removes the ability of the site to achieve increased residential and commercial floor space in the Ryde town centre.**
- 3. It has not been demonstrated that a planning proposal is the best means to achieve Council's objective for the proposal.**
- 4. It has not been demonstrated that the net loss in residential and commercial floor space yield can be met elsewhere within the Ryde town centre.**

August 2013

The Panel considered the planning proposal on 6 June 2013 and subsequently requested Council to provide further information to the Department before a determination could be made.

Council was requested to:

- 1. justify the proposal further against the strategic directions under the Metropolitan Plan**

for Sydney to 2036 and the draft Metropolitan Strategy for Sydney to 2031 in relation to providing housing and jobs close to public transport and services to meet the needs of the growing population; and

2. to further justify the inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones given the proposal reduces the ability of the subject land to achieve greater residential and commercial floor space in the Ryde town centre.

Council's response mainly discusses its housing and employment targets under the draft Inner North Subregional Strategy and advises that Ryde LGA is predicted to meet its housing and employment targets. The vast majority of new housing and jobs are predicted in Macquarie Park. The Macquarie Park Corridor is identified as a Specialist Precinct under the draft Metropolitan Strategy for Sydney to 2031.

Despite the prediction that the LGA will meet its residential and employment targets, the Department still does not support the planning proposal to rezone the site SP2 – Community Uses and Public Administration Building because it is considered that the Ryde town centre should contain as much flexibility as possible to accommodate dwellings and jobs given its access to public transport and services and in the interests of providing a range of housing choices and access to jobs as equitably as possible across the LGA (not only in Macquarie Park).

The planning proposal is also considered to be inconsistent with a number of objectives from the draft Metropolitan Strategy for Sydney 2031:

_Objective 1 – 'Develop a new Land Release Policy and make new areas available for housing and jobs' because it does not encourage the maximum residential and employment development in an established centre with good transport access;

_Objective 2 – 'Strengthen and grow Sydney's centres' because it does not allow maximum housing growth in the Ryde town centre;

_Objective 5 – 'Deliver new housing to meet Sydney's growth' because it does not encourage new housing in an area close to existing infrastructure;

_Objective 6 – 'Deliver a mix of well-designed housing that meets the needs of Sydney's population' because it does not allow the opportunity for the site to be developed to contribute to a range of housing choices in the Ryde town centre and across the LGA;

_Objective 7 – 'Deliver well-designed and active centres that attract investment and growth' because it limits the housing and employment options within the Ryde town centre;

_Objective 10 – 'Provide capacity for jobs growth and diversity across Sydney' because it limits the employment options within the Ryde town centre; and

_Objective 24 – 'Plan and deliver transport and land use that are integrated and promote sustainable transport choices' because it limits the housing and employment opportunities for the Ryde town centre which is an established centre with good transport access and a range of services.

The planning proposal remains inconsistent with S117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones because it reduces the potential of the site to provide employment uses and it reduces the ability of Ryde town centre to provide a variety and choice of housing types, taking advantage of existing infrastructure.

A planning proposal is not considered to be an effective means to achieve Council's desired use of the land for community and public uses. The site is owned by Council and currently zoned to permit community and public uses. Council can develop the site for such uses as required.

External Supporting
Notes :

On 13 November 2012 Council resolved that a planning proposal be prepared to: rezone the Ryde Civic Precinct for community and civic use; reinstate a height control of RL 91 AHD for the Civic Centre site; and, retain the existing 60,000sqm FSR for the Ryde Civic Precinct.

Council wants to provide the community with assurance regarding the future use of the site and that the site will be used for community activity and public purposes.

Council has sought plan making delegations in respect of this planning proposal.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal seeks to amend Ryde LEP 2010 by changing the height, zoning and precinct controls that apply to the land. The intended outcomes of the proposal are to:**

- ensure the continued use of the land for community activity and public purposes;**
- provide the community with assurance as to the future activities and development potential that can occur on the site;**
- limit any future development on the site to a height in line with the existing Civic Centre building and community expectations; and**
- maintain a civic and government presence in the City of Ryde**

The current maximum building height relating to the main part of the site (1&1A Devlin Street) is 75m. It is proposed to reinstate the original height permitted on the land by Ryde LEP 2010 (prior to the notification of Amendment No.2) being RL91 AHD (approximately 39m). No change is proposed to the existing maximum height permitted on the Council car park land (150-156 Blaxland Road).

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks the following amendments to Ryde LEP 2010:**

- 1. amend the Land Zoning Map to rezone the land known as the Ryde Civic Precinct from B4 - Mixed Use to SP2 - Community Uses and Public Administration Building;**
- 2. amend Height of Buildings map to reflect a maximum height of RL 91 AHD (approximately 39m);**
- 3. amend Ryde Town Centre Precincts Map to identify Precinct 1 as Ryde Civic Precinct; and**
- 4. amend Schedule 6 Planning Controls for Ryde Town Centre Precincts to identify Precinct 1 as Ryde Civic.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**
3.1 Residential Zones

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other **s117 Direction 1.1 - Business and Industrial Zones**
matters that need to

be considered :

The planning proposal is inconsistent with this Direction given the aim to reduce the physical area of land zoned for Business. Council has provided the following justification of the proposal's inconsistency with s 117 Direction 1.1:

- the subject land has at no time in the last 50 plus years been used for commercial activity;**
- the proposal does not reduce the existing area presently being used for business purposes;**
- the total potential floor space area for employment uses and related public services (60,000sqm) is not proposed to be amended;**
- the objectives of this Direction are still being met given the focus of Ryde LEP 2010**

and draft Ryde LEP 2013 to encourage development in suitable transit orientated centres.

s117 Direction 3.1 - Residential Zones

The planning proposal is inconsistent with this Direction given the aim to rezone land zoned B4 - Mixed Use (permitting residential development with consent) to SP2 to reflect its function as the civic centre of the City of Ryde. Consideration should be given to whether the objectives of the Direction are still being adequately met in Ryde through other measures in LEP 2010 and draft Ryde LEP 2013 focussing on:

- encouraging variety and choice of housing types
- efficient use of existing infrastructure
- minimising impact of development on the environment.

Justification

Council needs to provide further justification of the proposal's inconsistency with s 117 Direction 1.1 and 3.1. Council needs to clearly demonstrate that the loss in residential and commercial floor space yield on the civic precinct site, which is located in close proximity to public transport and local services, can be met elsewhere within the Ryde town centre.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

It is recommended that Council provide further justification on the planning proposal's inconsistency with s 117 Directions 1.1 and 3.1, with particular emphasis on:

- 1. the loss of residential and commercial floor space resultant from the down zoning of the site; and,**
- 2. where the net loss of potential residential and commercial floor space can be achieved elsewhere within the Ryde local government area**

August 2013

The Ryde Civic Centre site, as currently zoned B4- Mixed Use, could accommodate 200-400 dwellings and 60,000sqm of employment floorspace. Under the planning proposal, no residential development would be permissible and employment uses would be limited to civic or community uses.

Council's submission mentions some proposed and approved changes to sites within the Ryde town centre that will result in additional dwellings (up to 400 dwellings, with the possibility of more). It also states jobs will still be created on the site because the 60,000sqm employment capacity is being retained and there are other sites in the town centre that are proposed to have zoning and FSR changes that will create additional jobs. However, there is no timeframe for these proposals.

Council has addressed points (1) and (2) above, though it is still considered the planning proposal is inconsistent with S117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones because it reduces the potential of the site to provide employment uses (by limiting it to community and civic uses) and it reduces the ability of Ryde town centre to provide a variety and choice of housing types, taking advantage of existing infrastructure.

The inconsistencies are not considered minor nor justified.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps submitted with the proposal reflect Council's intent to amend Ryde LEP 2010. Should the planning proposal be supported at the Gateway, it is recommended that it

Planning Proposal for 1-1A Devlin Street and 150-156 Blaxland Road Ryde

proceed to amend the draft Ryde LEP 2013. The maps will need to be amended to reflect this prior to community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has indicated that it will undertake community consultation for the proposed amendment to the Ryde LEP 2010 for a 28 day period.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Council submitted a s68 report in respect of the draft Ryde Local Environmental Plan 2011 to the Department on 21 March 2013. The draft LEP, hereon referred to as draft Ryde LEP 2013, proposes to defer the provisions relating to the Ryde Civic Centre from the comprehensive LEP.

It is unclear why Council seeks to defer the site. The provisions for the Ryde Civic Precinct exhibited under the draft Ryde LEP 2013 are consistent to those contained within the current Ryde LEP 2010. Deferral of the site would mean the provisions of Ryde LEP 2010 would continue to apply to the site, which are the same as those exhibited under draft Ryde LEP 2013. There is no strategic merit behind Council's post exhibition change to defer the site from the draft Ryde LEP 2013. The Department's section 59 report recommends that deferral of the site from the LEP is not supported.

Should the planning proposal be supported at the Gateway, it is recommended that it proceed as an amendment to the draft Ryde LEP 2013, given its advanced stage in the plan making process.

August 2013

These comments are still applicable.

Assessment Criteria

Need for planning proposal :

Council states that the planning proposal will enable continued community and public purpose use of the land, maintain the existing civic and government presence and establish height controls that reflect community expectations.

It is considered that a planning proposal is not an effective means to achieve this outcome. Whilst the current zoning provisions enable redevelopment of the site, this will only occur through the support of Council. Any change to the zoning provisions of the Civic precinct site should be informed by robust community consultation and participation.

August 2013

These comments are still applicable.

Planning Proposal for 1-1A Devlin Street and 150-156 Blaxland Road Ryde

Consistency with strategic planning framework :

The planning proposal is inconsistent with previous strategic planning work undertaken by Council, the result of which rezoned the site to B4 - Mixed Use, with a 75 metre height limit applying to the civic centre site.

Council provides the following justification for the planning proposal:

1. to ensure the zoning and height controls reflect the existing and desired future use and development of the site; and
2. the land is no longer required for the residential mixed use purpose for which it is currently zoned.

Environmental social economic impacts :

Given the site is highly modified and the planning proposal maintains the existing uses of the site and reinstates built form controls based on existing development there are no anticipated adverse environmental, social, traffic and transport or heritage impacts.

The planning proposal limits the opportunity for redevelopment of the site for mixed use purposes, which negatively impacts upon the economic viability and net worth of the site.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Essential Energy		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **This planning proposal should not proceed because it seeks to amend the zoning provisions to prevent the potential for mixed use redevelopment of the site, located in a prime position adjoining the Ryde town centre. It removes the potential for future dwellings to be constructed in a well serviced location and reduces future employment opportunities, afforded through the current zoning provisions, that were informed by previous strategic work undertaken by Council.**

August 2013

These comments are still applicable.

While it is accepted that Macquarie Park will allow for jobs and dwellings, Ryde town centre should have the opportunity to provide as many jobs and dwellings as possible.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Planning Proposal for 1-1A Devlin Street and 150-156 Blaxland Road Ryde

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Council Report and Planning Proposal.pdf	Proposal	Yes
Council Resolution - 12 February 2013.pdf	Proposal	Yes
Maps - Ryde Civic Centre Planning Proposal.pdf	Map	Yes
1. Ryde Gateway.pdf	Determination Document	Yes
Planning Team Report 31May13.pdf	Proposal	No
Panel Recommendation 12June13.pdf	Proposal	No
Additional info from Council to support PP 2Aug13.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions: **1.1 Business and Industrial Zones
3.1 Residential Zones**

Additional Information : **It is recommended that the planning proposal should not proceed on the basis that the proposal is:**

- inconsistent with section 117 Direction 1.1 - Business and Industrial Zones;
- inconsistent with section 117 Direction 3.1 - Residential Zones.

Council has not adequately addressed these inconsistencies nor demonstrated that a planning proposal is the best means available to achieve the intended outcome: to maintain existing civic and government presence; and to ensure the continued use of the site for community activity and public purposes.

August 2013

The above reasons are still applicable. Although Council provided further information in an attempt to justify the inconsistencies with the S117 Directions, the planning proposal remains inconsistent with the Directions because it reduces the potential of the site to provide employment uses and it reduces the ability of Ryde town centre to provide a variety and choice of housing types, taking advantage of existing infrastructure.

Supporting Reasons : **The planning proposal reflects Council's intention to maintain the existing civic and government presence on the site. Council considers the reduction in employment and residential opportunities on the site to be of minor significance. The Department does not agree and considers the impact of the downzoning and decrease in commercial floor space and residential yield in a well serviced location, within the Ryde town centre, to be substantial.**

Signature:

Sandy Shewell

Printed Name:

Sandy Shewell Date: 30.8.13

Attachment C

NSW Panel Report on the Planning Proposal

11 September 2013

Planning Proposal for 1-1A Devlin Street and 150-156 Blaxland Road Ryde

Proposal Title : **Planning Proposal for 1-1A Devlin Street and 150-156 Blaxland Road Ryde**

Proposal Summary : **The planning proposal aims to:**

- 1. rezone the land known as the Ryde Civic Precinct from B4 - Mixed Use to SP2 - Community Uses and Public Administration Building;**
- 2. reinstate a maximum height of RL 91 AHD for the Civic Centre site;**
- 3. amend the Ryde Town Centre Precincts Map by renaming Precinct 1 - Civic/ Mixed use to Precinct 1 - Ryde Civic and corresponding Schedule 6 reference.**

PP Number : **PP_2013_RYDEC_002_00** Dop File No : **13/04781**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions : **1.1 Business and Industrial Zones
3.1 Residential Zones**

Additional Information : **It is recommended that the planning proposal should not proceed on the basis that the proposal is:**

- inconsistent with section 117 Direction 1.1 - Business and Industrial Zones;
- inconsistent with section 117 Direction 3.1 - Residential Zones.

Council has not adequately addressed these inconsistencies nor demonstrated that a planning proposal is the best means available to achieve the intended outcome: to maintain existing civic and government presence; and to ensure the continued use of the site for community activity and public purposes.

August 2013

The above reasons are still applicable. Although Council provided further information in an attempt to justify the inconsistencies with the S117 Directions, the planning proposal remains inconsistent with the Directions because it reduces the potential of the site to provide employment uses and it reduces the ability of Ryde town centre to provide a variety and choice of housing types, taking advantage of existing infrastructure.

Supporting Reasons : **The planning proposal reflects Council's intention to maintain the existing civic and government presence on the site. Council considers the reduction in employment and residential opportunities on the site to be of minor significance. The Department does not agree and considers the impact of the downzoning and decrease in commercial floor space and residential yield in a well serviced location, within the Ryde town centre, to be substantial.**

Panel Recommendation

Recommendation Date : **05-Sep-2013**

Gateway Recommendation : **Rejected**

Panel Recommendation : **The planning proposal should not proceed for the following reasons:**

- 1. The planning proposal removes the ability of the subject land to achieve residential and commercial floor space in the Ryde town centre, close to services and public transport.**
- 2. The planning proposal is not supported by sufficient justification regarding the proposed reduction to residential and commercial floor space in the Ryde town centre.**
- 3. The planning proposal is not considered necessary given the site is owned by Council and currently zoned to permit community and public uses.**

Planning Proposal for 1-1A Devlin Street and 150-156 Blaxland Road Ryde

Signature: 

Printed Name: Noel McGiffin Date: 11. 9. 13.

Attachment D

Gateway Determination

2 November 2013



Contact: Sarah Waterworth
Phone: (02) 8575 4113
Fax: (02) 9228 6244
Email: Sarah.Waterworth@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

Mr Roy Newsome
Acting General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Our ref: PP_2013_RYDEC_002_00 (13/04781)
Your ref: LEP 2012/15/4

Dear Mr Newsome,

Planning proposal to amend Ryde Local Environmental Plan (LEP) 2010

I am writing in response to Council's letter dated 22 February 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and subsequent additional information dated 2 August 2013 in respect of the planning proposal to rezone the Ryde Civic Precinct at 1-1A Devlin Street and 150-156 Blaxland Road, Ryde from B4 Mixed Use to SP2 Infrastructure (Community Facility and Public Administration Building), reinstate the maximum height of buildings to RL 91 AHD on part of the subject land and rename the Precinct to Ryde Civic Precinct.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones are of minor significance as the dwelling and employment forecasts identified under the draft Inner North Subregional Strategy can be met elsewhere in the Ryde local government area. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to ensure a third party review of the proposal is undertaken.

The amending LEP is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ms Sarah Waterworth of the regional office of the department on 02 8575 4113.

Yours sincerely,

SHaddad

Sam Haddad
Director General

2/11/2013.

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2013_RYDEC_002_00): to rezone and amend the height of buildings controls on land in the Ryde Civic Precinct.

I, the Director General, at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Ryde Local Environmental Plan (LEP) 2010 to rezone the Ryde Civic Precinct at 1-1A Devlin Street and 150-156 Blaxland Road, Ryde from B4 Mixed Use to SP2 Infrastructure (Community Facility and Public Administration Building), reinstate the maximum height of buildings to RL 91 AHD on part of the subject land and rename the Precinct to Ryde Civic Precinct should proceed subject to the following conditions:

1. Council is to place on public exhibition with the planning proposal, the additional information provided to the department in Council's letter dated 2 August 2013.
2. Prior to undertaking public exhibition, Council is to update the project timeline within the planning proposal to reflect the date of the Gateway determination and amend the dates on all subsequent fields. The timeline is to reflect the decision not to delegate plan making functions for this proposal to Council.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 2nd day of November 2013.

Sam Haddad
Sam Haddad
Director General
Department of Planning & Infrastructure

Delegate of the Minister for Planning &
Infrastructure

Attachment E

Draft Amended Section 4.4 of Ryde DCP 2010

As exhibited in December 2013

**Draft Amending
DEVELOPMENT CONTROL PLAN
2010**

**Section 4.4 Ryde Town Centre –
Precinct 1- Ryde Civic Precinct**

1.0 INTRODUCTION

1.1 Name of this Plan

The name of this Plan is City of Ryde Development Control Plan (DCP) 2010 Amendment No. xxxxx - Ryde Town Centre.

1.2 Commencement of this Plan

This Plan was adopted by Council on 12 February 2013 for the purposes of public exhibition. The Plan comes into effect xxxxxxxxxx.

1.3 Land to which this Plan applies

This Plan applies to all land within the Ryde Town Centre specifically Ryde Civic Precinct (Precinct 1) as identified under Part 4.4 of the DCP.

1.4 Purpose of this Plan

The purpose of this Plan is to amend Part 4.4 under DCP 2010 relating to the Ryde Civic Precinct (Precinct 1).

1.5 Objectives of this Plan

The objectives of the revised Section 4.4. under DCP 2010 are to provide development controls which:

- Support the Planning Proposal and re-label the land in Precinct 1 to Ryde Civic Precinct;
- Amend by deleting irrelevant development controls regarding retail, commercial and residential uses;
- Remove references and planning controls to the previous tower building;
- Ensure the height of any proposed building remains the same as the existing building;

1.6 Relationship with other environmental planning instruments

Environmental Planning Instruments applying provisions regarding boarding houses include:

- *Ryde Local Environmental Plan 2010*
- *Draft Ryde Local Environment Plan 2013*

2.0 AMENDMENTS TO THE CITY OF RYDE DEVELOPMENT CONTROL PLAN 2010

The City of Ryde Development Control Plan 2010 is to be amended as follows:

1. City of Ryde Development Control Plan 2010 is to have the following inserted after the list of contents:

Schedule of Amendments

Amend. No.	Date approved	Effective date	Subject of amendment
x	XX-XX-XX	XX-XX-XX	i. Part 4.4 is amended in accordance with Council's resolution dated 12 February 2013.

2. New Part 4.4.8 Ryde Town Centre (Ryde DCP 2010) attached to this document which includes the following amendments:
 - i. Section 4.4.8 rename precinct 1 from Civic /Mixed Use to *Civic Precinct*;
 - ii. *Section 4.4.8 Civic Precinct* remove reference to commercial uses;
 - iii. Figure 4.4.08 rename precinct 1 to Civic;
 - iv. Section 4.4.8.1 rename precinct 1 from Civic /Mixed Use to *Civic Precinct*;
 - v. Section 4.4.8.1 remove reference to the outdated Civic Building
 - vi. Re-named Future Character to *Character*, removed reference to future development of a mixed-use tower
 - vii. Under *General Precinct* Provisions removing reference to non-residential uses
 - viii. *Precinct Access and Circulation Site A* remove reference to re-development to a landmark 75 m tower building
 - ix. Remove Image relating to preferred location of civic uses
 - x. Under *land uses* remove controls to commercial uses, residential uses, retail uses and part civic center uses
 - xi. Under *Built Form* remove reference in text and images to future tower forms
 - xii. Remove Figure 4.4.19 Sections illustrating the built form and height transitions.
 - xiii. Remove sections named Residential Amenity;
 - xiv. Under *Site B* remove controls relating to Residential Flat Buildings

ATTACHMENT

Section 4.4 Ryde Town Centre Precinct (Precinct 1) Ryde Civic Precinct within *City of Ryde Development Control Plan 2010 (DCP 2010)* (pages 46-60).

8.0 PRECINCTS

The Ryde Town Centre is made up of eleven character precincts (refer Figure 4.4.08 Precincts Control Drawing). These are determined based on existing development and future character. The establishment of eleven character precincts is part of an approach that will retain and enhance the fine grain of the area - its lot structure, urban framework and identity - to create a town centre that is diverse, interesting, attractive and caters for residents, workers and visitors.

The objective of this Part is to create distinctive precincts within the Town Centre each with an identity drawn from its history, natural and built features, community needs and expectations.

1. **Civic Precinct** will comprise a range of government and community uses and will incorporate buildings and landscapes that demonstrate civic qualities, design excellence, governance and leadership, and triple-bottom-line sustainability.
2. **Town Centre Core Precinct** will service the needs and expectations of local communities and include new public spaces and community and recreational facilities, residential and commercial opportunities. It will demonstrate design excellence and environmental sustainability
3. **Main Street Precinct** will be attractive, vibrant and safe with a diverse range of neighbourhood shops, living and business accommodation and a high quality public domain that encourages social interaction.
4. **Residential Precinct** will be a compact living environment well serviced by public transport, retail, leisure and work opportunities.
5. **Heritage Precinct** will value enhance and interpret heritage resources and cultural landscapes.
- 6, 7, 8 & 12 **Commercial Edge Precincts** will negotiate a transition between the Town Centre and residential areas nearby. The Commercial Edge Precincts are gateways to the Town Centre.
9. **Ryde Park Precinct** will be valued as a significant heritage, recreation, leisure and community resource and an important green space.
10. **Low Density Residential Precinct** that adjoins Ryde Park and Ryde Public School.
11. **Ryde Public School Precinct** will continue to be a valued asset that enhances the diversity of the Town Centre and strengthens bonds with the community.

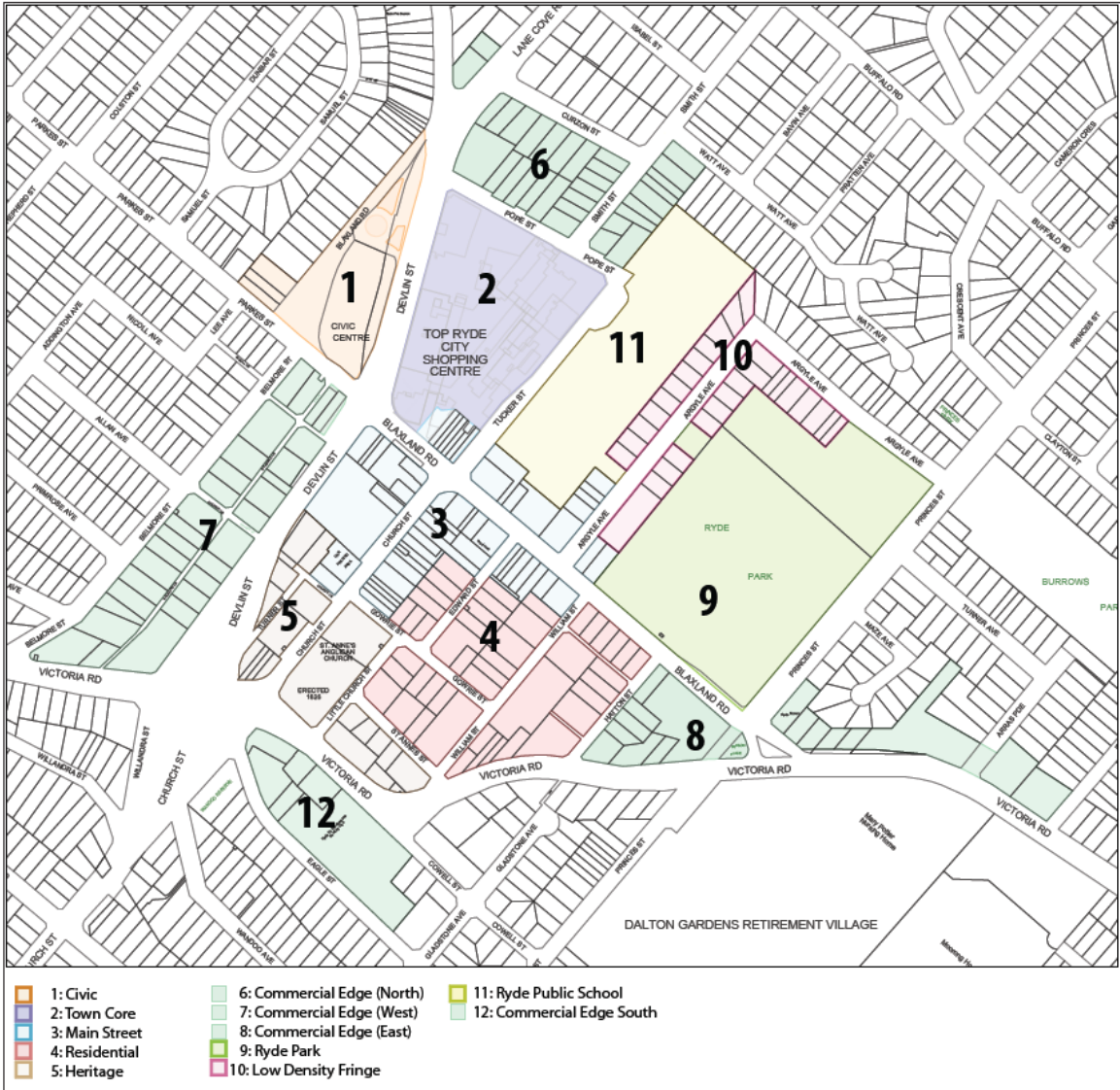


Figure 4.4.08 Precinct Control Drawing

8.1 Precinct 1- Ryde Civic Precinct

The Civic Precinct is the existing civic hub for the City of Ryde. It is an island surrounded by roads and disconnected from the retail core and town centre by Devlin Street.

The Precinct is located on a ridgeline and accommodates a landmark building that is highly visible from within the Ryde Town Centre and regionally. The existing seven-storey City of Ryde Civic Centre was constructed in 1964, and later in the 1970's, the community hall was constructed. The Precinct is linked to two pedestrian overpasses across Devlin Street and the vehicle access portals currently serving Top Ryde City, located within the subsurface of Devlin Street. The Precinct also contains car parks and landscape areas associated with the Civic buildings.



Figure 4.4.09 Ryde Civic Centre Area 2002

8.1.2 Character

The Precinct is divided into two key future development sites: Site A and Site B – see Figure 4.4.10.

Site A is the larger and eastern most portion of the Precinct. It currently accommodates the existing Civic buildings, car parking and landscaped areas.

Site B is the smaller western portion of the Precinct. Currently Site B is utilised as an at grade car parking area for Council vehicles and staff parking..

The two sites will be separated by a realigned Blaxland Road, which is to be provided to better service the Precinct and to continue to provide access to existing residential, commercial and community properties to the west of the Precinct.

It is anticipated that the future redevelopment of the Precinct will involve the establishment of new landmark and sustainable building(s) that may comprise a mix of cultural, civic and community uses that demonstrate civic quality and design excellence, as well as triple bottom-line sustainability.

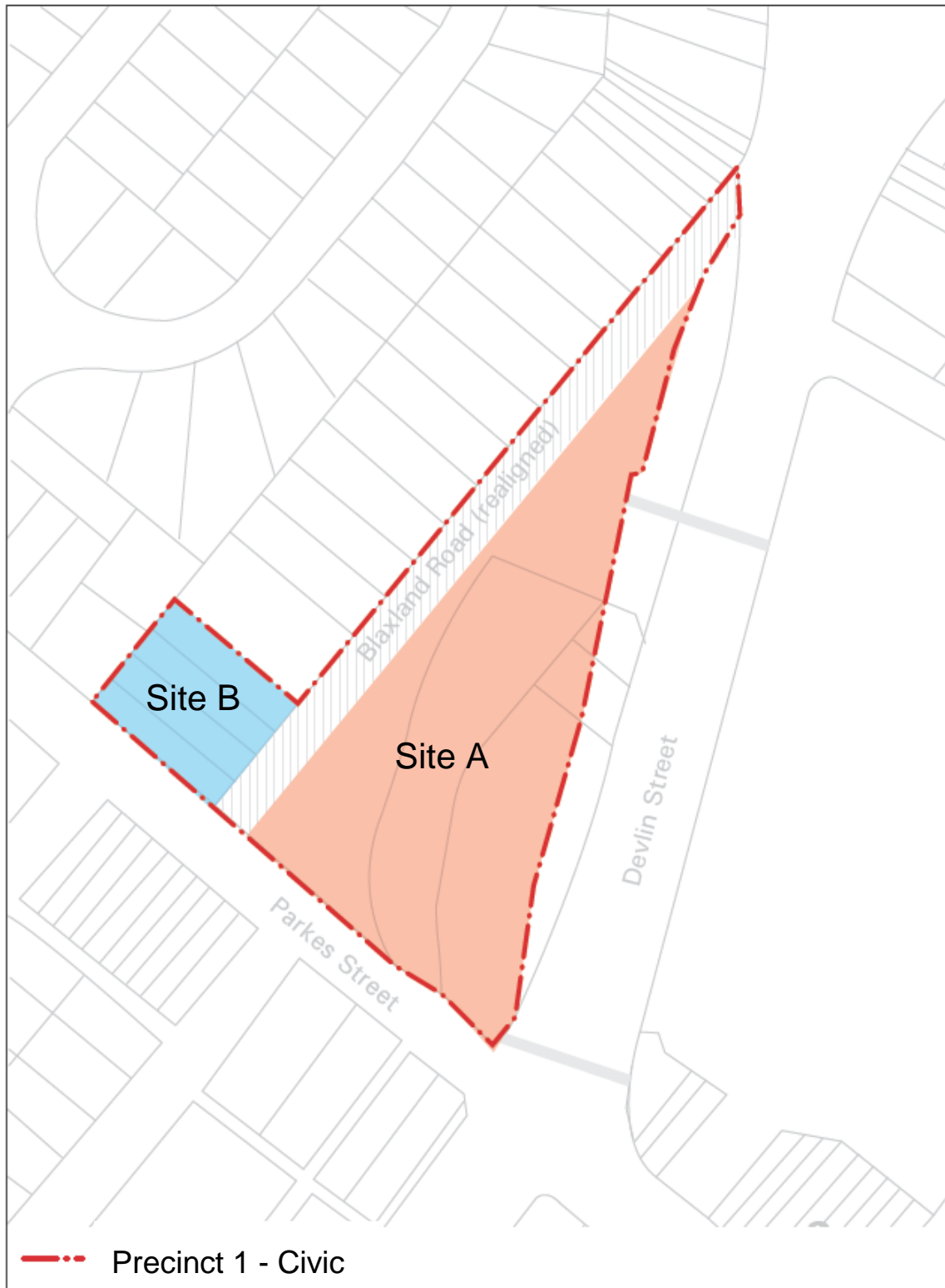


Figure 4.4.10 Precinct Map

8.1.3 General Precinct Provisions

Architectural and Built Form Character

Objectives

1. To enhance the landmark qualities of the Precinct and character of the Ryde Town Centre through the provision of development that is visually prominent in terms of architectural design.
2. To encourage built form that reinforces the corners of Devlin Street with Blaxland Road and Parkes Street as key gateways to the Ryde Town Centre.
3. To provide for new civic and community uses within the Precinct with a good level of pedestrian connectivity to the existing civic and community uses in Precinct 2.
4. To ensure the Precinct is well connected to other Precincts in the Ryde Town Centre in terms of pedestrian access.
5. To encourage the provision of active uses fronting the public domain.
6. To ensure that future development accommodates a mix of civic, community and cultural uses within the Precinct.
7. To ensure vehicular and pedestrian access to all existing properties to the west of the realigned Blaxland Road is maintained and improved.
8. To ensure that the design of future development considers the interface with adjacent development, and provides for a transition in built form height and scale, particularly to lower density development to the west and south.
9. To deliver development based on ecologically sustainable development (ESD) principles.

Controls

- a. The development of the site is to comply with the controls for the Site A and Site B.

8.1.4 Landscape and Public Domain Character

Objectives

1. To provide a quality public domain within and immediately surrounding the Precinct that:
 - a. establishes landscaped frontages on Devlin Street, Parkes Street and the realigned Blaxland Road;
 - b. provides a landscaped plaza on the site;
 - c. improves the pedestrian amenity and connectivity between the existing pedestrian bridges across Devlin Street at both ground and upper levels; and
 - d. provides a publicly accessible through site link between Blaxland Road and the pedestrian bridge across Devlin Street at the northern end of the site
2. To create a frontage along Devlin Street that provides for improved pedestrian amenity and a softening of the interface between future development and the high traffic environment of Devlin Street.

3. To ensure that an environment is created along the re-aligned Blaxland Road that contributes to pedestrian amenity and assists in providing for an appropriate transition in the height and scale of built form between future development within Site A and existing low density residential development to the west.
4. To ensure an environment is created along Parkes Street that contributes to an improved pedestrian environment and positively enhances the streetscape.

Controls

- a. The public domain areas and pedestrian links are to comply with the controls for the Site A and Site B and the provisions of the *City of Ryde Public Domain Technical Manual*.



Figure 4.4.11 Examples of high quality landscape and public domain

8.1.5 Precinct Access and Circulation

Objectives

1. To provide for road network improvements that are required to support the future redevelopment of the Precinct.
2. To integrate site vehicular access provision with the existing vehicular access arrangements that are in place for the Top Ryde Shopping Centre.
3. To ensure vehicular access to existing properties is maintained.
4. To provide for a shared pedestrian and vehicular environment at the termination of the realigned Blaxland Road with Devlin Street.

Controls

- a. Site access arrangements and road network improvements are to be provided in accordance with Figure 4.4.12.
- b. The detailed design of the realigned Blaxland Road as shown in Figure 4.4.12 and Figure 4.4.13 is to:
 - i. Have a road reserve that is a minimum of 17 metres wide;
 - ii. Incorporate short stay on-street parking;
 - iii. Maintain direct vehicle access to and from existing properties to the west;
 - iv. Provide a shared pedestrian and vehicular environment where appropriate;
 - v. Provide clearly delineated vehicle and pedestrian spaces at the northern end of the realigned Blaxland Road, to minimise opportunities for conflict; and

- vi. Incorporate a vehicle turning circle and drop off area at the northern end of the site.

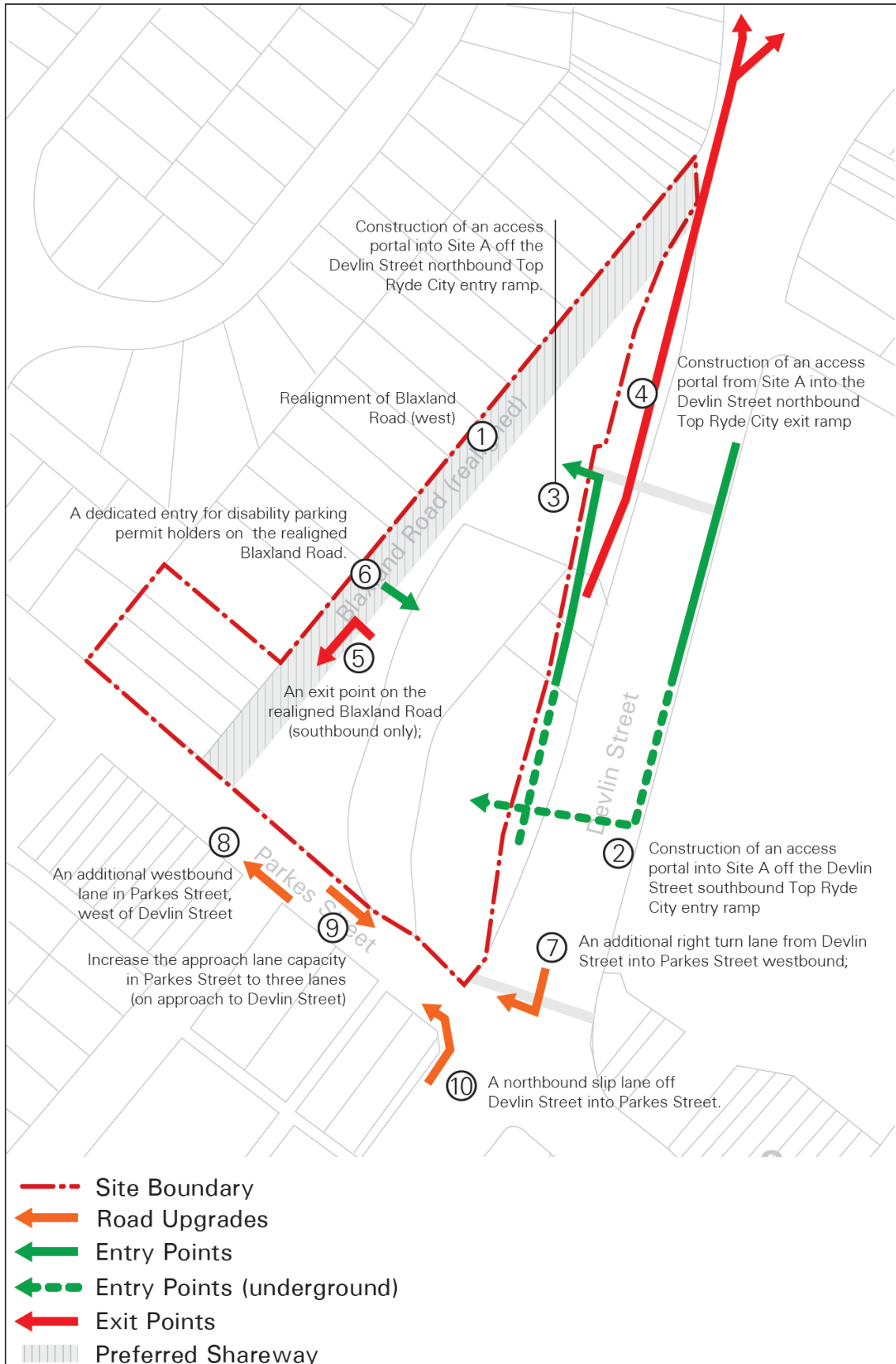


Figure 4.4.12 Vehicular access and road network improvements

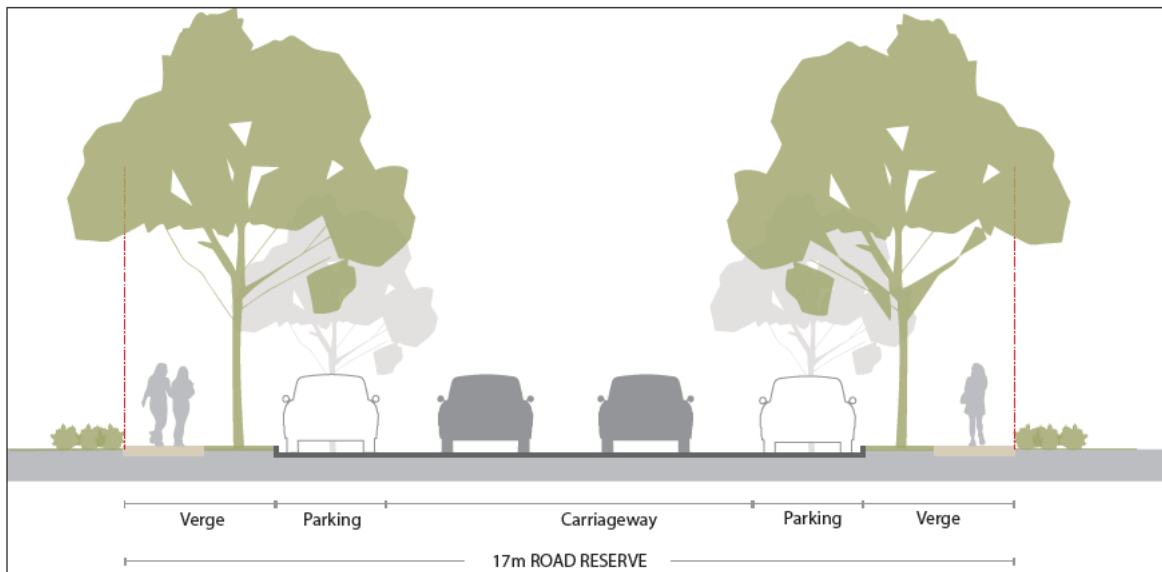


Figure 4.4.13 Illustrative cross section of realigned Blaxland Road carriageway

8.1.6 Site A

Development of the site is to comply with the following controls and with the preceding architectural, built form, landscaping, public domain, access and circulation objectives and controls for the Precinct.

The location of Site A is illustrated in Figure 4.4.10.

Objectives

1. To encourage development of a form that reinforces the prominence of the site on the ridgeline of the Top Ryde Town Centre, and is well proportioned.
2. To encourage a creative and articulated skyline.
3. To facilitate community interaction through the provision of civic facilities, plazas, courtyards and the like.
4. To integrate development with the surrounding road network, while minimising impacts to local and regional traffic.
5. To respond to and minimise the effects of the high levels of wind and noise experienced on the site.
6. To ensure that the future development fronting the realigned Blaxland Road is designed to provide an interface with the adjacent lower residential development.

Controls

Land Uses

- a. Site A is to comprise civic, cultural and community uses
- b. Any new civic uses should be designed and located to facilitate easy pedestrian access to the existing civic and community uses within Precinct 2 on the opposite side of Devlin Street.

- c. Ground floor uses should activate street frontages and public spaces where there are higher levels of pedestrian activity.

Public Domain

- d. The public domain is to be a high quality design, embellished with quality and durable materials and be provided in accordance with the standards set out in the DCP and Ryde Town Centre Public Domain Plan.
- e. The Devlin Street frontage is to comprise a combination of hard and soft landscape elements that enhance the pedestrian amenity of this through route. Opportunities for substantial tree planting should be explored in the context of limited capacity to accommodate deep soil planting due to the portal vehicular access arrangement and future basement car parking.
- f. Street trees (8 m metre canopy diameter at maturity) should be planted along the realigned Blaxland Road and at the northern end of the site. Deep soil planting zones or pit structures should be provided to accommodate the large trees.
- g. Tree species should be selected to suit the streetscape including street width, building heights, setbacks and views.
- h. The design of new buildings and public domain is to minimise blind corners and recesses. Entrances to new civic buildings and spaces should be clear, well lit and well defined.
- i. Setbacks are to be provided to Devlin Street, Parkes Street and Blaxland Road in accordance with Figure 4.4.15 to provide for improved amenity.

Pedestrian Amenity

- j. Development within Site A is to reinforce Devlin Street, Parkes Street and Blaxland Road as the primary pedestrian network for the Precinct. Refer to Figure 4.4.14.
- k. New and improved pedestrian connections are to be provided to Devlin Street, Parkes Street and Blaxland Road.
- l. Future development is to provide for a good level of connectivity to the existing pedestrian bridges across Devlin Street at both ground and upper levels.
- m. The pedestrian environment on Devlin Street is to be enhanced through the provision of continuous weather protection between the existing northern and southern pedestrian bridges on Devlin Street (refer to Figure 4.4.14). This may be in the form of awnings attached to built form, free standing awnings, colonnades or the like and any combination of these.

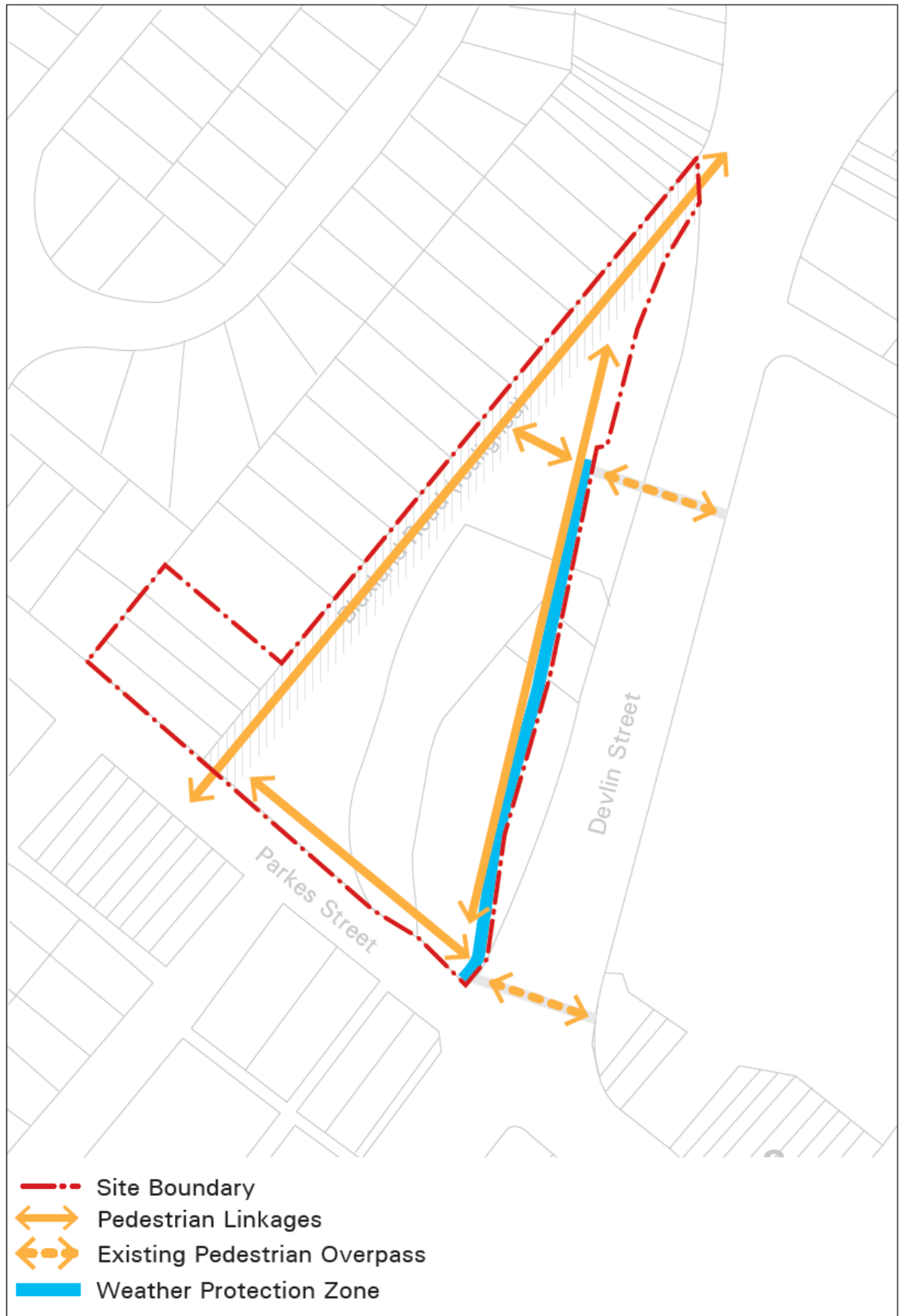


Figure 4.4.14 Pedestrian Connections

Built Form

- n. Ground level building setbacks are to be in accordance with Figure 4.4.15. The setbacks are to be measured from existing property site boundaries or from the boundaries of newly realigned Parkes Street and Blaxland Road.

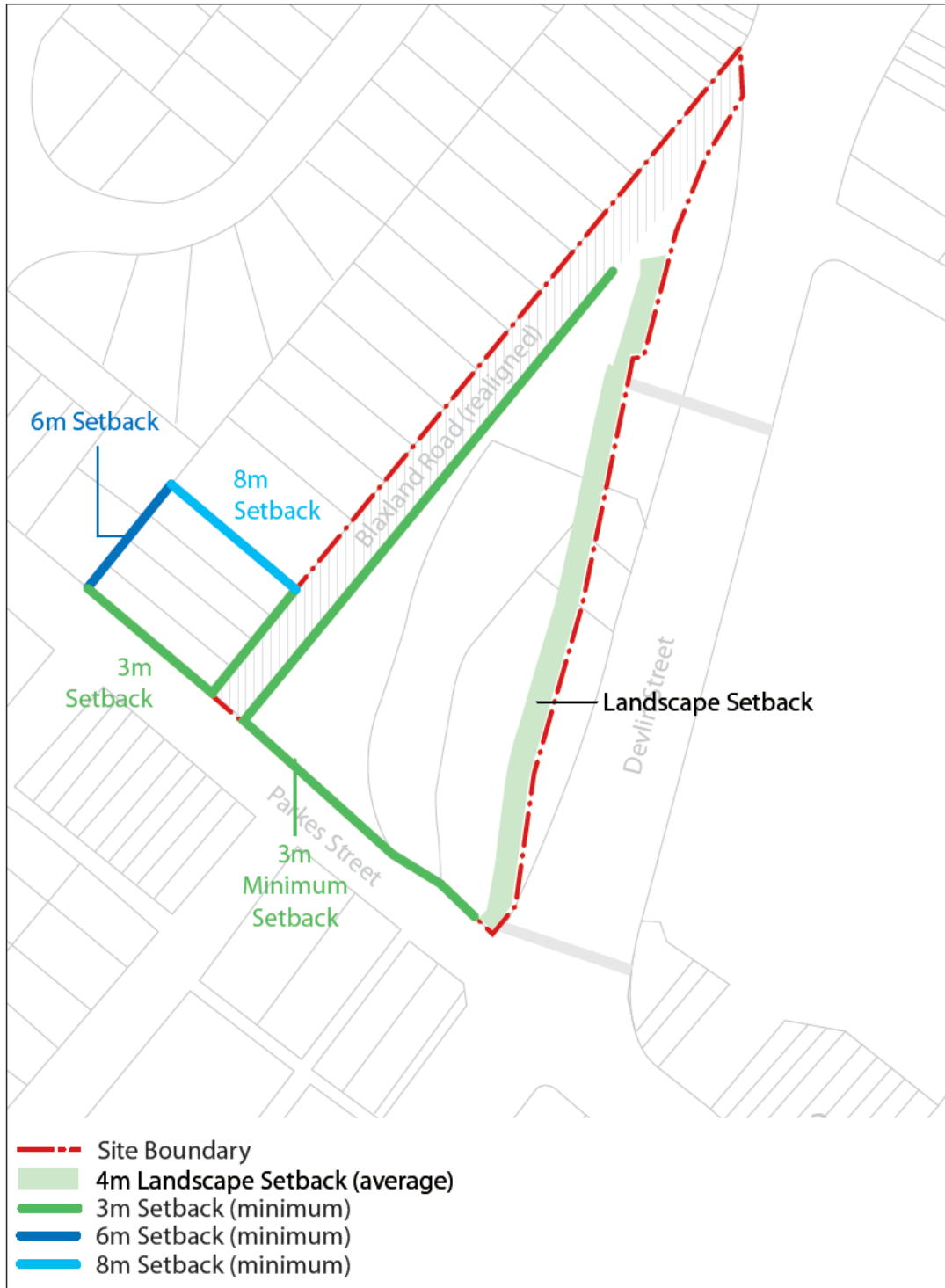


Figure 4.4.15 Setbacks

- o. Buildings fronting the realigned Blaxland Road are to have upper levels above 4 storeys setback a minimum of 3 m.
- p. Buildings within Site A must:
 - i. be highly articulated and designed to allow for reasonable view sharing and outlook within and across the site; and
 - ii. add to the interest of the skyline of the Precinct and Ryde Town Centre, through a modulated and articulated form and interesting roof elements.
- q. Building bulk and massing is to be distributed on the site so as to ensure:
 - i. high amenity for public domain spaces, including good solar access and protection from high wind and noise levels; and
 - ii. to minimise loss of amenity to existing adjacent buildings and public streets and spaces.
- r. Building massing, scale and design is to minimise adverse wind impacts (such as down Adopts) on the public domain in and around the development. Hence, the orientation, height and built form of development is to be designed to promote public safety and comfort at ground and publicly accessible podium levels.
- s. Lift overruns and plant areas are to be recessed and/or incorporated into interesting roof elements of buildings.
- t. The built form should be designed to minimise shadow impacts on surrounding properties.
- u. The existing Obelisk on the site is to be relocated to a location approved by Council.

Parking

- v. Parking areas are to be integrated with the form and arrangement of buildings on the site, screened or concealed from view from the public domain and adjoining streets. Sleeving of any above ground parking areas or high quality, decorative screening is required.

Sustainability

- w. Civic development is to achieve a minimum 5.0 Greenstar rating in accordance with the current Green Star - Public Building rating tool (which may be a pilot or adopted rating tool at the time the relevant DA is to be submitted for assessment and determination).

8.1.7 Site B

Site B is the smaller and western most portion of the Precinct. The redeveloped Site B will be lower scale building(s) which will provide a transition in height, bulk and scale between development on Site A to the east and lower density residential development to the west. Redevelopment of Site B must have regard to the adjoining heritage listed Hatton's Cottage.

Development of the site is to comply with the following controls and with the preceding architectural, built form, landscaping, public domain, access and circulation objectives and controls for the Precinct.

The location of Site B is illustrated in Figure 4.4.10.

Objectives

1. To ensure development respects the significance of Hatton's Cottage (heritage item) at 158 Blaxland Road, Ryde.
2. To encourage development that responds to the:
 - a. Existing low scale development to the west and north; and
 - b. Site's sloping topography.
 - c. respects surrounding residential development and minimises impacts on residential amenity.

Controls

- a. Building setbacks to Blaxland Road (realigned), Parkes Street and the site's northern boundary are to be in accordance with Figure 4.4.15.
- b. Buildings fronting Blaxland Road and Parkes Street should have facades that are articulated and modulated. This may include 'punctuated' walls, variation in setbacks, and building elements such as balconies and sun shading devices.
- c. Development should minimise noise, lighting, odour and glare (reflectivity) impacts on surrounding residential uses
- d. Plant and lift overruns are to be visually unobtrusive and are to be incorporated into the roof form, where possible.
- e. Main building entry(s) should front the realigned Blaxland Road.

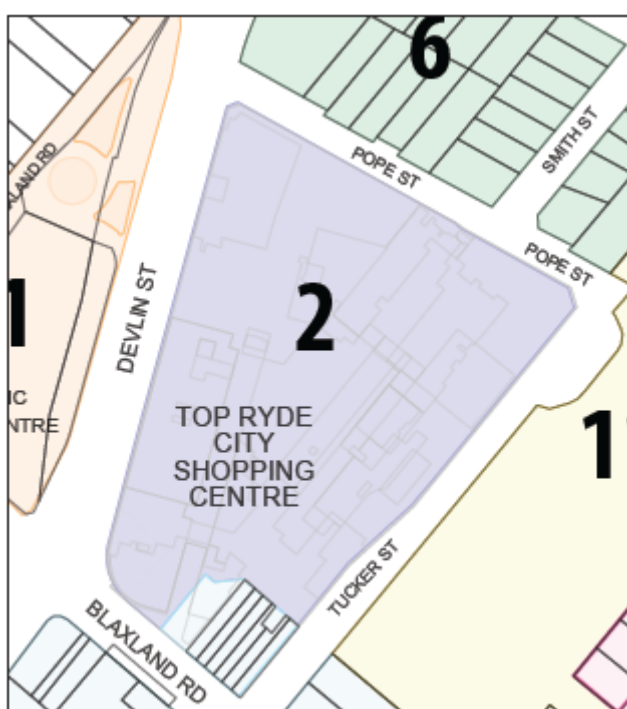
8.1.8 Concept Plan

It is intended that future development within the Precinct will be the subject of a Concept Plan prepared to illustrate the development of the whole of the site (Site A and Site B). The Concept Plan is to address the following matters where relevant:

- the consistency of the development with the above Objectives and Future Character statement for the Precinct;
- whether the development is an appropriate design response to the opportunities and constraints of the Precinct;
- proposed uses and use mix;
- subdivision pattern;
- sensitivity to heritage items and streetscape constraints;
- the location of the proposed building envelopes and their relationship with the rest of the Precinct in terms of building separation, setbacks, amenity and urban form;
- bulk, massing and modulation of buildings;
- building heights (including street frontage heights);
- the gross floor area of each building;
- environmental impacts such as sustainable design, overshadowing, wind and reflectivity;
- the achievement of the principles of ecologically sustainable development;

- pedestrian, cycle, vehicular and service access, circulation and requirements, incorporating the realigned Blaxland Road;
- impact on, and proposed improvements to, the public domain;
- maximum car parking numbers for the Precinct;
- indicative landscaping scheme;
- Greenstar commitments; and
- measures to incorporate Crime Prevention Through Environmental Design criteria.

8.2 Precinct 2 - Town Core



Figur 4.4.21 Town Core Precinct

Opened in 1957 the Top Ryde Regional Shopping Centre was only the second mall built in Australia on the American model and the first suburban centre in Sydney to have a big city department store. The completion of the shopping centre and a modern Civic Centre, together with the decision in 1963 to establish Macquarie University marked the emergence of Ryde as a “city”.

The development of major new shopping centres in Rhodes and North Ryde has seen the Top Ryde Shopping Centre decline in Sydney’s retail hierarchy from its original regional focus to a local focus. At the time of preparing this Part, the shopping centre was servicing the needs of local communities and was a place to meet and congregate informally.

Occupying almost an entire city block bounded by Blaxland Road, Pope, Tucker and Devlin Streets, the shopping centre was alienated from the Ryde Town Centre. Creating pedestrian walkways through the site and enhancing links with the main street, school and Ryde Park is an opportunity for future development. With effective management vehicular access to the shopping centre may be direct from Devlin Street, improving the amenity of nearby areas.