



23 MAY 2014

LATE ITEMS

**Ordinary Meeting of Council Meeting No. 8/14
TUESDAY, 27 MAY 2014**

**Council Chambers, Level 6, Civic Centre,
1 Devlin Street, Ryde - 7.30pm**

English

If you do not understand this letter, please come to the Ryde Civic Centre, Devlin Street, Ryde, to discuss it with Council staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact Council for you. Council's phone number is 9952 8222. Council office hours are 8.30am to 4.30pm, Monday to Friday.

Arabic

إذا كنت لا تفهم محتويات هذه الرسالة، فالرجاء الاتصال بمركز مجلس بلدية رايد Ryde Civic Centre، وعنوانه: Ryde، Devlin Street، Ryde لمناقشتها مع العاملين في المجلس عن طريق مترجم، يستعين به العاملون لمساعدتك. أو يمكنك، بدلا من ذلك، أن تتصل بمكتب خدمات الترجمة TIS على الرقم 131 450 وأن تطلب من أحد المترجمين أن يتصل بالمجلس نيابة عنك. رقم تليفون المجلس هو 9952 8222، وساعات العمل هناك هي من الساعة 8.30 صباحا إلى 4.30 بعد الظهر من يوم الاثنين إلى يوم الجمعة.

Armenian

Եթէ այս նամակը չէք հասկնար, խնդրեմ եկէք՝ *Րայդ Իրվիք Սենթրը, Տելվին փողոց, Րայդ*, խօսակցելու Բաղաքապետարանի պաշտօնետաներուն հետ, որոնք թարգմանիչ մը կրնան կարգադրել: Կամ, կրնաք հեռաձայնել Թարգմանութեան Այսասարկութեան՝ 131 450, եւ խնդրել որ թարգմանիչ մը Բաղաքապետարանի հետ կապ հաստատէ ձեզի համար: Բաղաքապետարանի հեռաձայնի թիւն է՝ 9952 8222: Բաղաքապետարանի գրասենեակի ժամերն են՝ կ.ա. ժամը 8.30 - կ.ե. ժամը 4.30, Երկուշաբթիէն Ուրբաթ:

Chinese

如果您看不懂這封信，請到位于 Devlin Street, Ryde 的禮特區市府禮堂 (Ryde Civic Centre)與區政廳工作人員討論，他們將會給您安排傳譯員服務。或者您自己打電話給“翻譯及傳譯服務”，電話：131 450，請他們替您與區政廳聯係。區政廳的電話號碼是：9952 8222。區政廳工作時間是：周一至周五，上午 8.30 到下午 4.30。

Farsi

اگر این نامه را نمی فهمید لطفاً به مرکز شهرداری رايد در Devlin Street مراجعه کنید. کارمندان شهرداری ترتیب استفاده از يك مترجم را براي شما خواهند داد. یا میتوانید به سرویس ترجمه کتبی و شفاهی شماره 131 450 تلفن بزنیید و بخواهید که يك مترجم از جانب شما با شهرداری تماس بگیرد. شماره تلفن شهرداری 9952 8222 و ساعات کار از 8.30 صبح تا 4.30 بعد از ظهر می باشد.

Italian

Le persone che hanno difficoltà a capire la presente lettera, sono pregate di presentarsi al Ryde Civic Centre in Devlin Street, Ryde, e parlarne con gli impiegati municipali che provvederanno a richiedere l'intervento di un interprete. Oppure possono chiamare il Translating & Interpreting Service al 131 450 e chiedere ad uno dei loro interpreti di mettersi in contatto con il comune di Ryde. Il numero del comune è 9952 8222. Gli uffici comunali sono aperti dalle 8.30 alle 16.30, dal lunedì al venerdì.

Korean

이 편지를 이해할 수 없으시면 Ryde의 Devlin Street에 있는 Ryde Civic Centre로 오셔서 카운슬 직원과 상담하여 주십시오. 저희 직원이 통역 서비스를 연결해 드릴 것입니다. 아니면 131 450번으로 통번역 서비스(TIS)에 전화하셔서 통역사에게 대신 카운슬에 연락해 주도록 부탁하셔도 됩니다. 카운슬 전화 번호는 9952 8222번입니다. 카운슬의 업무 시간은 오전 8:30부터 오후 4:30, 월요일에서 금요일까지입니다.

Meeting Date: Tuesday 27 May 2014
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

Council Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. Council Meetings will also be webcast.

NOTICE OF BUSINESS

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**14 PLANNING PROPOSAL - Relevant Planning Authority Question - 20
Waterview Street, Putney**

Report prepared by: Strategic Planner
File No.: LEP2013/14 - BP14/649

REPORT SUMMARY

This report seeks Council's decision on whether Council should be the Relevant Planning Authority (RPA) for the planning proposal for 20 Waterview Street, Putney in response to a recent request by the Department of Planning and Environment (Department) by letter dated 15 May 2014. The Department's letter requests Council advise whether would like to be the Relevant Planning Authority (RPA) for that planning proposal and requests a response by 29 May 2014. This report is therefore submitted late to the Council meeting of 27 May 2014 to ensure that the Department's deadline is met.

The Planning Proposal for 20 Waterview Street seeks land use zoning and height amendments that will enable a mixed use development comprising 65-67 dwellings (19 in the boatshed, 27-29 flats in a 3 storey building, and 19 townhouses), car parking (30 at grade spaces, 114 basement spaces), marina, retail, cafe and other waterfront uses. The site is zoned IN4 Working Waterfront and the proponent seeks additional land uses, including marina, residential (residential flat building, multi dwelling housing, attached dwellings), business premises, food and drink premises, shops and kiosks; and a maximum building height control of 14m.

On 25 February 2014 Council considered an assessment report on the planning proposal. Council resolved that the proponent explore a planning proposal that proposes additional employment-related land uses, is consistent with the Master Plan adopted by the Director General Planning dated 2010 (which excludes residential use), is compatible with the objectives of the IN4 Working Waterfront land use zone, and demonstrates to Council's satisfaction that remediation for the proposed land uses can be undertaken.

In the 25 February 2014 report it was identified that the proponent had applied to the Department for a Pre-Gateway review. The Department's letter advising of the Pre-Gateway review also requested Council's views. The report of 25 February 2014 was provided to the Department as Council's views on the planning proposal.

Under the Pre-Gateway review process, the planning proposal was considered by the Sydney East Joint Regional Planning Panel (JRPP) on 23 April 2014. The JRPP's recommendation generally supported the proposal as submitted, specifying limits to residential development and additional supporting information to be completed prior to exhibition.

ITEM 14 (continued)

The Department's letter of 15 May 2014 advises Council of its determination on the pre-gateway review being that the planning proposal should proceed to the Gateway stage, subject to the recommendations of the JRPP, including the following limits to potential development:

- Maximum 70 dwellings permissible on the site, including a maximum of 19 dwellings only within the Halvorsen building.
- Maximum heights of 11.5m for residential flat buildings, and maximum of 9.5m for townhouses. Residential buildings along Waterview Street are to be townhouses only.
- Retention of the IN4 Working Waterfront land use zone.

A revised planning proposal considering these issues is to be submitted to allow the Department to issue a Gateway determination and allow the planning proposal to proceed to exhibition.

The Department requires additional study work to be completed by the proponent prior to exhibition, including:

- Detailed site investigation to inform a remediation action plan.
- Review of acid sulphate soils.
- Heritage review addressing the archaeological potential of the site and impact on the heritage item.

The Department's letter of 15 May 2014 requests Council advise whether would like to be the Relevant Planning Authority (RPA) for that planning proposal and requests a response by 29 May 2014. This report is therefore submitted late to the Council meeting of 27 May 2014 to ensure that the Department's deadline is met.

Should Council choose to be the RPA for 20 Waterview Street, it will be responsible for the planning proposal and will need to consult with the proponent to submit a revised planning proposal for a Gateway determination, undertake community consultation, final assessment of the proposal and consider whether or not the plan should be made.

The Department's determination (following advice from the JRPP) of the planning proposal is not consistent with Council's views on the proposal and it is therefore recommended that Council resolve to decline the offer to be the Relevant Planning Authority.

ITEM 14 (continued)

As the Department only allows 14 days for a response on the question of whether Council would choose to be the RPA, this report also recommends that Council make a policy decision with respect to future planning proposals that are subject to Pre-Gateway review. In this regard it is recommended that Council does not nominate to be the Relevant Planning Authority if the determination by the Department on the Pre-Gateway review is inconsistent with Council's views on the planning proposal.

Where Council chooses not to be the RPA, the Minister may appoint an alternate RPA to prepare the planning proposal. An alternate could be the Director-General of the Department, the JRPP or another person or body authorised under the Regulations.

RECOMMENDATION:

- (a) That Council decline the offer to be the Relevant Planning Authority for the planning proposal for 20 Waterview Street, Putney, and the Department of Planning and Environment be advised of this decision.
- (b) That Council declines to be the Relevant Planning Authority for any planning proposal which is the subject of a Pre-Gateway Review determination that is not in accordance with Council's strategic planning position and/or resolutions.

ATTACHMENTS

- 1 Letter to Council from Department of Planning and Environment regarding Pre-Gateway Review for 20 Waterview Street, Putney.

Report Prepared By:

Melissa Burne
Strategic Planner

Report Approved By:

Lexie Macdonald
Team Leader - Strategic Planning

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 14 (continued)**Purpose**

This report seeks Council's decision on whether or not Council should be the Relevant Planning Authority (RPA) for the planning proposal for 20 Waterview Street, Putney in response to a recent request by the Department of Planning and Environment (Department) by letter dated 15 May 2014.

Background

A planning proposal was submitted to Council on 27 September 2014 to amend Ryde LEP 2010 or Ryde LEP 2014 (whichever is effective) by:

- Adding land uses to the IN4 Working Waterfront zone to be permissible with consent (via Clause 2.5 Additional permitted uses for particular land and Schedule 1 under the LEP) The additional land uses requested being: marina, residential flat building, multi dwelling housing, attached dwellings, business premises, food and drink premises, shops, and kiosks.
- Introducing a maximum building height of 14m to apply to the whole of the site zoned IN4 Working Waterfront.

On 25 February 2014 Council considered a report on the outcomes of the assessment of that planning proposal, and resolved:

- (a) *That Council advise the applicant to explore a planning proposal that gives consideration to the following:*
 - i. *Proposes additional employment-related land uses and is generally consistent with the Master Plan adopted by the Director General Planning (dated 2010),*
 - ii. *Is compatible with the objectives of the Ryde Local Environmental Plan IN4 Working Waterfront land use zone*
 - iii. *Demonstrates; under the provisions of SEPP 55 to council's satisfaction; that remediation for the proposed land uses can be undertaken*
- (b) *That Council advise the Department of Planning and Infrastructure of its decision in response to the planning proposal in respect of the Department's notification letter of 31 January regarding the pre-gateway review.*

In that report it was identified that the proponent had applied to the Department for a Pre-Gateway review, as advised by the Department by letter dated 31 January 2014. As part of the Pre-Gateway review process the Department's letter also requested Council's views on the planning proposal. The full report to Council 25 February 2014 was provided to the Department as Council's views on the planning proposal.

ITEM 14 (continued)

On 22 April, 2014, Council considered a report regarding a recommendation of Council's Heritage Advisory Committee that an Interim Heritage Order be placed over 20 Waterview Street, Putney. However Council could not legally apply an IHO, and resolved:

- (c) *That the Council endorse the preparation of detailed Heritage and Archaeological Studies by the proponent to inform and guide future development decisions and the management of 20 Waterview Street Putney, including an Archaeological Management Plan and Conservation Management Plan prepared in accordance with the NSW Heritage Division guidelines.*

A copy of the 22 April 2014 resolution was provided to the proponent and the Department.

Department's Determination on the Pre-Gateway Review

On 23 April 2014, the Sydney East Joint Regional Planning Panel (JRPP) reviewed the planning proposal as part of the Pre-Gateway review process. Council's resolutions of 25 February 2014 and 22 April 2014 were brought to the attention of the JRPP.

Correspondence has now been received from the Department (dated 15 May 2014) advising its determination on the Pre-Gateway review, attaching a copy of the report and recommendation of the Sydney East JRPP, and giving Council the opportunity to decide whether or not to be the RPA. A copy of this letter is **ATTACHED** (Attachment 1) to this report.

The Department has determined that the planning proposal should proceed to the Gateway determination stage, subject to the recommendations of the JRPP being:

- 1) *The Panel resolves unanimously to recommend that the planning proposal proceed to exhibition, subject to the following work being completed before exhibition:*
 - a) *Detailed site investigation, as recommended in the Stage 2 environmental site assessment (Martens Engineering Consultants June 2012), to inform a remediation action plan verifying that the site can be remediated to support the proposed residential and commercial uses;*
 - b) *A review of acid sulphate soils that assesses the appropriateness of the change of land use, given the presence of acid sulphate soils on the site; and*
 - c) *A heritage review that addresses the archaeological potential of the site given it was the location of the Malting Shovel Inn and brewery constructed by James Squire in 1798, and the impact of the proposal on the former Naval Refit Centre identified as a heritage item under the Sydney Harbour Catchment REP 2005.*

ITEM 14 (continued)

- 2) *The recommendation is also subject to a limit of 70 dwellings being permissible on the site and the predominant use of the Halvorsen Building remaining maritime. The Panel notes that the proposal suggests 19 dwellings in the Halvorsen building; this number should not be exceeded.*
- 3) *Given that the IN4 zone will now permit residential development on this site, the Panel recommends that the maximum height for residential flat buildings be 11.5m and for townhouses 9.5m. Any residential buildings along Waterview Street should be townhouses.*
- 4) *The Panel has considered the suggestion that the site should be broken into three zones; however, the Panel concluded that keeping the IN4 zoning for the whole of the site is more likely to keep the site in working waterfront use than would fragmented zoning.”*

The next steps in this process are:

1. Submission of a revised planning proposal
2. Gateway determination
3. Community consultation

Council’s Decision on whether or not it will be the Relevant Planning Authority

The Department’s letter of 15 May 2014 (Attachment 1) requests Council advise whether or not it would like to be the Relevant Planning Authority (RPA) for the planning proposal for 20 Waterview Street, Putney. The Department requests a response to this question within 14 days of the date of that letter, being by 29 May 2014. This report is therefore submitted late to the Council meeting of 27 May 2014 to ensure that the Department’s deadline is met.

Council’s direction is sought on the question of whether or not it should be the RPA in the case of 20 Waterview Street, Putney.

The Department has advised in the case of 20 Waterview Street, Putney that should Council agree to be the RPA, it will need to consult with the proponent to prepare and submit a planning proposal for a Gateway determination. The revised proposal would need to incorporate the following limits recommended by the JRPP:

- Maximum 70 dwellings permissible on the site, including a maximum of 19 dwellings only within the Halvorsen building.
- Maximum heights of 11.5m for residential flat buildings, and maximum of 9.5m for townhouses. Any residential buildings along Waterview Street are to be townhouses only.
- Retention of the IN4 Working Waterfront land use zone.

ITEM 14 (continued)

It should also be noted that additional study work is required to be completed prior to exhibition, including:

- Detailed site investigation to inform a remediation action plan verifying that the site can be remediated to support the proposed residential/commercial uses.
- Review of acid sulphate soils assessing the appropriateness of the land use on the site.
- Heritage review addressing the archaeological potential of the site given location of Malting Shovel Inn and brewery constructed by James Squire in 1798, and impact on the Naval Refit Centre identified as a heritage item.

Following the issue of a Gateway Determination, the RPA would be responsible for progressing the planning proposal through the next stages of the plan-making process including consulting with the community and relevant agencies, considering submissions, finalizing assessment of the proposal and, should the plan progress to final stage, request the making of the plan (being amendments to the Ryde LEP).

Option 1 – Council to be the RPA

If Council chooses to be the RPA, Council would be required to submit, for Gateway determination, a revised planning proposal, prepared in consultation with the proponent, which meets the requirements of the Department's Pre-Gateway review determination.

Upon issue of a Gateway determination, Council would then be required to manage the consultation, with the planning proposal being formally defined as Council's proposal.

Option 2 – Council not be the RPA

This option proposes that Council is not the RPA. Council, as part of proceeding with the planning proposal, would be consulted as a member of the community and invited to make a submission. Issues raised by Council within its submissions would be considered as part of the assessment/determination process by the RPA. Such a process would be similar to what Council's role was with the Part 3A application process.

Preferred Option

Option 2 is the preferred option for the following reasons

- The Department's determination (following advice from the JRPP) is not consistent with Council's views on the planning proposal and the strategic intention for the site.

ITEM 14 (continued)

- It is anticipated that there would be significant community interest raising concerns with the development of the site, but Council's role is fettered to developing a proposal contrary to its strategic position and would provide a recommendation to the Minister only.
- Given the legislative opportunities for the proponent to apply for reviews at key milestones in the Gateway process, Council's ability to affect the outcome and to address community concerns is anticipated to be limited. This report therefore recommends that Council decline the offer to be the Relevant Planning Authority.

Future Pre-Gateway Reviews

This report also recommends that Council make a policy decision with respect to consideration of future planning proposals subject to Pre-Gateway review, especially as the Department only allows 14 days for a response on whether Council would choose to be the RPA. In this regard it is recommended that Council does not nominate to be the Relevant Planning Authority if the determination by the Department on the Pre-Gateway review is not consistent with Council's views and/or resolutions on the planning proposal.

Council should note that if it chooses not to be the RPA, an alternate RPA may be appointed to prepare the planning proposal. An alternate could be the Director-General of the Department, the JRPP or another person or body authorised under the Regulations.

ITEM 14 (continued)

ATTACHMENT 1



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



14/07300

Dear Mr Newsome

Re: Request for Pre-Gateway Review (PGR_2014_RYDEC_002_00)

I refer to the request for a pre-Gateway review (PGR_2014_RYDEC_002_00) lodged on 20 January 2014 for a proposal to enable additional permitted uses and introduce a new height control for 20 Waterview Street, Putney.

I have now determined that the proposal should proceed to Gateway determination stage, subject to the recommendations outlined in the advice from the Sydney East Joint Regional Planning Panel. In making my decision, I considered the request for a pre-Gateway review together with the recommendation of the Panel and advice provided by Council. A copy of the Panel's decision and report are attached for your convenience, which includes details of work to be completed prior to exhibition, and limits on dwelling numbers and heights to apply to the site.

Consequently, Council is asked to advise if it would like to be the Relevant Planning Authority (RPA) for this proposal. Should Council agree to be the RPA, it will need to consult with the proponent to prepare and submit a planning proposal for a Gateway determination.

If Council does not wish to progress this matter, an alternate RPA may be appointed to prepare the planning proposal. Your advice within 14 days from the date of this letter advising if Council seeks to be the RPA for this matter will be appreciated.

If you have any further enquiries about this matter, I have arranged for Ms Belinda Morrow of the Department's Metropolitan Delivery branch to assist you. Ms Morrow can be contacted on (02) 8575 4124.

Yours sincerely




Richard Pearson
Deputy Director General
Growth Planning and Delivery

Encl. - Panel's decision and report

ITEM 14 (continued)

ATTACHMENT 1

**Joint Regional Planning Panel – Planning Assessment Commission
Pre-Gateway Review**

The Joint Regional Planning Panel (JRPP) has considered the request for a review of the proposed instrument as detailed below.

The Pre-Gateway Review:

Date of Review:	23 April 2014
Dept. Ref. No:	PGR_2014_RYDEC_002_00
LGA:	Ryde
LEP to be Amended:	Ryde Local Environmental Plan 2010/draft Ryde Local Environmental Plan 2014
Address / Location:	20 Waterview Street, Putney
Proposed Instrument:	Ryde Local Environmental Plan 2010/draft Ryde Local Environmental Plan 2014
Panel Chair:	John Roseth
Panel Members:	David Furlong, Sue Francis and Sarkis Yedelian

Reason for review:	<input type="checkbox"/>	The council has notified the proponent that the request to prepare a planning proposal has not been supported
	<input checked="" type="checkbox"/>	The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal

In considering the request, the JRPP has reviewed all relevant information provided by the proponent as well as the views and position of Planning and Infrastructure and the relevant local government authority. Based on this review the JRPP recommends the following:

JRPP RECOMMENDATION:	<input checked="" type="checkbox"/>	The proposed instrument should be submitted for a Gateway determination, subject to the matters raised in the recommendation of the Panel
	<input type="checkbox"/>	The proposed instrument should not be submitted for a Gateway determination
Composition of Recommendation:	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Not unanimous	Comments:

JRPP Advice and Justification for Recommendation:

- 1) The Panel resolves unanimously to recommend that the planning proposal proceed to exhibition, subject to the following work being completed before exhibition:
 - a) Detailed site investigation, as recommended in the Stage 2 environmental site assessment (Martens Engineering Consultants June 2012), to inform a remediation action plan verifying that the site can be remediated to support the proposed residential and commercial uses;
 - b) A review of acid sulphate soils that assesses the appropriateness of the change of land use, given the presence of acid sulphate soils on the site; and

ITEM 14 (continued)

ATTACHMENT 1

- c) A heritage review that addresses the archaeological potential of the site given it was the location of the Malting Shovel Inn and brewery constructed by James Squire in 1798, and the impact of the proposal on the former Naval Refit Centre identified as a heritage item under the Sydney Harbour Catchment REP 2005.
- 2) The recommendation is also subject to a limit of 70 dwellings being permissible on the site and the predominant use of the Halvorsen Building remaining maritime. The Panel notes that the proposal suggests 19 dwellings in the Halvorsen building; this number should not be exceeded.
- 3) Given that the IN4 zone will now permit residential development on this site, the Panel recommends that the maximum height for residential flat buildings be 11.5m and for townhouses 9.5m. Any residential buildings along Waterview Street should be townhouses.
- 4) The Panel has considered the suggestion that the site should be broken into three zones; however, the Panel concluded that keeping the IN4 zoning for the whole of the site is more likely to keep the site in working waterfront use than would fragmented zoning.

Endorsed by



John Roseth
Chair, Sydney East
Joint Regional Planning Panel
23 April 2014