

4 PLANNING PROPOSAL - HOUSEKEEPING REVIEW 2022

Report prepared by: Senior Coordinator - Strategic Planning

Report approved by: Manager - Urban Strategy; Director - City Planning and Environment

File Number: LEP2021/8/5 - BP22/8

City of Ryde Local Planning Panel Report

Site Address and Ward	Affects numerous sites, see the Planning Proposal as provided in ATTACHMENT 1 .
Current Planning Provisions	Affects numerous planning provisions and mapping of the <i>Ryde Local Environmental Plan 2014</i> as provided in ATTACHMENT 1 .
Planning Proposal Overview	The purpose of this Planning Proposal is to amend the <i>Ryde Local Environmental Plan 2014</i> (LEP) to update the LEP and address a range of administrative issues identified in the operation of the plan. It also introduces community facilities and recreation areas in more locations and new advertising and signage provisions to ensure the City of Ryde can support the needs of its community. Additionally, it expands community education and capacity of Council's waste management practices.
Property Owner	Numerous private and government agencies (including City of Ryde)
Applicant	City of Ryde
Report Author	Naomi L'Oste-Brown
Lodgement Date	N/A
Reason for Referral	Required by Ministerial Direction made under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> dated 27 September 2018.
Recommendation	That the Ryde Local Planning Panel recommend to Council that the Planning Proposal be submitted for Gateway Determination under 3.34 of the <i>Environmental Planning and Assessment Act 1979</i> .

Attachments	<p>Attachment 1 –Housekeeping Review 2022 Planning Proposal</p> <p>Attachment 2 – Report to Local Planning Panel 13 August 2020</p> <p>Attachment 3 – Recommendation of Local Planning Panel 13 August 2020</p> <p>Attachment 4 – Report to Council 22 September 2020</p> <p>Attachment 5 – Withdrawn Administrative and Update LEP Planning Proposal</p> <p>Attachment 6 – Department of Planning, Industry and Environment Letter 28 April 2021</p>
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1. Executive Summary

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

The Planning Proposal as provided in **ATTACHMENT 1**.

Due to the amount of proposed amendments, an explanation of the provisions is not reiterated in this report. However, it is provided in Part 2 of the attachment along with a planning assessment. The assessment concludes that the Planning Proposal is generally consistent with relevant State and Local legislation, directions, polices and strategic directions, including *Planning Ryde: Local Strategic Planning Statement 2020* (LSPS), and will have a minimal environmental, social and economic impact.

2. The Site and Locality

The Planning Proposal affects numerous sites, see Maps at Part 4 of the attached Planning Proposal as provided in **ATTACHMENT 1**.

3. The Planning Proposal

The purpose of this Planning Proposal is to amend the *Ryde Local Environmental Plan 2014* (LEP) to update and address a range of miscellaneous administrative issues identified in the operation of the plan.

It also introduces community facilities and recreation areas in more locations and new advertising and signage provisions to reduce reliance on existing use rights and to ensure the City of Ryde can support the needs of its community. Additionally, it expands community education and capacity of Council's waste management practices.

The objectives of the Planning Proposal include:

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

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

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

- A statement of the objectives or intended outcomes of the proposed amending LEP;

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

4. Background

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

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

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

- Removal of prohibitions and restrictions in relation to uses within business and light industrial zones, including providing for creative enterprises (note – these matters are being addressed by State-wide changes to the employment zones);
- Design excellence in the City of Ryde Town Centres (to be pursued with future proposals specific to the Centres);
- Advertisements on billboards (for community benefit) with development consent (to be undertaken on a site by site basis);
- Environmentally sensitive land provisions and mapping to provide conservation management outcomes (to be undertaken as a separate proposal); and
- Protection of threatened ecological Sydney Turpentine Ironbark Forest community and riparian land on and adjoining the Ivanhoe Estate (to be undertaken separately with future environmentally sensitive land updates; the current concept

approval ensures development will not occur in areas where there are sensitive ecological communities or riparian land).

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

5. Planning Assessment

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

- **Part 1 Objectives and intended outcomes**

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

- **Part 2 Explanation of provisions**

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

- **Part 3 Justification**

Need for the Planning Proposal

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

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

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

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

Relationship to Strategic Planning Framework – The Strategic Merit Test

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

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

Key Assessment Issues

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

6. Conclusion

The Planning Proposal has been initiated by Council to update and address a range of miscellaneous administrative issues identified in the operation of the LEP and to introduce new provisions.

The Planning Proposal is generally consistent with relevant State and Local legislation, directions, policies and strategic directions, including Council's LSPS, and will have a minimal environmental, social and economic impact.

7. Recommendation

That the Ryde Local Planning Panel recommend to Council that the planning proposal be submitted for Gateway Determination under 3.34 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENTS

- 1 Attachment 1 - Planning Proposal - Housekeeping Review 2022
- 2 Attachment 2 - Local Planning Panel Report 13 August 2020
- 3 Attachment 3 - Ryde Local Planning Panel Advice & Statement of Reasons 13 August 2020
- 4 Attachment 4 - Council Report 22 September 2020 Administrative and Update LEP Planning Proposal
- 5 Attachment 5 - Withdrawn Planning Proposal Administrative and Update LEP
- 6 Attachment 6 - Department of Planning, Industry and Environment Letter 28 April 2021

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