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**HOUSING NSW**

# **West Ryde Proposal Justification**

**63 - 77 West Parade West Ryde**

2081141 – MPD Ryde

4 February 2009

**Infrastructure**

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63-77 WEST PARADE WEST RYDE

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### PROJECT 2081141 - WEST RYDE PROPOSAL JUSTIFICATION

REV	DESCRIPTION	ORIG	REVIEW	WORLEY- PARSONS APPROVAL	DATE	CLIENT APPROVAL	DATE
A	Issued for internal review	SL	SP	N/A	2 – Feb - 09	Yes	2 – Feb - 08
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## 1. SUMMARY

### 1.1 Utilizing Public Assets in Delivery of Social Environmental Outcomes

The redevelopment of 63 – 77 West Parade, West Ryde (subject site) by the Housing NSW (HNSW) is consistent with the Department's strategy of redeveloping under-utilised facilities that are excellently located in order to maximise their usage and yield of social housing. Of the 8 allotments, owners consent is pending for 1 allotment.

The site currently contains only eight single residences, built approximately 50 years ago and in moderate condition. These residences are inconsistent with HNSW's current and future requirements which are predominantly for single and two bedroom apartments, a large percentage of which are required to meet the growing demand for Seniors Living. The preliminary consideration is to redevelop the subject site to achieve an approximate 50:50 mix of social and private housing using a public private sector model. Further, in formulating the project business plan, the inclusion of seniors living, affordable housing and appropriate commercial elements will be considered.

### 1.2 Reducing Unnecessary Delays and Transaction Costs

HNSW seeks the Department of Planning's assistance to expedite the delivery of social housing projects in selected locations proximate to major public transport infrastructure. The subject site is within 400 metres of the West Ryde Bus / Rail Transport Interchange. The Ryde City Council is preparing its Comprehensive Local Environmental Plan. This is likely to be exhibited in 2008/09 and gazetted in 2010.

Whilst the proposed uses are permissible within the existing Ryde City Council environmental planning instrument (EPI), the aforementioned EPI does not give sufficient weight to achieving higher densities proximate to the West Ryde railway station. The Ryde EPI does not permit the density of development that is appropriate for the subject site having regard to Section 5 of the EP&A Act, the Sydney Metropolitan Strategy (2005) and the Draft Sub-regional Strategy.

### 1.3 Application of Part 3A Process and Precedent

A density of 0.75:1 precludes the delivery of social housing within HNSW's planned time table to secure a determination of its application by mid 2009. It is a density that would retain existing detached dwellings and does not achieve the fundamental planning objective of significantly increasing densities in the vicinity of railway stations in existing urban areas and encouraging a mode shift from car to rail particularly for those in the community with low car ownership (seniors and social housing occupants).

HNSW requests that the Minister for Planning declares the proposal a 'major project' and authorises the preparation of a 'concept plan' for the subject site. The proposal is to provide a mix of social and private housing is fundamental to achieving HNSW's public policy objectives.



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The timetable for the exhibition and gazettal of the Comprehensive LEP for Ryde (including the subject site) would significantly delay achieving the delivery of social housing on the subject site. HNSW seeks to expedite delays in this administrative process by requesting that its public social and private housing proposal be expedited through the Part 3A process to achieve state and regional environmental planning objectives –

- increasing density and meeting housing (including seniors and social housing) within existing urban areas near railway stations;
- increasing productivity of government assets to meet community service obligations in social housing;
- expediting the delivery of urgent housing needs by utilizing appropriate planning administrative mechanisms (Major Project Declaration and Concept Plan Authorisation).

## 1.4 On-going Consultation with Council in Part 3A Process

HNSW has consulted Council officers in relation to its proposal and intends to continue consultation in relation to the Part 3A Concept Application. In addition, HNSW proposes to continue to work with Council in its preparation of substantive amendments to the existing and Draft Comprehensive Local Environmental Plan and centres proposals.

Suffice to say that development surrounding the subject site is highly unlikely to change in the next 10 years and as such the relationship between the proposal for the subject site and the adjoining areas will not be affected by the Council investigations of the larger area around West Ryde Centre for the following reasons:

- the eastern boundary of the subject site is a railway line and the Minister has already approved the Part 3A Mixed use development adjacent to West Ryde Station, (Determination, **MP 05\_0130**);
- the western boundary on West Parade (no. 63 to 77 inclusive) is intensively developed for three storey residential flat development; and
- the site to the south of the subject site is already developed as 9 storey residential flat development.

Relevantly, Minister for Planning in granting a Part 3A approval for a high rise residential development (CRI) on the northern side of the railway line and in the vicinity of the subject site has established a precedent relevant for the subject proposal.

## 1.5 HNSW Request to the Minister for Planning – Declaration and Authorisation

HNSW requests the Minister authorise the preparation of a 'concept application' to enable HNSW to seek private sector partners for its project. Subject to approval of a concept application for use, height, density and building



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envelopes, HNSW proposes to seek submissions from private parties to design in more detail and develop nominated parts of the project for which subsequent approvals would be sought.

The design development process will include progressive phases:

1. Preliminary Justification Proposal – planning and development control principles and provisions;
2. Concept Application – use, height, density and building envelopes; and
3. Individual Applications for Development to enable commencement of construction.

HNSW seeks to go to the market at the end of Phase 2 in mid 2009. Without concept approval to Phase 2 its ability to go to the market would be delayed until after the gazettal of the Ryde Comprehensive LEP anticipated in 2010.

### 1.6 Justification

HNSW provides housing to low income households unable to obtain affordable and appropriate housing in the private sector. HNSW's land holdings are its key resource to continue to meet housing needs. It is critical that the planning controls applying to these land holdings that are well located in terms of access to transport and services, are sufficient to enable realignment and redevelopment of ageing and inappropriate stock. Currently, the State Government is committed to a strategy focussed on better aligning housing stock to the needs of HNSW's current and future clients. Within the metropolitan region, it will be seeking to increase the proportion of one and two bedroom dwellings.

If development potential is sufficient, it is possible to renew housing, improve urban design and introduce greater tenure mix. This would also contribute towards improving the availability of affordable housing in the local community and meeting local housing needs, as well as contributing towards the Department of Planning's sub-regional housing targets.

It is important that options for developing affordable housing are facilitated through the planning system. This includes ensuring that HNSW has a sufficient supply of land to enable the development of high density residential development in appropriate locations. This would significantly improve the value of the government's asset base and reduce budgetary impact in the provision of social housing. It would also substantially contribute to achieving the goals of the State Plan and Metropolitan Strategy. In particular:

- Priority E6:Housing Affordability under the State Plan and under the Metropolitan Strategy:- Action C1.3: Plan for increased housing capacity targets in existing areas, C2.1 Focus residential development around centres, town centres, villages and neighbourhood centres, C2.2 Provide self care housing for seniors or people with a disability, C3.1 Renew local centres to improve economic viability and amenity, C4.1: Improve



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the affordability of housing, C4.2: Redevelop and regenerate Department of Housing stock, and C4.3: Use planning mechanisms to provide affordable housing.

- HNSW considers that the West Ryde site provides significant planning opportunities to contribute to achieving these goals at the local, regional level and State level.

The principal reasons supporting this redevelopment proposal include: -

- The existing development and current controls preclude achieving the Section 5 Objectives of the EP&A Act in promoting orderly and economic use of land which has had significant public sector investment in West Ryde Railway Station and other services (roads, water, waste water and power).
- The site has the potential to deliver a vast increase in the number of social housing units. The current target is in the order of 70, an increase of 62 on the current stock. The capital investment value is more than \$50 million.
- There is the ability to develop a large number of the social housing stock for Seniors' living and social housing to deliver facilities for those for whom the market fails or price precludes their entry into the housing market in locations accessible to public transport and in particular rail.
- Increasing social housing and affordable private housing in the vicinity of railway stations encourages mode shift to rail without increased capital investment by the government and is consistent with a policy of reducing green house gas emissions and a positive contribution to mitigating climate change.
- There is the opportunity to carry out further development on the site for the private sector. The benefits of such private sector development are: -
  - a. The revenue from the sale of the private sector component will subsidise the social housing budget, thus maximising the social yield without the requirement for further budget allocations (which as would be appreciated would be very hard to achieve in the current financial environment).
  - b. There is the opportunity to consider incorporating a component of affordable housing within the private sector housing.
- The site is ideally located:
  - a. It has excellent access to public transport being within 400 m of the West Ryde bus interchange and railway station. It is also close to the Denistone railway station.
  - b. It is next to the West Ryde shopping and commercial village.
  - c. It is located close to parks and other public facilities.



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- d. The site's close location to public transport means there is a reduced necessity to provide car parking facilities on site. A greater proportion of the project budget can be applied to housing and Environmentally Sustainable Development.
- This proposal seeks an FSR of around 3.0: 1. This is consistent with the CRI approval. Although this is greater than that permitted under the current Ryde City Council LEP, the increase in social and private housing numbers provides further social and equity justification for the increase in density.



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## 2. INTRODUCTION

### 2.1 The Proponent

HNSW has identified priority sites for social housing to be delivered by Major Projects Directorate (MPD) utilising public sector resources and where relevant, private public partnerships.

HNSW proposes to include as an integral part of its social housing delivery program the development of eight Lots (one of which is not in HNSW ownership – owner's consent pending), comprising Nos. **63, 65, 67, 69, 71, 73, 75 and 77 West Parade, West Ryde.**

### 2.2 Brief Description of the Project

The HNSW objective is to deliver in the order of 140 - 150 dwellings and community facilities. Of this total approximately 50% is to be social housing including seniors living and the remaining 50% private housing possibly including affordable housing plus commercial elements.

Relevantly, the Minister for Planning approved as a Part 3A Application (Mixed use development adjacent to West Ryde Station – Determination, **MP 05\_0130**) east of the subject site for a high rise residential flat and mixed use development.

### 2.3 Brief Justification

Delivery of the HNSW major project for social and private housing is a priority matter, with the inclusion of the private housing being fundamental to the funding and procurement of social housing.

HNSW has consulted with the NSW Department of Planning (Strategic and Regional). It has also consulted Ryde City Council attending an intergovernmental meeting in October 2008 in relation to the preparation of a Comprehensive LEP (CLEP) for the Municipality by 2011.

This timeline for the CLEP does not achieve the urgent social housing delivery objectives of HNSW.

In brief, the Ryde Planning Scheme Ordinance 2006, permits the uses proposed to be included. However, the density (floor space ratio – FSR) provisions would not permit the achievement of the proposed housing numbers. It is our submission, that the existing FSR provisions incorporated in the Ryde Planning Scheme Ordinance 2006 (RPSO) unreasonably and unnecessarily restricts development and does not give due weight to the 'sunk investment' in rail infrastructure, the proximity of the railway station and pressing need for social and seniors housing in such locations.

Consent to the adjoining MP 05\_0130 project east of the subject site and on the other side of the railway line, demonstrates the merits of increasing density and achieving increased housing supply in this specific locality.



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Moreover, the HNSW major project has been subjected to initial costing and feasibility appraisal by HNSW MPD (in particular consideration of the parking provision and attendant costs) to investigate the potential for the delivery of affordable housing within the yield mix.

The rationale for the concept application is to enable the HNSW to define project specifications within which a private sector party would be required to operate. It also ensures that the HNSW is offered an appropriate value for the nature and scale of the project by minimizing development approval uncertainty and risk.





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### 3. CHRONOLOGY

#### 3.1 Current Zoning, Draft Environmental Planning Instruments and Approvals

Worley Parsons, incorporating Planning Workshop Australia, has for the purposes of this report, relied upon the following Planning Certificates issued by Ryde City Council (**See Appendix 5**):

- Certificate No 25800 dated 17/09/2008 issued in respect of Lot 1 in DP 19985 (63 West Parade, West Ryde)
- Certificate No 25801 dated 17/09/2008 issued in respect of Lot 2 in DP 19985 (65 West Parade, West Ryde)
- Certificate No 25802 dated 17/09/2008 issued in respect of Lot 3 in DP 19985 (67 West Parade, West Ryde)
- Certificate No 25803 dated 17/09/2008 issued in respect of Lot 4 in DP 19985 (69 West Parade, West Ryde)
- Certificate No 25804 dated 17/09/2008 issued in respect of Lot 5 in DP 19985 (71 West Parade, West Ryde)
- Certificate No 25805 dated 17/09/2008 issued in respect of Lot 6 in DP 19985 (73 West Parade, West Ryde)
- Certificate No 25806 dated 17/09/2008 issued in respect of Lot 7 in DP 19985 (75 West Parade, West Ryde)
- Certificate No 258074 dated 17/09/2008 issued in respect of Lot 8 in DP 19985 (77 West Parade, West Ryde)

We cannot accept any responsibility for errors and omissions in the section 149 Certificate and note that matters of legal interpretation should be addressed by legal advisors.

The site is currently zoned **Residential 2(c5)** under the Ryde Planning Scheme (RPS 2005) (**Appendix 5**).

The planning provisions in relation to the subject site and the relevantly the adjoining land (contained within the West Ryde Urban Village) have been subject to amendments to the Ryde Planning Scheme Ordinance 2006 (RPSO 2006). The salient amendments are as follows:

1. Ryde Planning Scheme published in government gazette No. 73 of 1<sup>st</sup> June, 1979, was amended by,
2. Ryde Local Environmental Plan No. 79 published in government gazette 152 on the 23<sup>rd</sup> October 1998 which was repealed by,



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3. Ryde Local Environmental Plan No 110 published in government gazette 114 on the 18<sup>th</sup> July 2003, which amended the RPSO 2006 for land identified within the map which adjoins the subject site. A copy of the RLEP 110 is contained within **Appendix 1**.
4. Council has prepared its Draft Comprehensive LEP (DCLEP) which consolidates in one instrument amendments contained in various local environmental plans (LEP's) post 1979.
5. The DCLEP is currently on exhibition for the whole of the municipality including the subject land. However, the DCLEP does not contain any amendments to the substance of provisions in the existing LEP's. Rather it reformats the various provisions without amending the substance of these provisions in relation to zoning (permissible uses) and/or density (floor space ratio) provisions.
6. Council has at the same time prepared various strategies and proposals to review key provisions within the DCLEP. Included are 'centres' investigations for areas in the vicinity of transport nodes and corridors.
7. West Ryde Town Centre has been the subject of prior investigations. However, these did not include the subject site. The planning and design studies being undertaken for centres include a much larger area including the subject site.

### 3.2 Existing Use and Development

The site currently consists of several low density detached dwellings. These dwellings are in moderate condition and represent a form of development typical of post World War II developments and as such are an underutilization of the site.

### 3.3 Site and Context

The site is within walking distance to a series of parks, West Ryde Urban Village and West Ryde Railway Station / Bus Interchange. Development adjacent the site comprises of a mix of land uses and range in densities. To the west of the site, a lower form of density is evident than in the south where residential flat buildings are evident.

The subject site is situated north and shares a common boundary with the West Ryde Urban Village. Further the site borders the Transport Interchange Precinct of the Village which is of importance as the link not only serves to unite the precincts on each side of the railway but is also the connection linking pedestrians to regional public transport. A strong incorporation of mixed land use principles are encouraged within this precinct.

### 3.4 Site Description (Lot DP, Area, Use, Development)

The subject site comprises of:

- Lot 1 in DP 19985 (63 West Parade, West Ryde)



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- Lot 2 in DP 19985 (65 West Parade, West Ryde)
- Lot 3 in DP 19985 (67 West Parade, West Ryde)
- Lot 4 in DP 19985 (69 West Parade, West Ryde)
- Lot 5 in DP 19985 (71 West Parade, West Ryde)
- Lot 6 in DP 19985 (73 West Parade, West Ryde)
- Lot 7 in DP 19985 (75 West Parade, West Ryde)
- Lot 8 in DP 19985 (77 West Parade, West Ryde)

The eight allotments that make up the subject site are **zoned 2(c5)** or Residential c5 under the **Ryde Planning Scheme** (RPS 2005). The location and layout of the site is shown in **Figures 1 and 2**, while the zoning of the site is shown in **Figure 3**.

Owners consent for Lot 7 in DP 19985 (75 West Parade, West Ryde) must be obtained. It is noted that Clause 8F(2) of the *Environmental Planning and Assessment Regulation* provides that owners consent “*may be obtained at any time **before the determination of the application***” (*emphasis added*). Consequently, the Minister may declare the project to be a Major Project pursuant to Section 75B of the *Environmental Planning & Assessment Act 1979*, and authorise the approval of a concept plan pursuant to section 75M of the Act at this time.



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63 - 73 West Parade , West Ryde

Site

prepared by **planning workshop australia**  
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issued 2 Feb 09

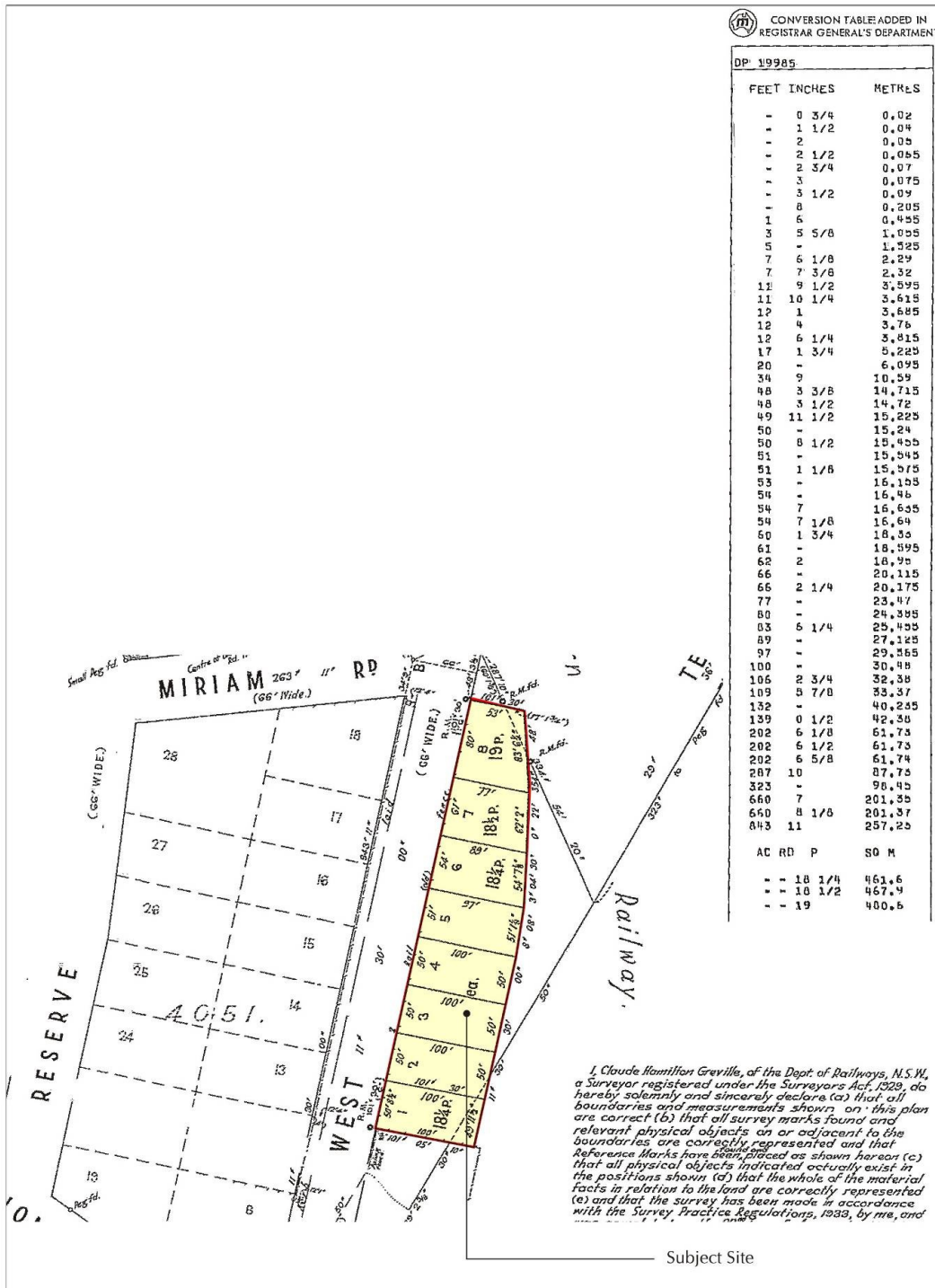
Fig 1





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63 - 73 West Parade, West Ryde

Deposited Plan - Lots 1 to 6 DP 19985

prepared by planning workshop australia  
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0 50 m

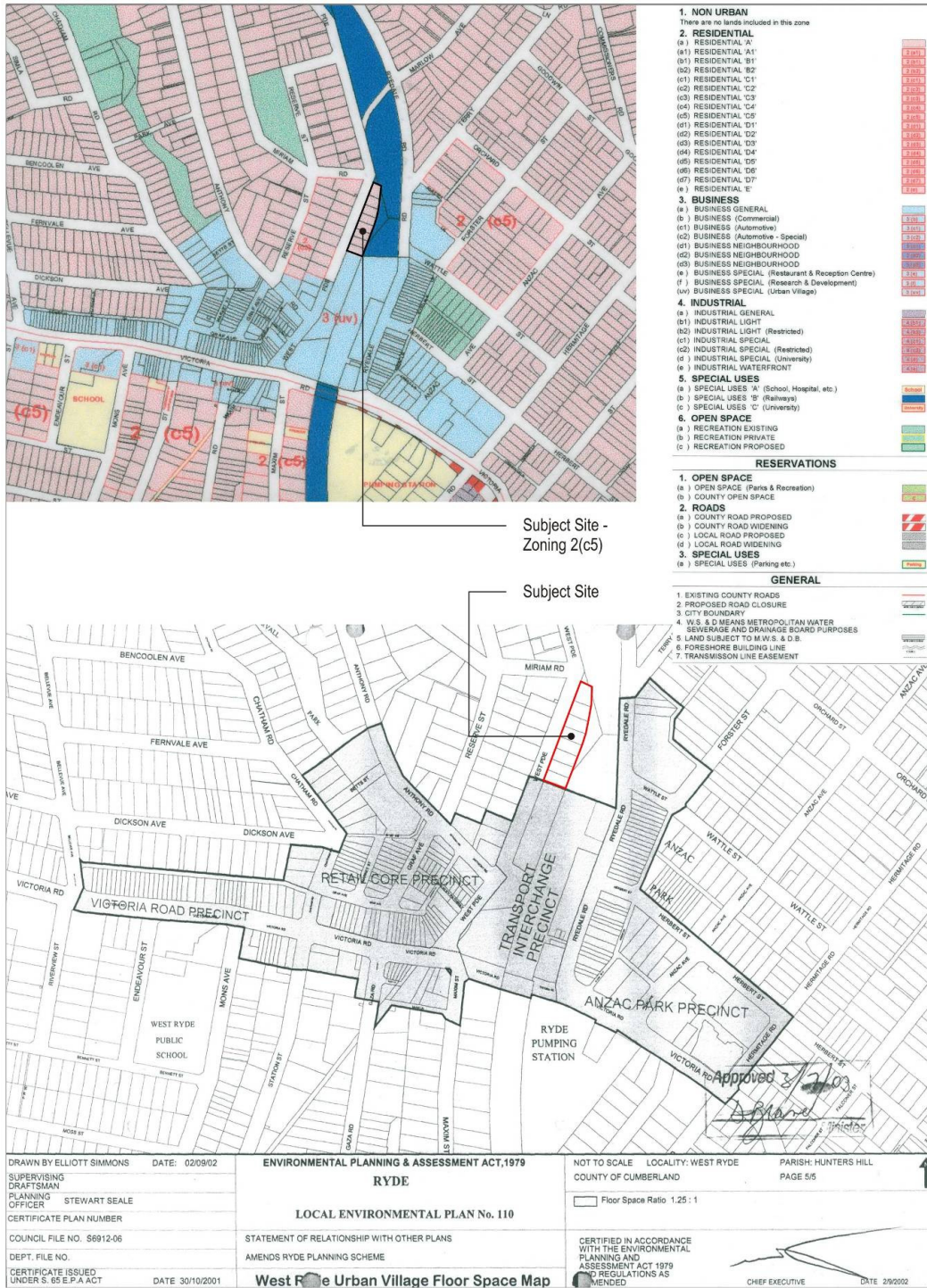
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Fig 2



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### 3.5 Surrounding Land Ownership and Land Use

Development in the street containing the subject site consists of varied uses with residential uses predominantly within the immediate vicinity of the site. The residential development adjoining the site consists of single detached dwellings, medium density housing and 9 storey residential flat buildings (refer to Figure 1). Further the site adjoins a railway corridor and the whole of the land is within 400 metres of the railway station (shown below).



**Figure 4** – This photograph depicts development at the West Ryde Railway Station / Bus Interchange.



**Figure 5** – This photograph was taken looking south along West Parade.



**Figure 6** – This photograph was taken looking south along West Parade towards the stated adjoining RL 58 AHD (9 storey) Residential Flat Buildings.



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**Figure 7** – This carpark displayed within this photograph is a part of the Residential Flat Building development shown in Figure 6.



**Figure 8** – This photograph was taken looking east towards the adjacent rail corridor.



**Figure 9** – This photograph displays what appears to be 3 storey walk up flats adjacent to the site.



**Figure 10** – This photograph depicts existing high rise development within the West Ryde Urban Village Precinct adjacent to the bus / rail transport interchange.





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### 4. OPTIONS

Preliminary studies undertaken by HNSW have identified a number of redevelopment options for the subject site ranging from multi tower development to a mix of housing typologies.

An example as to how it may be possible to achieve the overall social and private housing and community facility objective in terms of built form objectives and aspects of the concept application including gross floor area, building envelopes, density height et al is illustrated in Section 5 below.



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## 5. PROPOSED DEVELOPMENT

### 5.1 Objectives and Justification

The objective of the project is to deliver in the order of 140 to 150 housing units (50%:50% mix of social and private housing (including seniors living)) plus relevant commercial elements with projected completion of the project during 2011/12.

The proximity of the subject project to the West Ryde Railway Station and town centre is justification for increasing density of development. The urgency of providing social housing and affordable housing in such locations is a priority matter for the NSW Government and the Department of Planning.

The precedent for consideration of projects in the vicinity of the West Ryde Railway Station where they meet the threshold established by the SEPP Major Projects 2005, Schedule 1 Group 13 is evidenced in the consent granted by the Minister to the Part 3A Mixed use development adjacent to West Ryde Station, (Determination, **MP 05\_0130**).

In addition the adjoining development approved by Council on land immediately south of the subject site for nine storey tower buildings establish a physical context within which the proposal would be structured to accommodate a physical design transition relevant to the surrounding locality with regard to solar access and streetscape.

The proposal is to prepare a concept application subject to authorisation by the Minister. The intention is to define in the concept application the uses, floor space, building envelopes, height, landscaping and setbacks. This will be prepared after Ministerial authorisation to prepare a concept plan. This description of the proposed development defines (1) the subject site (pending owners consent for site 75 West Parade Lot 7 in DP 19985); (2) the nature and scale of the development (FSR of 3.0:1, and maximum building height of RL75.0m AHD) as a general guidance to the design development of the concept plan; and (3) planning provisions and considerations pending issue of the DGRs.

HNSW proposes to stage the development and the sequence of staging will be outlined in the concept application. This is to enable the social housing project to be developed in a sequential order with the private housing. In addition, the part of the subject site which includes an allotment not presently owned by HNSW could be excluded from the concept application.

HNSW has prepared a timetable subject to the Department and the Minister being of the view that the proposed project is a major project and authorisation is given to the preparation of a Part 3A Concept Application.

The rationale for the concept application is to enable the HNSW to define project specifications within which a private sector party would be required to operate. It also ensures that the HNSW is offered an appropriate value for the nature and scale of the project by minimizing development approval uncertainty and risk.



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### 5.2 Submission - Major Project Declaration and Concept Plan Authorisation

The proposal is for a kind of development which we submit could be declared to be a Part 3A Major Project pursuant to Section 75B of the Environmental Planning and Assessment Act 1979 No. 203 (EP&A Act). The proposal is a mixed use project - social and private housing (including Seniors Living) project (approx. 145 dwellings) and community facilities which meets the \$50 million threshold nominated in SEPP Major Projects 2005 Schedule 1 Group 13 below:

#### **13 Residential, commercial or retail projects**

*(1) Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives.*

*(2) This clause does not apply to major development within the meaning of section 31 of the City of Sydney Act 1988.*

...

In addition, this application is to seek approval pursuant to Section 75M for the Minister to authorise the preparation of a concept plan for the project for the subject land owned by the HNSW and in addition the allotment for which owners consent is to be obtained by the HNSW. In circumstances where owners consent is not obtained for Lot 7 by the relevant date, the Part 3A application would be limited to Lots 1 to 6 inclusive. However, the HNSW is presently in negotiation with the owner of Lot 7 and anticipates that owners consent would be obtained prior to the declaration, authorisation and/or lodgement of the Part 3A Concept Application for the whole of the land (Lots 1 to 8 inclusive in DP 19985).

#### **'75M Application for approval of concept plan for project**

*(1) The Minister may **authorise or require the proponent** to apply for approval of a concept plan for a project.*

*(2) The application is to:*

*(a) outline the scope of the project and any development options, and*

*(b) set out any proposal for the staged implementation of the project, and*

*(c) contain any other matter required by the Director-General.*

*A detailed description of the project is not required.*



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(3) *The application is to be lodged with the Director-General'*

### 5.3 Illustrative Project Outline

In order to better analyse how the site might be redeveloped in order to achieve HNSW's targeted outcome, a preliminary study exercise has been undertaken whereby the following preliminary design principles have been prepared and explored.

1. The following design principles have been prepared in relation to the development of land at West Parade, West Ryde. The overall aim is to develop a contextual built form response to the site and location characteristics that will enable an increase in development density from the current single lot detached dwellings to a medium density development scale.
2. Generally, development is to be consistent with the aims and controls contained within the *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Buildings*.
3. Unless otherwise stated below, elements including energy efficiency; apartment configuration; internal circulation and storm-water management are to be consistent with the *Residential Flat Design Code*.

It has been demonstrated that by the considered application of the above principles the following broad outcomes, consistent with the aforementioned Justification, can be achieved:

- To achieve an increase in residential density in a form that is responsive to the existing mix of local residential development scale;
- To introduce an increase in building height, in a form that will enable a higher local density adjacent to West Ryde Transport Interchange and relates to the adjacent 9 storey residential towers;
- To establish a consistent street edge and building alignment across the whole of the length of the street to provide definition to the street and which is responsive, and contributes to, the developing character of the Centre;
- To achieve tower elements that minimise overshadowing and privacy impacts but which will enable a development outcome that is consistent with the principles of ecologically sustainable development;
- To establish a street scale relative to the scale of the 3 storey walk ups opposite;

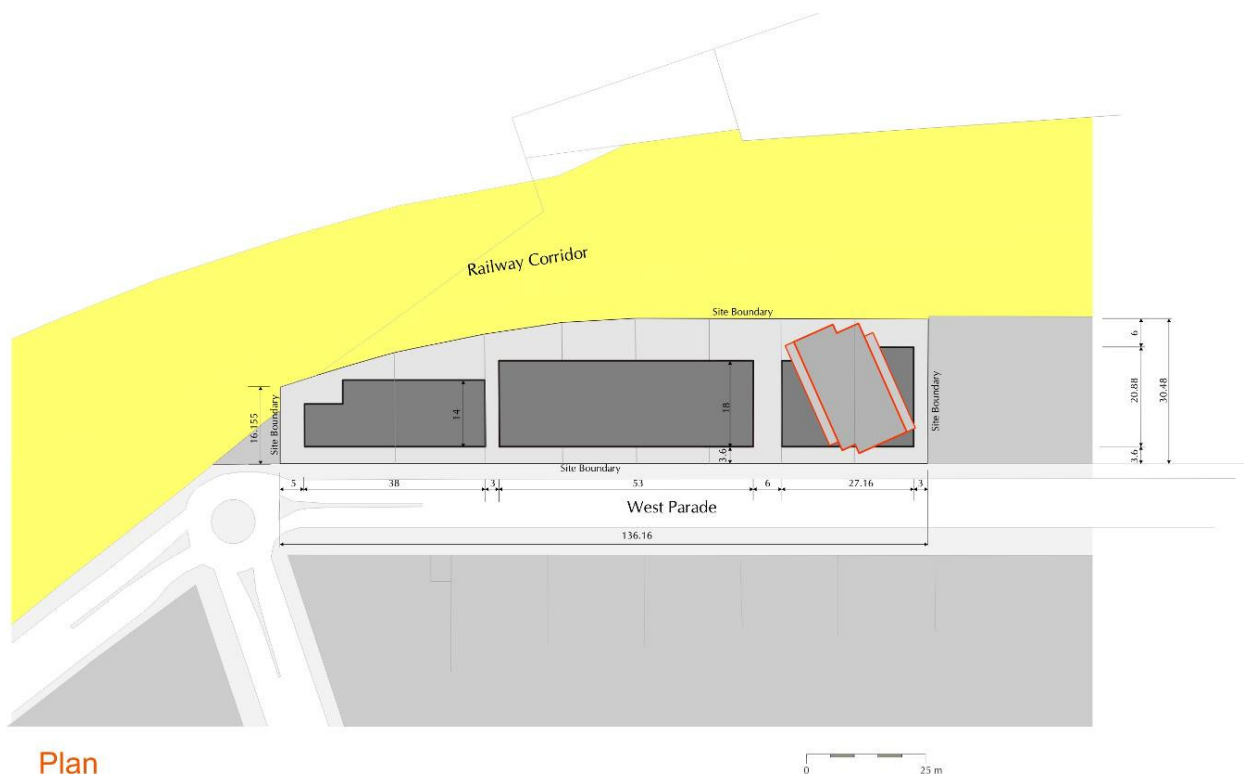


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- To provide a building footprint that will enable development to achieve good natural ventilation and lighting, solar access, and view sharing, both at the lower levels and within the tower elements and which take into account the amenity and privacy of residents;
- To orientate the development at the lower levels to enable good over looking and connectivity with street;
- To maximise the setback of residential development from the rail corridor at the lower levels;
- To reduce the impacts of the rail corridor by orientating development footprints with living spaces to the street, toward the north where possible and generally consistent with Railcorp guidelines;
- To maintain a consistent street setback that will enable deep soil planting along the frontage;
- To minimise the area of car parking to one under croft level, setback at the front building line;

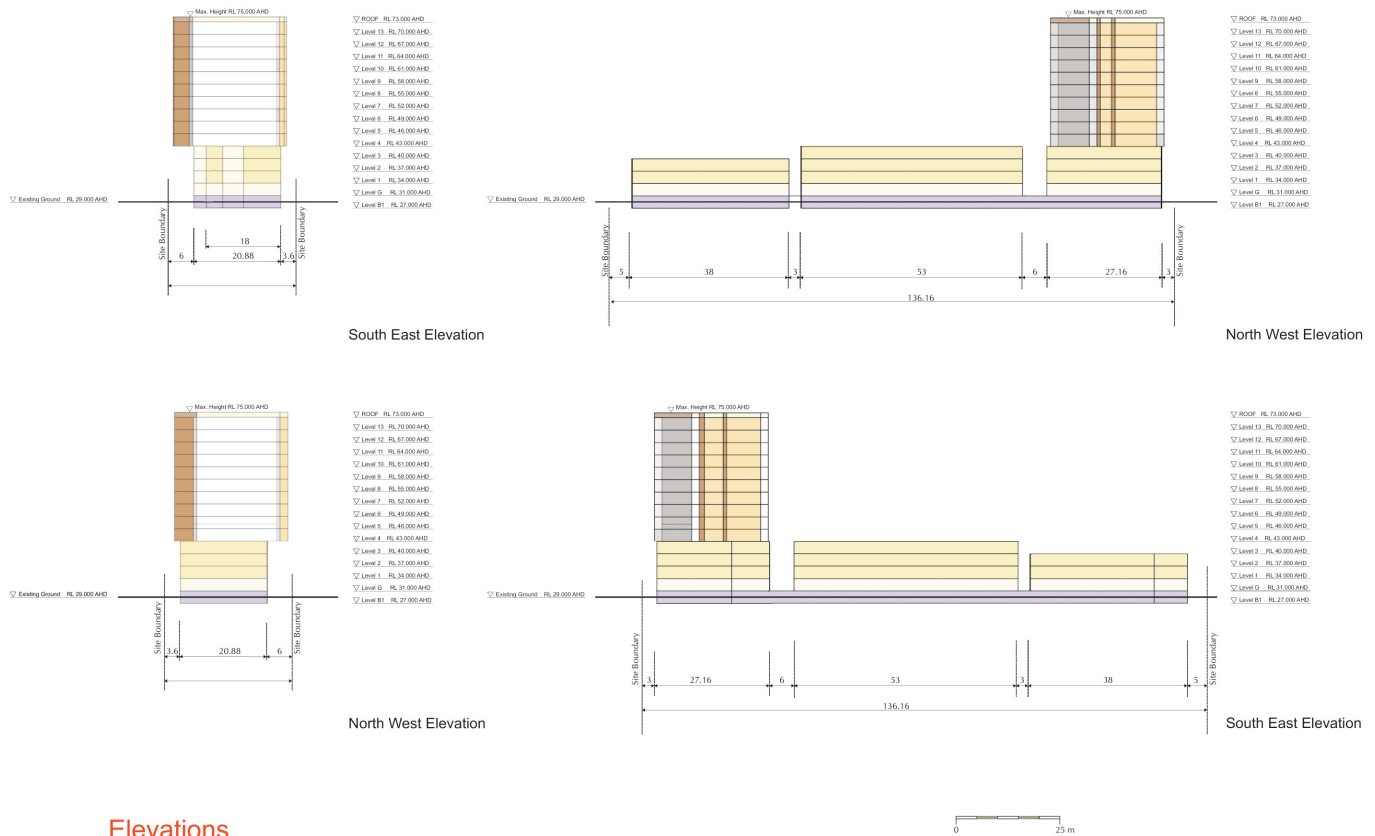
The above possible outcomes are illustrated by the following plans and elevations:





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## Elevations

### 5.3.1 Site Area

Total site area is 3735m<sup>2</sup> (refer to **Figure 11** above).

The footprint of Block One is 551.34m<sup>2</sup>.

The footprint of Block Two is 962.94m<sup>2</sup>.

The footprint of Block Three is 490.31m<sup>2</sup>. (Awaiting acquisition by the HNSW)

### 5.3.2 Built Form:

Building envelopes would be proposed to control the overall height, bulk and scale, setbacks and location of development on the site. They set the outer limits of development including a maximum height, depth and footprint for future building. These have not been settled pending design development of the concept application prior to its lodgement. It is anticipated that the buildings within the subject site will generally not exceed the RL 75AHD.



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### 5.3.3 Height and scale

#### Objectives

- To provide a height and scale that responds to the areas built and spatial form and character but which will enable an increase in development density within the West Ryde Town Centre (refer to **Figure 12** above);
- To increase the overall development density for the combined site area to a maximum floor space ratio of 3.0:1 (+/-10%);
- To distribute the building massing to enable a consistent low scale, street addressing built form across the length of the combined site; and
- To enable an increase in height adjacent to the 9 storey towers at the southern boundary from the low scale development toward the north to a maximum height of RL75.0m AHD (+/- 10%);

Outcomes provided by the height and scale objectives are illustrated in the plans and elevations above and include:

- Maximum density for the combined site area is 3.0:1
- Maximum building height for development at 75-77 West Parade is RL 40.00 AHD (3 storeys)
- Maximum building height for development at 67-73 West Parade is RL 43.00 AHD (4 storeys)
- Maximum building height for development at 63-65 West Parade is RL 75.00, similar to the approved adjacent CRI Building, comprising a maximum podium height of RL 43.00 which can achieve a building height of up to 14 storeys with a tower height of 10 storeys;
- Floor to ceiling heights at each level should generally be 2.7 metres
- Maximum building depth is to comply with the *Residential Flat Design Code*
- The building footprints for each of the residential buildings (not including the footprint of the car park) are to be a maximum of 60% of the site area.

### 5.3.4 Setbacks

Development setbacks have been determined in relation to the street context, the relationship to the rail corridor, and in relation to neighbouring privacy and amenity. The development setbacks in relation to the tower element have been developed to allow for maximum view sharing; to minimise impacts on neighbours and to achieve a high quality environmental amenity of the apartments.

#### Objectives

- To encourage a consistent building line along West Parade
- To minimise the visual impacts of the rail corridor
- To retain deep soil areas within the frontage enabling a garden frontage consistent with the streetscape qualities
- In relation to the tower element, establish setbacks enabling maximum view sharing; minimise overlooking and overshadowing of neighbours; and achieve a high quality environmental amenity within the apartments.

#### Aspects of the Concept Application

- Setback development in accordance with the building envelopes (refer **Figure 12**)
- Maintain a minimum development setback to the 9 storey tower at the southern boundary of 18 metres
- Provide a 'build -to-line' at the street frontage to ensure a minimum depth of deep soil of 3 metres



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### 5.3.5 Access and Parking

The aim of the development is to provide an increase in residential density adjacent to, and within a short walk of, the West Ryde Railway Station and the Town Centre to maximise the local 'walkability' to facilities and services; access to public transport and to minimise car usage.

Access is considered in relation to the accessibility of facilities and the access for aged or people with disabilities.

#### Objectives

- Provide for the needs of people with disabilities or access difficulties
- Ensure a suitable provision of on-site car parking having regard for the location adjacent to West Ryde Station;
- To ensure the impacts of car parking are addressed in a manner that does not impact on the streetscape quality;
- To maximise natural light and ventilation within the car park.
- Minimise vehicle crossovers;

#### Aspects of the Concept Application

- Establish pedestrian access from each ground floor building unit and ground floor common areas to the street enabling access to the station and the local centre in accordance with BCA and relevant Australian Standards;
- Provide a maximum car parking provision of between 80 and 100 on site spaces;
- Set the car parking level partly above ground to enable natural ventilation and lighting of the space

### 5.3.6 Noise and Vibration

The guidelines prepared by Rail Infrastructure Corporation and the State Rail Authority (now Railcorp) in relation to the appropriate consideration of rail noise and vibration in the planning process have been used in the development of the site response.

#### Objectives

- To protect the acoustic and visual privacy and amenity of future residents and to minimise the impacts of rail vibration on development;
- To minimise impacts on the rail corridor

#### Aspects of the Concept Application

- Maximise the setbacks from the rail line;
- Utilise the car parking podium to raise the first floor above existing ground;
- Within the rear setback, design courtyards and open space in conjunction with acoustic shielding
- Orientate the building to locate the most sensitive uses including living areas and bedrooms away from the rail corridor;
- Utilise masonry walls and minimise openings adjacent to the rail corridor to reduce internal noise levels.
- Consider the implementation of enclosed balconies adjacent to the rail corridor;
- Consider building construction techniques that can reduce the impact of vibration.





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### 5.3.7 Landscape and Open Space

The aim of the development is to establish an urban form as part of the centre, with landscaped open space areas providing a 'green edge' along the frontage. Private gardens and balconies are to be maximised, and the existing landscape character modified in response to the setting.

#### Objectives

- Provide landscaped areas where possible incorporating a deep soil landscaped frontage
- Ensure each dwelling has direct access to private open space
- Maximise roofed areas and the tower podium for common or private open space

#### Aspects of the Concept Application

- Private balconies, terraces and or roof terraces are to be provided for each dwelling in accordance with the design requirements of the *Residential Flat Design Code*

### 5.4 Ancillary Infrastructure

The layout of the car parking is to be designed to minimize construction costs and to be located along the railway alignment so as to minimize the effect of noise and vibration generated by passenger and freight movements.

### 5.5 Project Yields

A summary of the proposal is given hereunder.

21/10/2008	63 – 77, WEST PARADE, WEST RYDE				
		FSR projection			
	Total no of social housing units		70.00	In size	Total
	1 Bed - 70%		49.00	51.00	2499.00
	2 Bed - 30%		21.00	65.00	1365.00
	Allow 15% circulation				579.60
	Total social housing				4443.60
	Total no of private housing units		70.00		



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Area		70.00	75.00	5250.00
Allow 15% circulation				787.50
Total private housing				6037.50
Total social & private housing				10481.10
Ryde Client Services area				500.00
Total developed area				10981.10
Site area				3735.00
FSR : 1				2.94
Say				3.00

## 5.6 Staging of Development and/or Construction

The redevelopment proposal allows for a staged delivery of the project.



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## 6. LEGISLATION, STATUTES AND POLICIES

Worley Parsons, incorporating Planning Workshop Australia, has for the purposes of this report, relied upon the following Planning Certificates issued by Ryde City Council (**See Appendix 5**):

- Certificate No 25800 dated 17/09/2008 issued in respect of Lot 1 in DP 19985 (63 West Parade, West Ryde)
- Certificate No 25801 dated 17/09/2008 issued in respect of Lot 2 in DP 19985 (65 West Parade, West Ryde)
- Certificate No 25802 dated 17/09/2008 issued in respect of Lot 3 in DP 19985 (67 West Parade, West Ryde)
- Certificate No 25803 dated 17/09/2008 issued in respect of Lot 4 in DP 19985 (69 West Parade, West Ryde)
- Certificate No 25804 dated 17/09/2008 issued in respect of Lot 5 in DP 19985 (71 West Parade, West Ryde)
- Certificate No 25805 dated 17/09/2008 issued in respect of Lot 6 in DP 19985 (73 West Parade, West Ryde)
- Certificate No 25806 dated 17/09/2008 issued in respect of Lot 7 in DP 19985 (75 West Parade, West Ryde)
- Certificate No 258074 dated 17/09/2008 issued in respect of Lot 8 in DP 19985 (77 West Parade, West Ryde)

We cannot accept any responsibility for errors and omissions in the section 149 Certificate and note that matters of legal interpretation should be addressed by legal advisors.

### 6.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

#### 6.1.1 EP & A Act - Section 5 Objectives

The *Environmental Planning and Assessment Act 1979* (the EP&A Act) commenced in December 1979. The EP&A Act is the principle planning and development legislation in New South Wales.

In accordance with **Section 5**, the objectives of the Act are:

“(a) to encourage:

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

*(ii) the promotion and co-ordination of the orderly and economic use and development of land,*



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*(iii) the protection, provision and co-ordination of communication and utility services...*

*(v) the provision and co-ordination of community services and facilities, and*

*(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats..."*

The project is consistent with the objectives of the Act and will promote and achieve the orderly and economic use of land and satisfy social and community objectives.

### 6.1.2 Application of Part 3A of the EP & A Act

**Part 3A** (Major infrastructure and other projects) of the EP&A Act commenced on 1 August 2005. Part 3A establishes the assessment and approval regime for all Major Projects previously considered under **Part 4** (Development Assessment) or **Part 5** (Environmental Assessment) of the EP&A Act and that are considered to be of State or regional planning significance by the Minister for Planning. The Minister is the consent authority for the determination of Major Projects. Under the provisions of **Division 1 Section 75B** of the EP&A Act, development may be declared to be a Major Project by virtue of a State Environmental Planning Policy or by order of the Minister and published in the Government Gazette.

**Section 75B** defines 'projects' to which this part of the EP&A Act applies.

**Clause 6 of State Environmental Planning Policy (Major Projects) 2005** (SEPP Major Projects) defines 'Major Projects', with the proposal falling within **Group 5 Residential, commercial or retail project** under Clause 13 of Schedule 1 pursuant to SEPP Major Projects:

"13 Residential, commercial or retail projects

(1) Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives.

(2) This clause does not apply to major development within the meaning of section 31 of the City of Sydney Act 1988".

...

The proposal for the development of approximately 140 dwellings for a mix of affordable and social housing (including seniors housing) has an estimated capital investment value of more than \$50 million.

It is considered important in achieving state and regional planning objectives nominated in Section 5 of the EP&A Act. Relevantly, State Metropolitan Planning Strategy 2005 and Regional Planning Policies (including the Draft Sub-regional Strategy), nominate targets for increasing housing particularly in the vicinity of major public transport infrastructure and railway stations.



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The subject site (with the exception of one allotment) is within 400 metre walking distance of West Ryde Railway Station. It is underutilized and has the capacity to accommodate in lieu of the 8 existing detached dwellings, a total of 140 – 150 dwelling units in a multi-unit housing complex. It satisfies the NSW State, Metropolitan and Sub-regional planning objective of increasing housing for groups that may otherwise be precluded in the market from living in such accessible locations.

### 6.1.3 Permissibility and Density

The range of uses proposed save for some professional offices that may be occupied by HNSW are permissible with the exception of uses for office premises by the Department of Housing.

The principal limitation to the proposal is the floor space ratio (density provisions) contained within the RPSO. The existing floor space ratio (FSR) for the subject site and the Residential 2(c5) Zone is 0.75:1.

However, the adjoining West Ryde Village Precinct, which shares a common boundary with the subject site, has an FSR of 1.25:1. The Seniors Housing SEPP applies to the West Ryde Village Precinct and the application of the 0.5:1 vertical village bonus would enable an FSR of 1.75:1 on the land adjoining the subject site.

### 6.1.4 Part 3A Assessment Requirements

**Section 75F** requires consideration of any published guidelines in the Gazette and Director General requirements.

Director-General environmental assessment requirements pursuant to **Division 3 Section 75N** and referring to **Section 75F** of the EP & A Act could be anticipated to include the matters nominated in the DGR's for (Mixed use development adjacent to West Ryde Station – Determination, **MP 05\_0130**).

**MP 05\_0130** was approved by the Minister and establishes a precedent for consideration of the subject site as a Part 3A Major Project. This is more the case as the proposal is expressly to achieve social and private housing outcomes in an accessible location and in a manner that includes public and private sector participation in the project to deliver a mix of approximately 50% social housing (70 units approx.) and 50% private housing (70 units approx.) in a location within 500 metres walking distance from the West Ryde Railway Station.

HNSW seeks the Minister's authorisation to prepare a 'concept application' to enable it to achieve a fair market value for the site prior to putting it to the market for expressions of interest as a public private housing project. The authorisation of a Concept Application within the provisions of Part 3A of the EP&A Act eliminates a significant area of uncertainty and risk that would otherwise exist in the absence of a concept approval when going to the market. At the same time, the Concept Application and any such approval nonetheless, enables the public and/or public sector parties to further refine the design development of the project.

As part of the Concept Application, approval to subdivide the subject site to enable staging of the project and definition of which parts are to be delivered for social housing as distinct from affordable market housing can also be specified and reduce ambiguity and risk.



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## 6.2 State Environmental Planning Policies (SEPPs)

### 6.2.1 SEPP (Major Projects) 2005

Formerly known as State Environmental Planning Policy (State Significant Development) 2005 (SSD SEPP). Gazetted on the 1.08.05 defines certain developments which are major projects to be determined by the Minister of Planning. The policy repeals SEPP 34 and SEPP 38, as well as provisions in numerous other planning instruments, declarations and directions.

Relevant for the subject site, it is open to the HNSW to seek the declaration of the subject site and development thereon to be a 'major project' within the meaning the SSD SEPP. Importantly, this would enable HNSW to seek the declaration of its affordable housing, aged care and commercial premises development as a major project subject to it being of a value of more than \$50 million.

SSD SEPP Schedule 1 part 3A projects-classes of development:

***"Group 5 Residential, commercial or retail projects***

***13 Residential, commercial or retail projects***

- (1) Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives.*
- (2) This clause does not apply to major development within the meaning of section 31 of the City of Sydney Act 1988."*

Pursuant to Schedule 1, Group 5, 13, the site would then not be bound by FSR controls but a meritorious argument.

Moreover, as it is open to the HNSW to prepare a site specific master plan for the subject site, we would recommend that the HNSW request that the Minister authorises the preparation of a Concept Application pursuant to Part 3A of the Environmental Planning and Assessment Act enabling the Minister to approve a partially prohibited project.

### 6.2.2 SEPP (Infrastructure) 2007

The SEPP (Infrastructure) 2007 was gazetted on the 21.12.07 but commenced on the 1.1.08. This SEPP provides for the provision of services and infrastructure across NSW, along with providing for consultation with relevant public authorities during the assessment process.

The aims of the SEPP are applicable to the site as it affects surplus government land:



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### **"2 Aim of Policy**

*The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:*

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) **allowing for the efficient development, redevelopment or disposal of surplus government owned land**, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing."*

Furthermore Division 2, Clause 18:

*"(2) If development for a particular purpose is permitted (with or without consent) on land by the zoning of that land, development for that purpose may be carried out on any adjacent State land to which this clause applies:*

- (a) with consent, if the development is permitted on the land with consent, or*
- (b) without consent, if the development is permitted on the land without consent, despite the provisions of any local environmental plan that applies to that State land."*

In addition to Subdivision 2 Development in Rail Corridors would be applicable to the site through the activation of the SEPP on the subject site through the provisions adjacent to and surrounding a rail corridor, particularly provisions relating to noise and vibrations of rail activity:

### **"87 Impact of rail noise or vibration on non-rail development**

- (1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:*
  - (a) a building for residential use,*
  - (b) a place of public worship,*
  - (c) a hospital,*
  - (d) an educational establishment or child care centre.*



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- (2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) *If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
  - (a) *in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,*
  - (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.”*

### 6.2.3 SEPP (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors Living) was gazetted on 2 January 1998. Repealed by SEPP (Seniors Living) 2004 gazetted 31.3.04. Note the name of this policy was changed to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07.

Chapter 1 Preliminary, Clause 4 of the SEPP (Housing for Seniors or People with a Disability) 2004:

#### **“4 Land to which Policy applies**

##### **(1) General**

*This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:*

- (a) *development for the purpose of any of the following is permitted on the land:*
  - (i) *dwelling-houses,*
  - (ii) *residential flat buildings,*
  - (iii) *hospitals,*
  - (iv) *development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*
- (b) *the land is being used for the purposes of an existing registered club.”*

Furthermore additional floor space is achieved pursuant to Part 6 Development for Vertical Villages, Clause 45 Vertical Villages:

#### **“45 Vertical villages**

##### **(1) Application of clause**

*This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9) (b)) on which development for the purposes of residential flat buildings is permitted.*





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### (2) *Granting of consent with bonus floor space*

*Subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than State Environmental Planning Policy No 1—Development Standards) by a bonus of 0.5 added to the gross floor area component of that floor space ratio."*

Part 7 Special Provisions, Clause 51 Table stress that the FSR is 0.75:1. Therefore the FSR for the site if housing for seniors or people with a disability is proposed would increase to 1.25:1 with the benefit of the vertical village bonus that applies to zones that permit residential flat buildings.

The FSR that is applicable to the West Ryde Urban Village. As the site is an ideal location for residential development the circumstances of the case should not be limited to Seniors Living. There are grounds to lodge a SEPP 1 objection to increase the FSR on the subject site to at least 1.25:1 and arguably higher without requiring an amendment to the RPSO 2006 or if necessary the CLEP (depending upon the FSR permitted) were it to be gazetted.

### 6.2.4 Other relevant SEPPs applicable to the site:

- SEPP No. 1 – Development Standards
- SEPP No. 6 – Number of Storeys in a Building
- SEPP No. 11 – Traffic Generating Development
- SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)
- SEPP No. 53 - Metropolitan Residential Development
- SEPP No. 65 - Design Quality of Residential Flat Development
- SEPP (Building Sustainability Index: BASIX) 2004
- Draft SEPP No. 66 – Integration of Land Use and Transport 2001

## 6.3 Draft State Environmental Planning Policies

### 6.3.1 Draft State Environmental Planning Policy 66 - Integration of Land Use Transport

The draft SEPP 66 aims to support sustainable transport (walking cycling and public transport). It is designed to reduce car use, increase densities near public transport and create a compact liveable city.

This policy was exhibited in 2001 but is yet to be gazetted. The draft SEPP 66 was released in 2001 as part of the Governments Integrated Land Use and Transport Package.



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### 6.4 Section 117 Directions

Notwithstanding the fact that directions issued under Section 117(2) of the Act by the Minister to Councils, as requirements when preparing local environmental plans and not applicable to Part 3A applications, regard has been given in the merit assessment of the following:-

#### 'Direction No.17 – Integrating Land Use and Transport

##### Objective

To ensure that urban structures, building forms, land use locations, development designs,

subdivision and street layouts achieve the following planning objectives:

- improving access to housing, jobs and services by walking, cycling and public transport
- increasing the choice of available transport and reducing dependence on cars
- reducing travel demand including the number of trips generated by development and the distances traveled, especially by car
- supporting the efficient and viable operation of public transport services
- providing for the efficient movement of freight.

##### Where this direction applies

This direction applies to all councils.

##### When this direction applies

This direction applies when a council prepares a draft LEP that creates, removes or alters a zone or a provision relating to urban land, such as for residential, business or industrial purposes.

##### What a council must do if this direction applies

- (1) A draft LEP shall locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:
  - (a) Improving Transport Choice – guidelines for planning and development (DUAP 2001), and
  - (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).
- (2) A draft LEP may be inconsistent with this direction only if council can satisfy the Director-General that any particular provision or area should be varied or excluded having regard to the provisions of section 5 of the Environmental Planning and Assessment Act, and
  - (a) the land has been identified in a strategy prepared by the council and approved by the Director-General, or



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- (b) the rezoning is justified by an environmental study, or
  - (c) the rezoning is in accordance with the relevant Regional Strategy prepared by the Department, or
  - (d) the rezoning is, in the opinion of the Director-General, of a minor significance.
- (3) For the purposes of (2)(b), an environmental study has the same meaning as in s.57 of the Environmental Planning and Assessment Act.'

## 6.5 Regional Environmental Plans (SREPs)

### 6.5.1 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan covers the area of Sydney Harbour and aims to establish a balance between promoting a working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole. The subject site is located within the area to which the SREP applies however it is not located within the area to which the particular provisions of the Foreshores and Waterways area applies.

## 6.6 Local Environmental Plans (LEPs)

### 6.6.1 Ryde Planning Scheme Ordinance – Residential 2(c5) Zone

The *Ryde Planning Scheme Ordinance* (RPSO 2006) is the principal planning instrument applying to the site and contains the primary provisions affecting the achievable building envelope on the site.

The salient planning provisions relating to the subject site are provided in **Table 1** below and **Appendix 2** for an expansion of these controls.

The subject site (**Figure 3**) relevantly:

- a) Is zoned Residential 2(c5);
- b) Shares a common boundary with zone 3(uv) Business Urban Village to the south;
- c) Shares a common boundary with zone 5(B) Special Uses Railway;
- d) Is separated by a public road (West St) from Zone 2(c5) Residential to the east;
- e) Unlike the whole of the land to the south (including the railway corridor and railway station) which is zoned Business Urban Village 3(uv), the subject site is limited to the provisions that apply to Zone 2(c5) including the following:



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- i. permissible uses include 'residential flat buildings', hospitals and professional consulting rooms prohibiting in-nominate uses such as commercial premises and shops permitted in the adjoining 3(uv) zone;
- ii. notwithstanding the provisions of Clause 22, 'serviced apartments' are permissible pursuant to Clause 72O;
- iii. floor space limitation of 0.75:1 unlike the adjoining 3(uv) zone which permits significantly higher FSR.
- iv. aged care units are not required to provide the level of car parking that it otherwise required by Clause 56 in relation to car parking requirements that apply to land within 400 metres of a railway station; and
- v. a site specific master plan may be prepared pursuant to Clause 72ZD – notably controls including height are not contained in the RPSO 2006.



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Table 1: Salient provisions of Ryde Planning Scheme Ordinance 2006

Clause	Topic	Requirements
<b>Part III (3) General restrictions on Development and Use of Land</b>		
<b>Clause 22</b>	<b>Permissibility</b>	<b>The subject site is zoned “(c5) Residential “C5”. Light Scarlet with dark red edging and lettered 2 (c5).”</b>
<b>Table</b>		<p><b>Under the instrument the following uses are permissible only with consent:</b></p> <p><b>“Bed and Breakfast establishments; child care centres; dwelling houses*; educational establishments; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; scout halls; swimming pools ancillary to dwellings*; utility installations (other than gas holders or generating works).”</b></p> <p><b>Any purpose other than those listed above may not be erected and are prohibited.</b></p>
<b>Part VII (7) Special Provisions</b>		
<b>Clause 46</b>	<b>Min size allotments</b>	<p><b>“(1) a dwelling house shall not be erected on an allotment of land within Zone No. 2(a), 2(a1), 2(b1), 2(b2), 2(c1), 2(c2), 2(c3), 2(c4), 2(c5), 2(d1), 2(d2), 2(d3), 2(d4), 2(d5), 2(d6), 2(d7) or 2(e) unless –</b></p> <p>(a) where the allotment is not a hatchet shaped allotment –</p> <p>(i) it has an area of not less than 580 square metres;</p> <p>(ii) it has frontage to a public road of not less than 10 metres; and</p> <p>(iii) it has a width of not less than 15 metres at a distance of 76.5 metres from the alignment of the public road;”</p>
<b>Clause 51</b>	<b>Floor Space Ratios</b>	<p><b>“(2) Excerpt as otherwise provided in this clause, the ratio of the total floor space of any building within a zone specified in column I of the Table to this clause to the site area of the land shall not exceed the ratio set out opposite the zone in Column II of the Table.”</b></p> <p>Further to the Table Residential C5 has an FSR of “0.75:1”</p>
<b>Clause 55</b>	<b>Residential flat buildings – density control</b>	<p><b>“(2) A person shall not erect or use a residential flat building on land within a zone specified in Column I of the table to this clause unless –</b></p> <p>(a) the site area for each small, medium or large dwelling in that residential flat building is not less than the site area (if any) specified in respect of a small, medium or large dwelling, as the case may</p>



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Table 1: Salient provisions of Ryde Planning Scheme Ordinance 2006

Clause	Topic	Requirements
		<b>require, opposite that zone in Column II of that Table: and"</b>
		Under the Table 2(c5), small dwelling, medium dwelling and large dwelling site area is "70 square metres, 100 square metres, and 130 square metres" respectively.
<b>Clause 56</b>	<b>Residential flat building Car Parking</b>	<p>(2) <b>"(a) in respect to a site within 400 metres of Victoria Road, Epping Road or a railway station:</b></p> <ul style="list-style-type: none"> <li>(i) <b>1 parking space for each 1 bedroom dwelling;</b></li> <li>(ii) <b>1.2 parking spaces for each 2 bedroom dwelling</b></li> <li>(iii) <b>1.6 parking spaces for each 3 or more bedroom dwelling; and</b></li> <li>(iv) <b>1 parking space for each 4 dwellings, for visitor parking; and"</b></li> </ul> <p>(3) <b>In the case of units for aged persons, there shall be provided such parking spaces as the responsible authority may require having regard to the location of the building in relation to public transport and the availability of alternative car parking facilities, but so that there shall be provided not less than 1 parking space for each 10 flats and the responsible authority does not require the provision of more than 1 parking space for each 5 flats"</b></p>
<b>Clause 720</b>	<b>Serviced Apartments</b>	<b>"Notwithstanding any other provision of this Ordinance, the council may consent to the carrying out of development for the purposes of serviced apartments within Zone No. 2(b1), 2(b2), 2(c1), 2(c2), 2(c3), 2(c4), 2(c5), 2(d1), 2(d2), 2(d3), 2(d4), 2(d5), 2(d6), 2(d7), 2(e), 3(a) or 3(uv)."</b>
<b>Clause 72ZD</b>	<b>Site – Specific master plans</b>	<p><b>"(3) A draft site-specific master plan may be prepared following consultation with the Council and is to illustrate and explain, where the council so requires, proposals for the following:</b></p> <ul style="list-style-type: none"> <li>(a) <b>phasing of development,</b></li> <li>(b) <b>urban design considerations, including principles drawn from an analysis of the site and its context, density, height controls, building envelopes, identified views and vistas, privacy and security,</b></li> <li>(c) <b>distribution of major land uses, including public access and open space,</b></li> <li>(d) <b>environmental considerations, including noise attenuation, flood mitigation, stormwater management, water and soil management, remediation of contaminated land, solar access, energy efficiency and management of significant native flora and fauna habitat,</b></li> <li>(e) <b>access considerations, including public transport, pedestrian, cycle</b></li> </ul>



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Table 1: Salient provisions of Ryde Planning Scheme Ordinance 2006

Clause	Topic	Requirements
		and road access and circulation networks, including local traffic impacts and parking,
	(f)	patterns of subdivision and site amalgamation,
	(g)	infrastructure provisions and funding,
	(h)	site landscaping,
	(i)	heritage considerations, including interpretation of historically significant buildings and places, conservation and protection of heritage items, identified historic views and archaeological relics (including the preparation of a conservation management plan),
	(j)	provision of public facilities,
	(k)	any other matter required by the Council"

### 6.7 Adjoining West Ryde Urban Village Precinct.

As referred to in Section 3.3.2, the provisions relating to permissibility for the 3(uv) Business Village Zone are wide and include in addition to the uses permitted on the 2(c5) zone commercial premises and shops. The floor space ratio (FSR) is also significantly higher – 1.25:1 (**Table 2** below and expanded in **Appendix 3**).



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Table 2: West Ryde Urban Village Precinct (Adjoining Subject Site)

Salient provisions of Ryde Planning Scheme Ordinance 2006

### Part VII (7) Special Provisions

West Ryde Urban Village (LEP amendment 79 and subsequent amendment LEP 110)

#### Part III General Restrictions on Development and Use of Land

Clause 22	Permissibility	“(uv) Business (Urban Village). Light blue and lettered 3(uv)”
Table		Development which is prohibited:
		“Agriculture; caravan parks; car repair stations; gas holders; industries referred to in Schedule 3; institutions; junk yards; liquid fuel depots, mines; motor showrooms; stock and sale yards.”
		Any development not listed above is permissible within the zone.
Clause 51B	Floor Space Ration in West Ryde Urban Village	The subject site is not within but adjoins the West Ryde Urban Village and as such provisions relating to this Village are addressed:
		“(1) <i>Excerpt as provided by this clause, the ratio of the total floor space of any building on a site comprised of land shown edged with a broken line on the floor space map to that site area must not exceed the maximum floor space ratio identified on that map in relation to the land.</i> ”
		“(3) <i>The floor space map means the map marked “Ryde Local Environmental Plan No 110 – West Ryde Urban Village Floor Space Map”</i>
		This map attached in Figure 3, states the floor space ratio is 1.25:1

## 6.8 Draft Local Environmental Plans

### 6.8.1 Status of the Draft Ryde Comprehensive LEP

The Draft Ryde Comprehensive LEP (DCLEP) is on exhibition.

The DCLEP consolidates existing LEP provisions into one environmental planning instrument. It does not contain any substantive amendments to the content of any existing LEP provisions. Council is undertaking a





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series of investigations to prepare amending LEP's for a range of areas including 'centres'. It has commenced this process. However, it is unlikely that the investigations, DLEP's and Draft DCP's will be gazetted and adopted until 2010. It is a social and public policy imperative enunciated in the EP&A Act objectives, the Metropolitan Sydney Strategy (2005) and the Draft Sub-regional Strategy, that housing targets, social and affordable housing be delivered where there is significant investment in public transport and in close proximity to railway stations. This achieve accessibility to those groups typically with low car ownership and is a policy to assist in encouraging mode shift to rail and reduction of green house gas emissions.

The HNSW and Council have engaged in consultation in relation to the subject site. The proposed Part 3A pathway achieves environmental planning objectives and reduces uncertainty and risk to ensure that HNSW achieves the best outcome for the taxpayers of NSW in meeting the needs for those for whom the market fails.

As shown in Section 4, the HNSW has outlined various options for development (See also **Appendix 4**). An FSR of any higher than 2.5:1 would represent a substantial increase in the density permitted and would therefore conflict with surrounding bulk and scale.

This has been prepared by HNSW to provide an indication of the feasibility of the project and its ability to provide the required number of affordable housing units as part of a larger public private sector mix of units. The desired yield defined by the HNSW feasibility study is in the order of 3:1 to 3.5:1 subject to detailed design development and feasibility appraisal.

This is significantly higher than the FSR permitted on the subject land. It is higher than the 1.25:1 FSR for the West Ryde Village Precinct or the 1.75:1 that would apply to a 'vertical village' bonus in the Seniors Living SEPP. A density of 3:1 is considered appropriate given the subject site along its longest boundary shares a common boundary with railway land and having regard to height of the existing 9 storey flat buildings and the scale and density of the approved CRI project - West Ryde Station – Determination, **MP 05\_0130**.

Finally, it is also open to the Minister to include an enabling clause within the DCLEP in relation to the subject site increasing the FSR to 3:1. However, it is our submission that the Part 3A process is the appropriate pathway. There has been ongoing consultation between HNSW and Council having regard to the town centre investigations being undertaken by Council. On-going consultation is proposed to be undertaken between HNSW and Council during this DCLEP and investigations into centres throughout the Ryde Municipality include West Ryde.



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## 7. NON-STATUTORY PROVISIONS AND CONTROLS

### 7.1 State Strategies

In December 2005 the NSW Government Department of Planning (DoP) released the Sydney Metropolitan Plan (the "Metropolitan Strategy"). The Metropolitan Strategy sets the framework for creating more than 600,000 new dwellings and 500,000 new jobs in the Sydney Metropolitan area by 2031.

The Metropolitan Strategy aims to enhance Sydney's livability through: providing a more diverse range of housing choices; strengthening Sydney's long term economic prosperity; providing equitable access to employment, services and lifestyle opportunities; creating a more environmentally sustainable city; and, facilitating and managing growth of Sydney over the next 25 years.

### 7.2 Sub-Regional Strategies (including Drafts)

#### 7.2.1 Draft Inner North Sub-regional Strategy (DINSS)

The Draft Inner North Subregional Strategy has classified West Ryde as a Village. A Village as indicated within the Strategy is:

*"a strip of shops and surrounding residential area within a 5 to 10 minute walk contains a small supermarket, hairdresser, take away food shops. Typically they contain between 2,100 – 5,500 dwellings." (DINSS p 11)*

Furthermore with respect to economic targets:

*"employment capacity targets to 2031 for Ryde 21000" In the aim to provide jobs closer to home, to strengthen the economic role of the region and reduce travel time." (DINSS p 28)*

Housing targets for the West Ryde area vary significantly. However the subject site falls under a housing density of 12 – 25 dwellings per hectare (DINSS p61, Density Map).

### 7.3 Local Development Controls (DCPs et al)

#### 7.3.1 City of Ryde Development Control Plan 2006 (RDCP 2006)

The City of Ryde Development Control Plan 2006 (RDCP 2006) sets down provisions to control the form that development can take within Ryde. Any development proposed for the subject site should demonstrate compliance with the provisions of the RDCP 2006.



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The salient provisions of the RDCP 2006 relevant to the development of the subject sites are provided in **Table 3** below. See **Appendix 4** for expansion of these controls.



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Table 3 - Salient provisions of the RDCP 2006

Provision	Topic	Specific Control
<b>3.4 Residential Flat Buildings</b>		
3.2.2	Frontage to any other road	<p>“Minimum Area 840m<sup>2</sup></p> <p>Minimum width at the front alignment of the building: 24m”</p>
5	Density	Small medium and large site area per dwelling is 70m <sup>2</sup> , 100m <sup>2</sup> , and 130m <sup>2</sup> respectively
6	Height of Buildings	<p>Maximum number of storeys is 3 storeys</p> <p>Maximum height in metres is 11 metres</p>
9.1	Parking Quantity	<p>“(a) For properties within 400m of Victoria Road, Epping Road or a Railway Station:</p> <p>1.0 car spaces per one bedroom dwelling;</p> <p>1.2 car spaces per two bedroom dwelling;</p> <p>1.6 car spaces per three bedroom dwelling; and</p> <p>1.0 car spaces per four dwellings for visitor parking.”</p>
<b>3.6 Urban Housing</b>		
2.2	Minimum Allotment size	<p>Controls:</p> <p>“a. Allotments must have a frontage to a road of not less than 20m and area of not less than 600m<sup>2</sup>”</p>
2.6	Density	<p>Controls:</p> <p>“a. The maximum density allowed is:</p> <p>1 x 2 bedroom dwelling per 300m<sup>2</sup> of site area</p> <p>1 x 3 bedroom dwelling per 300m<sup>2</sup> of site area</p> <p>1 x 4 or more bedroom dwelling per 365m<sup>2</sup>”</p>



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Table 3 - Salient provisions of the RDCP 2006

Provision	Topic	Specific Control
2.7	Number of dwellings	"a. no development shall contain more than 12 dwellings."
2.8	Type of dwellings	"a. In developments containing 4 or more dwellings not more than 75% of dwellings should have the same number of bedrooms. Where 75% is not a whole number, the number should be rounded down."
3.3	Storey	<p>"An urban housing development must be contained within a single storey building. However, a dwelling with frontage to the street can be two storeys provided:</p> <p>(i) The two storey dwelling is not attached to any other two storey dwelling; and</p> <p>(ii) Council is satisfied that a two storey dwelling is suitable in terms of the surrounding streetscape."</p>
3.3.2	Height Controls	<p>"a. An urban housing development can be no more than 3.7m in height with the exception of that part of the building that may contain a 2 storey dwelling</p> <p>b. Where adjoining dwellings on at least one side of the site are 2 storey that part of the building with frontage to the street may contain a 2 storey dwelling which shall be not more than 7m in height and not more than 9m in overall height."</p>

In the case of uses such as 'Seniors Living' (including aged care units), the provisions of the Seniors Living SEPP have precedence over the density and height controls included in the aforementioned RDCP 2006 for Zone 2(c5).

### 7.3.2 RDCP 2006 - Adjoining West Ryde Urban Village Precinct

The RDCP 2006 provisions are summarised in **Table 4** below. See **Appendix 4** for expansion of these controls.



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Table 4 - Relevant provisions of the RDCP 2006

Provision	Topic	Specific Control
<b>4.3 West Ryde Urban Village</b>		
1.2	The Nature of the West Ryde Urban Village	<p>"In the future, the West Ryde centre should:</p> <ul style="list-style-type: none"> <li>be a place specifically designed for the enjoyment and utility of pedestrians;</li> <li>be a place which allows convenient access for individuals between work, home, shopping and leisure;</li> <li>be a place which has a high level of aesthetic amenity at street level;</li> <li>have safe, attractive and convenient public spaces which are well used;</li> <li>be a vibrant, viable and profitable commercial centre;</li> <li>contain an appropriate mix and arrangement of uses which satisfactorily integrate with existing surrounding activities."</li> </ul>
2.5	Building height and bulk	<p>"excerpt as otherwise provided by this plan, the maximum height of any building in the centre will be in accordance with the height schedule determined as part of the master planning process"</p> <p>For the transport interchange precinct, this height is 10 levels pursuant with Figure 3</p> <p>For the Anzac Park precinct, this height is 4 levels pursuant with Figure 3</p> <p>"The maximum floor space ratio which applies to land is 1.25:1"</p>
3.2.3	Anzac Park Precinct  Development Incentives	<p>"Objectives:</p> <ul style="list-style-type: none"> <li>To encourage the conservation of items of environmental heritage in the Anzac Park Precinct.</li> <li>To encourage development which facilitates passive surveillance over Anzac Park.</li> <li>To promote redevelopment of sites nearer the railway station.</li> <li>To achieve development of a scale envisaged by the Master Plan."</li> </ul>
3.3.1	Transport Interchange	<p>"development in the Transport interchange precinct should:</p>



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Table 4 - Relevant provisions of the RDCP 2006

Provision	Topic	Specific Control
	Precinct	<p>contain the highest density of development in the west Ryde Urban Village;</p> <p>promote increased use of local and regional public transport services;</p> <p>facilitate convenient pedestrian access between the eastern and western parts of the urban village; and</p> <p>incorporate a standards of design befitting its landmark location.”</p>

### 7.3.3 Other Relevant Development Control Plans

Other DCPs and Council policies which may be relevant to future development applications include:

- 3.3 Dwelling houses and Duplex Buildings
- 7.1 Energy Smart, Water Wise
- 7.2 Waste Minimisation and Management
- 8.2 Stormwater management
- 9.2 Access for People with Disabilities
- 9.3 Car Parking
- Exempt and Complying Development DCP No. 34 2005
- Draft Stormwater Drainage Management DCP 2006

None of the aforementioned policies is likely to affect the building envelope or the development yield and therefore a summary has not been provided.



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## 8. ISSUE IDENTIFICATION

### 8.1 Issue Identification

Pursuant to section 75F of the EP&A Act, the Director General (D-G) is to prepare environmental assessment requirements having regard to any relevant guidelines that have been published in the Gazette.

Section 75I of the EP&A Act requires the D-G to give a report on the project to the Minister for the purposes of the Minister's consideration of the application for approval to carry out the project. The report is to include, amongst other things:

- a copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project;
- a copy of or reference to the provisions of any environmental planning instrument that would (but for Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project.

The following table sets out the potential planning heads of consideration, having regard to section 75F and 75I of the EP&A Act:





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Table 5 – Draft Planning Heads of Consideration – Potential Environmental Assessment Requirements For Approval of the Project Under Part 3A of the Environmental Planning & Assessment Act

Potential Assessment Requirements	Relevant Document/ Instrument	Potential heads of consideration	Likelihood of an issue	Methodology that we will apply to evaluating such impacts
<b>Gazetted Guidelines</b>	<b>'Criteria for declaring development to be a Major Project under Clause 13 of Schedule 1 of the Major Projects SEPP - Guidelines for Part 3A of the Environmental Planning and Assessment Act 1979' prepared by the Department of Planning</b>	<p>The Guidelines provide that for the purpose of clause 13 of the Act, a project (with a capital investment value of more than \$50 Million) is likely contribute to achieving State or regional planning objectives if:</p> <ul style="list-style-type: none"> <li>(a) Local impediments to urban renewal</li> <li>(b) Facilitate housing or job growth</li> <li>(c) Transport accessibility</li> <li>(d) Improved infrastructure</li> <li>(e) Environmental Sensitivity</li> </ul>	Nil	The PEA will address each of the six considerations set out in the Guidelines.



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### (f) Local council issues

'Development near rail corridors and busy roads: interim guideline' prepared by the Department of Planning	The Guidelines set out comprehensive planning, design and assessment requirements for developments near rail corridors.	Potential	The PEA will address the applicable parts of the Guidelines. An acoustic assessment will be carried out and considered during the design phase.
'Residential Flat Design Code' prepared by the Department of Planning	<p>The Guidelines support the ten design principles in SEPP 65 by setting out the following considerations:</p> <ul style="list-style-type: none"> <li>- site analysis;</li> <li>- site design; and</li> <li>- building design.</li> </ul>	Potential	The PEA will consider the existing site context, the potential impacts of the project and provide mitigation measures in the concept design in relation to the potential heads of consideration.
'Housing for Seniors or people with a disability: A guide for Councils and Applicants' prepared by the Department of Planning	<p>The Guidelines set out the following heads of consideration :</p> <ul style="list-style-type: none"> <li>- Location and Accessibility</li> <li>- Transport</li> <li>- Quality of Access</li> <li>- Design</li> <li>- Support Services</li> <li>- Occupancy</li> <li>- Affordability</li> </ul>	Potential	The PEA will consider the existing site context, the potential impacts of the project and provide mitigation measures in the concept design in relation to the potential heads of consideration.



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State Environmental Planning Policies	SEPP (Major Projects) 2005	Clause 6 - Identification as a Part 3A project	Nil	See 'Criteria for declaring development to be a Major Project under Clause 13 of Schedule 1 of the Major Projects SEPP - Guidelines for Part 3A of the Environmental Planning and Assessment Act 1979' prepared by the Department of Planning
	SEPP 65 – Design Quality of Residential Flat Buildings	Design Principles:  Principle 1: Context  Principle 2: Scale  Principle 3: Built form  Principle 4: Density  Principle 5: Resource, energy and water efficiency  Principle 6: Landscape  Principle 7: Amenity  Principle 8: Safety and security	Potential	The PEA will address the potential issues in relation to the following: <ul style="list-style-type: none"> <li>○ Height;</li> </ul> <p>It will be demonstrated that adjoining development of the same height, but differing orientation will achieve a good planning outcome and present a good relationship at the interface boundary.</p> <ul style="list-style-type: none"> <li>○ Traffic &amp; parking,</li> </ul> <p>Onsite parking will not be provided for the social housing units, however it will be demonstrated that the proximity of the site to the bus interchange and the train station will</p>



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Principle 9: Social dimensions and housing affordability

Principle 10: Aesthetics

reduce traffic and parking issues. The project is also consistent with government policy to increase housing densities around transport centres.

- Economics

The HNSW proposes to commence works within 18 months. The social infrastructure surrounding the site consists of commercial shops with low vacancy levels. The PEA will demonstrate that the project will be an economic stimulus able to be implemented within the next 2 years subject to planning approval.

SEPP (Infrastructure) 2007

Clause 87 - (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

Potential

See 'Development near rail corridors and busy roads: interim guideline' prepared by the Department of Planning



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		<p>Clause 87 (3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:</p> <p>(a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,</p> <p>(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p>	Potential	See 'Development near rail corridors and busy roads: interim guideline' prepared by the Department of Planning. In addition, a Noise Impact Assessment will be included in the PEA. Findings will be taken into consideration in the concept design.
	SEPP (Housing for Seniors or People with a Disability) 2004	<p>Potential heads of consideration set out in the SEPP include:</p> <ul style="list-style-type: none"> <li>- Site related requirements</li> <li>- Design requirements</li> <li>- Development standards</li> <li>- Development for Vertical Villages</li> </ul>	Potential	The PEA will consider the existing site context, the potential impacts of the project and provide mitigation measures in the concept design in relation to the potential heads of consideration.
Other environmental planning instruments that would (but	Ryde Planning Scheme Ordinance 2006	<p>Potential heads of consideration set out at 6.6.1 of this justification report including:</p> <ul style="list-style-type: none"> <li>- permissibility;</li> <li>- minimum allotment size;</li> </ul>	Potential	The PEA will document the existing site area, the potential impacts of the project and provide justification and mitigation measures having regard to the height of the existing surrounding development, the



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for Part 3A)  
substantially  
govern the  
carrying out of  
the project

- FSR;
- density control;
- car parking; and
- site specific master plans

rail corridor and the approved CRI project  
(MP 05\_0130).

Draft Ryde LEP 2008 (on  
exhibition 12 November 2008 – 16  
January 2009)

No substantive changes from the Ryde Planning Scheme  
Ordinance 2006.

Potential

See Ryde Planning Scheme Ordinance  
2006

West Ryde Town Centre Master  
Plan being prepared by Council

Potential

The PEA will consider any relevant  
considerations set out in the Master Plan



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## Appendix 1 - Ryde Local Environmental Plan 110

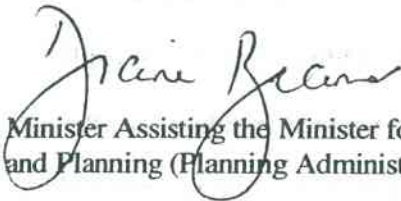
11  
GG 114 - 18<sup>th</sup> July 03

## Ryde Local Environmental Plan No 110

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S00/00615/S69)



Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)



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## Ryde Local Environmental Plan No 110

### 1 Name of plan

This plan is *Ryde Local Environmental Plan No 110*.

### 2 Aims of plan

This plan aims:

- (a) to retain the "urban village" character of identified centres within the City of Ryde, by maintaining the following characteristics:
  - (i) a height and scale of buildings that is compatible with the human scale,
  - (ii) a positive relationship between buildings and the public domain,
  - (iii) mixed land uses that add vitality and interest at all times and that provide opportunity for living and working in the centre or having proximity to a major transport node,
  - (iv) providing a focal point and conveying a sense of local community identity,
  - (v) providing cohesive centres, with attractive and pleasant pedestrian links, spaces and places for public enjoyment, and
- (b) to promote each urban village as a niche commercial area to increase viability and vitality and to build on each village's existing specialist commodity groups so as to give each centre a point of difference and increase its attractiveness to a wider retail catchment, and
- (c) to promote the accessibility of each urban village through:
  - (i) the enhancement of pedestrian safety and amenity, and
  - (ii) improved pedestrian links within the village, and
  - (iii) the management of traffic speed and flow through the village, and
  - (iv) the encouragement of public transport and alternatives to private vehicles, and

- 
- (d) to increase vitality and activity in each urban village through:
    - (i) the encouragement of commercial and retail development in appropriate locations, and
    - (ii) increased residential development within the village, and
    - (iii) the encouragement of street activities, and
  - (e) to encourage safe and attractive urban villages, and
  - (f) to incorporate the principles of ecologically sustainable development, and
  - (g) to ensure that the redevelopment of certain land at Eastwood has regard to the need to minimise risks to persons or property from stormwater inundation.

### **3 Land to which plan applies**

This plan applies to land edged with a broken black line on the map marked "~~Ryde Local Environmental Plan No 110—Eastwood Urban Village~~" and edged with a blue line on the map marked "Ryde Local Environmental Plan No 110—West Ryde Urban Village" deposited in the office of Ryde City Council.

### **4 Amendment of Ryde Planning Scheme Ordinance**

*Ryde Planning Scheme Ordinance* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 3 Interpretation

Insert at the end of the definition of *scheme map* in clause 3 (1):

Ryde Local Environmental Plan No 110—Eastwood Urban Village

### [2] Clause 51 Floor space ratios

Omit “and 3 (uv)” from the Table to the clause.

### [3] Clauses 51A–51E

~~Omit clause 51A. Insert instead:~~

#### 51A Development in certain urban villages

(1) This clause applies to the following land:

- (a) land shown edged with a broken black line on the map marked “Ryde Local Environmental Plan No 110—Eastwood Urban Village” deposited in the office of the Council,
- (b) land shown edged with a blue line on the map marked “Ryde Local Environmental Plan No 110—West Ryde Urban Village” deposited in the office of the Council.

(2) When considering any application for consent to carry out development of any land to which this clause applies the Council must take into consideration:

- (a) the planning principles set out in Schedule 17, and
- (b) the following objectives:
  - (i) to create a safe and attractive environment for pedestrians,
  - (ii) to create a mixed use precinct with emphasis on uses that promote pedestrian activity and safety at ground level,

- (iii) to create a precinct that contains opportunities and facilities for living, working, commerce, leisure, culture, community services, education and spiritual nurture,
  - (iv) to increase the number of people living within walking distance of high frequency public transport services,
  - (v) to increase the use of public transport.
- (3) When preparing any development control plan relating to land to which this clause applies, the Council must take into consideration the planning principles set out in Schedule 17.

**51B Floor space ratios in West Ryde Urban Village**

- (1) Except as provided by this clause, the ratio of the total floor space of any buildings on a site comprised of land shown edged with a broken line on the floor space map to that site area must not exceed the maximum floor space ratio identified on that map in relation to the land.
- (2) The Council may consent to development of land to which this clause applies that results in a floor space ratio in excess of that permitted under subclause (1) if:
  - (a) the Council is satisfied that the development:
    - (i) will create a safe and attractive environment for pedestrians, and
    - (ii) will create a mixed use precinct with emphasis on uses that promote pedestrian activity and safety at ground level, and
    - (iii) will create a precinct that contains opportunities and facilities for living, working, commerce, leisure, culture, community services, education and spiritual nurture, and
    - (iv) will increase the number of people living within walking distance of high frequency public transport services, and
    - (v) will increase the use of public transport, and
  - (b) in the Council's opinion, the development is not likely to significantly adversely affect the operation of the surrounding local road network, and



- (c) the Council has had regard to any development control plan applying to the land.
- (3) In this clause:  
*the floor space map* means the map marked "Ryde Local Environmental Plan No 110—West Ryde Urban Village Floor Space Map" deposited in the office of the Council.

**51C Height of buildings within Eastwood Urban Village**

The Council must not consent to the erection of a building on land shown edged with a broken black line on the map marked "Ryde Local Environmental Plan No 110—Eastwood Urban Village Height Map" deposited in the office of the Council if the height of the building exceeds the maximum height shown for the land on that map.

**51D Development intensification restricted in special area**

- (1) This clause applies to land identified as "Development Intensification Restricted" and coloured red on the map marked "Ryde Local Environmental Plan No 110—Eastwood Urban Village Special Areas Map" deposited in the office of the Council.
- (2) Despite any other provision of this Ordinance, the Council must not grant consent to the carrying out of development of land to which this clause applies that would increase the intensity of use of the land unless the Council is satisfied that the extent of stormwater inundation of the land, and the access to the land, during the estimated 100 year ARI (Average Recurrence Interval) stormwater inundation event would not constitute a hazard, or increase a hazard, to persons or property.

**51E Development intensification constrained in special area**

- (1) This clause applies to land identified as "Development Intensification Constrained" and coloured pink on the map marked "Ryde Local Environmental Plan No 110—Eastwood Urban Village Special Areas Map" deposited in the office of the Council.
- (2) Despite any other provision of this Ordinance, the Council must not grant consent to the carrying out of development of land to which this clause applies that would increase the

intensity of use of land unless the Council is satisfied that if any conditions to which development consent is subject were to be complied with, the extent of stormwater inundation of the land during the estimated 100 year ARI (Average Recurrence Interval) stormwater inundation event would not constitute a hazard, or increase a hazard, to persons or property.

**[4] Clause 83**

Insert after clause 82:

**83 Notes in text**

Matter that appears in this Ordinance under the heading "Note" is an explanatory note and does not form part of this Ordinance. It is provided to assist understanding.

**[5] Schedule 17**

Insert in appropriate order:

**Schedule 17 Planning principles for urban villages**

(Clause 51A)

**1 Regional role**

- (1) Development should contribute to the status of the land as an important business, employment and residential location.
- (2) Development is to promote a compact working and living environment to maximise the efficient use of resources and infrastructure provision.

**2 Integrated planning and development**

- (1) Planning and development is to ensure that social, economic, environmental and urban design issues are considered together and with proper regard for their mutual and cumulative impacts.
- (2) All planning, design and development activities must take account of and effectively respond to the linkages and interfaces between public space and private land.

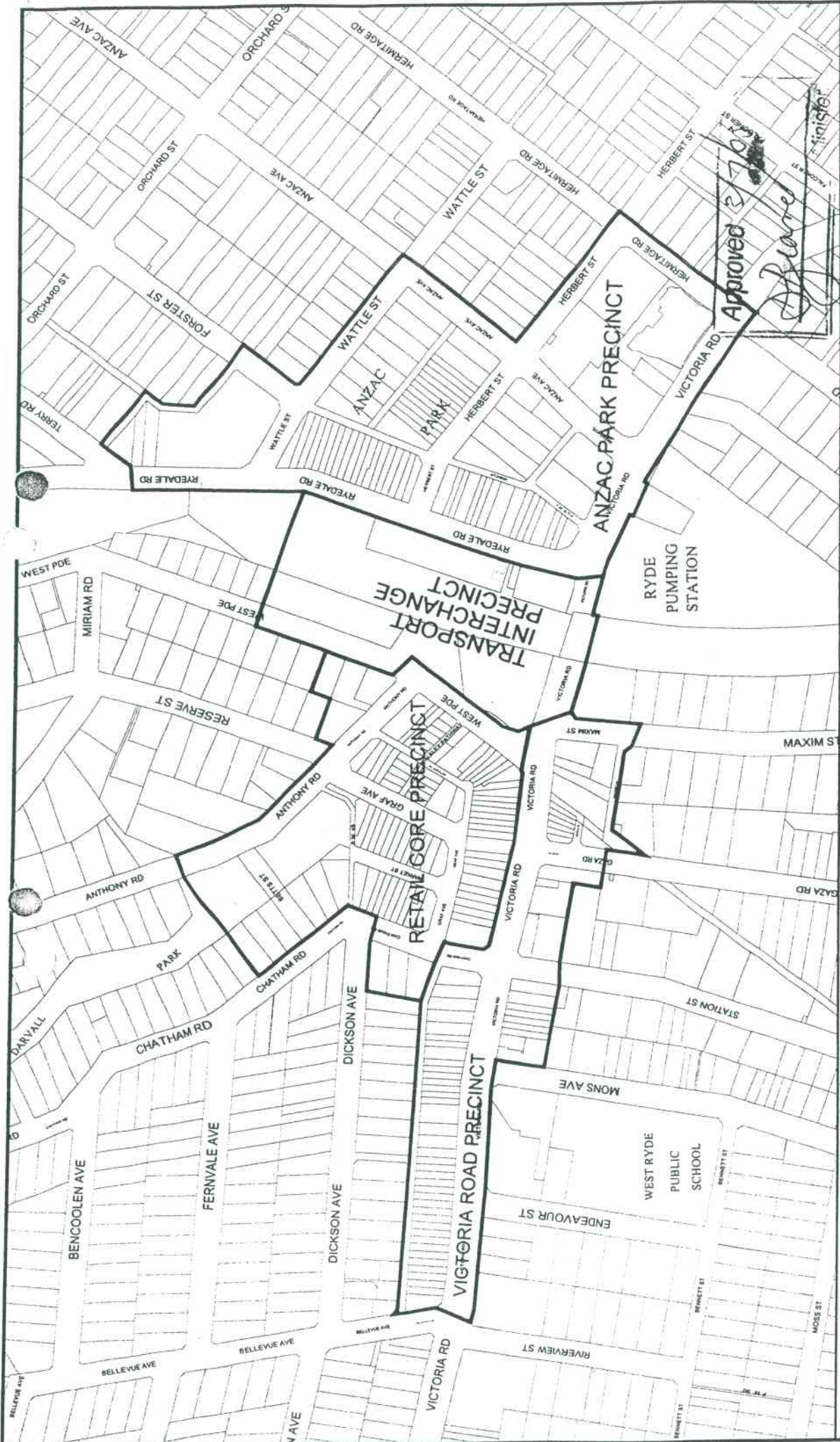
### 3 Public domain

- (1) Development is to define and contribute to the public domain so as to create a high quality physical setting for buildings, which is safe and accessible and can be enjoyed by shoppers, residents and workers.
- (2) Development of the public domain is to enhance the integration between individual precincts and their surrounding areas.
- (3) Public space areas should be set aside for public use and enjoyment. Development that enhances the enjoyment of these public spaces, such as kiosks, restaurants and recreation facilities, is to be encouraged.
- (4) Car parking facilities should be set back away from the public spaces and should not prejudice pedestrian and cycle use of the public space.
- (5) ~~Public streets and spaces should be created generally in~~ accordance with:
  - (a) the *Eastwood Master Plan* prepared by the Council, in relation to land shown edged with a broken black line on the map marked "Ryde Local Environmental Plan No 110—Eastwood Urban Village" deposited in the office of the Council,
  - (b) the *West Ryde Master Plan* prepared by the Council, in relation to land shown edged with a blue line on the map marked "Ryde Local Environmental Plan No 110—West Ryde Urban Village" deposited in the office of the Council.

### 4 Urban form

- (1) Urban form is to reflect its location in relation to transport nodes, existing residential and commercial precincts, be architecturally rich and diverse, define and enhance the public domain and allow for mixed uses.
- (2) Building form within specified blocks is to be articulated both in height and mass to provide interest, resolve urban design and environmental issues and satisfy other planning principles in this Schedule.
- (3) Buildings are to be of high quality and adaptable to a variety of uses over time, to ensure their long life.





Approved 3/10/02  
*[Signature]*

NOT TO SCALE LOCALITY: WEST RYDE  
COUNTY OF CUMBERLAND

CERTIFIED IN ACCORDANCE  
WITH THE ENVIRONMENTAL  
PLANNING AND  
ASSESSMENT ACT 1979  
AND REGULATIONS AS  
AMENDED

CHIEF EXECUTIVE  
DATE 2/9/2002

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979  
**RYDE**

LOCAL ENVIRONMENTAL PLAN No. 110

STATEMENT OF RELATIONSHIP WITH OTHER PLANS  
AMENDS RYDE PLANNING SCHEME

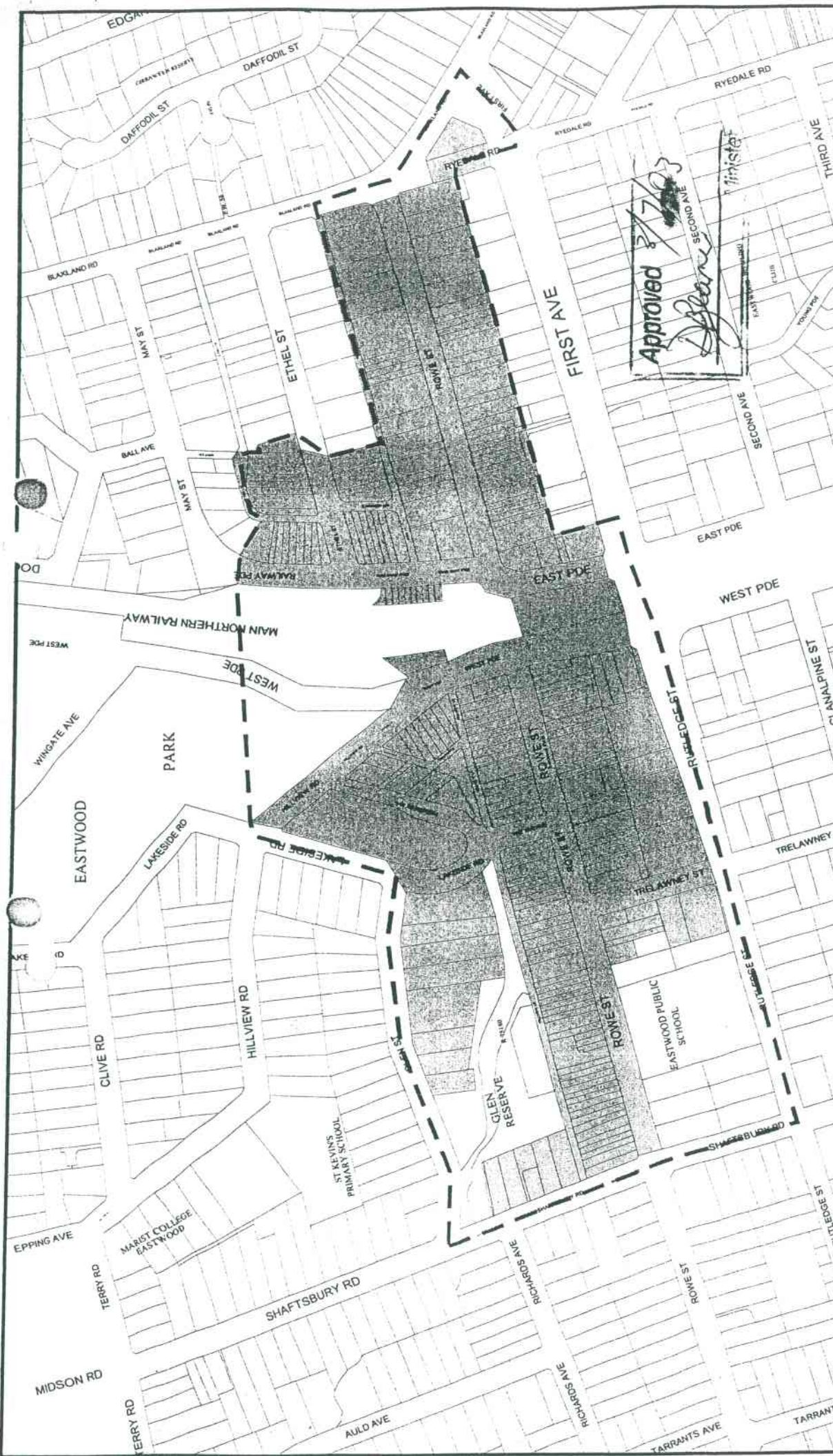
**West Ryde Urban Village**

DRAWN BY ELLIOTT SIMMONS  
SUPERVISING DRAFTSMAN  
PLANNING OFFICER STEWART SEALE  
CERTIFICATE PLAN NUMBER

COUNCIL FILE NO. S6912-06  
DEPT. FILE NO.  
CERTIFICATE ISSUED  
UNDER S. 65 E.P.A. ACT  
DATE 30/10/2001







Approved 3/7/03  
[Signature]  
Minister

DRAWN BY ELLIOTT SIMMONS SUPERVISING DRAFTSMAN PLANNING OFFICER STEWART SEALE CERTIFICATE PLAN NUMBER COUNCIL FILE NO. S6912-06 DEPT. FILE NO. CERTIFICATE ISSUED UNDER S. 65 E.P.A ACT		DATE: 02/09/02 DATE 30/10/2001	
STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS RYDE PLANNING SCHEME			
LOCAL ENVIRONMENTAL PLAN No. 110			
RYDE			
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979			
NOT TO SCALE COUNTY OF CUMBERLAND		LOCALITY: EASTWOOD PARISH: HUNTERS HILL PAGE 1/5	
PROPOSED ZONING 3. BUSINESS (uv) URBAN VILLAGE		Village Boundary	
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS AS AMENDED			
CHIEF EXECUTIVE DATE 29/2/2002			







DRAWN BY ELLIOTT SIMMONS SUPERVISING DRAFTSMAN PLANNING OFFICER STEWART SEALE CERTIFICATE PLAN NUMBER S6912-06 COUNCIL FILE NO. DEPT. FILE NO. CERTIFICATE ISSUED UNDER S. 65 E.P.A. ACT		DATE: 02/09/02	ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 <b>RYDE</b> LOCAL ENVIRONMENTAL PLAN No. 110 STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS RYDE PLANNING SCHEME	NOT TO SCALE LOCALITY: EASTWOOD COUNTY OF CUMBERLAND	PARISH: HUNTERS HILL PAGE 3/5
COUNCIL FILE NO. DEPT. FILE NO. CERTIFICATE ISSUED UNDER S. 65 E.P.A. ACT		DATE: 30/10/2001	ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 <b>RYDE</b> LOCAL ENVIRONMENTAL PLAN No. 110 STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS RYDE PLANNING SCHEME	NOT TO SCALE LOCALITY: EASTWOOD COUNTY OF CUMBERLAND	PARISH: HUNTERS HILL PAGE 3/5
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Development Intensification Restricted  
Development Intensification Constrained

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS AS AMENDED

CHIEF EXECUTIVE

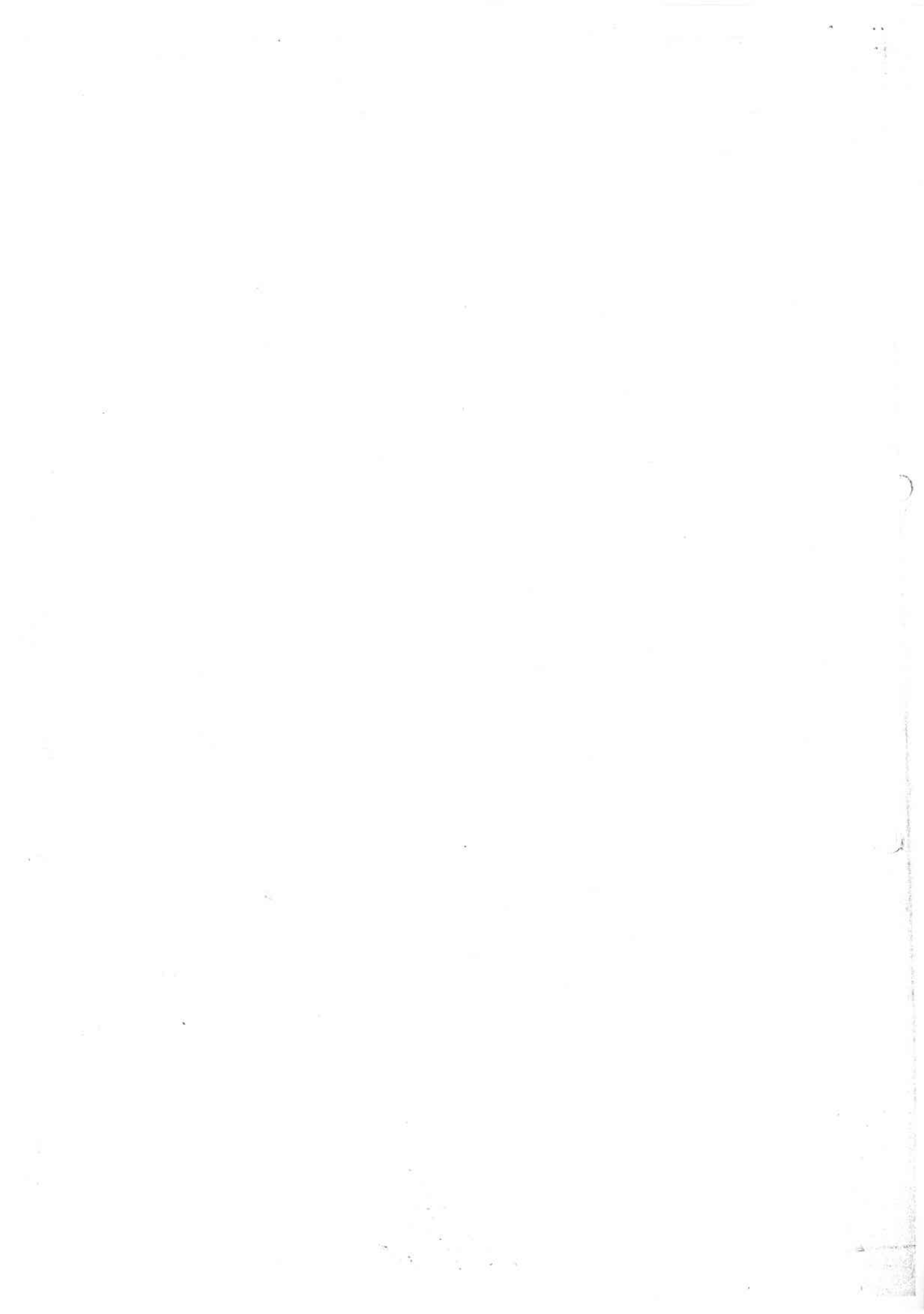
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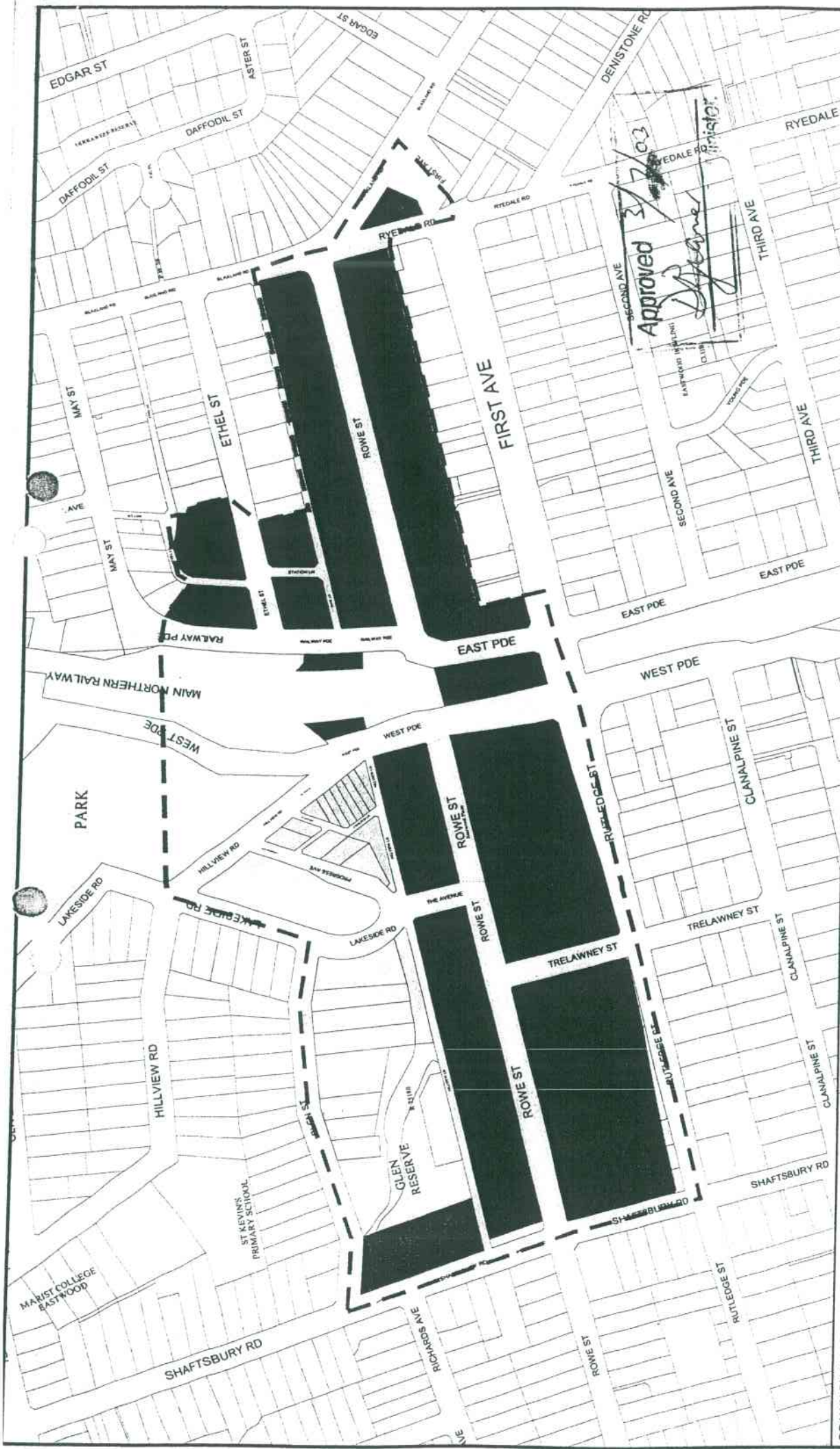












<b>ENVIRONMENTAL PLANNING &amp; ASSESSMENT ACT, 1979</b>	
<b>RYDE</b>	
<b>LOCAL ENVIRONMENTAL PLAN No. 110</b>	
STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS RYDE PLANNING SCHEME	
<b>DATE:</b> 02/09/02	<b>DATE:</b> 30/10/2001
<b>DRAWN BY:</b> ELLIOTT SIMMONS	<b>DEPT. FILE NO.:</b> S6612-06
<b>SUPERVISING DRAFTSMAN:</b>	<b>CERTIFICATE ISSUED UNDER S. 65 E.P.A ACT</b>
<b>PLANNING OFFICER:</b> STEWART SEALE	<b>CERTIFICATE PLAN NUMBER:</b>
<b>COUNCIL FILE NO.:</b> S6612-06	
<b>NOT TO SCALE</b> <b>LOCALITY:</b> EASTWOOD <b>PARISH:</b> HUNTERS HILL	
<b>COUNTY OF:</b> CUMBERLAND <b>PAGE:</b> 2/5	
<div><div></div> 2 - 3 Storeys (Maximum 9 metres)</div> <div><div></div> 2 - 4 Storeys (Maximum 12 metres)</div> <div><div></div> 2 - 6 Storeys (Maximum 18 metres)</div> <div><div></div> 2 - 10 Storeys (Maximum 30 metres)</div>	
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS AS AMENDED	
CHIEF EXECUTIVE	
DATE 2/9/2002	

# Eastwood Urban Village Height Map



- (4) Buildings are to support and be integrated into the public domain network to achieve coherence and purpose.
- (5) The integrity of heritage items and significant landscape elements is to be protected and enhanced.

#### **5 Land use mix**

- (1) Development is to provide a variety of housing types and employment-based activities and contribute to the creation of a range of precincts with character.
- (2) Development is to contribute to an integrated mixed use development pattern (both vertical and horizontal) containing a wide range of housing, employment and recreational opportunities.
- (3) Development is to facilitate the increase and diversity of employment opportunities, which are to be compatible with achieving a high quality mixed shopping, living and working environment.

#### **6 Transport and access**

- (1) Development is to promote the reduction of motor vehicle dependency and actively encourage the use of public transport, walking and cycling.
- (2) An accessible environment for people with disabilities and mobility difficulties is to be created to ensure access equity.
- (3) The intensity of development is to be in accordance with the capacity of existing and proposed public transport and road systems.
- (4) Parking provision is to acknowledge accessibility by foot, bicycle and public transport.

#### **7 Environmental performance**

- (1) Development is to create a safe and comfortable environment for shoppers, residents and workers in both the private and public space, by "best practice" design to ensure buildings and spaces achieve maximum environmental performance and minimum resources use.



- (2) Development is to be designed having regard to the following:
  - (a) wind effect,
  - (b) reflectivity,
  - (c) noise attenuation,
  - (d) solar access and energy conservation,
  - (e) water conservation and re-use,
  - (f) stormwater management,
  - (g) use of recycled materials,
  - (h) waste reduction.
- (3) The development of public spaces is to contribute to greater bio-diversity, habitat protection and enhancement and better air and water quality.



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## Appendix 2 - Ryde Planning Scheme Ordinance 2006



## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
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Table 1: Relevant provisions of Ryde Planning Scheme Ordinance 2006

Clause	Topic	Requirements
<b>Part II Reservation and restriction on use of land</b>		
Division 1		Not applicable
Division 2		Not applicable
Division 3		Not applicable
Division 4		Not applicable
Division 5		Not applicable
<b>Part III (3) General restrictions on Development and Use of Land</b>		
Clause 22	Permissibility	The subject site is zoned "(c5) Residential "C5". Light Scarlet with dark red edging and lettered 2 (c5)."
Table		<p>Under the instrument the following uses are permissible only with consent:</p> <p>"Bed and Breakfast establishments; child care centres; dwelling houses*; educational establishments; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; scout halls; swimming pools ancillary to dwellings*; utility installations (other than gas holders or generating works)."</p> <p>Any purpose other than those listed above may not be erected and are prohibited.</p>
<b>Part V (5) Consents</b>		
Clause 32	Advertisement	Applicable following completion of Strategic Stage
<b>Part VI General Amenity and Convenience</b>		
Clause 41	Preservation of trees	"(1) Where it appears to the responsible authority that it is expedient for the purpose of securing amenity or of preserving existing amenities it may, for that purpose and by resolution, make an order (hereinafter referred to as a "tree preservation order") and may, by like resolution, rescind or vary the order.



## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
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Table 1: Relevant provisions of Ryde Planning Scheme Ordinance 2006

Clause	Topic	Requirements
		<p>(2) A tree preservation order may prohibit the ringbarking, cutting down, topping, lopping, removing, or injuring or wilful destruction of any tree or trees specified in the order except with the consent of the responsible authority and any such consent may be given subject to such conditions as the responsible authority thinks fit.</p> <p>(3) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described in the order and that land may be described particularly or generally by reference to the municipality or any divisions thereof.</p> <p>(4) The responsible authority shall forthwith upon the making of a tree preservation order cause notice of the making of the order to be published in the Gazette and in a newspaper circulating in the locality in which the land described in the order is situated.</p> <p>(5) A person who contravenes or causes or permits to be contravened a tree preservation order shall be guilty of an offence.</p> <p>(6) In any proceedings under this clause it shall be sufficient defence to prove that the tree or trees ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed, was or were dying or dead or had become dangerous.</p> <p>(7) The powers conferred upon the responsible authority by this clause shall not extend to any trees within a State Forest or land reserved from sale as a timber reserve under the Forestry Act, 1916."</p>
<b>Part VII (7) Special Provisions</b>		
Clause 41A	Subdivision of land generally	"41A. A person shall not subdivide land except with the consent of the responsible authority."
Clause 41B	Subdivision of residential land	<p>"41B. (1) This clause applies to land within Zone No. 2(a), 2(a1), 2(b1), 2(b2), 2(c1), 2(c2), 2(c3), 2(c4), 2(c5), 2(d1), 2(d2), 2(d3), 2(d4), 2(d5), 2(d6), 2(d7) or 2 (e).</p> <p>(2) The responsible authority shall not consent to the subdivision of land to which this clause applies unless -</p> <p>(a) each allotment (other than a hatchet-shaped allotment) proposed to be</p>





## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
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Table 1: Relevant provisions of Ryde Planning Scheme Ordinance 2006

Clause	Topic	Requirements
		created by the subdivision has -
		(i) an area of not less than 580 square metres;
		(ii) frontage to a public road of not less than 10 metres;
		and
		(iii) a width of not less than 15 metres at a distance of 7.5 metres from the alignment of the public road; and
		(b) each hatchet-shaped allotment proposed to be created by the subdivision has -
		(i) an area of not less than 740 square metres (excluding the area of any access corridor and of any part of the allotment that is intended to be used for the provision of access to other allotments);
		(ii) frontage to a public road of not less than 3 metres;
		and
		(iii) an access corridor that has a width of not less than 3 metres throughout the whole of its length.
		(3) Notwithstanding subclause (2) (b) (ii) or (iii), the responsible authority may consent to the creation of adjoining hatchet-shaped allotments having-
		(a) frontage to a public road of less than 3 metres; or
		(b) an access corridor having a width of less than 3 metres throughout the whole or any part of its length, if it is satisfied that adequate provision has been made for access to each of the allotments from a public road.
		(4) This clause does not apply to the creation of an allotment intended to be used solely for the erection of a utility installation."
Clause 46	Min size	"(1) a dwelling house shall not be erected on an allotment of land within Zone No. 2(a), 2(a1), 2(b1), 2(b2), 2(c1), 2(c2), 2(c3), 2(c4), 2(c5), 2(d1), 2(d2), 2(d3),



## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
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Table 1: Relevant provisions of Ryde Planning Scheme Ordinance 2006

Clause	Topic	Requirements
	<b>allotments</b>	<p>2(d4), 2(d5), 2(d6), 2(d7) or 2(e) unless –</p> <p>(b) where the allotment is not a hatchet shaped allotment –</p> <p>(iv) it has an area of not less than 580 square metres;</p> <p>(v) it has frontage to a public road of not less than 10 metres; and</p> <p>(vi) it has a width of not less than 15 metres at a distance of 76.5 metres from the alignment of the public road;”</p> <p>“(3) A residential flat building Class A shall not be erected on an allotment of land within Zone No. 2(a1), 2(b1), 2(b2), 2(c1), 2(c2), 2(c3), 2(c4), 2(c5), 2(d1), 2(d2), 2(d3), 2(d4), 2(d5), 2(d6), 2(d7) or 2(e) unless –</p> <p>(c) where the allotment has a frontage to any other road –</p> <p>(i) it has an area of not less than 610 square metres; and</p> <p>(ii) it is not less than 18 metres wide at the front alignment of the building</p> <p>Furthermore</p> <p>“(4) A residential flat building (other than a residential flat building Class A, urban housing or duplex buildings)* shall not be erected on an allotment of land within Zone No. 2(a1), 2(b1), 2(b2), 2(c1), 2(c2), 2(c3), 2(c4), 2(c5), 2(d1), 2(d2), 2(d3), 2(d4), 2(d5), 2(d6), 2(d7) or 2(e) unless –</p> <p>(b) where the allotment has a frontage to any other road –</p> <p>(i) it has an area of not less than 840 square metres; and</p> <p>(ii) it is not less than 24 metres wide at the front alignment of the building.”</p>
Clause 51	Floor Space Ratios	<p>“(2) Excerpt as otherwise provided in this clause, the ratio of the total floor space of any building within a zone specified in column I of the Table to this clause to the site area of the land shall not exceed the ratio set out opposite the zone in Column II of the Table.”</p> <p>Further to the Table Residential C5 has an FSR of “0.75:1”</p>
Clause 51A	Business (Urban Village Zone)	See detached table below



## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
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Table 1: Relevant provisions of Ryde Planning Scheme Ordinance 2006

Clause	Topic	Requirements
Clause 55	Residential flat buildings – density control	<p>“(2) A person shall not erect or use a residential flat building on land within a zone specified in Column I of the table to this clause unless –</p> <p>(b) the site area for each small, medium or large dwelling in that residential flat building is not less than the site area (if any) specified in respect of a small, medium or large dwelling, as the case may require, opposite that zone in Column II of that Table: and”</p> <p>Under the Table 2(c5), small dwelling, medium dwelling and large dwelling site area is “70 square metres, 100 square metres, and 130 square metres” respectively.</p>
Clause 56	Residential flat building Car Parking	<p>(2) “(a) in respect to a site within 400 metres of Victoria Road, Epping Road or a railway station:</p> <p>(v) 1 parking space for each 1 bedroom dwelling;</p> <p>(vi) 1.2 parking spaces for each 2 bedroom dwelling</p> <p>(vii) 1.6 parking spaces for each 3 or more bedroom dwelling; and</p> <p>(viii) 1 parking space for each 4 dwellings, for visitor parking; and”</p> <p>(3) In the case of units for aged persons, there shall be provided such parking spaces as the responsible authority may require having regard to the location of the building in relation to public transport and the availability of alternative car parking facilities, but so that there shall be provided not less than 1 parking space for each 10 flats and the responsible authority does not require the provision of more than 1 parking space for each 5 flats”</p>
Clause 56A	Urban Housing	Only applicable to Zone No. 2(a)
Clause 56E	Duplex Buildings	Only applicable to Zone No. 2(a)
Clause 56F	Subdivision of Duplex Buildings	Refers to the subdivision of duplex buildings. There are no duplex buildings within the subject site.



## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
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Table 1: Relevant provisions of Ryde Planning Scheme Ordinance 2006

Clause	Topic	Requirements
Clause 56H	Suspension of certain provisions, covenants, etc	“(1) For the purposes of enabling development for the purpose of duplex buildings, including the subdivision of duplex buildings, any agreement, covenant or like instrument imposing restrictions as to the erection or use of more than one dwelling house or dwelling on an allotment of land, as to the use of land for that purpose, as to the persons who may occupy a dwelling-house or dwelling, or as to the size of the dwelling house or dwelling to the extent necessary to serve that purpose do not apply to that development”
Clause 72	Demolition	“Demolition must not be carried out on any land to which this plan applies without the consent of the responsible authority.”
Clause 72O	Serviced Apartments	“Notwithstanding any other provision of this Ordinance, the council may consent to the carrying out of development for the purposes of serviced apartments within Zone No. 2(b1), 2(b2), 2(c1), 2(c2), 2(c3), 2(c4), 2(c5), 2(d1), 2(d2), 2(d3), 2(d4), 2(d5), 2(d6), 2(d7), 2(e), 3(a) or 3(uv).”
Clause 72ZD	Site – Specific master plans	<p>“(3) A draft site-specific master plan may be prepared following consultation with the Council and is to illustrate and explain, where the council so requires, proposals for the following:</p> <ul style="list-style-type: none"> <li>(l) phasing of development,</li> <li>(m) urban design considerations, including principles drawn from an analysis of the site and its context, density, height controls, building envelopes, identified views and vistas, privacy and security,</li> <li>(n) distribution of major land uses, including public access and open space,</li> <li>(o) environmental considerations, including noise attenuation, flood mitigation, stormwater management, water and soil management, remediation of contaminated land, solar access, energy efficiency and management of significant native flora and fauna habitat,</li> <li>(p) access considerations, including public transport, pedestrian, cycle and road access and circulation networks, including local traffic impacts and parking,</li> <li>(q) patterns of subdivision and site amalgamation,</li> <li>(r) infrastructure provisions and funding,</li> </ul>



## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
63-77 WEST PARADE WEST RYDE

Table 1: Relevant provisions of Ryde Planning Scheme Ordinance 2006

Clause	Topic	Requirements
		<ul style="list-style-type: none"> <li>(s) site landscaping,</li> <li>(t) heritage considerations, including interpretation of historically significant buildings and places, conservation and protection of heritage items, identified historic views and archaeological relics (including the preparation of a conservation management plan),</li> <li>(u) provision of public facilities,</li> <li>(v) any other matter required by the Council”</li> </ul>
<b>Part VIII General</b>		
Clause 79	Suspension of Acts, Covenants, etc	<p>“(1) The operation of section 309 of the Act and of any proclamations made thereunder is hereby suspended to the extent to which that section and those proclamations are inconsistent with any of the provisions of this Ordinance.</p> <p>(2) In respect of any land within any zone, other than within Zone No. 2(a), 2(b1), 2(b2), 2(c1), 2(c2), 2(c3), 2(c4), 2(c5), 2(d1), 2(d2), 2(d3), 2(d4), 2(d5), 2(d6) or 2(d7), the operation of any covenant, agreement or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes is hereby suspended to the extent to which the covenant, agreement or instrument is inconsistent with any provision of this Ordinance or with any consent given thereunder.</p> <p>(3) Nothing in subclause (2) affects the rights or interests of any statutory authority under any instrument registered by or under the authority of any Act.”</p>
<b>Part IX Heritage Conservation</b>		
Clause 88	Development in the vicinity of a heritage item	<p>“(1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.”</p>



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## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
63-77 WEST PARADE WEST RYDE

## Appendix 3 - West Ryde Urban Village Precinct Provisions



## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
63-77 WEST PARADE WEST RYDE

Table 2: Relevant provisions of Ryde Planning Scheme Ordinance 2006

### Part VII (7) Special Provisions

West Ryde Urban Village (LEP amendment 79 and subsequent amendment LEP 110)

#### Part III General Restrictions on Development and Use of Land

Clause 22      Permissibility      “(uv) Business (Urban Village). Light blue and lettered 3(uv)”

Table      Development which is prohibited:

“Agriculture; caravan parks; car repair stations; gas holders; industries referred to in Schedule 3; institutions; junk yards; liquid fuel depots, mines; motor showrooms; stock and sale yards.”

Any development not listed above is permissible within the zone.

Clause 51A      Development Objectives      “(2) When considering any application for consent to carry out development of any land to which this clause applies the council must take into consideration:

(b) (i) to create a safe and attractive environment for pedestrians,

(ii) to create a mixed use precinct with emphasis on uses that promote pedestrian activity and safety at ground level,

(iii) to create a precinct that contains opportunities and facilities for living, working, commerce, leisure, culture, community services, education and spiritual nurture,

(iv) to increase the number of people living within walking distance of high frequency public transport services,

(v) to increase the use of public transport”

Clause 51B      Floor Space Ration in West Ryde Urban Village      The subject site is not within but adjoins the West Ryde Urban Village and as such provisions relating to this Village are addressed:  
  
“(1) Excerpt as provided by this clause, the ratio of the total floor space of any building on a site comprised of land shown edged with a broken line on the floor space map to that site area must not exceed the maximum floor space



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WEST RYDE PROJECT JUSTIFICATION  
63-77 WEST PARADE WEST RYDE

*ratio identified on that map in relation to the land.”*

*“(3) The floor space map means the map marked “Ryde Local Environmental Plan No 110 – West Ryde Urban Village Floor Space Map”*

This map attached in Figure 3, states the floor space ratio is 1.25:1

Clause 72KA    Rail related  
noise

“The Council shall not consent to any proposed development of land within Zone No. 3(uv) likely to be adversely impacted on by rail-related noise and vibration unless the development incorporates mitigation measures to the satisfaction of the Council.”





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## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
63-77 WEST PARADE WEST RYDE

## Appendix 4 - Ryde Development Control Plan 2006 Provisions



## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
63-77 WEST PARADE WEST RYDE

Table 3 - Relevant provisions of the RDCP 2006

Provision	Topic	Specific Control
<b>3.4 Residential Flat Buildings</b>		
3.2.2	Frontage to any other road	<p>“Minimum Area 840m<sup>2</sup></p> <p>Minimum width at the front alignment of the building: 24m”</p>
5	Density	Small medium and large site area per dwelling is 70m <sup>2</sup> , 100m <sup>2</sup> , and 130m <sup>2</sup> respectively
6	Height of Buildings	<p>Maximum number of storeys is 3 storeys</p> <p>Maximum height in metres is 11 metres</p>
7.1	Front, side and rear setbacks	<p>Minimum Front setback for 3 storeys 11 metres,</p> <p>Minimum side and rear setback is 6 metres</p>
9.1	Parking Quantity	<p>“(a) For properties within 400m of Victoria Road, Epping Road or a Railway Station:</p> <p>2.0 car spaces per one bedroom dwelling;</p> <p>1.2 car spaces per two bedroom dwelling;</p> <p>1.6 car spaces per three bedroom dwelling; and</p> <p>1.0 car spaces per four dwellings for visitor parking.”</p>
10.1	Landscaping quantity	“small medium and large landscaped area per dwelling is 30m <sup>2</sup> , 40m <sup>2</sup> , and 50m <sup>2</sup> respectively”
<b>3.6 Urban Housing</b>		
2.2	Minimum Allotment size	<p>Controls:</p> <p>“a. Allotments must have a frontage to a road of not less than 20m and area of not less than 600m<sup>2</sup>”</p>



## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
63-77 WEST PARADE WEST RYDE

Table 3 - Relevant provisions of the RDCP 2006

Provision	Topic	Specific Control
2.6	Density	<p><b>Controls:</b></p> <p>“a. The maximum density allowed is:</p> <p>1 x 2 bedroom dwelling per 300m<sup>2</sup> of site area</p> <p>1 x 3 bedroom dwelling per 300m<sup>2</sup> of site area</p> <p>1 x 4 or more bedroom dwelling per 365m<sup>2</sup>”</p>
2.7	Number of dwellings	“a. no development shall contain more than 12 dwellings.”
2.8	Type of dwellings	“a. In developments containing 4 or more dwellings not more than 75% of dwellings should have the same number of bedrooms. Where 75% is not a whole number, the number should be rounded down.”
3.3	Storey	<p>“An urban housing development must be contained within a single storey building. However, a dwelling with frontage to the street can be two storeys provided:</p> <p>(i) The two storey dwelling is not attached to any other two storey dwelling; and</p> <p>(ii) Council is satisfied that a two storey dwelling is suitable in terms of the surrounding streetscape.”</p>
3.3.2	Height Controls	<p>“a. An urban housing development can be no more than 3.7m in height with the exception of that part of the building that may contain a 2 storey dwelling</p> <p>b. Where adjoining dwellings on at least one side of the site are 2 storey that part of the building with frontage to the street may contain a 2 storey dwelling which shall be not more than 7m in height and not more than 9m in overall height.”</p>
3.5.1	Front Setbacks	“a. buildings must be setback
3.5.4	Side and Rear Setbacks	“a. The walls of all buildings must be not less than 4.5m from side and rear boundaries. Where vehicular access is provided within this area, the minimum



## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
63-77 WEST PARADE WEST RYDE

Table 3 - Relevant provisions of the RDCP 2006

Provision	Topic	Specific Control
		setback shall be 6 metres.”
3.5.5	Internal Setbacks	“b. a minimum of 9m separation should be provided between the windows of habitable rooms of facing dwellings within an urban housing development.”
Part 3.2 Child Car Centres		
2.1.1	Preferred Locations	<p>“The following sites best satisfy the objectives of this DCP:</p> <ul style="list-style-type: none"> <li>• sites adjacent to compatible uses including parks, churches, libraries, community facilities related to early childhood, neighbourhood centres;</li> <li>• sites which enable co-location of the child care centre with other compatible uses on the same site such as community facilities, educational facilities, churches;</li> <li>• sites near primary schools provided it can be demonstrated that traffic and parking requirements are being met;</li> <li>• locations which are close to or within employment areas,, town centres, business centres;</li> <li>• locations away from roads with high traffic volumes, to minimize potential for adverse impacts including unacceptable air quality, traffic, noise and vibration issues;</li> <li>• sites located on street corners to maximize street frontage, but which are not on busy intersections to minimise impacts such as traffic conflicts and noise, air quality issues;</li> <li>• sites with the least number of adjoining residential properties to minimise the potential for negative amenity impact on neighbours;</li> <li>• sites in locations where the development will not unreasonably impact on residential amenity. Sites adjoining town houses, villas and flats are not considered suitable due to increased potential for amenity impacts;</li> <li>• where sites are located within low density residential areas, preference is given to smaller scale development (under 50 child car places)”</li> </ul>
2.1.1		<p>“(1) Where single use developments are proposed, the site is to have a street frontage and width of not less than 20 metres, excerpt in the case of corner allotments in which case the site can have a frontage/width of not less than 17 metres;</p> <p>(2) where single use developments are proposed, the site is to have a minimum site area of 800m<sup>2</sup> and be regular in shape.</p>



## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
63-77 WEST PARADE WEST RYDE

Table 3 - Relevant provisions of the RDCP 2006

Provision	Topic	Specific Control
		(14) Preferred locations for work-based child care centres and centres in mixed use development are to be adjacent to non-commercial/non- residential components of uses to protect t privacy/amenity of the centre and of neighbouring workers/residents.”
3.2	Detached Centres and Centres in Residential Areas	“(3) In low residential areas, child care centres are encouraged to be single storey in height for reasons of safety and access. IN the case of 2 storey buildings, the second storey should only be used for the purposes of storage and staff facilities.”



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## HOUSING NSW

WEST RYDE PROJECT JUSTIFICATION  
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## Appendix 5 - Section 149 Certificates



Locked Bag 2069, North Ryde NSW 1670  
DX 8403 Ryde  
Facsimile 9952 8070  
Telephone 9952 8222

City of Ryde 

**PLANNING CERTIFICATE UNDER  
SECTION 149 ENVIRONMENTAL PLANNING  
AND ASSESSMENT ACT, 1979**

**Cert No:** 25800  
**Date:** 17/09/2008  
**Receipt No:** 1299348  
**Reference:**

**Applicant:** John O'Callaghan  
GPO Box 3275  
SYDNEY 2001

**Property:** 63 West Parade, WEST RYDE  
**Description:** LOT: 1 DP: 19985

**Ppty Ref:** 34402

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. NAMES OF RELEVANT LOCAL ENVIRONMENTAL PLANS, DRAFT LOCAL ENVIRONMENTAL PLANS, DEVELOPMENT CONTROL PLANS, STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLYING TO THE LAND**

**a) LOCAL ENVIRONMENTAL PLAN AND DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS**

Ryde Planning Scheme - 1 June 1979 as amended

**b) DRAFT LOCAL ENVIRONMENTAL PLANS as exhibited under Section 66(1) (b) of the Act**

Nil.

**c) DEVELOPMENT CONTROL PLANS**

City of Ryde Development Control Plan 2006.

**d) STATE AND REGIONAL ENVIRONMENTAL PLANNING POLICIES AND INSTRUMENTS (includes Draft Policies)**

The Minister for Planning has notified Council that the following State Environmental Planning Policies and Regional Environmental Plans apply to the land and should be specified in this certificate:

**State Environmental Planning Policies**

State Environmental Planning Policy No. 1 - Development Standards.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development.

State Environmental Planning Policy No. 6 - Number of Storeys in a Building

State Environmental Planning Policy No. 10 - Retention of Low Cost Rental Accommodation (as amended).

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

State Environmental Planning Policy No. 21 - Caravan Parks.

State Environmental Planning Policy No. 32 - Urban Consolidation.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No. 64 - Advertising and Signage.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (as amended)

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

State Environmental Planning Policy (Major Projects) 2005 (as amended)

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Draft State Environmental Planning Policy No. 66 - Integration of Land Use and Transport 2001.

Draft State Environmental Planning Policy (Application of Development Standards) 2004

State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Seniors Living) 2004(as amended)

### **Regional Environmental Plans**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

## **2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS**

For each local environmental plan and deemed environmental planning instrument applying to the land that includes the land in any zone (however described):-

### **(a) ZONING**

Residential 'C5'

### **(b) ZONING TABLE**

The purposes for which development may or may not be carried out in accordance with the above Zone are as follows:-

Residential 'C5'

PURPOSES PERMISSIBLE WITHOUT CONSENT

Nil

PURPOSES PERMISSIBLE WITH CONSENT

Bed and breakfast establishments; child care centres; dwelling-houses; educational establishments; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; scout halls; swimming pools ancillary to dwellings; serviced apartments; utility installations (other than gas holders or generating works)

PURPOSES PROHIBITED

Any purpose other than those permissible with or without consent.

### **(c) DEVELOPMENT STANDARDS FOR THE ERECTION OF A DWELLING HOUSE**



The Ryde Planning Scheme Ordinance provides that a dwelling house shall not be erected on an allotment of land within any residential zone unless the allotment has a minimum area of 740sq.m (exclusive of access corridor) and a minimum 3m wide road frontage and access corridor width for hatchet-shaped allotments. A minimum area of 580sq.m, a minimum road frontage of 10m and a minimum width of 15m at a distance of 7.5m from the road alignment is required for other allotments.

**(d) CRITICAL HABITAT**

NO. The land does not include or comprise critical habitat under the Ryde Planning Scheme.

**(e) CONSERVATION AREA (however described)**

NO. The land has not been identified as being within a heritage conservation area under the Ryde Planning Scheme.

**(f) ITEMS OF ENVIRONMENTAL HERITAGE (however described)**

NO. An item of environmental heritage under the Ryde Planning Scheme is not situated on the land.

<b>OTHER PRESCRIBED INFORMATION</b>
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**3. COASTAL PROTECTION**

**Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works**

The land is not affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

**4. MINE SUBSIDENCE**

**Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.**

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

**5. ROAD WIDENING AND ROAD REALIGNMENT**

**Whether or not the land is affected by any road widening**

The land is not affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993,
- (b) any environmental planning instrument
- (c) any resolution of Council.

## **6. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

Whether or not the land is affected by a policy adopted by the council, or adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by council, that restricts the development because of the likelihood of:

- (i) landslip                      NO
- (ii) bush fire                      NO
- (iii) tidal inundation              NO
- (iv) subsidence                      NO
- (v) acid sulphate soil              NO
- (vi) any other risk (other than flooding)              NO

*Note: The fact that land has not been identified as being affected by a policy to restrict development because of the risks referred to does not mean that the risk is non-existent.*

## **6A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. NO

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. NO

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

## **7. LAND RESERVED FOR ACQUISITION**

Whether or not any environmental planning instrument, deemed planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority as referred to in Section 27 of the Act.

#### **8. CONTRIBUTIONS PLAN**

**The name of each contributions plan applying to the land:**

City of Ryde Section 94 Development Contributions Plan 2007

#### **9. BUSH FIRE PRONE LAND**

The land described in this certificate is not bush fire prone land as defined under the Environmental Planning and Assessment Act 1979.

#### **10. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

(a) The land to which this certificate relates IS NOT within land declared to be an investigation area or remediation site under Part 3 of the Act.

(b) The land to which this certificate relates IS NOT subject to an investigation order or a remediation order within the meaning of the Act.

(c) The land to which this certificate relates IS NOT the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the EPA's agreement under section 19 or 26 of the Act.

(d) The land to which this certificate relates IS NOT the subject of a site audit statement within the meaning of Part 4 of the Act.

#### **11. PROPERTY VEGETATION PLANS**

The land is not subject to a property vegetation plan under the Native Vegetation Act 2003.

#### **12. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

There has not been an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

#### **13. DIRECTIONS UNDER PART 3A**



There is no direction in force under section 75P (2)(c1) of the Environmental Planning and Assessment Act 1979.

#### **14. SENIORS HOUSING**

There has not been any development consent granted since 12 October 2007 for development to which State Environment Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

#### **ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ACT**

Environmental planning instruments or development control plans may place restrictions on matters such as:

- i) the purpose for which buildings, works or land may be erected, carried out or used;
- ii) the extent of development permitted;
- iii) minimum site requirements; and/or
- iv) the means of vehicular access to the land.

The instruments and the plans should be examined in relation to the specific restrictions which may apply to any development which may be proposed.

The land is subject to a Tree Preservation Order and Tree Management Policy, details of which are available at Council's Customer Service Centre.

There are exemptions from Council's Tree Preservation Order and Tree Management Policy relating to various species of trees; noxious trees; dying, dead or dangerous trees; and trees within three (3) metres of certain buildings.

Council has established a Significant Tree Register. Inclusion of a tree in the Register means that exemptions from the Tree Preservation Order will not apply to that tree.

Registers of Consents may be examined at Council's Customer Service Centre for particulars relating to development consents which may have been issued for the use or development of the land.

Enquiries regarding areas Reserved for County Road and County Open Space should be directed to the Roads and Traffic Authority and Department of Urban Affairs and Planning respectively.

The information provided concerning the Coastal Protection Act, 1979 is only to the extent that the Council has been notified by the Department of Public Works and Services.

Council has adopted by resolution a policy concerning the management of contaminated land. This policy applies to all land in the City of Ryde and will restrict development of the land if the circumstances set out in the policy prevail. Copies of the policy are available on Council's Website at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

#### **FURTHER ADDITIONAL INFORMATION UNDER SECTION 149(5) OF THE ACT**

The following Draft Development Control Plans apply to the land:-

Draft Development Control Plan No. 25 - Engineering Standards

City of Ryde Draft Development Control Plan 2006 (Amendment 4) - Part 4.2 Meadowbank Employment Area.

Heritage

The property is within 100 metres of a heritage item as listed in Schedule 15 of the Ryde Planning Scheme Ordinance. Your attention is drawn to Clause 88 of the Ordinance which addresses the need to assess the impact of proposed development on properties in the vicinity of a heritage item on the heritage significance, visual curtilage and setting of the heritage item itself.

Note: The information in this certificate is current as of the date of the certificate.



Sue Weatherley  
Group Manager – Environment and Planning



Locked Bag 2069, North Ryde NSW 1670  
DX 8403 Ryde  
Facsimile 9952 8070  
Telephone 9952 8222



**PLANNING CERTIFICATE UNDER  
SECTION 149 ENVIRONMENTAL PLANNING  
AND ASSESSMENT ACT, 1979**

**Cert No:** 25801  
**Date:** 17/09/2008  
**Receipt No:** 1299349  
**Reference:**

**Applicant:** John O'Callaghan  
GPO Box 3275  
SYDNEY 2001

**Property:** 65 West Parade, WEST RYDE  
**Description:** LOT: 2 DP: 19985

**Ppty Ref:** 34404

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. NAMES OF RELEVANT LOCAL ENVIRONMENTAL PLANS, DRAFT LOCAL ENVIRONMENTAL PLANS, DEVELOPMENT CONTROL PLANS, STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLYING TO THE LAND**

**a) LOCAL ENVIRONMENTAL PLAN AND DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS**

Ryde Planning Scheme - 1 June 1979 as amended

**b) DRAFT LOCAL ENVIRONMENTAL PLANS as exhibited under Section 66(1) (b) of the Act**

Nil.

**c) DEVELOPMENT CONTROL PLANS**

City of Ryde Development Control Plan 2006.



**d) STATE AND REGIONAL ENVIRONMENTAL PLANNING POLICIES AND INSTRUMENTS (includes Draft Policies)**

The Minister for Planning has notified Council that the following State Environmental Planning Policies and Regional Environmental Plans apply to the land and should be specified in this certificate:

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State Environmental Planning Policy No. 21 - Caravan Parks.

State Environmental Planning Policy No. 32 - Urban Consolidation.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No. 64 - Advertising and Signage.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

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State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (as amended)

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State Environmental Planning Policy (Major Projects) 2005 (as amended)

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Draft State Environmental Planning Policy No. 66 - Integration of Land Use and Transport 2001.

Draft State Environmental Planning Policy (Application of Development Standards) 2004

State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Seniors Living) 2004(as amended)

### **Regional Environmental Plans**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

## **2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS**

For each local environmental plan and deemed environmental planning instrument applying to the land that includes the land in any zone (however described):-

### **(a) ZONING**

Residential 'C5'

### **(b) ZONING TABLE**

The purposes for which development may or may not be carried out in accordance with the above Zone are as follows:-

Residential 'C5'

PURPOSES PERMISSIBLE WITHOUT CONSENT

Nil

PURPOSES PERMISSIBLE WITH CONSENT

Bed and breakfast establishments; child care centres; dwelling-houses; educational establishments; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; scout halls; swimming pools ancillary to dwellings; serviced apartments; utility installations (other than gas holders or generating works)

PURPOSES PROHIBITED

Any purpose other than those permissible with or without consent.

### **(c) DEVELOPMENT STANDARDS FOR THE ERECTION OF A DWELLING HOUSE**

The Ryde Planning Scheme Ordinance provides that a dwelling house shall not be erected on an allotment of land within any residential zone unless the allotment has a minimum area of 740sq.m (exclusive of access corridor) and a minimum 3m wide road frontage and access corridor width for hatchet-shaped allotments. A minimum area of 580sq.m, a minimum road frontage of 10m and a minimum width of 15m at a distance of 7.5m from the road alignment is required for other allotments.

**(d) CRITICAL HABITAT**

NO. The land does not include or comprise critical habitat under the Ryde Planning Scheme.

**(e) CONSERVATION AREA (however described)**

NO. The land has not been identified as being within a heritage conservation area under the Ryde Planning Scheme.

**(f) ITEMS OF ENVIRONMENTAL HERITAGE (however described)**

NO. An item of environmental heritage under the Ryde Planning Scheme is not situated on the land.

<b>OTHER PRESCRIBED INFORMATION</b>
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**3. COASTAL PROTECTION**

**Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works**

The land is not affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

**4. MINE SUBSIDENCE**

**Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.**

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

**5. ROAD WIDENING AND ROAD REALIGNMENT**

**Whether or not the land is affected by any road widening**



The land is not affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993,
- (b) any environmental planning instrument
- (c) any resolution of Council.

## **6. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

Whether or not the land is affected by a policy adopted by the council, or adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by council, that restricts the development because of the likelihood of:

- (i) landslip                      NO
- (ii) bush fire                      NO
- (iii) tidal inundation      NO
- (iv) subsidence              NO
- (v) acid sulphate soil      NO
- (vi) any other risk (other than flooding)      NO

*Note: The fact that land has not been identified as being affected by a policy to restrict development because of the risks referred to does not mean that the risk is non-existent.*

## **6A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. NO

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. NO

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

## **7. LAND RESERVED FOR ACQUISITION**

Whether or not any environmental planning instrument, deemed planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority as referred to in Section 27 of the Act.

#### **8. CONTRIBUTIONS PLAN**

**The name of each contributions plan applying to the land:**

City of Ryde Section 94 Development Contributions Plan 2007

#### **9. BUSH FIRE PRONE LAND**

The land described in this certificate is not bush fire prone land as defined under the Environmental Planning and Assessment Act 1979.

#### **10. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

(a) The land to which this certificate relates IS NOT within land declared to be an investigation area or remediation site under Part 3 of the Act.

(b) The land to which this certificate relates IS NOT subject to an investigation order or a remediation order within the meaning of the Act.

(c) The land to which this certificate relates IS NOT the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the EPA's agreement under section 19 or 26 of the Act.

(d) The land to which this certificate relates IS NOT the subject of a site audit statement within the meaning of Part 4 of the Act.

#### **11. PROPERTY VEGETATION PLANS**

The land is not subject to a property vegetation plan under the Native Vegetation Act 2003.

#### **12. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

There has not been an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

#### **13. DIRECTIONS UNDER PART 3A**

There is no direction in force under section 75P (2)(c1) of the Environmental Planning and Assessment Act 1979.

#### **14. SENIORS HOUSING**

There has not been any development consent granted since 12 October 2007 for development to which State Environment Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

#### **ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ACT**

Environmental planning instruments or development control plans may place restrictions on matters such as:

- i) the purpose for which buildings, works or land may be erected, carried out or used;
- ii) the extent of development permitted;
- iii) minimum site requirements; and/or
- iv) the means of vehicular access to the land.

The instruments and the plans should be examined in relation to the specific restrictions which may apply to any development which may be proposed.

The land is subject to a Tree Preservation Order and Tree Management Policy, details of which are available at Council's Customer Service Centre.

There are exemptions from Council's Tree Preservation Order and Tree Management Policy relating to various species of trees; noxious trees; dying, dead or dangerous trees; and trees within three (3) metres of certain buildings.

Council has established a Significant Tree Register. Inclusion of a tree in the Register means that exemptions from the Tree Preservation Order will not apply to that tree.

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The information provided concerning the Coastal Protection Act, 1979 is only to the extent that the Council has been notified by the Department of Public Works and Services.

Council has adopted by resolution a policy concerning the management of contaminated land. This policy applies to all land in the City of Ryde and will restrict development of the land if the circumstances set out in the policy prevail. Copies of the policy are available on Council's Website at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

#### **FURTHER ADDITIONAL INFORMATION UNDER SECTION 149(5) OF THE ACT**



The following Draft Development Control Plans apply to the land:-

Draft Development Control Plan No. 25 - Engineering Standards

City of Ryde Draft Development Control Plan 2006 (Amendment 4) - Part 4.2 Meadowbank Employment Area.

#### Heritage

The property is within 100 metres of a heritage item as listed in Schedule 15 of the Ryde Planning Scheme Ordinance. Your attention is drawn to Clause 88 of the Ordinance which addresses the need to assess the impact of proposed development on properties in the vicinity of a heritage item on the heritage significance, visual curtilage and setting of the heritage item itself.

Note: The information in this certificate is current as of the date of the certificate.



Sue Weatherley  
Group Manager – Environment and Planning



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Facsimile 9952 8070  
Telephone 9952 8222

**PLANNING CERTIFICATE UNDER  
SECTION 149 ENVIRONMENTAL PLANNING  
AND ASSESSMENT ACT, 1979**

**Cert No:** 25802  
**Date:** 17/09/2008  
**Receipt No:** 1299349  
**Reference:**

**Applicant:** John O'Callaghan  
GPO Box 3275  
SYDNEY 2001

**Property:** 67 West Parade, WEST RYDE  
**Description:** LOT: 3 DP: 19985

**Ppty Ref:** 34406

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. NAMES OF RELEVANT LOCAL ENVIRONMENTAL PLANS, DRAFT LOCAL ENVIRONMENTAL PLANS, DEVELOPMENT CONTROL PLANS, STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLYING TO THE LAND**

**a) LOCAL ENVIRONMENTAL PLAN AND DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS**

Ryde Planning Scheme - 1 June 1979 as amended

**b) DRAFT LOCAL ENVIRONMENTAL PLANS as exhibited under Section 66(1) (b) of the Act**

Nil.

**c) DEVELOPMENT CONTROL PLANS**

City of Ryde Development Control Plan 2006.

**d) STATE AND REGIONAL ENVIRONMENTAL PLANNING POLICIES AND INSTRUMENTS (includes Draft Policies)**

The Minister for Planning has notified Council that the following State Environmental Planning Policies and Regional Environmental Plans apply to the land and should be specified in this certificate:

**State Environmental Planning Policies**

State Environmental Planning Policy No. 1 - Development Standards.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development.

State Environmental Planning Policy No. 6 - Number of Storeys in a Building

State Environmental Planning Policy No. 10 - Retention of Low Cost Rental Accommodation (as amended).

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

State Environmental Planning Policy No. 21 - Caravan Parks.

State Environmental Planning Policy No. 32 - Urban Consolidation.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No. 64 - Advertising and Signage.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (as amended)

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

State Environmental Planning Policy (Major Projects) 2005 (as amended)



State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Draft State Environmental Planning Policy No. 66 - Integration of Land Use and Transport 2001.

Draft State Environmental Planning Policy (Application of Development Standards) 2004

State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Seniors Living) 2004(as amended)

### **Regional Environmental Plans**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

## **2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS**

For each local environmental plan and deemed environmental planning instrument applying to the land that includes the land in any zone (however described):-

### **(a) ZONING**

Residential 'C5'

### **(b) ZONING TABLE**

The purposes for which development may or may not be carried out in accordance with the above Zone are as follows:-

Residential 'C5'

PURPOSES PERMISSIBLE WITHOUT CONSENT

Nil

PURPOSES PERMISSIBLE WITH CONSENT

Bed and breakfast establishments; child care centres; dwelling-houses; educational establishments; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; scout halls; swimming pools ancillary to dwellings; serviced apartments; utility installations (other than gas holders or generating works)

PURPOSES PROHIBITED

Any purpose other than those permissible with or without consent.

### **(c) DEVELOPMENT STANDARDS FOR THE ERECTION OF A DWELLING HOUSE**

The Ryde Planning Scheme Ordinance provides that a dwelling house shall not be erected on an allotment of land within any residential zone unless the allotment has a minimum area of 740sq.m (exclusive of access corridor) and a minimum 3m wide road frontage and access corridor width for hatchet-shaped allotments. A minimum area of 580sq.m, a minimum road frontage of 10m and a minimum width of 15m at a distance of 7.5m from the road alignment is required for other allotments.

**(d) CRITICAL HABITAT**

NO. The land does not include or comprise critical habitat under the Ryde Planning Scheme.

**(e) CONSERVATION AREA (however described)**

NO. The land has not been identified as being within a heritage conservation area under the Ryde Planning Scheme.

**(f) ITEMS OF ENVIRONMENTAL HERITAGE (however described)**

NO. An item of environmental heritage under the Ryde Planning Scheme is not situated on the land.

<b>OTHER PRESCRIBED INFORMATION</b>
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**3. COASTAL PROTECTION**

**Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works**

The land is not affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

**4. MINE SUBSIDENCE**

**Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.**

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

**5. ROAD WIDENING AND ROAD REALIGNMENT**

**Whether or not the land is affected by any road widening**

The land is not affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993,
- (b) any environmental planning instrument
- (c) any resolution of Council.

## **6. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

Whether or not the land is affected by a policy adopted by the council, or adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by council, that restricts the development because of the likelihood of:

- |   |    |
|---|----|
| (i) landslip                              | NO |
| (ii) bush fire                            | NO |
| (iii) tidal inundation                    | NO |
| (iv) subsidence                           | NO |
| (v) acid sulphate soil                    | NO |
| (vi) any other risk (other than flooding) | NO |

*Note: The fact that land has not been identified as being affected by a policy to restrict development because of the risks referred to does not mean that the risk is non-existent.*

## **6A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. NO

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. NO

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

## **7. LAND RESERVED FOR ACQUISITION**

Whether or not any environmental planning instrument, deemed planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act



No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority as referred to in Section 27 of the Act.

#### **8. CONTRIBUTIONS PLAN**

**The name of each contributions plan applying to the land:**

City of Ryde Section 94 Development Contributions Plan 2007

#### **9. BUSH FIRE PRONE LAND**

The land described in this certificate is not bush fire prone land as defined under the Environmental Planning and Assessment Act 1979.

#### **10. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

(a) The land to which this certificate relates IS NOT within land declared to be an investigation area or remediation site under Part 3 of the Act.

(b) The land to which this certificate relates IS NOT subject to an investigation order or a remediation order within the meaning of the Act.

(c) The land to which this certificate relates IS NOT the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the EPA's agreement under section 19 or 26 of the Act.

(d) The land to which this certificate relates IS NOT the subject of a site audit statement within the meaning of Part 4 of the Act.

#### **11. PROPERTY VEGETATION PLANS**

The land is not subject to a property vegetation plan under the Native Vegetation Act 2003.

#### **12. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

There has not been an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

#### **13. DIRECTIONS UNDER PART 3A**

There is no direction in force under section 75P (2)(c1) of the Environmental Planning and Assessment Act 1979.

#### **14. SENIORS HOUSING**

There has not been any development consent granted since 12 October 2007 for development to which State Environment Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

#### **ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ACT**

Environmental planning instruments or development control plans may place restrictions on matters such as:

- i) the purpose for which buildings, works or land may be erected, carried out or used;
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The land is subject to a Tree Preservation Order and Tree Management Policy, details of which are available at Council's Customer Service Centre.

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#### Heritage

The property is within 100 metres of a heritage item as listed in Schedule 15 of the Ryde Planning Scheme Ordinance. Your attention is drawn to Clause 88 of the Ordinance which addresses the need to assess the impact of proposed development on properties in the vicinity of a heritage item on the heritage significance, visual curtilage and setting of the heritage item itself.

Note: The information in this certificate is current as of the date of the certificate.



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Group Manager – Environment and Planning





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**PLANNING CERTIFICATE UNDER  
SECTION 149 ENVIRONMENTAL PLANNING  
AND ASSESSMENT ACT, 1979**

**Cert No:** 25803  
**Date:** 17/09/2008  
**Receipt No:** 1299349  
**Reference:**

**Applicant:** John O'Callaghan  
GPO Box 3275  
SYDNEY 2001

**Property:** 69 West Parade, WEST RYDE  
**Description:** LOT: 4 DP: 19985

**Ppty Ref:** 34408

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. NAMES OF RELEVANT LOCAL ENVIRONMENTAL PLANS, DRAFT LOCAL ENVIRONMENTAL PLANS, DEVELOPMENT CONTROL PLANS, STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLYING TO THE LAND**

**a) LOCAL ENVIRONMENTAL PLAN AND DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS**

Ryde Planning Scheme - 1 June 1979 as amended

**b) DRAFT LOCAL ENVIRONMENTAL PLANS as exhibited under Section 66(1) (b) of the Act**

Nil.

**c) DEVELOPMENT CONTROL PLANS**

City of Ryde Development Control Plan 2006.

**d) STATE AND REGIONAL ENVIRONMENTAL PLANNING POLICIES AND INSTRUMENTS (includes Draft Policies)**

The Minister for Planning has notified Council that the following State Environmental Planning Policies and Regional Environmental Plans apply to the land and should be specified in this certificate:

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## **2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS**

For each local environmental plan and deemed environmental planning instrument applying to the land that includes the land in any zone (however described):-

### **(a) ZONING**

Residential 'C5'

### **(b) ZONING TABLE**

The purposes for which development may or may not be carried out in accordance with the above Zone are as follows:-

Residential 'C5'

PURPOSES PERMISSIBLE WITHOUT CONSENT

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Bed and breakfast establishments; child care centres; dwelling-houses; educational establishments; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; scout halls; swimming pools ancillary to dwellings; serviced apartments; utility installations (other than gas holders or generating works)

PURPOSES PROHIBITED

Any purpose other than those permissible with or without consent.

### **(c) DEVELOPMENT STANDARDS FOR THE ERECTION OF A DWELLING HOUSE**



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**(d) CRITICAL HABITAT**

NO. The land does not include or comprise critical habitat under the Ryde Planning Scheme.

**(e) CONSERVATION AREA (however described)**

NO. The land has not been identified as being within a heritage conservation area under the Ryde Planning Scheme.

**(f) ITEMS OF ENVIRONMENTAL HERITAGE (however described)**

NO. An item of environmental heritage under the Ryde Planning Scheme is not situated on the land.

<b>OTHER PRESCRIBED INFORMATION</b>
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**3. COASTAL PROTECTION**

**Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works**

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**4. MINE SUBSIDENCE**

**Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.**

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**Whether or not the land is affected by any road widening**

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*Note: The fact that land has not been identified as being affected by a policy to restrict development because of the risks referred to does not mean that the risk is non-existent.*

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Whether or not any environmental planning instrument, deemed planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act



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#### **8. CONTRIBUTIONS PLAN**

**The name of each contributions plan applying to the land:**

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(a) The land to which this certificate relates IS NOT within land declared to be an investigation area or remediation site under Part 3 of the Act.

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(c) The land to which this certificate relates IS NOT the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the EPA's agreement under section 19 or 26 of the Act.

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The instruments and the plans should be examined in relation to the specific restrictions which may apply to any development which may be proposed.

The land is subject to a Tree Preservation Order and Tree Management Policy, details of which are available at Council's Customer Service Centre.

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City of Ryde Draft Development Control Plan 2006 (Amendment 4) - Part 4.2 Meadowbank Employment Area.

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The property is within 100 metres of a heritage item as listed in Schedule 15 of the Ryde Planning Scheme Ordinance. Your attention is drawn to Clause 88 of the Ordinance which addresses the need to assess the impact of proposed development on properties in the vicinity of a heritage item on the heritage significance, visual curtilage and setting of the heritage item itself.

Note: The information in this certificate is current as of the date of the certificate.



Sue Weatherley  
Group Manager – Environment and Planning





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**PLANNING CERTIFICATE UNDER  
SECTION 149 ENVIRONMENTAL PLANNING  
AND ASSESSMENT ACT, 1979**

**Cert No:** 25804  
**Date:** 17/09/2008  
**Receipt No:** 1299349  
**Reference:**

**Applicant:** John O'Callaghan  
GPO Box 3275  
SYDNEY 2001

**Property:** 71 West Parade, WEST RYDE  
**Description:** LOT: 5 DP: 19985

**Ppty Ref:** 34410

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. NAMES OF RELEVANT LOCAL ENVIRONMENTAL PLANS, DRAFT LOCAL ENVIRONMENTAL PLANS, DEVELOPMENT CONTROL PLANS, STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLYING TO THE LAND**

**a) LOCAL ENVIRONMENTAL PLAN AND DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS**

Ryde Planning Scheme - 1 June 1979 as amended

**b) DRAFT LOCAL ENVIRONMENTAL PLANS as exhibited under Section 66(1) (b) of the Act**

Nil.

**c) DEVELOPMENT CONTROL PLANS**

City of Ryde Development Control Plan 2006.

**d) STATE AND REGIONAL ENVIRONMENTAL PLANNING POLICIES AND INSTRUMENTS (includes Draft Policies)**

The Minister for Planning has notified Council that the following State Environmental Planning Policies and Regional Environmental Plans apply to the land and should be specified in this certificate:

**State Environmental Planning Policies**

State Environmental Planning Policy No. 1 - Development Standards.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development.

State Environmental Planning Policy No. 6 - Number of Storeys in a Building

State Environmental Planning Policy No. 10 - Retention of Low Cost Rental Accommodation (as amended).

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

State Environmental Planning Policy No. 21 - Caravan Parks.

State Environmental Planning Policy No. 32 - Urban Consolidation.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No. 64 - Advertising and Signage.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (as amended)

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

State Environmental Planning Policy (Major Projects) 2005 (as amended)



State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Draft State Environmental Planning Policy No. 66 - Integration of Land Use and Transport 2001.

Draft State Environmental Planning Policy (Application of Development Standards) 2004

State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Seniors Living) 2004(as amended)

### **Regional Environmental Plans**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

## **2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS**

For each local environmental plan and deemed environmental planning instrument applying to the land that includes the land in any zone (however described):-

### **(a) ZONING**

Residential 'C5'

### **(b) ZONING TABLE**

The purposes for which development may or may not be carried out in accordance with the above Zone are as follows:-

Residential 'C5'

PURPOSES PERMISSIBLE WITHOUT CONSENT

Nil

PURPOSES PERMISSIBLE WITH CONSENT

Bed and breakfast establishments; child care centres; dwelling-houses; educational establishments; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; scout halls; swimming pools ancillary to dwellings; serviced apartments; utility installations (other than gas holders or generating works)

PURPOSES PROHIBITED

Any purpose other than those permissible with or without consent.

### **(c) DEVELOPMENT STANDARDS FOR THE ERECTION OF A DWELLING HOUSE**

The Ryde Planning Scheme Ordinance provides that a dwelling house shall not be erected on an allotment of land within any residential zone unless the allotment has a minimum area of 740sq.m (exclusive of access corridor) and a minimum 3m wide road frontage and access corridor width for hatchet-shaped allotments. A minimum area of 580sq.m, a minimum road frontage of 10m and a minimum width of 15m at a distance of 7.5m from the road alignment is required for other allotments.

**(d) CRITICAL HABITAT**

NO. The land does not include or comprise critical habitat under the Ryde Planning Scheme.

**(e) CONSERVATION AREA (however described)**

NO. The land has not been identified as being within a heritage conservation area under the Ryde Planning Scheme.

**(f) ITEMS OF ENVIRONMENTAL HERITAGE (however described)**

NO. An item of environmental heritage under the Ryde Planning Scheme is not situated on the land.

<b>OTHER PRESCRIBED INFORMATION</b>
-------------------------------------

**3. COASTAL PROTECTION**

**Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works**

The land is not affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

**4. MINE SUBSIDENCE**

**Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.**

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

**5. ROAD WIDENING AND ROAD REALIGNMENT**

**Whether or not the land is affected by any road widening**

The land is not affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993,
- (b) any environmental planning instrument
- (c) any resolution of Council.

## **6. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

Whether or not the land is affected by a policy adopted by the council, or adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by council, that restricts the development because of the likelihood of:

- (i) landslip                      NO
- (ii) bush fire                      NO
- (iii) tidal inundation      NO
- (iv) subsidence              NO
- (v) acid sulphate soil      NO
- (vi) any other risk (other than flooding)      NO

*Note: The fact that land has not been identified as being affected by a policy to restrict development because of the risks referred to does not mean that the risk is non-existent.*

## **6A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. NO

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. NO

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

## **7. LAND RESERVED FOR ACQUISITION**

Whether or not any environmental planning instrument, deemed planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act



No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority as referred to in Section 27 of the Act.

#### **8. CONTRIBUTIONS PLAN**

**The name of each contributions plan applying to the land:**

City of Ryde Section 94 Development Contributions Plan 2007

#### **9. BUSH FIRE PRONE LAND**

The land described in this certificate is not bush fire prone land as defined under the Environmental Planning and Assessment Act 1979.

#### **10. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

(a) The land to which this certificate relates IS NOT within land declared to be an investigation area or remediation site under Part 3 of the Act.

(b) The land to which this certificate relates IS NOT subject to an investigation order or a remediation order within the meaning of the Act.

(c) The land to which this certificate relates IS NOT the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the EPA's agreement under section 19 or 26 of the Act.

(d) The land to which this certificate relates IS NOT the subject of a site audit statement within the meaning of Part 4 of the Act.

#### **11. PROPERTY VEGETATION PLANS**

The land is not subject to a property vegetation plan under the Native Vegetation Act 2003.

#### **12. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

There has not been an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

#### **13. DIRECTIONS UNDER PART 3A**

There is no direction in force under section 75P (2)(c1) of the Environmental Planning and Assessment Act 1979.

#### **14. SENIORS HOUSING**

There has not been any development consent granted since 12 October 2007 for development to which State Environment Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

#### **ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ACT**

Environmental planning instruments or development control plans may place restrictions on matters such as:

- i) the purpose for which buildings, works or land may be erected, carried out or used;
- ii) the extent of development permitted;
- iii) minimum site requirements; and/or
- iv) the means of vehicular access to the land.

The instruments and the plans should be examined in relation to the specific restrictions which may apply to any development which may be proposed.

The land is subject to a Tree Preservation Order and Tree Management Policy, details of which are available at Council's Customer Service Centre.

There are exemptions from Council's Tree Preservation Order and Tree Management Policy relating to various species of trees; noxious trees; dying, dead or dangerous trees; and trees within three (3) metres of certain buildings.

Council has established a Significant Tree Register. Inclusion of a tree in the Register means that exemptions from the Tree Preservation Order will not apply to that tree.

Registers of Consents may be examined at Council's Customer Service Centre for particulars relating to development consents which may have been issued for the use or development of the land.

Enquiries regarding areas Reserved for County Road and County Open Space should be directed to the Roads and Traffic Authority and Department of Urban Affairs and Planning respectively.

The information provided concerning the Coastal Protection Act, 1979 is only to the extent that the Council has been notified by the Department of Public Works and Services.

Council has adopted by resolution a policy concerning the management of contaminated land. This policy applies to all land in the City of Ryde and will restrict development of the land if the circumstances set out in the policy prevail. Copies of the policy are available on Council's Website at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

#### **FURTHER ADDITIONAL INFORMATION UNDER SECTION 149(5) OF THE ACT**



The following Draft Development Control Plans apply to the land:-

Draft Development Control Plan No. 25 - Engineering Standards

City of Ryde Draft Development Control Plan 2006 (Amendment 4) - Part 4.2 Meadowbank Employment Area.

#### Heritage

The property is within 100 metres of a heritage item as listed in Schedule 15 of the Ryde Planning Scheme Ordinance. Your attention is drawn to Clause 88 of the Ordinance which addresses the need to assess the impact of proposed development on properties in the vicinity of a heritage item on the heritage significance, visual curtilage and setting of the heritage item itself.

Note: The information in this certificate is current as of the date of the certificate.



Sue Weatherley  
Group Manager – Environment and Planning



Locked Bag 2069, North Ryde NSW 1670  
DX 8403 Ryde  
Facsimile 9952 8070  
Telephone 9952 8222



**PLANNING CERTIFICATE UNDER  
SECTION 149 ENVIRONMENTAL PLANNING  
AND ASSESSMENT ACT, 1979**

**Cert No:** 25805  
**Date:** 17/09/2008  
**Receipt No:** 1299349  
**Reference:**

**Applicant:** John O'Callaghan  
GPO Box 3275  
SYDNEY 2001

**Property:** 73 West Parade, WEST RYDE  
**Description:** LOT: 6 DP: 19985

**Ppty Ref:** 34412

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. NAMES OF RELEVANT LOCAL ENVIRONMENTAL PLANS, DRAFT LOCAL ENVIRONMENTAL PLANS, DEVELOPMENT CONTROL PLANS, STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLYING TO THE LAND**

**a) LOCAL ENVIRONMENTAL PLAN AND DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS**

Ryde Planning Scheme - 1 June 1979 as amended

**b) DRAFT LOCAL ENVIRONMENTAL PLANS as exhibited under Section 66(1) (b) of the Act**

Nil.

**c) DEVELOPMENT CONTROL PLANS**

City of Ryde Development Control Plan 2006.

**d) STATE AND REGIONAL ENVIRONMENTAL PLANNING POLICIES AND INSTRUMENTS (includes Draft Policies)**

The Minister for Planning has notified Council that the following State Environmental Planning Policies and Regional Environmental Plans apply to the land and should be specified in this certificate:

**State Environmental Planning Policies**

State Environmental Planning Policy No. 1 - Development Standards.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development.

State Environmental Planning Policy No. 6 - Number of Storeys in a Building

State Environmental Planning Policy No. 10 - Retention of Low Cost Rental Accommodation (as amended).

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

State Environmental Planning Policy No. 21 - Caravan Parks.

State Environmental Planning Policy No. 32 - Urban Consolidation.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No. 64 - Advertising and Signage.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (as amended)

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

State Environmental Planning Policy (Major Projects) 2005 (as amended)

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Draft State Environmental Planning Policy No. 66 - Integration of Land Use and Transport 2001.

Draft State Environmental Planning Policy (Application of Development Standards) 2004

State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Seniors Living) 2004(as amended)

### **Regional Environmental Plans**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

## **2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS**

For each local environmental plan and deemed environmental planning instrument applying to the land that includes the land in any zone (however described):-

### **(a) ZONING**

Residential 'C5'

### **(b) ZONING TABLE**

The purposes for which development may or may not be carried out in accordance with the above Zone are as follows:-

Residential 'C5'

PURPOSES PERMISSIBLE WITHOUT CONSENT

Nil

PURPOSES PERMISSIBLE WITH CONSENT

Bed and breakfast establishments; child care centres; dwelling-houses; educational establishments; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; scout halls; swimming pools ancillary to dwellings; serviced apartments; utility installations (other than gas holders or generating works)

PURPOSES PROHIBITED

Any purpose other than those permissible with or without consent.

### **(c) DEVELOPMENT STANDARDS FOR THE ERECTION OF A DWELLING HOUSE**



The Ryde Planning Scheme Ordinance provides that a dwelling house shall not be erected on an allotment of land within any residential zone unless the allotment has a minimum area of 740sq.m (exclusive of access corridor) and a minimum 3m wide road frontage and access corridor width for hatchet-shaped allotments. A minimum area of 580sq.m, a minimum road frontage of 10m and a minimum width of 15m at a distance of 7.5m from the road alignment is required for other allotments.

**(d) CRITICAL HABITAT**

NO. The land does not include or comprise critical habitat under the Ryde Planning Scheme.

**(e) CONSERVATION AREA (however described)**

NO. The land has not been identified as being within a heritage conservation area under the Ryde Planning Scheme.

**(f) ITEMS OF ENVIRONMENTAL HERITAGE (however described)**

NO. An item of environmental heritage under the Ryde Planning Scheme is not situated on the land.

<b>OTHER PRESCRIBED INFORMATION</b>
-------------------------------------

**3. COASTAL PROTECTION**

**Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works**

The land is not affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

**4. MINE SUBSIDENCE**

**Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.**

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

**5. ROAD WIDENING AND ROAD REALIGNMENT**

**Whether or not the land is affected by any road widening**



The land is not affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993,
- (b) any environmental planning instrument
- (c) any resolution of Council.

## **6. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

Whether or not the land is affected by a policy adopted by the council, or adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by council, that restricts the development because of the likelihood of:

- |   |    |
|---|----|
| (i) landslip                              | NO |
| (ii) bush fire                            | NO |
| (iii) tidal inundation                    | NO |
| (iv) subsidence                           | NO |
| (v) acid sulphate soil                    | NO |
| (vi) any other risk (other than flooding) | NO |

*Note: The fact that land has not been identified as being affected by a policy to restrict development because of the risks referred to does not mean that the risk is non-existent.*

## **6A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. NO

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. NO

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

## **7. LAND RESERVED FOR ACQUISITION**

Whether or not any environmental planning instrument, deemed planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority as referred to in Section 27 of the Act.

#### **8. CONTRIBUTIONS PLAN**

**The name of each contributions plan applying to the land:**

City of Ryde Section 94 Development Contributions Plan 2007

#### **9. BUSH FIRE PRONE LAND**

The land described in this certificate is not bush fire prone land as defined under the Environmental Planning and Assessment Act 1979.

#### **10. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

(a) The land to which this certificate relates IS NOT within land declared to be an investigation area or remediation site under Part 3 of the Act.

(b) The land to which this certificate relates IS NOT subject to an investigation order or a remediation order within the meaning of the Act.

(c) The land to which this certificate relates IS NOT the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the EPA's agreement under section 19 or 26 of the Act.

(d) The land to which this certificate relates IS NOT the subject of a site audit statement within the meaning of Part 4 of the Act.

#### **11. PROPERTY VEGETATION PLANS**

The land is not subject to a property vegetation plan under the Native Vegetation Act 2003.

#### **12. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

There has not been an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

#### **13. DIRECTIONS UNDER PART 3A**

There is no direction in force under section 75P (2)(c1) of the Environmental Planning and Assessment Act 1979.

#### **14. SENIORS HOUSING**

There has not been any development consent granted since 12 October 2007 for development to which State Environment Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

#### **ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ACT**

Environmental planning instruments or development control plans may place restrictions on matters such as:

- i) the purpose for which buildings, works or land may be erected, carried out or used;
- ii) the extent of development permitted;
- iii) minimum site requirements; and/or
- iv) the means of vehicular access to the land.

The instruments and the plans should be examined in relation to the specific restrictions which may apply to any development which may be proposed.

The land is subject to a Tree Preservation Order and Tree Management Policy, details of which are available at Council's Customer Service Centre.

There are exemptions from Council's Tree Preservation Order and Tree Management Policy relating to various species of trees; noxious trees; dying, dead or dangerous trees; and trees within three (3) metres of certain buildings.

Council has established a Significant Tree Register. Inclusion of a tree in the Register means that exemptions from the Tree Preservation Order will not apply to that tree.

Registers of Consents may be examined at Council's Customer Service Centre for particulars relating to development consents which may have been issued for the use or development of the land.

Enquiries regarding areas Reserved for County Road and County Open Space should be directed to the Roads and Traffic Authority and Department of Urban Affairs and Planning respectively.

The information provided concerning the Coastal Protection Act, 1979 is only to the extent that the Council has been notified by the Department of Public Works and Services.

Council has adopted by resolution a policy concerning the management of contaminated land. This policy applies to all land in the City of Ryde and will restrict development of the land if the circumstances set out in the policy prevail. Copies of the policy are available on Council's Website at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

#### **FURTHER ADDITIONAL INFORMATION UNDER SECTION 149(5) OF THE ACT**



The following Draft Development Control Plans apply to the land:-

Draft Development Control Plan No. 25 - Engineering Standards

City of Ryde Draft Development Control Plan 2006 (Amendment 4) - Part 4.2 Meadowbank Employment Area.

#### Heritage

The property is within 100 metres of a heritage item as listed in Schedule 15 of the Ryde Planning Scheme Ordinance. Your attention is drawn to Clause 88 of the Ordinance which addresses the need to assess the impact of proposed development on properties in the vicinity of a heritage item on the heritage significance, visual curtilage and setting of the heritage item itself.

Note: The information in this certificate is current as of the date of the certificate.



Sue Weatherley  
Group Manager – Environment and Planning



22 SEP 2008

Locked Bag 2069, North Ryde NSW 1670  
DX 8403 Ryde  
Facsimile 9952 8070  
Telephone 9952 8222

City of Ryde 

**PLANNING CERTIFICATE UNDER  
SECTION 149 ENVIRONMENTAL PLANNING  
AND ASSESSMENT ACT, 1979**

**Cert No:** 25807  
**Date:** 17/09/2008  
**Receipt No:** 1299349  
**Reference:**

**Applicant:** John O'Callaghan  
GPO Box 3275  
SYDNEY 2001

**Property:** 77 West Parade, WEST RYDE  
**Description:** LOT: 8 DP: 19985

**Ppty Ref:** 34415

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. NAMES OF RELEVANT LOCAL ENVIRONMENTAL PLANS, DRAFT LOCAL ENVIRONMENTAL PLANS, DEVELOPMENT CONTROL PLANS, STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLYING TO THE LAND**

**a) LOCAL ENVIRONMENTAL PLAN AND DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS**

Ryde Planning Scheme - 1 June 1979 as amended

**b) DRAFT LOCAL ENVIRONMENTAL PLANS as exhibited under Section 66(1) (b) of the Act**

Nil.

**c) DEVELOPMENT CONTROL PLANS**

City of Ryde Development Control Plan 2006.



**d) STATE AND REGIONAL ENVIRONMENTAL PLANNING POLICIES AND INSTRUMENTS (includes Draft Policies)**

The Minister for Planning has notified Council that the following State Environmental Planning Policies and Regional Environmental Plans apply to the land and should be specified in this certificate:

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State Environmental Planning Policy No. 6 - Number of Storeys in a Building

State Environmental Planning Policy No. 10 - Retention of Low Cost Rental Accommodation (as amended).

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

State Environmental Planning Policy No. 21 - Caravan Parks.

State Environmental Planning Policy No. 32 - Urban Consolidation.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No. 64 - Advertising and Signage.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (as amended)

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

State Environmental Planning Policy (Major Projects) 2005 (as amended)

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Draft State Environmental Planning Policy No. 66 - Integration of Land Use and Transport 2001.

Draft State Environmental Planning Policy (Application of Development Standards) 2004

State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Seniors Living) 2004(as amended)

### **Regional Environmental Plans**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

## **2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS**

For each local environmental plan and deemed environmental planning instrument applying to the land that includes the land in any zone (however described):-

### **(a) ZONING**

Residential 'C5'

### **(b) ZONING TABLE**

The purposes for which development may or may not be carried out in accordance with the above Zone are as follows:-

Residential 'C5'

PURPOSES PERMISSIBLE WITHOUT CONSENT

Nil

PURPOSES PERMISSIBLE WITH CONSENT

Bed and breakfast establishments; child care centres; dwelling-houses; educational establishments; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; scout halls; swimming pools ancillary to dwellings; serviced apartments; utility installations (other than gas holders or generating works)

PURPOSES PROHIBITED

Any purpose other than those permissible with or without consent.

### **(c) DEVELOPMENT STANDARDS FOR THE ERECTION OF A DWELLING HOUSE**

The Ryde Planning Scheme Ordinance provides that a dwelling house shall not be erected on an allotment of land within any residential zone unless the allotment has a minimum area of 740sq.m (exclusive of access corridor) and a minimum 3m wide road frontage and access corridor width for hatchet-shaped allotments. A minimum area of 580sq.m, a minimum road frontage of 10m and a minimum width of 15m at a distance of 7.5m from the road alignment is required for other allotments.

**(d) CRITICAL HABITAT**

NO. The land does not include or comprise critical habitat under the Ryde Planning Scheme.

**(e) CONSERVATION AREA (however described)**

NO. The land has not been identified as being within a heritage conservation area under the Ryde Planning Scheme.

**(f) ITEMS OF ENVIRONMENTAL HERITAGE (however described)**

NO. An item of environmental heritage under the Ryde Planning Scheme is not situated on the land.

<b>OTHER PRESCRIBED INFORMATION</b>
-------------------------------------

**3. COASTAL PROTECTION**

**Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works**

The land is not affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

**4. MINE SUBSIDENCE**

**Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.**

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

**5. ROAD WIDENING AND ROAD REALIGNMENT**

**Whether or not the land is affected by any road widening**



The land is not affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993,
- (b) any environmental planning instrument
- (c) any resolution of Council.

## **6. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

Whether or not the land is affected by a policy adopted by the council, or adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by council, that restricts the development because of the likelihood of:

- (i) landslip NO
- (ii) bush fire NO
- (iii) tidal inundation NO
- (iv) subsidence NO
- (v) acid sulphate soil NO
- (vi) any other risk (other than flooding) NO

*Note: The fact that land has not been identified as being affected by a policy to restrict development because of the risks referred to does not mean that the risk is non-existent.*

## **6A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls. NO

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls. NO

(3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

## **7. LAND RESERVED FOR ACQUISITION**

Whether or not any environmental planning instrument, deemed planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority as referred to in Section 27 of the Act.

#### **8. CONTRIBUTIONS PLAN**

**The name of each contributions plan applying to the land:**

City of Ryde Section 94 Development Contributions Plan 2007

#### **9. BUSH FIRE PRONE LAND**

The land described in this certificate is not bush fire prone land as defined under the Environmental Planning and Assessment Act 1979.

#### **10. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997**

(a) The land to which this certificate relates IS NOT within land declared to be an investigation area or remediation site under Part 3 of the Act.

(b) The land to which this certificate relates IS NOT subject to an investigation order or a remediation order within the meaning of the Act.

(c) The land to which this certificate relates IS NOT the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the EPA's agreement under section 19 or 26 of the Act.

(d) The land to which this certificate relates IS NOT the subject of a site audit statement within the meaning of Part 4 of the Act.

#### **11. PROPERTY VEGETATION PLANS**

The land is not subject to a property vegetation plan under the Native Vegetation Act 2003.

#### **12. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

There has not been an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

#### **13. DIRECTIONS UNDER PART 3A**



There is no direction in force under section 75P (2)(c1) of the Environmental Planning and Assessment Act 1979.

#### **14. SENIORS HOUSING**

There has not been any development consent granted since 12 October 2007 for development to which State Environment Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

#### **ADDITIONAL INFORMATION PROVIDED UNDER SECTION 149(5) OF THE ACT**

Environmental planning instruments or development control plans may place restrictions on matters such as:

- i) the purpose for which buildings, works or land may be erected, carried out or used;
- ii) the extent of development permitted;
- iii) minimum site requirements; and/or
- iv) the means of vehicular access to the land.

The instruments and the plans should be examined in relation to the specific restrictions which may apply to any development which may be proposed.

The land is subject to a Tree Preservation Order and Tree Management Policy, details of which are available at Council's Customer Service Centre.

There are exemptions from Council's Tree Preservation Order and Tree Management Policy relating to various species of trees; noxious trees; dying, dead or dangerous trees; and trees within three (3) metres of certain buildings.

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Enquiries regarding areas Reserved for County Road and County Open Space should be directed to the Roads and Traffic Authority and Department of Urban Affairs and Planning respectively.

The information provided concerning the Coastal Protection Act, 1979 is only to the extent that the Council has been notified by the Department of Public Works and Services.

Council has adopted by resolution a policy concerning the management of contaminated land. This policy applies to all land in the City of Ryde and will restrict development of the land if the circumstances set out in the policy prevail. Copies of the policy are available on Council's Website at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

#### **FURTHER ADDITIONAL INFORMATION UNDER SECTION 149(5) OF THE ACT**

The following Draft Development Control Plans apply to the land:-

Draft Development Control Plan No. 25 - Engineering Standards

City of Ryde Draft Development Control Plan 2006 (Amendment 4) - Part 4.2 Meadowbank Employment Area.

Note: The information in this certificate is current as of the date of the certificate.



Sue Weatherley  
Group Manager – Environment and Planning



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DX 8403 Ryde  
Facsimile 9952 8070  
Telephone 9952 8222

City of Ryde



**PLANNING CERTIFICATE UNDER  
SECTION 149 ENVIRONMENTAL PLANNING  
AND ASSESSMENT ACT, 1979**

**Cert No:** 25806  
**Date:** 17/09/2008  
**Receipt No:** 1299349  
**Reference:**

**Applicant:** John O'Callaghan  
GPO Box 3275  
SYDNEY 2001

**Property:** 75 West Parade, WEST RYDE  
**Description:** LOT: 7 DP: 19985

**Ppty Ref:** 34413

**INFORMATION PROVIDED PURSUANT TO SECTION 149(2) OF THE ACT.**

**1. NAMES OF RELEVANT LOCAL ENVIRONMENTAL PLANS, DRAFT LOCAL ENVIRONMENTAL PLANS, DEVELOPMENT CONTROL PLANS, STATE ENVIRONMENTAL PLANNING POLICIES AND REGIONAL ENVIRONMENTAL PLANS APPLYING TO THE LAND**

**a) LOCAL ENVIRONMENTAL PLAN AND DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS**

Ryde Planning Scheme - 1 June 1979 as amended

**b) DRAFT LOCAL ENVIRONMENTAL PLANS as exhibited under Section 66(1) (b) of the Act**

Nil.

**c) DEVELOPMENT CONTROL PLANS**

City of Ryde Development Control Plan 2006.

Development Control Plan No.34 – Exempt and Complying Development.

**d) STATE AND REGIONAL ENVIRONMENTAL PLANNING POLICIES AND INSTRUMENTS (includes Draft Policies)**

The Minister for Planning has notified Council that the following State Environmental Planning Policies and Regional Environmental Plans apply to the land and should be specified in this certificate:

**State Environmental Planning Policies**

State Environmental Planning Policy No. 1 - Development Standards.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development.

State Environmental Planning Policy No. 6 - Number of Storeys in a Building

State Environmental Planning Policy No. 10 - Retention of Low Cost Rental Accommodation (as amended).

State Environmental Planning Policy No. 19 - Bushland in Urban Areas

State Environmental Planning Policy No. 21 - Caravan Parks.

State Environmental Planning Policy No. 32 - Urban Consolidation.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

State Environmental Planning Policy No. 50 - Canal Estate Development

State Environmental Planning Policy No. 55 - Remediation of Land.

State Environmental Planning Policy No.62 - Sustainable Aquaculture.

State Environmental Planning Policy No. 64 - Advertising and Signage.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (as amended)

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004

State Environmental Planning Policy (Major Projects) 2005 (as amended)



State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Draft State Environmental Planning Policy No. 66 - Integration of Land Use and Transport 2001.

Draft State Environmental Planning Policy (Application of Development Standards) 2004

State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy (Seniors Living) 2004 (as amended)

### **Regional Environmental Plans**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

## **2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS**

For each local environmental plan and deemed environmental planning instrument applying to the land that includes the land in any zone (however described):-

### **(a) ZONING**

Residential 'C5'

### **(b) ZONING TABLE**

The purposes for which development may or may not be carried out in accordance with the above Zone are as follows:-

Residential 'C5'

PURPOSES PERMISSIBLE WITHOUT CONSENT

Nil

PURPOSES PERMISSIBLE WITH CONSENT

Bed and breakfast establishments; child care centres; dwelling-houses; educational establishments; hospitals; open space; places of public worship; professional consulting rooms; residential flat buildings; scout halls; swimming pools ancillary to dwellings; serviced apartments; utility installations (other than gas holders or generating works)

PURPOSES PROHIBITED

Any purpose other than those permissible with or without consent.

### **(c) DEVELOPMENT STANDARDS FOR THE ERECTION OF A DWELLING HOUSE**



The Ryde Planning Scheme Ordinance provides that a dwelling house shall not be erected on an allotment of land within any residential zone unless the allotment has a minimum area of 740sq.m (exclusive of access corridor) and a minimum 3m wide road frontage and access corridor width for hatchet-shaped allotments. A minimum area of 580sq.m, a minimum road frontage of 10m and a minimum width of 15m at a distance of 7.5m from the road alignment is required for other allotments.

**(d) CRITICAL HABITAT**

NO. The land does not include or comprise critical habitat under the Ryde Planning Scheme.

**(e) CONSERVATION AREA (however described)**

NO. The land has not been identified as being within a heritage conservation area under the Ryde Planning Scheme.

**(f) ITEMS OF ENVIRONMENTAL HERITAGE (however described)**

NO. An item of environmental heritage under the Ryde Planning Scheme is not situated on the land.

<b>OTHER PRESCRIBED INFORMATION</b>
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**3. COASTAL PROTECTION**

**Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the council has been so notified by the Department of Public Works**

The land is not affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

**4. MINE SUBSIDENCE**

**Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.**

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

**5. ROAD WIDENING AND ROAD REALIGNMENT**

**Whether or not the land is affected by any road widening**

The land is not affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993,
- (b) any environmental planning instrument
- (c) any resolution of Council.

## **6. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS**

Whether or not the land is affected by a policy adopted by the council, or adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by council, that restricts the development because of the likelihood of:

- (i) landslip                      NO
- (ii) bush fire                      NO
- (iii) tidal inundation              NO
- (iv) subsidence                      NO
- (v) acid sulphate soil              NO
- (vi) any other risk (other than flooding)              NO

*Note: The fact that land has not been identified as being affected by a policy to restrict development because of the risks referred to does not mean that the risk is non-existent.*

## **6A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

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