

2006 No 21



New South Wales

Ryde Local Environmental Plan No 137

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/01570/PC)

FRANK SARTOR, M.P.,
Minister for Planning

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Clause 1

Ryde Local Environmental Plan No 137

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ryde Local Environmental Plan No 137*.

2 Aims of plan

The aims of this plan are:

- (a) to ensure that the Macquarie Park Corridor matures into a premium location for globally competitive businesses with strong links to the university and research institutions and an enhanced sense of identity, and
- (b) to ensure that the employment and educational activities within the Corridor are integrated with other businesses and activities within Sydney's global economic crescent, and
- (c) to ensure that the Corridor will be characterised by a high-quality, well-designed and safe environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points, and
- (d) to provide a new street network that will:
 - (i) achieve a more comprehensive network allowing for greater permeability or linkages between land uses and the station nodes, and
 - (ii) reduce pressure from existing road intersections, and
 - (iii) create additional street frontages providing opportunities for new business addresses, and
- (e) to provide a transition from the more intense development and street activity focused at the station precincts and the central boulevard spine to the peripheral areas characterised by lower scale development and greater landscaped elements through:
 - (i) more urban activated streets near the transport nodes with a safe and convenient pedestrian environment that encourages public transport use and social interaction, and
 - (ii) a more sensitive presentation of the employment area to the adjoining residential areas, particularly south of

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Clause 3

Epping Road and the Lane Cove National Park, consisting of lesser scale development and greater landscape opportunities, and

- (iii) a variety of business addresses attractive to different enterprises, building typologies and business types to provide a more mature employment area, more robust to economic changes, and
- (f) to incorporate the principles of ecologically sustainable development.

3 Land to which plan applies

- (1) Except as provided by subclause (2), this plan applies to the Macquarie Park Corridor as shown edged with a heavy green line on the map marked “Ryde Local Environmental Plan No 137—Macquarie Park Corridor—Corridor Area” deposited in the office of the Council.
- (2) This plan does not apply to the land shown uncoloured and marked “deferred” on that map, being land excluded from the operation of this plan pursuant to section 68 (5) or 70 (4) of the Act.

4 Amendment of Ryde Planning Scheme Ordinance

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

5 Repeal of Interim Development Order No 30—Ryde

Interim Development Order No 30—Ryde is repealed.

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Schedule 1 Amendment of Ryde Planning Scheme Ordinance

Schedule 1 **Amendment of Ryde Planning Scheme Ordinance**

(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 137—Macquarie Park Corridor—Zoning

[2] **Clause 3 (1)**

Insert in alphabetical order:

tavern means premises licensed for the sale of liquor but which occupy an area not greater than 250 m².

[3] **Clause 22 Erection or use of buildings or works**

Omit the matter relating to Zone No 3 (f) from the Table to the clause.

Insert instead:

Column I	Column II	Column III	Column IV	Column V
(f) Business Special (Research and Development). Light blue with dark red edging and lettered 3 (f).	Any purpose which involves (as an integral aspect of the purpose) the carrying out of scientific research and development on land within this zone or within Zone No 5 (c); child care centres; film and television schools; hospitals; industries referred to in Schedule 6; laboratories; light industry; open space; public buildings; purposes set out in Schedule 12; recreation areas; research establishments; roads; telecommunication facilities; universities; utility installations (other than gas holders or generating works); warehouses.	Any purpose other than those referred to in Column IV.

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Column I	Column II	Column III	Column IV	Column V
(g) Business Special (Employment). Light blue with dark red edging and lettered 3 (g).	Any purpose which involves (as an integral aspect of the purpose) the carrying out of scientific research and development on land within this zone or within Zone No 5 (c); child care centres; community services; commercial premises; film and television schools; hospitals; hotels; industries referred to in Schedule 6; laboratories; light industry; open space; public buildings; purposes set out in Schedule 12; research establishments; recreation areas; refreshment rooms; roads; serviced apartments; shops (not exceeding 250 m ²); taverns; telecommunication facilities; universities; utility installations (other than gas holders or generating works); warehouses.	Any purpose other than those referred to in Column IV.
(h) Business Special (Mixed Activity). Light blue with dark red edging and lettered 3 (h).	Any purpose other than those referred to in Column V.	Brothels; caravan parks; car repair stations; gas holders; offensive or hazardous industries; industries referred to in Schedule 3; junk yards; liquid fuel depots; motor showrooms.

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[4] Clause 51 Floor space ratios

Omit clause 51 (4) and (5).

[5] Clause 69 Provision for supply of water and sewerage

Omit the clause.

[6] Clause 72K Development within Zone No 3 (f)

Omit the clause.

[7] Clause 72T

Omit the clause.

[8] Clause 72V Development of certain land—410–416 Lane Cove Road and 7–13 Talavera Road, North Ryde

Omit the clause.

[9] Clause 72X Development of certain land at Macquarie Park

Omit the clause.

[10] Part 10

Insert after Part 9:

Part 10 Macquarie Park Corridor

93 How will built form of development be controlled?

- (1) This clause applies to land shown edged with a heavy green line on the map marked “Ryde Local Environmental Plan No 137—Macquarie Park Corridor—Corridor Area” deposited in the office of the Council and also known in this Part as *the Corridor*.
- (2) The Council must not grant consent to development of land to which this clause applies unless it has considered whether the proposed development complies with:
 - (a) the planning principles and objectives for the Corridor set out in Schedule 18 and clause 94, and
 - (b) the objectives and development standards for floor space ratios set out in clause 96, and
 - (c) the objectives and development standards for building height set out in clause 97, and
 - (d) the objectives and development standards for off-street parking set out in clause 98.

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94 Objectives for the Macquarie Park Corridor

The objectives for the Macquarie Park Corridor are:

- (a) to promote Macquarie Park Corridor as a premium location for globally competitive businesses with strong links to the university and research institutions and an enhanced sense of identity, and
- (b) to implement the State Government's strategic objectives of integrating land use and transport, reducing car dependency and creating opportunities for employment in areas supported by public transport, and
- (c) to guide the quality of future development in the Corridor, and
- (d) to ensure that the Corridor is characterised by a high-quality, well designed and safe environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points, and
- (e) to ensure that residential and business areas are better integrated and an improved lifestyle is created for all those who live, work and study in the area.

95 Saving of certain development applications

- (1) A development application lodged but not finally determined before the commencement of *Ryde Local Environmental Plan No 137* is to be determined as if that plan has been exhibited under the *Environmental Planning and Assessment Act 1979* but had not been made.
- (2) Subclause (1) does not apply in respect of a development application if the applicant requests the Council in writing to determine the application as if subclause (1) were not in force.

96 Floor space ratios

- (1) The floor space ratio of buildings on land in the Macquarie Park Corridor is not to exceed the maximum floor space ratio identified on the map marked "Ryde Local Environmental Plan No 137—Macquarie Park Corridor—Floor Space Ratio Restrictions" deposited in the office of the Council.
- (2) The objectives of the floor space ratio controls within the Macquarie Park Corridor are as follows:
 - (a) to provide effective control over the scale and bulk of future development,

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- (b) to achieve a consolidation of development around the stations, with the highest floor space ratios at the station nodes,
- (c) to allow feasible development of the sites around the stations and facilitate focal points at the station areas,
- (d) to ensure that the peripheral locations of the Corridor reflect the landscape needs and building setting requirements of the corporate building,
- (e) to reinforce the importance and function of the central spine (Waterloo Road and Riverside Main Street) with suitable built form,
- (f) to encourage the provision of a new street network,
- (g) to provide incentive for redevelopment in return for the provision of the proposed access network as a public benefit.

(3) Despite subclause (1), the Council may consent to development of land that results in a floor space ratio in excess of the floor space ratio identified on the map marked "Ryde Local Environmental Plan No 137—Macquarie Park Corridor—Floor Space Ratio Restrictions" deposited in the office of the Council, if:

- (a) the land is identified on that map as containing part of the proposed access network, and
- (b) the additional floor space does not exceed the equivalent of the site area provided for the portion of the access network identified on that map in relation to that land.

(4) The total floor space of any building erected on land specified below must not exceed the floor space specified in relation to that land:

Land known as Nos 109–123 Epping Road, North Ryde, Lot 1 in DP 880284—17,827 square metres.

97 Height of buildings

(1) The height of a building on land within Macquarie Park Corridor must not exceed the height shown for the land on the map marked "Ryde Local Environmental Plan No 137—Macquarie Park Corridor—Height Restrictions" deposited in the office of the Council.

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(2) The objectives for building height controls in the Macquarie Park Corridor are:

- (a) to provide effective control over the scale and bulk of future development, and
- (b) to concentrate building heights around the stations, and
- (c) to provide focal nodes that clearly highlight the role of the stations, and
- (d) to reinforce the important road frontages of Waterloo Road and Lane Cove Road.

98 Off-street parking restrictions

(1) The off-street parking requirements for commercial and industrial development on land within Macquarie Park Corridor must not exceed the rate shown for the land on the map marked "Ryde Local Environmental Plan No 137—Macquarie Park Corridor—Parking Restrictions" deposited in the office of the Council.

(2) The objectives for off-street parking controls in the Macquarie Park Corridor are:

- (a) to acknowledge accessibility by foot, bicycle and public transport, and
- (b) to support the management and supply of parking as the primary means to influence travel behaviour of employees, and
- (c) to provide greater reliance on public transport, and
- (d) to assist in the management of increased car usage and traffic congestion in the Corridor, and
- (e) to ensure a greater mode shift to public transport.

99 Use of certain land for Schedule 12 activities

(1) Despite any other provision of this Ordinance, the total floor space of all buildings erected on any land within Zone No 3 (f) for the purposes set out in Schedule 12 must not exceed 500 m² or an area equivalent to 5% of the site area, whichever is the greater, in relation to that land.

(2) The objectives for restricting Schedule 12 activities in the Macquarie Park Corridor are:

- (a) to provide for the daily convenience needs of employees and visitors, and

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- (b) to ensure that any activities support the needs of businesses and organisations within the development to which the facilities or services relate, and
- (c) to reinforce the station nodes as focal points of activity, supporting a range of retail and commercial activities.

(3) The carrying out of any activity in connection with a purpose referred to in Schedule 12 must be located on the ground floor level.

100 Development of certain land in the Macquarie Park Corridor

- (1) Despite any other provision of the Ordinance, the Council may consent to the carrying out of development for the purpose of a motorway service centre on the following land:
 - (a) part of an unmade section of Talavera Road, part Lot 25, DP 232697, part Lot 27 and Lot 29, DP 232964 and part Lot 49, DP 841065 located on the western side of the M2 Motorway in the vicinity of Talavera Road, North Ryde,
 - (b) part Lots 11, 12, 13, 30, 31 and 32, DP 841065 and part Lot 2, DP 527058 located on the eastern side of the M2 Motorway.
- (2) Despite any other provision of this Ordinance, the Council must not consent to the carrying out of development on the land referred to in subclause (1) for the purpose of a motorway service centre unless it is satisfied that the gross floor area of each motorway service centre is no greater than 700 m².
- (3) Despite any other provision of this Ordinance, the Council may consent to the carrying out of development of the following land for the purpose of a hotel that has both accommodation and conference facilities:
 - (a) Lot 4, DP 1014894 (known as 410–416 Lane Cove Road, North Ryde),
 - (b) Lots 2 and 3, DP 1014894 (known as 7–13 Talavera Road, North Ryde).
- (4) Despite any other provision of this Ordinance, the Council may consent to the carrying out of development on Lot B, DP 434785, known as 37–39 Epping Road, Macquarie Park, for the purposes of the following:
 - (a) commercial premises with a maximum gross floor area of 6082 m²,

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(b) a bulky goods retailing establishment with a maximum gross floor area of 2235 m², but only if the Council imposes a condition that requires on-site car parking on the land to be limited to no more than 180 car spaces by the day on which the Parramatta to Chatswood rail link commences operation.

(5) Despite any other provision of this Ordinance, the Council may consent to the carrying out of development on Lot 4, DP 1014894, known as 410–416 Lane Cove Road, North Ryde, for the purpose of a hotel that has both accommodation and conference facilities.

(6) In subclause (4) (b), ***bulky goods retailing establishment*** means a building or place used for the sale by retail or auction, or the hire or display, of large goods which are of such size, shape and weight as to require:

- (a) a large area for handling, storage or display, and
- (b) easy and direct vehicular access to enable the goods to be collected by customers after sale,

and which include any of the following:

- (c) furniture,
- (d) electrical goods,
- (e) toys or sporting equipment,
- (f) office supplies or furniture,
- (g) hardware,
- (h) outdoor products,
- (i) floor coverings,
- (j) automotive parts and accessories,
- (k) lighting,
- (l) antiques and second-hand goods,
- (m) kitchen or bathroom showrooms,
- (n) tiles (floor, ceiling or wall).

101 Serviced apartments in the Macquarie Park Corridor

Despite any other provision of this Ordinance, the Council must not consent to the carrying out of development in the Corridor for the purpose of serviced apartments unless:

- (a) the development comprises at least 2 self-contained dwellings, and

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- (b) all the dwellings are on a single land title (that is, not on separate strata or other titles), and
- (c) the development includes private or communal facilities that are of adequate size and amenity, such as a laundry, guest reception and waiting area and external open space, and
- (d) the building that is to contain the dwellings is not subject to any residential tenancy agreements within the meaning of the *Residential Tenancies Act 1987*, and
- (e) the building that is to contain the dwellings is not a boarding-house, motel, hospital or hotel.

102 Retail activities in Zone No 3 (g) Business Special (Employment)

Retail activities carried out on any land within Zone No 3 (g) Business Special (Employment) must be located on the ground floor level and must not exceed 2,000 m².

103 Review of provisions

The provisions of this Ordinance, as they apply to the Macquarie Park Corridor, are to be reviewed by the Council within 2 years of the gazettal of *Ryde Local Environmental Plan No 137*.

[11] Schedule 12

Omit the Schedule. Insert instead:

Schedule 12

(Clauses 22 and 99)

Any purpose which is primarily intended to service:

- (a) the daily convenience needs of employees of and visitors to the land and may include shops, restaurants, professional or personal services, recreation facilities and the like, or
- (b) the needs of businesses and organisations within the vicinity of the land and may include business services, clubs, conference and meeting facilities and the like.

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[12] Schedule 18

Insert after Schedule 17:

Schedule 18 Planning principles for Macquarie Park Corridor

(Clause 93)

1 Environmental principles

The environmental principles are as follows:

- (a) to strongly define the public domain and active street frontages in the areas surrounding the proposed railway stations, by close alignment of buildings to the street edge and selection of appropriate street-front uses,
- (b) to ensure a transition between the Corridor development and surrounding areas,
- (c) to encourage higher use of public transport (both rail and bus) by providing safe direct pedestrian and cycle links to bus stops and proposed station entries,
- (d) to provide landscape and street details to unify areas within the Corridor and, where appropriate, integrate with the surrounding natural and built environments,
- (e) to develop innovative, ecologically sustainable, flexible buildings and open spaces,
- (f) to pay special attention to the important interface between new buildings and open spaces, particularly the National Park and existing creek areas,
- (g) to establish a permeable street pattern that provides several links to the surrounding street system and provides an internal grid system,
- (h) to provide efficient layout of parking and loading facilities, screened from view of streets,
- (i) to take advantage of northerly aspect to create pleasant outdoor public and semi-public spaces,
- (j) to minimise overshadowing of open spaces,
- (k) to provide a central public space that contributes to the vitality and sustainability of the Corridor,
- (l) to incorporate ecological sustainable development measures into the design of new developments in the areas

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of energy conservation, waste management, water conservation and ecological enhancement,

(m) to minimise the impact of traffic noise on the occupants of future developments.

2 Social principles

The social principles are as follows:

- (a) to incorporate the principles of “Safer by Design” into the design of all new buildings and open spaces areas,
- (b) to provide easy pedestrian and cycle access for both able-bodied and mobility-impaired people, throughout the Corridor both in the public domain and within private developments,
- (c) to improve pedestrian and cycle connections between the Corridor and surrounding residential areas and minimise environmental impacts on the locality generally,
- (d) to provide buildings that are designed to accommodate the needs of people with disabilities,
- (e) to encourage the creation of common spaces within private developments that promote social interaction,
- (f) to ensure that all buildings have easy, safe vehicular access and street address,
- (g) to provide open space, located in a manner appropriate to interface with adjacent areas and provide recreation opportunities for workers,
- (h) to promote the notion of a viable and vibrant employment area with a central civic space, in the vicinity of Macquarie Park Station, that provides a focus for community and government activities,
- (i) to provide 24-hour access for authorised emergency vehicles in accordance with the relevant Australian Standards,
- (j) to provide buildings that are designed with well-defined and accessible entrances.

3 Economic principles

The economic principles are as follows:

- (a) to provide flexible buildings that are adaptable to the changing floor plate and layout needs of commercial and high-tech industries over time,

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- (b) to provide a variety of floor plate sizes to suit a range of businesses,
- (c) to promote a central location for civic and government activities,
- (d) to facilitate the continuance of existing “non conforming” uses in the short term,
- (e) to permit limited residential uses in appropriate identified areas provided they do not undermine the economic viability of the planned commercial and high-tech industrial function of the Corridor.

BY AUTHORITY