

2006 No 265



New South Wales

Ryde Local Environmental Plan No 143—Ryde Town Centre

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*. (9039413/S69-1)

FRANK SARTOR, M.P.,
Minister for Planning

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Clause 1

Ryde Local Environmental Plan No 143—Ryde Town Centre

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1 Name of plan

This plan is *Ryde Local Environmental Plan No 143—Ryde Town Centre*.

2 Aims of plan

The plan aims to amend the *Ryde Planning Scheme Ordinance*:

- (a) to introduce new zoning, planning and design provisions for the Ryde Town Centre, and
- (b) to rezone certain land adjoining Ryde Park to Zone No 6 (a) Open Space: Recreation Existing, and
- (c) to encourage a mix of land uses within the Ryde Town Centre, and
- (d) to encourage high quality design in all new development and within the public domain in the Ryde Town Centre, and
- (e) to replace the definitions of ***nett useable floor area*** and ***storey*** in the *Ryde Planning Scheme Ordinance*.

3 Land to which plan applies

This plan applies to:

- (a) in relation to the amendment of clause 3 (Interpretation) set out in Schedule 1 [1] and [2] to this plan—all land to which the *Ryde Planning Scheme Ordinance* applies, and
- (b) in relation to all other amendments—the land shown coloured light yellow and edged with a broken black line on Sheet 1 of the map marked “Ryde Local Environmental Plan No 143 Ryde Town Centre” deposited in the offices of the Council of the City of Ryde.

4 Amendment of Ryde Planning Scheme Ordinance

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 3 Interpretation

Omit the definitions of *nett useable floor area* and *storey* from clause 3 (1).

Insert instead:

nett useable floor area means floor space, excluding the following:

- (a) walls,
- (b) stairs, lobbies, corridors and other space permanently set aside for circulation,
- (c) lift wells and service ducts,
- (d) toilets and space permanently set aside for common storage,
- (e) plant, machinery and service areas, including service corridors and garbage areas,
- (f) car park ticketing booths, trolley return areas and associated storage space,
- (g) kiosks, but only if temporary and designed to be readily relocated, and placed within public circulation areas,
- (h) terraces, balconies or like spaces with walls less than 1.5 metres high.

storey means the space within a building situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above, but does not include a part of a building (such as a basement) that does not extend more than 1.2 metres above natural ground level.

[2] Clause 3 (1)

Insert in alphabetical order:

Reduced Level or *RL* means height above the Australian Height Datum.

[3] Clause 3 (1)

Insert in appropriate order in the definition of *scheme map*:

Ryde Local Environmental Plan No 143—Ryde Town Centre Zones

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Schedule 1 Amendments

[4] Clause 22 Erection or use of building or works

Insert before the matter relating to Zone No 3 (uv) in the Table to the clause, in Columns I–V, respectively:

(tc) Business ... (Town Centre). Light blue with dark blue hatching and lettered 3 (tc).	Any purpose other than those referred to in Column V.	Agriculture; brothels; bulk stores; caravan parks; car repair stations; gasholders; industries referred to in Schedule 3; institutions; junk yards; liquid fuel depots; mines; motor showrooms; service stations; stock and sale yards; storage yards.
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[5] Clauses 51F–51J

Insert after clause 51E:

51F Development in Ryde Town Centre

Consent must not be granted to development on land shown coloured light yellow and edged with a broken black line on the map marked “Ryde Local Environmental Plan No 143 Ryde Town Centre” deposited in the office of the Council of the City of Ryde, unless, in the opinion of the consent authority, the development is consistent with the planning principles set out in Schedule 19.

51G Development precincts in Ryde Town Centre

Consent must not be granted to development in a precinct identified on the map marked “Ryde Local Environmental Plan No 143 Ryde Town Centre Precincts” deposited in the office of the Council of the City of Ryde, unless, in the opinion of the consent authority, the development complies with the planning controls set out in Schedule 20.

51H Maximum RL or maximum number of storeys for buildings in Ryde Town Centre

- (1) Consent must not be granted to the erection of a building on land shown on the map marked “Ryde Local Environmental Plan No 143 Ryde Town Centre Height” deposited in the office of the Council of the City of Ryde if either or both of the following applies:

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- (a) the highest part of the proposed building (including antennae, roof features, lift overruns and plant) exceeds the maximum RL shown for the land on that map,
- (b) the number of storeys of the proposed building exceeds the maximum number of storeys shown for the land on that map.
- (2) Despite subclause (1), in relation to that part of Precinct 2 shown hatched on “Ryde Local Environmental Plan No 143 Ryde Town Centre Maximum RL Variation Precinct 2” deposited in the office of the Council of the City of Ryde, consent may be granted for the construction of a building that exceeds RL 91, but only if no part of the proposed building (including antennae, roof features, lift overruns and plant) exceeds RL 105.
- (3) Despite subclause (1), consent must not be granted to the erection of a building on land shaded lightest blue on the map referred to in that subclause unless the consent authority has taken into account the impact the proposed building may have on adjoining properties.
- (4) Without limiting subclause (3), when taking into account the impact a proposed building may have on adjoining properties, the consent authority is to consider the following:
 - (a) overshadowing,
 - (b) overlooking,
 - (c) loss of privacy.
- (5) The provisions of *State Environmental Planning Policy No 1—Development Standards* do not apply to any development standard imposed by this clause.

51I Development of certain land in the Ryde Town Centre

Despite any other provisions of this Ordinance, consent may be granted to the carrying out of development for the purposes of a motor showroom on land in Precincts 6, 7 and 8 (as identified on the map marked “Ryde Local Environmental Plan No 143 Ryde Town Centre Precincts” deposited in the office of the Council of the City of Ryde).

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51J Development of land adjoining precinct and height boundaries

- (1) This clause applies to land that:
 - (a) is shown coloured light yellow and edged with a broken black line on Sheet 1 of the map marked “Ryde Local Environmental Plan No 143 Ryde Town Centre” deposited in the office of the Council of the City of Ryde, and
 - (b) is not within any precinct identified on the map marked “Ryde Local Environmental Plan No 143 Ryde Town Centre Precincts” deposited in the office of the Council of the City of Ryde or within any height zone on the map marked “Ryde Local Environmental Plan No 143 Ryde Town Centre Height” deposited in the office of the Council of the City of Ryde.
- (2) Nothing in this Ordinance prevents consent being granted to the carrying out of development on land to which this clause applies for any purpose which is permissible in an adjoining precinct.
- (3) Development permitted under this clause must comply with development standards applying to development of the same kind in the adjoining precinct.

[6] Schedules 19 and 20

Insert in appropriate numerical order:

Schedule 19 Planning principles for Ryde Town Centre

(Clause 51F)

1 Regional role

Development within the Ryde Town Centre is to contribute to the status of the land as an important retail, business, employment, recreational, entertainment, civic and residential centre.

2 Sustainable planning and development

- (1) Development is to minimise energy, water and materials use and resultant pollutants (such as greenhouse gases, stormwater liquid and solid waste) during the construction and life cycle of the development.
- (2) Planning and development is to ensure that social, economic and environmental issues are considered together and with proper regard for their mutual and cumulative impacts.

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- (3) Development is to enhance employment, recreation and residential opportunities, and encourage adaptable living environments, in the Ryde Town Centre.
- (4) The comprehensive redevelopment of Precinct 2 (the Town Core Precinct), as identified on the map marked “Ryde Local Environmental Plan No 143 Ryde Town Centre Precincts” deposited in the office of the Council of the City of Ryde (the **Precinct Map**), is to include a mix of residential, recreation, civic and commercial development and contribute to the revitalisation of the Ryde Town Centre.
- (5) Residential development (with the exception of Precincts 9, 10, and 11 as identified on the Precinct Map) is to provide a variety of housing (including affordable housing) to accommodate a range of income groups and increase housing choice.

3 Public domain

- (1) All planning, design and development activities must take account of and effectively respond to the linkages and interfaces between public space and private land and create a high quality physical setting for buildings.
- (2) Development is to create a safe and accessible public domain that will be enjoyed by shoppers, residents, workers and visitors. Active uses are to be located along pedestrian thoroughfares and streets.
- (3) Development of the public domain is to facilitate pedestrian movement and cycling between precincts within the Ryde Town Centre and surrounding areas.
- (4) Public streets and public domain spaces are to be created in accordance with relevant Council policies, and have regard to the *Ryde Park Master Plan* and the *Ryde Town Centre Public Domain Plan*.

4 Urban form

- (1) Development is to demonstrate design quality and respond appropriately to the landmark qualities of the ridgeline, gateway locations and to places of heritage significance within Ryde Town Centre.
- (2) Urban form, including public domain enhancements, land use, height and appropriate built form, are to contribute to an individual identity for each precinct identified on the Precinct Map.

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- (3) Development is to provide a transition between the Town Centre and adjoining residential areas with complementary land-uses and the scale and massing of built form.

5 Transport and access

- (1) Development is to promote a compact working and living environment to maximize the efficient use of resources and infrastructure provisions.
- (2) The safety, amenity and convenience of pedestrians and cyclists is to be considered in all development.
- (3) Public transport use will be promoted by the provision of facilities for users.

Schedule 20 Planning controls for Ryde Town Centre Precincts

(Clause 51G)

1 Precinct 1—Civic/Mixed Use

- (1) The maximum nett useable floor area for Precinct 1 is 100,000 m².
- (2) This subclause applies to development for the purpose of the erection of any building, or for additions to any existing building, in Precinct 1 which would result in:
 - (a) the total nett useable floor area in all buildings in the Precinct exceeding 20,000 m², or
 - (b) residential use in the Precinct.
- (3) Except in the case where a development application is for the development of the whole Precinct, consent must not be granted for development to which subclause (2) applies.
- (4) Consent must not be granted for development to which subclause (2) applies unless the consent authority has considered the following:
 - (a) an Access Management Plan (addressing vehicular, bicycle, pedestrian and public modes of transport),
 - (b) a Design Quality Plan,
 - (c) a Public Domain Enhancement Plan,
 - (d) an Arts and Cultural Plan,
 - (e) an Economic Impact Report,

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- (f) a Social Impact Report,
- (g) a Staging Plan,
- (h) a Construction Management Plan,
- (i) a 3D Computer Model of the development.

(5) If consent has previously been granted to development to which subclause (2) applies, this clause does not prevent the consent authority from subsequently granting consent to a development application that seeks to modify the development that was the subject of the initial development application, whether before or after completion. In such a case, if the consent authority is satisfied that compliance with subclause (3) or one or more of the paragraphs of subclause (4) is not necessary, consent may be granted without compliance with that subclause or the paragraph or paragraphs.

(6) Car parking provided in excess of the standards set out in *Ryde Development Control Plan 29A Parking* is not to be included in the calculation of nett useable floor area for the purposes of this clause, if the car parking is designed and located so that it is not visible when viewed from public streets, thoroughfares and plazas.

2 Precinct 2—Town Core

- (1) The maximum nett useable floor area for Precinct 2 is 150,000 m² with a land use mix that includes:
 - (a) a minimum 15% being residential development, and
 - (b) a maximum 45% being development for the purpose of shops.
- (2) An adequate mix of land uses in the Precinct will be achieved.
- (3) This subclause applies to development in Precinct 2 that would result in:
 - (a) the total nett useable floor area in all buildings in the Precinct exceeding 30,000 m², or
 - (b) residential use in the Precinct.
- (4) Consent must not be granted for any application for development to which subclause (3) applies in Precinct 2, unless:
 - (a) the development application is a development application for the development of the whole Precinct, and

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(b) the development application proposes an integrated traffic solution for Precincts 1 and 2, that, to the satisfaction of the consent authority, takes account of the total development potential of both Precincts, and includes the following:

- (i) primary vehicular access from Devlin Street utilising grade separation in the form of access ramps and underpasses under Devlin Street and into basement car parking, and
- (ii) is consistent with the map marked *Devlin Street Integrated Traffic Solution* deposited in the office of the Council of the City of Ryde.

(5) Consent must not be granted to an application for development to which subclause (3) applies unless the proposed development includes the following:

- (a) a north-facing plaza of not less than 2,000 m², with a finished level at approximately RL 56 AHD and with a minimum dimension of 30 metres (in any direction) and direct pedestrian access to Pope Street. A minimum area of 1,500 m² within the total 2,000 m² plaza must be publicly accessible at times as determined by the consent authority,
- (b) a main thoroughfare of not less than 10 metres wide running approximately north-south and connecting the plaza and Pope Street to Blaxland Road. The main thoroughfare is to be free of vehicular traffic access (excluding service vehicles) and is to be open to pedestrians for at least 12 hours each day. Colonnades on either side of the thoroughfare should be provided for pedestrian comfort,
- (c) community related uses, such as a library, located on the corner of Pope Street and Devlin Street, of not less than 2500 m² nett useable floor area at one level in the building, which may include not more than 700 m² of nett useable floor area at a mezzanine level. The community related uses must include:
 - (i) direct access from the plaza at approximately RL 56,
 - (ii) direct access from Pope or Devlin Street,
 - (iii) at least 100 m² nett useable floor area at the same level as the public street,
 - (iv) at least 100 m² nett useable floor area at the same level as the plaza,
 - (v) floor to ceiling height of not less than 6 metres clear and capable of containing mezzanine levels,

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- (d) a long day childcare centre catering for at least 60 children, including babies, toddlers and pre-schoolers and the provision of an occasional childcare centre for at least 40 children,
- (e) subject to RTA, all weather protected footbridges with a lift with capacity for not less than 12 persons that, in the opinion of the consent authority, demonstrates design excellence connecting areas west of Devlin Street to:
 - (i) the southern end of Precinct 2 (Town Core) and that has a footway, not less than 3 metres wide, and
 - (ii) the northern end of Precinct 2 (Town Core) and that has a footway, not less than 4 metres wide.
- (6) When granting consent to development to which subclause (3) applies, the consent authority must be satisfied that the component of the development that comprises the integrated traffic solution (as referred to in subclause (4) (b)) is to be completed to the satisfaction of the consent authority before the occupation of any building that is the subject of the consent.
- (7) Car parking provided in excess of the standards set out in *Ryde Development Control Plan 29A Parking* are not to be included in the calculation of nett useable floor area for the purposes of this clause, if the car parking is designed and located so that it is not visible when viewed from public streets, thoroughfares and plazas.
- (8) Consent must not be granted for development under subclause (3) unless the consent authority has considered the following:
 - (a) an Access Management Plan (addressing vehicular, bicycle, pedestrian and public modes of transport),
 - (b) a Design Quality Plan,
 - (c) a Public Domain Enhancement Plan (that will assist to implement the *Ryde Park Master Plan* and the *Ryde Town Centre Public Domain Plan*),
 - (d) an Arts and Cultural Plan,
 - (e) an Economic Impact Report,
 - (f) a Social Impact Assessment and Report,
 - (g) a Staging Plan,
 - (h) a Construction Management Plan,
 - (i) a 3D Computer Model of the development.

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- (9) If consent has previously been granted to development to which subclause (2) applies, this clause does not prevent the consent authority from subsequently granting consent to a development application that seeks to modify the development that was the subject of the initial development application, whether before or after completion. In such a case, if the consent authority is satisfied that compliance with one or more of the provisions of subclauses (4), (5) and (8) is not necessary, consent may be granted without compliance with the provision concerned.
- (10) Subclause (4) does not apply to a development application that, in the opinion of the consent authority, is a subsequent development application to a staged development application for which consent has been granted.

3 Precinct 3—Main Street

- (1) Despite clause 51H, consent may be granted for development on land in Precinct 3 for the purpose of a building that is five storeys or less in height if:
 - (a) the development site is at least 900 m² in area, and
 - (b) the proposed development provides laneway access in accordance with *Ryde Town Centre Development Control Plan 56*.
- (2) **Site amalgamation and the redevelopment of land within the area bounded by Blaxland Road, Devlin Street, Tucker Street and Pope Street**
This subclause applies to land within the area bounded by Blaxland Road, Devlin Street, Tucker Street and Pope Street that is not within Precinct 2.
- (3) Despite any other provision of this Ordinance, clause 51H (2) (which relates to Precinct 2) of this Ordinance and clause 2 of this Schedule apply to the following development:
 - (a) development relating to one or more lots in the land to which subclause (2) applies, together with one or more lots in Precinct 2, that involves the amalgamation of those lots into a single allotment, or
 - (b) development on a single allotment which has resulted from the amalgamation of one or more allotments in Precinct 2 with one or more allotments in Precinct 3.

BY AUTHORITY