

Winston Langley
Attention: David Hynes

By email: d.hynes@winstonlangley.com.au

2 August 2022

Our Ref: LEP2022/2/1/3 (D22/97728)

Dear Mr Hynes,

Proposed Planning Proposal to rezone 146 Vimiera Road, Marsfield from RE2 (Private Recreation) to Part R2 Low Density Residential and Part RE1 Public Recreation

I refer to the abovementioned proposed planning proposal, previous correspondence, and meetings with Council.

A preliminary assessment of the proposal has been undertaken against relevant strategies to determine the strategic merit of the proposal. This assessment has found that the proposal does not comply with relevant strategies or, there is uncertainty in the delivery of the parts of the proposal that are relied upon to provide strategic consistency.

Strategic Consistency

Review of the planning proposal for strategic consistency against the relevant State and Local land use strategies indicates that the proposal is partly consistent with the housing provisions of the North District Plan and Council's Local Strategic Planning Statement (LSPS). However, the proposal is not consistent with the Open Space Future Provision Strategy (OSFPS).

The housing and other strategic consistencies, such as increase to tree canopy, carbon emission reduction, infrastructure provision, etc, are heavily reliant on the masterplan that has been submitted with the application. However, the planning proposal has limited legal mechanisms to provide any certainty that the masterplan proposals will be delivered.

It is acknowledged that an amendment to the DCP is also proposed and elements of design and landscaping can be included in that DCP amendment (Subject to separate process). However, in the absence of certainty of masterplan delivery and how the site will be developed, much of the strategic merit is uncertain. This includes; tree canopy cannot be ensured on

individual, privately owned lots; complying development introduces uncertainty in housing diversity; increased tree canopy within the public domain (streets) would be possible but the overall layout would need amending to increase street widths, thereby changing the proposed density of the site to achieve the proposed yield.

The uncertainty of the delivery of the development weakens linkages of the proposal with the relevant strategies. Similarly, the proposal is inconsistent with Council's open space strategy as outlined below.

Options for addressing these inconsistencies include a review of the masterplan to ensure that the intended benefits of the proposal are delivered when considering the provisions of the relevant State Environmental Planning Policies (SEPPs) and DCP amendments. Options for addressing the open space inconsistencies are outlined below.

Open Space

The open space proposed in the planning proposal is noted. However, the Open Space Future Provision Strategy (OSFPS) does not identify the need for such open space and, instead, identifies a shortfall of 4 playing fields in the locality to 2036. There would be an even greater shortage beyond 2036. The OSFPS suggests options for addressing this shortfall, including 2 fields at the TG Milner site (the site).

Preliminary feedback was provided by Council prior to lodgement of the planning proposal advising that the proposal be updated to incorporate a full-size playing field and the preparation of an Open Space Needs Assessment.

The submitted TG Millner Fields Open Space and Recreation Needs Assessment (submitted report) explored a variety of qualitative and quantitative measures to justify the position taken in the proposal, i.e., passive open space rather than a full-size field. The argument relies upon various demographic characteristics such as age and CALD as reasons for passive recreation space rather than a full-size field. That argument is noted, but it does not consider the broader challenge faced by Council in providing fields into the future. Nor does the submitted report appreciate that the site, under its current zoning, includes 3 full-size fields, regardless whether it is privately owned. Additionally, the submitted report has misinterpreted OSFPS mapping, suggesting that demand for full-size fields is located elsewhere within the LGA. The OSFPS identified mapping demonstrates that the accessibility gap to full-size fields is based on all potential projects being realised, include two FS fields at TG Milner.

It is noted that the planning proposal will facilitate regional facilities within the Hills locality. However, whilst these facilities are supported, they do not satisfy the identified full-size field capacity gap in the OSFPS.

Playing field provision can be quantified (simplistically) to provide context for this inconsistency by breaking it down into a carrying capacity of hours per week (hrs/wk). In this regard, a grass playing field is considered to provide 30 hrs/wk and a synthetic field provides 50 hrs/wk. It should also be noted that the cost of conversion of an existing playing field to a synthetic field is approximately \$3M. However, it must be noted that this simplistic conversion does not include the significant cost of land acquisition.

Under the OSFPS one to 1.5 playing fields would be required at the site (That is, the site would provide only a proportion of the shortfall of planning fields in the locality, with other sites providing the remaining shortfall). In this simplistically quantified context, the site should provide for up to 45 hrs/wk of playing field time. The planning proposal does not provide a playing field on site and has provided a monetary contribution towards a conversion of an existing field to a synthetic field in lieu of that provision. Based on the cost of such a field, the proposed contribution would cater for approximately 10 hrs/wk. This means that the proposal has a shortfall in relation to playing field provision of 35 hrs/wk, or approximately one playing field.

Options for providing this shortfall would require reviewing and altering the open space and contributions proposed to better address the issues raised above. Should substantial changes be suggested the proposal may need to be withdrawn and resubmitted, noting that Council is seeking to finalise its assessment in accordance with the relevant timeframes associated with the LEP Guideline.

Summary

The abovementioned assessment of the proposal concludes that the strategic merit (consistency) against relevant State and Local strategies is uncertain, principally due to the uncertainty in the delivery of the submitted masterplan. Additionally, the proposal is considered to be inconsistent with the Council's Open Space Future Provision Strategy in that this strategy identifies that the site should provide capacity for at least one to 1.5 full-sized playing fields.

To allow this planning proposal to progress further the following options are available:

- Review location of zone boundary between the R2 and RE1 zone to provide for full size playing field and surrounding passive open space.

This will require a review of the density provisions in relation to lot size map changes.

Note: The amended LEP provision, under the current proposal, would propose amendments to the Lot Size Map for the site to introduce a minimum and maximum lot size of 200m² and 537m² respectively. Council would not propose lots greater than 537m².

- Any amendments as outlined above would presumably require amendment to the Public Benefit offer.
- Provide more certainty as to how and by whom the development will be delivered.

The strategic consistency issues raised in this letter are fundamental to taking the next step of reporting this matter to Council for approval to progress the application. It should be noted that, following that next step, more detailed discussions, and amendments to the finer details of the proposal and DCP amendment will be required.

Advice as to the proposed amendments or otherwise to the planning proposal is required to be submitted to Council by 26 August 2022.

Should you have any queries regarding this application please contact Matthew Owens – Senior Strategic Planner.

Yours Sincerely



Dyalan Govender
Manager Urban Strategy