

## Rezoning Review Briefing Report – PP-2022-1822

*146-150 Vimiera Road, Marsfield – TG Millner Field (132 homes) – Planning proposal seeks to amend Ryde Local Environmental Plan 2014 to rezone the site from R2 Private Recreation to part R2 Low Density Residential and part RE1 Public Recreation; apply a maximum height of 9.5 metres to the part of the site proposed to be zoned R2 Low Density Residential; and insert a new clause in Schedule 1 Additional Permitted Uses to permit ‘semi-detached dwellings’ and ‘attached dwellings’ on the part of the site proposed to be zoned R2 Low Density Residential*

Element	Description
Date of request	19 October 2022 (complete application submitted) ( <b>Attachment A</b> )
Department ref. no	RR-2022-23
LGA	Ryde
LEP to be amended	Ryde Local Environmental Plan 2014
Address	146-150 Vimiera Road, Marsfield
Reason for review	<input type="checkbox"/> Council notified the proponent it will not support the proposed amendment <input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 90/115 days, or failed to submit the proposal after indicating its support
Has council nominated PPA role	No – Council has declined to be the planning proposal authority (PPA) should the Sydney North Planning Panel support the planning proposal proceeding to Gateway. <u>Note:</u> The planning proposal has not formally been considered at a Council meeting, and therefore Council has the option to nominate itself as the PPA. Council comments dated 4 November 2022 clearly state City of Ryde Council declines to be the planning proposal authority should the matter proceed to Gateway.
Consultation	The proponent has undertaken consultation with City of Ryde Council. The planning proposal was not referred to the Ryde Local Planning Panel.
Brief overview of the timeframe/progress of the planning proposal	<b>15 February 2022:</b> Initial presentation to Ryde Council officers regarding the need for change, development and built form options analysis for the site, overview of the preferred master plan. <b>9 March 2022:</b> Further presentation of the master plan and discussion regarding potential public benefits associated with the master plan.

**22 March 2022:** Pre-lodgement meeting held with formal feedback provided in relation to open space; road design; traffic impact assessment; flooding and stormwater drainage; urban design report; concept plans; draft DCP amendment; other studies and information; planning proposal and voluntary planning agreement processes.

**31 March 2022:** Council issued a letter to the proponent documenting pre-lodgement feedback.

**12 May 2022:** Proponent presented updated master plan and details of intended planning proposal submission.

**20 May 2022:** Proponent lodged a complete planning proposal package with Council (**Attachment B**).

**28 June 2022:** Mayoral Minute 16/22 resolution at Council Meeting:

*That Council:*

- (a) Recognise the rich history of the TG Millner playing fields in Marsfield, and the vital importance of large open spaces for our local community.*
- (b) Oppose any plans that reduce or diminish the public's access to green space in Ryde.*
- (c) Instruct the Acting General Manager to take any and all steps necessary to help secure this iconic local landmark as green open space in perpetuity.*

**2 August 2022:** Council issued Request for Information (RFI) letter, requesting a response no later than 26 August 2022 (**Attachment E**).

**10 August 2022:** Meeting between Council planning officers and the proponent to discuss Council's RFI letter.

**25 August 2022:** Proponent submitted a response to Council's RFI letter (**Attachment E**).

**14 September 2022:** Proponent provided further information to Council to address concerns relating to the delivery of design benefits such as proposed tree canopy; and suggested the use of covenants on proposed residential land to prevent certain types of complying development that would compromise the design outcome.

**19 October 2022:** Proponent submitted a complete Rezoning Review request package with the Department.

**25 October 2022:** Council Meeting resolution:

- (a) That Council reinforce its previous resolution of 28 June 2022 with the following additions:*
- (b) That Council endorse the submission attached to this report.*
- (c) That the submission be forwarded to the Department of Planning and Environment for consideration.*
- (d) That Council undertake a community awareness campaign to advise our community of the need to retain the TG Millner fields as open space in perpetuity and the City of Ryde's desire to achieve this open space outcome.*
- (e) That Council write to the Prime Minister, Premier of NSW, the NSW Minister for Planning, the Member for Ryde, the Member for Epping, the Member for Lane Cove, and the Member for Bennelong advising of our position and seeking*

Element	Description
	<i>their commitment or re-affirmation of their support for the retention of this important public recreational open space.</i>
Department contact:	Yolande Miller, Senior Planner, North District

## Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Context	<p>The site is located in the suburb of Marsfield within the Ryde Local Government Area (LGA). Marsfield is located at the edge of Macquarie University and Macquarie Park, and 14km north-west of the Sydney CBD. Marsfield is characterised by predominately low-rise housing, with educational institutions and local retail.</p> <p>Marsfield and the site are in near Macquarie Park, which is a well-established employment, education and services precinct with high-density residential apartment buildings.</p> <p>Macquarie Park is identified as an Innovation Precinct which envisages new jobs, homes and open space. The NSW Government's Macquarie Park Innovation Precinct Place Strategy (August 2022) has established a framework for creating an additional 20,000 jobs over the next 20 years, supported by up to 7,650 new homes. The Strategic Services and Infrastructure Assessment (SISA) prepared to support the development of the Place Strategy outlines a need to deliver an additional 25 hectares for sporting facilities and fields within the Precinct, or on underutilised land in proximity to Precinct.</p>
Site Area	6.17 hectares (approximately)

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Element	Description
Site Description	<p>The site is legally described as Lot 7 in DP 1046532 with frontages to Vimiera Road (200m wide) and Thelma Street (55m wide), with vehicular access to both street frontages, and also a 4.5m-wide undeveloped access handle connecting through to Culloden Road (<b>Attachment C</b>).</p> <p>Existing development on site comprises:</p> <ul style="list-style-type: none"><li>• the TG Millner Field, which is a district-grade playing field with grandstand seating, and a range of associated structures used by Eastwood Rugby.</li><li>• A large informal rugby training area, located in the south-eastern portion of the Site (equivalent in size to two full sized rugby fields).</li><li>• The NRRSL Sports Club, a registered club which includes bar, bistro and gaming facilities, is located in the centre of the Site adjacent to the TG Millner Field.</li><li>• A 78-place childcare centre, located on a portion of the Site leased from NRRSL adjacent to the northern boundary near Vimiera Road.</li></ul>
Proposal summary	<p><u>Stated Objectives</u></p> <p>To facilitate a suitable land use to enable development of the land following the cessation of use by North Ryde RSL and Eastwood Rugby, allowing the clubs to re-invest in suitable new facilities for their members.</p>
	<p><u>Stated Intended Outcomes</u></p> <p>The planning proposal's accompanying indicative master plan sets out the intended outcome for the site. The scheme contemplates:</p> <ul style="list-style-type: none"><li>• Approximately 132 dwellings across lots ranging in size between 188-537 sqm with six key dwelling typologies comprising semi-detached and attached (terrace) dwellings.</li><li>• Delivery of a new public park fronting Vimiera Road with an area of approximately 10,000sqm, including full-sized basketball/multi-purpose sports court, an all-abilities play space, pedestrian paths, seating and fitness equipment.</li><li>• Stormwater management and water-sensitive urban design infrastructure, including infrastructure to manage overland flows from surrounding properties.</li><li>• Planting of 570 additional trees across the site, to provide total site canopy cover of approximately 65%.</li><li>• New internal public roads with two vehicular connections to Vimiera Road.</li></ul>

Element	Description
	<ul style="list-style-type: none"> <li>• Pedestrian access to Thelma Street to provide walkable community access to the new park.</li> </ul> <p><u>Stated Explanation of Provisions</u></p> <p>The planning proposal seeks to amend Ryde Local Environmental Plan 2014 in relation to 146-150 Vimiera Road, Marsfield to:</p> <ul style="list-style-type: none"> <li>• rezone the site from RE2 Private Recreation to part-R2 Low Density Residential and part-RE1 Public Recreation;</li> <li>• include a Schedule 1 Additional Permitted Use clause that permits 'semi-detached dwellings' and 'attached dwellings' on the portion of the site proposed to be zoned R2 Low Density Residential; and</li> <li>• apply a maximum building height (none existing) of 9.5 metres to the portion of the site proposed to be rezoned R2 Low Density Residential.</li> </ul>
	<p><u>Stated Need for the Planning Proposal</u></p> <p>The planning proposal is not the direct result of the Ryde Local Strategic Planning Statement (LSPS), any specific strategic study or report. However, it is stated that the planning proposal is closely aligned with and will deliver upon the strategic intent of the LSPS, Ryde Housing Strategy and other strategic planning strategies.</p>
<p><b>Relevant State and Local Planning Policies, Instruments</b></p>	<ul style="list-style-type: none"> <li>• Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018)</li> <li>• North District Plan (March 2018)</li> <li>• Ryde Local Environmental Plan 2014</li> <li>• Ryde Local Strategic Planning Statement 2020</li> <li>• Ryde Local Housing Strategy 2020</li> <li>• Ryde Open Space Future Provision Strategy (2021)</li> </ul>
	<ul style="list-style-type: none"> <li>• Ministerial Directions / Local Planning Directions <ul style="list-style-type: none"> <li>○ 1.1 Implementation of Regional Plans</li> <li>○ 1.4 Site Specific Provisions</li> <li>○ 4.1 Flooding *</li> <li>○ 4.4 Remediation of Contaminated Land</li> <li>○ 5.1 Integrating Land Use and Transport</li> <li>○ 6.1 Residential Zones</li> </ul> </li> </ul> <p>* Council note that the land impacted by flooding is in the western portion of the site fronting Vimiera Road and would impact the intended open space area shown in the submitted master plan. However, the Department notes that the planning proposal indicates land within the flood planning area is also in the north-eastern area of the site, which is proposed to be rezoned from a Recreation zone to a</p>

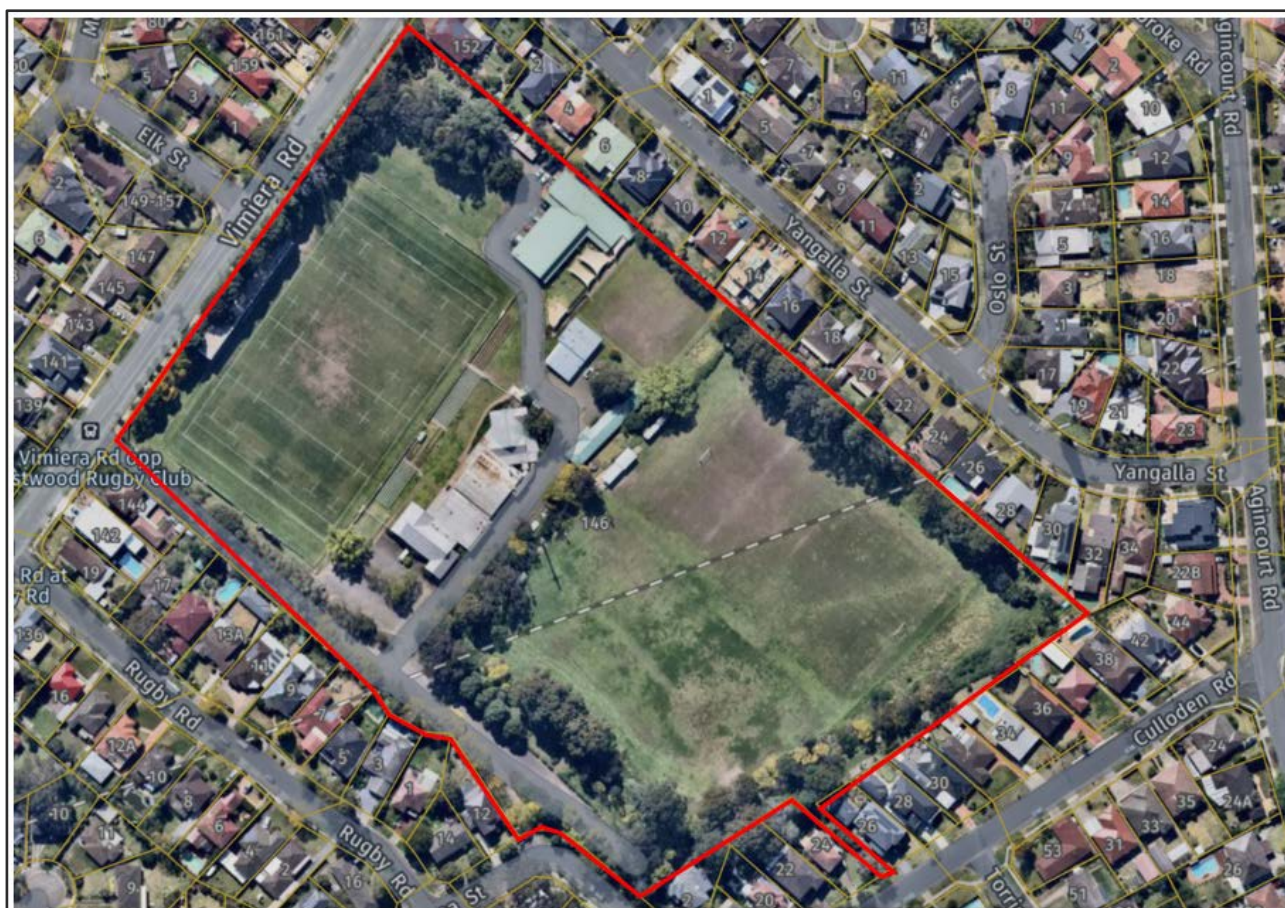


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Element	Description
	<p>Residential zone. Further information will be required should the Sydney North Planning Panel determine the planning proposal should proceed to Gateway determination.</p> <ul style="list-style-type: none"><li>• State Environmental Planning Policies<ul style="list-style-type: none"><li>○ SEPP (Building Sustainability Index: BASIX) 2004</li><li>○ SEPP (Exempt and Complying Development Codes) 2008</li><li>○ SEPP (Housing) 2021</li><li>○ SEPP (Transport and Infrastructure) 2021</li><li>○ SEPP (Planning Systems) 2021</li></ul></li></ul>

**Figure 1. Subject site** (source: Nearmap; aerial dated 12/09/22; site outlined in red)



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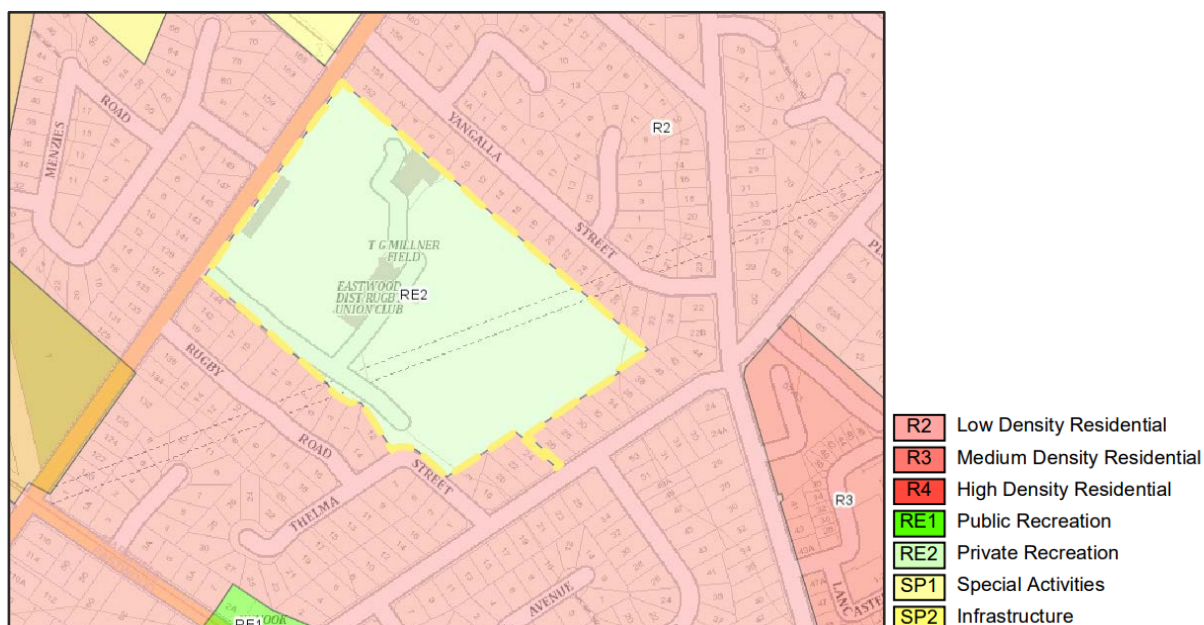
The planning proposal seeks to amend the Ryde LEP 2014 per the changes below.

**Table 2. Current and proposed controls**

Control	Current	Proposed
<b>Zone</b>	RE2 Private Recreation	Part R2 Low Density Residential Part RE1 Public Recreation
<b>Maximum height of the building</b>	N/A	9.5m
<b>Floor space ratio</b>	N/A	N/A
<b>Minimum lot size</b>	N/A	N/A
<b>Number of dwellings</b>	N/A – private recreation	132
<b>Number of jobs</b>	Not stated, however existing jobs relating to the operation of the club and childcare.	During the 2-3 year construction period, approximately 462 direct and 702 indirect jobs (FTE job years)
<b>Schedule 1 Additional Permitted Use</b>	N/A	Permit 'semi-detached dwellings' and 'attached dwellings' on the part of the site proposed to be zoned R2 Low Density Residential

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

**Figure 2. Current zoning** (source: ePlanning Spatial Viewer; site outlined in yellow)





**Figure 3. Indicative master plan** (source: Planning Proposal / DKO)



## Council Comments

The Department notified City of Ryde Council of the Rezoning Review request on 24 October 2022 and requested any comments and additional information on the planning proposal within 21 calendar days. Council provided their response on 4 November 2022 (**Attachment F**) and confirmed the planning proposal (dated 11 May 2022) and accompanying documentation are the same as those lodged and considered by Council planning officers.

## Key Issues

### Issue no. 1

#### **Consistency with the City of Ryde Open Space Future Provision Strategy (2021)**

##### **Council view**

- City of Ryde's Open Space Future Provision Strategy (OSFPS) is a Council adopted Strategy and is a relevant consideration for the assessment of a planning proposal, as are the provisions of the Ryde's Local Strategic Planning Statement (LSPS) and the North District Plan.
- Council's OSFPS identifies a current shortfall and future need for additional playing fields in the locality.
- Specifically, the OSFPS 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 Millner site (the site).
- The OSFPS indicates that ongoing provision of formal active recreation will be needed on the site in order to keep pace with projected growth and demand in the Ryde LGA.
- In the Ryde LGA there is a chronic lack of open space for sports and recreation. The current proposal exacerbates this shortage of open space.
- Under the existing zoning, the site includes 3 full-size fields, regardless of whether it is privately owned, they make significant contributions to the well-being of the community and contribute to the capacity for sport and recreation within the Local Government Area.
- The planning proposal does not consider the use restrictions that private management of the site has on the current utilisation of the site. Public management of the site would significantly increase the community use of the overall site and open the use of the playing fields to a broader range of sporting activities.

## Proponent view

- Council's Open Space Future Provision Strategy is a policy that guides Council's own actions in the delivery of new open space and playing fields within the City of Ryde LGA.
- The OSFPS is not a strategic land use planning policy that should be used to assess the planning proposal. It does not rezone or acquire land, or require the dedication of land by private landowners.
- The OSFPS is not intended to inform or dictate the development decisions of private landowners. There is no evidence of Council applying the OSFPS to other Planning Proposals or development proposals to require other private landowners to deliver playing fields.
- It is incorrect and misleading for Council to assert that the OSFPS requires the provision of playing fields at the TG Millner Field site, but rather it identifies a range of options that Council can pursue.
- Council can meet the identified need for additional playing fields in many more cost-effective and beneficial ways than acquiring TG Millner Field.

## Issue no. 2

### Consistency with the North District Plan (2018)

#### Council view

- There is sufficient capacity for housing under current planning controls and a rezoning is not required to meet the housing targets contained in the North District Plan.
- The planning proposal is considered inconsistent with numerous elements of the North District Plan relating to the provision of open space including:
  - *Objective 6 Services and infrastructure meet communities' changing needs*
  - *Objective 7 Communities are healthy, resilient and socially connected.*
  - *Objective 31 Public open space is accessible, protected and enhanced.*
  - *Action 73 Maximise the use of existing open space and protect, enhance and expand public open space by:*
    - a. *providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow*
    - b. *investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential*

*areas (over 60 dwellings per hectare) are within 200 metres of open space*  
*c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved*  
*d. planning new neighbourhoods with a sufficient quantity and quality of new open space*  
*e. delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses*  
*f. delivering, or complementing the Greater Sydney Green Grid*  
*g. providing walking and cycling links for transport as well as leisure and recreational trips.*

- The proposed significant net increase in urban tree canopy within the Site may not be delivered as much of the tree canopy increase is based on future privately owned allotments. The enforcement and retention of tree canopy on private land is very uncertain when considering future development on those lots.

## Proponent view

- The planning proposal will contribute 132 dwellings to meet the 2026+ housing targets for the Ryde LGA. This dwelling typology is much-needed within the local area yet is not well accounted for in current forward-planning for the LGA.
- The proposal provides new housing in a location that is within 30 minutes walking distance of the Macquarie Park strategic centre, including housing, early/ primary/ secondary/ tertiary education, health care, services and a fast-growing employment and innovation precinct.
- The proposed DCP amendment envisages the planting of 570 additional trees across the site, providing for a significantly increase urban tree canopy cover of approximately 65% of site area, well above the target established under the District Plan (40%). This will deliver significant improvements to local biodiversity and reduce urban heat to deliver significant environmental, economic and social benefits to the existing and future community.

## Issue no. 3

### Consistency with the City of Ryde Local Strategic Planning Statement

#### Council view

- The planning proposal is not the result of an endorsed LSPS, strategic study or report. The potential provision of low-density housing diversity is generally consistent with the Ryde LSPS and will contribute, in a minor way, to dwelling targets in the North District Plan. However, as found in the Ryde Local Housing Strategy, the Ryde LGA will achieve the dwelling targets with or without additional rezoning of land.
- The rezoning is not required to meet the current housing targets, and Council has other options for the delivery of terrace housing that are not inconsistent with relevant open space objectives.
- The impact on open space provision is considered to be inconsistent with the Ryde LSPS. In particular, the proposal is considered inconsistent with Action OS1.1 of the Ryde LSPS - *"Identify opportunities for collaborating with non-Council open space land owners and private recreation providers in the LGA to increase the range and amount of, and access to, recreation opportunities."*

## Proponent view

- Existing housing stock within the Ryde LGA is characterised by large freestanding houses and, more recently, high-density residential apartments. This Planning Proposal directly addresses the ‘missing middle’ of low-rise compact dwelling forms that are more affordable, convenient, efficient and sustainable. At only two-storeys in height, this typology is wholly compatible with the surrounding low-density neighbourhood whilst offering improved amenity and walkability.
- Providing low-rise diverse housing will assist in meeting the housing needs of young families and older down-sizers who already reside within the Ryde LGA to meet their changing housing needs within the local area, allowing them to maintain existing social connections and relationships with educational institutions, support networks, community organisations and employers. The proposed contribution towards affordable housing (in excess of existing local planning policy requirements) will also deliver significant public benefits.
- Facilitating the coordinated delivery of new housing with significant public amenity will improve liveability and ensure public spaces are well-used and enhance social interaction. The delivery of the proposed 1-hectare public park will cater to a diverse range of recreational needs across the full spectrum of the existing and future community and provide an important meeting point and source of local amenity.

## Issue no. 4

### Existing and proposed open space on the site

#### Council view

- The proposed loss of private recreation land to residential uses and the retention of a portion of this site for informal recreation is not, on balance, considered to be consistent with Council’s strategic open space provision responsibilities and would result in a worsening of potential local access to formal active recreation spaces.
- South of the subject site, residents have poor access to full size outdoor fields and ovals. This worsens in winter when there is a greater demand for outdoor ovals.
- The proposed 10,000 sqm passive recreation park may contribute to the amenity of the immediate development. However, Council, through the Open Space Future Provision Strategy, has identified the need for active playing field on the site to maintain appropriate levels of access to recreation space.

#### Proponent view

- TG Millner Field is a private landholding and is not publicly accessible land. The very limited ongoing use by organisations other than Eastwood Rugby is by hire agreement only at the landowner’s discretion.
- Delivering a full-sized playing field would significantly impact on the feasibility of the planning proposal.
- Provision of a public playing field at the site is not supported by the local community (based on a survey of local residents on behalf of the proponents). Concerns relate to potential increased frequency of usage, light spill from floodlights, and traffic and parking impacts, particularly during weeknight evenings and on weekends.
- The 10,000sqm public park proposed by the planning proposal (to be dedicated to Council) provides passive and informal active recreational space, and a diversity of different recreational opportunities, none of which are presently well catered for within the local catchment.

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- Survey results indicate that if new public open space is provided on the site, there is a strong preference that this open space provides a diverse mix of passive and informal active open spaces that better caters to the recreational needs of the local community surrounding the site.

## Attachments

**Attachment A** – Rezoning Review request (form and cover letter)

**Attachment B** – Planning proposal package

**Attachment C** – Locality maps

**Attachment D** – Existing and proposed LEP mapping

**Attachment E** – Correspondence between Council and the proponent

**Attachment F** – Council's response to the Rezoning Review application

*K Lettice*

Date: 14/11/22

Karen Lettice

Manager, North District

*Brendan Metcalfe*

16 November 2022

Brendan Metcalfe

Director, North District

## Assessment officer

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