

City of Ryde Submission

146-150 Vimiera Road, Marsfield
Rezoning Review (RR-2025-2)

Executive Summary

The 146-150 Vimiera Road, Marsfield Planning Proposal (the Proposal) seeks to amend the Ryde Local Environmental Plan 2014 (RLEP 2014) in relation to the subject site located at 146-150 Vimiera Road, Marsfield, by amending the land use zone from RE2 Private Recreation to part R2 Low Density Residential and part RE1 Public Recreation. In addition, the Proposal seeks to amend Schedule 1 of RLEP 2014 to include semi-detached and attached dwellings as additional uses. A height development standard of 9.5 metres is proposed to be applied for the portion of the site to be zoned R2.

This is the second planning proposal received for this site, prepared by the same consultant and for the same proponent. This planning proposal was lodged on 14 July 2024 and is substantially the same in scope and intended outcomes to the first planning proposal.

In accordance with the Department of Planning and Environment's *Local Environment Plan Making Guidelines*, Council is required to indicate its support within 115 working days after lodgement. The proponent then has the opportunity to request a Rezoning Review. Council made a request to applicant for further information on 6 November 2024, but a response was not received until two days before the 20 December 2025 benchmark timeframe provided in the Plan Making Guidelines. It should be noted that the LEP Making Guidelines timeframes are not statutory requirements.

The submitted planning proposal, prepared by Ethos Urban on behalf of North Ryde RSL, Eastwood Rugby Club, and Vimiera Recreation Grounds Limited, states that it seeks to:

- Rezone the site to part R2 Low Density Residential and part RE1 Public Recreation, and to permit semi-detached and attached dwellings on the part of the site proposed to be zoned R2 Low Density Residential via an additional permitted use clause.
- Apply a maximum building height of 9.5 metres to the portion of the site proposed to be zoned R2 Low Density Residential.
- Dedicate the proposed RE1 Public Recreation area to Council as passive open space.
- Include a site-specific amendment to the Ryde Development Control Plan 2014 (prepared separately to the PP) to give effect to the Master Plan and provide more detailed planning guidance to mitigate future environmental impacts.

The amendment to the Development Control Plan (DCP) is the subject of a separate statutory process. However, should the planning proposal receive a Gateway Determination, Council would endeavour to publicly exhibit the draft DCP amendment concurrently to the planning proposal.

The application states that the planning proposal and master plan include the following:

- Delivery of a new public park fronting Vimiera Road with an area of approximately 10,000m², including full-sized basketball, multi-purpose sports court, an all-abilities play space, pedestrian paths, seating, and fitness equipment.
- Approximately 132 dwellings across lots ranging in size between 188-537m² with six key dwelling typologies comprising detached, semi-detached, and attached (terrace) dwellings.
- Stormwater management and water-sensitive urban design infrastructure, including infrastructure to manage overland flows from surrounding properties.
- Planting of 570 additional trees across the Site, to provide total site canopy cover of approximately 65%.
- New internal public roads with two vehicular connections to Vimiera Road.
- Pedestrian access to Thelma Street to provide walkable community access to the new park.

The Proposal is also accompanied by an offer to enter into a Planning Agreement which is the subject of a separate process. As the Planning Agreement has not been accepted by Council, it cannot be relied upon to address any strategic deficiencies in the current proposal.

The planning proposal, as part of its justification, has highlighted that the subject land is not suitable for heritage listing and that the site is currently underutilised. However, this argument is flawed in that the planning proposal has not appropriately considered the amenity and aesthetic value that the community has for the site. These values relate to the current open space use and the opportunity that the site has to fill the identified shortfall in active public open space in the Ryde LGA. Similarly, the flawed argument 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 promote opportunities to use of the site differently and significantly increase the community use of the overall site, opening use of the playing fields to a broader range of sporting activities.

Council staff 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 merit. There are two main factors in this inconsistency. The first is that the proposal for land use on the site is inconsistent with council's Open Space Future Provision Strategy, 2020 (OSFPS), the recent Sports Field Action Plan, 2023 (SFAP) and inconsistent with numerous elements of the North District Plan relating to provision of space including, Objective 6, 7 and 31, and Action 73. The second is the lack of certainty in the delivery of the submitted master plan under the current proposal, which creates significant uncertainty in the strategic merit and strategic consistency of the proposal. This submission outlines Council's assessment of the Proposal and identifies issues yet to be resolved by the proponent.

Background

On 15 July 2024, Council received a planning proposal seeking to rezone the TG Millner site. A pre-lodgement meeting between the applicant, their consultant and Council was not requested by the applicant. The reference scheme is substantially the same as a previous planning proposal submitted in 2022.

Rezoning Review request was submitted by the proponent on 21 March 2025, as Council did not indicate its support within 120 days after the submission of the planning proposal application.

Planning History

Previous Planning Proposal 2022

The planning proposal (PP-2022-1822) was submitted to Council on 19 May 2022.

Accompanying the planning proposal was a master plan design concept for the R2 and RE1 land development and embellishment. A draft amendment to the DCP was also submitted to Council by the applicant and is the subject of a separate assessment process. An additional information letter was sent to the applicant on 2 August 2022. This letter advised the applicant of the strategic inconsistencies found in the planning proposal assessment and provided the applicant with the opportunity to respond/amend the proposal. The applicant's response to the additional information request, received on 25 August 2022, disagreed with Council's assessment with respect to Open Space impacts and advised that a contingency plan to develop Seniors Housing on the site will also be pursued if the planning proposal is not supported by Council. The applicant also provided further information on 14 September 2022 to address concerns relating to the delivery of design benefits such as the proposed tree canopy; this further information suggested covenants be put in place over the proposed future properties to prevent certain types of Complying Development on the site that would compromise the proposed design outcomes. The use of covenants was not considered an efficient or appropriate mechanism to ensure the proposed benefits of the proposal are achieved.

A Rezoning Review request was submitted by the proponent on 14 September 2022, as Council did not indicate its support within 90 days after the submission of the planning proposal application. The determination of the first Rezoning Review is described in the following section of this submission.

Sydney North Planning Panel Rezoning Review

The 2022 planning proposal (PP2022) was not supported and determined by Council. Instead, the proponent requested the Minister to do a Rezoning Review for a decision on whether PP2022 had sufficient merit to proceed to a Gateway Determination by the Department of Planning Housing and Infrastructure (DPHI). The Minister appointed the Sydney North Planning Panel (SNPP) to do a Rezoning Review. The SNPP determined on 6 December 2023 that PP2022 failed to adequately demonstrate strategic merit. The proposed part R2 Low Density Residential and part RE1 Public Recreation zones for the site were noted to be inappropriate for the following reasons:

- The proposal is inconsistent with the broader planning context of the NSW Strategic Planning framework.
- Increased services and infrastructure, including open space in the Ryde LGA, required by Council and State Strategies have not been met.
- The uncertainty of how open space targets will be met in the context of the Ryde LGAs ongoing exceedance of dwelling targets creating increasing demand for active recreation open space by new residents.
- The site has the potential to contribute to the to the amount of open space needed to service the future population of Ryde LGA.

It should be noted that at the time of the SNPP's decision it understood that "action plans to deliver the required open space are currently being prepared by State and Local Government.". Since that time the State Government has failed to guarantee the delivery of additional on-ground open space for the up-zoned Macquarie Park Transit Orientated Development Precinct. This will exacerbate the identified existing and future active open space shortage in the City of Ryde. Subsequent to the 2022 proposal, Council has produced its Sports Field Action Plan that outlines the existing and ongoing shortfall of active open space in the City of Ryde if sites like the TG Millner Fields are not retained for public recreation.

Furthermore, the SNPP suggested in their reasoning that with the agreement of the Proponent, Council and State Government, the site could make a significant contribution to the delivery of open space infrastructure that supported housing in the Ryde LGA.

It should be noted that the proponent did amend their Voluntary Planning Agreement offer to provide land for a passive park or an active sporting field. This amendment was not supported was not consistent with the Ryde communities recreation needs as expressed in the applicable housing and open space strategies.

Seniors Living Application

The NRRSLC has made a State Significant Development Application (SSDA) to the State Government. The application (SSD-48034208) is at the Planning Secretary's Environmental Assessment Requirements Stage (SEARS). The applicant has been issued a standard "Industry Specific" SEARS for Seniors Housing which requires an assessment of strategic merit of the proposal. An assessment of the value of the site as a major contributor to active open space infrastructure to the overall Ryde Community is not a specific head of consideration in the issued SEARS.

The NRRSLC is currently preparing an EIS to support their SSDA.

The seniors living application cannot form part of the assessment of the planning proposal. The information is provided only as background context.

Housing Delivery Authority Determination

The NRRSLC has pursued the NSW Government's new approval pathway for a proposed large scale residential development on the site to be declared as State Significant Development. An expression of interest was made to the Housing Delivery Authority (HDA) for their site to be deemed a large residential project site that could receive a spot rezoning and a development approval to construct. On the 7 February 2025, the (HDA) recommended that the proposal *not* be declared State Significant Development. Furthermore, it recommended that:

“...the applicant be advised to continue pursuing alternative pathways (planning proposal with the City of Ryde), including working with Council on any potential conversion of recreation land for other uses.”

The HDA's decision noted that the proposal failed to satisfy the objectives and criteria of its charter, including that it did not deliver more homes within the Housing Accord period, was not well located and did not provide a positive commitment to affordable housing.

Site History

On 25 August 2020 Council considered a heritage report, prepared by Kemp and Johnson, titled *Heritage Assessment Report: T.G. Millner Field*, and dated March 2020. The purpose of that report was to investigate the TG Millner Fields site for possible heritage listing. Whilst this report did not recommend the heritage listing of the site, it did make several relevant statements as follows:

- Thomas George (TG) Millner (1887-1986) was a prominent local with links to rugby union and the Eastwood Rugby Club.
- During 1950 and 1951, TG Millner purchased the then owned FA Baylis site facing Vimiera Road (the subject site) from Elizabeth Baylis, FA Baylis' widow.
- Millner sold the Vimiera Road land (the subject land) to the Eastwood Club and loaned the money for the purchase, while a listed club, Vimiera Recreation Grounds Limited, was set up to manage the property.
- The Field has some historical association with TG Millner, who donated the land and is considered to be a figure of local historical significance, however the fabric of the Field does not demonstrate this historical association. The history of the site is capable of interpretation as part of any future redevelopment. The Field is likely to have some level of social significance to the various associated sports organisations and users of the Club and sports facilities, however this social significance is likely to relate more to the amenity of the site for the community (an exclusion criterion for heritage listing).
- Any social significance of the TG Millner Field is likely to relate to the community amenity of the site (an exclusion criterion), and such amenities are capable of relocation.

As shown from the above heritage study statements, TG Millner purchased the land in 1950 and in the 1960s donated the land to the Eastwood Rugby Club via a sale funded by him lending the money to the club. The Vimiera Recreation Grounds Limited was set up, like a Trust, to manage the property.

It is noted that the above heritage report suggests that the community amenity link to the site has some social significance but “*such amenities are capable of relocation*”. However, this relocation suggestion is made in the context of the report assessing the site for heritage listing in isolation to the overall planning for the locality. The open space and amenity of the subject site (donated for such use) is significant and to relocate such amenity and facilities elsewhere in the Ryde LGA would be almost impossible. In this regard the open space significance of the site cannot, and should not, be underestimated.

Much of the planning proposal argument is that the land has no historical significance and hence, being privately owned, can be sold or developed. However, this argument is flawed in that it overlooks the abovementioned social and amenity value that this large parcel of land (originally donated to the community for recreational use) has to the wider community, and its ability to fill a real gap in the open space provision in the Ryde Local Government Area.

The Site

The Planning Proposal site (Lot 6 in DP 1046532) is known as the TG Millner playing fields at 146 Vimiera Road, Marsfield. The site is surrounded by existing residential development as shown in Figure 1.



Figure 1: Aerial Image of the site and immediate surrounds (Source: RydeMaps).

Marsfield is located between Macquarie University and Macquarie Park to the east and Epping to the west and is approximately 14km north-west of the Sydney CBD. Marsfield is characterised by predominately low-rise housing, with educational institutions and local retail. The Terrys Creek bushland is located to the west of the site.

The land surrounding the site is generally zoned RE2 Low Density Residential and characterised by one and two storey residential dwellings. A land parcel to the northwest of the site is zoned as SP2 (Research Facility) currently occupied by the CSIRO.

The Site is located approximately 400m south of Epping Road and has an approximate area of 6.17 hectares. The site has road 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.

The Site is currently occupied by Eastwood Rugby Club, the North Ryde RSL Sports Club and a 78-place childcare centre. Existing site comprises the TG Millner Field (see Figure 2 and Figure 3 for the existing playing field facilities at the subject site), a district-grade playing field with grandstand seating, and a range of associated structures used by Eastwood Rugby Club. A large informal rugby training area is located in the south-eastern portion of the Site. 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. The childcare centre is located on a portion of the site under lease adjacent to the northern boundary near Vimiera Road.



Figure 2: TG Millner layout and facilities



Figure 14: TG Millner Field facilities

1. Access gateway
2. The 1960s grandstand
3. North-western sports field
4. North Ryde RSL Club building
5. Eastwood Rugby Amenities block
6. Childcare centre
7. RUFC building
8. Pair of electrical substations
9. car parking area
10. Sheds
- 11 South-eastern sports field

Figure 3: TG Millner Field Facilities (Source: Heritage Assessment Report TG Millner Field, Kemp & Johnson, March 2020)

There is no heritage listed item adjoining or within the immediate vicinity of the site. The closest items are 400m to the east in Balaclava Road and 450m to the north on the north side of Epping Road.

The Planning Proposal

The Proposal is summarised as follows:

Table 1: Proposal summary

Site Area	6.17 ha
Proposed zones	Part RE1 Public Recreation Part R2 Low Density Residential
Intended future use (Subject to Development Approval)	RE1 – Passive Recreation R2 – Approximately 132-136 dwellings across lots ranging in size between 188-537 m ² with six key dwelling typologies comprising semi-detached and attached (terrace) dwellings.
Proposed Areas	RE1 Zone – 1.0 ha R2 Zone – 5.17 ha

The proposed amendments to the Ryde Local Environmental Plan 2014 (LEP2014) are:

- Change to the zoning map for the site from the current RE2 Private recreation to part R2 Low Density Residential and part RE1 Public Recreation,
- Change Building Height Map to introduce maximum building height of 9.5 metres (same as surrounding zone)
- Addition of Clause in Schedule 1 of the LEP to permit Semi-Detached and Attached Dwellings (Terraces) in the proposed R2 zoned portion of the site only,
- Addition of Local Provisions Clause to the LEP 2014 to set the minimum and maximum lot sizes permitted on the proposed R2 zoned portion of the site.

- Proposed amendment to the Ryde DCP to provide site specific planning controls for the site as proposed in the submitted master plan.

Relevant Council Resolutions

Council has passed many resolutions relating to the TG Millner fields site. These resolutions clearly show Council's position on the site and its firm intention to retain the site for open space. A summary of these resolutions is as follows:

Table 2: Relevant Council Resolutions

Meeting date	Item	Resolution
24 April 2018	NoM 8	That the City of Ryde Council: a) Recognise the value of the existing TG Millner site for recreational public use. b) Commence negotiations to purchase TG Millner to secure its use for public open space following a comprehensive investigation into its viability. c) Urgently review whether the TG Millner playing fields meet the criteria for heritage listing and, if so, seek an interim heritage order with a view to a permanent listing that protects these fields as open space in perpetuity.
22 October 2019	NoM 5	a) That having regard to the need to protect existing green spaces in our City, the General Manager investigate the heritage listing of TG Millner Fields in Marsfield. b) That a report be presented to Council in February 2020 as part of the next stage in the LEP review.
25 August 2020	Item 14	a) That Council does not proceed with heritage listing T.G. Millner Field. b) That a further report be provided to Council as soon as is practicable, including consideration of the strategic land use planning actions required to ensure the ongoing provision of open space and recreation opportunities to the community, and the role of land currently zoned for private recreation.
25 August 2020	NoM 14	That the City of Ryde Council re-affirm its commitment to:- a) Recognise the iconic nature of the TG Millner Fields to the local community as a highly valued public, open green space that is fully utilised by the community. b) Request that Council staff commence work on drafting a report on "Open Space Planning for the Future of Ryde". c) Affirm the support of all political public representatives at the Federal, State and Local Government areas for the preservation of this important public open space. d) 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 their commitment or re-affirmation of their support for the retention of this important public recreational open space.
28 June 2022	Mayoral Minute	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.

22 October 2022	Item 8	<p>(a) That Council reinforce it's previous resolution of 28 June 2022 as follows:</p> <p>(b) That Council:</p> <ol style="list-style-type: none"> Recognise the rich history of the TG Millner playing fields in Marsfield, and the vital importance of large open spaces for our local community. Oppose any plans that reduce or diminish the public's access to green space in Ryde. 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. <p>(c) That Council endorse the submission attached to this report.</p> <p>(d) That the submission be forwarded to the Department of Planning and Environment for consideration.</p> <p>(e) 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.</p> <p>(f) 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 their commitment or re-affirmation of their support for the retention of this important public recreational open space.</p>
27 June 2023	Notice of Motion	<p>That Council:</p> <ol style="list-style-type: none"> Notes the previously bipartisan Mayoral Minute moved by Councillor Jordan Lane to "take any and all steps necessary" to protect TG Millner as green open space in perpetuity. Expresses concern that in previous terms of Council (pre-2022), no financial provisions had been made to protect TG Millner as green open space for the community. Expresses concern that at a recent workshop, Councillor Penny Pedersen questioned the value of making financial plans to potentially acquire TG Millner, and this evening, described the acquisition of TG Millner as a "vanity project". Council Meeting Page 27 Minutes of the Council Meeting No. 6/23, dated 27 June 2023. Expresses concern with a recent Notice of Motion lodged by Councillor Bernard Purcell which was not only contradictory of itself, but also attempts to stymie the making of financial plans to potentially acquire TG Millner. Reaffirms its commitment to protecting green open space for community use. (f) Writes to each City of Ryde Councillor asking whether they stand by their previous commitment to 'take any and all steps necessary' to protect TG Millner.
23 April 2024	Mayoral Minute	<ol style="list-style-type: none"> That the Mayor, Councillor Trenton Brown write to the NSW Premier, The Hon. Chris Minns MP outlining the following: <ul style="list-style-type: none"> Council's disappointment around the NSW Government's decision to not grant the PAN for Council to proceed with the compulsory acquisition of TG Millner. <ul style="list-style-type: none"> Council's concern that the content of the decision was leaked to the media before we had received, and had an opportunity to review, the contents of the letter. Consultations between Council and the Department of Planning, Housing and Infrastructure (DPHI) had indicated that there would be a positive outcome. This included a letter of advice from DPHI in March

		<p>2024 indicating that the NSW Government would work with Council to allow the compulsory acquisition and arrange a funding strategy to acquire TG Millner.</p> <p>(b) The Mayor, Councillor Trenton Brown write to the Federal Member of Bennelong, Jerome Laxale MP and NSW State Member of Ryde, Jordan Lane MP seeking their commitments to preserve TG Millner as open space to honour their past commitments as previous Mayors of Ryde and provide assistance for funding the purchase of this important site.</p> <p>(c) That Council seek assistance from the Department of Planning, Housing and Infrastructure (DPHI) to prepare a bespoke SEPP for TG Millner that guarantees the retention of public open space on the site.</p>
25 June 2024	Mayoral Minute	<ol style="list-style-type: none"> 1. That Council write to Hornsby Shire Council to express support for the Westleigh Park project given its regional significance in supporting the increased population in Northern Sydney. 2. That Council write to the Premier for New South Wales, the Minister for Sport, the Minister for Local Government and the Minister for Planning and Public Spaces to encourage them to: <ol style="list-style-type: none"> (a) Maintain/extend their grant to Hornsby Shire Council to ensure the completion of the Westleigh Park project. (b) Provide the funding as promised by the Department of Planning, Housing and Infrastructure as part of the Macquarie Park Innovation District Rezoning Strategies and Transport Oriented Development (TOD) to the City of Ryde to ensure the purchase and future management of TG Millner; given their regional significance in supporting the increased population in Northern Sydney as a result of the recently imposed State Government housing targets. 3. Note that the undersupply of sports fields in the NSROC region reinforces the case for strategic merit as assessed by the Sydney North Planning Panel when they rejected the rezoning proposal of TG Millner fields in December 2022. The reduction by six sports fields at Westleigh Park makes the case for the compulsory acquisition of TG Millner even more compelling using the criteria of Strategic Merit. 4. The joint three tiers of government funding model, used to upgrade Leichhardt Oval, has direct application to the compulsory acquisition of TG Millner. It is noted that Ryde Council has set aside \$15M for the purchase of this site. A three-way funding model with our council working collaboratively with the NSW and Commonwealth Governments will resolve the issue of site ownership of TG Millner Fields. 5. That the Mayor write to the Prime Minister of Australia and the NSW Premier to seek financial assistance from the Commonwealth and NSW Governments to support the compulsory acquisition of the TG Millner Fields.
23 July 2024	Mayoral Minute	<ol style="list-style-type: none"> (a) That the CEO write and ask The Hon. Ron Hoening MP, Minister for Local Government to reconsider the decision to deny issuing the City of Ryde with the Proposed Acquisition Notice (PAN) for TG Millner. (b) That Council note that the Mayor has already written to the Premier for New South Wales, the Minister for Sport, the Minister for Local Government and the Minister for Planning and Public Spaces to encourage them to: <ol style="list-style-type: none"> i. Provide the necessary funding as previously promised by the Department of Planning, Housing and Infrastructure (DPHI) to the City of Ryde as part of the Macquarie Park Innovation District Rezoning Strategies and Transport Oriented Development (TOD) to ensure the purchase and future management of TG Millner; given the regional

significance of this open space in supporting the increased population across the Ryde LGA.		
27 August 2024	Mayoral Minute	(a) That Council develop and lodge a Planning Proposal to the NSW State Government for protection of critical public recreation space at TG Millner Field site through an amendment to the Ryde Local Environmental Plan (RLEP) 2014 to classify the site as an RE1 – Public Recreation zone. (b) That Council write to NSROC and its member Councils to enlist their support for the preservation of TG Millner fields, recognising the strategic imperative for all Northern Sydney Councils to maintain open green space of significant size such as Westleigh Park and TG Millner fields.
10 December 2024	Confidential Item	TG Millner Additional Funding Allocation

The 27 August 2024 resolution, gives Council the option of pursuing a new Council-led planning proposal in the future. The current proponent-led PP was being assessed when the Rezoning Review application was lodged.

Council recognises the TG Millner playing field significance to the local community not only for its historical link to the Eastwood Rugby Club and to TG Millner. There is an unmet demand for full size outdoor playing fields in the locality and the community has a social and aesthetic link to the site as open space. The opportunity to provide additional open space of this size is limited, or almost impossible, and this opportunity should not be overlooked. The following sections will outline this issue in more detail.

Strategic Merit of the Proposal

Part 1 Objectives or intended outcomes

From the assessment of the Proposal's listed objectives only three of the stated objectives can be reasonably certain if the Proposal is supported. The remaining four listed objectives are not considered to have been met by the proposal as there is too much uncertainty in the delivery of those objectives to consider them in support of the planning proposal, and in the case of the first objective, it is not considered a relevant planning consideration.

The objectives listed in the Proposal are noted and assessment comments are provided as follows:

Table 3: Objectives and Council Comments

Objectives	Council comments
1. Facilitate the rezoning, development and sale of the existing private landholding to allow for the investment in new facilities and sporting infrastructure by NRRSL and Eastwood Rugby.	Not supported. This objective is not a planning objective, rather an individual or company objective, it would not be certain should the proposal proceed, and it is not a relevant planning consideration.
2. Increase the diversity of low-rise housing stock within the Ryde LGA by permitting semi-detached and attached (terrace) housing to be delivered on the Site.	Not supported in this location. The proposal, if delivered, has the potential to contribute to the housing diversity within the Ryde LGA. However, the rezoning is not required to meet the current housing targets. Council is already well placed to meet the housing targets elsewhere within the Local Government area. Council has other options for the delivery of terrace housing and dual occupancies that are not inconsistent with relevant open space objectives. The rezoning proposal will result in displacement of an important

	and iconic open space site that will have a far-reaching negative impact on the community.
3. Contribute to the amenity of the existing and future community by delivering a new high-quality public open space within the Vimiera Road frontage of the Site.	Not supported. The proposed passive recreation park may contribute to the amenity of the immediate development. However, Council, through the OSFPS and SFAP has identified the need for active playing field on the site to maintain appropriate levels of access to recreation space. The proposal is considered inconsistent with the relevant Strategies for achieving this objective .
4. Apply a maximum building height limit that is that same as that which applies to adjoining residential areas	The inclusion of a maximum building height of 9.5 metres being the same as surrounding residentially zoned land is a suitable outcome. This objective is supported.
5. Provide for a significant net increase in urban tree canopy within the Site.	Not supported. The intent of the proponent to increase urban tree canopy is admirable and that intent of the applicant is not questioned. However, the intended tree canopy increase noted on the submitted master plan is uncertain under the proposed changes and may not necessarily be delivered. As such it should not be given weight in this assessment. There is no legal mechanism available for a planning proposal to require the works proposed in the master plan to be delivered as that is contrary to a Section 9.1 Ministerial Direction (1.4 Site-specific Provisions). It is acknowledged that a proposed DCP amendment will assist with this intent, but the DCP is not a statutory instrument that provides certainty for such an outcome, particularly when the SEPP provisions (Complying Development) can circumvent the application of DCP in this regard. The master plan uncertainty is increased when consideration is given to the fact that 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. It is suggested that the proposal be reconsidered to better guarantee the proposed outcome. Consideration could be given to reconfiguration of the proposed master plan to ensure there is capacity to provide tree canopy, including via street trees, in the proposed public domain. It is also noted that a rezoning is not required to achieve this objective.
6. Facilitate the integration of 'smart cities' principles into the design and use of the future site.	Not supported. The intent of integrating 'smart cities' principles in future development is uncertain and cannot be enforced by the current planning proposal. These principles are guidelines that lack statutory certainty and should not be considered as a matter supporting a planning proposal.
7. Manage urban stormwater and improve water quality within and around the Site.	No objection.

	<p>The provision of open space along the frontage of Vimiera Road has the potential to positively contribute to the management of urban stormwater.</p> <p>However, it is noted that the rezoning of the land is not required to manage or improve water quality in and around the site, and this could be achieved under the current zoning.</p>
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The intended outcomes of the Proposal as listed, and Council's comments are provided as follows:

Table 4: Intended Outcomes and Council Comments

Intended Outcomes	Council comments
<p>1. Delivery of a new public park fronting Vimiera Road with an area of approximately 10,000 m², including full-sized basketball/multi-purpose sports court, an all-abilities play space, pedestrian paths, seating and fitness equipment.</p>	<p>Not supported.</p> <p>The open space proposed in the planning proposal is noted. The Open Space Future Provision Strategy (OSFPS) identifies a shortfall of 4 playing fields in the locality to 2036. There would be an even greater shortage beyond 2036. The OSFPS and the Sports Field Action Plan (SFAP) suggests options for addressing this shortfall, including 2 fields at the TG Millner site (the site). It is also not consistent with Council's Local Strategic Planning Statement (LSPS) which requires the provision of open space to service population needs or the open space objectives and actions of the North District Plan. Under its current 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.</p>
<p>2. Approximately 132 dwellings across lots ranging in size between 188-537 m² with six key dwelling typologies comprising semi-detached and attached (terrace) dwellings.</p>	<p>Not supported.</p> <p>The intended outcome of approximately 132-136 low density dwellings across a range of lot sizes is generally supported. However, the uncertainty of this outcome is increased due to the lack of statutory mechanisms in the planning proposal to deliver the development and design intent outlined in the master plan.</p> <p>Further, there is sufficient capacity for housing in the current planning controls and a rezoning of the site is not required to deliver the required dwellings to meet current housing targets.</p>
<p>3. Stormwater management and water-sensitive urban design infrastructure, including infrastructure to manage overland flows from surrounding properties.</p>	<p>No objection.</p> <p>Stormwater management is a development application matter but is an acceptable outcome from the planning proposal. However, it is noted that a rezoning is not required to achieve this outcome.</p>
<p>4. Planting of 570 additional trees across the Site, to provide total site canopy cover of approximately 65%.</p>	<p>Not supported.</p> <p>The planting and retention of 570 additional trees is the applicant's intent (not questioned in this assessment) of the planning proposal. However, there is significant uncertainty in the ongoing retention of this increased canopy when much of the planting proposed by the master plan will be within privately owned allotments. The applicant will not have any power over the retention of these plantings after sale of the properties and Council</p>

	will have limited power, considering SEPP provisions, that these plantings will remain on privately owned land in the longer term. It is also noted that a rezoning is not required to achieve this outcome.
5. New internal public roads with two vehicular connections to Vimiera Road.	Not supported. The provision of internal roads will benefit the development of the site only and has no wider local network function.
6. Pedestrian access to Thelma Street to provide walkable community access to the new park.	Not supported. Pedestrian access through the site is generally supported but is an uncertain outcome for a planning proposal. A rezoning is not required for this outcome to be delivered.

Council Request for Information

Additional Information on the planning proposal was requested from the applicant on 6 November 2024. A reply was received to the requests dated 18 December 2024. A summary of the requested information and the responses received from the proponent is provided as follows:

Open space provision consistency with Council strategy and plans (including request to provide two full-sized Playing fields)

The proponent was requested to provide information to demonstrate why there is no strategic need to provide active open space on the site and to consider the provision of two full sized playing fields.

In summary the proponent's reasons were:

- Demand for fields from the development is insignificant
- Alternative high standard fields are available outside the Ryde in North-Western Sydney
- No nexus exists between the need for fields and the site
- DPHI states that Macquarie Park field needs can be met in Macquarie Park
- Council's OSFPS should not be used to subvert the intent of land acquisition law.
- They have previously shown Council how to meet playing field needs without acquiring the site
- Council has never set aside funding to acquire the land, has no intention of doing so, and does not have the financial capacity to acquire the land
- A high density residential rezoning would be required to fund the dedication of fields from their site and this would be incompatible with surrounding development and community expectations and should not be investigated.

Well-located development justification

The proponent was requested to substantiate that the development site was 'well located'. The basis for the request was that the density of population that would arise from the inclusion of "attached development" development as a permitted use would exceed that normally arising in an R2 Residential zone. The proponent was unable to adequately substantiate that the site was within the locational criteria of the recent Low and Mid-Rise Housing Reforms as a baseline. This combined with the permissibility of terrace typology development in the zone excludes the site from being described as "well-located" for the proposed level of development.

Provision of FSR and lot size maps for inclusion in the RLEP 2014

The proponent was advised that the implementation of a range of FSRs and lot size controls through site-specific DCP controls and masterplan was not supported and should instead be done through LEP maps. In Council's view a FSR of 0.5: 1 and a minimum lot size of 290 m² would be more appropriate and compatible with the amenity of the locality than the proposed FSR of 0.65:1 to 0.88:1 and lot sizes ranging from 188-537 m².

The proponent indicated that they do not object to the imposition of a minimum FSR and lot size standards through LEP map amendments provided they are consistent with those specified in their submitted masterplan as cited above.

Secondary Dwellings

The proponent was requested to remove the inclusion of secondary dwellings as a means of activating proposed laneways. This is not supported and the creation of two separate dwellings on lots less than 450 m² in size is not considered appropriate in the context of the locality. The applicant disagrees with Council's interpretation of the non-discretionary development standard for the secondary dwelling minimum site area set out in Section 53(2) (a) of the Housing SEPP. However they have conceded that if the issue of secondary dwellings remains contentious they are prepared to remove their secondary dwelling minimum lot size from the planning proposal.

Update to Flood Study to address Ministerial Direction requirements

The proponent provided the requested flooding assessment of the proposal's consistency with Ministerial Direction 4.1 Flooding. The assessment noted that the proposal will rely upon standard engineering solutions that mitigate any potential adverse flood impacts to the pre-development state. The assessment demonstrated that the planning proposal is mostly consistent with Ministerial Direction 4.1 Flooding and that the provisions of the proposal that are inconsistent are of minor significance.

Transport and traffic modelling and analysis updates

Updated traffic counts for all intersections was requested with updated traffic modelling. This was provided for three intersections and indicated that a good level of service will be provided at these intersections with the advent of the proposal. The assessment report did not provide the modelling output for checking as requested. A fourth intersection at Vimiera Road and Epping Road was not updated as requested.

Waste management and road design compliance

A road layout redesign was requested to not have residential entries off the proposed public park, but instead to have them fronting on to a public road. This request was rejected by the proponent.

Similarly, a request to reconfigure the road layout to improve waste truck accessibility for waste collection in a corner of the site was rejected by the proponent. Their preference was to require 3 dwellings to walk their bins weekly to a central collection location outside another neighbours' home.

From the above assessment of the planning proposal's listed outcomes the stated outcomes are not considered to provide sufficient justification to warrant rezoning.

Consistency with adopted strategic objectives is continued in Part 3 below – see “Relationship to Strategic Planning Framework – The Strategic Merit Test”.

Part 3 Justification

Need for the Planning Proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Council response:

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 and the National Housing Accord targets. However, since the creation of the Macquarie Park Transit Orientated Development precinct, the Ryde LGA will achieve the dwelling targets with or without additional rezoning of the subject land.

The impact on open space provision is assessed to be inconsistent with Ryde LSPS. In particular, the proposal would result in the loss of private recreation space with the potential to provide formal active recreation, with residential uses and some informal recreation space. The proposal is accompanied by a Voluntary Planning Agreement; however, this would not facilitate additional capacity through acquisition of land and would simply bring forward already planned works that would be required should the land remain private open space.

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.*” The subsequent Open Space Future Provision Strategy (OSFPS) and Sports Field Action Plan (SFAP) identify the site as such an opportunity.

The planning proposal is inconsistent with the OSFPS and SFAP, which identifies the subject site for the provision of formal active playing fields. The planning proposal has submitted an open space needs assessment report that concluded that a playing field is not required in the vicinity and that the proposed passive open space is more appropriate. Council's Parks section does not agree with the assessment of open space needs and recommends that the existing, Council adopted, strategy be enforced; the OSFPS indicates that ongoing provision of formal active recreation will be needed on the site to keep pace with projected growth and demand in the Ryde LGA.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council response:

Given the Ryde LSPS and OSFPS's and SFAP's objectives for the site, particularly with respect to open space, the planning proposal is not considered the best means of achieving the relevant objectives for the site. The objectives with respect to the provision of housing can be achieved in other locations that would not result in inconsistencies with relevant open space objectives.

Relationship to Strategic Planning Framework – The Strategic Merit Test

The 'Local Environmental Plan Making Guideline' poses a series of questions to consider for this part of the planning proposal. A strategic merit test is provided in the following table.

Strategic Merit Issue	Comment
State Environmental Planning Policies and Local Directions	<p>The planning proposal is not inconsistent with any SEPP or s9.1 Ministerial Direction.</p> <p>However, Direction 1.4 <i>Site Specific Provisions</i> specifically prohibits the inclusion of site-specific plans and development controls, such as a master plan. As such there is significant uncertainty in the delivery of the master plan intent and hence the justification for the planning proposal is weak.</p>
Greater Sydney Region Plan - A Metropolis of Three Cities	The planning proposal is generally consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities.
North District Plan	<p>The planning proposal is not required to meet the housing targets contained in the Plan, and the uncertainty in the delivery of the intended outcomes of the proposal are such that in its current form there is a risk that it will result in outcomes that are not consistent with this Plan.</p> <p>Further, the proposal is considered inconsistent with numerous elements of the North District Plan relating to provision of space including, Objective 6, 7 and 31, and Action 73.</p>
Planning Ryde: Local Strategic Planning Statement	The open space proposed in the planning proposal is not consistent with the LSPS which requires the provision of open space to service population needs (Planning Priority OS1 and Action OS1.4).

Site-specific Merit

An assessment of the key issues relevant to the planning proposal is provided in the following table.

Site Specific Issues	Assessment
Traffic	Should the proposal be supported, a range of traffic measures, including site access, restricted egress to left turn only and vehicle turning paths may be suitably addressed at the development application stage. Cycleways in Vimiera Road must be retained and enhanced.
Parking	<p>Parking is limited in Vimiera Road and must be provided on site. All parking for the open space area must be provided on site.</p> <p>The OSFPS requires provision of playing field space on site. For such space to be functional sufficient parking must also be on-site. The provision of playing field space and parking for same</p>

Site Specific Issues	Assessment
	would require an amendment to the overall design and changes to the proposed zone boundary between the RE1 and R2 zones. As such the current proposal cannot be supported until such amendments have been investigated and fully assessed.
Transport	It is likely that the majority of visits to the site will be via private vehicle (see parking comments above). However, public transport is currently available in Epping Road approximately 400m to the north of the site.
Social impact	The site is currently occupied by private playing fields that, being privately operated, have reduced public use despite significant local and regional demand. The current proposal is inconsistent with the OSFPS and is likely to have a detrimental social impact on the surrounding community.
Heritage	The subject site is not encumbered by any heritage listed items and there are no items adjacent to or in the immediate vicinity of the site. The closed items are in Balaclava Road and Epping Road, 400m and 450m respectively, from the site. The planning proposal is not anticipated to have any impact on these items.
Public Infrastructure	The land is able to be serviced with necessary infrastructure, such as water, sewer, electrical and communications subject to minor upgrades to cater for any future development.
Flooding	The site is flood affected in the 100 year flood event in the Terry's Creek catchment. The land impacted by flood is in the western portion fronting Vimiera Road and would impact the intended open space area shown in the submitted master plan. Overland flow from Yangalla Street in a westerly direction to Vimiera Road contributes to this flood affectation. The flood and overland flow impacts can be managed in any future development application process.

Conclusion

The planning proposal to rezone the subject site from RE2 Private Recreation to part R2 Low Density Residential and part RE1 Public Recreation has been assessed with particular attention being given to strategic consistency and site-specific merit. The assessment has noted other significant planning events that have occur since the first substantially similar planning proposal was lodged.

A rezoning review of the first planning proposal in 2023 by the Sydney North Planning Panel found that it lacked strategic merit and could not be recommended for a Gateway Determination by the DPHI. This is a significant decision since the current Rezoning Review will assess a planning proposal that is substantially the same.

More recently, on 7 February 2025, the Housing Delivery Authority determined that the site was not essential for the delivery of housing in the Ryde LGA and Sydney Metropolitan Area by not declaring the site a State Significant Development. The key reasons given by the HDA were that it did not deliver a significant number of homes that met the NSW housing targets during the Housing Accord period, was not well located, and did not provide a positive commitment to affordable housing.

The assessment of the current planning proposal has found that there is partial consistency with existing strategies in relation to housing diversity only. The planning proposal is inconsistent with Council's Open Space Future Provision Strategy and Sports Field Action Plan in that it is not providing sufficient open space for the active recreation needs of the future City of Ryde community, and strategic justification in other areas is weak. The proponent was specifically requested to submit a revised planning proposal that included two

active sports fields, but declined the opportunity. The proposal is also considered to be inconsistent with the relevant open space objectives of the North District Plan.

The planning proposal's intent to achieve strategic consistency and site-specific merit relies heavily on the master plan submitted with the application. Whilst this intent is noted, and the applicant's intent is not specifically questioned, the reliance on the master plan for this strategic merit leaves significant uncertainty with respect to key outcomes. While this can partially be addressed by the proposed DCP amendment, this also lacks certainty given that State Environmental Planning Policies (specifically Exempt and Complying development Housing Code) can override these provisions. As such, the proposal has been assessed noting the range of possible outcomes not limited to those envisaged in the masterplan. Furthermore, Council currently has sufficient capacity to meet its housing needs without rezoning this land, whereas it will likely be unable to meet future recreation needs should the rezoning occur as proposed.

The site-specific merits also rely on uncertain provisions such as tree planting on private allotments ultimately beyond the control of the applicant and uncertain delivery of housing diversity given SEPP provisions.

Given this uncertainty and the fact that the Ryde LGA does not require additional rezonings to achieve required dwelling targets, it is recommended that the planning proposal for 146 Vimiera Road, Marsfield not proceed to a Gateway Determination. The site provides one of the few remaining opportunities for land to be efficiently utilised for additional public open space in the Ryde Local Government Area.