



21 March 2025

2200718

Mr Peter Debnam
Chair, Sydney North Planning Panel

Dear Mr Debnam,

Rezoning Review – Planning Proposal PP2024/0001
TG Millner Site | 146-150 Vimiera Road, Marsfield

On behalf of North Ryde RSL Club (NRRSL), Vimiera Recreation Grounds/Eastwood Rugby Club and Winston Langley (together the Proponent), we write to request a Rezoning Review for the Planning Proposal for 146-150 Vimiera Road, Marsfield (TG Millner Field/the site) that was submitted to the City of Ryde Council (Council) on 3 July 2024. This Rezoning Review is sought as the prescribed period under *Planning Circular PS 22-003* has elapsed and Council has failed to indicate its decision in respect of the Planning Proposal.

The timely progression of the Planning Proposal is critically important to the Proponent as Eastwood Rugby Club has entered into a Memorandum of Understanding with The Hills Shire Council in respect of their new purpose-built facility at Fred Caterson Reserve, Castle Hill, which will deliver three full-sized publicly owned rectangular fields.

This is the second time that a Planning Proposal has been submitted in respect of this site, and the second time that a Rezoning Review has been sought. The Sydney North Planning Panel (the Panel) previously considered a Rezoning Review in 2022 for a fundamentally similar proposal. At the time, Council indicated that it intended to compulsorily acquire the site for open space, and the Department of Planning, Housing and Infrastructure (DPHI) indicated that its infrastructure requirements to support future growth within the Macquarie Park Innovation District had not yet been determined. These issues are now, in our view, resolved.

The Minister for Planning and Public Spaces has confirmed that the site is not required by the NSW Government for open space associated with future development within Macquarie Park (**Attachment A**).

City of Ryde Council have been requested on several occasions by the Minister for Planning and Public Spaces and the Minister for Local Government to follow the required procedures for land acquisition by making sufficient funding available to support such acquisition – Council has repeatedly failed to do this. Notwithstanding this, Council have once again on 3 March 2025 sought to commence a compulsory acquisition process without sufficient funding available to do so – demonstrating that Council is only seeking to use the acquisition process to thwart the planning process, rather than representing a genuine effort to acquire the land.

The Proponent has sought to work with Council through this revised Planning Proposal, including putting forward a masterplan option that provides a full-sized rectangular playing field with associated amenities/infrastructure. Council have provided limited engagement through this process. The provision of a full-sized playing field on the site remains an option with this Planning Proposal and it is open to the Planning Panel to require this if this is seen by the Panel as the preferred outcome in terms of community infrastructure provision. It is also noted that it is not necessary to resolve this question at this juncture, as the LEP Amendment provides capacity for either outcome.

We therefore seek the Panel's support for this modest development to proceed, thereby securing the future of two longstanding community Clubs (with a combined 30,000 members), while leaving a positive legacy on the site that is directly aligned with NSW Government planning policy.

This letter sets out the background to the Planning Proposal and provides a summary of consistency with the Strategic Merit and Site-Specific Merit tests. Pursuant to the *Local Environmental Plan Making Guideline* (DPHI 2023) and *Planning Circular PS 22-003*, this Rezoning Review Request is accompanied by the final Planning Proposal, including correspondence with Council and the State Government to date and the additional information/clarification provided to Council in response to the single request for information received since the submission of the Planning Proposal.

Executive Summary

Background

- TG Millner Field was originally purchased on commercial terms and developed by Eastwood Rugby Club using funding provided by members for the purpose of private rugby union training, playing and club facilities.
- The redevelopment of the site will enable Eastwood Rugby Club to financially contribute to new purpose-built publicly owned and accessible facilities closer to its membership base at Castle Hill, while enabling North Ryde RSL to recoup a portion of its significant expenditure on the site over the past 25 years.
- There is a significant regional interest in the relocation of Eastwood Rugby Club to the new facilities at Castle Hill. The project will be delivered in conjunction with The Hills Shire Council and involves:
 - The creation of three full-size rectangular playing fields (i.e. one more than currently provided at TG Millner Field), including two synthetic fields and one natural turf field.
 - Broadcast-quality lighting to enable night games and later training, which is not possible at TG Millner Field.
 - Professional level gym and supporting infrastructure for players.
 - Equal facilities for men and women to provide equitable support and assist in growing the women's game.
 - Outstanding game day experience with clean and modern facilities for supporters.
 - Adequate on-site parking to meet projected demand from the facility's usage.
- Leaving aside the 1-hectare public park included in the Planning Proposal, the rezoning and development of TG Millner Field will facilitate a net increase in regional full-sized playing fields/public open space.

Current Planning Framework

- The site is zoned RE2 Private Recreation and has no maximum height or floor space ratio. The surrounding land is zoned R2 Low Density Residential.
- Under the Housing SEPP, the site may be developed for the purpose of seniors housing, comprising a residential aged care facility and independent living units. This development outcome would be significantly denser than the DKO Master Plan that is the subject of this Planning Proposal, and would not deliver any of the public benefits such as open space, affordable housing or through-site links.
- While SEARs have been obtained to facilitate the preparation of a State Significant Development Application (SSDA) for a seniors housing development, the Clubs consider that the Planning Proposal will deliver a superior legacy and outcome for the community than what would be achieved through a seniors housing scheme. It is for this reason that the Clubs have continued to pursue the Planning Proposal, notwithstanding the simpler planning pathway associated with a compliant seniors housing SSDA.

Prior 2022 Planning Proposal and Subsequent Actions

- A previous Planning Proposal was submitted to Council in May 2022 and considered by the Panel at Rezoning Review in December 2022, at which time the Panel determined that it should not proceed to Gateway Determination.
- In determining not to support the 2022 Rezoning Review, the Panel noted the potential for NSW Government and Council strategies to require the land for public open space and recreation.
- Whilst the Panel was considering the Rezoning Review, Council was simultaneously acting to compulsorily acquire the land from the Proponent under the *Land Acquisition (Just Terms Compensation) Act 1991*.
- The compulsory acquisition process was terminated by the Minister for Local Government in April 2024 after Council failed to provide both strategic justification and evidence of its ability to fund the acquisition, despite repeated requests to do so from the Office of Local Government.
- The Minister for Planning and Public Spaces wrote to Council on 28 November 2024 confirming that TG Millner Field is not required for open space for future growth identified within the Macquarie Park Innovation District Stage 1 Rezoning and Macquarie Park TOD Accelerated Precinct (Stage 2). The letter also stated that there is no 'commitment or requirement from the NSW Government to either acquire or preserve TG Millner Field as open space.'
- The Proponent has provided detailed analysis which demonstrates that Council can deliver 27 new playing fields within the Ryde LGA that are either already identified in DPHI and Council strategies, or readily able to be accommodated on other Council-owned land, and 29 existing playing fields which are identified for enhancements to increase local sporting infrastructure capacity. The long-term open space needs of the Ryde LGA can be readily met through these projects without reliance on TG Millner Field.

- As identified in **Section 5.1.2**, the proposed acquisition represents an extremely poor cost-benefit outcome for the community, which even at conservative estimates is 14-times the cost of Council's other options to increase playing field capacity.
- Accordingly, the matters raised by the Planning Panel in its 2022 Rezoning Review decision have been resolved, which has supported the re-submission of a new Planning Proposal.

Planning Proposal

- The Planning Proposal seeks to amend the Ryde Local Environmental Plan 2014 as follows:
 - **Zoning** – Rezone the Site to part R2 Low Density Residential and part RE1 Public Recreation, and to include a Schedule 1 Additional Permitted Use clause that permits semi-detached and attached dwellings on the part of the site proposed to be zoned R2 Low Density Residential.
 - **Building Height** – Apply a maximum building height of 9.5 metres to the portion of the site proposed to be zoned R2 Low Density Residential.
- A Draft Site-Specific Development Control Plan and Initial Public Benefit Offer accompany the Planning Proposal.
- The proposed LEP and DCP amendments would support the delivery of 132 detached, semi-detached and attached two-storey dwellings (i.e. the 'missing middle') to provide much needed housing for families within the local community, alongside a 1-hectare public park that comprises a diverse range of high-quality passive and informal active recreational spaces, including multi-purpose small-sided courts, volleyball, badminton and basketball courts.
- The 2024 Planning Proposal also demonstrates how a full-sized rectangular playing field, with associated amenities and parking, could be delivered in lieu of the proposed public park to facilitate use of part of the site for organised sporting activities such as football, rugby league, rugby union etc. No amendments to the Planning Proposal are required to facilitate such a decision, as the LEP Amendment provides capacity for either outcome, and the decision as to the final use of this space can be determined in conjunction with DPHI and/or Council prior to public exhibition of the Planning Proposal.

Strategic Merit - General

- The proposal is consistent with the vision and planning priorities of the relevant State strategic planning documents, including the Greater Sydney Region Plan, North District Plan, Ryde Local Strategic Planning Statement and supporting studies with respect to housing, neighbourhood character, open space, infrastructure and the environment.
- Delivery of low-rise diverse housing will provide housing to meet the needs of young families and downsizers already residing within the Ryde LGA, allowing these households to retain existing social, community and family connections and maintain access to services, health, education and employment opportunities.
- Low-rise housing in accordance with the Planning Proposal, Master Plan and future site-specific DCP Amendment will ensure that the development of new low-rise diverse housing does not result in any adverse impacts on, and is compatible with, the character of the existing neighbourhood.
- Development of the site will facilitate the delivery of a new public park that will serve as a meeting place and provide significant amenity for the existing and future community which includes an inclusive local playground, informal multi-purpose court, pathways and seating areas for active and passive recreation.
- The Master Plan would support the planting of 570 additional trees across the site, significantly increasing urban tree canopy to approximately 65% site coverage (well above NSW Government targets of 40%), acting to combat urban heat islands and provide additional habitat for native fauna.
- The Master Plan will adopt Smart City design principles to ensure that the new community is one of the most digitally connected and efficient places in Australia, aligning with the needs and expectations of workers in Macquarie Park's growing innovation district of knowledge-intensive and technology-based workplaces.
- The Master Plan will incorporate a range of sustainability measures including the promotion of rooftop solar photovoltaics, water efficiency and capability for on-site electric vehicle charging to reduce carbon emissions.
- The proposal is consistent with the applicable SEPPs and Ministerial Directions.

Strategic Merit – Open Space and Recreation

- In 1954, TG Millner Field was acquired at market rates from Thomas George Millner by Vimiera Recreation Grounds (VRG), a trust established and funded by Eastwood Rugby Club members. The site was expanded in 1967 with the acquisition of additional land by VRG/Eastwood Rugby.

- Eastwood Rugby Club are seeking to establish a new facility at Castle Hill that will result in a net increase in the provision of regional sporting infrastructure.
- At no point in time has TG Millner Field been used as public open space and, despite being made available by the Clubs for use by local community sporting groups at negligible cost, is barely used.
- The Minister for Planning and Public Spaces has confirmed the site is not required for public open space.
- Council can deliver 27 new playing fields within the Ryde LGA that are either already identified in DPHI and Council strategies, or readily able to be accommodated on other Council-owned land, and 29 existing playing fields which are identified for enhancements to increase local sporting infrastructure capacity. The long-term open space needs of the Ryde LGA can be readily met through these projects without reliance on TG Millner Field.
- Acquisition of the Site by Council to deliver public playing fields would be 14-times more expensive than the other options available to Council, representing an extremely inefficient allocation of limited Council funding.
- In addition, Council's Sports Field Action Plan identifies twelve (12) projects that, together with some synthetic field conversions, will satisfy any sports field shortages by 2036. The cost of undertaking these projects is budgeted at \$10,282,218 – a fraction of the cost of acquiring TG Millner Field.

Site-Specific Merit

- The Planning Proposal provides for a very modest development outcome with low-rise housing that is compatible with the character of the local area and which will not result in any adverse local impacts – unique amongst planning proposals on urban infill sites of this nature in the Sydney Metropolitan Area in terms of the yield and height pursued.
- The Planning Proposal is accompanied by detailed technical studies that address relevant planning considerations including urban design, infrastructure provision, contamination, tree removal, transport, flooding and stormwater. These confirm that the site is capable of being developed without any adverse impacts on the existing community or environment.

1.0 The Site

The site is located at 146-150 Vimiera Road, Marsfield within the Ryde Local Government Area (LGA) and is commonly known as TC Millner Field. The site is currently occupied by Eastwood Rugby, the North Ryde RSL Sports Club and a 78-place childcare centre.

With a total area of approximately 6.17 hectares, the site is a uniquely large, consolidated landholding which offers an opportunity to achieve a high-quality master planned development outcome that delivers significant public benefits.



 Site Boundaries



Figure 1 Site Aerial Map

Source: Nearmap / Ethos Urban



Figure 2 Oblique aerial image looking north-east

Source: Full Flight Media / Ethos Urban

2.0 Background

The following sets out a brief history of the site, the planning process, and Council's attempts to thwart the redevelopment of the site including through the planning, compulsory acquisition and heritage processes.

Date	Action/Activity
1954	The site is purchased by VRG at market rates with funds provided by Eastwood Rugby Club members.
1960	First rugby union match is played at TG Millner Field.
1990s – Present	<p>Significant decline in local participation in rugby union due to a number of factors:</p> <ul style="list-style-type: none"> • Change in local demographics, with increased migration from countries with no connection to rugby union and preference for other sports – 68% of Ryde LGA residents have ancestral connections to countries where rugby union barely features in sporting culture. • Increased community preference for non-collision sports, particularly at junior levels. • Growth in less-formal sporting activities (i.e. small-sided games) not requiring full-size fields. <p>As a result of these changes, less than 4% of Eastwood Rugby's players currently reside within the Ryde LGA, with the vast majority located within The Hills Shire and wider north-west.</p>
1999	Faced with significant declines in participation and revenue leading to consequent financial losses, North Ryde RSL enters into a 90-year lease over the site from VRG and agrees to bear the financial cost of maintaining the playing fields and facilities, repay debts accrued by Eastwood Rugby, and operate the existing registered club (now North Ryde RSL Sports Club). Since 1999, North Ryde RSL has expended over \$20million in maintaining TG Millner Field.
2017	Eastwood Rugby Club resolves to relocate from Marsfield to a new facility in Castle Hill, closer to its existing membership and the growing rugby community.
2017	As the long-term leaseholder and consequently the only realistic purchaser, North Ryde RSL agrees to acquire the site from VRG/Eastwood Rugby. The agreement includes a licence for Eastwood Rugby to continue to use TG Millner Field until the new facility at Castle Hill is established.
24 April 2018	<p>Council resolves to</p> <p>(b) Commence negotiations to purchase TG Millner to secure its use for public open space following a comprehensive investigation into its viability.</p> <p>(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.</p> <p>(d) Should purchase of the TG Millner site be determined as viable, Council approach the State Government to seek funds from the State Government's recently announced 'Open Spaces and Green Sydney' to purchase the land and the Mayor write to the Premier, the Member for Ryde and the Member for Lane Cove seeking their support.</p>
22 October 2019	Council resolves to obtain professional advice regarding the potential local heritage listing of the site.

Date	Action/Activity
25 August 2020	Council is provided with expert heritage advice that concludes that the site does not meet any of the criteria for heritage-listing.
February 2022	Following several years of discussion and negotiation, Eastwood Rugby Club enters into a Memorandum of Understanding with The Hills Shire Council to facilitate the development and long-term use of a new purpose-built facility at Fred Caterson Reserve, Castle Hill.
15 February 2022	The Proponent has its first pre-lodgement meeting with senior Council officers, at which Council officers indicated a high level of support for the masterplan and overall project approach, and invited the submission of a Planning Proposal by the Proponent.
May 2022	Following a period of extensive engagement with Council officers regarding the Master Plan, the Planning Proposal was submitted to Council.
June 2022	Prior to receiving any formal reporting or advice from Council's professional staff, Council resolves to ' <i>instruct the General Manager to take any and all steps necessary to help secure this iconic local landmark as green space in perpetuity</i> '.
14 September 2022	Rezoning Review requested by Proponent.
28 September 2022	Council writes to Clubs seeking to commence discussions to acquire TG Millner Field.
7 December 2022	Sydney North District Planning Panel determines that the Planning Proposal should not proceed to Gateway Determination.
November 2023	DPHI's Stage 1 Rezoning Proposal for the Macquarie Park Innovation District is released for public exhibition and feedback. The Stage 1 Rezoning is accompanied by an Infrastructure Delivery Plan that identifies how open space will be delivered to support the growth envisaged by the plan, including specific projects, and contains no requirement for TG Millner Field (private land) to be used as public open space.
28 November 2023	<p>Council considers a report from Council officers in response to a request from the Minister for Planning and Environment that Council demonstrate its strategic justification for the proposed compulsory acquisition, together with its sources of funding, the financial sustainability of the proposal in the context of Council's current financial obligations, and the potential financial risk to Council associated with the proposed acquisition.</p> <p>The officer report identified a \$254m funding shortfall for Council's existing projects (including a \$30m allowance only for TG Millner) and advised Council that it cannot provide the justification sought by the Minister as Council was in a financially unsustainable position and 'not fit for the future'.</p> <p>At this meeting, Council resolves to reduce its financial contribution to TG Millner Field to \$15m.</p>
12 April 2024	The Minister for Local Government refuses Council's request to pursue the compulsory acquisition of the site as Council had not provided any strategic justification or evidence of funding to pursue the compulsory acquisition. This followed several requests made by the Office of Local Government to Council requesting this information
3 July 2024	Given the resolution of the strategic merit issues raised in the Rezoning Review, a largely identical Planning Proposal is submitted to Council.
July 2024	DPHI's Macquarie Park Transport Oriented Development Rezoning Proposal (Stage 2 Rezoning Proposal) is released for public comment

Date	Action/Activity
27 August 2024	Council resolves to support a Mayoral Minute MM33/24 which proposes a Council-led process to rezone TG Millner Field to RE1 Public Recreation.
18 September 2024	The Proponent provides Council with a detailed analysis of the relevant strategic open space policies within the LGA (Attachment B), demonstrating that the site is not required for public playing fields.
18 September 2024	Council officers advise that Council cannot proceed with the Council-led rezoning approach outlined in Mayoral Minute MM33/24 unless Council can also progress the compulsory acquisition of the land with evidence of funding.
26 September 2024	Meeting held with Council officers to receive preliminary feedback on the Planning Proposal.
10 October 2024	The Proponent submits a detailed response to the matters raised by Council officers at the 26 September 2024 meeting.
26 October 2024	The Minister for Planning and Public Spaces advises Council that DPHI will not support a Council-led Planning Proposal to rezone TG Millner Field to RE1 Public Recreation.
7 November 2024	A formal Request for Information is issued by Council (refer to Sections 5.0 and 6.0).
20 December 2024	The Proponent provides a response to Council's RFI via the Planning Portal, addressing the matters raised by Council officers.
20 February 2025	Proponent writes to Council seeking an update on the assessment of the Planning Proposal.
25 February 2024	Council officers reply to Proponent advising that no additional information is required and that the Planning Proposal will be reported to the Local Planning Panel.
25 February 2025	Council adopts a Mayoral Minute to recommence the compulsory acquisition of TG Millner Field.
26 February 2025	Council writes to the Proponent to purportedly re-commence the statutory six month consultation period in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .
6 March 2025	The Minister for Planning and Public Spaces writes to the Proponent confirming that the position of the NSW Government in relation to the actions of Ryde Council remains unchanged from previous correspondence issued to Council.
21 March 2025	Rezoning Review commenced.

3.0 The Planning Proposal

The Planning Proposal seeks to amend the Ryde LEP 2014 to rezone the site for low-rise diverse housing and new public open space to be dedicated to Council. The Planning Proposal has been informed by a Master Plan (Appendix A to Planning Proposal) prepared by DKO and Landform that comprises:

- 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 (**Figures 5 to 8**). Alternatively, the Planning Proposal is also capable of accommodating a full-sized rectangular playing field (for football, rugby league, rugby union etc) with associated amenities and parking in this same location and general footprint.
- Approximately 132 two-storey dwellings on lots ranging in size between 188-537 m² with six key dwelling typologies comprising 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.

Specifically, the Planning Proposal seeks to:

- **Zoning** – Rezone the Site to part R2 Low Density Residential and part RE1 Public Recreation (**Figure 3**), and to include a Schedule 1 Additional Permitted Use clause that permits semi-detached and attached dwellings on the part of the site proposed to be zoned R2 Low Density Residential.
- **Building Height** – Apply a maximum building height of 9.5 metres to the portion of the site proposed to be zoned R2 Low Density Residential (**Figure 4**).

A draft site-specific amendment to the Ryde Development Control Plan 2014 has also been prepared by the Proponent and submitted separately to Council order to give effect to the Master Plan and provide more detailed planning controls in order to mitigate any future environmental impacts.

The Initial Public Benefit Offer to enter into a Planning Agreement with Council provides for the following:

Item	Value
Public Park – Construction and embellishment of the proposed public park and dedication of this land to Council.	\$18,690,000
Public Road – Construction and dedication of the roads adjacent to the public park to Council, including on-street parking for visitors to the park	\$442,000
Affordable Housing – a monetary contribution for affordable housing within the Ryde LGA	\$5,000,000
Synthetic field conversion – a financial contribution towards the cost of Council converting an existing turf field elsewhere within the Ryde LGA to a synthetic field in order to increase local sporting field capacity. This is applicable only if a playing field is not delivered at the site.	\$1,000,000
Section 7.11 contributions – excluding the component of these contributions relating to open space, noting the substantial in-kind and financial contributions.	\$1,262,164
Tree canopy – implementation of additional tree canopy in excess of Council requirements and Sydney North District target in order to provide urban canopy and cooling.	\$210,000
Smart Cities – financial contribution or works-in-kind to implement innovative smart-city technologies within the proposed park and public domain in conjunction with Council.	\$300,000
Total	\$26,904,164

Based on the 132 lots/houses presented for approval in the Planning Proposal, the proposed VPA offer equates to a community contribution of **\$203,819/dwelling**. This is an extraordinary public benefit offer that is only possible because the Planning Proposal is being driven by two longstanding community organisations (who together have over 30,000 predominately local members) that intend to deliver a positive legacy to the community in which they have respectively been a key part since the 1950s.

Rectangular Playing Field – Alternative Master Plan

The Planning Proposal includes an alternative Master Plan (**Figure 9**) that illustrates the provision of a single full-sized rectangular playing field capable of accommodating sports such as football, rugby union, rugby league etc.

The playing field is an alternative to the 1-hectare public park illustrated in **Figures 5 to 8**. Facilities to support the playing field, including car parking and amenities, are also shown.

This alternative Master Plan and playing field outcome is capable of being delivered without the need to amend the proposed RE1 Public Recreation and R2 Low Density Residential zone boundaries set out in the Planning Proposal.

The Planning Panel may be satisfied that, if a playing field is viewed as a preferred outcome for the allocation of open space on the Site, the Planning Proposal also supports this outcome. It is not necessary to make this decision at the Rezoning Review stage, but rather this could be resolved with Council and DPHI during the pre-exhibition phase.

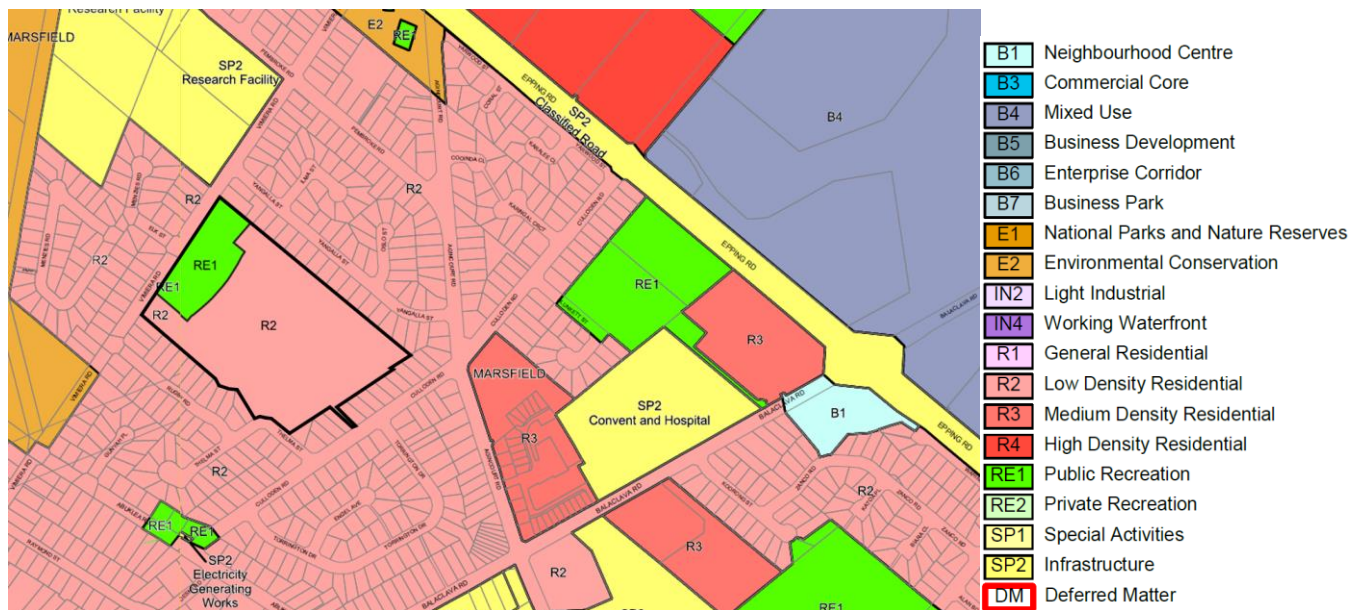


Figure 3 Proposed Zoning Map

Source: Ethos Urban

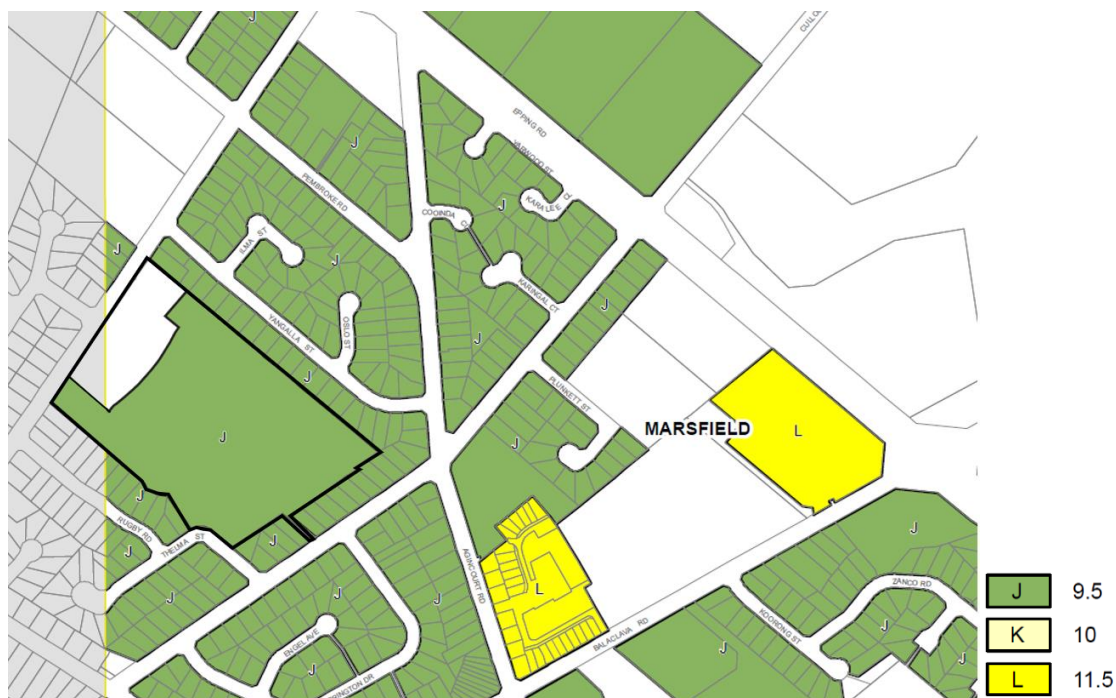


Figure 4 Proposed LEP Height Map

Source: Ethos Urban



Figure 5 Indicative photomontage of the proposed public park and terraces

Source: DKO



Figure 6 Indicative photomontage of new public park and terraces

Source: DKO



Figure 7 Indicative photomontage of the proposed development
Source: DKO



Figure 8 *Indicative Master Plan*

Source: DKO



Figure 9 Alternative Master Plan including rectangular playing field, amenities and parking

Source: DKO, Appendix M to 2024 Planning Proposal

4.0 Previous Decision of the Planning Panel

In December 2022, the Panel determined that the 2022 Planning Proposal should not proceed to a Gateway Determination (**Appendix Q**). **Table 1** identifies how the matters raised in the Panel's decision have been resolved in this Planning Proposal. **Sections 5.0** and **6.0** discuss in further detail how the Strategic Merit and Site-Specific Merit matters arising from the Panel's decision have been addressed.

Table 1 *Response to 2022 Planning Panel Rezoning Review Decision*

Panel's 2022 Decision	How matter is resolved
The Panel recognises the site is now redundant to the current owners' needs and that its current RE2 Private Recreation zoning may no longer be appropriate.	The site continues to be redundant and is a significant financial burden without resolution of an appropriate future use. Eastwood Rugby needs to relocate to Castle Hill to be a viable organisation into the future. The site represents the primary asset of the Clubs and the realisation of this asset's value is vital to the Clubs' ability to meet their strategic requirements.
However, based on the information before it, the Panel is not satisfied that the proposed part-R2 Low Density Residential and part-RE1 Public Recreation is the appropriate future zoning for the site.	Refer to responses below. The proposal is an extremely modest proposal for a large, consolidated landholding, adopting the same height as surrounding land and incorporating the provision of a significant new publicly accessible facility.
In particular, the Panel is concerned that Council and State Government Strategies identify the need for increased residential development to be supported by increased services and infrastructure, including areas of open space in the Ryde LGA.	The Minister for Planning and Public Spaces wrote to Council on 28 November 2024 (Attachment A) to confirm that the Site is not required by the NSW Government and its planning strategies to meet open space requirements. Council is readily able to meet the future need for public open space and recreational facilities as outlined in our detailed correspondence to Council regarding this matter dated 18 September 2024 (Attachment B). Council has had ample opportunities over many years to allocate funding and proceed with the acquisition of the site.
It seems the targets for additional homes in Ryde LGA are being met (and likely to be exceeded), however, it is unclear how targets for the provision of open space are to be met, including the identification of suitable sites and funding strategies.	The NSW Government has made clear that NSW is falling behind the National Housing Accord Targets, and that there is a need to deliver housing across the board. Prior local housing targets are not 'minimums', and the achievement of targets does not abrogate the need to consider all opportunities to deliver suitable housing. As outlined above, the NSW Government has confirmed that there is no State requirement for the site to remain open space, whilst we have separately demonstrated how Council can readily exceed its open space requirements by utilising land that is already government-owned without the need for expensive land acquisition. It is therefore very clear how Council's targets for the provision of open space can be met, including specific sites already in Council ownership that can be much more effectively funded through existing infrastructure contribution arrangements. Further discussion of this matter is included at Section 5.1 .
The Panel understands that action plans to deliver the required open space are currently being prepared by State and Local Government.	The NSW Government has completed its planning for open space and has not identified the site as being required to deliver State open space. Council has had ample opportunity to identify a plan to allocated funding for the acquisition of the Site if it had wished to, having been requested by the Office of Local Government to do so on multiple occasions throughout 2023 and 2024 prior to the Minister for Local Government's decision to refuse Council's request to issue a Proposed Acquisition Notice. Further discussion of this matter is included at Section 5.1 .

Panel's 2022 Decision	How matter is resolved
<p>Within this strategic context, the site, as existing active open space (albeit privately owned), has the potential to contribute to the amount of open space needed to service the future population of Ryde LGA.</p>	<p>As outlined in the preceding sections, whilst the amount of open space needed to service the future population of the Ryde LGA can be readily met through existing government-owned land, the Planning Proposal presents an option to deliver either:</p> <ul style="list-style-type: none"> • 1-hectare public park, including passive and active recreational spaces; or • 1 x full-sized rectangular playing field, including amenities and parking, that is suitable for organised sports such as football, rugby league, rugby union etc. <p>This space is able to be provided at no cost to Council or the community through the proposed development of the remainder of the land.</p>
<p>The Panel believes further discussions between the Proponent, Council and State Government could result in this site making a significant contribution to delivering public open space and housing strategies for the local and regional communities.</p>	<p>The Proponent has consulted extensively with the NSW Government, with the Minister for Planning and Public Spaces confirming in writing that the Site is not required to contribute to the delivery of public open space. Council have continued to seek to thwart any redevelopment of the site and have refused repeated requests for engagement on this matter.</p>

5.0 Strategic Merit

A detailed Strategic Merit assessment is set out in Sections 7 and 8 of the Planning Proposal Report.

Consistency with the North District Plan



Housing Supply

The Planning Proposal will contribute 132 dwellings to meet the National Housing Accord targets for NSW. Whilst only a modest increase in terms of the total forecast population growth, this dwelling typology is much-needed within the local area yet is not well accounted for in current forward-planning for the LGA or NSW more generally.



30 Minute City

The Planning 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.



Urban Tree Canopy

The Draft DCP Amendment envisages the planting of 570 additional trees across the site, providing for a significant increase in urban tree canopy cover of approximately 65% of the 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.

Consistency with Ryde's Local Strategic Planning Statement and Local Housing Strategy



Housing Diversity and Affordability

Existing housing stock within the Ryde LGA is characterised by large freestanding houses and, more recently, high-density residential apartments. The 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 while offering improved amenity and walkability. A \$5 million affordable housing contribution is also proposed as part of the project.



Respond to Local Housing Needs

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, enabling these groups 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 the absence of a Council policy in this regard) will also deliver significant public benefits.



Local Amenity

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.

Responding to a change in circumstances



Responds to changing demographics

Local participation in rugby union has declined dramatically in the 70 years since the site was first established by VRG/Eastwood Rugby Club and, as a result, the majority of existing users of TG Millner Field now travel from Sydney's north-west. At the same time, changing local demographics support the provision of higher-quality informal active and passive recreational spaces within the locality.



Responds to new infrastructure investment

The Agreement between Eastwood Rugby and The Hills Shire Council will deliver three purpose-built full-sized playing fields, including two synthetic fields, for rugby union training and competition. This represents a net increase in regional sporting infrastructure that will only be made possible by the redevelopment of TG Millner Field.

5.1 Open Space Provision

5.1.1 State and Regional Open Space

DPHI confirmed through the release of the Macquarie Park Innovation Precinct Stage 1 and Stage 2 Rezoning Proposals that the land is not required to meet open space requirements for state-led rezoning, and this was subsequently confirmed by the Minister for Planning and Public Spaces in written correspondence to Council (**Attachment A**).

5.1.2 Local Open Space

Council continues to claim that the Site is required to meet local infrastructure demands arising from future residential development. This is fundamentally not a planning matter as it relates to the future use of the Site – if Council requires private land for delivery of Council infrastructure, it is the responsibility of Council to acquire such land at market value in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*. Importantly, Council have had numerous opportunities do this over a period of more than 6 years, and has repeatedly failed to do so – preferring instead to utilise the planning process to attempt to devalue the market value of the land at significant financial cost to both Eastwood Rugby and North Ryde RSL.

As part of this Planning Proposal, we have provided Council with analysis (**Attachment B**) that demonstrates that there is capacity identified within DPHI and Council strategies to deliver the following active open space infrastructure, which is well in excess of projected local needs, without reliance on TG Millner Field:

- 27 new fields, comprising:
 - 14 x new full-sized playing fields already identified in Council/DPHI strategies.
 - 13 x new playing fields, not identified in these strategies, to be developed on existing Council-owned land without the need to acquire private land.
- 29 existing fields with identified capacity upgrades:
 - 7 x full-sized fields with improved public access through shared use agreements.
 - 7+ x existing playing fields upgraded to synthetic, significantly increasing capacity.
 - 15 x full-sized fields provided with new lighting, allowing increased capacity through evening usage.

On this basis, there is no justification for the acquisition of private land to deliver open space within Ryde.

Importantly, Council has never undertaken any cost-benefit analysis of its proposal to acquire the TG Millner Site for public open space. The analysis provided to Council demonstrates that, even when adopting conservative assumptions in favour of Council, acquisition of TG Millner Field by Council to provide public playing fields would involve expenditure by Council that is 14 times the average cost of Council's other projects.

The proposed acquisition of TG Millner is therefore an extraordinarily inefficient allocation of limited Council resources, when the same amount of investment by Council could equally be directed to the delivery of much greater recreational capacity for the local community. In this regard, Council's Sports Field Action Plan identifies twelve (12) projects that, together with some synthetic field conversions, will satisfy any sports field shortages by 2036. The cost of undertaking these projects is costed at \$10,282,218 (c. \$850,000 per field) – a fraction of the cost of acquiring TG Millner Field (\$35 million per field).

We also note that Council has recently deprioritised other important investments such as the Ryde Civic Centre project where such funds could deliver significantly greater benefits to the community. This reflects the fact that the proposed acquisition of the site is not the result of any well-considered strategic infrastructure planning.

We also reiterate that the Planning Proposal will directly facilitate the delivery of 1ha of new public open space on the site (or alternatively 1 x full-sized playing field) and the delivery of 3 x full-sized playing fields at Castle Hill for the continued use of Eastwood Rugby Club and other local sporting organisations.

The Planning Proposal therefore facilitates a significant net increase in regional recreational infrastructure provision.

Notwithstanding the above, as outlined in **Section 3.0** there remains capacity within the masterplan to accommodate the provision of a single full-sized rectangular playing field capable of accommodating sports such as football, rugby union, rugby league etc. plus associated amenities. This would be at the expense of informal recreational facilities proposed within the park as described in **Section 5.1.3**.

5.1.3 Proposed Public Park

The Planning Proposal is consistent with the findings of the Open Space and Recreation Needs Assessment provided with the Planning Proposal, and directly supports the objectives of Council's OSFPS, and by incorporating the delivery of a high-quality new public park which includes inclusive play spaces, a multi-purpose court and fitness equipment for informal active recreation, seating areas and significant tree planting and landscaping to create a high-quality natural environment. The landscape concept plan prepared by Landform Studios provides for the following new informal sporting infrastructure (**Figure 10**):

- Multi-purpose sports court capable of being used for sports such as basketball, netball and futsal.
- Badminton court.
- 3 x table tennis tables.
- 2 x volleyball courts.
- Open lawns capable of being used for passive recreation capable of accommodating 2 x small-sided football/rugby fields.
- All-abilities nature playground.
- Fitness stations.

This informally programmed local sporting infrastructure is a type of facility that meets local community needs which are not currently well-served by existing sporting infrastructure, as noted later in this section. The diversity of recreational opportunities responds and caters to a wider group of the existing and future local community.

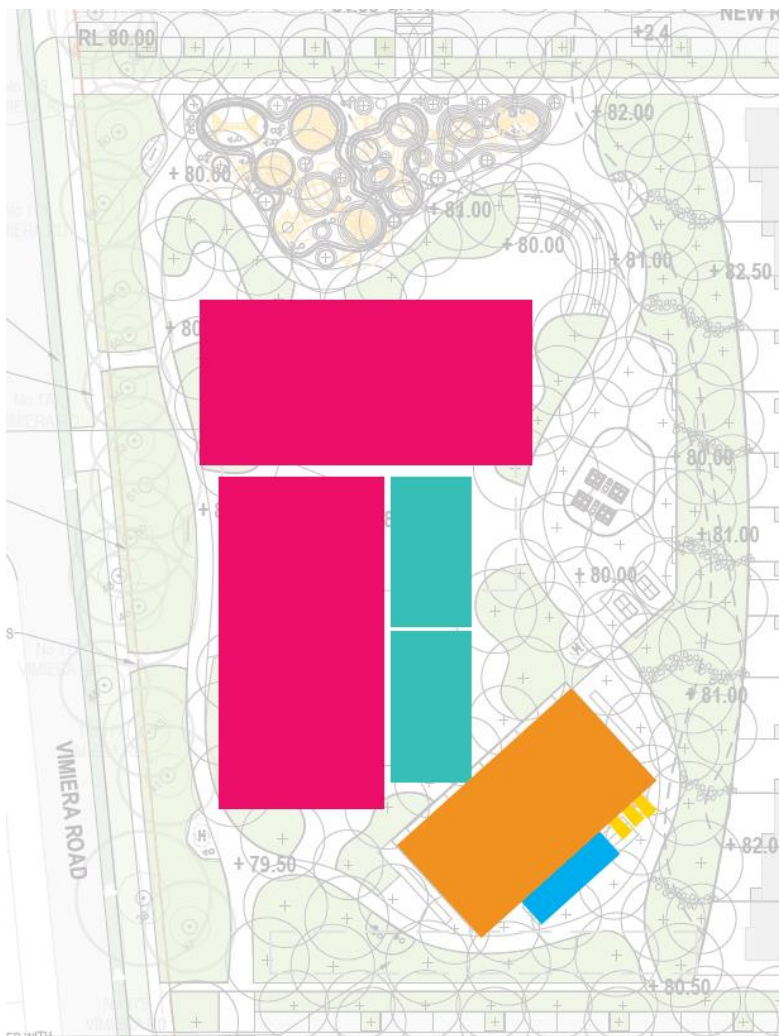


Figure 10 Active sports programming within proposed park

Source: Landform Studios

5.2 Proposed 2025 Compulsory Acquisition by Council

On 26 February 2025, Council issued the Proponent with a notice of its intention to commence a six-month consultation process in respect of the potential compulsory acquisition of the Site under the *Land Acquisition (Just Terms Compensation) Act 1991*.

At this point in time Council has not been required to demonstrate that it has funding available to acquire the land, nor has it received the authorisation of the Minister for Local Government to progress with the acquisition of the land. This proposed acquisition is no different from the one commenced by Council in late-2022, absent any report from Council officers, professional costings or approved funding strategy, and coinciding with the first Rezoning Review, which resulted in the Minister for Local Government refusing Council's request to acquire the land as Council had failed to provide any strategic justification or demonstrate how the acquisition could be funded.

We note that there remains a significant variance between Council's valuation of the land and the Proponent's, which is based on expert valuation and legal advice having regard to the requirements of *Land Acquisition (Just Terms Compensation) Act 1991*. The Panel should be aware that Council's valuation, which is still higher than the quantum of funds allocated by Council, significantly undervalues the likely cost to Council of proceeding with compulsory acquisition.

We note that the resolution of the previous acquisition process led to an 18-month delay in the planning process for this Site.

We encourage the Planning Panel to disregard the recent actions by Council to re-commence the compulsory acquisition process for the following reasons:

- Progression of the Planning Proposal does not in any way impede the acquisition processes established under the *Land Acquisition (Just Terms Compensation) Act 1991*.
- Proposed acquisition is not a relevant planning consideration under the *Environmental Planning and Assessment Act 1979* or LEP Making Guideline.
- As Council has not identified sufficient funding for its proposed acquisition, it is highly unlikely that Council will be able to proceed with this course of action. Delaying a planning decision to facilitate the acquisition process in the Panel's decision risks leaving the site's future once again unresolved.
- As outlined in **Section 5.1**, we have identified opportunities for 27 new playing fields to be delivered on Government land within the Ryde LGA that are either already identified in DPHI and Council strategies, or readily able to be accommodated on other Council-owned land, and 29 existing playing fields which are identified for enhancements to increase local sporting infrastructure capacity. The long-term open space needs of the Ryde LGA can be readily met through these projects without reliance on TG Millner Field.
- As identified in **Section 5.1**, the proposed acquisition represents an extremely poor cost-benefit outcome for the community, which even at conservative estimates is 14-times the cost of Council's other options to increase playing field capacity.

Having regard to the above, we urge the Planning Panel to disregard the acquisition process in its consideration of this Rezoning Review.

6.0 Site-Specific Merit

Site-specific considerations are elaborated upon in Sections 7-8 of the Planning Proposal.

6.1 Natural environment (including known significant environmental values, resources, or hazards)

The Planning Proposal is accompanied by a number of technical studies that confirm that key environmental issues and hazards related to the site are able to be appropriately managed through future stages, including through the finalisation of the Draft DCP Amendment and future Development Applications:

- Preliminary Site Investigation – Douglas Partners
- Arborist's Report – Sydney Arbor Trees
- Transport Impact Assessment – Colston Budd Rogers & Kafe
- Flooding and Stormwater Statement – Northrop

In addition, the Planning Proposal provides for significant enhancements to the natural environment within and in the vicinity of the site, including:

- Planting of 570 additional trees across the site, to provide total site canopy cover of approximately 65% - significantly in excess of existing tree canopy on the site and the surrounding urban environment.
- Incorporation of residential sustainability measures including the provision of rooftop solar photovoltaics, provision for electric vehicle charging, stormwater capture and reuse, and energy-efficient design.
- Improved management of stormwater flows and localised overland flooding within and adjoining the site.
- Creating a new public pedestrian and cycling connection between Vimiera Road and Thelma Road, improving walkability and access to transport, services and local open spaces.
- Incorporation of sustainability and efficiency measures within the public domain through the implementation of Smart City initiatives to improve energy efficiency and reduce resource consumption.
- Delivering new housing in a location that is walkable to frequent public transport, educational establishments, services and employment thereby reducing use of private motor vehicles.

Specifically in respect of flooding, in December 2024 the Proponent provided Council with further flooding information and assessment prepared by Northrop Consulting Engineers in response to Council's request for further information. This advice concluded that:

The flood behaviour is generally low depth and low hazard. The flow is categorised as local overland flow spilling from the road network to the north. The flood risk precinct is medium or low, which indicates the hazard is low in the 1% AEP and not subject to a floodway hydraulic category.

Engineering solutions have been presented in the Stormwater Servicing Report (May, 2022) to respond to both the flow entering the site from the north and the increasing in impervious fraction of the site.

Flow from the north is conveyed through a swale to the internal road network before being collected and conveyed to Vimiera Road.

Underground OSD is provided to limit post developed flows back to predeveloped conditions.

It follows that the management of flows back to pre-developed conditions is unlikely to result in any significant changes to the existing flood levels in the vicinity of the site.

We believe the measures documented in the previous report demonstrate the feasibility of engineering responses to comply with Council's DCP requirements, and these can be further refined at the DA stage.

The documentation submitted addresses the requirements of the Ministerial Direction for flooding, having regard to all current planning requirements. It is evident that there is a standard and readily implementable engineering solution that is able to be implemented to manage overland flooding occurring across the site to ensure that flooding does not affect any of the proposed residential properties.

6.2 Existing uses, approved uses, and likely future uses or land in the vicinity of the proposal

As outlined in the Planning Proposal, the existing uses of TG Millner Field will be relocated to a new purpose-built recreational facility developed by Eastwood Rugby Club in partnership with The Hills Shire Council at Fred Caterson Reserve, Castle Hill. The existing North Ryde RSL Sports Club has average patronage of less than 40 persons/day and will be closed in the event that the Planning Proposal were to proceed. The existing childcare centre operators are operating under a lease with a demolition clause in place – noting that childcare centres are permitted within the proposed R2 zoning for the site.

Accordingly, there is a need to identify a new suitable use for the site.

As outlined above, Council has on numerous occasions (2018, 2022 and 2025) investigated the purchase of the site. In each instance Council has been unable to proceed with the purchase of the site, and accordingly the Proponent has proceeded to make its own arrangements for the divestment of the land.

State Environmental Planning Policy (Housing) 2021 (the Housing SEPP) permits the development of seniors housing on land zoned RE2 Private Recreation where the development is carried out on land used for the purpose of an existing registered club and where the land adjoins land zoned for residential purposes. The site meets these requirements, as the North Ryde RSL Sports Club trades on the site and surrounding land is zoned R2 Low Density Residential.

Under the Housing SEPP, development for the purpose of seniors housing may be developed on the site for a range of uses including a residential care facility, hostels or independent living units. The SEPP sets out development standards for seniors housing, which would permit development for the purpose of a residential care facility with a maximum floor space ratio of 1:1. There is no requirement to provide any public benefits, including any public open space, as part of a seniors housing development.

Noting the opposition of Council to the project and the associated delays in progressing the Planning Proposal, the Proponents have requested and obtained Secretary's Environmental Assessment Requirements for the preparation of a State Significant Development Application for a seniors housing development option. Notwithstanding this, the Planning Proposal and associated Master Plan continues to be the preferred option of the Proponents. The Planning Proposal represents a mutually beneficial and reasonable planning outcome for the site that would deliver a less intensive development outcome plus significant public benefits to the local and broader Ryde community. It is therefore requested that this Rezoning Review and the Planning Proposal be progressed expeditiously to negate the need for the seniors housing development options to be progressed further.

6.3 Services/infrastructure, including any proposed financial arrangements

The Planning Proposal is accompanied by a Services Infrastructure Study prepared by Stantec that confirms that the site is capable of being serviced through existing utility infrastructure.

As outlined in **Section 3.0**, the Proponent has offered to enter into a Planning Agreement with Council to provide for significant public benefits to be facilitated by the project, including the provision of local open space, contributions to enhanced sports facilities within the LGA, affordable housing, urban tree canopy, Smart City initiatives and the making of local development contributions. At the time of writing no response or feedback has been provided by Council in respect of this offer. The Proponent remains committed to delivering public benefits of this nature as part of the Planning Proposal.

7.0 Conclusion

As summarised in the preceding sections, and as detailed comprehensively in the Planning Proposal and accompanying information submitted to Council, the Planning Proposal has Strategic Merit and Site Specific Merit, and accordingly we recommend that the Sydney North District Planning Panel support the referral of the Planning Proposal for a Gateway Determination.

Given the resolution of Council that directly seeks to prevent the Planning Proposal from proceeding, we also request that the Panel recommend to the Department that it be appointed as the Relevant Planning Authority for the future assessment of the Planning Proposal.

The Planning Proposal represents a very modest development outcome for the site that is wholly compatible with the existing character of the surrounding local neighbourhood and will not result in any adverse environmental impacts. The Planning Proposal will facilitate the delivery of significant public benefits, particularly through the proposed 1-hectare public park or full-sized playing field, along with other contributions that are well in excess of typical planning requirements and those provided by comparable developments.

Should you have any queries regarding this matter or require any further clarification, please do not hesitate to contact the undersigned.

Yours sincerely,



Michael Oliver

Director, Planning

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Appendix List:

Ref	Document	Author	Date
A	Correspondence from NSW Government		
A1	Letter from Minister for Planning and Public Spaces to NRRSL/VRG re. compulsory acquisition and planning process	Minister for Planning and Public Spaces	6 March 2025
A2	Letter from Ryde Council to NRRSL re. commencement of compulsory acquisition process	Council	26 February 2025
A3	Letter from Minister for Planning and Public Spaces to Council re. Macquarie Park Infrastructure and	Minister for Planning and Public Spaces	28 November 2024
A4	Letter from Minister for Planning and Public Spaces to NRRSL re. Macquarie Park infrastructure	Minister for Planning and Public Spaces	21 November 2024
A5	Letter from Council to NRRSL re. Planning Proposal and Public Benefit Offer	Council	31 October 2024
A6	Letter from NRRSL and VRG to Council re. Council resolutions	NRRSL/VRG	25 October 2024
A7	Letter from Minister for Planning and Public Spaces to Council re. Council's RE1 Planning Proposal	Minister for Planning and Public Spaces	26 October 2024
A8	Letter from DPHI to Council re. Council's RE1 Planning Proposal	Council	23 October 2024
A9	Letter from Minister for Local Government to NRRSL/VRG re. Council's RE1 Planning Proposal	Minister for Local Government	26 September 2024
A10	Letter from NRRSL/VRG to Council	NRRSL/VRG	19 December 2024
A11	Letter from Minister for Local Government to Council re. refusal of Council's compulsory acquisition request	Minister for Local Government	1 July 2024
A12	Letter from Minister for Local Government to NRRSL/VRG re. refusal of Council's compulsory acquisition request	Minister for Local Government	2 May 2024
B	Submission regarding playing field infrastructure and funding	Ethos Urban	17 September 2024
C	Planning Proposal (as submitted)		3 July 2024
C1	Planning Proposal Justification Report	Ethos Urban	July 2024
C2	Urban Design Report and Concept Master Plan	DKO	July 2024
C3	Landscape Concept Plan and Landscape Design Report	Landform	July 2024
C4	Public Benefit Offer	Winston Langley	July 2024
C5	Draft LEP Maps	Ethos Urban	July 2024
C6	Draft Development Control Plan	Ethos Urban	July 2024
C7	Preliminary Site Investigation	Douglas Partners	July 2024
C8	Geotechnical Investigation	Douglas Partners	July 2024
C9	Arboricultural Impact Assessment	Sydney Arbor Trees	July 2024

C10	Transport Impact Assessment	Colston Budd Rogers & Kafe	July 2024
C11	Flooding and Stormwater Report	Northrop	July 2024
C12	Economic Benefits Statement	Deep End Services	July 2024
C13	Open Space and Recreation Needs Assessment	Ethos Urban	July 2024
C14	Services Infrastructure Advice	Stantec	July 2024
C15	Alternative Site Master Plan including Football Field	DKO	July 2024
C16	Prior Response to Council RFI	Ethos Urban	25 August 2022
C17	Community Engagement Letter to Council	Polis Partners	August 2022
C18	Community Engagement Report	Polis Partners	August 2022
C19	YouGov Community Survey	YouGov	August 2022
C20	2022 Rezoning Review – Record of Decision	Sydney North Planning Panel	6 December 2022
C21	2022 Rezoning Review Request	Ethos Urban	14 September 2022
C22	2022 Rezoning Review Presentation	Ethos Urban	November 2022
C23	Industry-Specific SEARs for Seniors Housing State Significant Development Application		
D Post-Lodgement Correspondence			
D1	Applicant's Response to Council Resolution MM33/24 regarding Council's RE1 Planning Proposal	Ethos Urban	18 September 2024
D2	Applicant's Response to Preliminary Meeting Feedback	Ethos Urban	4 October 2024
D3	Correspondence re. Council delay in issuing PP feedback/RFI by Council's Executive Leadership Team	Council / Ethos Urban	18-29 October 2024
D4	Formal Request for Information	Council	6 November 2024
D5	Applicant's Response to RFI	Ethos Urban, DKO, Northrop, CBRK	18 December 2024
D6	Correspondence re. status of PP assessment	Ethos Urban, Council	20-25 February 2025