

14 September 2022

2200718

Mr Michael Cassel
Secretary
NSW Department of Planning and Environment
4 Parramatta Square
Parramatta NSW 2150

Attention: Mr Brendan Metcalfe (Director, North District)

146-150 Vimiera Road, Marsfield | TG Millner Field Planning Proposal LEP2022/2/1/3 – Request for Rezoning Review

On behalf of Winston Langley, North Ryde RSL Club (NRRSL) and Eastwood Rugby Club (together the Proponent), we write to request a Rezoning Review for the Planning Proposal for 146-150 Vimiera Road, Marsfield that was submitted to the City of Ryde Council (Council) on 18 May 2022.

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 have 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 and North Ryde RSL have a financial obligation to complete the purchase and subsequent sale of the land for development to fund this outcome and provide ongoing services to their own 25,000+ membership while regenerating their main premises.

The following sections set 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* (DPE 2022) and *Planning Circular PS 22-003*, this Rezoning Review Request is accompanied by the final Planning Proposal, including correspondence with Council to date and the additional information/clarification provided to Council in response to the single request for information received since submission of the Planning Proposal.

In summary, the Planning Proposal:

- Is necessary as changing local demographics and regional rugby union participation rates mean that Marsfield is too distant from Eastwood Rugby's membership, and that as a consequence the existing use cannot be continued.
- Will facilitate the relocation of Eastwood Rugby to new purpose-built publicly accessible facilities closer to its user base at Fred Caterson Reserve, Castle Hill which are to be delivered in conjunction with The Hills Shire Council, while enabling North Ryde RSL to recoup a portion of their significant expenditure on the Site over the past 20 years.
- 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.
- Will provide diverse housing that directly meets the needs of young families and down-sizers within the existing Marsfield and Ryde community.
- Is supported by an offer to deliver generous public benefits including the provision of a new 1ha public park on the Site and contributions towards local sporting infrastructure, affordable housing, urban tree canopy, smart city initiatives and local infrastructure provision that are well in excess of requirements and comparable developments.
- Represents a significantly better outcome for the community than a compliant seniors housing development that is already permitted on the site pursuant to *State Environmental Planning Policy (Housing) 2021*.

The Proponent would welcome the opportunity to meet with the NSW Department of Planning and Environment and the Sydney North District Planning Panel to provide further information and any clarification regarding the Planning Proposal and its merit.

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 TG 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

1950	Site is purchased from private landowners by Eastwood Rugby at market rates with funds provided by 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 membership 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 enter into a long-term lease over the Site and agree to bear the financial cost of maintaining the playing fields and facilities and to repay debts accrued by Eastwood Rugby, and to operate the existing registered club (now North Ryde RSL Sports Club). Over the following 23 years, the net investment by North Ryde RSL has been in the order of \$20 million.
2017	Eastwood Rugby Club resolve to take steps to relocate away from Marsfield to new premises in Sydney's north-west district, closer to existing membership and growing rugby community.
2017	As the long-term leaseholder and consequently the only realistic purchaser, North Ryde RSL agree to purchase the Site from Eastwood Rugby. The purchase was agreed with a deferred schedule of payments agreed and arrangements to allow Eastwood Rugby's continued use until the new facility at Castle Hill is established. This purchase is made on the expectation that the site will be sold for redevelopment to recoup part of the significant costs expended on the Site.
2022	Following several years of discussion and negotiation, Eastwood Rugby enters into a Memorandum of Understanding with The Hills Shire Council to facilitate the development and use of a new purpose-built facility at Fred Caterson Reserve, Castle Hill.

A number of additional matters are pertinent from the background to this Planning Proposal:

- The Site was 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.
- At no point in time has TG Millner Field been public open space. Very infrequent hiring of the playing fields has occurred (refer to further detail in Planning Proposal), and all sporting organisations who have done so will continue to have the opportunity to hire the new facility at Castle Hill.
- There is a significant regional interest in facilitating the relocation of Eastwood Rugby to Fred Caterson Reserve, Castle Hill, which will facilitate a significant net-improvement in the provision of regional sporting infrastructure. Specifically, the new facility (**Figure 1**) will provide:
 - Three full-size rectangular playing fields (i.e. one more than currently provided at the Site), including two synthetic fields and one natural turf field, with 24 hour-access and full usage control by Eastwood Rugby.
 - Broadcast-quality lighting to enable night games and later training, which are not currently possible at TG Millner.
 - 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.

- North Ryde RSL's 25,000+ membership is well-served by their existing facility at Magdala Road, North Ryde. With the existing North Ryde RSL Sports Club attracting daily average patronage of less than 40 persons (most of whom are already attending the site for activities in connection with Eastwood Rugby), the ongoing operation of the registered club at the site would not be viable.
- The purchase of the Site by NRRSL from Eastwood Rugby was always on the expectation that the land would be divested for development. This divestment is necessary for NRRSL to complete its payments to Eastwood Rugby, who in turn will use these funds to deliver the new facility at Castle Hill, and to recoup part of the significant investment by NRRSL in subsidising the operation of the site and reinvest these funds in facilities for its own membership. As a result, the successful progression of this planning process and divestment of the site will have multi-faceted benefits throughout the Ryde LGA and the wider north-western Sydney district.
- NRRSL and Eastwood Rugby have made a conscious decision to progress this Planning Proposal in order to secure a positive legacy for the Site that reflects the close connection of the two organisations to the local community and to secure significant public benefits that go well beyond those that would otherwise be reasonably required or delivered if planning approval was pursued by a private developer.



Figure 3 Indicative site plan and render of new Eastwood Rugby facility at Fred Caterson Reserve

Source: Populous

3.0 The Planning Proposal

This Planning Proposal seeks amendment of 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 the Planning Proposal) prepared by DKO Architects and Landform Studios 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 6-7**).
- 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 4**), 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 5**).

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 Planning Proposal is accompanied by an Initial Public Benefit Offer to enter into a Planning Agreement with Council to provide for the following:

Item	Value
Public Park – Construction and embellishment of the proposed public park and dedication of this land to Council	\$16,690,000
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 financial contribution towards the provision of 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	\$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	\$24,904,164

Based on the 132 lots/houses presented for approval in the Planning Proposal, the proposed VPA offer equates to a community contribution of **\$188,668/dwelling**. This is an extraordinary public benefit offer that is only possible because the proposal is being driven by two longstanding community organisations (who together have over 15,000 members within the Ryde LGA) that intend to deliver a positive legacy to the community in which they have respectively been a key part since 1958.

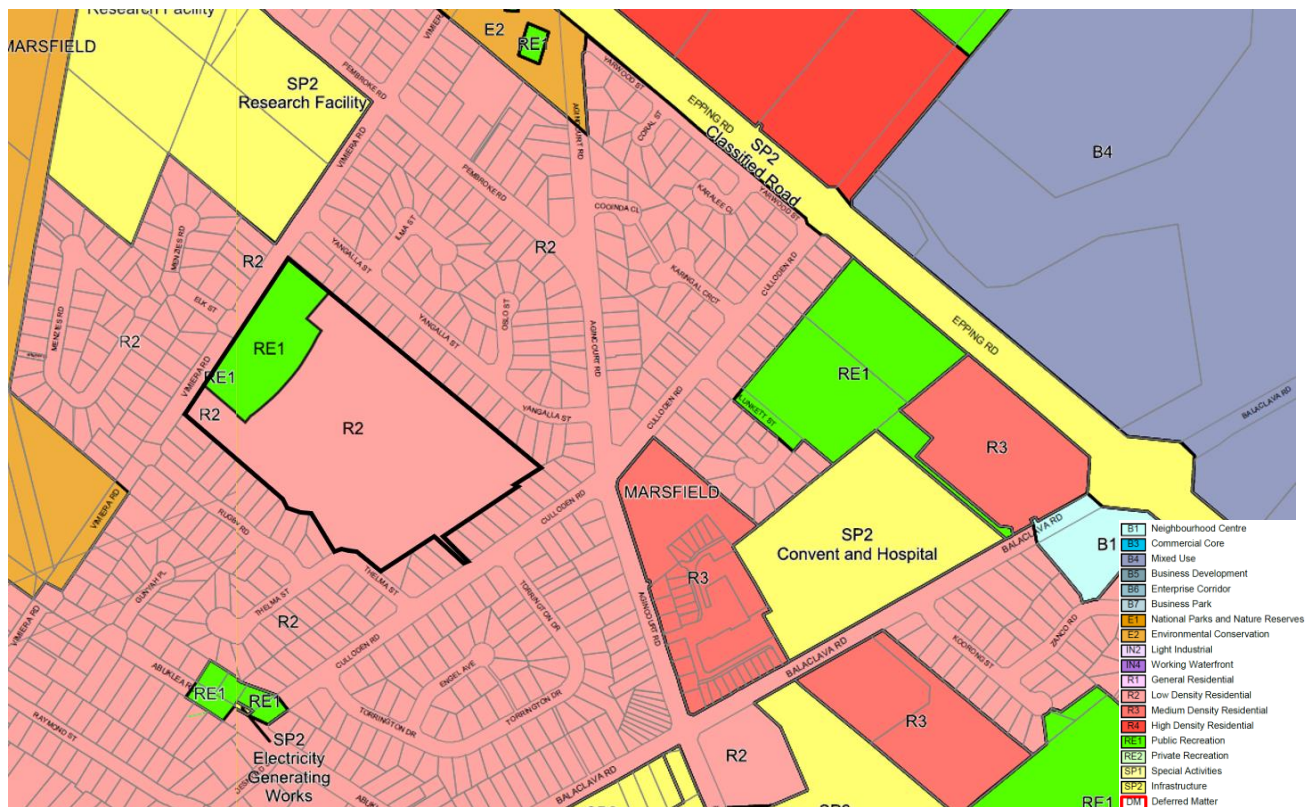


Figure 4 Proposed Zoning Map

Source: Ethos Urban

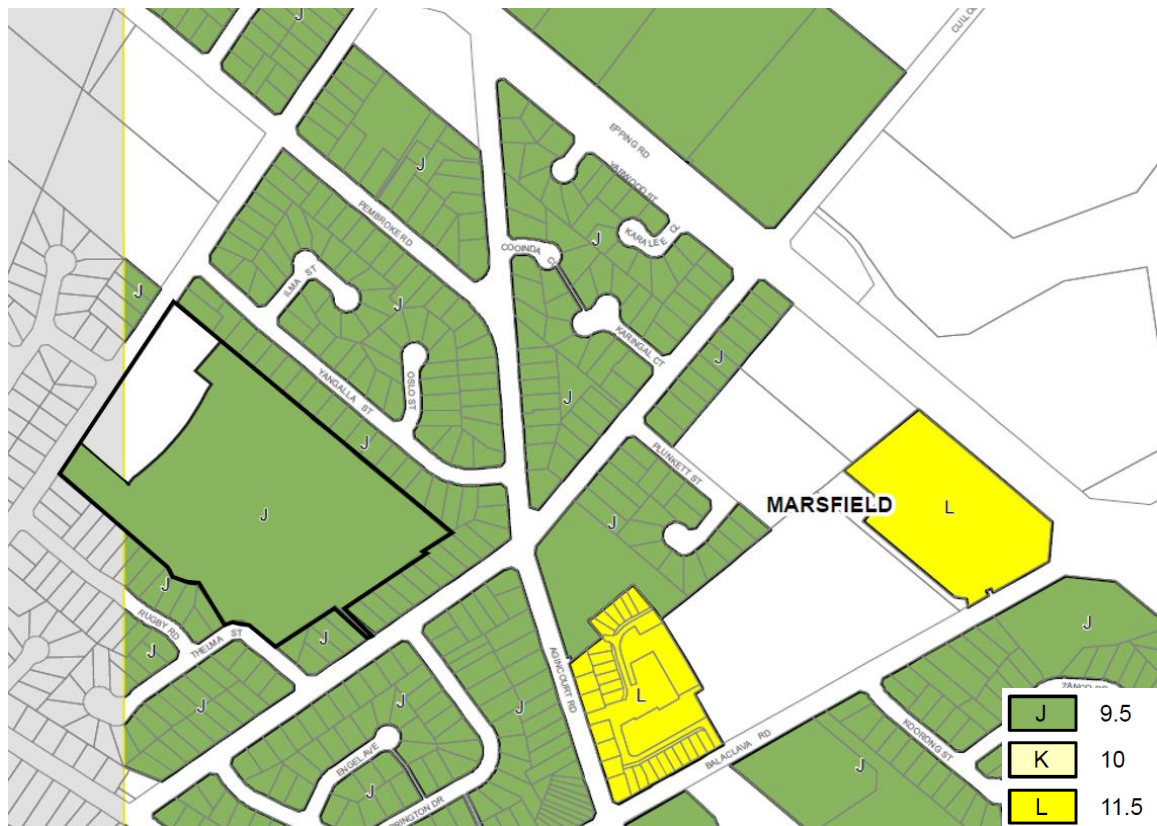


Figure 5 Proposed LEP Height Map

Source: Ethos Urban



Figure 6 Indicative photomontage of the proposed public park and terraces
 Source: DKO



Figure 7 Indicative photomontage of new public park and terraces
 Source: DKO



Figure 8 Indicative photomontage of proposed development

Source: DKO

4.0 Timeline

The following table sets out the key events in respect of the Planning Proposal. We note that Council has not yet provided the Proponent with any feedback in respect of the Public Benefit Offer or Draft Development Control Plan Amendment.

Date	Action
15 February 2022	Proponent's representatives meet with Council planning officers and provided an initial presentation regarding the need for change, development and built form options analysis for the site, overview of the preferred master plan.
9 March 2022	Proponent's representatives meet with Council's General Manager, Director Planning and Director City Works in relation to the Planning Proposal and Public Benefit Offer.
22 March 2022	Pre-Application Discussion with formal feedback provided in relation to open space; road design; traffic impact assessment; flooding and stormwater drainage; urban design; Draft DCP Amendment; other technical studies and information; Planning Agreement.
31 March 2022	Council issues a detailed letter documenting Council's pre-lodgement feedback.
12 May 2022	Proponent presents updated Master Plan and details of intended Planning Proposal submission to Council officers ahead of lodgement.
18 May 2022	Proponent submits the Planning Proposal via the NSW Planning Portal.
28 June 2022	Council Resolution 16/22: <i>That Council:</i> <i>(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.</i> <i>(b) Oppose any plans that reduce or diminish the public's access to green space in Ryde.</i> <i>(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.</i>
2 August 2022	Council issues Request for Information (RFI) letter, requesting a response no later than 26 August 2022.
10 August 2022	Meeting between Council officers and the Proponent's representatives to discuss the Council's RFI and outline the Proponent's initial response.
26 August 2022	Submission of the Proponent's response to Council's RFI letter.
1 September 2022	Council officers advice the Proponent's representatives that the matter will not be reported to the September meetings of the Local Planning Panel and Council.

5.0 Summary of Strategic Merit

Consistency with the North District Plan



Housing Supply

The Planning Proposal will contribute 132 dwellings to meet the 2026+ housing targets for the Ryde LGA. 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.



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 significantly increase urban tree canopy cover of approximately 65% of site area, well above the target established under the District Plan (40%). This will deliver significant improvements to local biodiversity and reduce urban heat to deliver significant environmental, economic and social benefits to the existing and future community.

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



Housing Diversity

Existing housing stock within the Ryde LGA is characterised by large freestanding houses and, more recently, high-density residential apartments. This Planning Proposal directly addresses the 'missing middle' of low-rise compact dwelling forms that are more affordable, convenient, efficient and sustainable. At only two-storeys in height, this typology is wholly compatible with the surrounding low-density neighbourhood whilst offering improved amenity and walkability.



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 to meet their changing housing needs within the local area, allowing them to maintain existing social connections and relationships with educational institutions, support networks, community organisations and employers. The proposed contribution towards affordable housing (in excess of existing local planning policy requirements) will also deliver significant public benefits.



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 and source of local amenity.

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 acquired by Eastwood Rugby 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 is only able to be made possible by this Planning Proposal.

Refer to Section 7.2 of the Planning Proposal for further detail regarding the Planning Proposal's Strategic Merit.

6.0 Site-Specific Merit

The following summary of site-specific considerations is 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 would provide 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.

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

As outlined in **Section 2.0**, the existing use of the site is to be relocated to a new purpose-built recreational facility developed by Eastwood Rugby in partnership with The Hills Shire Council at Fred Caterson Reserve, Castle Hill. North Ryde RSL Sports Club has daily average patronage (including attendance associated with Eastwood Rugby activities) of less than 40 persons. These facilities will be consolidated back to the main North Ryde RSL premises. The existing childcare centre lease expires in early-2025. Accordingly, there is a need to identify a new suitable use for the site.

It is noted that Council previously investigated the purchase of the Site for the purpose of developing new public open space on a number of occasions, including following its resolution to commence negotiations to purchase the site at its 24 April 2018 Council Meeting. In each instance Council has declined to purchase 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.

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 4.0**, 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 these public benefits of this nature as part of the Planning Proposal.

7.0 Relationship with Seniors Housing SSD-48034208

As noted in **Section 7.2** the existing planning framework allows the development of the site for seniors housing. Whilst this is not the Proponent's preferred option, the Proponents are obligated to their respective members to pursue a development option for the site that will facilitate divestment of the land, in order to allow the Clubs to achieve their respective objectives – the relocation to modern, purpose-built facilities at Castle Hill for Eastwood Rugby, and for North Ryde RSL being the recoupment of monies spent purchasing, maintaining and subsidising the TG Millner Field site over many years and directing funds into the regeneration of their main premises at North Ryde on behalf of their 25,000+ members, the majority of which reside within the Ryde LGA.

Noting the resolutions of Council on 28 June 2022 and the associated delays in progressing Council's assessment of 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.

8.0 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 supports 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 Sydney North District Planning 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, 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

0402 644 681

moliver@ethosurban.com

Appendix A Planning Proposal

- A.1 Planning Report prepared by Ethos Urban
- A.2 Urban Design Report and Concept Master Plan prepared by DKO
- A.3 Landscape and Public Domain Report and Concept Plans prepared by Landform Studios
- A.4 Initial Public Benefit Offer from the Proponent
- A.5 Proposed LEP Maps
- A.6 Preliminary Site Investigation prepared by Douglas Partners
- A.7 Arboricultural Impact Assessment prepared by Sydney Arbor Trees
- A.8 Transport Impact Assessment prepared by Colston Budd Rogers & Kafes
- A.9 Flooding and Stormwater Report prepared by Northrop
- A.10 Economic Benefits Report prepared by Deep End Services
- A.11 Recreation Demand Study prepared by Ethos Urban
- A.12 Services Infrastructure Study prepared by Stantec

Appendix B Draft Development Control Plan Amendment

Appendix C Council Correspondence

- C.1 Pre-Lodgement Advice Letter, dated 31 March 2022
- C.2 Request for Information (RFI) Letter, dated 2 August 2022

Appendix D Additional Information Provided to Council

- D.1 Planning Response to Council RFI Letter, dated 26 August 2022
- D.2 Community Engagement Outcomes Report prepared by Polis Partners