

REZONING REVIEW

RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY NORTH PLANNING PANEL

DATE OF DECISION	6 December 2022
DATE OF MEETING	30 November 2022
PANEL MEMBERS	Peter Debnam (Chair), Annelise Tuor and Glennis James
APOLOGIES	None
DECLARATIONS OF INTEREST	With the agreement of the Panel Chair, Mayor Jordan Lane and Councillor Sarkis Yedelian, Deputy Mayor, City of Ryde were excused from the Panel and did not participate in the meeting as they had previously voted at Council on the matter.

REZONING REVIEW

RR-2022-23 – Ryde– PP-2022-1822 - AT 146-150 Vimiera Road, Marsfield

The rezoning review request initiated by Ethos Urban, acting on behalf of Winston Langley, North Ryde RSL Club (NRRSL) and Eastwood Rugby Club (together the Proponent), seeks to amend Ryde Local Environmental Plan 2014 to:

- Rezone the site from RE2 Private Recreation to part-R2 Low Density Residential and part-RE1 Public Recreation;
- Include a Schedule 1 Additional Permitted Use clause that permits 'semi-detached dwellings' and 'attached dwellings' on the part of the site proposed to be rezoned R2 Low Density Residential; and
- Apply a maximum building height (none existing) of 9.5 metres to the portion of the site proposed to be rezoned R2 Low Density Residential.

Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
- ☒ not demonstrated strategic merit
- ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

Having considered the documents and been briefed by the Department, the Panel then heard extensively from Council and Proponent before adjourning to consider the matter.

During Panel deliberations, it became apparent more time was needed for consideration and the Panel reconvened on 2nd December 2022 to discuss whether the proposal met the Strategic Merit Test.




Following discussion of the planning proposal's alignment with the NSW strategic planning framework, the Panel unanimously resolved that the proposal failed to adequately demonstrate Strategic Merit.

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. 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.

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. 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 Panel understands that action plans to deliver the required open space are currently being prepared by State and Local Government. 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.

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.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Annelise Tuor
 Glennis James	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2022-23 – Ryde– PP-2022-1822 - at 146-150 Vimiera Road, Marsfield
2	LEP TO BE AMENDED	Ryde Local Environmental Plan 2014
3	PROPOSED INSTRUMENT	<p>The proposal seeks to amend Ryde Local Environmental Plan 2014 on land at 146-150 Vimiera Road, Marsfield to:</p> <ul style="list-style-type: none"> • Rezone the site from RE2 Private Recreation to part R2 Low Density Residential and part RE1 Public Recreation; • Include a Schedule 1 Additional Permitted Use clause that permits ‘semi-detached dwellings’ and ‘attached dwellings’ on the part of the site proposed to be rezoned R2 Low Density Residential; and • Apply a maximum building height of 9.5 metres to the portion of the site proposed to be rezoned R2 Low Density Residential.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing with Department of Planning and Environment (DPE): 9am – 9:35am 30 November 2022 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Annelise Tuor, Glennis James ○ DPE staff in attendance: Yolande Miller, Brendan Metcalfe, Karen Lettice, Asini Rajapakse ○ Key issues discussed: the material identified in the briefing package being the proposal, site location, background and identified key issues • Briefing with Council: 9:35am - 10:15am, 30 November 2022 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Annelise Tuor, Glennis James ○ DPE staff in attendance: Yolande Miller, Brendan Metcalfe, Karen Lettice, Asini Rajapakse ○ Council representatives in attendance: Liz Coad, Dyalan Govender, Simon James & Naomi L’Oste-Brown ○ Key issues discussed: Council responded to the key issues in the DPE briefing package including strategic housing and open space requirements identified in State and local government strategic plans and policies and Council’s LSPS; use of site for active recreation uses and other sporting bodies; and proposed VPA and purchase of the site for public open recreation. • Briefing with Proponent and Council: 10:15am - 11.10am, 30 November 2022 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Annelise Tuor, Glennis James ○ DPE staff in attendance: Yolande Miller, Brendan Metcalfe, Karen Lettice, Asini Rajapakse

		<ul style="list-style-type: none"> ○ Council representatives in attendance: Liz Coad, Dyalan Govender, Simon James & Naomi L'Oste-Brown ○ Proponent representatives in attendance David Hynes, Michael Oliver, Catherine Beachley, Jim Morris, Chris Jones, Gareth Jones, Robert Cusack and Robert Frost ○ Key issues discussed: Proponent responded to the key issues in the DPE briefing package including demand for rugby fields is dropping with a change in local participation levels and provision of a regional rugby facility in the Hills LGA; would like to develop the site with housing or senior housing and the Club remain financially viable; could consider a rectangular field rather than a community park; and proposed VPA contributions. ● Panel Discussion: 11.10am – 11.40am 30 November 2022 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Annelise Tuor, Glennis James ○ DPE staff in attendance: Yolande Miller, Brendan Metcalfe, Karen Lettice, Asini Rajapakse ● Panel Discussion: 9:30am – 9.50am 2 December 2022 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Annelise Tuor, Glennis James ○ DPE staff in attendance: Yolande Miller, Brendan Metcalfe, Karen Lettice, Asini Rajapakse
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