

Rezoning Review Briefing Report – RR-2025-2

The planning proposal seeks to amend the Ryde LEP 2014 to enable new public park and a low-rise residential development (132 dwellings)

Element	Description
Date of request	7 April 2025
Department ref. no	RR-2025-2
LGA	City of Ryde
LEP to be amended	Ryde Local Environmental Plan (LEP) 2014
Address	146-150 Vimiera Road, Marsfield
Reason for review	<input type="checkbox"/> Council notified the proponent it will not support the proposed amendment <input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 115 days, or failed to submit the proposal after indicating its support
Has council nominated PPA role	On 7 May 2025, City of Ryde Council (Council) declined the opportunity to nominate itself as the Planning Proposal Authority (PPA) (Attachment C1)
Consultation	On 28 November 2024, The Hon. Paul Scully MP, Minister for Planning and Public Space, wrote to the North Ryde RSL (NRRSL, Proponent) confirming that the Macquarie Park Corridor Infrastructure Delivery Plan (IDP) does not provide any commitment or requirement for the NSW Government to acquire or preserve the TG Millner Field as open space, and that the NSW Government's position regarding the site remains unchanged (Attachment B1).
Political Donations	The Proponent is not aware of any person who has financial interest in the application who has made a political donation or gift in the last two years.
Lobbyist Code of Conduct	The Department is not aware of any meetings or communication with registered lobbyists with respect to this planning proposal.
Brief overview of the timeframe/progress of the planning proposal	3 July 2024 – Proponent lodged planning proposal with Council. 27 August 2024 – Council resolved to propose a Council-led process to rezone TG Millner to <i>RE1 Public Recreation</i> . 26 September 2024 – Proponent met with Council officers to receive preliminary feedback on proposal. 10 October 2024 – Proponent submitted response to feedback.

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Element	Description
	<p>26 October 2024 – Minister for Planning and Public Spaces advised Council that Department would not support a Council-led rezoning.</p> <p>7 November 2024 – Council issued request for information (RFI) to Proponent.</p> <p>20 December 2024 – Proponent submitted response to RFI.</p> <p>20 February 2025 – Proponent requested update from Council.</p> <p>25 February 2025 – Council advised no additional information was required. Council adopted Mayoral Minute to recommence compulsory acquisition of TG Millner Field.</p> <p>26 February 2025 – Council wrote to Proponent to re-commence 6-month statutory consultation period (<i>Land Acquisition Act 1991</i>).</p> <p>7 March 2025 – Department issued SEARs for site relating to Seniors Housing.</p> <p>21 March 2025 – Proponent lodged Rezoning Review request with the Department.</p> <p>7 April 2025 – Department issued acknowledgement letters accepting the Rezoning Review.</p> <p>28 April 2025 – Council submitted response to Rezoning Review.</p> <p>7 May 2025 – Council advised it was declining the opportunity to nominate itself as the PPA.</p>
Department contact:	Ian Woods, Planning Officer

Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	Approximately 6.17 ha
Site Description	<p>The site is located at 146-150 Vimiera Road, Marsfield and is legally known as Lot 7 DP 1046532 (site) (Figure 1). It is rectangular in shape with an approximate total area of 6.17ha. The site is currently primarily occupied by the TG Millner Field and associated structures (such as grandstand seating) in the north-western half of the site, and an informal rugby training area in the south-eastern half of the site. The North Ryde RSL Sports Club (NRRSL) is located between the TG Millner Field and training fields at the approximate centre of the site. The northern corner of the site (adjacent to Vimiera Road) is occupied by a childcare centre.</p> <p>The site is bound by Vimiera Road to the north-west, and by 1-2 storey residential developments (R2 Low Density Residential) in all other directions. The site is currently zoned as RE2 Private Recreation.</p>

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Element	Description
	<p>The site is approximately 150m east of Pembroke Park, 450m north-east of Eastwood Heights Public School, 450m west of Macquarie University Campus, and 500m south of Epping Boys High School (Figure 2).</p> <p>The site is located approximately 1.5km west of Macquarie University Metro Station, and 1.5km east of Epping Train and Metro Station, which is located in the proposed Epping Town Centre (Figure 2).</p>
Proposal summary	<p>The planning proposal seeks to amend the Ryde Local Environmental Plan (LEP) 2014 to facilitate a new public park and a low-rise low-density residential housing development to deliver approximately 132 two-storey dwellings.</p> <p>The proposal seeks to amend the <i>Ryde LEP 2014</i> in the following ways:</p> <ul style="list-style-type: none"> • Rezone the site from <i>RE2 Private Recreation</i> to part <i>R2 Low Density Residential</i> and part <i>RE1 Public Recreation</i>. • Insert an additional permitted use clause to permit semi-detached and detached dwellings on the proposed <i>R2 Low Density Residential</i> portion of the site. • Apply a maximum Height of Building (HOB) of 9.5m to the proposed R2 Low Density Residential Portion of the site. <p>A site-specific Development Control Plan (DCP) and Voluntary Planning Agreement are being prepared for the site.</p>
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none"> • Greater Sydney Regional Plan (Regional Plan) • North District Plan (District Plan) • Planning Ryde Local Strategic Planning Statement 2020 (Ryde LSPS) • Ryde Local Housing Strategy 2020 • Ryde Affordable Housing Policy • Ryde Open Space Future Provision Strategy (OSFPS) • Ryde Sports Field Action Plan (SFAP) • Macquarie Park Innovation Precinct Place Strategy • State Environmental Planning Policies <ul style="list-style-type: none"> ○ Planning Systems 2021 ○ Exempt and Complying Development Codes 2008 ○ Resilience and Hazards 2021 ○ Industry and Employment 2021 ○ Transport and Infrastructure 2021 ○ Housing 2021 ○ Sustainable Buildings 2022 • Section 9.1 Ministerial Directions <ul style="list-style-type: none"> ○ 2.3 Remediation of contaminated land ○ 3.1 Residential Zones ○ 4.3 Flood Prone Land ○ 5.10 Implementation of Regional Plans ○ 7.14 Implementation of Macquarie Park Innovation Precinct Place Strategy

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Figure 1. Subject site (SDT Explorer, April 2025)



Figure 2. Site Context (SDT Explorer, April 2025)



Figure 3. Indicative Master Plan (Planning Proposal, July 2024)

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

Table 2. Current and proposed controls

Control	Current	Proposed
Zone	RE2 Private Recreation	R2 Low Density Residential RE1 Public Recreation
Maximum height of the building	N/A	9.5m
Number of dwellings	N/A	132

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

Previous Planning Proposal

The site was subject to a previous largely similar planning proposal (PP-2022-1822) and subsequent rezoning review (RR-2022-23). The previous planning proposal was lodged with Council on 20 May 2022, and was subsequently submitted to the Department for Rezoning Review on 14 September 2022 after Council failed to indicate its support of the proposal after 115 days.

On 25 October 2022, Council endorsed a submission to the Department opposing the previous planning proposal and offered to purchase the TG Millner site.

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On 6 December 2022, the Sydney North Planning Panel determined that the previous planning proposal (PP-2022-1822) should not proceed to Gateway Determination as Council's housing targets were being met (likely to be exceeded) and the site as existing open space (albeit private) had the potential to contribute to the State and Local Government's action plan to deliver open space which had not been released at the time.

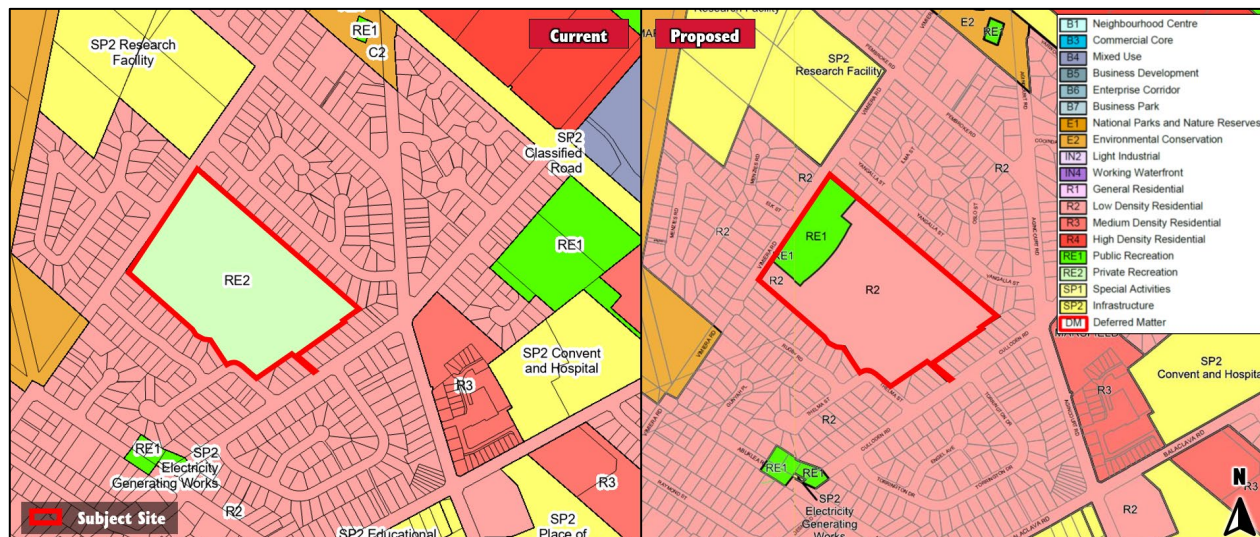


Figure 4. Current and proposed zoning (NSW Spatial Viewer April 2025, Planning Proposal July 2024)

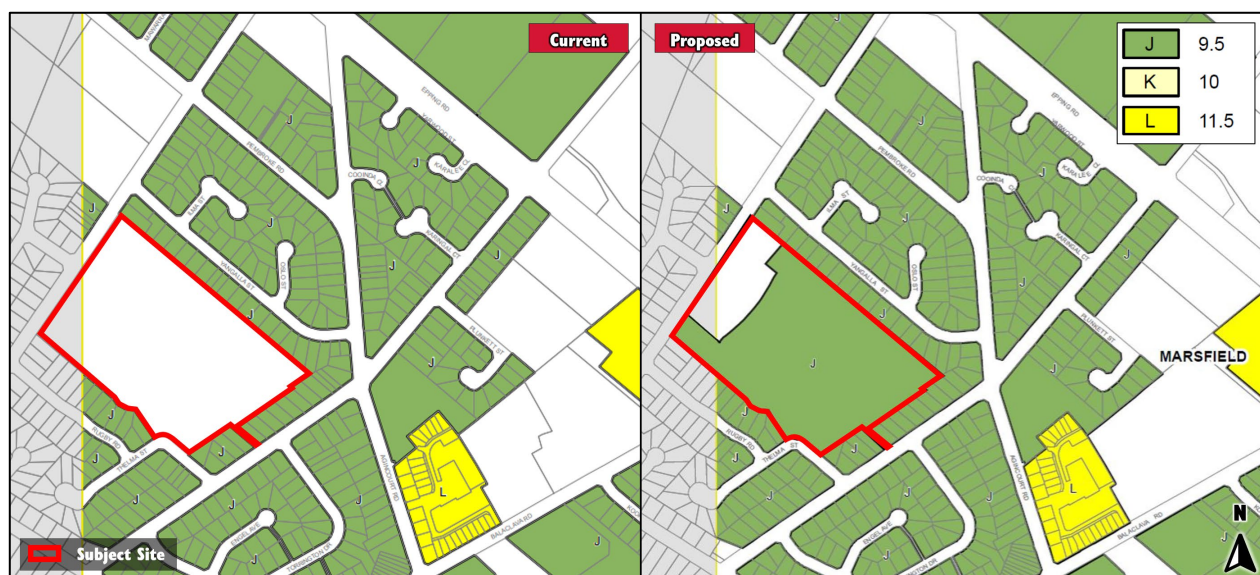


Figure 5. Max. HOB Current and Proposed (NSW Spatial Viewer April 2025, Planning Proposal July 2024)

Key Issues

STRATEGIC MERIT

Issue no. 1 – Open Space Provision

Council view

- **Inconsistency with Strategies.** The planning proposal is inconsistent with its *Open Space Future Provision Strategy* and *Sports Field Action Plan (SFAP)*, which identify the site for formal active playing fields.
- **Support for Existing Strategy.** Council's Parks section supports enforcing the existing strategy, which indicates a need for ongoing active recreation space on the site to meet future demand in the Ryde LGA.
- **LSPS Conflict and Loss of Space.** The proposal's residential component leads to a loss of potential formal active recreation space. This is also considered inconsistent with Action OS1.1 of the Ryde LSPS, which encourages increasing access to recreation opportunities through collaboration with private providers.

Proponent view

- **Site History and State Needs.** TG Millner Field has never been used as public open space, and the NSW Government, through the Minister for Planning and Public Spaces, has confirmed it is not needed for open space requirements related to future development in Macquarie Park.
- **Inefficient Use of Council Resources.** Ryde has ample capacity to meet future open space needs on existing government-owned land, with opportunities for 27 new fields and enhancements to 29 existing fields, making the proposed acquisition of TG Millner Field an inefficient use of limited Council resources compared to these alternatives.
- **Contribution to Open Space.** The Planning Proposal offers to provide a 1-hectare public park or a full-sized playing field on site, at no cost to Council, and facilitates the development of three new full-sized fields at Castle Hill for Eastwood Rugby Club, contributing to a net increase in regional recreational infrastructure.

Issue no. 2 – SEPP and Ministerial Directions

Council view

- **Master Plan and Ministerial Direction 1.4.** While the proposal is not inconsistent with any *State Environmental Planning Policies (SEPPs)* or *Section 9.1 Ministerial Directions*, Council is concerned about Direction 1.4 Site Specific Provisions, which prohibits site-specific plans like a master plan within a planning proposal. Council believes this creates significant uncertainty in delivering the master plan's intended outcomes and weakens the planning proposal's justification.

Proponent view

- **Consistent with Plans and Directions.** The proposal aligns with all applicable *SEPPs* and *Section 9.1 Ministerial Directions*.
- **Site-Specific DCP and Master Plan.** A draft site-specific (DCP) has been prepared to support the Master Plan and provide detailed controls, offering a better community outcome and legacy than a seniors housing development permissible under the *Housing SEPP*.

Issue no. 3 – Greater Sydney Regional Plan and North District Plan

Council view

- **Regional and District Plan Inconsistencies.** The proposal is generally consistent with the *Greater Sydney Region Plan - A Metropolis of Three Cities* (Regional Plan). However, the City of Ryde Council points out that the proposal is not necessary to meet the housing targets in this Plan. Furthermore, the City of Ryde Council finds the proposal inconsistent with several elements of the *North District Plan* (District Plan) related to providing space, including:
 - Objectives 6 – *Services and Infrastructure meet communities' changing needs;*
 - Objective 7 – *Communities are healthy, resilient and socially connected;*
 - Objective 31 – *Public open space is accessible, protected and enhanced;* and
 - Action 73 – *Maximise the use of existing open space and protect, enhance and expand public open space.*

Proponent view

- **Overall Consistent.** The proposal is consistent with the strategic planning vision and priorities of the *Greater Sydney Region Plan* and *North District Plan*, including housing, neighbourhood character, open space, and infrastructure.
- **Delivering Needed Diverse Housing.** The proposed 132 low-rise diverse dwellings contribute needed housing for families and downsizers within the LGA, a typology currently underrepresented in the area's housing stock and is compatible with the surrounding neighbourhood character.
- **Public and Environmental Benefits.** Significant public benefits aligning with open space objectives, such as a new public park and increasing the urban tree canopy to approximately 65% site coverage, well above targets, are included in the proposal.

Issue no. 4 – Uncertainty in Master Plan Delivery

Council view

- **SEPP/DCP Interaction.** The reliance on the master plan for strategic merit creates considerable uncertainty regarding key outcomes. While a proposed *Ryde Development Control Plan (DCP) 2014* amendment could partially help, Council notes it lacks certainty as SEPPs (specifically *Exempt and Complying development Housing Code*) can override its provisions.
- **Limited Control of Outcomes.** Uncertainty of Outcomes. Council's assessment considers outcomes beyond the master plan, as intended results such as tree planting on private lots, are ultimately beyond the applicant's control and rely on uncertain provisions.

Proponent view

- **Ensuring Master Plan Outcomes.** The Planning Proposal is supported by a Master Plan and a draft site-specific amendment to the *Ryde DCP 2014* to ensure the intended outcomes are delivered.
- **Environmental Enhancements.** The Master Plan incorporates significant environmental enhancements like planting 570 additional trees across the site.
- **Public Benefit Offer.** The Initial Public Benefit Offer includes specific commitments for tree canopy beyond Council requirements and contributions towards Smart City initiatives within the public domain.

SITE SPECIFIC MERIT

Issue no. 1 – Traffic, Parking, and Transport

Council view

- **Traffic Management and Data.** While Council acknowledges that specific traffic measures like site access and turning restrictions could potentially be handled during the Development Application (DA) stage, essential updated traffic modelling for several intersections (including Vimiera/Epping Road) was not supplied as requested. Furthermore, the retention and improvement of cycleways on Vimiera Road are mandatory.
- **On-site Parking and Design Conflict.** Sufficient on-site parking must be provided for both the proposed development and the required open space/playing fields outlined in Council's *Open Space Future Provision Strategy* (OSFPS). Council has determined that fitting both adequate playing fields and the necessary parking onto the site likely requires significant design alterations and changes to the proposed zone boundary between the RE1 and R2 zones, meaning the current proposal cannot be supported until these amendments are investigated.
- **Private Vehicles.** Council anticipates most visits to the site would likely occur via private vehicles and notes that public transport is currently accessible on Epping Road, located approximately 400m to the north of the site.

Proponent view

- **Traffic Impact Assessment.** A completed Transport Impact Assessment (May 2022), along with other detailed technical studies addressing relevant planning considerations, confirms the site can be developed without adverse traffic or transport impacts on the community or environment.
- **Alternative Master Plan Feasibility.** The Alternative Master Plan demonstrates that a full-sized rectangular playing field, necessary on-site parking, and required amenities can be successfully accommodated within the site without needing any changes to the proposed zone boundaries.
- **Proximity Public Transport/Amenities.** The proposal includes a Transport Impact Assessment and is designed to be a location where new housing is walkable to public transport, education, services, and employment, aiming to reduce reliance on private vehicles.
- **Site Connectivity.** The Master Plan incorporates new internal roads with connections to Vimiera Road and pedestrian access to Thelma Street to improve overall site connectivity.

Issue no. 2 – Flooding

Council view

- **Manageable Impacts.** The western portion of the site (fronting Vimiera Road) is affected by flooding during a 1 in 100-year flood event within the Terrys Creek catchment. This would affect the intended open space area shown in the submitted indicative master plan. Overland flow from Yangalla Street also contributes to this flood affectation Council believes that the flood and overland flow impacts can be managed within any future development application process.

Proponent view

- **Low Flood Risk.** Detailed flooding information and assessment prepared by Northrop Consulting Engineers (provided in response to Council's request) confirm the flood behaviour is generally low depth and hazard, primarily local overland flow from the north.
- **Engineering Solutions.** Engineering solutions presented in the Stormwater Servicing Report (May 2022) address flows entering the site and increased imperviousness, limiting post-developed flows back to pre-developed conditions to avoid significant changes to existing flood levels or affecting proposed properties.
- **Compliance and Feasibility.** The documentation submitted meets the requirements of the Ministerial Direction for flooding, demonstrating a standard, implementable engineering solution for managing overland flooding across the site, which can be further refined at the DA stage.

Other issues:

Compulsory Acquisition

Council view

- **Important Open Space.** The TG Millner fields as vital public open space that must be secured in perpetuity to address identified shortfalls in active recreation facilities and opposes plans reducing community access to this green space.
- **Funding Allocation.** Council actively pursued compulsory acquisition and demonstrated commitment by allocating \$15 million towards the purchase, proposing joint funding models, and seeking further financial assistance from State and Federal governments.
- **Reconsideration of PAN Requirement.** A significant challenge arose when the NSW Government denied the necessary Proposed Acquisition Notice (PAN) required to proceed with compulsory acquisition, despite prior indications of state support for the acquisition and associated funding strategy. Council expressed disappointment and requested the decision be reconsidered.
- **Rezoning to RE1.** Various avenues to secure the site have been explored, including initiating a planning proposal to rezone the land for *RE1 Public Recreation*, while simultaneously facing the challenges of securing state government approval and the necessary funding for acquisition.

Proponent view

- **Ingenuine Acquisition.** Council's attempts at compulsory acquisition are not genuine but are instead tactics to obstruct the planning process for the site's redevelopment, especially since Council has repeatedly failed to secure necessary funding and the State Government confirmed the land isn't required for its open space needs.
- **Financially Irresponsible.** Acquisition is financially irresponsible and unnecessary, representing an extremely poor use of public funds (14 times the cost of alternatives) when Council can meet open space needs through existing government-owned land and identified projects.
- **Acquisition Irrelevant to Planning Merit.** The acquisition because resolving the site's future via their Planning Proposal is vital for their organisations' financial stability and relocation needs, and they view the acquisition attempts as irrelevant to the planning merits of their proposal.

Attachments

Attachment A – Planning Proposal Report (3 July 2024)

Attachment A1-22 – Planning Proposal Appendices

Attachment B – Request for Rezoning Review (21 March 2025)

Attachment B1 – Combined Correspondence with NSW Government

Attachment B2 - Submission Regarding Playing Field Provision (17 September 2024)

Attachment B3 – Combined Post-Lodgement Correspondence

Attachment C – Council Response to Rezoning Review (28 April 2025)

Attachment C1 – Council Response Email Correspondence

Attachment D – Expanded Attachment List



(Signature)

09/05/2025 (Date)

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