

**Item 2**
**22 Winbourne Street West Ryde - (Former Marsden High School)  
 Planning Proposal to rezone the land from the current SP2  
 (Educational Establishment) to Part RE1 Public Recreation and Part  
 C2 Environmental Conservation.**
**Report prepared by:** Senior Strategic Planner

**Report approved by:** Senior Coordinator - Strategic Planning  
 Manager - Urban Strategy

Director - City Planning and Environment

**City of Ryde  
 Local Planning Panel Report**

<b>Site Address and Ward</b>	<b>22 Winbourne Street, West Ryde (Former Marsden High School) (Lot 1 DP 1274125)</b> West Ward This report uses the site address for identification.
<b>Current Planning Provisions</b>	Zoning – SP2 (Educational Establishment) Maximum Height of Building – N/A Maximum Floor Space Ratio – N/A
<b>Planning Proposal Overview</b>	It is proposed to rezone the land from the current SP2 (Educational Establishment) to Part RE1 Public Recreation and Part C2 Environmental Conservation No other changes are proposed to the planning controls.
<b>Property Owner</b>	Department of Education
<b>Applicant</b>	<b>Department of Education (School Infrastructure NSW)</b> <b>C/- DFP Planning Pty Ltd</b>
<b>Report Author</b>	<b>Matthew Owens, Senior Strategic Planner</b>
<b>Lodgement Date</b>	<b>4 June 2021 (Additional information submitted 31 March 2022)</b>
<b>Reason for Referral</b>	Required by Ministerial Direction made under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> dated 27 September 2018
<b>Recommendation</b>	That the Ryde Local Planning Panel recommend to Council that the planning proposal, as attached to this report, to rezone the land, Lot 1 DP 1274125, at 22 Winbourne Street, West Ryde from SP2 (Educational Establishment) to Part RE1 Public

	Recreation and Part C2 Environmental Conservation be submitted to the Department of Planning and Environment for Gateway Determination under 3.34 of the <i>Environmental Planning and Assessment Act 1979</i> .
<b>Attachments</b>	<p><b>Attachment 1</b> – Revised Planning Proposal 22 Winbourne Street, West Ryde – 31 March 2022</p> <p><b>Attachment 2</b> – Planning Proposal Supporting Studies and Concept Plans</p> <p><b>Attachment 3</b> – Additional Information Letter, 16 July 2021</p> <p><b>Attachment 4</b> – Applicant Response Letter, 16 September 2021</p> <p><b>Attachment 5</b> – Additional Information Letter, 11 November 2021</p> <p><b>Attachment 6</b> - West Ryde Multi Sport Facility Traffic Impact Assessment; Bitzios, 30 March 2022</p>

## 1. Executive Summary

A planning proposal has been received to rezone the current site (Lot 1 DP 1274125) known as 22 Winbourne Street, West Ryde, previously occupied by Marsden High School, from SP2 (Educational Establishment) to Part RE1 Public Recreation and Part C2 Environmental Conservation. The application has been submitted by DFP Planning Consultants on behalf of the Department of Education.

The rezoning is to facilitate the relocation of the former Marsden High School to the Meadowbank Educational Precinct and relocate the existing netball courts at Meadowbank to the site at 22 Winbourne Street, West Ryde. The existing 28 netball courts at Meadowbank could be relocated to the subject site to create 32 outdoor netball courts and an indoor facility comprising 4 courts and ancillary uses.

Key assessment issues with the proposed changes include:

- Creation of the C2 Environmental Conservation zone in the northeast of the site to protect the existing creek and riparian area,
- Traffic and parking impacts from the change of use from the school use (distributing traffic across at least 5 weekdays) to the concentration of traffic and parking impacts from netball courts on Wednesday nights and Saturday,
- Change in hardstand area and that impact on stormwater runoff and heat island impacts.

## 2. The Site and Locality

The site, known as 22 Winbourne Street, West Ryde was previously occupied by Marsden High School and is located approximately 1.9km West of West Ryde and approximately 2.3km north west from Meadowbank. Vehicle and pedestrian access are currently via Winbourne Street and Brush Road.

The current school buildings are located on the north west of the site with existing high value biodiversity vegetation in the north west corner of the site. The remainder of the site was open play and circulation area.

Adjoining to the south is Ermington Public School (SP2 (Educational Establishment) zone). Low density residential properties (R2 Low Density Residential Zone) surround the site to the north, east, south west corner and to the west. Maze Park (RE1 Public Recreation zone) is located to the south east of the site. There are no building height or floor space ratio controls affecting the site.

There are two, locally, heritage listed items within the vicinity of the site, being Maze Park in Brush Road and the Former School residence and 1887 Ermington School building. The subject site is not affected by any heritage listing or potential items.

A boundary adjustment has recently been completed, along the southern boundary to rectify an encroachment from Ermington Public School onto the subject site. (See central southern boundary in Figures 1 & 2 below).

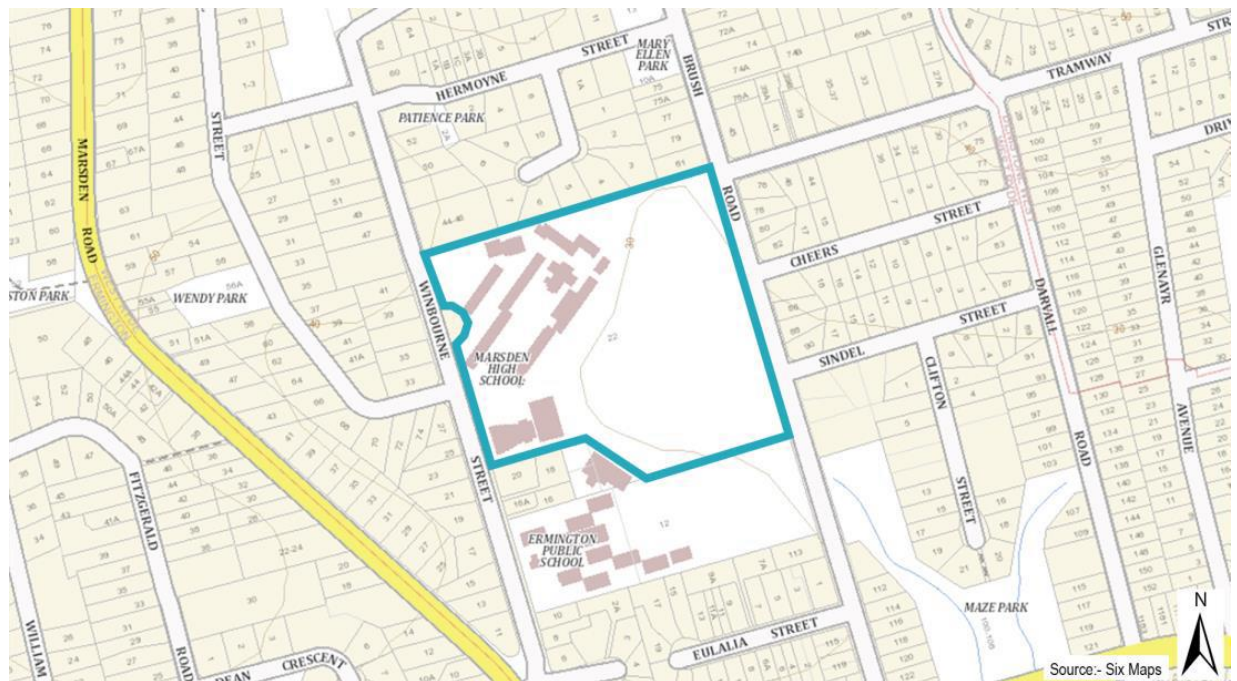


Figure 1: Site and surrounds, including recent boundary adjustment on southern boundary





Figure 2: Aerial view of subject site and surrounds, including adjacent heritage items.

### 3. The Planning Proposal

The key details of the Planning Proposal, as per attachment 1 to this report, are as follows:

<b>Site Area</b>	5.482ha
<b>Proposed zones</b>	Part RE1 Public Recreation (to create public recreation land for proposed future use as recreational (indoor/ outdoor and ancillary uses)  Part C2 Environmental Conservation (to protect and enhance high value biodiversity land).
<b>Intended future use</b> (Subject to Development Approval)	Netball facility with indoor and outdoor courts, including parking and ancillary uses and ancillary works. Vehicular access is proposed via Winbourne Street.
<b>Existing High Value Biodiversity area</b>	Retention of existing high value biodiversity vegetation in the north east corner of the site.
<b>Proposed Areas</b>	RE1 Zone – 4.572ha C2 Zone – 0.91ha
<b>Local Environmental Plan changes</b>	Amendment of the land zoning map LZN_002 of the Ryde Local Environmental Plan 2014. No other changes to the LEP are proposed.

The Planning Proposal (**Attachment 1**) is considered to be generally in accordance with the requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment's

'Local Environmental Plan Making Guideline' (dated December 2021). The Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed amending LEP;
- An explanation of the provisions that are to be included in the proposed amending LEP;
- Justification for those objectives, outcomes and provisions and the process for their implementation;
- Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Details of the community consultation that is to be undertaken on the planning proposal; and
- A project timeline.

The planning proposal was submitted with supporting studies and concept plans (**Attachment 2**).

#### **4. Background**

A pre-lodgment meeting between School Infrastructure NSW their consultant, and Council staff was held on 16 March 2021. Pre-lodgment advice was issued on 29 March 2021, this advice flagged the importance of considering the need for additional sporting facilities, ensuring the high value vegetation and stormwater is addressed, as well as identifying the various supporting documentation that would be required, including a Traffic Impact Assessment that included access and parking provision.

The Planning Proposal was originally submitted to Council on 4 June 2021. The preliminary assessment by Council staff found potential problems with the submitted concept plans in relation to traffic, parking and flood affectation. Council staff concerns related to:

- The Concept plan potentially provided insufficient parking and significantly relied on the surrounding street parking; however, the information provided was not consistent preventing adequate assessment.
- The traffic assessment relied on data that was ten or more years old and compared the weekly average traffic movements for the school and future netball courts, rather than considering the traffic movements for the proposed recreation (netball court) use. No traffic modelling was submitted for surrounding intersections.
- The site is subject to overland flow flooding, particularly in the south east corner. The information submitted with the planning proposal did not adequately demonstrate consideration of the increased runoff from the increased hardstand areas from netball courts on the flood affectation of the subject and surrounding properties. Flood evacuation consideration had also not been adequately documented.
- The proposed C2 Environmental Conservation boundary also required amending as it did not adequately cover the high value biodiversity vegetation.

Request for additional information and responses from the applicant were as follows:

- 16 July 2021- Council staff request for additional information (**Attachment 3**).
- 7 September 2021 - Acknowledgement email from the applicant.
- 16 September – Applicant’s initial response to the additional information request (**Attachment 4**).
- 5 October 2021 - Applicant response to Council’s additional information request included;
  - Revised planning proposal
  - Traffic response (Response and traffic modelling note)
  - Flood study report
- 11 November 2021 – Further additional information request from Council staff (**Attachment 5**) relating to consistency and adequacy of information relating to traffic and parking impacts, including overflow parking, traffic model assumptions and traffic generation count concerns.
- 31 March 2022 – Applicant response to Council’s November 2021 information request submitting:
  - Revised planning proposal (**Attachment 1**)
  - Additional Traffic Impact Assessment. (**Attachment 6**)

The revised planning proposal amended the concept plan for the proposed development in the following manner:

- Amended building orientation and carpark access and layout to supply additional on-site parking.
- Amended C2 Environmental Conservation boundary.
- Additional flood modelling showing “insignificant” changes in pre to post development scenarios.
- Additional Traffic Impact Assessment and consistent application of traffic assumptions and data, addressing Council’s concerns.

The amended planning proposal has adequately addressed the location of the C2 Environmental Conservation zone boundary and has shown that any potential flooding impacts on adjoining properties are manageable. Similarly, any operational impacts that the proposed netball facility use may have on surrounding properties, such as traffic and parking impacts (see assessment section below), noise, lighting spill and stormwater overland flow, are capable of being managed through the development application process.

## 5. Referrals

As part of the assessment of the Planning Proposal the application was referred internally at Council to the following sections:

- Traffic and Transport
- Parks
- Environment
- Infrastructure and Assets

The applicant has also held a development application pre-lodgment meeting with Council as a separate process. Internal discussion as part of the planning proposal assessment has also occurred to assist the applicant to refine the concept development plan at the planning proposal stage.

The above referrals and discussions informed the additional information requests and concept plan advice that were sent to the applicant on 16 July 2021 and 11 November 2022.

## 6. Planning Assessment

The assessment of the subject planning proposal has been undertaken in accordance with the NSW Department of Planning and Environment's 'Local Environmental Plan Making Guideline' (dated December 2021).

### • Part 1 Objectives or intended outcomes

The Planning Proposal objectives and intended outcomes are:

- To rezone the site known as 22 Winbourne Street, West Ryde from the current SP2 (Educational Establishment) zone to part RE1 Public recreation zone to accommodate future recreation, and ancillary development, land and open space,
- To rezone part of the site to C2 Environmental Conservation to protect and enhance high value biodiversity land located in the north east corner of the site,
- Retain current drainage storage areas on the site,
- Enhance the landscaping on the site.

### • Part 2 Explanation of provisions

The submitted planning proposal as lodged by the proponent seeks to amend the RLEP 2014 zoning map as follows:

Property Address	Current Zoning	Proposed Zoning
22 Winbourne Street, West Ryde. (Lot 1 DP 1274125)	SP2 (Educational Establishment)	Part RE 1 Public Recreation Part C2 Environmental Conservation

### • Part 3 Justification

#### Need for the Planning Proposal

The NSW Department of Planning and Environment's 'A guide to preparing planning proposals' requires the following questions be answered to demonstrate the need for the proposal:

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



The proposal has been prepared in response to the changes from the development of the Meadowbank Employment and Education Precinct (MEEP) and the Ryde Local Strategic Planning Statement 2020 (Planning Ryde) *“The City of Ryde’s open space and recreation facilities will be protected, increased and enhanced to ensure residents of all ages, backgrounds and abilities can benefit.”*

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

There are two ways in which the objectives and outcomes of the planning proposal can be achieved:

1. Leave the current zoning of the site as SP2 (Educational Establishment) and include Recreation Facility (Indoor) and Recreation Facility (Outdoor) as site specific additional uses for the site under the provisions of Schedule 1 of the Ryde LEP 2014, or,
2. Rezone the site from SP2 (Educational Establishment) to Part 2 C2 Environmental Conservation and Part RE1 Public Recreation

Option 2, the current planning proposal, is the preferred option in this case as the proposed zone objectives better reflect the intention of the future development and conservation of environmental areas (as opposed to the current SP2 zone), and is more consistent with the principles of the Standard Instrument LEP to not include multiple exemptions to the standard zone tables. Given the high school has now been successfully relocated, the high level of need for formal active recreation facilities, and the lodgment of a development application to demolish the now defunct school buildings, retention of the SP2 zoning would not be considered the best way to manage the future use of the site.

#### Relationship to Strategic Planning Framework

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

<b>Strategic Merit Issue</b>	<b>Comment</b>
State Environmental Planning Policies and Ministerial Directions (S9.1(2))	<p>The planning proposal is generally consistent with the relevant State Environmental Planning Policies and Ministerial Directions under Section 9.1 of the environmental Planning and assessment Act 1979. An analysis of compliance with these policies is provided in the attached planning proposal.</p> <p>The most relevant policy is as follows:</p> <p>Direction 4.1 – Flooding states the following:  <i>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</i>  <i>(a) permit development in floodway areas,</i></p>



<b>Strategic Merit Issue</b>	<b>Comment</b>
	<p>The submitted flood assessment report states that the lower netball courts terrace is located within a Floodway Area in a significant event. This area is currently used as open space/playing field for the school use.</p> <p>The proposal to rezone from an SP2 (Educational Establishment) to RE1 Public Recreation is likely to not affect, and may slightly reduce, the density of population using this location. It is considered that this would not change the flood liability relating to the use of this area.</p> <p>The inconsistency with this Direction is considered acceptable as the change in use in this locality as the result of the planning proposal is of minor significance and can be adequately managed in a development application for the future use of the site.</p>
Greater Sydney Region Plan - A Metropolis of Three Cities	The Planning Proposal is generally consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities.
North District Plan	The Planning Proposal is generally consistent with the North District Plan.
Local Strategic Planning Statement – Planning Ryde	The Planning Proposal is generally consistent with the Local Strategic Planning Statement – Planning Ryde.

### Key Assessment Issues

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

<b>Site Specific Issues</b>	<b>Assessment</b>
Traffic	See comments below
Parking	See comments below
Transport	Whilst the site can be serviced by bus routes, it is likely that the majority of visits to the site will be via private vehicle. As such, the assessment of this planning proposal included detailed consideration of the traffic and parking impacts from the intended future use. The amended analysis indicates that the impacts can be accommodated with appropriate parking levels to be provided on the site and minor improvements to the local traffic infrastructure that can be delivered as part of a future recreation facility development.

<p>Natural environment</p>	<p>The amended proposal will retain the existing high value biodiversity vegetation in the north east corner of the site via the proposed C2 Environmental Conservation zone. The vegetation community is Blue Gum High Forest, a Critically Endangered Ecological Community listed under both the NSW Biodiversity Conservation Act 2016 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.</p>  <p>Figure 3: Aerial of high value biodiversity vegetation</p>  <p>Figure 4: High value biodiversity vegetation</p> <p>The flood investigation submitted with the amended planning proposal indicates that there will be an “insignificant” change to adjoining property impacts from flooding or overland flow. This matter will be investigated in more detail as part of a development application assessment.</p>
<p>Social impact</p>	<p>The proposal will likely provide social and economic benefits to the wider community through the provision of land for recreation and open space uses. The proposed netball facility has potential for some detrimental impacts on the amenity of surrounding properties via increase and concentration of traffic and parking at the site during particular times, as detailed</p>

	<p>below. It should be noted that the previous use also generated significant traffic during particular times (school drop off and pick up). However, following receipt of the additional Traffic Impact Assessment (TIA) on 31 March 2022, it is considered that these impacts can be adequately addressed in any future development assessment process.</p>
Heritage	<p>The subject site is not encumbered by any heritage listed items, however, there are two adjoining heritage listed items, being Maze Park in Brush Road and the Former school residence and 1988 Ermington School building. (See Figure 2 above)</p> <p>The planning proposal is not anticipated to have any impact on these items.</p>
Public Infrastructure	<p>The land is currently well serviced by water, sewer, telecommunications facilities that are adequate for the proposed zoning uses.</p>

### Traffic and Parking

Council had significant concerns relating to traffic and parking impacts on surrounding properties from the proposed netball facility use. Whilst the previous use generated significant traffic during particular times (school pick up and drop off), recreation uses have a different generation profile and consideration of the ability for the local network to accommodate this profile was important with respect to its consistency with the guiding strategic planning framework, particularly the relevant Local Strategic Planning Statement.

In addition to the Traffic Impact Assessment (TIA) submitted with the original planning proposal, an additional TIA (Bitzios consulting, 30 March 2022) (**Attachment 6**) was submitted to Council on 31 March 2022 addressing the concerns raised in Council's letter of 11 November 2021. The key findings/recommendations of the amended TIA are as follows:

- Immediately surrounding the site, some pathways and crossings within the established residential areas to the east of the site incorporate some 'missing links'. Therefore, as part of the future development application it is recommended to investigate with Council the opportunity to address and improve pathways and crossing facilities connecting to the site.*
- While Council's Development Control Plan does include a parking rate for Recreation Facilities (outdoor) at a rate of 3 spaces per court, this parking rate has been acknowledged by Council as not representative to meeting the practical demands for the proposal and specifically netball courts. Therefore, in response to Council's position, benchmarking of parking rates at similar sites was undertaken to determine a practical parking rate that has been applied by both Council and also other jurisdictions. Based on the review of the similar netball facilities and considering the sites established transport facilities and road network operations, a parking provision of approximately 256 car parking spaces (8 spaces per outdoor court) is considered appropriate*

*for the proposal and consistent with the operation of similar facilities throughout regional New South Wales and metropolitan Sydney.*

- *Given the site layout and frontage to Brush Road, it is likely that some parking and traffic will seek to access the site from the east via Brush Road. It is therefore recommended that mitigation measures be implemented on the surrounding streets and as part of operational planning for the facility. These measures may include but not limited to:*
  - *Additional line marking and regulatory signage is installed to formalise parallel parking bays on Brush Road, maintain two-way traffic flow and ensure residents' driveways are not obstructed by visitors parking on street.*
  - *The facility's Transport Access Guide (TAG), Green Travel Plan (GTP) and any Event Traffic Management Plans should clearly outline designated parking areas within the facility along with any temporary off-site parking arrangements and alternates transport modes.*

### **Comment**

Council's Traffic and Transport section's review of the revised TIA found that the Bitzios TIA has recommended works that any future development should incorporate as follows:

- Provision of a shared use (bicycle and pedestrian) path along the eastern side of Hermoyne Street between Marsden Road and Hermoyne Street as recommended in Section 6.1.1 of the TIA.
- Provision of a raised pedestrian crossing on Brush Road between Cheers Street and Sindel Street as recommended in Section 6.1.1 of the TIA.
- Provide (at minimum) 256 car parking spaces on site as recommended in Section 5.1 of the TIA.

In addition to the abovementioned recommendations the revised TIA also discussed the traffic conditions and surrounding intersection operation and the impacts that the proposed development may have, noting that more detailed and accurate assessment of the impacts would appropriately be required at the development application stage. It is agreed with the TIA that at the planning proposal stage it is difficult to determine the detailed requirements for any traffic mitigation actions or works. However, Council's Traffic and Transport section's review found that there is a very real need to consider any future development of the site in relation to the impacts it may have on the intersection at Marsden Road and Winbourne Street and the impacts that any spillover parking requirements that may be generated by development.

Council staff's assessment found that, whilst the performance of the Marsden Road and Winbourne Street intersection may not be significantly impacted under current conditions, the traffic at this intersection is expected to significantly increase in the medium term. Any development of the subject site would contribute up to 30% of the traffic movements at this intersection and any future development of the subject site must either undertake some mitigation measures or contribute to future mitigation measures at this intersection.



The following comments were received from Council's Traffic and Transport section:

- *A more detailed events management plan (EMP) will need be prepared at a later stage to minimise traffic generation and deter spillover of parking onto the surrounding public roads particularly on Brush Road.*
- *Future upgrade will be required to the junction of Marsden Road and Winbourne Street to assist with the safety of right turn movements out of Winbourne Street, particularly when the queue within the southbound Marsden Road carriageway extend past Winbourne Street as shown in the SIDRA modelling. An example of an improvement at this intersection could be a channelised "seagull" treatment which provides an exclusive right turn lane and a short merge lane within Marsden Road. This measure is expected to improve accessibility to and from the site, which would benefit for future users when the netball courts are operating at full capacity during regular, regional and national competitions.*

The amended planning proposal stated:

*In view of these assessments, it is considered that the traffic, parking and transport impacts of the proposal can be appropriately managed to accommodate the proposed use that will be able to be developed following rezoning of the site. Detailed aspects of the site layout, traffic and associated transport infrastructure inclusions will be assessed and determined through a detailed Traffic Impact Assessment which will accompany the Development Application.*

Council staff agree with the above statement that impacts from the future development of the site can be addressed through the development application process. However, as previously mentioned, there was a very real need to investigate traffic and parking impacts in more detail prior to finalising the planning proposal to demonstrate that the more detailed assessment of these impacts would be possible, and practicable at the development application stage. As such, the more detailed parking and traffic assessment has been undertaken and the recommendations in the revised Traffic Impact Assessment submitted by the applicant has been included in this report and must also be considered in any future development application assessment.

- **Part 4 - Maps**

The Planning Proposal will amend map LZN\_002 of the Ryde LEP 2014.

- **Part 5 – Community Consultation**

The Gateway Determination provides for a range of public exhibition timeframes depending on the complexity of the proposal. These maximum periods range from:

- Basic – 10 working days
- Standard – 20 working days
- Complex – 30 working days
- Principle LEP – 20 working days.

The applicant has suggested that the community consultation for this matter should be 10 days. However, Council staff suggest that the community consultation timeframe should be at least 20 to 30 days to allow all potentially affected residents to be notified and provide sufficient time for residents and stakeholders to be informed and make comment as required.

The Gateway Determination will assess the proposal and specify the appropriate public exhibition period. Council will also implement the relevant parts of the Community Participation Plan which, for planning proposals, will include written notification to affected residents and a tailored approach using the Gateway Determination requirements as a base.

- **Part 6 – Project Timeframe**

The project timeframe will be a matter specified in the Gateway determination.

## **7. Conclusion**

The Planning Proposal to rezone the subject site from SP2 (Educational Establishment) to Part C2 Environmental Conservation and Part RE1 Public Recreation has been assessed with particular attention being given to traffic and parking, protection of the environmental assets on the site, and management of overland flows, as these have the greatest potential for significant impacts on the surrounding locality.

The assessment of the Planning Proposal has found that any future land use on the subject land, permitted under the proposed amended zoning, can be adequately managed in a development application process and that the Planning Proposal, as amended and attached to this report, should proceed to a Gateway Determination.

## **8. Recommendation**

That the Ryde Local Planning Panel recommend to Council that the planning proposal, as attached to this report, to rezone the land Lot 1 DP 1274125, at 22 Winbourne Street, West Ryde from SP2 (Educational Establishment) to Part RE1 Public Recreation and Part C2 Environmental Conservation be submitted to the Department of Planning and Environment for Gateway Determination under 3.34 of the *Environmental Planning and Assessment Act 1979*.

## **ATTACHMENTS**

- 1 Revised Planning Proposal 22 Winbourne Street, West Ryde, 31 March 2022
- 2 Planning Proposal Supporting Studies and Concept Plans
- 3 Additional Information Letter, 16 July 2021
- 4 Applicant Response Letter, 16 September 2021
- 5 Additional Information Lett, 11 November 2021
- 6 Revised West Ryde Multi Sport Facility Traffic Impact Assessment; Bitzios, 30 March 2022

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