

18 December 2024

2200718

Wayne Rylands
Chief Executive Officer
City of Ryde Council
1 Pope Street
Ryde NSW 2112

Attention: Terry Agar (Senior Strategic Planner)

Dear Terry,

PP-2024-1465 | 146-150 Vimiera Road, Marsfield
Response to Request for Further Information

We write on behalf of North Ryde RSL, Eastwood Rugby and Winston Langley in respect of your letter dated 6 November 2024 (RFI Letter) seeking further information in relation to the Planning Proposal. This letter sets out our response to the matters raised, and should be read in conjunction with the detailed response provided at **Attachment A**.

In response to your request to provide a development option comprising two (2) full-sized playing fields:

- Based upon Council's infrastructure planning standards, the Planning Proposal would give rise to demand for less than 5% of a single playing field. This is more than offset by the \$1 million financial contribution proposed in the Public Benefit Offer for the purpose of enhancing capacity at existing sporting fields, as well as the provision of opportunities for informal active recreation on the subject site within the new 1ha public park.
- The two existing private playing fields used by Eastwood Rugby (regional-level facilities) are being replaced with three new fields at Fred Caterson Reserve, Castle Hill, providing for a net increase in regional playing fields and enabling a higher standard of facilities with increased opportunities for public use.
- There is therefore no nexus between the provision of a playing field (or two) on the subject site and this development.
- The Department of Planning, Housing and Infrastructure's Macquarie Park State-led Rezoning Finalisation Report and Infrastructure Delivery Plan make clear that the open space needs of future residents within the Macquarie Park Corridor can be met without the acquisition of TG Millner Field, and this has been reiterated to Council in recent correspondence to both Council and North Ryde RSL from the Minister for Planning.
- Council is responsible for delivering public open space to meet the needs of the local community. Council's *Open Space Future Provision Strategy* is an infrastructure policy that guides Council's own actions in the delivery of new open space and playing fields within the City of Ryde LGA. It is not a land use planning document that can be used to abrogate Council's responsibilities under the *Land Acquisition (Just Terms Compensation) Act 1991*.
- We have previously detailed to Council (including in our submission of 17 September 2024) how Council is able to meet projected future demand for playing fields in a cost effective manner that does not rely upon the forced acquisition of private land.
- Council has never set aside funding to deliver two public playing fields at TG Millner, and it is clear that Council does not intend to do so. Furthermore, even if Council did intend to acquire the land, it is clearly evident that Council does not have the financial capacity to do so over the short, medium or long-term horizons. Council has been invited by the Office of Local Government, the Minister for Local Government and the Minister for Planning to do so on numerous occasions over several years, and Council has not done this.
- On this basis, we assume that Council's expectation is that the delivery of two full-sized playing fields would be required to be funded by the current landowners. For this to be achieved in concert with the Proponent's development objectives, it would be necessary to significantly increase residential density on the remaining area of the site for the fields, associated vehicular parking and circulation, and player/visitor amenities.

- To financially achieve this outcome, numerous residential apartment buildings would be required ranging in height from 7-10 storeys, with approximately 400-450 dwellings. Other contributions currently proposed under the Planning Proposal would not be able to be delivered.
- In our view development of this nature is unlikely to be compatible with other planning considerations raised previously by Council and the community in relation to the development, such as compatibility with the surrounding neighbourhood character, and traffic and parking constraints.

On this basis we have not included a design for a two-field option. Council has previously investigated and exhausted its options to deliver two playing fields using the pathways available to it under the *Land Acquisition (Just Terms Compensation) Act 1991*, and it is not feasible for the Proponent to do so in Council's place.

We note that the Planning Proposal was submitted to Council in July 2024 and that there should be significant efficiency in Council's assessment given the prior assessment of the 2022 Planning Proposal. Noting that the *Environmental Planning and Assessment (Statement of Expectations) Order 2024* requires Councils to abide to the LEP Making Guideline benchmark timeframes, we seek Council's advice as to when the Planning Proposal will be reported to the Local Planning Panel and Council for a decision in respect of this proposal.

We would be willing to meet with Council to discuss the matters raised above and detailed in **Attachment A** at your earliest convenience to assist in the finalisation of Council's assessment.

Yours sincerely,



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0402 644 681

Attachments:

- **Attachment A:** Detailed Response to RFI Matters – Ethos Urban
- **Attachment B:**
 - Indicative FSR and Minimum Lot Size Development Standards – Ethos Urban
 - Lot Arrangement Plan and Lot Schedule – DKO Architecture
- **Attachment C:** Addendum Flooding Statement – Ministerial Direction – Northrop Consulting Engineers
- **Attachment D:** Addendum Transport Statement and SIDRA Modelling – Colston Budd Rogers & Kafes

Attachment A – Detailed Response to RFI Letter

Council Comment	Proponent's Response
1. Open Space	
<p>Council has considered the additional submission made on 17 September 2024 by the Proponent regarding open space within the Ryde LGA and Macquarie Park Corridor. Council does not consider that all the options for provision of active open space on the site have been fully explored to indicate there is no strategic merit in doing so.</p> <p>The open space proposed as part of the planning proposal is noted. However, Council's Open Space Future Provision Strategy (OSFPS) and Sports Field Action Plan (SFAP) does not identify the need for the open space as proposed. The area is well serviced for passive open space, however the opportunity is instead, identified that the site could contribute to the future demand for active recreation space throughout the Ryde LGA, which is expected to be an additional 453 hours per week in 2036. This is the equivalent to 15 sporting fields (based on a Natural Turf Field being able to accommodate 30 hours p/week). The TG Millner site is identified as a priority project within the SFAP, as a rezoning opportunity, and providing 60 hours per week (2 natural turf sporting fields) additional capacity.</p>	<p>Refer to covering letter.</p>
<p>The demand for active recreation space is projected to grow beyond 2036, given the impact of the draft Macquarie Park Rezoning Strategy and the lack of guaranteed Open Space provision identified in the draft Infrastructure Delivery Plan. The OSFPS and SFAP suggests options for addressing this, including 2 full sporting fields at the TG Milner site. Through the State Government's amendments to the Housing SEPP and in Council's future Master Plan for the Eastwood Town Centre and Meadowbank / West Ryde, a change to the City of Ryde's population projection (above that to which has been utilised in the development of Council current open space strategies) by an additional 1,049 residents by 2036. Population projections for the City have also been identified out to 2046 with a forecast for a total population across the LGA of 193,863 (22,581 above the projections previously utilised). For the Macquarie Park district this equates to a projected increase in previous numbers by 12,936 residents to a total population of 44,218 in 2046.</p> <p>These updated population projections will increase the demand for sporting fields required within the LGA for organised sport further, with additional capacity required out to 2046 of the equivalent of 6.5 natural turf sports fields above previous projected requirements (based on maintaining existing provision of 1 field per 3,400 residents).</p>	<p>As noted in the submission, the OSFPS and SFAP identify 'options' for Council to meet future open space needs of the community. Neither the OSFPS nor the SFAP undertake any cost benefit analysis of the TG Millner Field, which as identified in our submission of 17 September 2024 would involve a significant opportunity-cost to the delivery of other sporting infrastructure elsewhere and to Council's overall financial sustainability.</p> <p>Increased demand for open space means that Council must be more efficient in selecting 'options' from the OSFPS and SFAP that are cost-effective and targeted to the needs of the community, and as outlined in our previous submissions the TG Millner Field is the least cost-effective of these (by orders of magnitude) whilst Council continues to have a range of better options available to it to provide sporting infrastructure capacity.</p> <p>The Public Benefit Offer that accompanies the Planning Proposal includes a \$1 million contribution towards active open space within the community that is significantly greater than the demand created by the proposed development.</p>
2. Well-Located Development	
<p>The proposal notes the commitment by the NSW Government to the National Housing Accord which identified new housing targets for NSW and emphasised the need to increase housing in well-located areas. The proposal seeks to facilitate additional housing such as single dwellings, dual occupancies, and terraces on a wide range of lot sizes. The</p>	<p>The subject site is a unique large, consolidated landholding that has the capacity to deliver diverse housing that is appropriate for the site and locality in a manner that differs from appropriate development outcomes on neighbouring 550-650sqm lots within the historical subdivision pattern of the area that was established through the 1960s. The</p>

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<p>surrounding locality is characterised by low density residential developments predominately in the form of single detached dwellings and dual occupancies within an R2 zone.</p>	<p>ability to masterplan a 6ha site provides opportunities to deliver significantly enhanced amenity that is capable of supporting more diverse housing typologies, such as through the 1ha public park and new through-site pedestrian and cycling connections.</p>
<p>Council notes in the response to Council's Preliminary Feedback provided by Ethos dated 4 October 2024, that 'multi-dwelling housing' is not proposed under this Planning Proposal and it seeks to include 'attached dwellings' and 'semi-detached dwellings' as Additional Permitted Uses (APU). It is noted that the Housing SEPP permits 'semi-detached dwellings' in the R2 Zone therefore there will be no need to include this use as an APU given it is already permissible.</p>	<p>Noted, the Housing SEPP amendments commenced in early-July 2024 at the same time that the Planning Proposal was submitted. Accordingly it is not essential that 'semi-detached dwellings' are nominated as an additional permitted use on the Site, however, it is considered desirable to retain this additional permitted use to clearly indicate the intended land use planning framework for the site.</p>
<p>Council has undertaken an assessment of the appropriateness of higher density typologies, such as attached dwellings (based on various planning policies, this can also be referred to as terraces), within the site. The site is located within an area predominantly surrounded by R2 - Low Density zoning and single detached dwellings. Further, the site is not located within an 800-metre walking distance to high frequency, high-capacity public transport services or a wide variety of shops and services.</p> <p>In order to ensure the terrace typology is suitable in a proposed R2 zone, which is currently not a permitted use, Council has referred to proposed planning policy reforms to assess suitability. To undertake this assessment, one of the reference documents used to assess the appropriateness of terraces in the proposed location is the State Government's proposed EIE - Low- and Mid-Rise Housing Reform. The criteria that are deemed appropriate for terraces in this policy includes sites being:</p> <ul style="list-style-type: none"> • 800m walking distance of a heavy rail, metro, or light rail station; or • 800m walking distance of land zoned E2 Commercial Centre or SP5 Metropolitan Centre; or • 800m walking distance of land zoned E1 Local Centre or MU1 Mixed use on the condition it provides a wide range of frequently needed goods and services. <p>While it is noted Council has previously resolved to reject the reforms as mentioned in Preliminary Feedback document, Council's concerns with the reforms were not related specifically to building typologies but regarding the provision of appropriate infrastructure and public services to service population growth. Council made it very clear that it was not opposing to additional housing in its submission, on the condition development strikes the right balance for our communities' lifestyle.</p>	<p>The site is within less than 800m walking distance of bus stops on Epping Road, which provide direct services to key transport interchanges and destinations such as Macquarie Park, North Sydney, Parramatta and the Sydney CBD. During the weekday morning peak, 37 bus services depart from the city-bound stop between 7am and 8.30am (i.e. a bus every 2½ minutes).</p> <p>Whilst the site is not within immediate walking distance of shops/services, the site is very well serviced by local amenities within a slightly wider catchment that includes local services at Epping and Eastwood and regional and metropolitan-scale facilities at Macquarie Park. This also includes direct walking proximity to metropolitan-scale tertiary education, health and employment opportunities which provide a higher level of amenity than most other areas of Sydney.</p> <p>The criteria set out in the NSW Government's EIE for Low and Mid-Rise Housing Reform are intended to apply to infill development within existing zoned and developed land to facilitate densification of established suburban areas. The EIE envisages densification of existing suburban lots, with no master planning or infrastructure planning, which is wholly different to the carefully considered site-specific planning process that has been applied for this Site. The master planning of a 6ha landholding, that includes the delivery of a 1ha public park and which is accompanied by an offer to enter into a Planning Agreement for local infrastructure and affordable housing, represents an opportunity to deliver the 'missing-middle' in a sensitive and appropriate manner that delivers a high level of residential amenity for existing and future residents.</p> <p>Taking a slightly broader local view than the immediate surrounds of the site, the locational characteristics of this site are not substantially different from residential areas such as Crimea Road and Busaco Road where multi-dwelling housing and low-rise apartment buildings are commonplace. Masterplanned residential sites within the district such as Putney Hill or Mobbs Lane Eastwood also demonstrate how diverse housing can successfully be integrated into established suburban areas, including attached dwellings. At a metropolitan scale, attached dwellings are permitted in residential zones throughout</p>

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	<p>the North and South-West Growth Centres in localities that have a fraction of the amenity of Marsfield.</p> <p>The redevelopment of a 6ha site offers a unique opportunity to establish an appropriate scale of development that reflects contemporary expectations of land use and density, rather than simply replicating the land use patterns of the 1960s and 1970s. There is capacity within existing infrastructure to accommodate dwellings that are well-targeted to meet the needs of the existing and future community, providing housing that is suitable for a range of households whose housing needs sit between that of apartments and large detached dwellings.</p> <p>Having regard to the above, it is considered that the masterplan reflects an appropriate level of density that will deliver well-located housing with good amenity for future residents and the surrounding community.</p>
<p>Terraces are classified as 'multi-dwelling housing' in the proposed low and mid-rise housing policy. While noting that there is a distinct definition in the LEP between 'attached dwellings' and 'multi-dwelling housing' ownership in relation to lot titles, there is no design difference in relation to building typologies for the purposes of this analysis. It is recognised that in its submission for the 2022 Planning Proposal to the Sydney North Planning Panel, Council provided general support for the intended outcome of low-density housing however, there were uncertainties in relation to the lack of statutory mechanisms to demonstrate the design intent outlined in the master plan.</p>	<p>Council officers supported the scale and density of the masterplan, which remains unchanged from the 2022 Planning Proposal, for the entire duration of the 2022 Planning Proposal assessment.</p>
<p>Upon reviewing the submitted site-specific DCP which supports this Planning Proposal, it delivers a clearer picture for Council to provide more specific considerations in relation to the proposed dwelling typologies.</p>	<p>Council received the Draft DCP on 6 June 2022, well before Council provided its feedback to the Planning Panel on 4 November 2022.</p>
<p>Council is not satisfied the development is well located for the proposed terrace typologies in the proposed R2 zone. The site is not located within 800m walking distance of the abovementioned land uses. Further justification is required to demonstrate strategic merit in relation to the proposed permissibility of terraces (attached dwellings) on the site.</p>	<p>We understand that Council's RFI accepts that the delivery of semi-detached dwellings is acceptable, but that the proposed inclusion of attached dwellings within the centre of the site is not fully justified. We trust that the above further information satisfies this request.</p>
<h3>3. Floor Space Ratio and Lot Size</h3>	
<p>The Planning Proposal seeks to change the land zoning and height of building maps of the RLEP 2014. It does not propose to change the FSR and lot size maps but instead requests for these standards to be dealt with via a site-specific DCP control, with an alternative solution to propose an overall dwelling cap via a site-specific clause within Schedule 1 of the RLEP 2014. Council notes the rationale contained in the Planning Proposal report which in summary argues including these standards as DCP controls, or alternatively through a dwelling cap, will allow for genuine housing diversity. Council</p>	<p>No response required.</p>

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<p>further notes additional rationale was provided in the Preliminary Feedback response for Council's consideration.</p>	
<p>Council does not agree with the rationale regarding its ability to apply the provisions of a site- specific DCP. The legislative hierarchy of a DCP is less than a Local Environmental Plan and therefore does not provide sufficient certainty for future applicants or Council for matters relating to fundamental development standards. DCP controls open more opportunities for interpretation, creates ambiguity at development assessment stage and limits Council's ability to control density in the precinct.</p>	<p>The objective of the Local Planning Direction for Site Specific Provisions (Direction 1.4) issued by the Minister for Planning under section 9.1(2) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) states that “<i>objective of this direction is to discourage unnecessarily restrictive site specific planning controls</i>”. Specifically, Direction 1.4(2) states that “<i>a planning proposal must not contain or refer to drawings that show details of the proposed development</i>”.</p> <p>The master plan by DKO has been prepared to inform the preparation of the Planning Proposal and Draft Development Control Plan, however, the Planning Proposal does not seek consent for this master plan. It is likely that there are a range of reasonable alternative (and potentially superior) master plans for the site that could be developed through future detailed design that are consistent with the LEP development standards and DCP objectives and provisions.</p> <p>The effect of requiring FSR and minimum lot size standards that follow the master plan to be mapped in the LEP will be that the LEP requires strict adherence to the masterplan. It is not considered to be appropriate to define this level of detail as part of an LEP Amendment, where any further design development or refinement of the masterplan would immediately result in a non-compliance with the FSR or lot size development standard. As Council notes in its RFI Letter at Issue #4 “<i>a planning proposal that necessitates the need for a clause 4.6 submission on multiple lots is inappropriate</i>”. As set out in the masterplan Lot Arrangement Plan and Lot Schedule provided at Attachment B, there is significant diversity in lot sizes and densities across lots within each proposed block.</p> <p>The Draft DCP was first provided by the Applicant to City of Ryde on 6 June 2022 (+30 months ago), and Council has not yet provided any comments on this document. We would welcome the opportunity to engage with Council in respect of the crafting of the proposed provisions that are clear and enforceable to give Council further comfort in respect of this issue.</p> <p>DCPs play a fundamental role in the NSW planning system and a mandatory consideration for Development Applications under the EP&A Act. The provision of clear objectives and development controls within the DCP does not in any way prevent a consent authority from achieving appropriate development outcomes at the DA stage.</p> <p>With regard to the comment that the proposed approach ‘limits Council’s ability to control density in the precinct’, this outcome is more likely under Council’s proposed approach. In</p>








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	<p>order to accommodate the proposed diversity in lot sizes and FSRs across each proposed lot, a lower minimum lot size and higher FSR will be required to be mapped under the LEP. This provides the opportunity for a future developer to re-plan the masterplan to minimise lot sizes and maximise FSRs across all lots, rather than maximising diversity as proposed in the DCP, which would result in more dwellings than envisaged under the masterplan.</p>
<p>This is important given the limited provision of services and high frequency public transport within the area. It is more appropriate to include these as amendments to the corresponding clauses within RLEP 2014.</p>	<p>As noted in Item #2, residents of the site would have access to high-frequency public transport at Epping Road within close walking distance, and good access to services including retail and local services alongside metropolitan-scale retail, education and employment within Macquarie Park.</p>
<p>The matter of 20 Waterview Street, Putney (Waterview PP), which was referenced in the Preliminary Feedback response, is not relevant to this Planning Proposal. Firstly, a dwelling cap was included within the APU clause at the request of the Sydney East Joint Regional Planning Panel (JRPP) not Council. Secondly, the Waterview PP pertains to a site zoned W1 - Working Waterfront (previously IN4 - Working Waterfront) and its characteristics are inherently different to the TG Millner site. There is no reason why a proposed R2 zoned site, that does not contain any unusual site characteristics, cannot be subject to FSR and lot size development standards within the RLEP 2014.</p>	<p>Refer to prior responses.</p>
<p>In relation to the principles established in <i>Stockland Development Pty Ltd v Manly Council</i> [2004] NSWLEC 472 (Stockland), the principles note that where a DCP has been consistently applied by a Council, it will be given significantly greater weight. It also highlights the fundamental objective of consistency which is further iterated in Stockland at 92 when determining the weight to be given to a planning policy. Specifically:</p> <ul style="list-style-type: none"> • The extent to which the policy has been departed from in prior decisions. • The compatibility of the policy with the objectives and provisions of relevant environmental planning instruments and development control plans • The compatibility of the policy with other policies adopted by a council or by any other relevant government agency. <p>While noting the above references planning policy and not development control plans, the same principle applies. Council has not applied FSR and lot size standards within the DCP for any other site in the LGA.</p>	<p>It is unclear why Council has omitted the first two considerations set out by the Land and Environment Court in <i>Stockland</i> at [92]:</p> <ul style="list-style-type: none"> • <i>the extent, if any, of research and public consultation undertaken when creating the policy;</i> • <i>the time during which the policy has been in force and the extent of any review of its effectiveness;</i> <p>Consideration of these principles in the assessment of a future DA would indicate a very high level of weight and adherence should be given to the DCP, where the provisions of this DCP have been:</p> <ul style="list-style-type: none"> • informed by detailed, site-specific planning informed by research of the site conditions and best practice urban design; • the subject of community and stakeholder consultation alongside the Planning Proposal; • recently finalised and adopted; • not departed from.

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	In these circumstances, it is clear that site-specific DCP provisions are wholly capable of being enforced during development assessment.
The application has not provided sufficient justification for why FSR and minimum lot size cannot be dealt with as a development standard. It is requested FSR and lot size LEP maps are provided that contain consistent standards to the surrounding existing R2 zoning. This is further clarified below.	Refer above.
<p>a) FSR</p> <p>As the subject site is seeking to adopt an R2 characteristic, proposing planning controls that reflect the adopted R2 zoning outcomes under the existing RLEP 2014 is required. Council's current FSR control for all R2 zoned lots within the RLEP 2014 is 0.5:1, therefore should be adopted under the applicant's planning proposal.</p>	<p>As noted in Section 6.1.3 of the Planning Proposal Report (July 2024), the average FSR proposed across the site is 0.32:1 (gross), however on individual residential lots (net) FSRs higher than 0.5:1 are proposed. This is appropriate noting that a significant area of the site is being dedicated toward public open space and through-site pedestrian/cyclist connectivity. It does not follow that the zoning and FSR must match, hence why LEPs provide for differentiated mapping of each planning provision.</p> <p>If the mapping of FSR development standards for the site is preferred, the Proponent does not object to this, provided that these FSRs are consistent with the masterplan. The FSRs proposed for individual lots under the masterplan are set out in Attachment B, and formal LEP maps can be prepared following issue of a Gateway Determination and prior to public exhibition.</p>
<p>b) Lot size</p> <p>The RLEP 2014 contains relevant standards for lot size in the R2 zone for dwelling houses and Attached Dual Occupancies, being the primary allotment having a size of 580 sqm. Council's existing controls for those developments would continue to apply to the proposal.</p> <p>The application proposes 'semi-detached dwellings' which has now been nominated permissible under the Housing SEPP. Council has planning controls (including subdivision) for attached dual occupancies, which once an attached dual occupancy is subdivided, it becomes a semi-detached dwelling. Given that Council's existing planning controls provide a suitable statutory framework and have been consistently applied through DA Assessment, the application should include an amendment to Clause 4.1(A) to amend it applying to 'semi-detached dwellings'.</p>	<p>As set out in Section 5.2 of the Planning Proposal Report (July 2024), a range of lot sizes are proposed across the site, the majority of which are less than 250m² in size. Requiring a minimum lot size of 290m² for semi-detached dwellings is not compatible with the masterplan, as discussed earlier in response to RFI Issue #2.</p> <p>No minimum lot size development standard currently applies to the site under the Ryde LEP and, as set out in Section 6.1.3 of the Planning Proposal Report (July 2024), no minimum lot size standard is proposed as part of the Planning Proposal.</p> <p>If the mapping of a minimum lot size development standard is preferred, the Proponent does not object to this, provided that the these are consistent with the masterplan. The minimum lot sizes for individual lots proposed under the masterplan are set out in Attachment B, and formal LEP maps can be prepared on this basis if following issue of a Gateway Determination and prior to public exhibition.</p> <p>Clause 4.1A operates in a beneficial manner to allow the approval of subdivision of lots for the purpose of dual occupancy (attached) dwellings where they do not comply with a mapped development standard identified in Clause 4.1. It does not operate to require all</p>

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	<p>subdivision of dual occupancies (attached) to comply with these provisions. The continued operation of Clause 4.1A would not impact on the masterplan as currently proposed, whether or not suitable lot sizes are mapped under the LEP.</p> <p>If Council wishes to amend Clause 4.1A of the Ryde LEP in light of the commencement of Chapter 3 Part 12 of the Housing SEPP for semi-detached dwellings, this is a matter for Council that is not related to this Planning Proposal.</p>
4. Secondary Dwellings	
<p>The application proposes numerous secondary dwellings within the precinct, including sites where attached dwellings would be located. It is also noted that the proposal includes secondary dwellings on sites less than 450 sqm. It is noted that in the excerpt from the Council letter to Applicant of 31 March 2022 provided in the Preliminary Feedback, Council did not advise secondary dwellings were to be incorporated to activate the laneways, rather active uses such as "studios, home offices, guest bedrooms or other similar uses". These uses are an extension to a primary dwelling on a site and not a separate domicile and would not trigger the need for additional provisions (such as private open space for the secondary dwelling). Council still holds the view that the uses such as studios, home offices, guest bedrooms etc., are suitable for laneway activation and will be addressed through further refinements to the site-specific DCP.</p> <p>Council notes in the Proponent's further response, it identifies clause 52 of the Housing SEPP as being the relevant clause which is incorrect. The non-discretionary development standards for Secondary Dwellings are contained within Clause 53(2).</p> <p>As the sites subject the proposed secondary dwellings are not compliant with the 450 sqm non-discretionary development standard, all detailed DA's would require to be supported by a Clause 4.6 variation pursuant to the requirements of the <i>Environmental Planning and Assessment Act 1979</i> (EPA&A Act).</p> <p>With respect to the identified non-compliances, Section 4.15(3) of the EP&A Act specifically addresses non-compliances to non-discretionary development standards and states: "If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:</p> <p>a) subsection (2) does not apply [subsection 2 refers to development which does comply with a non-discretionary development standard] and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and</p> <p>a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard".</p>	<p>It is important to note that the Planning Proposal does not seek to make any changes to the applicable planning framework with respect to 'secondary dwellings'.</p> <p>'Secondary dwellings' are permitted within the R2 Low Density Residential zone under the Ryde LEP and a subject to the provisions of that instrument. The LEP does not apply a minimum lot size standard for secondary dwellings.</p> <p>We are in disagreement in respect of the correct application of the non-discretionary development standard for site area set out in Section 53(2)(a) of the Housing SEPP, which commenced on 14 December 2023. In our view this provision acts to prevent refusal of a Development Application that complies with this standard, but does not mandate compliance with the standard. In our view the references made by Council to the Section 4.15(3) and (3A) of the EP&A Act and DPHI <i>Guidelines to Varying Development Standards</i> misinterprets these provisions as requiring compliance with the non-discretionary development standard, when they simply provide for the ability to vary an actual development standard (such as one contained within the Ryde LEP) that might otherwise prevent the delivery of secondary dwellings. A Clause 4.6 Variation Request would not be required.</p> <p>As previously discussed with Council, the inclusion of secondary dwellings was proposed in direct response to written and verbal feedback provided by Council officers prior to the lodgement of the 2022 Planning Proposal, including at a meeting with Council officers on 15 February 2022. Ultimately if the provision of secondary dwellings is not supported by Council, then the Proponent will not continue to press this issue and the site-specific DCP can be amended prior to public exhibition to reflect this.</p>

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<p>Point (b) above refers to a provision of an environmental planning instrument which allows flexibility in the application of a development standard and is taken to mean a request to vary the standard via Clause 4.6 of the Standard Instrument (being the RLEP 2014).</p> <p>Therefore, subject to Clause 4.15(3) of the EP&A Act, an Applicant would require submitting a Clause 4.6 variation request to clause 53(2)(a). This point is clarified in The Department of Planning Guidelines to Varying Development Standards, refer page 24.</p>	
<p>The purpose of the above is to identify the significant shortfall and non-compliance the proposed planning proposal in respect of the secondary dwellings being included with the scheme. The non-compliance with the State Policy in regard to secondary dwellings is not complied with, therefore the scheme does not demonstrate that there is site specific merit for the proposed secondary dwellings.</p>	<p>As with Council's comments above in respect of attached dwellings and the Mid-Rise Housing Reforms above, Council has conflated a State-wide policy that provides 'as of right' permissibility across all land, without any further assessment, with a site-specific proposal that is informed by detailed planning, urban design and environmental assessment. The statement that because the scheme does not comply with the generic State-wide policy, the proposal does not achieve 'site-specific merit' is flawed – by this logic there is no need or role for local planning.</p>
<p>A planning proposal that necessitates the need for a clause 4.6 submission on multiple lots is inappropriate and hasn't properly considered the statutory planning context that it seeks to adopt.</p>	<p>Refer response above, it is our view that a Clause 4.6 Variation would not be required despite non-compliance with Section 53(2)(a) of the Housing SEPP.</p>
<p>Should the applicant seek to implement secondary dwellings within the planning proposal, each principal allotment (on which a secondary dwelling is proposed) must be 450 sqm or greater in accordance with the State Policy (Housing) for secondary dwellings</p>	<p>Refer responses above, no change is proposed to the applicable planning framework for secondary dwellings.</p>
5. Flooding and Stormwater Assessment	
<p>The portion of the site fronting Vimiera Road is affected by PMF and 20% AEP flood events. The proposal has been supported by a Stormwater Servicing Report produced by Northrop, dated 10/05/2022, which in summary notes that the proposal takes advantage of the site layout to implement flooding and Water Sensitive Design Solutions. It is noted this is the same report that was submitted with the 2022 Planning Proposal.</p> <p>Since the 2022 Planning Proposal, there have been changes to flooding considerations under the Ministerial Directions. Specifically, the Ministerial Direction 4.1 Flooding notes the following:</p> <p>A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed use, W4 Working Waterway or Special Purposes Zones.</p> <p>Council notes the previous comments provided by officers in its submission to the Sydney North Planning Panel. As above, the flooding considerations have changed since this submission.</p> <p>As the report does not provide pre- or post-development scenarios, it is unclear if the proposed R2 rezoning to the northwest and northeast will be located in flood prone land.</p>	<p>Northrop Consulting Engineers have prepared a statement to address the Ministerial Direction which is provided at Attachment C. In summary, Northrop conclude that the Planning Proposal is consistent with the requirements of the Ministerial Direction on the basis that the inconsistency is of minor significance on the basis of the nature of the existing flood characteristics and the presentation of engineering solutions to respond to these characteristics. Northrop advise that:</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Flow from the north is conveyed through a swale to the internal road network before being collected and conveyed to Vimiera Road.</i></p>

Council Comment	Proponent's Response
<p>Additionally, an assessment has not been provided on how the proposal is consistent with most recent flood planning considerations. The flooding across the north-eastern portion of the site also presents as a risk to resident egress and emergency access. Alternative access and egress arrangement may be required to demonstrate R2 viability. Council does not agree that this is a matter to be dealt with at DA stage. An updated report is required to demonstrate consistency with the Ministerial Direction 4.1 Flooding. It is understood Northrop are preparing a response to the matters raised above.</p>	<p><i>Underground OSD is provided to limit post developed flows back to pre-developed conditions.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p>It is also noted that development for residential purposes for seniors housing is already permitted on the land by virtue of the Housing SEPP, at a significantly higher residential density than is proposed in this Planning Proposal. The Planning Proposal therefore represents a reduction in permitted residential density and a reduction in the vulnerability of potential occupants of the site.</p> <p>The documentation submitted addresses the requirements of the Ministerial Direction, 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.</p>
6. Transport and Traffic Impact Assessment	
<p>It is noted that the provided Traffic Impact Assessment report is the same as that submitted with the 2022 Planning Proposal. Considering the time past and changes to traffic behaviour, a review should be conducted to ensure the SIDRA modelling is still relevant.</p> <p>Council notes the comments from Ethos in response to Council's preliminary feedback regarding the detailed matters provided by Council's Traffic Engineers. Upon further consideration, it is agreed the majority of these issues can be dealt with at DA stage. The matters that Council believes require attention at this stage of the planning process are provided below:</p>	<p>Refer to responses below.</p>
<ul style="list-style-type: none"> A review of the provided SIDRA modelling to ensure the results are still relevant to current traffic conditions. This includes updated information based on current vehicular, pedestrian and cyclist traffic volumes during weekday and weekend peak periods. 	<p>Updated traffic counts were undertaken in October 2024 at the following intersections:</p> <ul style="list-style-type: none"> - Vimiera Road/Yangalla Street - Vimiera Road/Elk Street - Vimiera Road/Rugby Road <p>Updated SIDRA modelling based on these counts demonstrates that all intersections will continue to perform at a good level of service. Further detail is set out in the Traffic Addendum prepared by Colston Budd Rogers & Kafe (Attachment D).</p>

Council Comment	Proponent's Response
<ul style="list-style-type: none"> An amended and updated analysis in relation to public and active transport accessibility to demonstrate the site is well-located. This includes most up to date bus routes and walking routes and distances to public transport options. It is requested for this to be presented visually to help the Council and the community understand the sites transport characteristics. 	<p>Refer to Attachment D and below infographic.</p> <div>  <div> Epping Road - 650m walking distance (City-bound stop) Buses every 2.5 minutes during peak period Frequent services throughout day and evening Direct services to Macquarie Park, North Sydney, Parramatta, Sydney CBD </div> </div> <div>  <div> Epping Road - 450m walking distance (Epping-bound stop) Buses every 8 minutes during peak period Frequent services throughout day and evening Direct services to Epping and Parramatta </div> </div> <div>  <div> Vimiera Road - <50m walking distance Occasional services in morning and afternoon Direct services to Eastwood and </div> </div> <div>  <div> Macquarie University - 2km walk (25 min) or cycle (8 min) Frequent bus connections (15 min) </div> </div> <div>  <div> Macquarie Centre 2km walk (25 min) or cycle (8 min) Frequent bus connections (15 min) Metropolitan-scale services including retail, health and entertainment </div> </div> <div>  <div> Macquarie Park Innovation District Immediately accessible by foot, bike and public transport Growing employment and demand for workers </div> </div> <div>  <div> Macquarie University Station 2km walk (25 min) or cycle (8 min) Frequent bus connections (15 min) </div> </div>
<ul style="list-style-type: none"> It is also requested that in considering the second field option as outlined above in this letter, that the Traffic Impact Assessment includes an assessment of the impacts associated with this use, including the requirement for any additional on-site car parking. This will also help demonstrate to the Council and the community that the application has considered any possible alternate outcomes sufficiently. 	<p>CBRK advises that peak parking demand required for a playing field is in the order of 30-40 spaces per field (i.e. 60-80 for two fields) to accommodate peak training/competition demand where multiple teams and games are scheduled back-to-back.</p>
7. Street Network and Waste Management	
<p>Residential entries off the proposed public park is not supported as this blurs the public-private interface. Additionally, as outlined above in point 5, access and egress arrangements may be required to comply with the recent flood planning requirements. Therefore, the street network needs to be reviewed and a road should be constructed between the park and proposed dwellings in the area proposed to be zoned R2. Council</p>	<p>Many of Council's parks include common boundaries between open space and residential properties. Orienting residential entries to the park provides a high level of residential activation and reduces the number of roadway/park interfaces to increase user safety and functionality. Detailed design of the pedestrian pathway and front fences/gardens of the relevant dwellings can readily delineate between private and public areas. Introduction of</p>

Council Comment

notes and upon further consideration agrees with the response from Ethos that this matter can be dealt with as part of a site-specific DCP.

Furthermore, the application has not provided details in relation to the street networks capacity to demonstrate compliant swept paths of a heavy rigid waste collection vehicle (AS2890.02). The properties proposed to be located on in the eastern corner are of particular concern (please see below as outlined in pink). Please demonstrate the developments' ability to comply with heavy rigid waste collection vehicle swept paths. Council does not agree that this can be dealt with as part of a site-specific DCP as waste collection is an essential service and the ability to provide waste services to dwellings may impact dwelling yields/densities and supporting LEP controls.



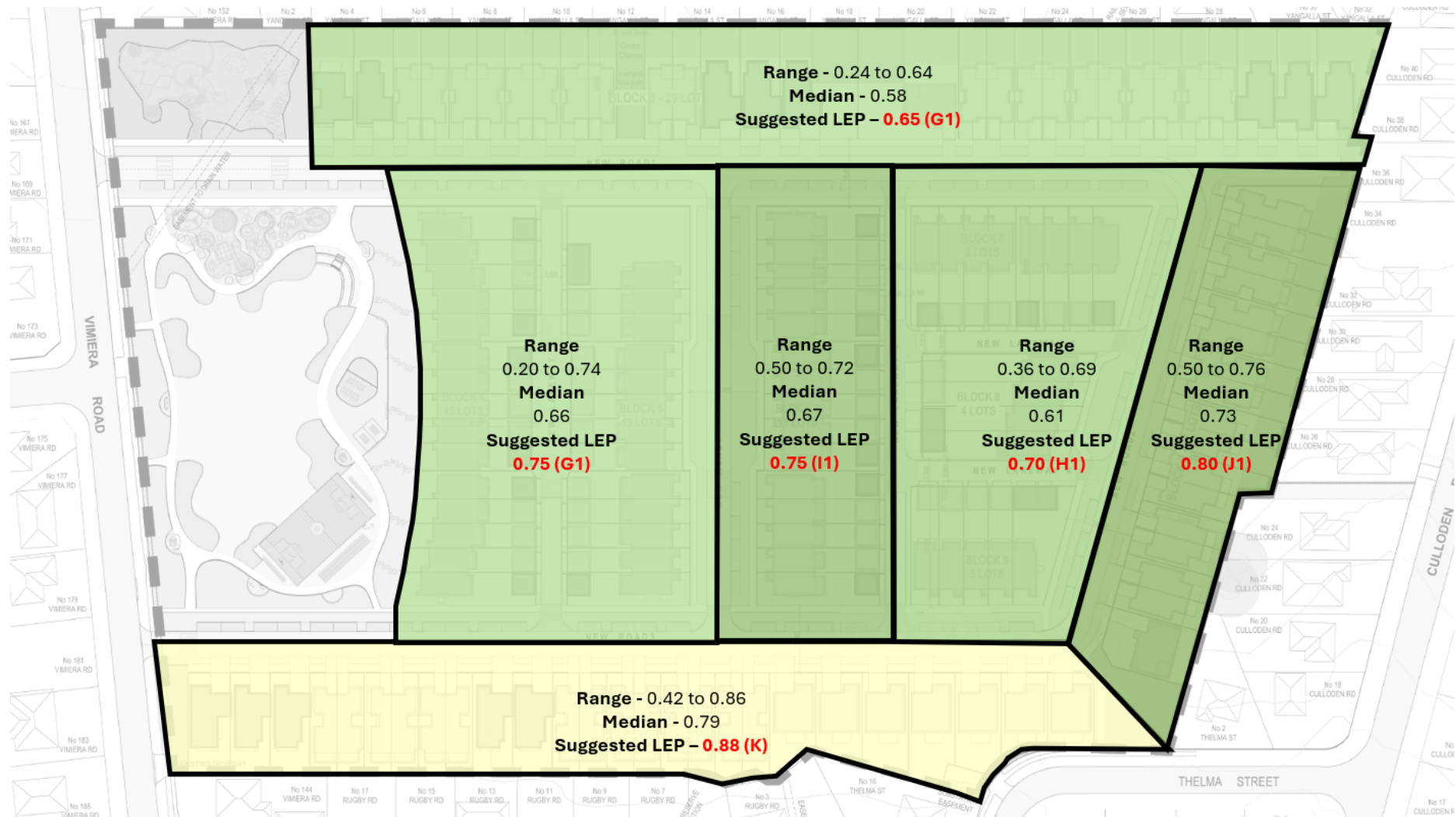
Proponent's Response

a road is considered to be unnecessary to resolve the public/private interface and places unnecessary emphasis on cars and road dominance within urban design.

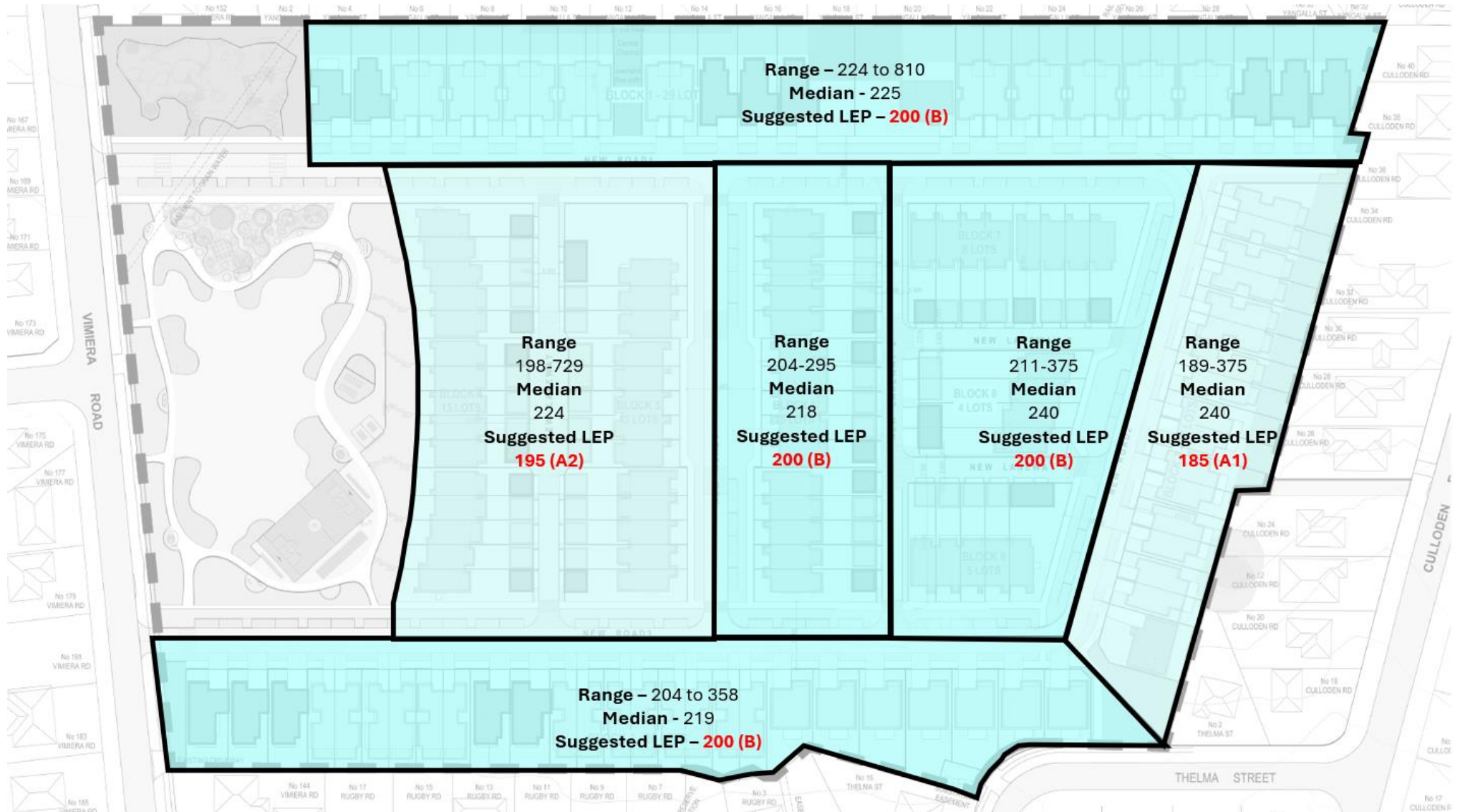
This query relates to waste collection for three (3) dwellings with frontage to a short stub road/shared driveway (subject to detailed design). It is envisaged that at the DA stage a small waste collection area would be designed at the intersection of Proposed Road 1 and Proposed Road 2 for placement of bins by the occupants of these three dwellings on collection days, negating the need for a waste vehicle to drive or reverse into the stub road/shared driveway. It is anticipated that this is entirely capable of resolution at the Development Application stage.

Attachment B – LEP Maps

Proposed Maximum FSR Map



Proposed Minimum Lot Size Map



Lot Areas			
Block No.	Lot No.	Building Type	Lot Area (m ²)
Block 15	LOT 001	A2	355.14
	LOT 002	A2	320.57
	LOT 003	B2	224.5
	LOT 004	B2	224.51
	LOT 005	B2	224.52
	LOT 006	B2	224.53
	LOT 007	B2	224.54
	LOT 008	B2	224.55
	LOT 009	B2	224.56
	LOT 010	B2	224.57
	LOT 011	B2	224.59
	LOT 012	B2	224.59
	LOT 013	A2	320.73
	LOT 014	A2	320.76
	LOT 015	A2	629.01
	LOT 016	D1	810.68
	LOT 017	B2	224.67
	LOT 018	B2	224.69
	LOT 019	B2	224.7
	LOT 020	B2	224.71
	LOT 021	B2	224.72
	LOT 022	B2	224.73
	LOT 023	B2	224.74
	LOT 024	B2	224.75
LOT 025	B2	224.75	
LOT 026	B2	224.76	
LOT 027	A2	320.98	
LOT 028	A2	321	
LOT 029	A2	434.94	

Block No.	Lot No.	Building Type	Lot Area (m ²)
Block 3	LOT 047	A1	254.07
	LOT 048	A2	300.41
	LOT A2	A2	312.42
	LOT 050	B1	204.62
	LOT 051	B1	204.62
	LOT 052	B1	204.63
	LOT 053	B1	204.63
	LOT 054	B1	204.63
	LOT 055	B1	204.63
	LOT 056	A2	300.8
	LOT 057	A2	300.81
	LOT 058	B1	204.88
	LOT 059	B1	204.88
	LOT 060	B1	204.88
	LOT 061	A2	204.88
	LOT 062	A2	204.88
LOT 063	A2	212.37	
LOT 064	A2	222.85	
LOT 065	A2	214.14	
LOT 068	A1	315.99	
LOT 067	A1	234.88	
LOT 068	A1	335.35	
LOT 069	A1	357.98	
LOT 070	A1	330.37	
LOT 071	A1	282.71	
LOT 072	A2	317.26	
Total Block (m ²)			6590.57
Substation			70.07
TOTAL BLOCK			6660.64

			Total Block (m2)	3518.34
Block No.	Lot No.	Building Type	Lot Area (m ²)	
Block 5	LOT 088	C1	729.5	
	LOT 089	C1	217.8	
	LOT 090	C1	246.6	
	LOT 091	C1	225	
	LOT 092	C1	198	
	LOT 093	C1	198	
	LOT 094	C1	198	
	LOT 095	C1	225	
	LOT 096	C1	246.6	
	LOT 097	C1	217.8	
	LOT 098	C1	217.8	
LOT 099	C1	217.8		
LOT 100	C1	294.54		
Total Block (m ²)			3432.24	

		Total block (m2)	3468.84
Block No.	Lot No.	Building Type	Lot Area (m²)
Block 7	LOT 116	C1	240
	LOT 117	C1	211.2
	LOT 118	C1	211.2
	LOT 119	C1	240
	LOT 120	C1	240
	LOT 121	C1	211.2
	LOT 122	C1	211.2
	LOT 123	C1	374.74

		Total Block (m2)	1202.97
Block No.	Lot No.	Building Type	Lot Area (m²)
Block 9	LOT 127	C1	240
	LOT 128	C1	211.2
	LOT 129	C1	211.2
	LOT 130	C1	211.2
	LOT 132	C1	407.11
		Total Block (m2)	1280.71

Ground Floor GFA (m ²)	First Floor GFA (m ²)	Total GFA (m ²)	Garage GBA (m ²)	Proposed FSR
81.56	94.67	176.23	21.44	0.50
81.56	94.67	176.23	21.44	0.73
81.56	94.67	176.23	21.44	0.73
81.56	94.67	176.23	21.44	0.73
81.56	94.67	176.23	21.44	0.73
81.56	94.67	176.23	21.44	0.73
81.56	94.67	176.23	21.44	0.73
74.13	69.09	143.22	23.26	0.56
74.13	69.09	143.22	23.26	0.58
74.13	69.09	143.22	23.26	0.59
74.13	69.09	143.22	23.26	0.75
74.13	69.09	143.22	23.26	0.75
74.13	69.09	143.22	23.26	0.75
74.13	69.09	143.22	23.26	0.76
110.42	81.88	192.3	22.9	0.51
Median FSR				0.69
Max FSR				0.76

Ground Floor GFA [m²]	First Floor GFA [m²]	Total GFA [m²]	Garage GBA [m²]	Proposed FSR
83.18	65.85	149.03	38.09	0.59
83.18	88.46	171.64	33.31	0.57
83.18	88.46	171.64	33.31	0.57
81.56	94.67	176.23	21.44	0.86
81.56	94.67	176.23	21.44	0.86
81.56	94.67	176.23	21.44	0.86
81.56	94.67	176.23	21.44	0.86
81.56	94.67	176.23	21.44	0.86
83.18	88.46	171.64	33.31	0.57
83.18	88.46	171.64	33.31	0.57
81.56	94.67	176.23	21.44	0.86
81.56	94.67	176.23	21.44	0.86
81.56	94.67	176.23	21.44	0.86
83.18	88.46	171.64	33.31	0.84
83.18	88.46	171.64	33.31	0.84
83.18	88.46	171.64	33.31	0.77
83.18	88.46	171.64	33.31	0.80
83.18	65.85	149.03	38.09	0.47
83.18	65.85	149.03	38.09	0.51
83.18	65.85	149.03	38.09	0.44
83.18	65.85	149.03	38.09	0.42
83.18	65.85	149.03	38.09	0.45
83.18	65.85	149.03	38.09	0.53
83.18	88.46	171.64	33.31	0.54
Median FSR				0.69
Max FSR				0.86

Ground Floor GFA (m ²)	First Floor GFA (m ²)	Total GFA (m ²)	Garage GBA (m ²)	Proposed FSR
76.78	69.71	146.49	34.94	0.45
76.78	69.71	146.49	34.94	0.64
76.78	69.71	146.49	34.94	0.66
76.78	69.71	146.49	34.94	0.68
76.78	69.71	146.49	34.94	0.61
76.78	69.71	146.49	34.94	0.64
76.78	69.71	146.49	34.94	0.74
76.78	69.71	146.49	34.94	0.74
76.78	69.71	146.49	34.94	0.64
76.78	69.71	146.49	34.94	0.61
76.78	69.71	146.49	34.94	0.68
76.78	69.71	146.49	34.94	0.66
76.78	69.71	146.49	34.94	0.64
76.78	69.71	146.49	34.94	0.45

Ground Floor GFA (m ²)	First Floor GFA (m ²)	Total GFA (m ²)	Garage GBA (m ²)	Proposed FSR
76.78	69.71	146.49	34.94	0.26
76.78	69.71	146.49	34.94	0.67
76.78	69.71	146.49	34.94	0.69
76.78	69.71	146.49	34.94	0.65
76.78	69.71	146.49	34.94	0.74
76.78	69.71	146.49	34.94	0.74
76.78	69.71	146.49	34.94	0.74
76.78	69.71	146.49	34.94	0.65
76.78	69.71	146.49	34.94	0.59
76.78	69.71	146.49	34.94	0.67
76.78	69.71	146.49	34.94	0.67
76.78	69.71	146.49	34.94	0.67
76.78	69.71	146.49	34.94	0.50

Ground Floor GFA (m ²)	First Floor GFA (m ²)	Total GFA (m ²)	Garage GBA (m ²)	Proposed FSR
76.78	69.71	146.49	34.94	0.50
76.78	69.71	146.49	34.94	0.67
76.78	69.71	146.49	34.94	0.67
76.78	69.71	146.49	34.94	0.67
76.78	69.71	146.49	34.94	0.67
76.78	69.71	146.49	34.94	0.63
76.78	69.71	146.49	34.94	0.72
76.78	69.71	146.49	34.94	0.72
76.78	69.71	146.49	34.94	0.63
76.78	69.71	146.49	34.94	0.59
76.78	69.71	146.49	34.94	0.67
76.78	69.71	146.49	34.94	0.67
76.78	69.71	146.49	34.94	0.67
76.78	69.71	146.49	34.94	0.50

Ground Floor GFA (m ²)	First Floor GFA (m ²)	Total GFA (m ²)	Garage GBA (m ²)	Proposed FSR
76.78	69.71	146.49	34.94	0.61
76.78	69.71	146.49	34.94	0.69
76.78	69.71	146.49	34.94	0.69
76.78	69.71	146.49	34.94	0.61
76.78	69.71	146.49	34.94	0.61
76.78	69.71	146.49	34.94	0.69
76.78	69.71	146.49	34.94	0.69
76.78	69.71	146.49	34.94	0.69
76.78	69.71	146.49	34.94	0.39

Ground Floor GFA (m ²)	First Floor GFA (m ²)	Total GFA (m ²)	Garage GBA (m ²)	Proposed FSR
76.78	69.71	146.49	34.94	0.43
76.78	69.71	146.49	34.94	0.50
76.78	69.71	146.49	34.94	0.53
76.78	69.71	146.49	34.94	0.50

Ground Floor GFA (m ²)	First Floor GFA (m ²)	Total GFA (m ²)	Garage GBA (m ²)	Proposed FSR
76.78	69.71	146.49	34.94	0.61
76.78	69.71	146.49	34.94	0.69
76.78	69.71	146.49	34.94	0.69
76.78	69.71	146.49	34.94	0.69
76.78	69.71	146.49	34.94	0.36

Median FSR	0.62
Max FSR	0.74

Attachment C – Flood Statement

Level 1, 215 Pacific Highway
Charlestown NSW 2290
02 4943 1777
newcastle@northrop.com.au
ABN 81 094 433 100

Ref: SY212044-00-CV-LE01-1
16 December 2024

David Hynes

Winston Langley Pty Ltd
Level 1, 154 Pacific Highway
St Leonards NSW 2065

Dear David,

Re: PP-2024-1465 146-150 Vimieria Road, Marsfield – Response to Council RFI

Northrop Consulting Engineers have been engaged to review the RFI received by Council and dated 6 November 2024. Queries raised in this letter are reproduced below.

The portion of the site fronting Vimieria Road is affected by PMF and 20% AEP flood events. The proposal has been supported by a Stormwater Servicing Report produced by Northrop, dated 10/05/2022, which in summary notes that the proposal takes advantage of the site layout to implement flooding and Water Sensitive Design Solutions. It is noted this is the same report that was submitted with the 2022 Planning Proposal.

Since the 2022 Planning Proposal, there have been changes to flooding considerations under the Ministerial Directions. Specifically, the Ministerial Direction 4.1 Flooding notes the following:

A planning proposal must not rezone land within the flood planning area for Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterway or Special Purpose Zones.

Council notes the previous comments provided by officers in its submission to the Sydney North Planning Panel. As above, the flooding considerations, have changed since this submission.

As the report does not provide pre- or post-development scenarios, it is unclear if the proposed R2 rezoning to the northwest and northeast will be located in flood prone land. Additionally, an assessment has not been provided on how the proposal is consistent with most recent flood planning considerations. The flooding across the north-eastern portion of the site also presents as a risk to resident egress and emergency access. Alternative access and egress arrangement may be required to demonstrate R2 viability. Council does not agree that this is a matter to be dealt with at DA stage. An updated report is required to demonstrate consistency with the Ministerial Direction 4.1 Flooding. It is understood Northrop are preparing a response to the matters raised above.

Included herein is a brief summary of the existing case flood behaviour, how the proposed development responds to stormwater and flooding considerations, and a response to the Ministerial Directions (Flooding).

Existing Flood Behaviour

Flood characteristics have been studied as part of the *Eastwood and Terrys Creek Floodplain Risk Management Study and Plan – Flood Study Report* prepared by Bewsher Consulting and dated 2008. The 20% AEP, 1% AEP, and PMF flood depths and elevations are presented below in Figures 1 to 3.

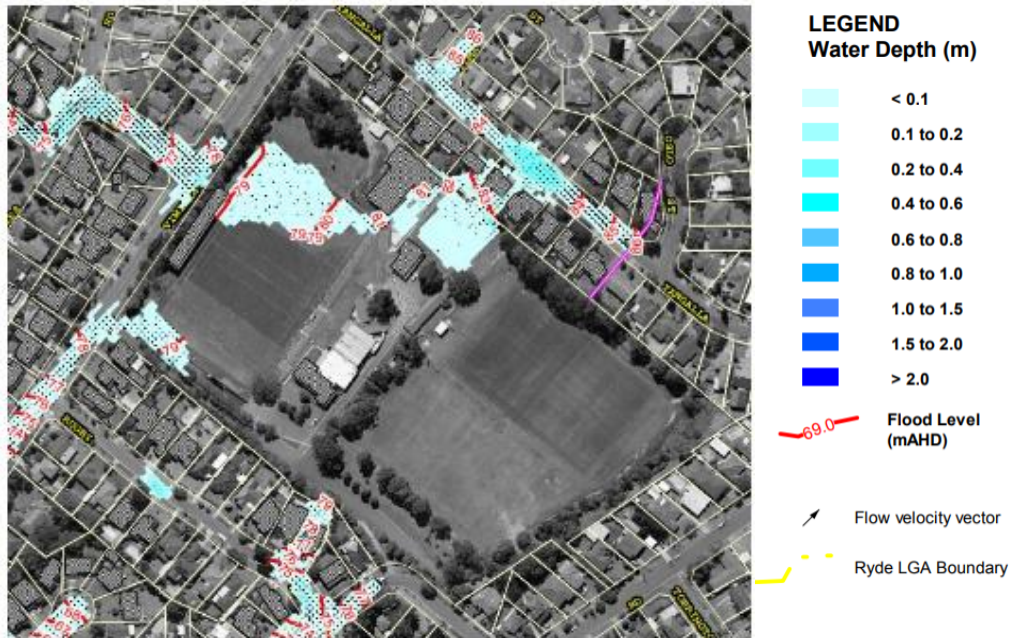


Figure 1 - 20% AEP Flood Depth and Elevation

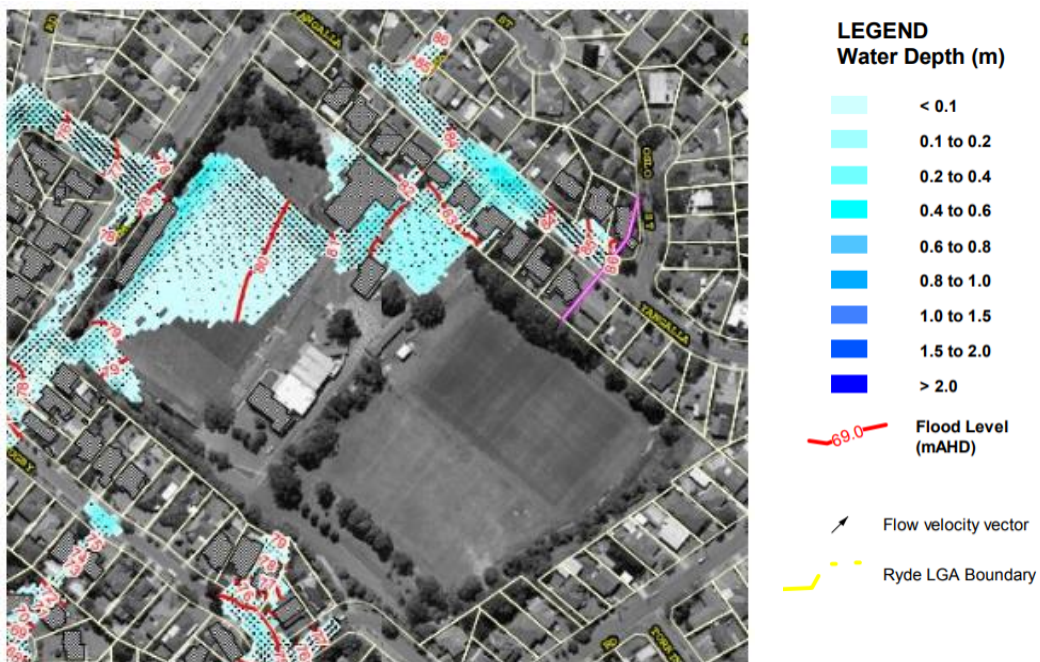


Figure 2 - 1% AEP Flood Depth and Elevation

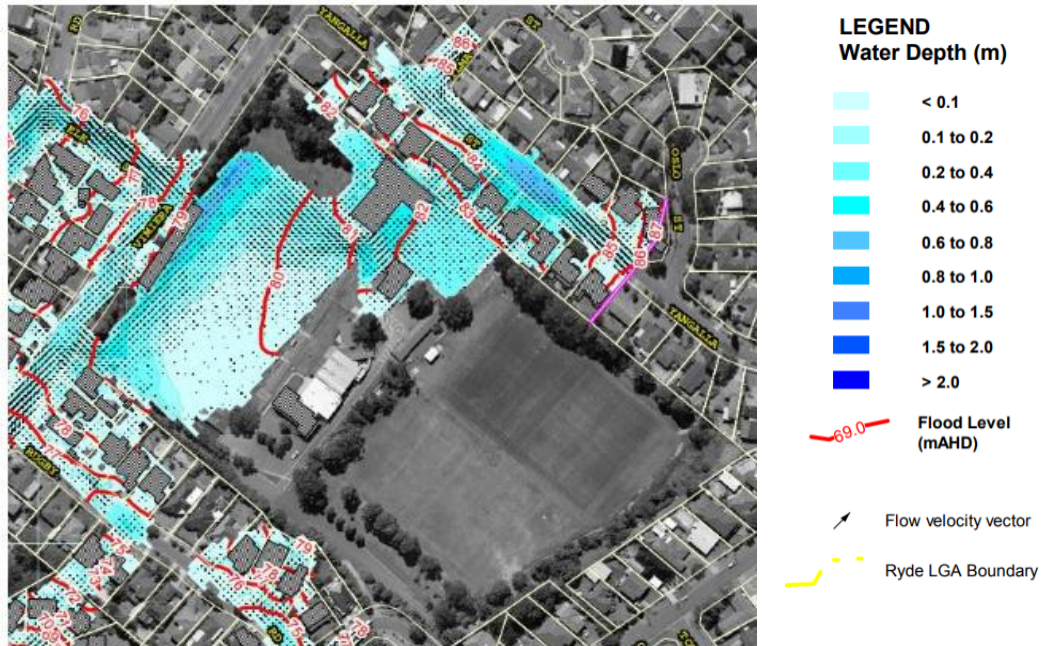


Figure 3 - PMF Flood Depth and Elevation

The flood risk precincts are presented below in Figure 4. Risk precincts are defined by the 1% AEP hazard (high hazard corresponds to high flood risk precinct, and low to medium flood risk precinct). The low flood risk precinct is categorized by the PMF extent. As shown above the flooding is characterized by low depth flow as the capacity of the upstream road drainage network is exceeded.

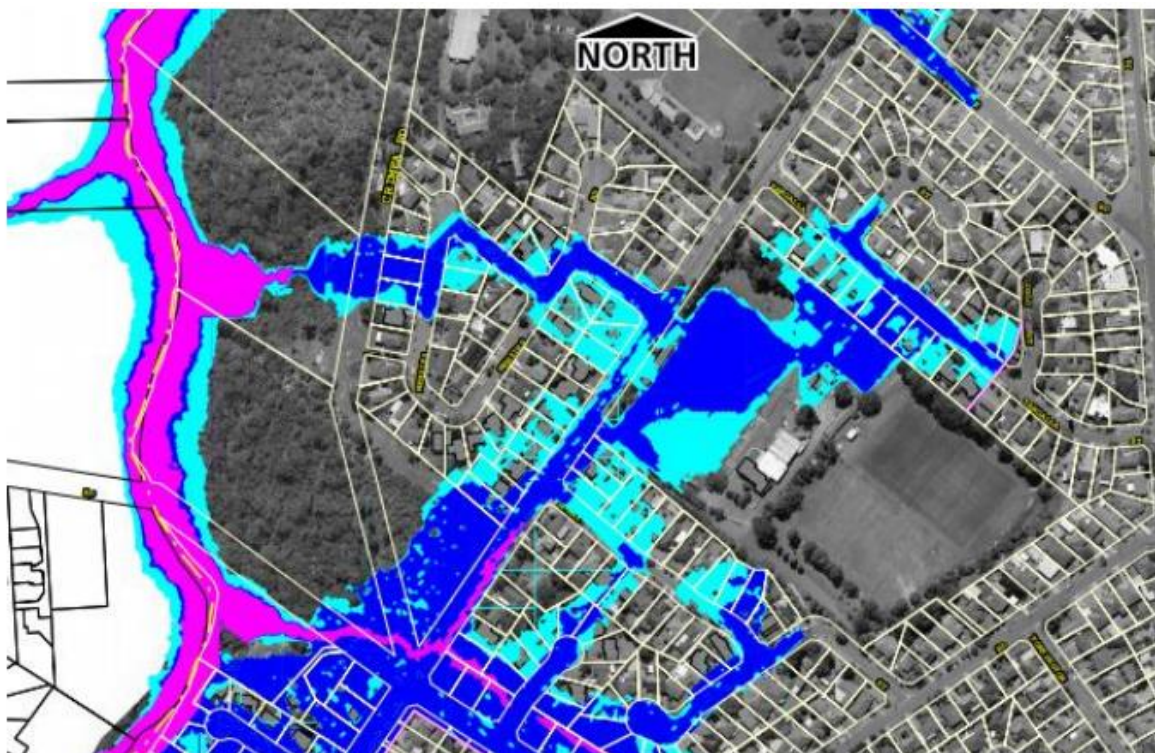


Figure 4 - Flood risk precincts

Development Response

The development has included the following measures to manage stormwater and flood risk.

- A swale and trunk drainage network to capture and convey stormwater entering across the northern boundary to Vimieria Road.
- On-site detention tanks to reduce the peak flow in the developed case back to predeveloped rates.

Consistency with Ministerial Direction 4.1 Flooding

Below in Table 1 is a review of the Ministerial Direction to determine whether the proposal is consistent and justify the inconsistency.

Table 1 – Consistency with Ministerial Direction

Item	Requirement	Response
Flooding Requirements		
(1)	A planning proposal must include provisions that give effect to and are consistent with:	
(1) (a)	the NSW Flood Prone Land Policy,	The planning proposal is consistent with this policy through the consideration of items (1) (b) to (1) (d).
(1) (b)	the principles of the Floodplain Development Manual 2005,	The 2005 manual has been superseded by the 2023 Flood Risk Management Manual. The planning proposal is consistent with the principles of the new manual.
(1) (c)	the Considering flooding in land use planning guideline 2021, and	The planning proposal considers this guideline and notes the ability of Council to determine flood-based controls across their LGA. The site is already within the flood planning area and planning controls apply to the site.
(1) (d)	any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.	The proposal has given consideration to the <i>Eastwood and Terrys Creek Floodplain Risk Management Study and Plan – Flood Study Report</i> (Bewsher Consulting, 2008).
(2)	A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.	The proposal is inconsistent with this clause. See comments in point 5 below.

Item	Requirement	Response
(3)	A planning proposal must not contain provisions that apply to the flood planning area which:	The site is considered within the flood planning area.
(3) (a)	Permit development in floodway areas	The site is noted as low hazard flood behaviour in the 1% AEP. This implies the site is not within a floodway.
(3) (b)	Permit development that will result in significant flood impacts to other properties,	The proposal includes OSD which reduces the post developed flow to predeveloped values. This implies there will be no impacts to flood behaviour off-site.
(3) (c)	Permit development for the purposes of residential accommodation in high hazard areas	The proposal does not permit development in high hazard areas. The site is noted as Medium and Low Flood Risk Precinct.
(3) (d)	Permit a significant increase in the development and/or dwelling density of that land	<p>The proposal is partially consistent with this clause. See comments in point 5 below.</p> <p>'Residential accommodation' is not currently permitted under the Ryde LEP, however, seniors housing is permitted with consent under Chapter 3 Part 5 of State Environmental Planning Policy (Housing) 2021. The Housing SEPP provides for development for the purpose of seniors housing up to an FSR of 1:1, which is a significantly greater density permitted on the site currently than is proposed in the Planning Proposal. The Planning Proposal therefore does not result in an increase in permitted density and facilitates a development outcome that is less dense, and which accommodates less vulnerable residents, than the current planning framework.</p> <p>The proposal also includes measures to reduce the exposure of these increased dwelling numbers through stormwater infrastructure and OSD storage.</p>
(3) (e)	Permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where	<p>Not applicable.</p> <p>A centre-based childcare centre is currently present on land within the identified area of flooding. The childcare centre is proposed to be removed in the masterplan and</p>

Item	Requirement	Response
	the occupants of the development cannot effectively evacuate,	replaced by housing with concurrent stormwater management measures employed to mitigate flood risk.
(3) (f)	Permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent	Not applicable.
(3) (g)	Are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities	<p>We believe the proposed development is likely to have no significant change on government spending on emergency management services, flood mitigation and emergency response measures – primarily because of its scale and location within an existing urbanised area, and also due to the provision of a high-level refuge above the PMF.</p> <p>The preparation of a FERP at DA stage can further reduce residual flood risk on the site.</p>
(3) (h)	Permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event	The proposed development includes residential dwellings and is not proposed to be a hazardous industry or hazardous storage establishment.
(4)	Special Considerations	Not adopted in Ryde.
(5)	For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.	We confirm the flood planning area is consistent with these documents. This is the area below the 1% AEP plus 500mm.
	<p>Consistency</p> <p>A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:</p>	The inconsistency with this direction is justified based on the below.
(a)	the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and	Not applicable. The Floodplain Risk Management Study and Plan does not refer to this site.

Item	Requirement	Response
	guidelines of the Floodplain Development Manual 2005, or	
(b)	where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or	Not applicable. The adopted flood study does not justify the inconsistency.
(c)	the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or	Not applicable. A Flood Impact and Risk Assessment has not been prepared.
(d)	the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.	<p>We believe the inconsistency is minor in nature.</p> <p>This is on the basis of the existing flood characteristics and the presentation of engineering solutions to respond to these characteristics.</p> <p>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.</p> <p>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.</p> <p>Flow from the north is conveyed through a swale to the internal road network before being collected and conveyed to Vimiera Road.</p> <p>Underground OSD is provided to limit post developed flows back to pre-developed conditions.</p> <p>It follows that the management of flows back to pre-developed conditions is unlikely to result in any significant changes to the</p>

Item	Requirement	Response
		<p>existing flood levels in the vicinity of the site.</p> <p>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.</p> <p>For the reasons noted above, we believe the inconsistency with the directions are minor in significance.</p>

We trust the above is what you require. Should you have any queries please feel free to contact the undersigned on (02) 4943 1777.

Yours faithfully,



Angus Brien

Principal | Group Manager | Senior Civil Engineer

On behalf of Northrop Consulting Engineers Pty Ltd

Limitation Statement

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Attachment D – Transport Statement

Colston Budd Rogers & Kafes Pty Ltd

as Trustee for C & B Unit Trust
ABN 27 623 918 759

Our Ref: JH/I1839/jh

Transport Planning

9 December, 2024

Traffic Studies

Parking Studies

Winston Langley
Level 1, 154 Pacific Highway
ST LEONARDS NSW 2065

Attention: David Hynes

Email: d.hynes@winstonlangley.com.au

Dear Sir,

RE: PLANNING PROPOSAL FOR 146-150 VIMIERA ROAD, MARSFIELD

1. As requested, we are writing regarding matters raised by the council in relation to the above planning proposal. We have previously prepared a report¹ which was submitted with the planning proposal.
2. In a letter of 6 November 2024, the council has raised a number of traffic matters. These matters and our responses are set out below.

6. *Transport and Traffic Impact Assessment*

It is noted that the provided Traffic Impact Assessment report is the same as that submitted with the 2022 Planning Proposal. Considering the time past and changes to traffic behaviour, a review should be conducted to ensure the SIDRA modelling is still relevant.

Council notes the comments from Ethos in response to Council's preliminary feedback regarding the detailed matters provided by Council's Traffic Engineers. Upon further consideration, it is agreed the majority of these issues can be dealt with at DA stage. The matters that Council believes require attention at this stage of the planning process are provided below:

- *A review of the provided SIDRA modelling to ensure the results are still relevant to current traffic conditions. This includes updated information based on current vehicular, pedestrian and cyclist traffic volumes during weekday and weekend peak periods.*
- *An amended and updated analysis in relation to public and active transport accessibility to demonstrate the site is well-located. This includes most up to date bus routes and walking routes and distances to public transport options.*

¹ Traffic Report for Planning Proposal for Proposed Residential Development, 146-150 Vimiera Road, Marsfield, May 2022.

Suite 1801/Tower A, Zenith Centre, 821 Pacific Highway, Chatswood NSW 2067

P.O. Box 5186 West Chatswood NSW 1515 Tel: (02) 9411 2411 Fax: (02) 9411 2422

Directors - Geoff Budd - Stan Kafes - Tim Rogers - Joshua Hollis ACN 002 334 296

EMAIL: cbrk@cbrk.com.au

It is requested for this to be presented visually to help the Council and the community understand the sites transport characteristics.

Bullet Point 1: updated traffic information

3. With regards to the first bullet point, updated traffic counts have been undertaken on Vimiera Road during weekday morning and afternoon peak periods in October 2024. The counts were undertaken at the following intersections:
- Vimiera Road/Yangalla Street;
 - Vimiera Road/Elk Street; and
 - Vimiera Road/Rugby Road.
4. The results of the surveys are shown in the attached Figures 1 and 2, and summarised in Table 1 below.

Table 1: Existing two-way (sum of both directions) peak hour traffic flows			
Road	Location	AM peak hour	PM peak hour
Vimiera Road	North of Yangalla Street	518	450
	North of Elk Street	562	468
	North of Rugby Road	553	461
	South of Rugby Road	554	462
Yangalla Street	East of Vimiera Road	36	38
Elk Street	West of Vimiera Road	33	31
Rugby Road	East of Vimiera Road	61	89

5. Table 1 shows that traffic flows on Vimiera Road were some 450 to 570 vehicles per hour two-way during the surveyed peak hours. Yangalla Street, Elk Street and Rugby Road all carried lower traffic flows of less than 100 vehicles per hour.
6. Observations made during peak periods indicate that existing pedestrian and cycle volumes in the vicinity of the site are low.
7. The capacity of the road network is largely determined by the capacity of its intersections to cater for peak period traffic flows. The intersection of Epping Road with Vimiera Road has been analysed using the SIDRA program for the traffic flows shown in Figures 1 and 2.
8. SIDRA simulates the operations of intersections to provide a number of performance measures. The most useful measure provided is average delay per vehicle expressed in seconds per vehicle. Based on average delay per vehicle, SIDRA estimates the following levels of service (LOS):

- For traffic signals, the average delay per vehicle in seconds is calculated as delay/(all vehicles), for roundabouts the average delay per vehicle in seconds is selected for the movement with the highest average delay per vehicle, equivalent to the following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Good with minimal delays and spare capacity
29 to 42	=	"C"	Satisfactory with spare capacity
43 to 56	=	"D"	Satisfactory but operating near capacity
57 to 70	=	"E"	At capacity and incidents will cause excessive delays. Roundabouts require other control mode.
>70	=	"F"	Unsatisfactory and requires additional capacity

- For give way and stop signs, the average delay per vehicle in seconds is selected from the movement with the highest average delay per vehicle, equivalent to following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Acceptable delays and spare capacity
29 to 42	=	"C"	Satisfactory but accident study required
43 to 56	=	"D"	Near capacity and accident study required
57 to 70	=	"E"	At capacity and requires other control mode
>70	=	"F"	Unsatisfactory and requires other control mode

9. It should be noted that for roundabouts, give way and stop signs, in some circumstances, simply examining the highest individual average delay can be misleading. The size of the movement with the highest average delay per vehicle should also be taken into account. Thus, for example, an intersection where all movements are operating at a level of service A, except one which is at level of service E, may not necessarily define the intersection level of service as E if that movement is very small. That is, longer delays to a small number of vehicles may not justify upgrading an intersection unless a safety issue was also involved.
10. The analysis found that the unsignalised intersections of Vimiera Road with Yangalla Street, Elk Street and Rugby Road operate with average delays for all movements of less than 15 seconds per vehicle during morning and afternoon peak periods. This represents level of service A/B, a good level of service.
11. As noted in our previous report, the additional development traffic would be some 110 vehicles per hour two-way at peak times. This traffic has been assigned to the road network, including through the proposed new access points on Vimiera Road. These traffic flows are shown in Figures 3 and 4, and summarised in Table 2.

Table 2: Existing two-way peak hour traffic flows plus development traffic					
Road	Location	AM peak hour		PM peak hour	
		Existing	Plus development	Existing	Plus development
Vimiera Road	North of Yangalla Street	518	+55	450	+55
	North of Elk Street	562	+30	468	+30
	North of Rugby Road	553	+55	461	+55
	South of Rugby Road	554	+55	462	+55
Yangalla Street	East of Vimiera Road	36	-	38	-
Elk Street	West of Vimiera Road	33	-	31	-
Rugby Road	East of Vimiera Road	61	-	89	-

12. Table 2 shows that traffic increases on Vimiera Road would be some 30 to 55 vehicles per hour two-way at peak times.
13. The Vimiera Road intersections have been reanalysed with SIDRA for the additional development traffic flows shown in Figures 3 and 4. The analysis found that the intersections of Vimiera Road with Yangalla Street, Elk Street, Rugby Road and the proposed site accesses would continue to operate with average delays for all movements of less than 15 seconds per vehicle during peak periods. This represents level of service A/B, a good level of service.
14. Therefore, the road network will be able to cater for the traffic from the proposed development.
15. With regards to pedestrians, observations made during site inspections indicate that existing pedestrian volumes are low. The internal layout will appropriately provide for pedestrians at the development application stage, by providing internal roads in accordance with the council's requirements for local roads.

Bullet Point 2: updated public and active transport information

16. Local bus services are provided by Busways North West. North of the site, Epping Road forms part of a major bus route between the city, North Sydney, Macquarie Park and other areas in the north-west. Services also operate along Vimiera Road, adjacent to the site.
17. Bus routes in the vicinity of the site are shown in Figure 5. There are bus stops on both sides of the road, immediately south of the site and footpaths on both sides of Vimiera Road which connect the site with these stops as well as Epping Road, some 500 metres to the north. Services include:
 - route 290: Epping to City Erskine Street via North Sydney (night service);
 - route 291: Epping to McMahons Point via North Sydney;

Colston Budd Rogers & Kafes Pty Ltd

- route 292: Marsfield to City Erskine Street via Macquarie Park, Lane Cove North & Freeway;
 - route 293: Marsfield to City Wynyard via Lane Cove Tunnel;
 - route 550: Parramatta to Macquarie Park via Epping; and
 - Marsfield to Eastwood via Vimiera Road.
18. Figure 6 shows bicycle routes in the Ryde area. There is an existing on-road cycle lane on Vimiera Road, adjacent to the site. The landscape plan submitted with the application shows how an improved bicycle lane could be provided on the eastern side of Vimiera Road, along the site frontage.

7. Street Network and Waste Management

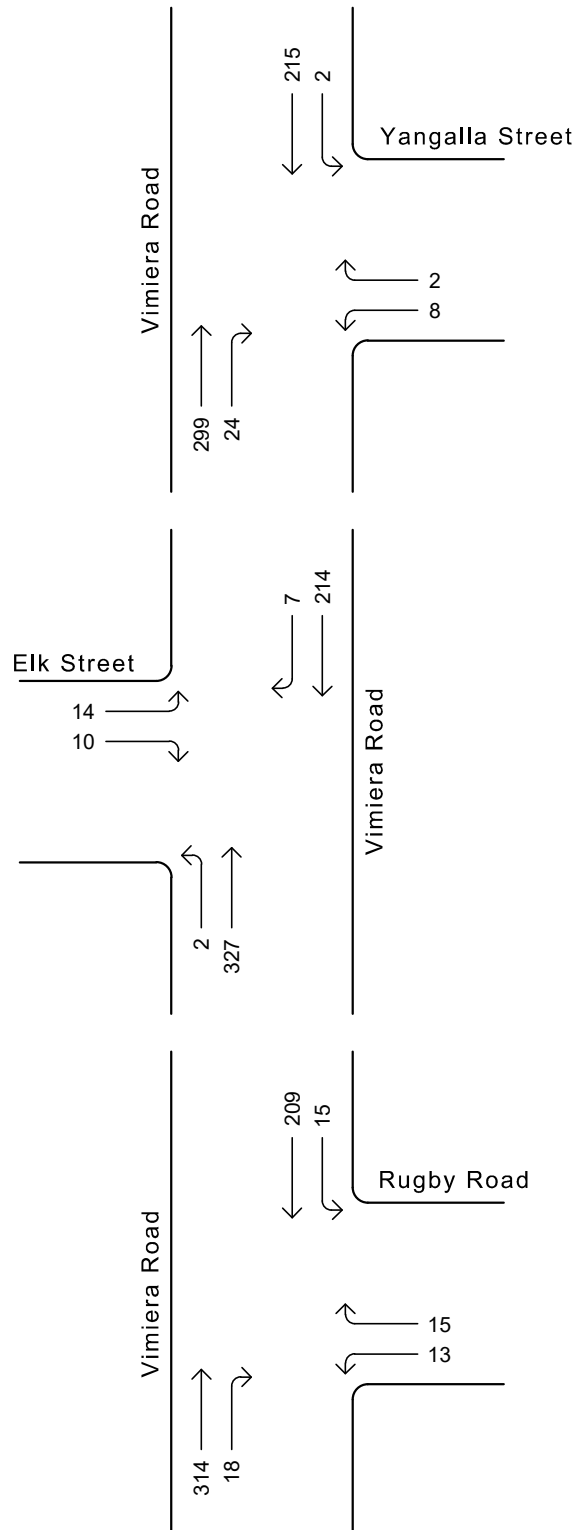
Furthermore, the application has not provided details in relation to the street networks capacity to demonstrate compliant swept paths of a heavy rigid waste collection vehicle (AS2890.02). The properties proposed to be located on in the eastern corner are of particular concern (please see below as outlined in pink). Please demonstrate the developments' ability to comply with heavy rigid waste collection vehicle swept paths. Council does not agree that this can be dealt with as part of a site-specific DCP as waste collection is an essential service and the ability to provide waste services to dwellings may impact dwelling yields/densities and supporting DCP controls.

19. Roads within the development will be provided in accordance with DCP 2014, including 18 metre reserves, 4.5 metre verges and nine metre carriageways. These dimensions will cater for waste collection vehicles. Laneways will be provided with 5.5 metre carriageways and variable verge widths.
20. With regards to the area identified by the council in the north-eastern corner of the site (where the road is a dead end serving a small number of dwellings – some four houses), a design solution will be able to be achieved for these dwellings at the development application stage. For example, bins from these dwellings could be located on Road 1 or Road 2 for collection.
21. We trust the above provides the information you require. Finally, if you should have any queries, please do not hesitate to contact us.

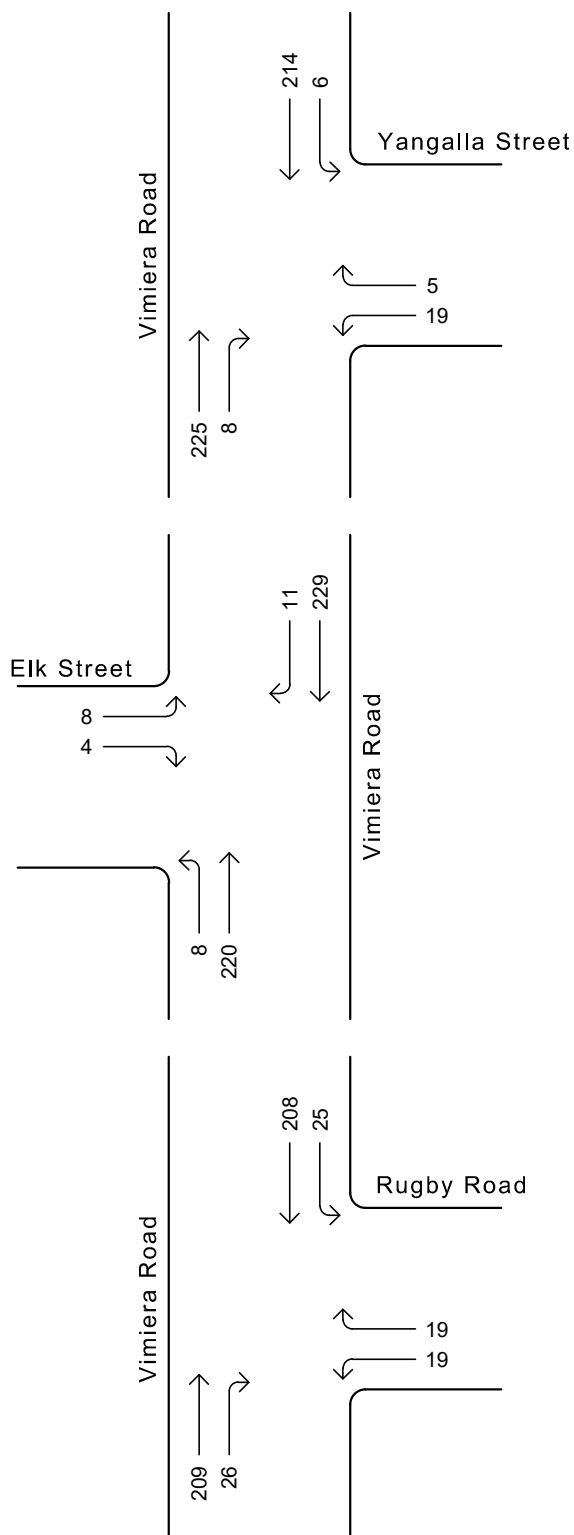
Yours faithfully,
COLSTON BUDD ROGERS & KAFES PTY LTD



J Hollis
Director



**Existing weekday morning
peak hour traffic flows**

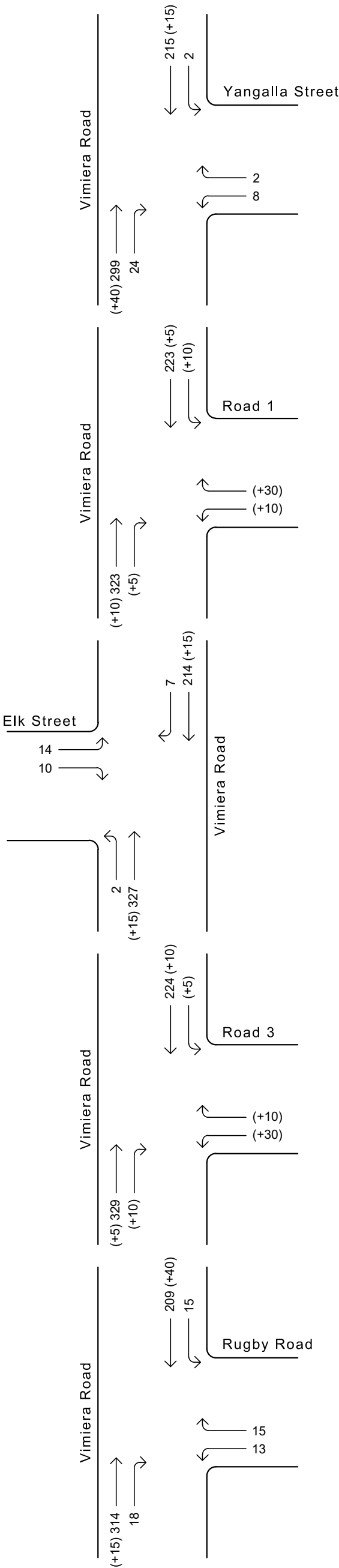


**Existing weekday afternoon
peak hour traffic flows**



LEGEND

- 100 - Existing Peak Hour Traffic Flows
- (+10) - Additional Development Traffic



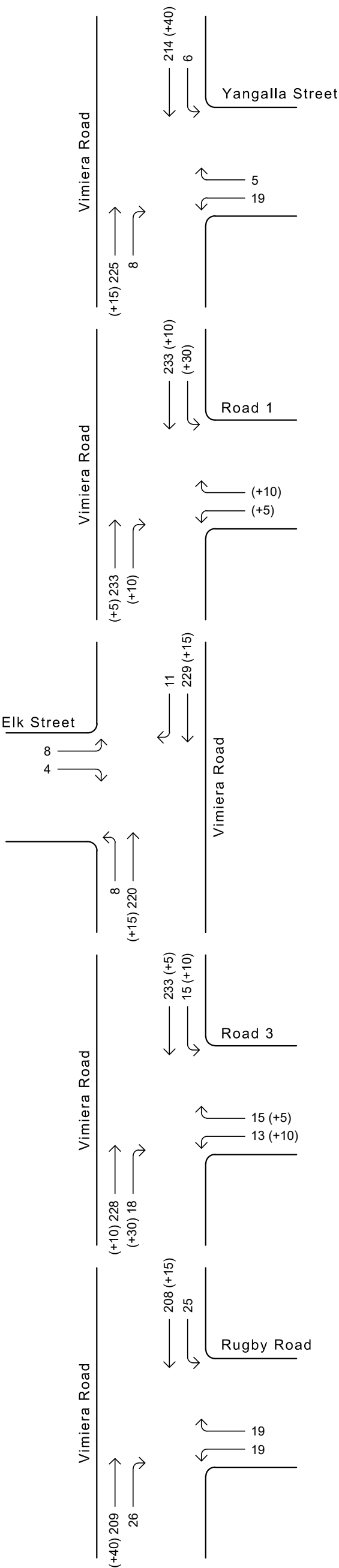
Existing weekday morning
peak hour traffic flows plus
development traffic

Figure 3



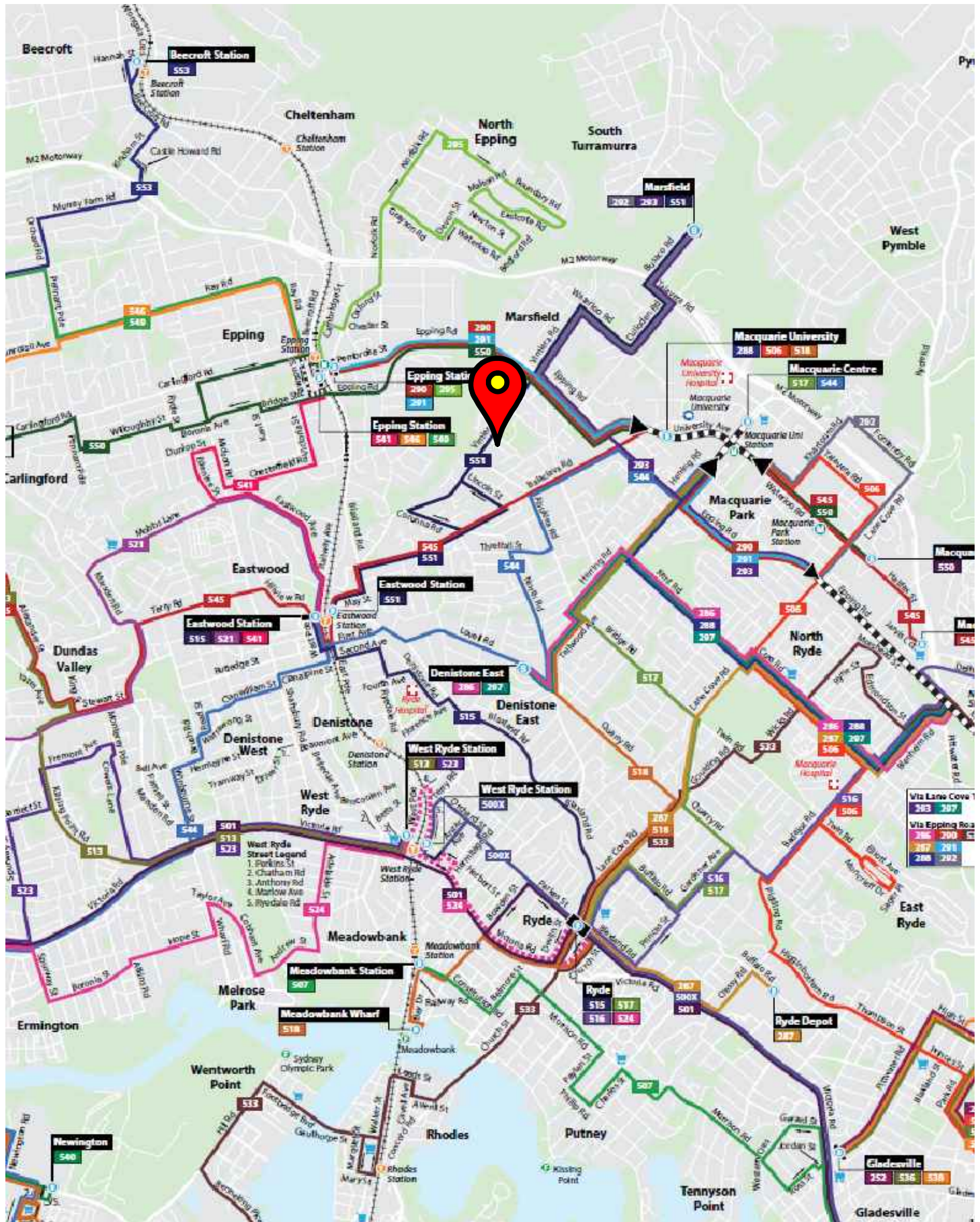
LEGEND

- 100 - Existing Peak Hour Traffic Flows
- (+10) - Additional Development Traffic



Existing weekday afternoon peak hour traffic flows plus development traffic

Figure 4



Bus Network Map

