

RE: RFI Delays and Meeting Summary - TG Millner Planning Proposal

**From** Michael Oliver <moliver@ethosurban.com>  
**Date** Fri 2024-10-04 11:55 AM  
**To** Hannah Painter <HannahPa@ryde.nsw.gov.au>  
**Cc** Albert Madrigal <albertm@ryde.nsw.gov.au>; Maya (Mengxue) Wang <MayaW@ryde.nsw.gov.au>; d.hynes <d.hynes@winstonlangle.com.au>

📎 1 attachment (2 MB)  
TG Millner - Reponse to Preliminary Council Feedback - 4 October 2024.pdf;


Hi Hannah,

Thanks for your time to discuss the Planning Proposal last week. Please find attached our response to your preliminary feedback attached, I will upload this to the Planning Portal as well.

Please keep us updated in respect of the timing for the formal RFI letter and any additional matters arising once ELT/CEO have reviewed and signed-off on your letter.




Kind regards,  
Michael

**Michael Oliver**  
He/him



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Ethos Urban acknowledges Traditional Owners of Country throughout Australia and recognises the continuing connection to lands, waters, and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present.

We pledge our support to the Uluru Statement from the Heart and embrace the call to walk with the Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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**From:** Hannah Painter <HannahPa@ryde.nsw.gov.au>  
**Sent:** Friday, September 27, 2024 6:04 PM  
**To:** d.hynes <d.hynes@winstonlangle.com.au>; Michael Oliver <moliver@ethosurban.com>  
**Cc:** Albert Madrigal <albertm@ryde.nsw.gov.au>; Maya (Mengxue) Wang <MayaW@ryde.nsw.gov.au>  
**Subject:** RFI Delays and Meeting Summary - TG Millner Planning Proposal

Hi David and Michael,

Thank you for your time yesterday to discuss the planning proposal for 146-150 Vimiera Road, Marsfield.

We have been instructed to report the RFI to Council's ELT team and CEO for review and signing. Unfortunately, this means the RFI will be delayed. Once I understand the extent of this delay, I will let you know as soon as possible. In the meantime, I have provided a summary and recap of what was discussed below and additional requested clarifications for your consideration.

### **1. Further justification and detail on how the proposal aligns with guidance on well-located development.**

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 surrounding locality is characterised by low density residential developments predominately in the form of single detached dwellings and dual occupancies within an R2 zone. Council considers the terrace typologies proposed under this scheme as multi-dwelling housing which is a higher form of density than the surrounding character. While not listed as a permissible use under RLEP 2014, multi-dwelling housing is proposed to be permissible in the R2 zone under the low and mid-rise housing policy on the condition the development is "well-located". The criteria for well-located is as follows:

- 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.

While this policy is yet to be formally adopted, Council is using this as a benchmark to assess the acceptability of multi-dwelling housing in a possible future R2 zone. Council is not satisfied the development is well located for the purpose of providing multi-dwelling housing 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 how the Planning Proposal can meet the principles of the low and mid-rise housing policy in relation to the proposed terrace housing typologies.

### **2. FSR and lot size development standards as DCP controls**

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. These options are not supported by Council.

Council considers including FSR and lot size as DCP controls as a poor statutory planning outcome. DCP controls open more opportunities for interpretation and create ambiguity at development assessment stage and limits Council's ability to control density in the precinct. This is important given the limited provision of services and high frequency public transport within the area. Detailed DCP controls and amendments to Schedule 1 are not considered suitable mechanisms for FSR and lot size assessments and it is more appropriate to include these as amendments to the corresponding clauses within RLEP 2014. This will ensure that detailed DA's can be assessed on development standards, and a more rigorous assessment and justification process under a clause 4.6 variation request to Council. Council has not applied these DCP mechanisms elsewhere in the LGA due to risks associated with unintended increased density of dwellings without appropriate open space. The application has not provided sufficient justification for why FSR and minimum lot size cannot be dealt with as a development standard.

### **3. Secondary Dwellings**

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, conflicting with the Housing SEPP provisions. Council considers the inclusion of secondary dwellings on lots with a site area less than 450 sqm to lack strategic merit considering the inconsistency with the Housing SEPP. Council also does not accept the secondary dwelling DCP controls proposed under this application.

At this stage, it is Council's opinion that the inclusion of secondary dwellings on lots less than 450 sqm in the Planning Proposal is not supported.

#### 4. Flooding and Stormwater Assessment

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.

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 from **Recreation, Rural, Special Purpose or Conservation Zones** to a **Residential, Employment, Mixed use, W4 Working Waterway or Special Purposes Zones**.*

As the report does not provide pre- or post-development scenarios, it is unclear if the proposed R2 rezoning to the northwest 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 western 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.

#### 5. 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. The report was referred to Council's Traffic Services Department who noted the following:

- The SIDRA modelling of the Epping Road and Vimiera Road intersection to evaluate the impact of the proposed rezoning on the surrounding road network - this intersection is located approximately 350 meters northeast of the development site. Therefore, the traffic conditions at this intersection may not accurately reflect the traffic conditions on Vimiera Road directly adjacent to the development site. For example, traffic volumes entering and exiting Vimiera Road at the Pembroke Road and Yangalla Street intersections could significantly influence peak-hour traffic demands on the section of Vimiera Road near the site frontage.
- The report indicates that the proposed access points on Vimiera Road would operate at a good level of service (LOS A/B) as priority intersections, even with the additional traffic from development. As a result, a roundabout on Vimiera Road would not be necessary to cater for the additional development traffic. Similarly, the report suggests there is no need to restrict the northern access point to left in/left out by installing a median in Vimiera Road. The report also notes that these issues could be revisited in future stages of the planning process, such as during the development application phase. However, it is important to note that Vimiera Road is defined as a collector road under Council's Road hierarchy, and it carries considerable traffic demands during week peak periods. To minimise the traffic impacts generated by the proposed development, the applicant must consider implementing traffic management measures at the proposed site accesses on Vimiera Road.

The Traffic Services Department request the below updates to the Traffic Impact Assessment:

- A mid-block weekday peak hour traffic surveys be conducted on Vimiera Road adjacent to the site frontage to determine the operational performance and mid-block capacity of Vimiera Road at this location. The raw survey data must be submitted to the Council for review. The results from these traffic surveys, along with the estimated traffic generation due to the proposed rezoning, should be used for traffic distribution and modelling of nearby intersections. The modelling should also include the new intersections created by the site's proposed new roads connecting to Vimiera Road. All electronic files and a summary report of the traffic modelling must be provided to the Council for review.
- The applicant is required to model the intersections of the proposed site accesses with Vimiera Road, along with nearby intersections (including Rugby Road, Elk Street, and Yangalla Street with Vimiera Road),

using the network option in SIDRA software. This will allow for an assessment of the intersections' operations and their impacts on surrounding intersections. Based on the results of this network model, the applicant must then consider implementing appropriate traffic management measures at the proposed site accesses on Vimiera Road, if necessary.

Furthermore, the report lists in Section 2.14 6 bus routes that are close to the site and from this, in Section 2.15, concludes that "The site is therefore accessible by public transport". This analysis is incomplete. Of the 6 bus routes listed:

- **288** - As of August 2024 route 288 no longer serves the site, terminating at Macquarie University 1.8km away
- **290** – Night only service that runs between midnight and 6am when metro services are not running - Stops on Epping Road
- **291** – Hourly service to Epping and North Sydney - Stops on Epping Road
- **293** – Weekday peak only service to Wynyard (peak direction only – Stops on Epping Road
- **550** – Frequent service to Parramatta and Macquarie Park – Stops on Epping Road
- **551** – Services run 3 times per day on weekdays only – Stops on Vimiera Road adjacent to site

All buses (aside from the 551) stop on Epping Road. There is a lack of pedestrian crossing facilities across Epping Road in the subject area. To reach the inbound bus stop (required to travel to Sydney CBD or Macquarie Park) residents will need to walk to Vimiera Road and then cross over the footbridge across Epping Road. This is a walking distance of 1000m from some parts of the TG Millner site. The analysis of how this level of public transport access is considered accessible or well-located is missing from the proponent's proposal. It is noted that since this report, there may be additional bus services however this has not been captured. The report requires updating to adequately demonstrate the site is well-located in relation to public transport accessibility.

## 6. Updated Economic Benefits Statement

The Economic Benefits Statement was produced in 2022 and does not reflect the current economic climate in relation to population figures, forecasts, and inclusions of outdated references to the MPID Place Strategy being a draft. The report also assumes that the proposed development will deliver a product to the market that cannot be delivered in other developments around MPID, Top Ryde, Eastwood, and Epping, stating that semi-detached homes are undersupplied. The report should be updated to include more recent analysis of the current housing market and rezoning proposal of MPID.

## 7. Street network and waste management

Residential entries off the proposed public park is not supported as this blurs the public-private interface. Additionally, as outlined above in point 4, 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. 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 western corner are of particular concern (please see below as outlined in pink). Please demonstrate the development can be serviced by kerbside waste collection and its ability to comply with heavy rigid waste collection vehicle swept paths.



### 8. Removal of the existing child-care facility

It is noted the existing child-care facility has a lease that is due to expire next year. Notwithstanding, it is requested further analysis is provided to allow Council to be satisfied that the removal of this child-care facility will not have a negative impact on the surrounding localities. services.

Please note there may be additional matters on top of the above and what was discussed yesterday included in the RFI if requested by ELT and the CEO. When the letter has been signed off by the CEO, I will upload it to the NSW Planning Portal and email a copy to you both. If you have any questions in relation to the above, please do not hesitate to let me know.

Kind regards,  
Hannah

**Hannah Painter**

Senior Strategic Planner

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The City of Ryde wishes to acknowledge the Traditional Custodians of the Land on which we work and pay our respect to the Elders past, present and emerging, and extend that respect to all Aboriginal and Torres Strait Islander peoples.

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