

PLANNING PROPOSAL FORM

About this form

Use this form to lodge a Planning Proposal to amend the Ryde Local Environmental Plan (LEP) 2014, which may include associated amendments to the Ryde Development Control Plan (DCP) 2014. This is a public document and may be made available to the community upon request.

How to lodge this form

This form is in seven (7) parts. Please ensure all fields have been filled out to avoid any delays in processing your proposal. Once completed, this form must be submitted as part of a Planning Proposal package in person by appointment at the Ryde Planning and Business Centre, 1 Pope Street, Ryde (corner Pope and Devlin Streets, within Top Ryde City shopping centre).

Essential information: Before you begin, ensure that you read the Planning Proposal Application Information Sheet at www.ryde.nsw.gov.au/planningproposals

Please note that a Planning Proposal pre-lodgement meeting must be conducted prior to lodging your Planning Proposal.

You can make an appointment for a Planning Proposal pre-lodgement meeting or to lodge a Planning Proposal online at www.ryde.nsw.gov.au/bdas or by contacting the Ryde Planning and Business Centre on 9952 8222.

PART 1 : APPLICANT DETAILS The applicant is the person lodging the form and the main point of contact for the proposal.

| | | | | | |
|--|--|--------------------------------|--------------------------------|-------------------------------|--------------------------------|
| Company / Organisation <small>If applicable</small> | NORTH RYDE RSL COMMUNITY CLUB LIMITED | | | | |
| Title | <input checked="" type="checkbox"/> Mr | <input type="checkbox"/> Mrs | <input type="checkbox"/> Ms | <input type="checkbox"/> Miss | <input type="checkbox"/> Other |
| Given Name | DAVID | | Family Name | HYNES | |
| Address | c/- MICHAEL OLIVER, ETHOS URBAN, 173 SUSSEX STREET | | | | |
| Suburb | SYDNEY | | | Postcode | 2000 |
| Postal Address <small>If different from above</small> | | | | | |
| Suburb | | | | Postcode | |
| Preferred contact | <input checked="" type="checkbox"/> Mobile | <input type="checkbox"/> Phone | <input type="checkbox"/> Email | | |
| Mobile | 0418688844 | | Phone | | |
| Email | d.hynes@winstonlangley.com.au | | | | |

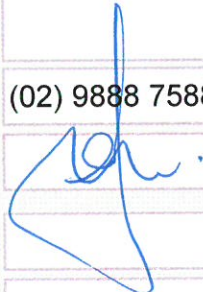
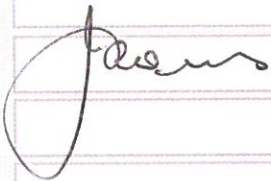
PART 2 : LOCATION OF THE PROPERTY Please provide details for all properties relevant to the proposal.

| | | | |
|----------------|------------------|----------|------|
| Street Address | 146 VIMIERA ROAD | | |
| Suburb | MARSFIELD | Postcode | 2122 |
| Lot No./DP/SP | 7/1046532 | | |
| | | | |
| | | | |

| | | | | |
|-----------------|----------------------|--|----------------|--|
| OFFICE USE ONLY | Total amount paid \$ | | Trim ref | |
| | PP Reference | | Receipt number | |
| | Payment received by | | Signature | |
| | | | Date | |

PART 3 : OWNERS CONSENT

It is requested that every registered owner of the land sign this form.

| | | | |
|--------------------------|---|------|--|
| Number of owners | 1 | | |
| Name of owner 1 | NORTH RYDE RSL COMMUNITY CLUB LIMITED | | |
| Owners address | 27-41 MAGDALA ROAD, NORTH RYDE NSW 2113 | | |
| Business Phone / Mobile | (02) 9888 7588 | | |
| Signature |  | Date | |
| Name of owner 2 | | | |
| Owners address | | | |
| Business Phone / Mobile | | | |
| Signature | | Date | |
| Name of all other owners | | | |
| Owners addresses | | | |
| Business Phone / Mobile | | | |
| Signatures |  | Date | |

PART 4 : PLANNING PROPOSAL DETAILS

Description of the proposed amendment(s) to the planning controls.

PLANNING PROPOSAL TYPE

Admin (Low impact proposals)

- No rezoning is proposed and/or
- No change to the development standards
- Clarifications and corrections to errors (e.g. typographical) OR
- Low impact changes as determined by Director, City Planning and Environment. May include:
 - Changing the wording of a clause
 - Adding or removing a permissible land use within a zone or applicable to the site.

Minor (Low to medium impact proposals)

- Rezoning is proposed (i.e. Land use changes such as Special Uses to the surrounding predominant land use zone or to reflect the current land use)
- Amendments to the development standards or an amendment to RLEP clause consistent with the surrounding predominant development standards or the existing built forms.

PART 4 : PLANNING PROPOSAL DETAILS (CONT.)

Major (High impact proposals)

- Rezoning is proposed (i.e. Land use)
- Development standards (such as FSR and Height) are proposed to be changed that may result in increased demand for infrastructure (road improvements, community facilities and so on).

Complex (High impact proposals)

- Rezoning is proposed (i.e. Land use)
- Development standards (such as FSR and Height) are proposed to be changed resulting in population growth and increased demand for infrastructure (road improvements, community facilities etc.)
- High impact as determined by Director, City Planning and Environment. May involve:
 - More than one site/more than one proponent
 - Require extensive community consultation
 - Liaison with TfNSW and other government agencies or adjacent Councils
 - Non-compliance with strategic framework i.e. Ryde LSPS, North District Plan.

Does the Planning Proposal require a site-specific DCP or an amendment to the Ryde DCP 2014? Yes No

Please tick all amendments to the Ryde LEP 2014 proposed in the Planning Proposal:

Zoning

Floor Space Ratio (FSR)

Heritage

Height of Building

Additional Permitted Uses

Minimum Lot Size

Other

Please provide a brief description of the proposed amendments to the Ryde Local Environmental Plan 2014 (e.g. proposed zoning change, extent of proposed changes to development standards, etc.):

Proposed rezoning from RE2 Private Recreation to part R2 Low Density Residential and part RE1 Public Recreation, introduce height development standard (none existing) of 9.5 metres for the portion of site proposed to be zoned R2, introduce additional permitted uses via LEP Schedule 1 to permit attached dwellings and semi-detached dwellings.

If applicable, please provide a brief description of the proposed development control plan provisions (e.g. description and scope of what the draft DCP aims to achieve):

For later submission (late-May) per agreement with Council to address matters set out in Council correspondence dated 31 March 2022.

PART 5 : PLANNING PROPOSAL PRE-LODGEEMENT MEETING

Has a Planning Proposal pre-lodgement meeting been conducted relating to this Planning Proposal? Yes No

Meeting Date

Responsible Strategic Planning Officer

Note: A Planning Proposal pre-lodgement meeting is required prior to preparing and submitting a Planning Proposal. A copy of the Council correspondence in response to the meeting must also be provided with this application.

PART 6 : PLANNING PROPOSAL REQUIREMENTS CHECKLIST

Matters for consideration are on a case by case basis. The Planning Proposal package must include, but is not limited to, the information listed below depending on the complexity, nature, and context of the Planning Proposal.

Please ensure that you provide three (3) paper copies and one (1) electronic copy of all plans and documentation that is relevant to your application.

INFORMATION TO BE SUBMITTED

| | | OFFICE USE ONLY | |
|----|---|---|--|
| 1) | COMPLETED APPLICATION FORM | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2) | APPLICATION FEE – additional fees apply if a DCP amendment is required (Refer to Council's Fees and Charges Schedule for current financial year) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3) | OWNER'S CONSENT (All owners)* | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4) | DESCRIPTION OF THE SUBJECT LAND/PROPERTY AND THE LOCALITY | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 5) | COUNCIL CORRESPONDENCE IN RESPONSE TO THE PP PRE-LODGEEMENT MEETING | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 6) | A PLANNING PROPOSAL REPORT which includes and addresses the mandatory components indicated in the Guide to Preparing Planning Proposals and Guide to Preparing Local Environmental Plans: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.a) Objectives and intended outcomes of the planning proposal | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.b) An explanation of the provisions that are to be included in the Ryde Local Environmental Plan (LEP) 2014 | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.c) Justification and process for implementation for proposed amendments and outcomes (including compliance assessment against relevant Section 9.1 Ministerial Directions; justification that the proposal is the best means of achieving the desired outcomes; consideration of alternative options; and consideration of relevant state, regional, and local planning strategies) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.d) Draft amended LEP mapping of current and proposed statutory change | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.e) Proposed community consultation (Including consultation with any relevant government agencies) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.f) Site Plan drawn to scale (with North point clearly shown) indicating physical features such as trees, topography, existing buildings, and all adjoining properties and/or buildings | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.g) Detailed analysis of the site and surrounding locality identifying any relevant significant issues that need to be addressed in considering the planning proposal (e.g. site constraints and other development barriers) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.h) Photos/photomontage of the site and surrounding area | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.i) Relevant plans and concept drawings demonstrating the proposed amendments | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.j) Explanation of any intended activities for the site if the planning proposal is successful and their potential impacts on the surrounding area (e.g. traffic and parking, noise, solar access, privacy, etc.) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.k) Details of substantial public benefit that would result from the planning proposal (e.g. public domain improvements, provision of public open space, community facilities, affordable housing, etc.) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6.l) Draft site-specific development control plan* | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 7) | RELEVANT ENVIRONMENTAL IMPACT STUDIES which may include the following (Depending on complexity of planning proposal and nature of issues): | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.a) Urban Design Analysis (Including building mass/shadow diagrams) | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.b) Development Yield Analysis (Potential residential yield & employment generation)* | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.c) Transport & Accessibility Study (including parking, pedestrian, and traffic) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.d) Commercial/Retail Viability Analysis/Economic Impact Report* | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.e) Flood Study* | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.f) Site Contamination (in accordance with SEPP 55) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.g) Bushfire Hazard* | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.h) Water Quality* | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.i) Acid Sulphate Soil* | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.j) Heritage Impact* | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.k) Acoustic Report* | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7.l) Other relevant miscellaneous studies* | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes <input type="checkbox"/> No |

* May be required/requested as determined by relevant planning authority.

PART 7 : DECLARATION

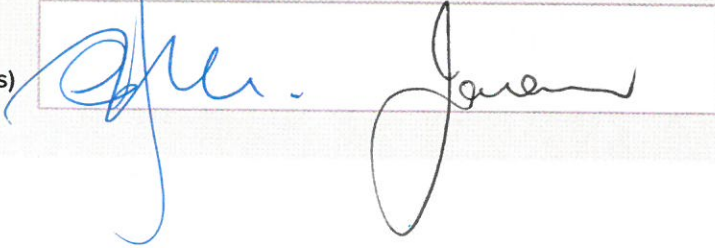
Have you or any person with a financial interest in the application made any donations in the last two (2) years to any of Council's elected representatives or their political parties?

Yes If yes, Please complete a Political Donations and Gifts Disclosure Form No

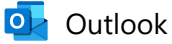
Declaration

- I declare that all the information in the application and checklist is, to the best of my knowledge, true and correct.
- I understand that if the information is incomplete the application may be returned, delayed, rejected or more information may be requested.
- I acknowledge that if the information provided is misleading any approval granted 'may be void'.
- I have submitted all plans, forms and documentation as outlined in the checklist in Part 6.

Signature (s)



Date



RE: Assessment Update: PP-2024-1465: 146-150 Vimiera Road, Marsfield

From Michael Oliver <moliver@ethosurban.com>

Date Wed 2024-09-18 12:43 PM

To Hannah Painter <HannahPa@ryde.nsw.gov.au>; Albert Madrigal <AlbertM@ryde.nsw.gov.au>

Cc David Hynes <d.hynes@winstonlangley.com.au>

1 attachment (700 KB)

240916 - Submission Regarding Playing Field Provision - 17 September 2024.pdf;

Hi Albert and Hannah,

We write on behalf of North Ryde RSL, Eastwood Rugby and Winston Langley in respect of our Planning Proposal PP-2024-1465.

We note Resolution MM33/24 of Council at its meeting of 27 August 2024, in which Council resolved to prepare a Planning Proposal to rezone the land at 146-150 Vimiera Road, Marsfield from RE2 Private Recreation to RE1 Public Recreation.

We are concerned that this resolution is based on a misunderstanding of the well-documented DPHI and Council strategies in respect of open space provision within the Ryde LGA, including the ample opportunities to meet projected demand on land that is already owned by government, and provide the following submission to Council to inform your ongoing assessment of our Planning Proposal. We ask that this be read in conjunction with the Planning Proposal documentation submitted to Council on 3 July 2024.

We would be happy to meet with you to discuss this matter at your earliest convenience.

Kind regards,
Michael

Michael Oliver

He/him

Director
Planning
BPlan(Hons1) MEL RPIA REAP



M. 0402 644 681
W. ethosurban.com
Level 4, 180 George St
Sydney NSW 2000
(Gadigal Land)

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.

This email is confidential and may contain information that is confidential and privileged. If you are not the intended recipient, please notify us by return email or phone, and delete the original message.

Begin forwarded message:

From: Hannah Painter <HannahPa@ryde.nsw.gov.au>
Date: 3 September 2024 at 11:45:03 AM AEST
To: David Hynes <d.hynes@winstonlangley.com.au>
Cc: Albert Madrigal <AlbertM@ryde.nsw.gov.au>
Subject: Assessment Update: PP-2024-1465: 146-150 Vimiera Road, Marsfield

Hi David,

I hope you have been well.

I have received all the internal and external stakeholder referrals for the TG Millner planning proposal and will be working through those in the next couple of weeks. I am due to brief the General Manager on the 16 September which I will provide a further update to you following that meeting.

Please note I will be on leave from this afternoon and will return on Wednesday 11 September. If you have any questions during this time, please contact Albert Madrigal – Acting Executive Officer on 0478 282 040 or albertm@ryde.nsw.gov.au.

Kind regards,
Hannah

Hannah Painter

Acting Senior Coordinator City Places

EO CITY PLACES

P +61288785108

E HannahPa@ryde.nsw.gov.au

W www.ryde.nsw.gov.au



Customer Service Centre 1 Pope Street, Ryde (Within Top Ryde City shopping centre)

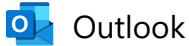
North Ryde Office Riverview Business Park, Building 0, Level 1, 3 Richardson Place, North Ryde

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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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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@winstonlangley.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

Director
Planning
BPlan(Hons1) MEL RPIA REAP



M. 0402 644 681
W. ethosurban.com
Level 4, 180 George St
Sydney NSW 2000
(Gadigal Land)

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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.

This email is confidential and may contain information that is confidential and privileged. If you are not the intended recipient, please notify us by return email or phone, and delete the original message.

From: Hannah Painter <HannahPa@ryde.nsw.gov.au>

Sent: Friday, September 27, 2024 6:04 PM

To: d.hynes <d.hynes@winstonlangley.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

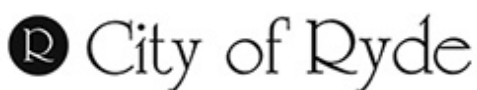
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Customer Service Centre 1 Pope Street, Ryde (Within Top Ryde City shopping centre)

North Ryde Office Riverview Business Park, Building 0, Level 1, 3 Richardson Place, North Ryde

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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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4 October 2024

2200718

Wayne Rylands
Chief Executive Officer
City of Ryde Council
3 Richardson Place
North Ryde NSW 2113

Attention: Hannah Painter (Senior Strategic Planner)

Dear Hannah,

**Planning Proposal PP2024/0001 – 146-150 Vimiera Road, Marsfield
Response to Preliminary Council Feedback**

Following the decision of the Minister for Local Government on 4 April 2024 to refuse the City of Ryde's request to compulsorily acquire TG Millner Field, the Applicant re-submitted its planning proposal to Council on 3 July 2024. The amendments sought to the Ryde Local Environmental Plan 2015 are identical to those set out in the Planning Proposal previously submitted to the City of Ryde on 19 May 2022, which were informed by multiple meetings with Council officers prior to submission.

We have reviewed the preliminary assessment matters raised in Council's email of 27 September 2024 and **Appendix A** sets out our response on behalf of the Applicant. As discussed at the meeting between Council officers and the Applicant on 26 September 2024, it is the Applicant's understanding that these matters will form the basis of a formal Request for Information from Council, which we have subsequently been advised will require the review and sign-off of Council's Executive Leadership Team and the Chief Executive Officer. We understand that a formal Request for Information (RFI) letter will be issued following this review.

We have attached for Council's reference our minutes of the meeting which are provided at **Appendix B**.

In addition to those matters raised in Council's email, we note that Council officers also raised a number of additional matters at our meeting which are not addressed in the preliminary feedback, including a suggestion that the Applicant prepare an alternative master plan option that demonstrates two full-sized playing fields with increased residential density on the remaining portion of the site to maintain the residential yield contemplated in the current planning proposal.

We further note that we raised at our meeting our concerns regarding Council's adoption of a Mayoral Minute on 27 August 2024 to seek to rezone the Applicant's land to RE1 – Public Recreation and the significant consequences that this would have for the existence of North Ryde RSL. We note the response of the officers at the meeting that this was a matter for Council's Chief Executive Officer and that our concerns in this regard would be conveyed to the CEO.

We await your formal written RFI letter pending review and authorisation by Council's CEO in relation to these matters. Should you have any queries in the meantime, please do not hesitate to contact the undersigned.

Yours sincerely,



Michael Oliver
Director
moliver@ethosurban.com
0402 644 681

Appendix A: Response to Preliminary Council Feedback

| Preliminary matter raised by Council | Applicant's Response |
|--|---|
| <p>1. Further justification and detail on how the proposal aligns with guidance on well-located development.</p> <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 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>Council considers the terrace typologies proposed under this scheme as multi-dwelling housing which is a higher form of density than the surrounding character.</p> <p>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:</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 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</p> | <p>'Multi-dwelling housing' is not proposed in this Planning Proposal.</p> <p>The Planning Proposal very clearly specifies the land uses that are proposed to be included as Additional Permitted Uses on the site, being 'semi-detached dwellings' and 'attached dwellings'. These land uses are clearly defined in the Ryde LEP 2014.</p> <p>We note that the request to include 'semi-detached dwellings' as an additional permitted use is now moot due to the commencement of Part 12 of Chapter 3 of <i>State Environmental Planning Policy (Housing) 2021</i> (the Housing SEPP) which permits semi-detached dwellings on R2 zoned land.</p> <p>'Multi-dwelling housing' is a different land use under the Ryde LEP that is not proposed as part of the Planning Proposal. Please refer to Section 6.0 and 6.1 of the Planning Proposal Report.</p> <p>The NSW Government's proposed Low and Mid Rise Housing Reforms seek to make 'multi-dwelling housing (terraces)' permitted with development consent, with accompanying 'non-refusal standards' which would effectively provide 'as-of-right' development for multi-dwelling housing on affected land. The Low and Mid Rise Housing Reforms do not make any site-specific assessment of suitability of sites within the designated catchments, and certainly do not seek to preclude the delivery of diverse housing typologies on other land.</p> <p>Whilst we note Council's statement that it is using the Low and Mid Rise Housing Reforms as a 'benchmark', we also note that Council resolved on 13 February 2024 to oppose and reject the implementation of the Low and Mid-Rise Housing Controls. It is unclear how Council is applying a draft policy to which it is directly opposed.</p> <p>Council's position conflates the proposed 'as-of-right' Low and Mid Rise Housing Reforms and this proposal which comprises a site-specific Planning Proposal that has been informed by detailed site</p> |

meet the principles of the low and mid-rise housing policy in relation to the proposed terrace housing typologies.

planning and investigations, including detailed assessments of local infrastructure capacity and proposed delivery of significant new local amenity and infrastructure. It is not reasonable to seek to compare or apply the framework of the generic Low and Mid Rise Housing Reforms in this context. The Planning Proposal involves a mix of dwelling typologies to provide diverse housing choices that meet the needs of the existing and future community. The distribution of attached dwellings alongside semi-detached and detached dwellings has been carefully considered as part of the urban design process led by award-winning architects DKO.

The suitability of the location for the proposed housing is outlined in the Planning Proposal report and can be summarised as follows:

- The proposed master plan provides for the arrangement of housing typologies in appropriate locations and configurations within the site, ensuring that the proposal will deliver a high-quality urban environment and will not result in any adverse built form impacts. This is in comparison to the Low and Mid Rise Housing Code that would provide for development of denser dwellings on existing lots without any consideration of the relationship between neighbouring sites/streetscape capacity.
- The Planning Proposal facilitates the provision of a new 1-hectare high-quality, embellished public park that will deliver significant new amenity for future and existing residents, whereas the Low and Mid Rise Housing Code will provide for infill development where Council is responsible for delivering new infrastructure retrospectively.
- The site is located within walking distance of Epping Road, along which run frequent buses providing direct service to major metropolitan employment hubs and transport interchanges (refer to later discussion of public transport provision).
- The site is located within walking distance of several local primary and secondary schools.
- The Planning Proposal is accompanied by an analysis of local utility infrastructure capacity which demonstrates that the development is able to be serviced.
- The site is a longer walk or short cycle/drive to Macquarie Park, which provides a wide range of employment opportunities and local/regional services, as well as high-frequency transport connections to other centres.

We also note that the site is deemed to have suitable access to facilities and services under the seniors living provisions in Part 5 of the Housing SEPP, which already permits the development of significantly more dense housing typologies such as apartments and villas on the site than those which are proposed in the Planning Proposal and master plan. Under the Housing SEPP, a floor space ratio of up to 1:1 (double the density of the land immediately surrounding the site) is permitted.

Whilst Council has expressed a view that the Site may not be sufficiently 'well located' to be conducive to terrace-style housing, we note also that this position does not bear scrutiny when considering comparable areas within Ryde and more broadly throughout Sydney, for example:

- The locational characteristics of the Site are similar, if not more conducive to density than other locations in which Ryde Council has previously allowed more dense development, such as to the north of Epping Road on Vimiera Road, Waterloo Road and Crimea Road.

- ‘Attached dwellings’ are permitted within most R2 Low Density Residential zones within the North-West and South-West Growth Centres. It is difficult to say that the Site is not well-located in comparison to these areas of Western Sydney
- ‘Attached dwellings’ are permitted in all R2 Low Density Residential zones in LGAs such as Campbelltown, Liverpool and Fairfield. It is difficult to say that the Site is not well-located in comparison to these areas of Sydney.

Finally, we note that Council has not previously raised this concern since the lodgement of the prior Planning Proposal in 2022. Indeed, Council officers have previously been highly supportive of the scale and diversity in the proposed housing mix – we note that Council’s submission to the Sydney North Planning Proposal on 4 November 2022 stated that *“The intended outcome of approximately 132-136 low density dwellings across a range of lot sizes is generally supported”*.

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.

The rationale for not proposing maximum FSR or minimum lot size controls within the LEP is set out in the Planning Proposal Report, please refer to Section 6.1.3. We have further expanded on this rationale in the subsequent sections. We note that this approach has not changed since the 2022 Planning Proposal, in respect of which Council officers were comfortable with the drafting of the LEP and DCP provisions proposed.

Council’s interpretation of its ability to apply the objectives and provisions of a site-specific Development Control Plan is not consistent with the provisions of Sections 3.42 and 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) or the relevant Land and Environment Court planning principle in respect of how DCPs should be applied (*Stockland Development Pty Ltd v Manly Council* [2004] NSWLEC 472). Council is entirely able to apply provisions of the nature proposed in order to suitably control the intensity of development on the site. In our view, incorporating lot size and density provisions into the Draft DCP is a far better planning outcome that ensures flexibility can be applied in the design development of the master plan concept into a level of design resolution suitable for a Development Application.

The master plan prepared 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.

The effect of requiring multiple FSR standards and minimum lot sizes to be mapped which follow the master plan will be to prevent future design development and effectively require strict adherence to the master plan at the Development Application phase. It is not considered to be appropriate to define this level of detail as part of an LEP Amendment.

This is particularly the case as there are two potential development models;

1. Subdivision and master development of roads, open space and serviced lots, with individual dwellings developed separately by land purchasers.
2. Integrated development involving the development of all site infrastructure and dwellings together.

Both delivery models are valid approaches which offer advantages and disadvantages, and the Planning Proposal should not preclude either option.

In Development Option 1, individual development applications would be assessed against the LEP provisions that apply to the finished lot. This would require the LEP provisions to meticulously map different minimum lot sizes and FSRs that would apply to each development parcel. This would require the LEP standards to follow the variances in dwelling typology (and consequently FSRs and lot sizes) for each of the proposed lots as set out in **Figure 6**. It is inevitable that through detailed civil engineering, public domain and infrastructure design (and market feedback on housing mix) that there will be variances from this plan. Under Council's proposed approach, it is likely that many of the DAs for individual houses would require the preparation of Clause 4.6 Variation Requests for little planning benefit.

These issues are not necessarily faced under Development Option 2, depending on the staging and sequencing of development controls. In this instance, a single FSR development standard and single minimum lot size development standard could be applied across the site. However, it is noted that the minimum lot size proposed under the DKO master plan (188m²) is nearly half of the size of some of the larger lots proposed. Imposition of a 188m² minimum lot size across the entire site would be significantly less effective in providing a statutory planning control on total site density in comparison to the proposed DCP approach or the alternative of an LEP dwelling cap (as previously outlined in Section 6.1.3 of the Planning Proposal Report).

Whilst not considered necessary (as noted in the Planning Proposal Report), we note that dwelling caps have been suitably implemented at the (award-winning) Putney Hill development under the former provisions of the Ryde LEP 2010 and under the Ryde LEP 2014 for 20 Waterview Street, Putney (where attached dwellings are also an additional permitted use) which has recently been the subject of a Development Consent issued by the Sydney North District Planning Panel.

Notwithstanding the forgoing, if Council is still in disagreement with the above and is able to express its preferred format for the application of minimum lot sizes and maximum FSRs to the land, the Applicant is willing to consider agreeing to this. Appropriate LEP maps could readily be prepared prior to submission for a Gateway Determination or prior to public exhibition of the Planning Proposal.

The Draft DCP was first provided by the Applicant to City of Ryde on 6 June 2022 (+28 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.

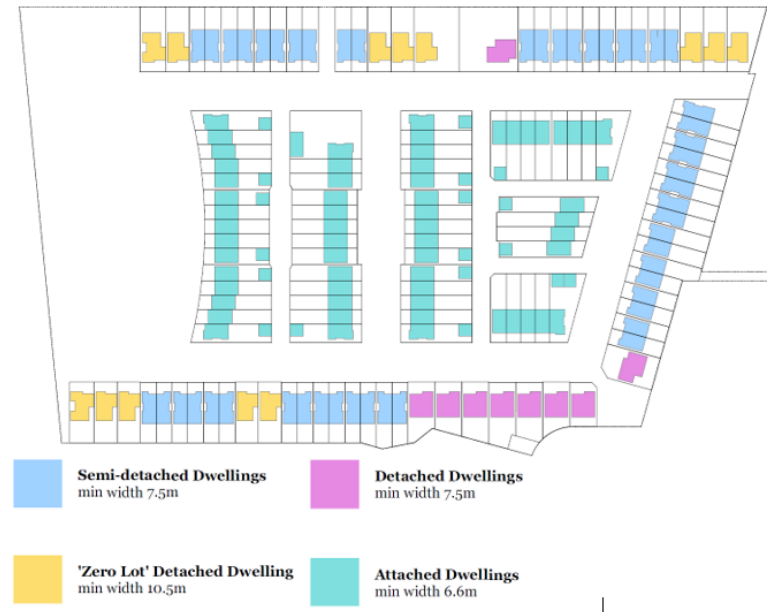


Figure 6: Indicative distribution of dwelling typologies

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.

We note that secondary dwellings were incorporated by the Applicant into the masterplan in direct response to Council's verbal and subsequent written pre-lodgement feedback of 31 March 2022 (see excerpt below) that the activation of laneways with such uses was desirable. We ask that Council reviews its previous advice and advise if it still holds this view, or if its position has changed and whether any other uses (home offices, guest bedrooms etc) are suitable for activation of the laneways. In any case, this is a matter best addressed through the refinement of the Draft DCP and does not require any alteration to the Planning Proposal.

- Public safety – the laneways in the current concept only provide garages at the rear frontage of the lots leading to a lack of passive surveillance. It is recommended to provide active uses such as studios, home offices, guest bedrooms or other similar uses above the garages with windows overlooking the laneways. Direct pedestrian access to the dwelling from the rear should also be allowed to increase street activation.

Excerpt from Council letter to Applicant of 31 March 2022

Council's interpretation of the Housing SEPP is not correct. The Housing SEPP does not require a minimum lot size of 450m², rather Section 52 of the SEPP requires that a consent authority must not refuse an application for a secondary dwelling of a lot greater than 450m². There is nothing within the Housing SEPP that precludes secondary dwellings from being developed on smaller lots.

Section 52 of the Housing SEPP permits secondary dwellings within all residential zones, and Clause 5.4(9) of the Ryde LEP requires that the total floor area of a secondary dwelling must not exceed the greater of 60m² or 11% of the total floor area of the principal dwelling.

In our meeting with Council, officers expressed concern that there was potential for continuous runs of secondary dwellings to create a two-storey 'wall' to rear laneways. We note that this outcome would not be allowed under the provisions for secondary dwellings set out in Sections 2.3.4 and 2.4 of the Draft DCP. This concern could be further addressed by the inclusion of additional DCP provisions (subject to Council feedback on the Draft DCP), such as by reference to Figure 6 in the Draft DCP which shows less than 1/3 of attached dwellings as having laneway-facing secondary dwellings.

If Council is opposed to the provision of secondary dwellings towards the laneway, then this is best addressed through clear controls contained through the refinement of the Draft DCP. There is no alteration required to the Planning Proposal in order to achieve this.

Notwithstanding all of the above, if the provision of secondary dwellings is not supported by Council on certain lot sizes then Council could resolve to require that secondary dwellings only be permitted on prescribed lot sizes within the site as a condition of its referral of the Planning Proposal to DPHI for Gateway Determination.

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:

Northrop is reviewing Council's preliminary feedback and will prepare a response to these matters on behalf of the Applicant. It is intended that we would await Council's formal written feedback to ensure that this advice addresses all matters relating to flooding and stormwater requested by Council.

The Stormwater and Flooding Assessment prepared by Northrop and submitted with the Planning Proposal demonstrated a practical stormwater management strategy for the small area of mapped overland flow flooding to contain and divert these floodwaters away from proposed residential lots and into a channel/pipe system towards an on site detention (OSD) tank. This approach is capable of ensuring that land which is proposed to be rezoned to residential will not be flood affected. Based on the flood information already provided, this is not contentious and reflects a standard mitigation measure to overland flow flooding, which as noted in Northrop's prior report is a result of inadequate Council stormwater infrastructure within Yangalla Street.

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.**

We note that Council officers have previously considered this matter to be resolvable as part of a future Development Application, as noted in the below extract of Council's submission to the Sydney North Planning Panel.

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.

The Section 9.1(2) Local Planning Direction allows a Planning Proposal to be inconsistent with the direction where the inconsistencies are of 'minor significance'. Given the limited area of the site which is subject to flooding, and the clear and readily achievable pathway to resolve any residual flooding risks, it is considered that the inconsistency for this Planning Proposal certainly meets the 'minor significance' test. Notwithstanding that a formal response will be prepared by Northrop following Council's formal written feedback, this could equally be provided following Gateway Determination and prior to public exhibition (or equally provided along with the first Development Application in respect of the site).

| | |
|----------|---|
| Flooding | The site is flood affected in the 100 year flood event in the Terry's Creek catchment. The land impacted by flood is in the western portion fronting Vimiera Road and would impact the intended open space area shown in the submitted master plan. Overland flow from Yangalla Street in a westerly direction to Vimiera Road contributes to this flood affectation. The flood and overland flow impacts can be managed in any future development application process. |
|----------|---|

Excerpt from Council submission to Sydney North Planning Panel on 2022 Planning Proposal

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:

Colston Budd Rogers and Kafe (CBRK) are reviewing Council's preliminary feedback and will prepare a response to these matters on behalf of the Applicant. It is intended that we would await Council's formal written feedback to ensure that this advice addresses all matters relating to transport requested by Council. Preliminary responses have been prepared by Ethos Urban for Council's consideration pending this response, noting that in our view each of these matters is readily resolvable following a Gateway Determination either pre-exhibition or prior to the lodgement of the first Development Application in relation to the site.

- 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.

As noted in the previous CBRK assessment, traffic generated by the site in post-development conditions is minor in the context of existing vehicular traffic along Vimiera and Epping Road. The matters raised are not expected to significantly alter this assessment. In the unlikely instance that this is not the case,

We note that this matter was not raised by Council in connection with the 2022 Planning Proposal, where Council considered that traffic measures could be suitably addressed at the Development Application stage as set out in its submission to the Sydney North Planning Panel (extract below).

| Site Specific Issues | Assessment |
|----------------------|--|
| Traffic | Should the proposal be supported, a range of traffic measures, including site access, restricted egress to left turn only and vehicle turning paths may be suitably addressed at the development application stage. Cycleways in Vimiera Road must be retained and enhanced. |

Excerpt from Council submission to Sydney North Planning Panel on 2022 Planning Proposal

- 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.

These are detailed design matters which, as previously noted by Council, can readily be resolved at the Development Application phase.

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

Refer to responses below.

- 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.

Refer to previous response.

- 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.

Refer to previous response.

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

Noted with respect to the changes to bus routes that have occurred since the submission of this report. Notwithstanding this, high frequency bus services continue to operate along Epping Road with connections to major employment, education and service hubs and interchanges with the high-frequency Sydney Metro. This does not appear to be in dispute. Updates to the details of specific bus routes can be appropriately updated prior to public exhibition of the Planning Proposal.

Including traversing the pedestrian bridge, it is approximately 650m walking distance from the edge of the site to the south/City-bound bus stop on Epping Road. The northbound (towards Epping Station) bus stop is less than 450m walking distance from the edge of the site (and during peak hours it may well be faster/more convenient for passengers to interchange with Sydney Metro at Epping rather than Macquarie University). The gradient is close to flat, and footpaths are available along the length of this pedestrian route. This is considered to be a reasonable and accessible walk. In comparison, walking distances to some high-density areas of Waterloo Road and Crimea Road to Epping Road are in excess of 1 kilometre.

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.

It is unclear to what extent the Economic Benefits Statement is relied upon or necessary in Council's assessment of the Planning Proposal. This report has never been formally required by Council and an economics report would not typically be required for a residential Planning Proposal. This report has been prepared by the Applicant to provide additional context, but the economic benefits of delivering the project and providing additional housing supply are not expected to be significantly altered by any events of the past 2.5 years. We ask that you re-consider this request prior to issuing Council's formal feedback.

7. Street network and waste management

Residential entries off the proposed public park is not supported as this blurs the public-private interface.

This comment relates to the Draft Development Control Plan. It is considered that this concern could readily be resolved through further refinement of DCP provisions (including pedestrian footpath, fencing and landscape design requirements) and design development at the Development Application stage. Alternatively the masterplan could be further refined through the further development of the Draft DCP. No change is required to the Planning Proposal in response to this feedback.

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.

Refer to previous comments on flooding. It is expected that overland flooding is readily capable of being managed through enhancements to stormwater infrastructure within the site, and vehicular egress would not be impeded in any way.

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.

This matter relates to the detailed design of the internal road and subdivision layout, which is more appropriately dealt with in respect of the Draft DCP or at the Development Application Phase. A swept-path diagram can be prepared in response to Council's formal written feedback if necessary, however, it is not anticipated that this would alter the proposed LEP Amendments in any way. Waste collection from dwellings is able to be readily transported to this corner with suitable storage – this level of design detail is most appropriately dealt with at the Development Application phase, noting that Council's DCP already contains controls relating to waste management and collection which can be appropriately applied at this stage.



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.

The renewal of the existing childcare lease is a commercial matter unrelated to this planning proposal. There is nothing in this Planning Proposal that would preclude the existing childcare centre from being retained or a new childcare centre being developed on the subject site. Centre-based child care centres are permitted in the R2 Low Density Residential zone, including the Site (as proposed under this Planning Proposal) and on all surrounding land. There is flexibility within the Draft DCP to facilitate the retention of the existing childcare centre should the landowner and leaseholder determine that this use is to be retained.

Centre-based child care centres are currently prohibited in the RE2 Private Recreation zone. Accordingly it would not be possible to renew the existing child care facility under the existing planning controls, except in the limited circumstances permitted by Division 4.11 of the EP&A Act.

Appendix B: Applicant's Minutes from Meeting with Council of 26 September 2024

Minutes

| | | | |
|-------------------------|---|--------------|---------------------|
| Meeting Subject: | Feedback from Council Officers on preliminary assessment of Planning Proposal | | |
| Location: | City of Ryde Council, 3 Richardson Ave, North Ryde | | |
| Minuted by: | Michael Oliver | | |
| Confirmed by: | David Hynes | | |
| Date: | 4 October 2024 | Time: | 11.00 am to 12 noon |

Applicant:

Michael Oliver (Ethos Urban)
 David Hynes (Winston Langley)
 Joe Kelly (North Ryde RSL)
 David Randerson (DKO)

City of Ryde Council:

Hannah Painter – Senior Strategic Planner
 Albert Madrigal – Senior Coordinator City Places
 Kylie Mhanna – Chief Property Officer
 Jeremy Giacomini – City Architect
 Nicholas Najjar – Acting Senior Coordinator Development Advisory Service
 Robert Platt – Development Contributions Coordinator
 Charles Mahfoud – Executive Manager, City Infrastructure
 Maya Wang – Student Strategic Planner
 Simon James – Executive Officer – City Spaces

| | |
|----------------------|------------------------------|
| Project Name: | TG Millner Planning Proposal |
| Project No: | 2200718 |

Items

- HP opened the meeting by noting that the acquisition of the land by Council for open space was a separate matter for Council that was not the subject of the meeting. Council officers are assessing the Planning Proposal as required separately and independently from any acquisition considerations. At this stage Council officers are 'looking at the PP on strategic merit alone'.
- DH responded by stating that there is no 'land acquisition' given the April 2024 refusal by the Minister for Local Government to Council's request to acquire the site.
- DH queried whether the 'land acquisition' referred to in Council's meeting agenda related to the refused compulsory acquisition request or the recent Mayoral Minute to rezone the land to RE1 – Public Recreation.
- SJ advised that the Council rezoning issue was separate to the 'land acquisition' issue.
- HP advised that Council will be sending an RFI letter on 30/9, and the purpose of this meeting is to run through the key issues for Council officers prior to the issue of the RFI letter.

'Well Located Homes'

- HP referred to recent State Government planning initiatives in terms of 'well located homes'. Council seeks further justification from the applicant that the development is 'well-located' to support the strategic justification for the proposed rezoning.
- HP stated that Council was concerned with the location of the site in terms of proximity to the Metro, bus stops and a 'wide range of shops', being outside DPHI guidelines which nominate an 800m radius to these services. Further justification is required for how the proposal can be classified as 'well located', as Council is not satisfied that the homes are well-located at this stage, in terms of the Low & Mid-Rise Housing Reforms.
- SJ advised that this response is needed to complete the planning assessment and, absent this issue being addressed, Council would fail to see how the rezoning of the site has 'strategic merit'.

- MO noted that the site is considered to be accessible for the purpose of seniors housing under the Housing SEPP and found it puzzling that Council might not consider the site to be accessible for R2 housing – especially given that the site is surrounded by housing of a similar nature to what is contemplated in the planning proposal.
- HP advised that Council would prefer not to see a seniors' living development on the site and that this would be the least preferable option from Council's perspective.

Macquarie Park Corridor:

HP advised that the Open Space Submission issued by Ethos Urban to Council on 18 September addressed Council's concerns in relation to this Agenda item. HP requested that the Submission be uploaded to the Portal to ensure it forms part of the PP documentation.

Site Specific DCP

- HP noted that the DCP preparation will be an ongoing matter in concurrence with the PP – three main issues for discussion now.

Lot Size and FSR:

- HP stated that FSR and Lot size should not be in the DCP controls but need to be a development standard. HP added that inclusion in the DCP provides a lot of ambiguity in the DA process and noted that LEP lot size standards can still be varied through a Clause 4.6 Variation Request.
- MO responded by stating that there is significant variance in proposed lot sizes and FSRs as detailed in the masterplan which would require very fine-grain planning controls to be embedded into the LEP. Queried whether Council would want to see this occur.
- HP noted further discussion would be required.
- NG stated that the controls proposed don't seek to reflect the character of the existing R2 zone controls, and added that LEP standards could be the smallest lot size/highest FSR to allow the development envisaged by the DCP. NG notes that this would be required to be supported by finer-grain controls contained within the DCP.
- DH questioned whether the PP would need to be amended to address this.
- SJ/HP responded by stating that the PP would need to be amended to include FSR and Lot Size maps.

Secondary Dwellings:

- HP stated that Council has an issue with secondary dwellings in the R2 zone within the Ryde LGA, especially where above a garage. Council is very uncomfortable with this and do not support on this site, adding that the density would be unsuitable for the site.
- HP stated that the Housing SEPP sets minimum lot size for secondary dwellings of 450m², whereas some proposed lots are <450m².
- MO responded by stating that the applicant included the secondary dwellings in direct response to a request of Council that was made in early-2022.
- NG view is that it involves 'too much density' and should not be supported.
- DR noted that the masterplan does not propose continuous runs of secondary dwellings and masterplan indicates these being developed sparingly
- NN suggested that controls allow up to 60 secondary dwellings on the site, providing a 2-storey wall along the laneways. Controls do not provide suitable access to open space or waste management.
- MO noted that a 1ha public park is proposed and the Draft DCP notes requirement for access to waste.
- NG states that secondary dwellings need their own private open space also.

Parking:

- HP stated that 2 parking spaces for dual occupancies is not supported as the Council DCP allows for only 1 space for a dual-occupancy.

Street Design and Waste Management:

- HP advised that the Circular Economy team have reviewed the PP and are not certain if the proposal can accommodate for HRV waste servicing, particularly in the SW of the site which looks tricky. More information is required in form of Waste Management Plan.
- MO queried whether a WMP was required or just swept paths?
- HP clarified that swept paths would be OK – mainly reference for access and space on kerbside for Council truck collection.
- MO clarified that these are all DCP issues that could be dealt with post-Gateway Determination. HP agreed but stated that Council still wanted to be satisfied regarding swept paths.

Flooding

- HP noted the flood study prepared prior to NSW Flood Inquiry (post-Lismore!?). Report is missing pre and post-development flood maps. Notes some houses are located within flood prone land, assessment against Ministerial Direction. Flood study needs to be updated.
- MO - noted that outcomes of the NSW flooding inquiry were borne out of significant riverine flooding, no significant bearing on the minor overland flow flooding on this site.
- HP advised that Council she still wants updated pre-Gateway. Acknowledges not significant area of the site.

Economic Benefits Statement

- HP stated that some of the figures from 2022 are now out of date. Report is out of date and does not take into consideration the DPHI Macquarie Park rezoning. Would like to see report updated.
- MO advised that he would wait for written comments, but questioned what aspect of the EBS is being relied upon for the PP assessment. MO noted that the economic benefits and context has not changed that significantly. Whilst the specific figures may have changed, the overall position/assessment is unlikely to have changed.
- HP agreed to consider MO's comments before sending the letter.

Transport

Culloden Road Pedestrian Access

- HP relayed the comments of internal Council team regarding lack of pedestrian permeability and requested a pedestrian connection to Culloden Road.
- MO queried whether this is something Council actually wants to be delivered, noting the existing constraints in terms of development by adjoining dwellings, slopes, narrowness of the lot width. MO suggested Council go and look at the location of the handle and decide as to whether Council wants this access. MO also questioned the relative benefit of this access versus the proposed Thelma Street access.
- MO noted that the proponent has not currently proposed access via this handle (leaving it in current state) but happy to look at this if Council views this as desirable.

Public transport

- HP stated that the TIA identified 6 bus services, but there are now only 2 bus services going from Epping Rd to City/Mac Park.
- HP requested further justification of how the site is 'accessible' and 'well-located'.
- HP noted that Council's traffic engineers have also made detailed comments re. traffic modelling that will be included in the letter.

Child Care Centre

- HP noted that the lease ends in 2025 and the right of the landowner not to extend lease.
- HP requested an explanation as to how childcare centre loss can be accommodated within the surrounding area.
- MO noted that child care centres remain permitted within the proposed R2 Zone, and there is nothing in the PP that would preclude part of the site from being developed for child care (as with all surrounding R2 zoned land).

Public Benefit Offer

- HP/JG advised that Council currently is assessing the PBO, which will be the subject of separate further negotiations.
- MO noted that this is the most generous PBO he is aware of, but open to seeing what Council's position is.

2 x Football Field Option

- HP stated that one of the matters that Council has been considering as part of its assessment is the possibility of introducing two (2) football fields on the site, with 'possible higher density to accommodate for the loss of residential dwellings'.
- DH noted that significant work done in the EU open space paper that demonstrates how Council can meet the need for open space on other land.
- SJ stated that there is a lot of political interest and an opportunity to align with the Sydney North Planning Panel's decision.
- MO noted that it is not simply about relocation of floorspace. There is a significant \$ difference between 1m² of townhouse GFA vs 1m² of apartment GFA. Retaining value is not simply a 1:1 replacement ratio, more apartment floorspace would be needed to offset the lost value.
- MO further noted that Council also has the design capability to show what this option would look like (rather than the applicant having to do this work) and queried whether this is something that Council would even support.
- HP stated that this option is more for consideration of alternative options/presentation of trade-off required to CEO and Councillors.
- DH discussed the active open space activation of the proposed park.
- JK outlined the very limited use of fields for sporting activity currently and following Eastwood Rugby exit.
- SJ stated that Council's current planning provision is 1 football field per 3,500 residents. Expecting 50,000 new residents over next 25 years.
- MO noted that we understand Council wants playing fields, but the EU paper demonstrates that there are other opportunities to provide these fields outside of the site.
- SJ agreed with this but stated that all options come with challenges. Obligation to residents to explore every opportunity as far as possible.
- MO made the point that the current perspective of 'losing 2 fields' is misconceived. The reality is that it is private land and a future SH development option that is currently permitted provides no public open space. Reality is that the PP is 1ha of public open space gained.

Mayoral Minute/ RE1 Planning Proposal

- DH questioned the status of the Council adoption of the Mayoral Minute to rezone the site to RE1 Public recreation.
- HP stated that staff have advised that, in order to site to be rezoned RE1, the land would also need to be identified for acquisition with Council as the acquisition authority. Unless Council can acquire the land, it cannot rezone the site. Council officers have already advised Council executive of this.
- DH asked whether this means that RE1 PP is not progressing until it goes back to Council?
- NN stated that this is not the subject of this discussion. Will take back to GM as questions raised, for GM to respond to applicant but not subject of this meeting.

Conclusion/Other discussion

- DH noted the challenges facing procedure of PP being reported back to Council politically.
- JK noted that all the complaints from neighbouring residents re. noise, lights and traffic/parking when TGM currently in full usage – will have same or more problems if Council acquires the land. SJ noted that Council understands and experiences similar challenges at other Council facilities.
- SJ stated that Council is trying to seek an outcome consistent with the Planning Panel's previous consideration of the matter, which SJ said involves playing field provision.
- MO noted that the current assessment is about strategic merit. Most of the issues discussed have been about site-specific merit. Well located housing appears to be easily resolvable. Putting open space acquisition aside, strategic merit seems to be easily resolvable/achievable.

- HP stated that, provided the 'well located homes' issue can be addressed, not 100% at this stage, but in professional opinion and assuming points in letter are addressed, her recommendation will be that the PP has strategic merit.
- SJ noted that the SNPP found that prior PP lacked strategic merit.
- DH responded by stating that the SNPP made that decision in the context of DPHI advice that Mac Park rezoning and infrastructure planning ongoing, and Council were taking active steps to acquire the land. SNPP would never have approved in that context, but the context has changed. Council officers at the time supported the prior PP scheme/masterplan outside of that prior context, and that is why this PP scheme/masterplan remains the same. Notes that PP is completely reasonable, not even trying for Putney Hill with a mix of RFBs and townhouses.

Meeting concluded around 12 noon.

Appendix B: Email from Council dated 27 September 2024

Michael Oliver

From: Hannah Painter <HannahPa@ryde.nsw.gov.au>
Sent: Friday, 27 September 2024 6:04 PM
To: d.hynes; Michael Oliver
Cc: Albert Madrigal; Maya (Mengxue) Wang
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.

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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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W www.ryde.nsw.gov.au



Customer Service Centre 1 Pope Street, Ryde (Within Top Ryde City shopping centre)
North Ryde Office Riverview Business Park, Building 0, Level 1, 3 Richardson Place, North Ryde

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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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RE: TG Millner Planning Proposal - RFI Update

From Michael Oliver <moliver@ethosurban.com>

Date Tue 2024-10-29 3:09 PM

To Terry Agar <terrya@ryde.nsw.gov.au>

Cc Albert Madrigal <albertm@ryde.nsw.gov.au>; d.hynes <d.hynes@winstonlangley.com.au>

Hi Terry,

Further to our call just now, it would be great if you could keep us updated as to the timing of the anticipated RFI letter.

Thanks,
Michael

Michael Oliver Director
He/him Planning
BPlan(Hons1) MEL RPIA REAP



M. 0402 644 681
W. ethosurban.com
Level 4, 180 George St
Sydney NSW 2000
(Gadigal Land)

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.

This email is confidential and may contain information that is confidential and privileged. If you are not the intended recipient, please notify us by return email or phone, and delete the original message.

From: Hannah Painter <HannahPa@ryde.nsw.gov.au>
Sent: Friday, 18 October 2024 1:22 PM
To: d.hynes <d.hynes@winstonlangley.com.au>; Michael Oliver <moliver@ethosurban.com>
Cc: Albert Madrigal <albertm@ryde.nsw.gov.au>; Terry Agar <terrya@ryde.nsw.gov.au>
Subject: TG Millner Planning Proposal - RFI Update

Hi David and Michael,

I hope you have had a good week.

I note as per a phone conversation I had with Michael earlier this week, that we were able to have Council’s RFI uploaded to the Portal by COB today. Unfortunately, I have been informed by ELT that they will not be able to review and sign the letter until the end of next week.

Furthermore, please note I have formally resigned from Council and my last day will be Thursday 24 October. Terry Agar – Senior Strategic Planner will be taking over the assessment of this application after my departure. If you have any questions after Thursday, his contact details are provided below:

TerryA@ryde.nsw.gov.au

(02) 9952 8259

I apologise for any inconveniences this delay is causing and thank you for your continued patience. If you have any questions before my departure on Thursday, please do not hesitate to let me know. If anything changes in relation to the timeframes I will be in contact.

Kind regards,

Hannah

Hannah Painter

Senior Strategic Planner

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W www.ryde.nsw.gov.au



Customer Service Centre 1 Pope Street, Ryde (Within Top Ryde City shopping centre)

North Ryde Office Riverview Business Park, Building 0, Level 1, 3 Richardson Place, North Ryde

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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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6 November 2024

Council Ref: LEP2024/7

Mr David Hynes
Winston Langley Pty Ltd
Level 1, 154 Pacific Highway
ST LEONARDS NSW 2065

Sent via email to d.hynes@winstonlangley.com.au and uploaded to the NSW Planning Portal

Dear David,

Request for Additional Information – PP–2024–1465: 146-150 Vimieria Road, MARSFIELD

I refer to the abovementioned planning proposal, which seeks to amend the *Ryde Local Environmental Plan 2014* (RLEP 2014) to rezone the site at 146-150 Vimieria Road, Marsfield from RE2 – Private Recreation to part R2 – Low Density Residential and RE1 – Public Recreation. A preliminary assessment has been undertaken against the relevant strategies to determine the strategic merit of the proposal.

The preliminary assessment conducted by Council staff found that further justification is required before it can be determined if the proposal has strategic and site-specific merit. These issues are summarised below and justified in more detail in **Appendix A**:

- Alignment with Council's Strategic Open Space documents by undertaking investigations and feasibility studies required for a possible second playing field design.
- Further justification and detail on how the proposal aligns with guidance on well-located development for the terrace typologies.
- The proposal lot size and FSR provisions as DCP controls is not supported and must be addressed as a development standard under the RLEP 2014.
- An updated Flood and Stormwater assessment that provides an assessment against the Ministerial Directions 4.1 Flooding and pre-and post- development scenarios.
- An updated Traffic Impact Assessment to include more up to date information in relation to traffic surveys, public and active transport accessibility, and considerations of a possible second playing field option.
- Swept paths that demonstrates capacity for a Heavy Rigid Vehicle (HRV) for all proposed lots.



It is noted a response has been provided to Council's Preliminary Feedback following a meeting with Council officers on Thursday, 26 September 2024. This letter incorporates Council's feedback in relation to the points highlighted in that response.

Please note that the issues raised in this letter are fundamental to taking the next step of reporting this matter to the Ryde Local Planning Panel and subsequently an Ordinary Council meeting for approval to progress to a Gateway determination. There may be additional amendments required because of ongoing discussions and site-specific DCP amendments.

It is requested that the additional information is provided to Council via the NSW Planning Portal by close of business, 24 November 2024. If you require additional time, please let us know as soon as possible.

If you have any questions or concerns, please do not hesitate to contact Terry Agar – Senior Strategic Planner on (02) 9952 8259.

Kind regards,



Wayne Rylands
Chief Executive Officer



SUMMARY OF AMENDED DOCUMENTATION REQUIRED

| Supporting document | Amendments required | Provided? (Y/N) |
|--|--|-----------------|
| Planning Proposal report | Further justification and detail on how the proposal aligns with the provisions on well-located development for the proposed terrace typologies. | |
| Open Space Provision | The proposal is not currently consistent with the Council's Open Space Future Provision Strategy and Sports Field Action Plan. These strategies identify the opportunity for the site to contribute to the future demand for sporting fields by having 2 full sized playing fields situated on the site. | |
| LEP maps | Additional FSR and Lot Size LEP maps demonstrating consistent standards with the surrounding R2 zoning. | |
| Flooding and Stormwater Report | Provide an updated Flood Study that addresses the requirements of Ministerial Direction 4.1 Flooding and details of pre-development and post-development flood levels. | |
| Transport and Traffic Impact Assessment | A review of the provided SIDRA modelling | |
| | An amended and updated analysis in relation to public and active transport accessibility to demonstrate the site is well-located. | |
| | Consideration of the second field option including an assessment of the impacts associated with this use | |
| Waste Management Plan | Provide swept paths demonstrating compliance with AS2890.02. The paths must be for a heavy rigid vehicle measuring 12.5m long with a 4.5 headroom clearance. | |

APPENDIX A – DETAILED REQUEST FOR ADDITIONAL INFORMATION

1. Open Space

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.

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.

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.

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).

2. 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 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.

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.

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:

- 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 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.

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. 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.

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.

3. Floor Space Ratio and Lot Size

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 further notes additional rationale was provided in the Preliminary Feedback response for Council's consideration.

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. 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.

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.

In relation to the principles established in *Stockland Development Pty Ltd v Manly Council* [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:

- 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.

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.

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.

a) FSR

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.

b) Lot size

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.

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'.

4. 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. 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.

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). 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 Environmental Planning and Assessment Act 1979 (EPA&A Act).

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:

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

b) 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”.

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).

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.

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. 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.

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.

5. 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**.*

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.

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:

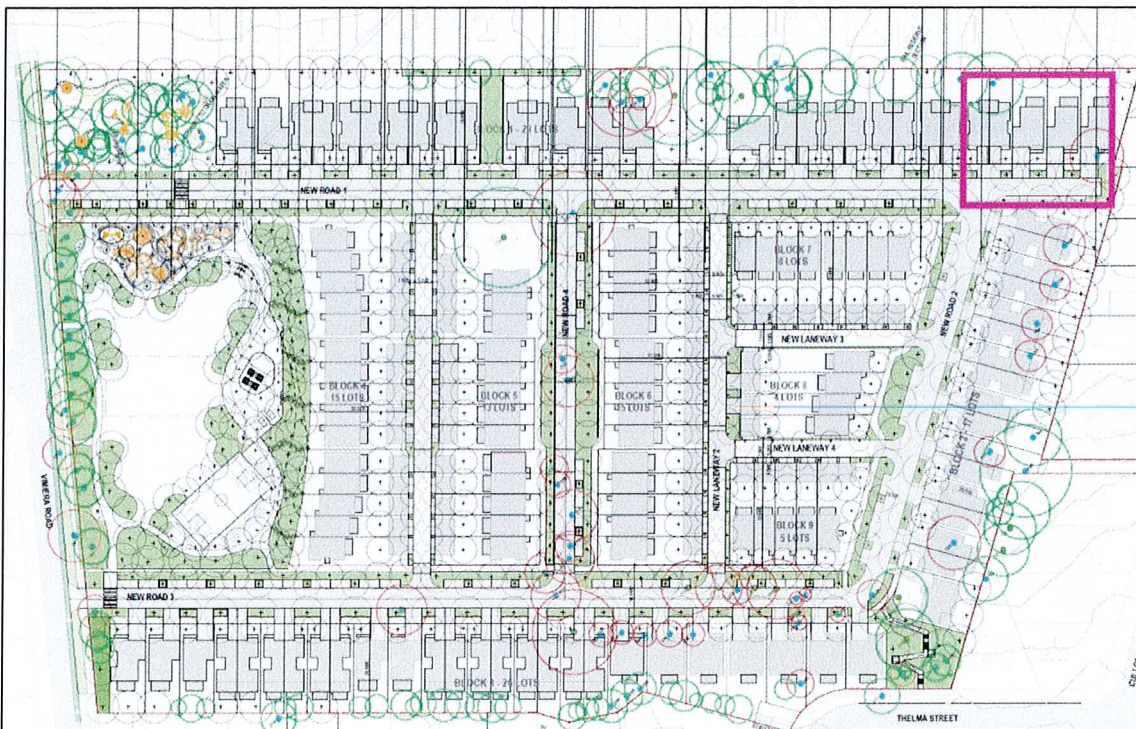
- A review of the provided SIDRA modelling to ensure the results are still relevant to current traffic conditions. This includes updated information based on current vehicular, pedestrian and cyclist traffic volumes during weekday and weekend peak periods.
- An amended and updated analysis in relation 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. It is requested for this to be presented visually to help the Council and the community understand the sites transport characteristics.
- 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.

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 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 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.



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,



Michael Oliver
Director, Planning
moliver@ethosurban.com
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 |
|---|--|
| <p>1. Open Space</p> | |
| <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. 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> |
| <p>2. Well-Located Development</p> | |
| <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> |

Council Comment

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 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.

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.

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:

- 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 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.

Proponent's Response

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.

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.

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).

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.

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.

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

Council Comment

Proponent's Response

the North and South-West Growth Centres in localities that have a fraction of the amenity of Marsfield.

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.

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.

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.

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.

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.

Council received the Draft DCP on 6 June 2022, well before Council provided its feedback to the Planning Panel on 4 November 2022.

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.

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.

3. Floor Space Ratio and Lot Size

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

No response required.

Council Comment

Proponent's Response

further notes additional rationale was provided in the Preliminary Feedback response for Council's consideration.

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.

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 *Environmental Planning and Assessment Act 1979* (EP&A Act) states that "*objective of this direction is to discourage unnecessarily restrictive site specific planning controls*". Specifically, Direction 1.4(2) states that "*a planning proposal must not contain or refer to drawings that show details of the proposed development*".

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.

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 "*a planning proposal that necessitates the need for a clause 4.6 submission on multiple lots is inappropriate*". 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.

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.

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.

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

Council Comment

Proponent's Response

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.

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.

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.

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.

Refer to prior responses.

In relation to the principles established in *Stockland Development Pty Ltd v Manly Council* [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:

- 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.

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.

It is unclear why Council has omitted the first two considerations set out by the Land and Environment Court in *Stockland* at [92]:

- *the extent, if any, of research and public consultation undertaken when creating the policy;*
- *the time during which the policy has been in force and the extent of any review of its effectiveness;*

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:

- 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.

Council Comment

Proponent's Response

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.

a) FSR

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.

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.

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.

b) Lot size

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.

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.

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'.

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.

If the mapping of a minimum lot size development standard is preferred, the Proponent does not object to this, provided that 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.

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

Council Comment

Proponent's Response

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.

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.

4. 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. 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.

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).

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 *Environmental Planning and Assessment Act 1979* (EPA&A Act).

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:

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

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".

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'.

'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.

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 *Guidelines to Varying Development Standards* 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.

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.

| Council Comment | Proponent's Response |
|-----------------|----------------------|
|-----------------|----------------------|

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).

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.

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.

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.

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.

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.

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

Refer responses above, no change is proposed to the applicable planning framework for secondary dwellings.

| 5. 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.

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:

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.

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.

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.

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.

Flow from the north is conveyed through a swale to the internal road network before being collected and conveyed to Vimiera Road.

Council Comment

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.

Proponent's Response

Underground OSD is provided to limit post developed flows back to pre-developed conditions.

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.

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.

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.

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.

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.

Refer to responses below.

Updated traffic counts were undertaken in October 2024 at the following intersections:

- Vimiera Road/Yangalla Street
- Vimiera Road/Elk Street
- Vimiera Road/Rugby Road

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**).

Council Comment

- 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.

Proponent's Response

Refer to **Attachment D** and below infographic.



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



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



Vimiera Road - <50m walking distance

Occasional services in morning and afternoon
Direct services to Eastwood and



MACQUARIE
University
SYDNEY AUSTRALIA

Macquarie University -

2km walk (25 min) or cycle (8 min)
Frequent bus connections (15 min)



Macquarie Centre

2km walk (25 min) or cycle (8 min)
Frequent bus connections (15 min)
Metropolitan-scale services including retail, health and entertainment



Macquarie Park Innovation District

Immediately accessible by foot, bike and public transport
Growing employment and demand for workers



Macquarie University Station

2km walk (25 min) or cycle (8 min)
Frequent bus connections (15 min)

- 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.

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.

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 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

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

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.



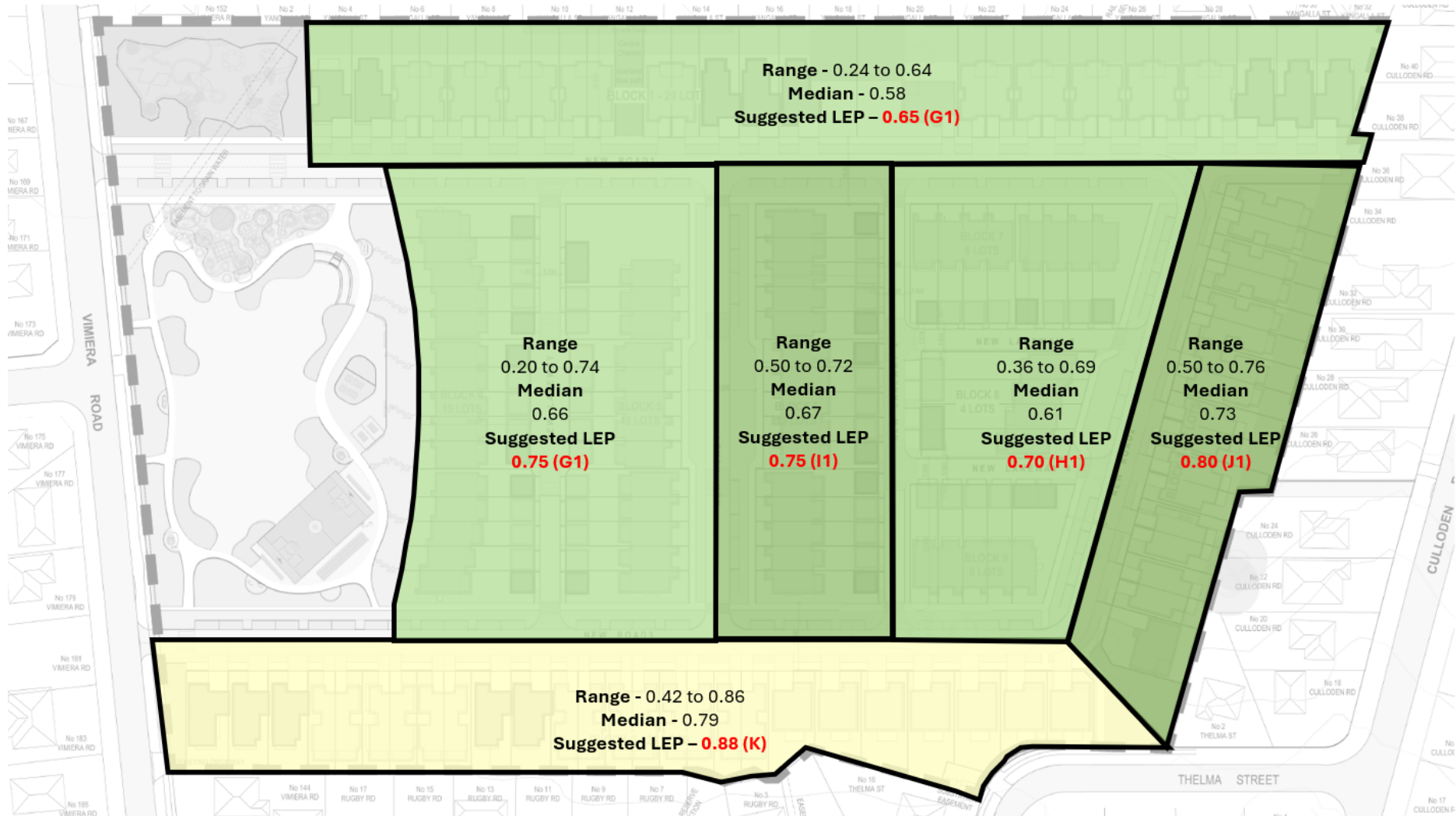
Proponent's Response

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.

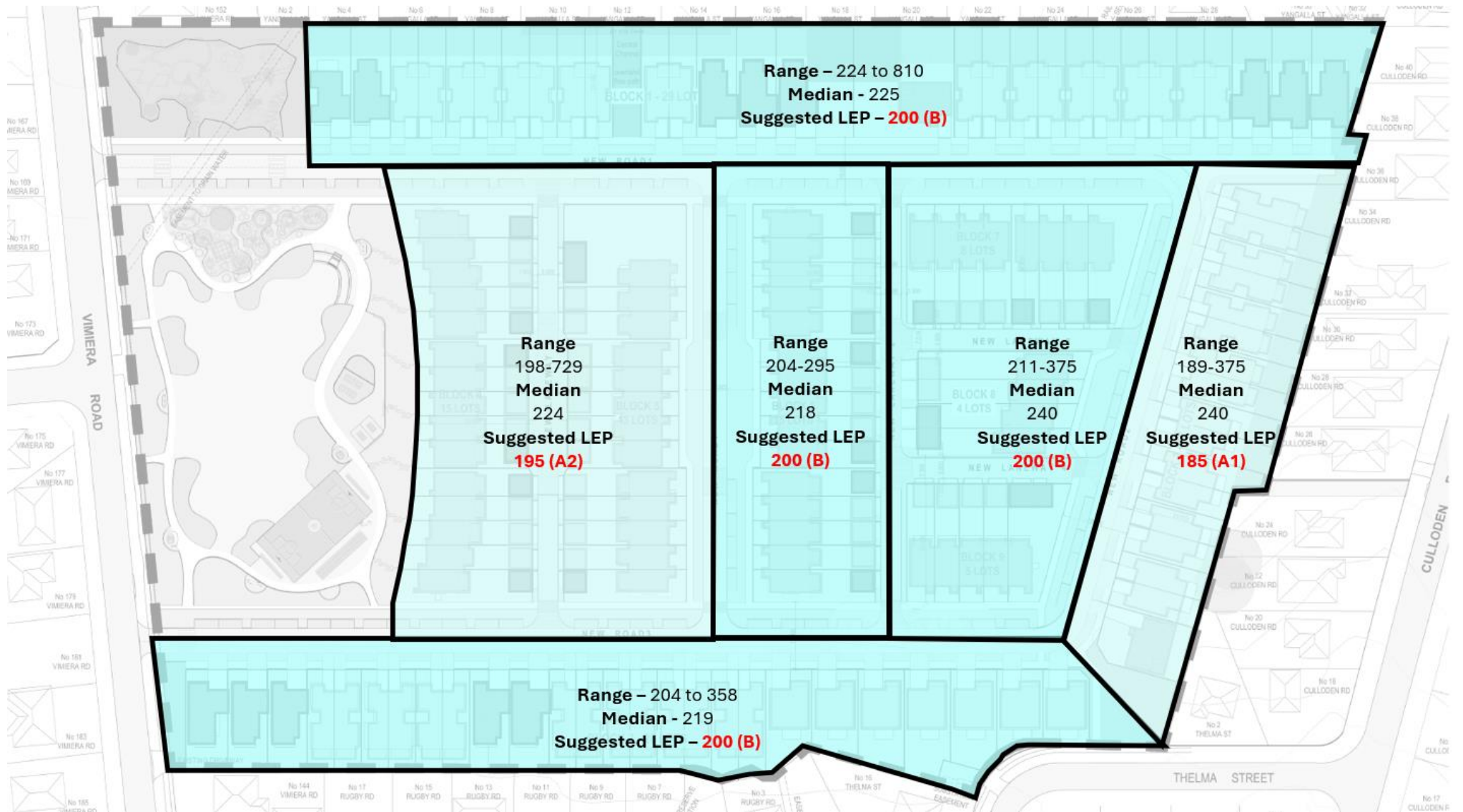
This query relates to waste collection for three (3) dwellings with frontage to a short stub road/shared driveway (subject to detailed design). It is envisaged that at the DA stage a small waste collection area would be designed at the intersection of Proposed Road 1 and Proposed Road 2 for placement 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 Calculations

Table with columns: Block No., Lot No., Building Type, Lot Area (m²). Contains lots 001-029 with various building types and areas.

Table with columns: Ground Floor GFA (m²), First Floor GFA (m²), Total GFA (m²), Garage GBA (m²), Proposed FSR. Summary statistics: Median FSR 0.58, Max FSR 0.64.

Table with columns: Block No., Lot No., Building Type, Lot Area (m²). Contains lots 030-046 with various building types and areas.

Table with columns: Ground Floor GFA (m²), First Floor GFA (m²), Total GFA (m²), Garage GBA (m²), Proposed FSR. Summary statistics: Median FSR 0.69, Max FSR 0.76.

Table with columns: Block No., Lot No., Building Type, Lot Area (m²). Contains lots 047-072 with various building types and areas.

Table with columns: Ground Floor GFA (m²), First Floor GFA (m²), Total GFA (m²), Garage GBA (m²), Proposed FSR. Summary statistics: Median FSR 0.64, Max FSR 0.86.

Table with columns: Block No., Lot No., Building Type, Lot Area (m²). Contains lots 073-087 with various building types and areas.

Table with columns: Ground Floor GFA (m²), First Floor GFA (m²), Total GFA (m²), Garage GBA (m²), Proposed FSR. Summary statistics: Median FSR 0.69, Max FSR 0.74.

Table with columns: Block No., Lot No., Building Type, Lot Area (m²). Contains lots 088-100 with various building types and areas.

Table with columns: Ground Floor GFA (m²), First Floor GFA (m²), Total GFA (m²), Garage GBA (m²), Proposed FSR. Summary statistics: Median FSR 0.69, Max FSR 0.74.

Table with columns: Block No., Lot No., Building Type, Lot Area (m²). Contains lots 101-115 with various building types and areas.

Table with columns: Ground Floor GFA (m²), First Floor GFA (m²), Total GFA (m²), Garage GBA (m²), Proposed FSR. Summary statistics: Median FSR 0.69, Max FSR 0.74.

Table with columns: Block No., Lot No., Building Type, Lot Area (m²). Contains lots 116-123 with various building types and areas.

Table with columns: Ground Floor GFA (m²), First Floor GFA (m²), Total GFA (m²), Garage GBA (m²), Proposed FSR. Summary statistics: Median FSR 0.69, Max FSR 0.74.

Table with columns: Block No., Lot No., Building Type, Lot Area (m²). Contains lots 124-127 with various building types and areas.

Table with columns: Ground Floor GFA (m²), First Floor GFA (m²), Total GFA (m²), Garage GBA (m²), Proposed FSR. Summary statistics: Median FSR 0.69, Max FSR 0.74.

Table with columns: Block No., Lot No., Building Type, Lot Area (m²). Contains lots 127-132 with various building types and areas.

Table with columns: Ground Floor GFA (m²), First Floor GFA (m²), Total GFA (m²), Garage GBA (m²), Proposed FSR. Summary statistics: Median FSR 0.69, Max FSR 0.74.

Summary table: Median FSR 0.62, Max FSR 0.74.

Attachment C – Flood Statement

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.

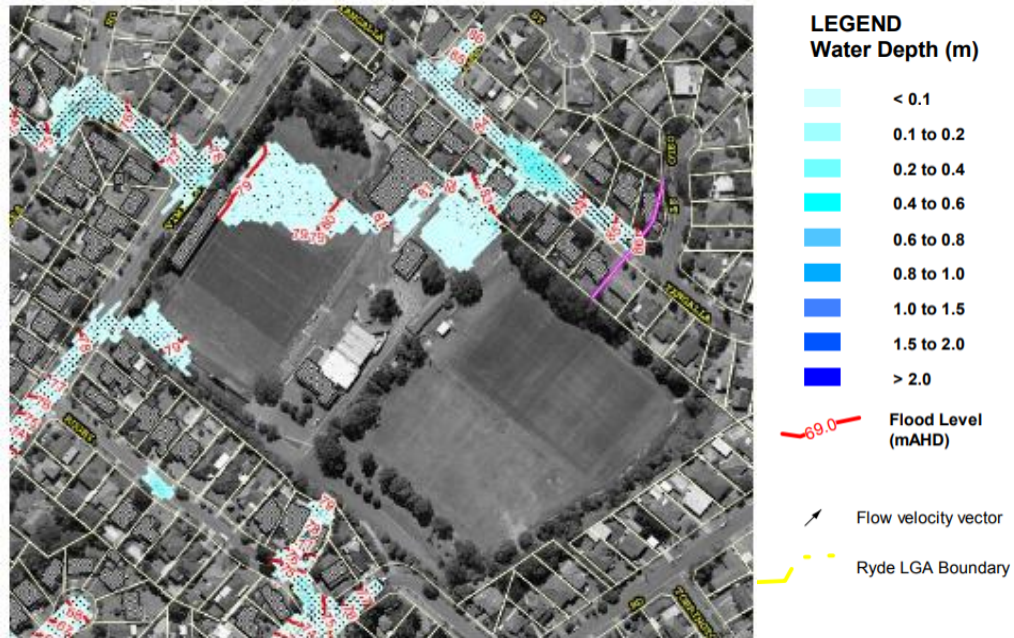


Figure 1 - 20% AEP Flood Depth and Elevation

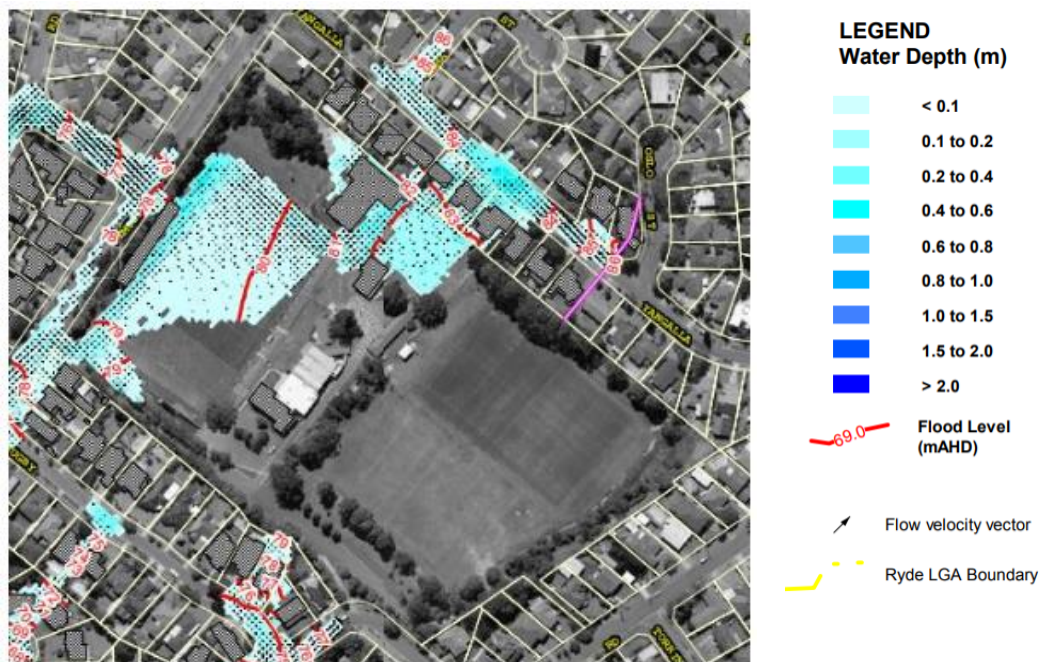


Figure 2 - 1% AEP Flood Depth and Elevation

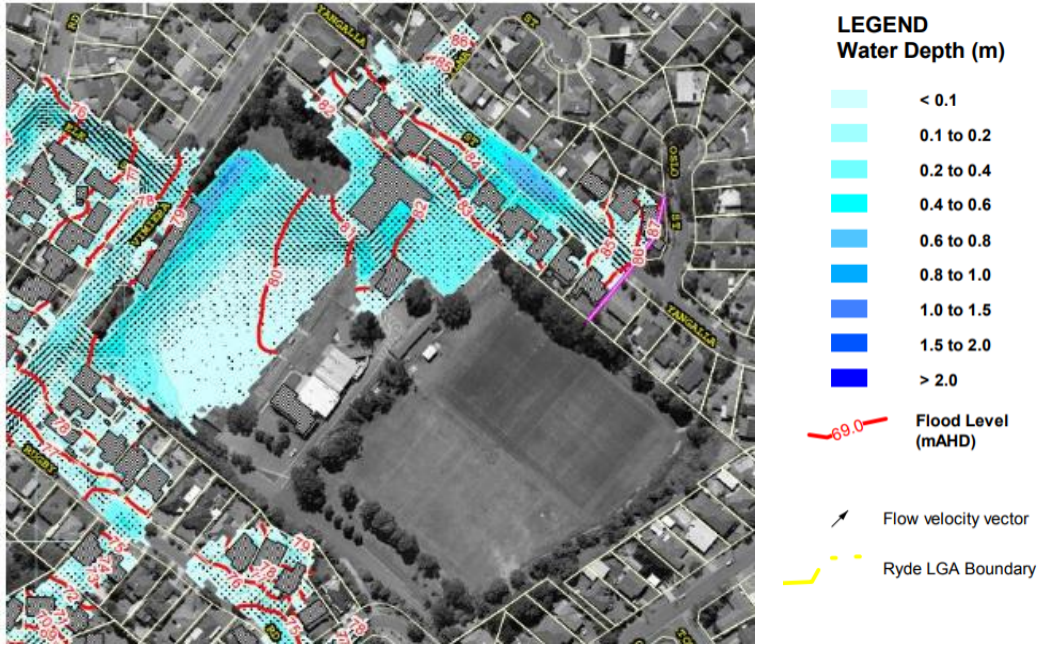


Figure 3 - PMF Flood Depth and Elevation

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.

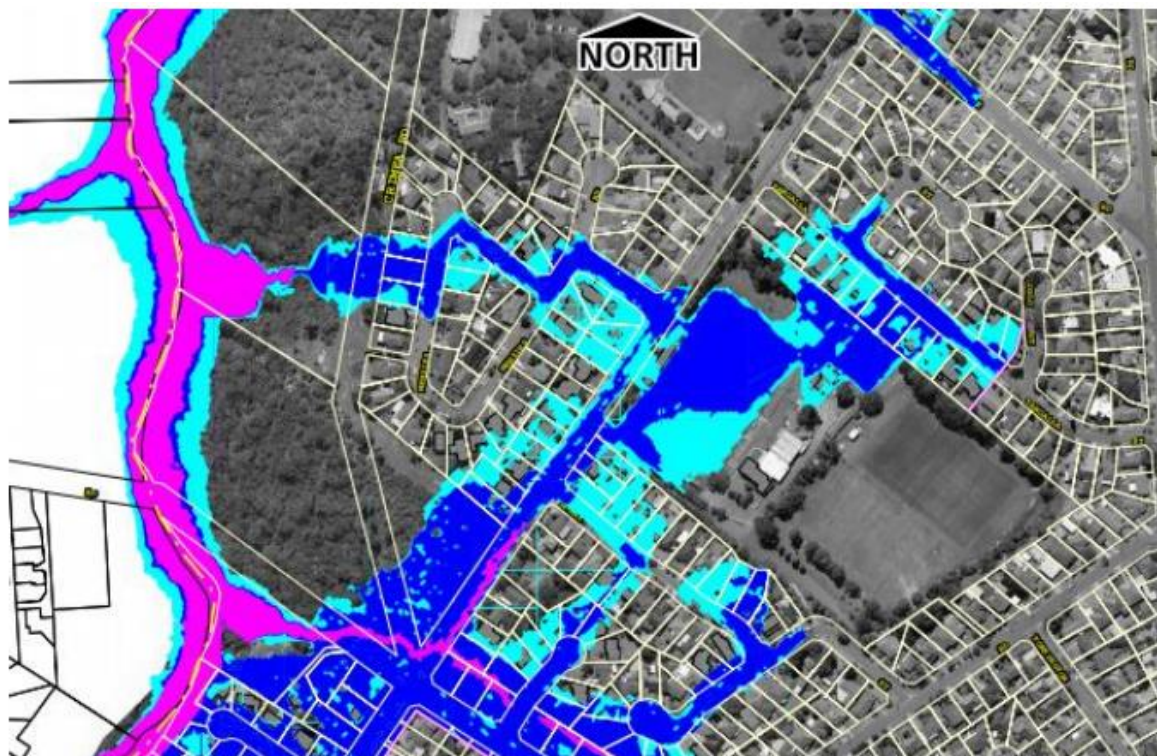


Figure 4 - Flood risk precincts

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

Northrop Consulting Engineers Pty Ltd (Northrop) has been retained to prepare this report based on specific instructions, scope of work and purpose pursuant to a contract with its client. It has been prepared in accordance with the usual care and thoroughness of the consulting profession for the use by Winston Langley. The report is based on generally accepted practices and standards applicable to the scope of work at the time it was prepared. No other warranty, express or implied, is made as to the professional advice included in this report.

Except where expressly permitted in writing or required by law, no third party may use or rely on this report unless otherwise agreed in writing by Northrop.

Where this report indicates that information has been provided to Northrop by third parties, Northrop has made no independent verification of this information except as expressly stated in the report. Northrop is not liable for any inaccuracies in or omissions to that information.

The report was prepared on the dates shown and is based on the conditions and information received at the time of preparation.

This report should be read in full, with reference made to all sources. No responsibility is accepted for use of any part of this report in any other context or for any other purpose. Northrop does not purport to give legal advice or financial advice. Appropriate specialist advice should be obtained where required.

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Attachment D – Transport Statement

Our Ref: JH/11839/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.

Colston Budd Rogers & Kafes Pty Ltd

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.

| 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.

| 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*

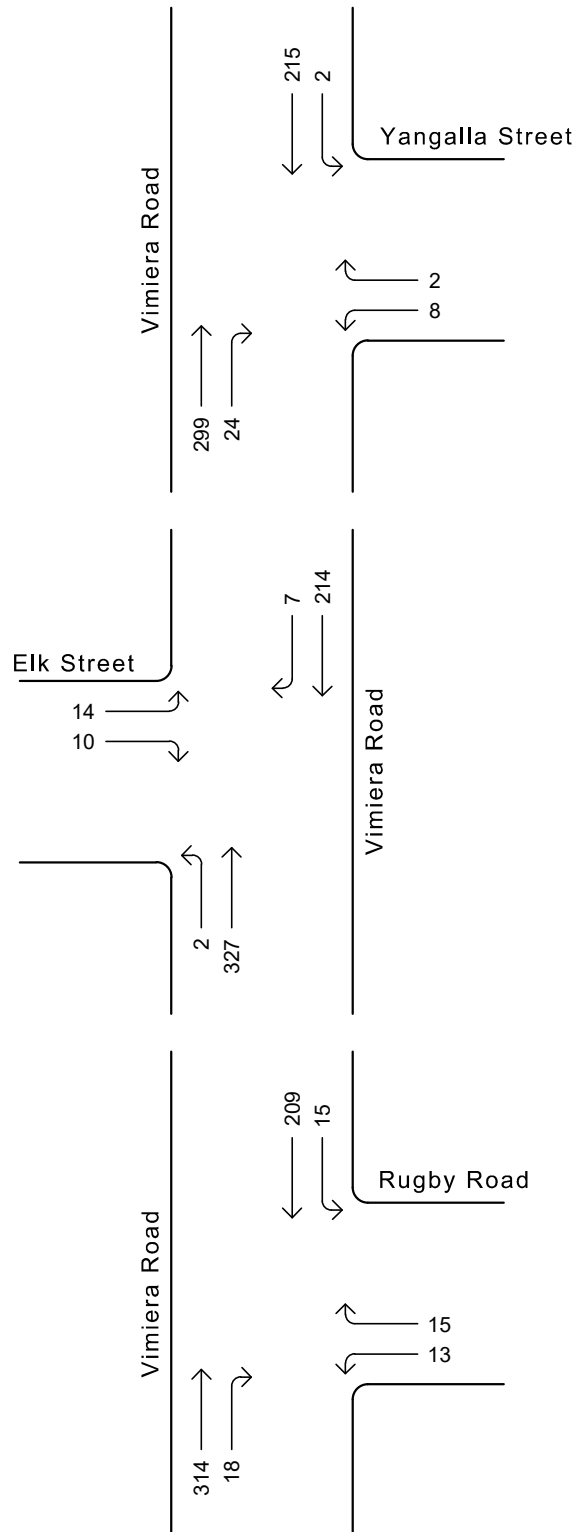
Furthermore, the application has not provided details in relation to the street networks capacity to demonstrate compliant swept paths of a heavy rigid waste collection vehicle (AS2890.02). The properties proposed to be located on in the eastern corner are of particular concern (please see below as outlined 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.

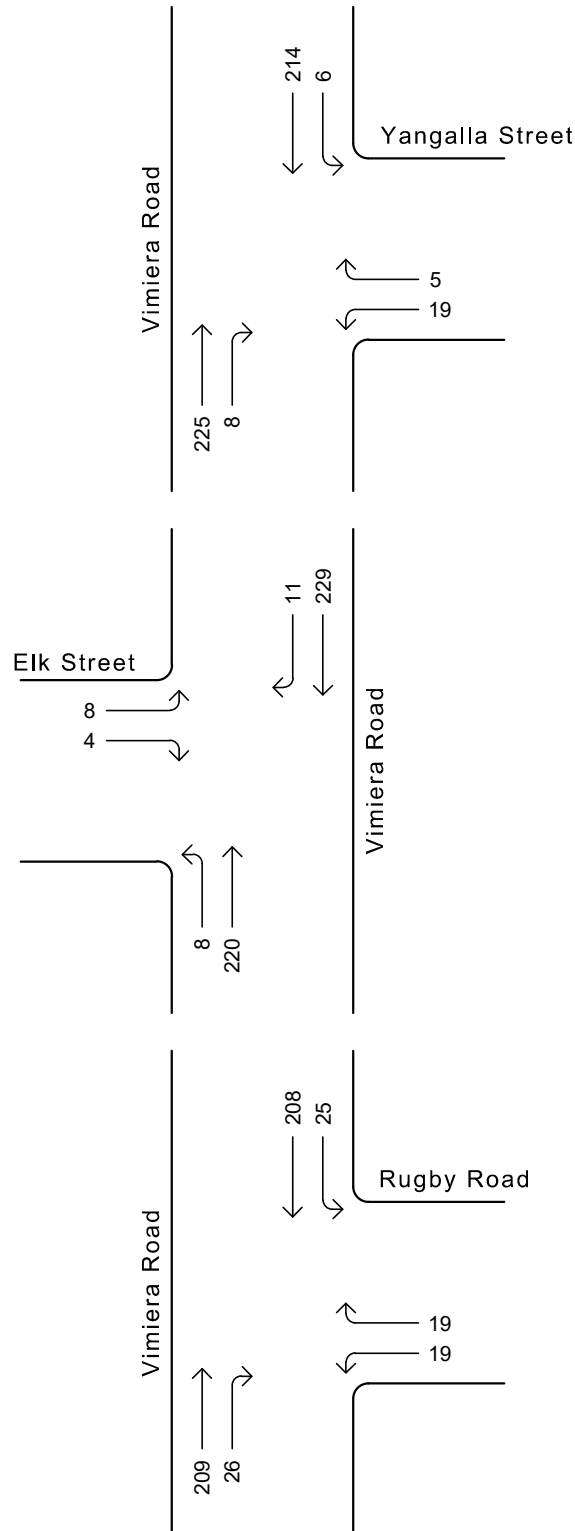
Yours faithfully,
COLSTON BUDD ROGERS & KAFES PTY LTD



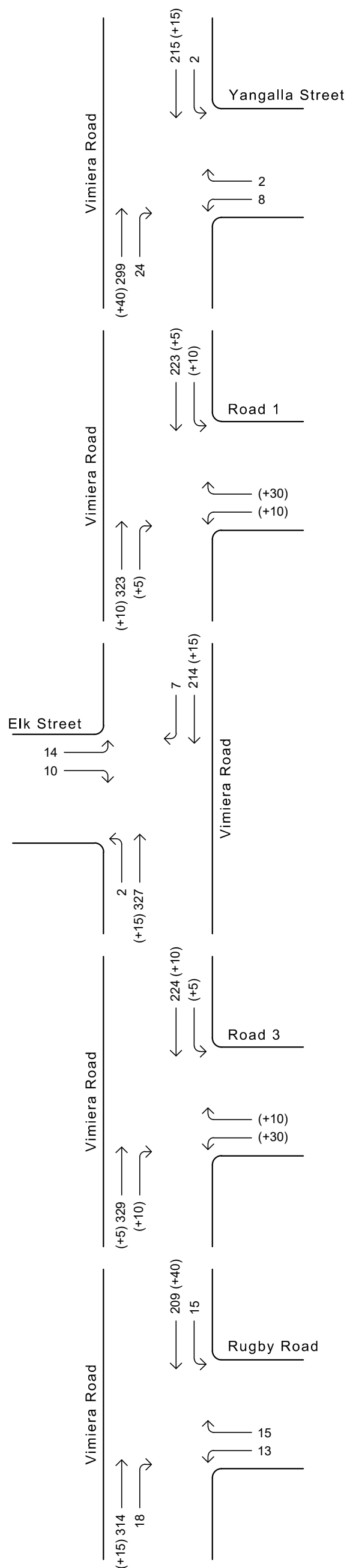
J Hollis
Director



Existing weekday morning peak hour traffic flows



Existing weekday afternoon peak hour traffic flows

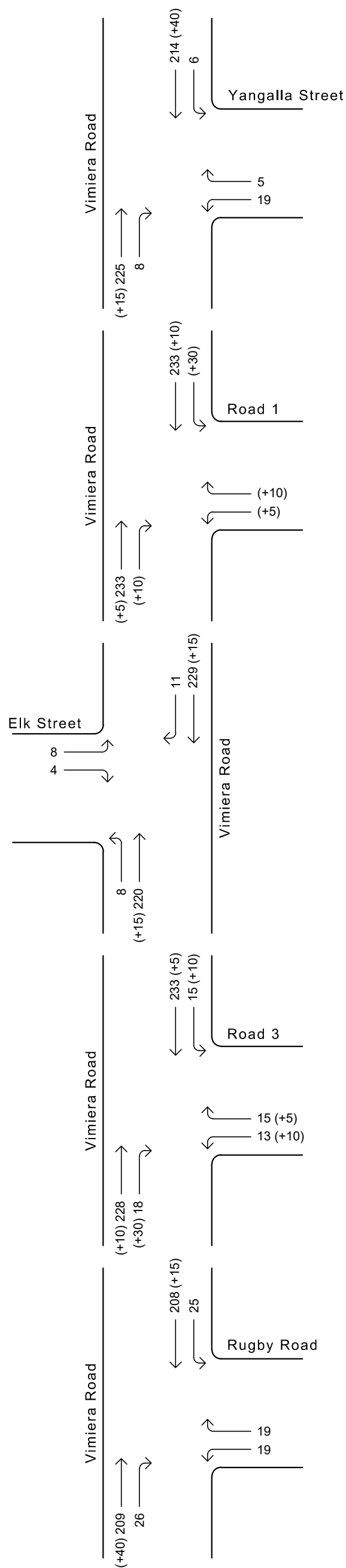


LEGEND

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

Existing weekday morning peak hour traffic flows plus development traffic

Figure 3

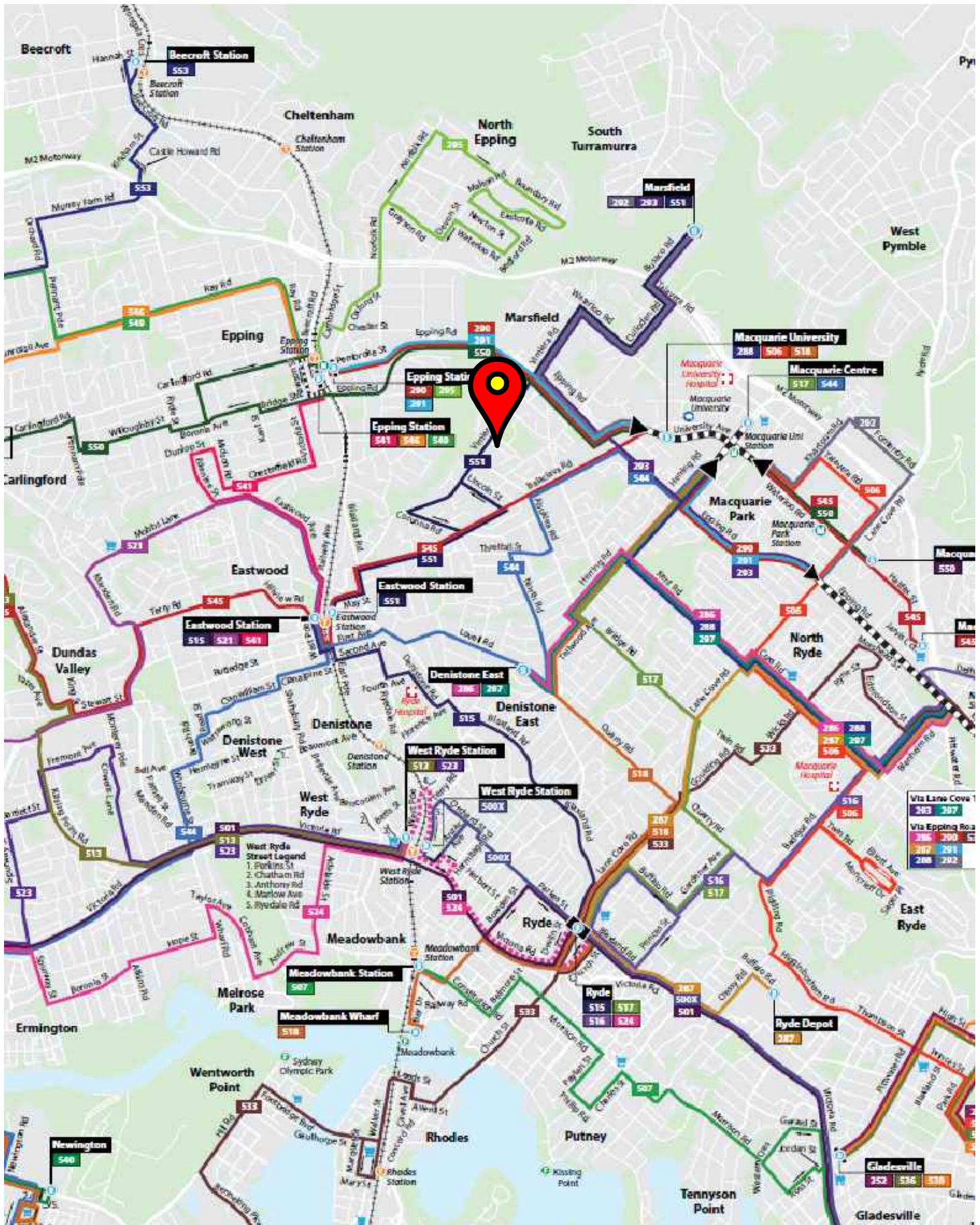


LEGEND

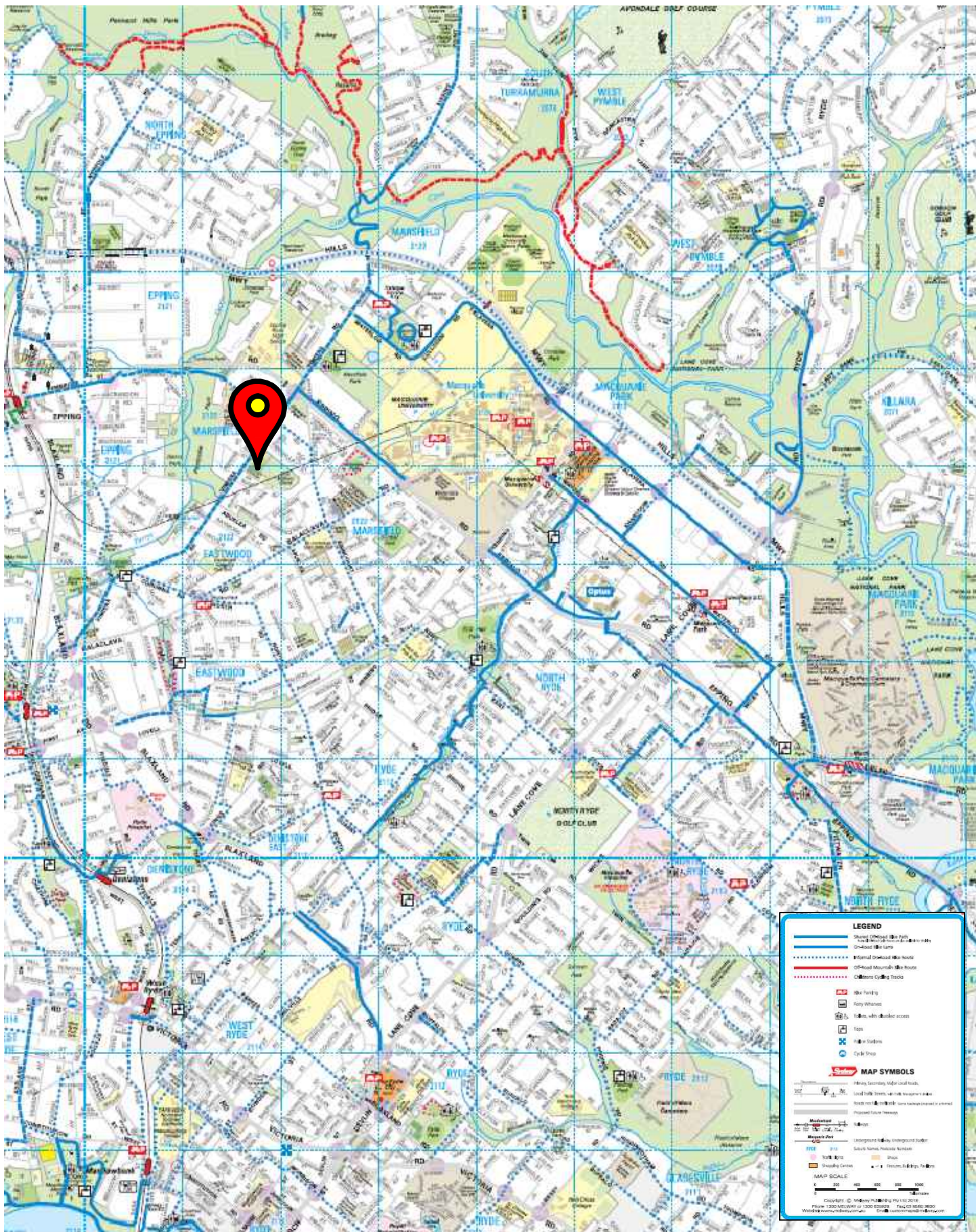
- 100 - Existing Peak Hour Traffic Flows
- (+10) - Additional Development Traffic

Existing weekday afternoon peak hour traffic flows plus development traffic

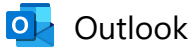
Figure 4



Bus Network Map



Bicycle Network Map



Re: PP2024/0001 - 146-150 Vimiera Rd, Marsfield

From Michael Oliver <moliver@ethosurban.com>
Date Tue 2025-03-11 12:59 PM
To Jeremy Giacomini <JeremyG@ryde.nsw.gov.au>
Cc Terry Agar <terrya@ryde.nsw.gov.au>; d.hynes <d.hynes@winstonlangley.com.au>

Thanks Jeremy,

We request the ability to brief the Local Planning Panel once a meeting is scheduled.

Kind regards,
Michael

| | | |
|--|--|--|
|  Michael Oliver He/him | Director Planning BPlan(Hons1) MEL RPIA REAP M. 0402 644 681 W. ethosurban.com |    |
|   | Level 4, 180 George St Sydney NSW 2000 (Gadigal Land) | |

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.

This email is confidential and may contain information that is confidential and privileged. If you are not the intended recipient, please notify us by return email or phone, and delete the original message.

From: Jeremy Giacomini <JeremyG@ryde.nsw.gov.au>
Sent: Tuesday, February 25, 2025 3:59 PM
To: Michael Oliver <moliver@ethosurban.com>
Cc: Terry Agar <terrya@ryde.nsw.gov.au>; d.hynes <d.hynes@winstonlangley.com.au>
Subject: RE: PP2024/0001 - 146-150 Vimiera Rd, Marsfield

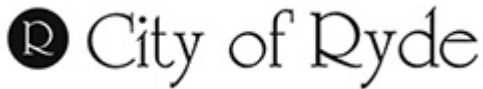
Dear Michael,

Thank you for your email. The RFI response letter was received and reviewed by council staff. No additional information is required at this stage, staff are currently preparing a report for the Local Planning Panel.

We will keep you informed once a date is set for the LPP meeting.

Kind regards,
Jeremy

Jeremy Giacomini RAIA
 City Architect
 REGISTERED ARCHITECT NSW 10922
 P +61481395887
 M +61481395887
 E JeremyG@ryde.nsw.gov.au
 W www.ryde.nsw.gov.au



Customer Service Centre 1 Pope Street, Ryde (Within Top Ryde City shopping centre)
North Ryde Office Riverview Business Park, Building 0, Level 1, 3 Richardson Place, North Ryde

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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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From: Michael Oliver <moliver@ethosurban.com>
Sent: Thursday, 20 February 2025 1:58 PM
To: Terry Agar <TerryA@ryde.nsw.gov.au>
Cc: d.hynes <d.hynes@winstonlangley.com.au>
Subject: PP2024/0001 - 146-150 Vimiera Rd, Marsfield

EXTERNAL EMAIL: Verify the sender, avoid clicking on unknown links and do not open unexpected attachments.

Hi Terry,

Further to my voicemail, I am seeking an update from Council regarding the status of this Planning Proposal, whether any further information/clarification is required, and the process and timeframe for you to complete your assessment and report the matter up to Council? I note that the response to Council's request for information was submitted on 20 December 2024 and that we have not received any further queries/correspondence.

Could you please come back to me in the next day or two?

Thanks,
 Michael

Michael Oliver Director
 He/him Planning
 BPlan(Hons1) MEL RPIA REAP



M. 0402 644 681
 W. ethosurban.com
 Level 4, 180 George St
 Sydney NSW 2000
 (Gadigal Land)



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.

This email is confidential and may contain information that is confidential and privileged. If you are not the intended recipient, please notify us by return email or phone, and delete the original message.

Political donations disclosure statement



NSW GOVERNMENT
Department of Planning

Office use only:

Date received: ___/___/___

Planning application no. _____

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning Assessment Act 1979* for applications or public submissions to the Minister or the Director-General.

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below). Once completed, please attach the completed declaration to your planning application or submission.

Explanatory information

Making a planning application or a public submission to the Minister or the Director-General

Under section 147(3) of the Environmental Planning and Assessment Act 1979 ('the Act') a person:

- (a) who makes a *relevant planning application* to the Minister or the Director-General is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by any *person with a financial interest* in the application, or
- (b) who makes a *relevant public submission* to the Minister or the Director-General in relation to the application is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by the person making the submission or any *associate of that person*.

How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a *reportable political donation* under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation is made before the application or submission is made, or
- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation is made.

What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General of the Department of Planning.

Note: A separate Disclosure Statement Template is available for disclosures to councils.

Warning: A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147.

The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part.

Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.

Glossary of terms (under section 147 of the *Environmental Planning and Assessment Act 1979*)

gift means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981*. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows:

gift means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

local councillor means a councillor (including the mayor) of the council of a local government area.

relevant planning application means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
 - b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
 - c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
 - d) an application for development consent under Part 4 (or for the modification of a development consent), or
 - e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application,
- but does not include:
- f) an application for (or for the modification of) a complying development certificate, or
 - g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
 - h) any other application or request that is excluded from this definition by the regulations.

relevant period is the period commencing 2 years before the application or submission is made and ending when the application is determined.

relevant public submission means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

reportable political donation means a reportable political donation within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981* that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

86 Meaning of "reportable political donation"

- (1) For the purposes of this Act, a reportable political donation is:
 - (a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
 - (b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
 - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
 - (ii) made to the major political donor.
- (2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).
- (3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
- (4) For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

a person has a financial interest in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- d) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations.

persons are associated with each other if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- d) they have any other relationship prescribed by the regulations.

Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

| Disclosure statement details Name of person making this disclosure JOE KELLY, NORTH MYDE EAC CLUB | | Planning application reference (e.g. DA number, planning application title or reference, property address or other description) 146 - 150 VIMIERA RD, MARSFIELD | | |
|--|--|--|--------------------|---------------------------|
| Your interest in the planning application (circle relevant option below) | | | | |
| You are the APPLICANT <input checked="" type="radio"/> YES / NO | | You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES / NO | | |
| Reportable political donations made by person making this declaration or by other relevant persons | | | | |
| <small>* State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN).</small> | | | | |
| <small>* If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR</small> | | | | |
| <small>* If you are a person making a submission in relation to an application, state below any reportable political donations that you know, or ought reasonably to know, were made by an associate.</small> | | | | |
| Name of donor (or ABN if an entity) | Donor's residential address or entity's registered address or other official office of the donor | Name of party or person for whose benefit the donation was made | Date donation made | Amount/ value of donation |
| — | | | | |
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| | | | | |
| <i>Please list all reportable political donations—additional space is provided overleaf if required.</i> | | | | |
| By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing. | | | | |
| Signature(s) and Date <div style="text-align: right; border-bottom: 1px solid black; width: 100%;"> JOE KELLY 24.03.25 </div> | | | | |

Cont...
Political Donations Disclosure Statement to Minister or the Director-General

| Name of donor (or ABN if an entity) | Donor's residential address or entity's registered address or other official office of the donor | Name of party or person for whose benefit the donation was made | Date donation made | Amount/ value of donation |
|-------------------------------------|--|---|--------------------|---------------------------|
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