

City of Ryde Submission

Melrose Park South Planning Proposal Exhibition

Submission date: 05 October 2022

Introduction

The City of Ryde (CoR) has reviewed the exhibition material for the Planning Proposal for the two development sites within the Melrose Park South Planning Precinct. The review has highlighted some key concerns over the impact that the current proposal and the resulting future development will have on the adjacent Ryde communities and the provision of infrastructure and service to the surrounding community. These concerns include: the lack of developer contributions to fund sufficient infrastructure and services; the need for additional open space, community and recreation services and facilities; and a shortfall in transport and traffic infrastructure. A detailed description of these matters and concerns is provided in the Appendix 1 of this submission.

Representations on the Planning Proposal have been received from the Melrose Park Resident Action Group (MPRAG). The Group has been advised that Ryde Council is not the relevant planning authority for the planning proposal and that Council is only able to make a submission on their behalf to the City of Parramatta that raises their concerns. Accordingly, the matters raised by the MPRAG have been included in full into Appendix 2 of this submission.

Additional Permitted Uses

The planning proposal proposes to amend Schedule 1 Additional permitted uses of the Parramatta LEP2011 to permit 'food and drink premises' in the R4 High Density Residential zone.

While it is acknowledged that such premises can be contributory to the vibrancy of a local community and economy, if not appropriately managed, pubs and small bars, in particular, have the potential to cause nuisance to residents from venue noise, patron noise and anti-social behaviour after leaving venues and car-parking congestion.

Consideration should be given to strong DCP controls to ensure these land uses result in a positive and vibrant outcome and that the impact on the amenity of new and existing residents is mitigated.

Developer Contributions/ Voluntary Planning Agreement

Although the proposed development sites are located within the Parramatta LGA the future population will be reliant on local and state infrastructure within both the Parramatta LGA and the City of Ryde.

Matters of concern in the Voluntary Planning Agreement (VPA) include:

- The adequacy of the security provided for road works, affordable housing and defects liability;
- The quantum of affordable housing units to be delivered; and
- The validity of the exclusion of future s.7.11 and 7.12 contributions under the EP&A Act by the VPA

A more detailed explanation of these matters is provided in the submission appendix.

Open Space and Recreation Needs

A review of the exhibited technical documents and the VPA has identified a range of matters that are of concern to the City of Ryde. Key among them is the equitable provision of quality open space and recreation facilities to service the needs of the incoming residents.

The lack of developer contributions to increasing the availability of open space or the provision of additional recreation facilities in the City of Ryde, within proximity of the development sites, is a significant concern. In

its current form, the proposal it will be to the detriment the recreational amenity of new and existing residents in the general Melrose Park area.

In summary, the matters of concern that contribute the creation of inequitable open space provision and the recreation facilities offer in the area that require redress are:

- The lack of plan or agreement with the City of Parramatta and all landowners to ensure that the full 190,319m² in the Melrose Park South Precinct is delivered.
- Discounting of the value of the Wharf Road Gardens open space, which has a primary drainage function in the VPA, thereby reducing the funds levied that should be allocated to the provision of more functional open space and not land servicing the drainage requirements of the future development.
- Review and amendment of the VPA to require additional funding to deliver the infrastructure identified in the Melrose Park Infrastructure Needs List.

Transport and Traffic

In its current form, the planning proposal does not adequately address the adverse transport and traffic impacts it creates for the existing residents in Ryde. The key matters that need to be addressed through the provision of adequate developer contributions are:

- The inability of Victoria Road to accommodate peak hour traffic flow thereby creating “rat-runs” through local roads and the resultant lower amenity and safety issues that will occur;
- The supporting traffic and transport TMAP infrastructure are not funded and are not prerequisites for development staging; and
- Additional traffic management infrastructure beyond the TMAP is required to mitigate the traffic impacts.

Further detailed information on the transport and traffic matters that require further addressment is described in the Appendix.

The City of Ryde requests an urgent meeting to discuss the contents of this submission made on behalf of our community which our CEO and Mayor would be available to attend.

This proposal has regional significance and requires a coordinated planning approach to both protect the amenity of existing Melrose Park Residents and those who will reside here in the future within both the City of Ryde and the City of Parramatta.

I look forward to your advice on when this meeting can occur before further consideration on this proposal by Parramatta City Council.



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Appendix 1

Detailed Description of Matters for Consideration

Additional Permitted Uses

The planning proposal proposes to amend Schedule 1 Additional permitted uses of the Parramatta LEP2011 to permit 'food and drink premises' in the R4 High Density Residential zone.

The land use distribution map from the Urban Design Report shows a mixed-use area (in yellow in the map below) predominantly along Waratah Street. The Urban Design Report exhibited with the planning proposal also suggests that opportunities for second level restaurants and bars should be considered to see over the mangroves along the riverbank. It is not hard to imagine that a proponent would want to extend the mixed-use area eastward to interface with the residential area in Ryde to take advantage of the view down-river toward the cityscape of Wentworth Point and beyond.



The definition 'food and drink' premises includes pubs and small bars. The planning proposal does not specify in detail where these uses may be located within the development sites. While it is acknowledged that such premises can be contributory to the vibrancy of a local community and economy, if not appropriately managed, pubs and small bars, in particular, have the potential to cause nuisance to residents from venue noise, patron noise and anti-social behaviour after leaving venues and car-parking congestion.

It is noted that the proposed site-specific DCP is silent on the location of different types of food and drink premises and provides no guidance on the requirements for ancillary uses. This includes, but is not limited to, whether additional uses may be located on levels above ground level, servicing docks and the provision of patron car parking. It is requested that as a minimum, provisions be included in the DCP that specifically control the location and level of 'food and drink premises' on the eastern site together with patron car parking requirements to avoid adverse impacts on existing residents along Wharf Road.

Developer Contributions/ Voluntary Planning Agreement

The Voluntary Planning Agreement (VPA) accompanying the Planning Proposal has been reviewed and following detailed comments are provided:

- Security for items under the VPA do not appear sufficient considering Section s7.11(3)(g):

- Security of the Road Works is to be only 25% of the cost of the total works – this does not appear to sufficiently cover the public's interest should the developer default.
 - Security for the Affordable Housing component of the VPA does not exist. How does Council intend to enforce the delivery of the Affordable Housing should the developer default. Court action against the developer would be at the cost of the community. Council should require a sufficient enforcement security for the Affordable Housing to be provided by the developer to sufficiently cover any legal expenses that Council may incur should it have to enforce the delivery of the Affordable Housing to protect the public's interest.
 - There is no Defects Liability Security for any of the Public Benefits to be delivered by the developer. The Council and the Public should have adequate protection to ensure that the delivered public benefits will be of sufficient quality. Defects liability securities are common best practice for this purpose. In the absence of such provision, should the Public Benefits fail within a short period of time of being handed over to Council, the Developer will not be held financially responsible for their work and any repairs, rectification, or enforcement activities required will be at the cost of the community should the developer not act appropriately in accordance with Clause 10.4 of the VPA.
- Clause 7.5 of the VPA states 31 bedrooms, whereas the remainder of the VPA states 34 bedrooms. This error could cause uncertainty at the time of delivery and possible dispute between the parties.
 - The VPA excludes or partly excludes s7.11 and s7.12 from future development. Section 7.4 (3A) requires that the consent authority for the development or the Minister be party to the VPA to enable such an exclusion. As the consent authority for subsequent development of the sites is currently unknown (as it could either be the council, local panel, Sydney district or regional panel), the Minister should be a party to the VPA to ensure the VPA is not invalidated at the time of development consent for subsequent development applications.

The City of Parramatta is urged to take the above matters into serious consideration given the amount of public benefit on offer that is not sufficiently secured and places unnecessary risk on the Council and community. A reasonable level of risk should be borne by the Developer, noting that this can be addressed without affecting the feasibility or quality of the development. Further, having the Minister as a party to the VPA will ensure the VPA is not invalidated at the time of subsequent development consents due to the nature of Section 7.4 (3A).

Open Space and Recreation Needs

A review of the open space and recreation needs of the Planning Proposal was prepared using the following supporting documents:

- Urban Design Report - Cox
- Melrose Park Infrastructure Needs List – City of Parramatta
- Community & Place Benefit Analysis – Cred Consulting
- VPA between CoP, Wharf and Hughes Developments, 112 Wharf Road, 357 Hughes Avenue.
- Melrose Park Southern Structure Plan 2019 - CoP

The review identifies potential impacts on the City of Ryde open space network and proposes mitigation measures to mitigate impacts.

Proposal Overview

The Planning Proposal appears to be generally consistent with the controls identified in the *Melrose Park Southern Structure Plan*, adopted by City of Parramatta in 2019, including number of dwellings under the TMPA Implementation Plan A for 11,000 dwellings. There is, however, an inconsistency with the proposed building heights, with some lots being 19m higher than identified in the Structure Plan.

The proposal includes 26,033m² of public open space. The Southern Structure Plan included 67,113m² in total. The proposed open space is shown below:



Open Space Supply

The Holdmark sites (West – 51,607m² + East – 42,694m²) total 50% of the area covered by the Southern Structure Plan (total area 190,319m²). However, the proposed open space is only 39% of the total open space identified in the Southern Structure Plan (Urban Design Report - 67,113m²). This discrepancy may result in an inadequate supply of open space within the Southern precinct. A plan or agreement with City of Parramatta and all landowners is needed to ensure that the full 190,319m² is delivered. Any shortfall may increase the recreation pressure on the existing open space within the CoR.

Road/Street Network

The proposal includes a road connection between the corner of Waratah/Mary Streets west towards Saunders Rd. Although this road was identified in the Melrose Park Southern Precinct Plan, the removal of the road would allow for the future sportsground to be directly connected to the foreshore parklands, improving user experience, safety and maximising the available open space.

Further, the proposed 15.8m wide road between S16 and the river could be removed to expand the open space network, with access to buildings provided off Atkins Rd.

The proposal includes the extensions of Waratah St south towards the river, between the proposed development and the existing foreshore park, that will connect to Wharf Road. The light rail is also proposed to follow this route. Due to the finite amount of land available, the proposal could be improved by co-locating the vehicle and light rail, rather than two independent systems. Alternatively, the vehicle road could be replaced with the light rail corridor and pedestrian links, commensurate with the anticipated lower private vehicle reliance connected new neighbourhood serviced by light rail connections.

Wharf Road Gardens Open Space

Due to the edge to area ratios of the 'Wharf Road Gardens' (OS1 + OS2), these areas of open space will have little public benefit as recreational open space. It is acknowledged that these will provide a visual buffer/relief between the high and low density residential areas. As the development potential of these areas has been consumed by the development and that the areas will provide little recreational public benefit, it is unclear as to whether this has been appropriately valued in the VPA.

Melrose Park Infrastructure Needs List Funding

The existing VPA includes the dedication of public open space, affordable housing, cycleways, and roads, totalling \$37.2m. This value is based on \$19,349/dwelling, which the City of Parramatta has used for the Payce development in the Northern Precinct. As outlined in the City of Parramatta Council report on the planning proposal, while the proposed works will significantly improve the amenity to the new residents, it does not deliver on the infrastructure identified in the Melrose Park Infrastructure Needs List (INL), which is understood to be valued at \$199m.

The substantial shortfall is of significant concern to City of Ryde. It is noted that as part of the 2021 Payce Planning Proposal, a VPA of \$96.7m to deliver on the INL has been made, leaving approximately \$100m unfunded with little further planning proposals left within the North and South Precinct. Consideration should be given as to how the shortfall in funding identified in the Melrose Park Infrastructure Needs List will be addressed prior to the progression of the propose rezoning. It is requested that information about this funding shortfall and how the gap will be overcome is made publicly available.

In addition to the funding shortfall to deliver the works identified in the Melrose Park Infrastructure Needs List, Page 54 of the Planning Proposal makes the statement: *'Holdmark is willing to discuss the above-mentioned requirements with Council to determine suitable locations for this infrastructure (identified in the Cred Consulting Report) or alternative suitable contributions to deliver this infrastructure'*. Any agreement made as part of the approval of the planning proposal should specify what infrastructure will be delivered by Holdmark and detail the infrastructure that will be delivered, prior to the progression of the proposal.

The City of Ryde requests that the City of Parramatta reviews and amends the terms of the Voluntary Planning Agreement to ensure that the needs of the residents of the Planning Proposal sites and the South Precinct generally are fully met and do not adversely impact on the future and surrounding community's open space and recreation resources. It is also requested that as part of its review the City of Parramatta consider requiring contributions towards the following City of Ryde passive recreational projects that are part of the Meadowbank Park Masterplan and will also be required to service the residents of the Melrose Park South Precinct:

- Stage 2; the raising of the eastern park levels to achieve two new full size rectangular fields. Estimated value: \$7m (2022)
- Stage 9; the raising of the western park levels to achieve a new full size rectangular field. Estimated value: \$6m (2022)
- Stage 10: Conversion to two junior fields, playground, amenities building and carpark. Estimated value: \$5m (2022)
- Stage 8: widening of existing Ryde Riverwalk shared user path, installation of lighting, landscaping, and informal sports courts. Estimated value: \$4m (2022)

Transport and Traffic

Consideration is requested to be given to the traffic and transport impacts of the proposed development on the surrounding local road network servicing Melrose Park/Meadowbank/West Ryde to the east of the development site. In particular, the planning proposal has not addressed the following:

- The inability of Victoria Road to efficiently accommodate current peak hour traffic volumes is such that a significant portion of the traffic generated by the redevelopment of the Melrose Park precinct are expected to use the local road network to the east of Wharf Road to avoid the congestion on Victoria Road. The increased rat-running on local roads, namely Andrew Street/Constitution Road West, Adelaide Street, Cobham Avenue and Taylor Avenue will further reduce the operational performance of these local roads as well as the residential amenity of the areas serviced by these roads.

Local residents have already raised concern with the City of Ryde regarding the associated traffic that is currently generated by the new development within the Melrose Park north precinct. This issue will be further exacerbated by the additional peak hour vehicle trips (being in the order of 560 – 570 vehicle movements) that is projected to be introduced by the proposed development. This matter needs to be assessed as part of the planning proposal with appropriate mitigation measures endorsed to minimise the traffic impacts associated within the development prior to the proposal progressing.

- The transport assessment prepared by Ason Group accompanying the planning proposal acknowledges that the road and public transport infrastructure upgrades recommended in Jacobs TMAP are necessary to support the redevelopment of the Melrose Park precinct. There is a risk that the proposed development will be constructed and occupied without the supporting infrastructure recommended in the TMAP being in place. In this regard, consideration should therefore be given for the proponent to contribute to and/or make provisions to facilitate the delivery of some of the key measures specified in the TMAP, which are stated below:
 - Widening of Wharf Road to accommodate additional turning lanes to improve the efficiency of traffic exiting from Wharf Road onto Victoria Road.
 - The future road network proposed to service the development needs to accommodate future works associated with Stage 2 of Transport for NSW's Parramatta Light Rail project, whereby an EIS is currently being prepared.

Alternatively, consideration could be given to staging the rezoning of land in the Southern Precinct with future rezonings to occur with the abovementioned essential works.

- The proponent should also contribute to the following works outside of the TMAP to meet to mitigate the traffic impacts associated with the proposed development as well as meet future transport requirements in line with key planning policies such as the 2056 Future Transport Strategy and the 2041 City of Ryde Integrated Transport Strategy:
 - Improvements to local roads such as Andrew Street/Constitution Road West to support future bus services between the future light rail stations in Melrose Park and the local railway stations in adjoining suburbs such as Meadowbank and West Ryde. This initiative has been highlighted in Ason Group's transport assessment as an important initiative.
 - Raised central median on Wharf Road between Hope Street/Lancaster Avenue and Andrew Street.
 - Roundabout at the junction of Wharf Road and Andrew Street.

Appendix 2

Representations from the Melrose Park Resident Action Group

The following is text from an email received by the City of Ryde from MPRAG on 8 September 2022 and is attached in full for consideration by the City of Parramatta.

From: email address retracted, can be provided to City of Parramatta on request

Melrose Park Residents Action Group (MPRAG) would like to update you on a few more recent issues with regard the Melrose Park (Parramatta LGA) development since we last spoke.

1. Parramatta City Council specifically disqualified any applications from residents from Melrose Park (LGA) for their Parramatta Light Rail Stage 2 (PLRS2) Advisory Committee. Council cited that Ryde LGA was not affected by PLRS2 as the reason, which MPRAG believe is not correct. We have requested the Mayor at Parramatta Council to reconsider this decision. Two of the MPRAG members were formerly on the Transport for NSW PLRS2 community steering group which was disbanded. MPRAG now have no direct line of communication or involvement with PLRS2 to raise concerns.
2. Parramatta City Council has opened for feedback the Planning Proposal, draft Site- Specific Development Control Plan and Planning Agreement for Melrose Park South.
 - a. MPRAG residents only received notification by mail on the 2nd of September. We have requested an extension for submissions to the 28th of September through both the Mayor and Amberly Moore at Parramatta Council.
 - b. MPRAG is concerned on the accuracy or misleading information within some of the “expert” reports we have briefly reviewed so far.
 - i. A significant stand of mature trees is not documented in the “Ecological Assessment” report. MPRAG believe a full assessment of trees on the site should be made by an independent horticultural expert.
 - ii. The “TMAP” reports seem to conclude that the 25,000 additional residents would have little impact Victoria Rd east of the site. As you know traffic is gridlocked through Victoria Rd most Saturdays and when there is a major netball event, Adelaide St is also gridlocked. This week, at 6.15am on Monday it took 3 sets of traffic lights to enter Victoria Rd from Adelaide St. The proposed “works” to be undertaken on the west side of Meadowbank Station is underwhelming. Failing to prepare the road infrastructure for this extensive development will just make the traffic worse. MPRAG believe these TMAP’S were prepared before the Meadowbank Education precinct was completed.
 - iii. Both the “Ecological Assessment” and the “Community & Public Benefit Analysis” (CBA) appear to be rewriting the history of the original Melrose Park (Ryde LGA) circa 1928, by using misleading information. Page 3 summarises of the CBA states ***“Melrose Park as a suburb of some 70 hectares lying 17 kilometers west of the Sydney CBD and 8 kilometers west of the Parramatta CBD. The existing industrial precinct is a discrete precinct close to large areas of post-war Housing Commission residential at Ermington and Telopea. Areas to the north around Kissing Point Road and to the east at Ryde have seen the construction of extensive apartment development in the last decade.”*** This report eliminates recognition or existence of the original Melrose Park (Ryde LGA) circa 1928.
 - iv. MPRAG believes there is a violation of The NSW Geographic Names Board (GNB) Address Policy and User Manual, May 2021 regarding “boundary creep” (Page 170, clause 9.1.3.) that only when there is “regular, consistent, and non-conflicting use of an address locality name is identified beyond the original boundaries assigned, consideration should be given by the Local Government and GNB to changing the boundaries for the address locality.” It is not possible to conclude Melrose Park (Parramatta LGA) high rise apartments accommodating up to 25,000 residents with Melrose Park (Ryde LGA) low rise housing with 1500 residents is “regular,

consistent, and a non-conflicting use of an address locality name. beyond its original boundaries".

3. It has come to MPRAG's attention that Payce has attempted to "trademark" through IP Australia the terms Melrose Park, Melrose Park Town Centre & Melrose Park Village. Fortunately, the application was not successful. However, it shows the intent of the Developers and Parramatta City Council to "own", rebrand and rewrite the history of the original Melrose Park (Ryde LGA) circa 1928. Again, against the GNB policy.
4. MPRAG has been told by residents that RMS are considering changing Cobham Ave to a one-way street and introducing traffic calming devices. Is this true?
5. The erection of the large "Melrose Park" sign, the developer has on the corner of Victoria Rd and Wharf Rd, is another example of the misuse of a suburb name. Does Ryde Council have any say in the appropriate and proper use of suburb signage?

We will forward other issues we find as we go through the numerous documents in the above proposal.

Regards

John Douglas
On behalf of MPRAG Coordinator