

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP NUMBER:	2011SYE123
DA NUMBER:	LDA2011/0621
LOCAL GOVERNMENT AREA:	City of Ryde
PROPOSED DEVELOPMENT:	Construction of a five to nine storey mixed use development containing retail/commercial floor space at the Ground Floor level; 104 residential apartments; and parking for 170 motor vehicles over three basement levels.
STREET ADDRESS:	136-140 Victoria Road & 2-10 Wharf Road, Gladesville
APPLICANT:	Dragon Eye Properties Limited & Jade Developments Pty Ltd
NUMBER OF SUBMISSIONS:	58 objection letters and 419 letters of support.
RECOMMENDATION	Refusal
REPORT BY:	Architectus Group Pty Ltd, Consultant Town Planners to City of Ryde Council

Assessment Report and Recommendation

1 **EXECUTIVE SUMMARY**

The following report is an assessment of a development application for the construction of a nine (9) storey mixed use commercial/retail and residential development at 136-140 Victoria Road and 2-10 Wharf Road, Gladesville. The development comprises commercial/retail uses at the Ground Floor level, 104 residential apartments distributed across ground and upper floors, and 170 car parking spaces over three (3) basement levels. A loading and service vehicle area is located at the south eastern portion of the site, behind the front building line of the Victoria Road frontage. Access to this area is provided from the main driveway entrance on Pearson Lane. Resident and visitor vehicular access is also provided from Pearson Lane. The proposal also includes part of a publicly accessibly private open space area at the end of Wharf Road in conjunction with DA 2011SYE124 (LDA2011/0622).

It is noted that a separate Development Application (LDA2011/0628) has been submitted for demolition of existing structures on the site.

In accordance with Schedule 4 of the *Environmental Planning and Assessment Act 1979* (as amended), the proposed development is to be determined by the Joint Regional Planning Panel as it has a capital investment value in excess of \$5 million and is a project which includes Council land. Accordingly, the Sydney East Region Joint Regional Planning Panel is the determining authority for this DA.

The Local Development Application (DA) was publicly exhibited between 6 January 2012 and 7 March 2012, in conjunction with LDA2011/0621 for a mixed use development at 1-3 Wharf Road. Council received 58 letters of objection and 419 letters of support. The submissions are discussed under **Section 14** of this report.

The proposed development exceeds the maximum height and floor space ratio standards stipulated under the Ryde Local Environmental Plan (Gladesville Town Centre and Victoria

Road Corridor) 2010 (Ryde DCP 2010), and significantly varies the built form plan stipulated by the Key Sites diagram under the Ryde Development Control Plan 2010 (Ryde DCP 2010). The proposed development is recommended for **refusal**.

2 APPLICATION DETAILS

Name of Applicant: Dragon Eye Properties Limited and Jade Developments Pty Ltd

Owner of the site: Dragon Eye Properties Limited and Jade Developments Pty Ltd. Part of the site also owned by City of Ryde Council.

Estimated value of works: \$24,285,407.06 (including GST)

Disclosures: No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons. (Sandra to confirm)

The proposal requires approval by the Sydney East Region Joint Regional Planning Panel in accordance with Schedule 4 of the EP&A Act, being a development with a capital investment value of over \$5 million and incorporating Council owned land.

3 SITE DESCRIPTION

The subject site is known as 136-140 Victoria Road and 2-10 Wharf Road, Gladesville and the legal description of the land is Lot 1 of DP 437223, Lots 1 and 2 of DP 445440, Lot 2 of DP 9135 and SP 34035.

The subject site is bounded by Victoria Road, Wharf Road and Pearson Lane. There is a gentle downward slope of approximately 3-4 metres from the northern corner of the site to its southeast corner. The location of the site is illustrated at **Figure 1**.

The site currently comprises various buildings with commercial and retail uses. Existing building height range is predominantly 2 storeys, with the exception of a one (1) storey commercial building (Belle Property).

The site is surrounded by civic (church) uses, commercial/retail uses to the east and commercial uses to the north. The heritage listed Clock Tower is located adjacent to the site on its northern boundary.

Photographs of the subject site and surrounding development are provided at **Figure 2**, **Figure 3**, **Figure 4** and **Figure 5**.

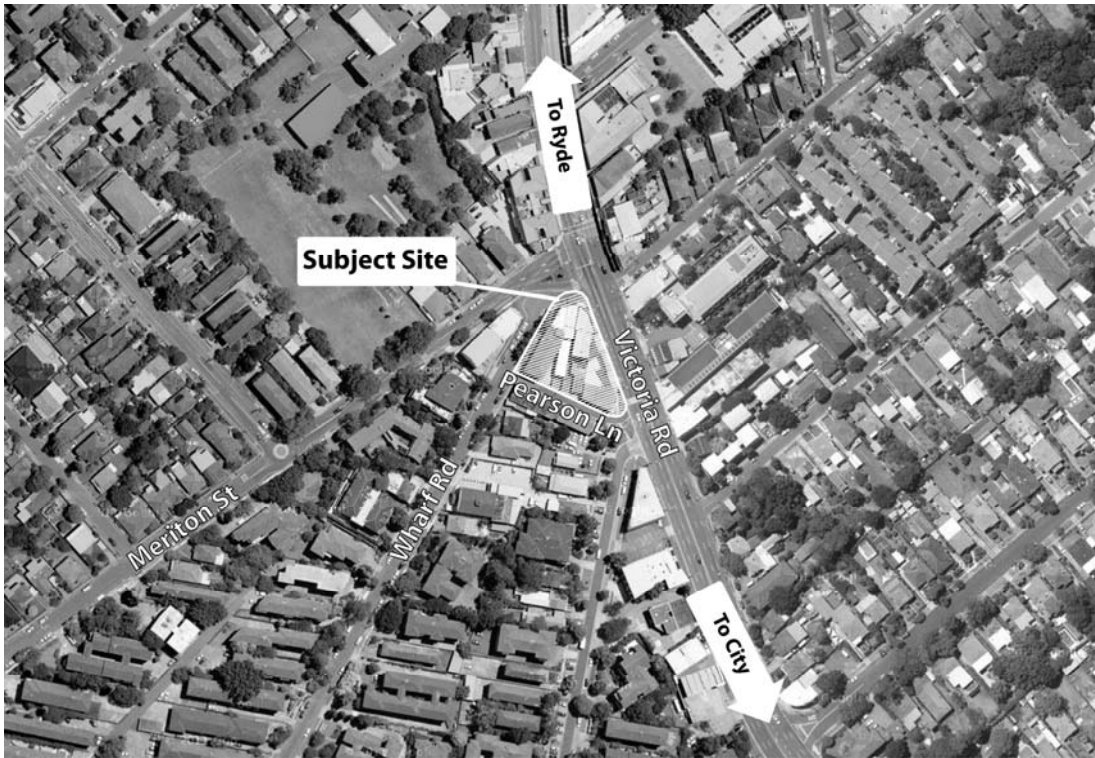


Figure 1 Site location plan
Source: Google Map 2011



Figure 2 View of the subject site looking east across Wharf Road



Figure 3 View looking east to Pearson Lane. Subject site to the left and Uniting Church site to the right



Figure 4 Adjoining development further north-west along Victoria Road opposite Meriton Street



Figure 5 View looking north-west from the site frontage to Victoria Road

4 **SITE DETAILS**

Total site area:	2,334m ² including 842m ² of publicly owned land, being Part of the Wharf Road reservation.
Frontage to Victoria Road:	42.55 metres
Frontage to Pearson Lane:	49.825 metres
Frontage to Wharf Road:	51.26 metres
Land use zone:	B4 Mixed Use (refer to Zoning Plan at Figure 6).



Figure 6 Zoning plan under Ryde (Gladesville Town Centre) Local Environmental Plan 2010.

5 PROPOSAL

The DA proposes the development of a mixed use 5 to 9 storey building. The Ground Floor level includes non residential uses (seven retail tenancies) and residential apartments. Upper floors are residential. Residential accommodation includes 4 x studio units, 66 x 1 bedroom units; 30 x 2 bedroom units and 4 x 3 bedroom units. Basement parking is proposed, with 170 car parking spaces across 3 basement levels. The 170 car parking spaces include 137 residential spaces and 32 retail spaces as well as one car share space. Communal open space is provided in the form of two roof terraces.

The development also contributes to the construction of a publically accessible private open space, located at the northern end of Wharf Road, in accordance with the requirements of the Ryde DCP 2010 (Part 4.6) Gladesville Town Centre and Victoria Road Corridor. The proposed public open space relates the development to 1-3 Wharf Road Gladesville opposite, being part on that site and part on the subject site. A DA currently applies to that land (reference 2011SYE124/ LDA2011/0622). The location of the site in relation to the adjoining development site is illustrated at **Figure 7**. Other public domain works include repaving of a public footway along Victoria Road, reconstruction and widening of Pearson

Lane and landscape improvements to the locally listed heritage Clock Tower, located adjacent.

A photomontage of the proposed development is provided at **Figure 8**.

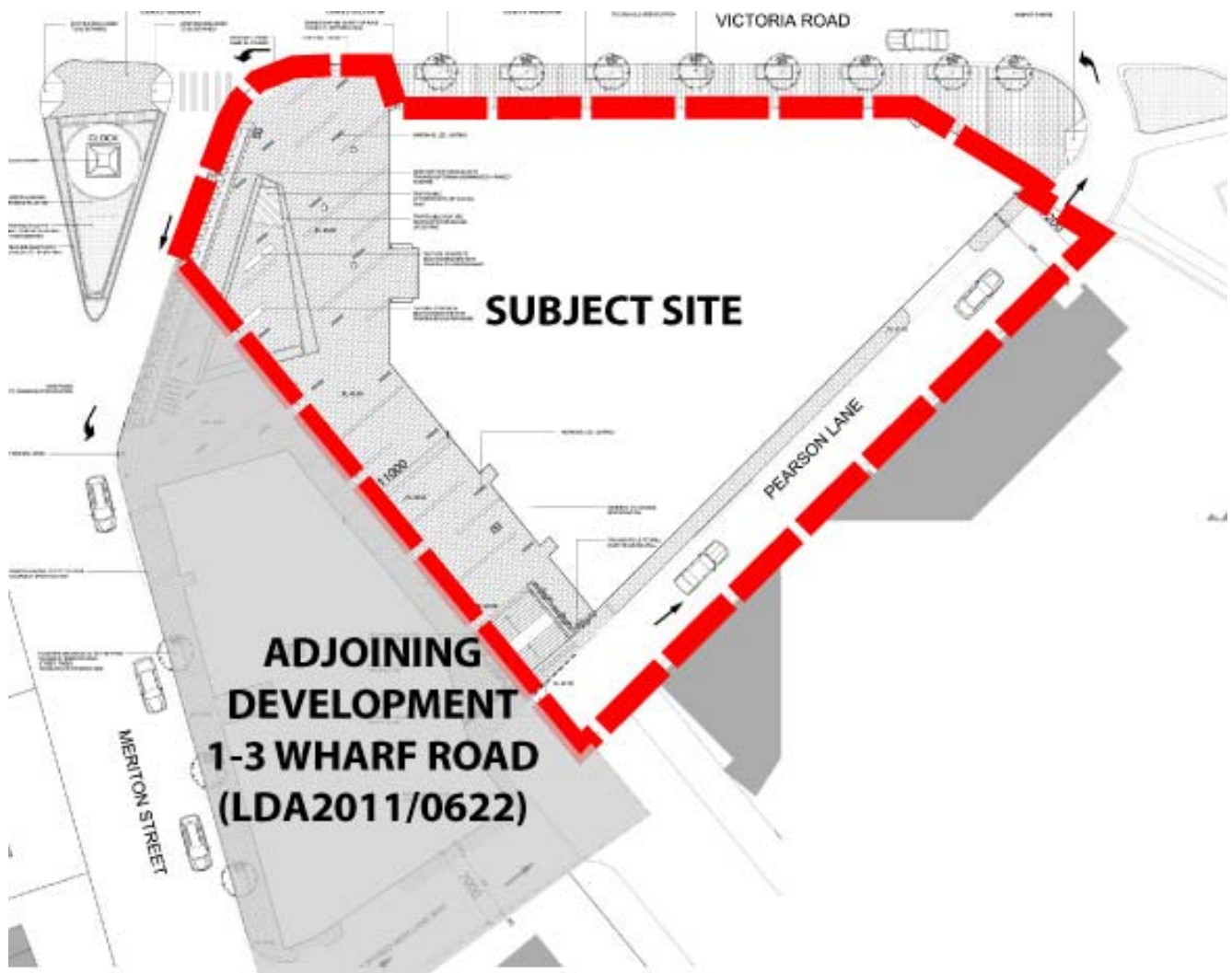


Figure 7 The site and the adjoining development site 1-3 Wharf Road



Figure 8 Photomontage of proposed development and the adjoining development site (1-3 Wharf Road) to the right.

6 **BACKGROUND**

The development application was submitted to Council on 30 November 2011.

Prior to lodgement, the Applicant undertook a prelodgement meeting and review by Council's Urban Design Review Panel (discussed further in this assessment under **Section 8.2**). The development application was lodged with a DA for a mixed use retail/residential development at 1-3 Wharf Road (2011/SYE124/ LDA2011/0622).

The Applicant and Council officers also met on a number of occasions to discuss the proposed development. A summary of these meetings is outlined below:

- 17 March 2010 – Initial meeting held with Applicant, who advised Council officers of the possible future development of the site.
- 5 May 2010 – Further meeting held with Applicant of the site, who advised Council officers of potential for joint development with adjoining site at 1-3 Wharf Road ('Site 2'). Council officers stated at this meeting that a largely compliant development application would be supported.
- 9 July 2010 – Meeting with Applicant of the proposed development and of Site 2 to discuss possible Voluntary Planning Agreement matters. Council officers advised that a compliant scheme would be favourable.
- 7 February 2011 – Council officers advised that encroachments into the Wharf Road reserve would not be supported and that the proposed plaza should conform to Development Control Plan requirements.
- 23 May 2011 – Applicants raised concerns regarding Council officer's sentiment that failure for site to be developed not an issue for Council officers. Council officers

suggested that non-compliances and key issues should be addressed through a pre-lodgement and urban design review process. Applicants also indicated that non-compliance acceptable given community benefits proposed.

- 9 June 2011 – Council officers advised Applicants that the proposal significantly exceeds the applicable planning controls for height and FSR and that a Planning Proposal should be lodged.
- 21 June 2011 – Council officers reaffirmed that public plaza and laneway should be provided as per the DCP width.
- 5 September 2011 – Applicant's architect advised by Council officers that a forthcoming Development Application would be assessed by an independent consultant and no future meetings regarding this application would be held.

Following lodgement, the Applicant presented the DA to the Urban Design Review Panel on 24 January 2012. The Urban Design Review Panel requested that further justification be provided regarding the departure from the built form envelope controls stipulated under the Ryde DCP 2010 and that the Applicant clearly set out its response to previous Urban Design Review Panel comments prior to lodgement.

In their response to comments raised by the Urban Design Review Panel, the Applicant provided a letter response dated 8 February 2012. In summary, this letter provided the following:

- Justification for variation to the built form controls under the key site's diagram for the site within the Ryde DCP 2010 (discussed further under **Section 8.7** of this report);
- A response to the design changes previously recommended by the Urban Design Review Panel (discussed further under **Section 8.2** of this report);
- Further justification regarding the proposed built form;
- Discussion of the proposal's relationship with the adjoining site to the south;
- Justification for not providing trees within the public plaza;
- Outlined the public support received for the development during community consultation undertaken; and
- A plan showing the site as per the current land title holdings.

The Urban Design Review Panel in their second review concluded that the proposal is unacceptable with respect to the proposed public plaza, building height, floor space and amenity.

7 APPLICABLE PLANNING CONTROLS

The following legislation, planning policies and controls are of relevance to the development:

Environmental Planning Instruments

- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX);

- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) (Sydney Harbour SREP); and
- Ryde Local Environmental Plan 2010 (Gladesville Town Centre and Victoria Road Corridor) 2010.

Development Control Plan

- Ryde Development Control Plan 2010 (RDCP 2010).

8 PLANNING ASSESSMENT

This section provides an assessment against the relevant planning controls.

8.1 State Environmental Planning Policy No 55 - Remediation of Land

SEPP 55 requires the consideration of the contamination of the land and its suitability for its intended use. The Applicant has satisfactorily addressed SEPP 55 in their Statement of Environmental Effects and by providing a Preliminary Environmental Site Assessment. The Preliminary Environmental Site Assessment concludes that previous land uses may have contaminated the site. Also, fill that may have been imported to the site to form site levels may also be contaminated. The assessment report recommends that intrusive investigations should be undertaken to assess the true presence of contamination and suitability of proposed uses. Should contamination be identified, a remediation action plan will be required to determine the appropriate measures for management, remediation and validation of the site. Such could be imposed as a Condition of Consent if a favourable recommendation was made.

8.2 State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings

SEPP 65 requires consideration of the design quality of the residential flat building component of the proposed mixed use development. The proposal is also to be assessed against the Residential Flat Design Code. SEPP 65 and the Residential Flat Design Code are addressed below. The proposal was reviewed by the Urban Design Review Panel on two occasions, one being prior to lodgement and the other post lodgement of the DA. The comments of the Panel are incorporated below where relevant and following the SEPP 65 assessment table.

SEPP 65 Design Principle	Comment	Complies
Principle 1: Context Good design responds and contributes to its context. Context can be defined as the key natural land and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in	The proposed development is consistent with the local context with respect to the mix of retail and residential land uses. However, the proposal is of a scale, built form and density that is not consistent with the desired future character of the site, stipulated	Partial compliance

SEPP 65 Design Principle	Comment	Complies
the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	under the recently adopted DCP.	
Principle 2: Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and scale needs to achieve the scale identified for the desired future character of the area.	The scale of development envisaged for the site is detailed by the Key Sites diagram under the Ryde DCP 2010. Development of 1 to 6 storeys is envisaged for the site. The proposal provides a development of 5 to 9 storeys, which significantly exceeds the scale of development for the site envisaged under the DCP.	No
Principle 3: Built form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	<p>The proposed development is consistent with the building type (mixed use residential/retail) envisaged for the site.</p> <p>However, the proposal is inconsistent with the building alignments required under the Key Sites diagram within the Ryde DCP 2010 – with encroachments into the Victoria Road and Pearson Lane reservations, and additional height and density.</p> <p>The building proportions are considered excessive and well beyond that envisaged for the site under the Key Sites diagram of the Ryde DCP 2010.</p> <p>The Applicant has submitted an alternative Key Sites diagram for the site (refer to DCP assessment at Section 8.7). It is not considered that this provides a superior built form outcome, as stated by the Applicant in their Statement of Environmental Effects, and will result in poor residential amenity.</p>	Partial compliance

SEPP 65 Design Principle	Comment	Complies
<p>Principle 4: Density</p> <p>Good design has a density appropriate for the site and its context, in terms of the floor space yields (number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition are consistent with the desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>The proposed development has an FSR of 5.53:1. This exceeds the Ryde LEP 2010 maximum of 3.5:1 by 2.03:1. This is considered a significant departure from the maximum density permitted on the subject site.</p>	<p>No</p>
<p>Principle 5: Resource, energy and water efficiency</p> <p>Good design makes efficient use of natural resources, energy and water throughout its life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts, and built form, passive solar design principals, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>The proposed development achieves the applicable BASIX targets for water and energy efficiency and thermal comfort.</p> <p>The proposal achieves adequate number of units achieving cross ventilation (70%). However, Sunlight access to units is calculated based on units receiving 2 hours a day. It is considered that as the site is not located in a 'dense urban area', at least 70% of units should receive 3 hours of direct sunlight, rather than 2 hours.</p> <p>No deep soil areas or water reuse is proposed.</p>	<p>Partial compliance</p>
<p>Principle 6: Landscape</p> <p>Good design recognises that together landscape and building operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of</p>	<p>A Landscape Plan has been submitted for the public domain works proposed. No Landscape Plan has been provided for the communal open space areas.</p> <p>The Landscape Plan includes no tree plantings in the plaza area. Shrub and smaller plantings are provided around the clock tower and perimeters of the plaza.</p> <p>As recommended by Council's landscape Architect, trees should be provided in the public plaza to provide shading, particularly in summer when this area will receive</p>	<p>No</p>

SEPP 65 Design Principle	Comment	Complies
development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide practical establishment and long term management.	direct sunlight (refer to Section 13) It is not possible to assess the Landscape quality of communal open space given the lack of information provided.	
<p>Principle 7: Amenity</p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>It is considered that the proposed development provides poor internal and external amenity, given the following:</p> <ul style="list-style-type: none"> • The proposal does not achieve adequate number of units receiving sunlight access for at least 3 hours. • Habitable rooms are proposed within 10 metres of the adjoining proposed development at 1-3 Wharf Road, allowing for direct overlooking and lack of privacy to these units. • Many units are provided with one primary balcony that is less than 2 metres in depth, providing limited usability of this space. • Units 102, 103, 201, 202, 203, 401, 402 and 403 have internalised bedrooms with three-quarter high walls and no direct access to sunlight or natural ventilation. • Units 101 to 106 appear poorly designed, providing for minimal internal layout flexibility. • All but two of the 8 ground floor one-bedroom units are less than the minimum recommended size of 50sqm. This is not considered appropriate for this location, particularly given that these units are provided with poor outdoor open space and some face directly onto Victoria Road. 	No

SEPP 65 Design Principle	Comment	Complies
<p>Principle 8: Safety and security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and a clear definition between public and private spaces.</p>	<p>The proposal enhances safety and security of the immediate area by introducing improved ground floor active frontages and residential apartments above providing for passive surveillance after hours.</p> <p>Gladesville Police have reviewed the DA and recommended a number of Conditions to further enhance safety, security and crime prevention on the subject site. These recommendations could be imposed as Conditions of Consent if a favourable recommendation was made (refer to Section 13 of this report).</p>	<p>Could be conditioned to comply</p>
<p>Principle 9: Social dimensions and housing affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provisions of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>The proposal will provide expanded housing choice within the Gladesville town centre locality, assisting to improve housing availability and affordability.</p> <p>A mix of 1, 2 and 3 bedroom dwellings provides housing choice to suit a range of household types and budgets.</p>	<p>Yes</p>
<p>Principle 10: Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to the desirable elements of the existing</p>	<p>The wall of glass louvre screening, particularly along Victoria Road, accentuates the excessive height and scale of the development.</p> <p>Also, as noted by the Urban Design Review Panel, the façade design (articulation and form) does not take into consideration the zoning boundary from Town Centre to residential areas (south of the site).</p>	<p>No</p>

SEPP 65 Design Principle	Comment	Complies
streetscape, or, in precincts undergoing transition, contribute to the desired future character of the area.		

Urban Design Review Panel prelodgement comments

As noted prior, the proposal has been reviewed by Council's Urban Design Review Panel on two occasions, 3 August 2011 and 24 January 2011.

In its first review, the Urban Design Review Panel requested the Applicant address a number of concerns regarding:

- The transition in finished floor level of the Ground Floor between the subject site and 1-3 Wharf Road;
- The size of the plaza being too narrow and provides poor useability;
- Poor separation distances between the subject site and the proposed 1-3 Wharf Road development;
- Bedroom windows facing the circulation corridor is not preferable;
- Non-compliance with the Key Sites diagram under the Ryde DCP 2010; and
- Additional overshadowing impacts to surrounding area as a result of increased height and density.

Following lodgement of the DA, the Panel's second review of the proposal concluded that the above issues had not been adequately addressed. Further, the following additional concerns were identified:

- The width of the plaza is 11 metres at the ground floor. Preference is for 15 metres;
- No significant tree plantings are provided in the public plaza;
- Pedestrian access to the plaza (via narrow stairs and chair lift) is poor. Pedestrian pathway along Pearson Lane should be at least 1.5 metres;
- The excessive height and floor space compromises the internal amenity and impacts on development to the south (particularly overshadowing);
- The proposed built form does not provide a transition in scale towards the rear, as envisaged by the Key Sites diagram under the Ryde DCP 2010;
- The proposal does not achieve the minimum 70% cross ventilation requirement required under the RFDC; and
- Overall, the proposal is an overdevelopment of the site.

Residential Flat Design Code

The following table provides an assessment of the proposed development against the Residential Flat Design Code (RFDC) guidelines.

Residential Flat Design Code 2002	Comment	Complies
Local context: Primary development controls		
Building height <ul style="list-style-type: none"> To ensure future development responds to the desired future character of the street and local area. To allow reasonable daylight access to all developments and the public domain. 	<p>The desired future character of the site with respect to building height is presented by both the Ryde LEP 2010 and the Ryde DCP 2010, which stipulate a maximum height of 22 metres and 1 to 6 storeys respectively.</p> <p>The Ryde LEP 2010 maximum height of 22 metres covers the whole site. The proposed development exceeds the maximum LEP height standard by up to 9 metres.</p> <p>The building exceeds the maximum DCP height of 1 storey at the southern corner of the site by 3 to 6 storeys, and the maximum height of 6 storeys on the remainder of the site by 2 to 3 storeys.</p> <p>The height non-compliance results in additional overshadowing to both the outdoor open spaces of surrounding residential properties and the public domain.</p> <p>The Applicant has also calculated sunlight access to proposed dwellings based on units receiving 2 hours a day in mid-winter. This is considered inadequate given the site is not located in a 'dense urban area'.</p> <p>The proposed height is inconsistent with the height rule of thumb of the RFDC.</p>	No
Building depth <p>Control over building depth is important as the depth of a building will have a significant impact on residential amenity for the building occupants. In general, narrow cross section buildings have the potential for dual aspect apartments with natural ventilation and optimal daylight access to internal spaces. In general, apartment building depth</p>	<p>The proposed building depth ranges between 9 metres to 14.5 metres as a result of the internal open void and circulation gallery.</p>	Yes

Residential Flat Design Code 2002	Comment	Complies
<p>of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and ventilation are to be achieved.</p>		
<p>Building separation</p> <p>For buildings over three storeys it is recommended that building separation increase in proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants. Suggested dimensions within a development, internal courtyards and between adjoining site are:</p> <ul style="list-style-type: none"> • Up to four storeys/12 metres <ul style="list-style-type: none"> – 12m between habitable rooms/balconies – 9m between habitable/balconies and non-habitable rooms – 6m between non-habitable rooms • Eight storeys/25 metres <ul style="list-style-type: none"> – 18m between habitable rooms/balconies – 12m between habitable/balconies and non-habitable rooms – 9m between non-habitable rooms • Nine storeys and above/over 25m <ul style="list-style-type: none"> – 24 metres between habitable rooms/balconies; – 18 metres between habitable rooms/balconies and non habitable rooms; – 12 metres between non-habitable rooms. • Allow zero building separation in appropriate contexts, such as in urban areas between street wall building types (party walls). • Where a building step back creates a terrace, the building separation distance for the floor 	<p>The proposed building is less than 12 metres from the adjoining development proposal (1-3 Wharf Road) from Levels 1 to 6. From Levels 4 to 6, the minimum separation required is 18 metres under the RFDC. Council's DCP reduces this to 15 metres. Direct overlooking opportunities result between habitable rooms within the proposed development and 1-3 Wharf Road.</p> <p>No privacy screens or mitigation measures are indicated on the architectural drawings for privacy and internal amenity.</p>	<p>No</p>

Residential Flat Design Code 2002	Comment	Complies
<p>below applies.</p> <ul style="list-style-type: none"> • Protect the privacy of neighbours who share a building entry and whose apartments face each other by designing internal courtyards with greater building separation. • Developments that propose less than the recommended distances must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved. 		
<p>Street setbacks</p> <ul style="list-style-type: none"> • Street setbacks should relate to the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. • Relate setbacks to area's street hierarchy. • Identify the quality, type and use of gardens and landscape areas facing the street. 	<p>The desired streetscape character and setbacks are defined by the Key Sites controls within the Ryde DCP 2010.</p> <p>At the ground floor, the building is proposed to be built to the property boundary, in accordance with the DCP controls.</p> <p>Splay corners are required as part of the street setback at the corner of Victoria Road and the Wharf Road plaza under the DCP. No such corners or articulation is proposed.</p> <p>Balcony and basement elements of the building encroach into the permissible building setbacks to Pearson Lane and Victoria Road reservations.</p>	No
<p>Side and rear setbacks</p> <p>Side setbacks should minimise the impact of light, air, sun and privacy, views and outlook for neighbouring properties, including future buildings and retain a rhythm or pattern that positively defines the streetscape so that space is not just what is left over from the building form.</p> <p>Rear setbacks should maintain deep soil zone to maximise natural site drainage and protect the water table; maximise the opportunity to retain and reinforce mature vegetation;</p>	<p>The site does not have any 'side or rear' frontages, with all frontages of the site addressing Victoria Road, Pearson Lane or the Wharf Road reserve.</p>	N/A

Residential Flat Design Code 2002	Comment	Complies
optimise the use of land at the rear and surveillance of the street at the front and maximise building separation to provide visual and acoustic privacy.		
Part 2: Site Design		
<p>Site analysis</p> <p>Development proposals need to illustrate design decisions, which are based on careful analysis of the site conditions and their relationship to the surrounding context. By describing the physical elements of the locality and the conditions impacting on the site, opportunities and constraints for future residential flat development can be understood and addressed in the design.</p> <p>A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the development application.</p>	<p>A plan and written site analysis plan are provided as part of the DA documentation.</p> <p>The documentation shows adequate identification of the surrounding conditions impacting on the site.</p>	Yes
<p>Site configuration: deep soil zones</p> <p>Optimise the provision of consolidated deep soil zones within a site.</p> <p>Optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties.</p> <p>Promote landscape health by supporting for a rich variety of vegetation type and size.</p> <p>Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.</p> <p>A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment</p>	<p>No deep soil area is provided on the subject site. This is considered acceptable in this instance given the site's location within the Gladesville Town Centre and the development outcome envisaged for the site under the applicable planning controls.</p>	Acceptable non-compliance

Residential Flat Design Code 2002	Comment	Complies
measures must be integrated with the design of the residential flat building.		
<p>Site configuration: fences and walls</p> <p>Respond to the identified architectural character for the street and/or the area; contribute to the amenity, beauty and useability of private and communal open spaces and retain and enhance the amenity of the public domain.</p> <p>Clearly delineate the private and public domain without compromising safety and security.</p> <p>Select durable materials, which are easily cleaned and graffiti resistant.</p>	<p>The proposal includes some areas of blank walls addressing the public domain, particularly to Pearson Lane.</p> <p>As noted above, Gladesville Police have reviewed the application and recommended a number of Conditions of Consent that could be imposed to ensure clear delineation of the public domain and maintenance of the site. Refer to Section 13.</p> <p>A further Condition of Consent could also be imposed requiring that where there is potential for vandalism or graffiti, materials are to be durable, easily cleaned and graffiti resistant.</p>	<p>Could be conditioned to comply</p>
<p>Site configuration: landscape design</p> <p>Improve the amenity of open space with landscape design which provides appropriate shade from trees or structures, accessible routes through the space, screening, allows for locating artworks. Contribute to streetscape character and the amenity of the public domain.</p> <p>Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces.</p> <p>Design landscape that contributes to the site's particular and positive characteristics.</p> <p>Contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management.</p> <p>Provide sufficient depth of soil above paving slabs to enable growth of mature trees.</p>	<p>No detailed landscape plans are provided for the communal open space areas on Levels 4 and 7. Accordingly, the landscape design cannot be considered in detail.</p> <p>Landscape plans are provided for the publicly accessible private open space area within the Wharf Road Reserve.</p> <p>The proposed planting species in the Wharf Road plaza and within the street include a mix of drought-resistant and exotic species.</p> <p>Council's Development Engineer has advised that a rainwater tank for re-use of rainwater for irrigation is required. This has not been provided.</p>	<p>No</p>

Residential Flat Design Code 2002	Comment	Complies
Minimise maintenance by using robust landscape elements.		
<p>Site configuration: open space</p> <p>Provide communal open space that is appropriate and relevant to the context and the building's setting.</p> <p>Where communal open space is provided, facilitate its use for the desired range of activities.</p> <p>Provide private open space for each apartment capable of enhancing residential amenity.</p> <p>Locate open space to increase the potential for residential amenity.</p> <p>Provide environmental benefits including habitat for native fauna, native vegetation and mature trees, a pleasant microclimate, rainwater percolation and outdoor drying area.</p> <p>The area of communal open space required should generally be at least between 25 and 30% of the site area. Larger sites and brownfield sites may have potential for more than 30%.</p> <p>Where developments are unable to achieve the recommended communal open space, such as those in dense urban areas, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.</p> <p>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m², the minimum preferred dimension in one direction is 4.0m.</p>	<p>No detailed landscape plans are provided for the communal open space areas on Levels 4 (74m²) and 7 (237m²).</p> <p>Landscape plans are provided for the publicly accessible private open space area within the Wharf Road reservation.</p> <p>The plaza area acts as a public space, with outdoor dining opportunities and areas for public seating. Landscaping is provided at the edges of the public space.</p> <p>Minimal information is provided regarding the usability of the private open space terrace areas on Levels 4 and 7. Insufficient information is also provided regarding soil depths and dimensions of planters.</p> <p>Ground floor apartments are provided with balconies of 4m² to 13m². Balconies have a depth of 0.8 to 1.8 metres. This is considered inadequate for ground floor units.</p>	<p>Insufficient information</p> <p>No</p>
<p>Site configuration: orientation</p> <p>Plan the site to optimise solar access by positioning and orienting buildings to maximise north facing walls, providing adequate building separation within the development</p>	<p>The orientation of the development is considered inappropriate. The Key Sites diagram encourages a development type which would allow for high proportions of north</p>	<p>No</p>

Residential Flat Design Code 2002	Comment	Complies
<p>and to adjacent buildings.</p> <p>Select building types or layouts which respond to the streetscape while optimising solar access.</p> <p>Optimise solar access to living spaces and associated private open spaces by orienting them to the north.</p> <p>Detail building elements to modify environmental conditions, as required, to maximise sun access in winter and sun shading in summer.</p>	<p>facing and cross flow apartments. The proposed southern wing results in a large number of primarily south facing apartments. As noted above, the Applicant has based sunlight access calculations on units receiving 2 hours of sun access in mid-winter. This is acceptable in dense urban areas – being city centres characterised by larger towers. However the site is not located in a dense urban area, rather a low-mid rise suburban setting. Accordingly the development should comply with units receiving 3 hours sunlight access.</p>	
<p>Site configuration: planting on structures</p> <p>Design for optimum conditions for plant growth by providing soil depth, soil volume and soil area appropriate to the size of the plants to be established etc.</p> <p>Design planters to support the appropriate soil depth and plant selection. Increase minimum soil depths in accordance with the mix of plants in a planter.</p> <p>In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The recommended minimum soil depth standards range from 100-300mm for turf to 1.3 metre large trees.</p>	<p>The architectural drawings indicate that plantings will be located as part of the communal open space areas at the Level 4 and Level 7 terraces. Insufficient information is provided in relation to the depth and therefore suitability of these planters.</p>	<p>Insufficient information</p>
<p>Site configuration: stormwater management</p> <p>Reduce the volume impact of stormwater on infrastructure by retaining it on site.</p> <p>Optimise deep soil zones. All development must address the potential for deep soil zones.</p> <p>On dense urban sites where there is</p>	<p>Council's Development Engineer has identified potential flooding impact of the development on properties downstream (at 10-16 Ashburn Place) as discussed further under Section 13.</p> <p>Council's Development Engineer</p>	<p>No</p>

Residential Flat Design Code 2002	Comment	Complies
<p>no potential for deep soil zones to contribute to stormwater management, seek alternative solutions.</p> <p>Protect stormwater quality by providing for sediment filters and traps etc.</p> <p>Reduce the need for expensive sediment trapping techniques by controlling erosion.</p> <p>Consider using grey water for site irrigation.</p>	<p>has also advised that a rainwater tank should be provided. The tank should be the equivalent in volume to the requirement for an OSD tank.</p>	
<p>Site amenity: safety</p> <p>Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic.</p> <p>Optimise the visibility, functionality and safety of building entrances.</p> <p>Improve the opportunities for casual surveillance by orienting living areas with views over public or communal open spaces, where possible.</p> <p>Minimise opportunities for concealment.</p> <p>Control access to the development.</p>	<p>The reinforcement between public and private space is generally acceptable, with lockable doors and secure access provided to access residential and service areas.</p> <p>The main residential entrance is from the public plaza area, providing a highly visible and safe entry point.</p> <p>Balconies and windows overlook the surrounding public domain area, providing opportunities for passive surveillance.</p> <p>As noted earlier, Gladesville Police have reviewed the development application and made a number of recommendations for appropriate surveillance and safety, access control and territorial reinforcement. These recommendations could be imposed as Conditions of Consent if a favourable recommendation was made.</p>	<p>Could be conditioned to comply</p>
<p>Site amenity: visual privacy</p> <p>Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings.</p> <p>Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to</p>	<p>As noted under 'Building Separation' above, there are opportunities for direct overlooking between west facing windows to the east facing windows of the adjoining development site at 1-3 Wharf Road, with separation</p>	<p>No</p>

Residential Flat Design Code 2002	Comment	Complies
<p>apartments.</p> <p>Use detailed site and building design elements to increase privacy without compromising access to light and air.</p>	<p>distances between 10-11 metres.</p> <p>No visual privacy measures are indicated on the drawings.</p>	
<p>Site access: building entry</p> <p>Improve the presentation of the development to the street (i.e. designing the entry as a clearly identifiable element of the building in the street, ground floor apartment entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street).</p> <p>Provide as direct a physical and visual connection as possible between the street and the entry.</p> <p>Achieve clear lines of transition between the public street, the shared private, circulation spaces and the apartment unit.</p> <p>Ensure equal access for all. Provide safe and secure access.</p> <p>Generally provide separate entries from the street for pedestrians and cars and different uses.</p> <p>Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.</p> <p>Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.</p>	<p>As noted above, the proposed building entry is clearly visible and identifiable. It is located directly off the publicly accessible plaza.</p> <p>No ground floor apartments are provided with direct street entry.</p> <p>The entry is directly visible from the public domain.</p> <p>A stair is provided within the circulation corridor at the ground floor, potentially restricting accessibility to ground floor units. The submitted Access Review recommends that appropriate hand rails be installed to these stairs for accessibility. This could be imposed as a Condition of Consent if a favourable recommendation was made.</p> <p>Mailbox locations are not identified on the drawings.</p>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Could be conditioned to comply</p> <p>Insufficient information</p>
<p>Site access: parking</p> <p>Determine the appropriate car parking space requirements in relation to proximity to public transport, shopping and recreational facilities, density etc.</p> <p>Limit the number of visitor parking spaces, particularly in small developments.</p> <p>Give preference to underground parking, whenever possible.</p> <p>Where above ground enclosed</p>	<p>Council's Public Works Unit has no objection to the number of parking spaces provided. It is noted that retail and visitors parking is provided in the publicly accessible area of the basement parking.</p> <p>The basements projects substantially beyond the boundaries of the current site.</p>	<p>Yes</p> <p>Could be conditioned to comply</p>

Residential Flat Design Code 2002	Comment	Complies
<p>parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and amenity.</p> <p>Provide bicycle parking, which is easily accessible from ground level and from apartments.</p>	<p>Metal screens and face brick are proposed where the basement projects above ground level. A Condition of Consent requiring the finishes to these areas to be graffiti resistant and that any vandalism is cleaned as soon as practicable by the managing body corporate could be imposed if a favourable recommendation was made.</p> <p>Bicycle storage is located within Basement Level 1, which is provided with lift access to Ground Floor and all levels above.</p>	<p>Yes</p>
<p>Site access: pedestrian access</p> <p>Utilise the site and its planning to optimise accessibility to the development.</p> <p>Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas.</p> <p>Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space.</p> <p>Maximise the number of accessible, visitable and adaptable apartments in a building. Australian Standards are only a minimum.</p> <p>Separate and clearly distinguish between pedestrian access ways and vehicle access ways.</p> <p>Follow the accessibility standard set out in Australian Standard AS 1428 (Parts 1 and 2), as a minimum.</p> <p>Provide barrier free access to at least 20% dwellings in the development.</p>	<p>The Access Review submitted with the DA, makes a number of recommendations to ensure compliance with the relevant accessibility standards for this development. The recommendations could be imposed as Conditions of Consent if a favourable recommendation was made.</p> <p>The proposal provides 11 adaptable units, in accordance with the Australian Standards.</p> <p>Vehicular and pedestrian entry points are clearly separated.</p> <p>The submitted Access Review notes compliance with AS 1428.</p> <p>The Access Review notes that appropriate paths of travel are provided to all units, subject to compliance with recommendations from that document.</p>	<p>Could be conditioned to comply</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Site access: vehicle access</p> <ul style="list-style-type: none"> • Generally limit the width of driveways to six metres. • Locate vehicle entries away from main pedestrian entries and on secondary frontages. 	<p>The driveway width is 6.7 metres.</p> <p>The vehicular entry is appropriately located off Pearson Lane and away from the main pedestrian</p>	<p>No</p> <p>Yes</p>

[illegible]

Residential Flat Design Code 2002	Comment	Complies
<p>habitable rooms.</p> <p>Minimum apartment sizes that do not exclude affordable housing are:</p> <ul style="list-style-type: none"> • 1 bedroom apartment 50m² • 2 bedroom apartment 70m² • 3 bedroom apartment 95m² 	<p>bedrooms is not acceptable and does not provide adequate amenity to future occupants.</p>	
<p>Building configuration: apartment mix</p> <p>Provide a variety of apartment types. Refine the appropriate apartment mix for a location by:</p> <ul style="list-style-type: none"> • Considering population trends. • Noting the apartment's location in relation to public transport, public facilities, etc. • Locate a mix of apartments on the ground level. • Optimise the number of accessible and adaptable apartments. <p>Investigate the possibility of flexible apartment configurations.</p>	<p>The proposal provides a variety of studio, one bedroom, two bedroom and three bedroom apartments. The proposed unit mix is as follows:</p> <ul style="list-style-type: none"> • 4 x studio apartments (3.8%); • 66 x 1 bedroom apartments (63.5%); • 30 x 2 bedroom apartments (28.8%); • 4 x 3 bedroom apartments (3.8%). <p>The proposal provides a suitable range of unit types, capable of accommodating a range of dwelling types and budgets. The proposed unit mix is considered acceptable.</p>	<p>Yes</p>
<p>Building configuration: balconies</p> <p>Provide at least 1 primary balcony. Primary balconies should be located adjacent to the main living areas, sufficiently large and well proportioned to be functional and promote indoor/outdoor living. Design and detail balconies in response to the local climate and context. Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design. Consider supplying a tap and gas</p>	<p>All units have access to at least one primary balcony from their living area.</p> <p>North facing balconies from Ground Floor to Level 6 are generally 1 metre in depth. This is inadequate and provides poor amenity to these units.</p> <p>Building services are considered well integrated into the building design.</p>	<p>Yes</p> <p>No</p> <p>Yes</p>

Residential Flat Design Code 2002	Comment	Complies
<p>point on primary balconies.</p> <p>Provide primary balconies for all apartments with a min. depth of 2.0m.</p>		
<p>Building configuration: ceiling Heights</p> <p>Design better quality spaces in apartments by using ceilings to define a spatial hierarchy between areas of an apartment using double height spaces, raked ceilings, changes in ceiling heights and/or the location of bulkheads, maximise heights in habitable rooms by stacking wet areas from floor to floor, promote the use of ceiling fans.</p> <p>Facilitate better access to natural light by using ceiling heights which promote the use of taller windows, highlight windows and fan lights and light shelves.</p> <p>Recommended minimum floor to ceiling heights:</p> <ul style="list-style-type: none"> • 2.7m for all habitable rooms on all floors; and • 2.4m is the preferred minimum for all non-habitable rooms, however, 2.25m is permitted. 	<p>Floor to ceiling heights of all levels above the ground floor are 2.6 metres.</p>	<p>No</p>
<p>Building configuration: flexibility</p> <p>Provide apartment layouts, which accommodate the changing use of rooms.</p> <p>Utilise structural systems, which support a degree of future change in building use or configuration.</p> <p>Promote accessibility and adaptability by ensuring the number of accessible and visitable apartments is optimised and adequate pedestrian mobility and access is provided.</p>	<p>As mentioned above, Units G101, G103, G104, G106 and G107 are poorly planned and provide a limited degree of flexibility as a result of their unit size being less than the minimum recommended 50m² for one-bedroom units.</p> <p>Kitchen, dining and living areas of these units are cramped with limited scope for furniture layout changes.</p> <p>It is also considered that the layout of these units provides poor internal manoeuvrability.</p>	<p>No</p>
<p>Building configuration: ground floor apartments</p> <ul style="list-style-type: none"> • Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of 	<p>No ground floor units have direct street access. Direct street access should be provided to provide additional activation of the street</p>	<p>No</p>

Residential Flat Design Code 2002	Comment	Complies
<p>addressed by utilising flexible building layouts, which promotes variable tenancies or uses, optimal floor to ceiling heights, optimal building depths, extra care where larger footprint commercial spaces (cinemas, supermarkets, department stores) are integrated with residential uses.</p> <p>Design legible circulation, which ensure the safety of users by isolating commercial service requirements such as loading docks, from residential servicing areas and primary outlook, locating clearly demarcated commercial and residential vertical access points, providing security entries to all private areas including car parks and internal courtyards and providing safe pedestrian routes through the site where required.</p> <p>Ensure the building positively contributes to the public domain and streetscape by fronting onto major streets with active uses and avoiding the use of blank walls at ground level.</p> <p>Address acoustic requirements for each use by separating residential uses from ground floor leisure or retail use by utilising an intermediate quiet-use barrier, such as offices and design for acoustic privacy from the beginning of the project to ensure that future services do not cause acoustic problems later.</p> <p>Recognising the ownership/lease patterns and separating requirements for BCA considerations.</p>	<p>These are considered compatible with the residential component of the development.</p> <p>Basement level garbage areas for the retail and residential components are separated.</p> <p>A goods lift provides access for retail tenants from the basement area. Residential access is provided by two lifts, which are also shared by visitors and retail customers using the lifts to access the ground floor. Secure and separate residential access is preferable.</p> <p>The site has a frontage to Victoria Road of which 39.5% is residential frontage. This frontage comprises metal screens and face brick blank walls for car park screening, and elevated Ground Floor units. In accordance with Council's planning controls, Victoria Road should comprise active street uses along the length of the frontage.</p> <p>Unit G101 directly abuts Retail Unit 7. If a favourable recommendation was made, a Condition of Consent requiring details of the acoustic treatment to this common wall could be imposed to ensure an appropriate noise environment to the residential dwelling.</p> <p>Stratum subdivision is proposed to determine ownership of the various uses of the development.</p>	<p>Partial compliance</p> <p>No</p> <p>Could be conditioned to comply</p> <p>Yes</p>
<p>Building configuration: storage</p> <p>Locate storage conveniently for apartments. Options include providing at least 50% of the required storage within each apartment, dedicated storage rooms on each floor,</p>	<p>All units are provided with the minimum recommended storage rates.</p> <p>The majority of units have 50% or more of the storage space within each unit.</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Complies
<p>providing dedicated and/or leasable secure storage in internal or basement car parks.</p> <p>Where basement storage is provided ensure that it does not compromise natural ventilation in car parks or create potential conflicts with fire regulations, exclude it from FSR calculations.</p> <p>Provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • Studio apartments 6m³ • 1 bedroom apartments 6m³ • 2 bedroom apartments 8m³ • 3 plus bedroom apartments 10m³. 		
<p>Building amenity: acoustic privacy</p> <p>Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.</p> <p>Arrange apartments within a development to minimise noise transition between flats.</p> <p>Design the internal apartment layout to separate noisier spaces from quieter.</p> <p>Resolve conflicts between noise, outlook and views by using double glazing, operable screened balconies, and continuous walls to ground level courtyards where they do not conflict with streetscape.</p> <p>Reduce noise transmission from common corridors or outside the building by providing seals at entry doors.</p>	<p>An Acoustic Report has been submitted by the Applicant.</p> <p>The Acoustic Report provides a number of recommendations to ensure appropriate acoustic privacy and amenity is provided to dwellings. These recommendations could be imposed as Conditions of Consent if a favourable recommendation of this development application was made.</p> <p>Apartments are generally well planned so that room types in one apartment abut the same room type in the adjoining unit – assisting with creating an acceptable noise environment for units.</p>	<p>Could be conditioned to comply</p>
<p>Building amenity: daylight access</p> <p>Plan the site so that new residential flat development is oriented to optimise northern aspect.</p> <p>Ensure direct daylight access to communal open space between March and September and provide</p>	<p>The proposed development provides a minimum 2 hours of direct sunlight to 70% of units in mid-winter. Given the context of the site, its orientation and the low-medium density and height of</p>	<p>No</p>

Residential Flat Design Code 2002	Comment	Complies
<p>Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout.</p> <p>Coordinate design for natural ventilation with passive solar design techniques.</p> <p>Explore innovative technologies to naturally ventilate internal building areas or rooms - such as bathrooms, laundries and underground car parks.</p> <p>Building depths, which support natural ventilation typically range from 10 to 18m.</p> <p>60% of residential units should be naturally cross ventilated and 25% of kitchens within a development should have access to natural ventilation.</p> <p>Developments which seek to vary from the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.</p>	<p>as the Applicant includes several south facing single aspect units in the natural ventilation calculation.</p> <p>The building has a depth of 9 metres to 14.5 metres.</p> <p>10% of kitchens are naturally cross ventilated, however all kitchens are within 8 metres of a window.</p>	<p>Yes</p> <p>Acceptable non-compliance</p>
<p>Building form: awnings and signage</p> <p>Awnings –</p> <p>Encourage pedestrian activity on streets by providing awnings to retail strips, where appropriate, which give continuous cover in areas which have a desired pattern of continuous awnings, complement the height, depth and form of the desired character or existing patterns of awnings and providing all weather protection.</p> <p>Awnings should contribute to the legibility of the residential flat development and the amenity of the public domain by being located over building entries.</p> <p>Enhance the safety for pedestrians by providing under awning lighting.</p> <p>Signage –</p> <p>Signage should be integrated with the</p>	<p>Awnings are provided along the retail frontage to Victoria Road and the public plaza, providing adequate pedestrian weather protection along the length of the building.</p> <p>There is a break in the awnings to identify the location of the residential flat building pedestrian entrance point.</p> <p>Where a favourable recommendation was made, a Condition of Consent could be imposed to ensure appropriate under awning lighting is installed.</p> <p>The Applicant has indicated that</p>	<p>Yes</p> <p>Could be conditioned to comply</p>

Residential Flat Design Code 2002	Comment	Complies
<p>design of the development by responding to scale, proportions and architectural detailing.</p> <p>Signage should provide clear and legible way-finding for residents and visitors.</p>	<p>no signage is proposed as part of the proposed development.</p>	<p>N/A</p>
<p>Building form: facades</p> <p>Consider the relationship between the whole building form and the facade and/or building elements. The number and distribution of elements across a facade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.</p> <p>Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character.</p> <p>Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.</p> <p>Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.</p> <p>Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.</p> <p>Coordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design.</p>	<p>The façade presents as a sheer wall to Victoria Road, which adds to the bulky appearance of the building.</p>	<p>No</p>
<p>Building form: Roof design</p> <p>Relate roof design to the desired built form. Some design solutions include:</p>	<p>Roof design considered appropriate. Plant is appropriately</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Complies
<p>Articulating the roof, using a similar roof pitch or material to adjacent buildings, using special roof features, which relate to the desired character of an area, to express important corners etc.</p> <p>Design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form.</p> <p>Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.</p> <p>Minimise the visual intrusiveness of service elements by integrating them into the design of the roof.</p> <p>Support the use of roofs for quality open space in denser urban areas.</p>	<p>screened.</p>	
<p>Building performance: energy efficiency</p> <p>Incorporate passive solar design techniques to optimise heat storage in winter and heat transfer in summer. Improve the control of mechanical space heating and cooling.</p> <p>Provide or plan for future installation of photovoltaic panels. Improve the efficiency of hot water systems. Reduce reliance on artificial lighting. Maximise the efficiency of household appliances.</p>	<p>The proposal achieves a BASIX energy efficiency score of 21 (20 to pass).</p> <p>Skylights are provided to units on the upper level, assisting in reducing requirements for artificial lighting.</p>	<p>Yes</p>
<p>Building performance: maintenance</p> <p>Design windows to enable cleaning from inside the building, where possible.</p> <p>Select manually operated systems, such as blinds, sunshades, pergolas and curtains in preference to mechanical systems.</p> <p>Incorporate and integrate building maintenance systems into the design of the building form, roof and facade. Select durable materials, which are</p>	<p>The proposal appears acceptable with respect to maintenance.</p> <p>Where a favourable recommendation was made, an appropriate condition could be imposed requiring building materials used at ground floor (particularly where blank walls are exposed to the public domain), be graffiti resistant and that any damage or vandalism is</p>	<p>Could be conditioned to comply</p>

Residential Flat Design Code 2002	Comment	Complies
<p>easily cleaned and are graffiti resistant.</p> <p>Select appropriate landscape elements and vegetation and provide appropriate irrigation systems.</p> <p>For developments with communal open space, provide a garden maintenance and storage area, which is efficient and convenient to use and is connected to water and drainage.</p>	<p>repaired/removed as soon as practicable.</p>	
<p>Building form: waste management</p> <p>Incorporate existing built elements into new work and recycle and reuse demolished materials, where possible.</p> <p>Specify building materials that can be reused and recycled at the end of their life.</p> <p>Integrate waste management processes into all stages, of the project, including the design stage.</p> <p>Support waste management during the design stage.</p> <p>Prepare a waste management plan.</p> <p>Locate storage areas for rubbish bins away from the front of the development where they have a significant negative impact on the streetscape, on the visual presentation of the building entry and on the amenity of residents, building users and pedestrians.</p> <p>Provide every dwelling with a waste cupboard or temporary storage area of sufficient size to hold a single day's waste and to enable source separation.</p> <p>Incorporate on-site composting, where possible, in self contained composting units on balconies or as part of the shared site facilities.</p>	<p>A Waste Management Plan has been submitted as part of the development application.</p> <p>The proposed waste management measures have been reviewed by Council's Public Works Unit and Environmental Health Officer.</p> <p>Council's Public Works Unit have raised a number of concerns regarding the separation and access between retail and residential occupants and waste areas; access to waste storage areas and the operational component of the waste management plan.</p> <p>Further, Council's Environmental Officer has noted that insufficient information is provided to properly assess a number of issues regarding waste management.</p> <p>Council's Waste Officer does not accept the proposed waste management measures, as discussed further at Section 13.</p>	<p>No</p>
<p>Building form: water conservation</p> <p>Use AAA rated appliances to minimise water use.</p> <p>Collect, store and use rainwater on</p>	<p>The proposal achieves a BASIX water efficiency score of 40 (40 to pass).</p>	<p>Partial compliance</p>

Residential Flat Design Code 2002	Comment	Complies
<p>site.</p> <p>Incorporate local indigenous native vegetation in landscape design.</p> <p>Consider grey water recycling.</p>	<p>As noted earlier, Council's Development Engineer has stated that although the site is OSD exempt, a rainwater tank equivalent to the required OSD tank volume should be provided for re-use of this water on the site.</p>	

8.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The BASIX SEPP requires that all residential development in NSW achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development achieves the following BASIX Scores:

- Energy Efficiency: 21 (20 to pass)
- Water Efficiency: 40 (40 to pass)
- Thermal comfort: Pass (pass required)

The proposed development achieves the minimum BASIX targets for building sustainability. A Condition of Consent could be imposed requiring compliance with all BASIX commitments if a favourable recommendation was made.

8.4 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to the subject site given its location adjacent to a classified road, being Victoria Road. The following provisions of the Infrastructure SEPP are applicable to this DA:

Infrastructure SEPP	Comments	Comply?
<p>Clause 101 Development with frontage to a classified road</p> <p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> • To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and • To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. 	<p>This DA was referred to Roads and Maritime Services (RMS) for comment. RMS made a recommendation that trees along Victoria Road be frangible to ensure clear lines of sight to the pedestrian crossing across Meriton Street. This could be imposed as a Condition of Consent if a favourable recommendation of the DA was made.</p> <p>The acoustic report submitted by the Applicant provides a number of recommendations to ensure the impact of noise from Victoria Road is minimised. These recommendations could be imposed</p>	<p>Could be conditioned to comply</p> <p>Could be conditioned to comply</p>

Infrastructure SEPP	Comments	Comply?
	as Conditions of Consent if a favourable recommendation of this DA was made.	
<p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <ul style="list-style-type: none"> • Where practicable, vehicular access to the land is provided by a road, other than a classified road; and • The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: <ul style="list-style-type: none"> – The design of vehicular access to the land, or – The emission of smoke or dust from the development, or – The nature, volume or frequency of vehicles using the classified road to gain access to the land. • The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road. 	<p>Vehicular access is provided off Pearson Lane.</p> <p>Council's Traffic Consultant has raised concerns with the accuracy of calculation of the proposal's traffic generation.</p> <p>As noted earlier, an Acoustic Report has been submitted as part of the Development Application. The Acoustic Report provides a number of recommendations to minimise adverse impacts of Victoria Road on future occupants. These recommendations could be imposed as Conditions of Consent if a favourable recommendation was made.</p>	<p>Yes</p> <p>Insufficient information</p> <p>Could be conditioned to comply</p>
<p>Clause 102 Impact of road noise or vibration on non-road development</p> <ul style="list-style-type: none"> • This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers likely to be adversely affected by road noise or vibration: 	<p>Victoria Road is a State classified Road. An Acoustic Report has been submitted as part of the Development Application. The Acoustic Report provides a number of recommendations to ensure compliance with the appropriate noise levels for residential development. These recommendations could be imposed as Conditions of Consent if a favourable recommendation was made.</p>	<p>Could be conditioned to comply</p>

Infrastructure SEPP	Comments	Comply?
<ul style="list-style-type: none"> – A building for residential uses • Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette. • If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded: <ul style="list-style-type: none"> – In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am – Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time. 		
<p>Clause 104 Traffic generating development</p> <ul style="list-style-type: none"> • The proposed development, being a residential flat building with 75 or more dwellings, and with access to a road that connects to a classified road (within 90 metres) is considered traffic generating development. • Before determining a DA for which this clause applies the consent authority must: <ul style="list-style-type: none"> – Take into consideration any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passed, the RTA advises that it will not be making a submission), and – Take into consideration any potential traffic safety, road congestion or parking implications of the development. • The consent authority must give the 	<p>The proposed development is considered 'traffic generating development', as it comprises more than 75 dwellings and 50 car parking spaces.</p> <p>The NSW Transport Roads and Maritime Authority (RMS), previously 'RTA', has provided correspondence regarding this development application, declining to grant concurrence in accordance with the <i>Roads Act 1993</i>. The RMS has declined concurrence due to concerns raised with regards to the encroachment of development within road reserves, intersection safety and pedestrian safety.</p>	<p>Noted</p> <p>No</p> <p>Yes</p>

Infrastructure SEPP	Comments	Comply?
RTA a copy of the determination of the application with 7 days after the determination is made.	A copy of the determination will be provided to the RMS by the City of Ryde Council.	

8.5 **Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

SREP (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment. The Applicant has not specifically addressed this SREP and no photomontage or perspective of the site from the foreshore has been provided.

The subject site is approximately 550 metres from the nearest point of Sydney Harbour. Given the topography of the surrounding area, the built environment between the waterways and the site, and the alignment of roads between the waterways and the site, it is not considered the proposed development will have a significant visual impact on Sydney Harbour.

Further, the proposed development is consistent with the planning principles for the Sydney Harbour Catchment as it will not adversely impact upon the health of the catchment, the natural assets of the catchment, the functioning of natural drainage systems on floodplains, the visual qualities of the Sydney Harbour, and quality of water run-off from the site is to be adequately controlled.

(It is noted that Council's Development Engineer has raised concerns regarding the potential for flooding impacts of the development downstream at Ashburn Place (refer to **Section 13**)).

8.6 **Ryde Local Environmental Plan 2010 (Gladesville Town Centre and Victoria Road Corridor) (RLEP 2010)**

The following provides an assessment against the relevant provisions of the Ryde LEP 2010.

Ryde LEP 2010	Comments	Comply?
<p>The objectives of this zone:</p> <ul style="list-style-type: none"> To provide a mixture of compatible land uses. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. To create vibrant, active and safe communities and economically sound employment centres. To create a safe and attractive environments for pedestrians. To recognise topography, landscape setting and unique location in design 	<p>The proposed development provides a mix of retail and residential uses, appropriate for the subject site and its town centre location.</p> <p>The proposal will assist in creating a safe and active centre through passive surveillance opportunities and ground floor retail activity.</p>	Yes

Ryde LEP 2010	Comments	Comply?
and land-use.		
Development permitted with consent Boarding houses; Child Care centres; Commercial premises; Community facilities; Educational Establishments; Entertainment Facilities; Function Centres; Hotel or motel accommodation; Information and education facilities; Medical Centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day centres; Restricted premises; Roads; Seniors Housing; Shop Top Housing; Waste or resource transfer stations.	The proposed development is permitted with consent, being for shop top housing and commercial premises.	Yes
Clause 2.7 Demolition requires development consent Demolition of a building or work may be carried out only with development consent.	This DA does not seek consent for demolition. Demolition of existing structures is proposed under a separate DA (reference: LDA 2011/0628).	N/A
Clause 4.3 Height of buildings The height of a building on any land is not to exceed the maximum height shown for land on the Height of Buildings map. 22 metres is shown on the map.	The proposed building height ranges from 14.5 metres to 31 metres. This exceeds the maximum permitted height of 22 metres by up to 9 metres. Refer to Note 1 under this table below.	No
Clause 4.4 Floor Space Ratio The maximum floor space for a building on any land is not to exceed that floor space ratio shown for land on the Floor Space Ratio Map. FSR of 3.5:1 is shown on the Map	The proposed FSR, calculated in accordance with the Ryde LEP 2010 provisions for gross floor area and site area, is 5.53:1, which exceeds the maximum FSR by 2.03:1. Refer to Note 2 under this table below.	No
Clause 4.5 Calculation of floor space ratio and site area This clause defines site area for the purposes of calculating the floor space ratio of the site. Under this provision, the site area of privately owned property is to be	The Applicant has provided floor space ratio calculations combining both privately owned and public/ community land. This provision requires publicly owned land to be excluded from site	No

Ryde LEP 2010	Comments	Comply?
<p>considered separately to public/community land. The relevant sections are quoted below:</p> <p>(4) Exclusions from site area <i>The following land must be excluded from the site area:</i></p> <p><i>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</i></p> <p><i>(b) community land or a public place (except as provided by subclause (7)).</i></p> <p>(7) Certain public land to be separately considered <i>For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</i></p>	<p>area for the purposes of calculating FSR.</p>	
<p>Clause 4.6 Exceptions to development standards</p> <p>(1) The objectives of this clause are to:</p> <ul style="list-style-type: none"> • An appropriate degree of flexibility in applying certain development standards to particular development, and • To achieve a better outcome for and from development by allowing flexibility in particular circumstances. <p>(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p> <p>(3) Consent must not be granted for</p>	<p>The Applicant has provided a written justification as part of the Development Application documentation for proposed non-compliances to the maximum height and floor space ratio standard under the LEP.</p> <p>The exception to the development standards are discussed further under Note 1 (Height) and Note 2 (Floor Space Ratio) under this table.</p>	<p>Refer to comment</p>

Ryde LEP 2010	Comments	Comply?
<p>development that contravenes a development standard unless the consent authority has considered a written request from the Applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <ul style="list-style-type: none"> • The compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and • That there are sufficient environmental planning grounds to justify contravening the development standard. <p>(4) Consent must not be granted for development that contravenes a development standard unless:</p> <ul style="list-style-type: none"> • The consent authority is satisfied that: <ul style="list-style-type: none"> – The Applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) – The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and • The concurrence of the Director-General has been obtained. 		
<p>Clause 5.9 Preservation of trees or vegetation</p> <ul style="list-style-type: none"> • A person must not ringbark, cut down, top, lop, remove or wilfully destroy any tree or other vegetation by which any such development control plan applies without the authority conferred by: <ul style="list-style-type: none"> – A development consent, or – A permit granted by the Council. • This Clause does not apply to or in respect of: <ul style="list-style-type: none"> – The clearing of any native 	<p>The proposal will result in the removal of trees along the Wharf Road frontage of the site.</p> <p>No Arborist Report has been submitted with this development application outlining the significance of trees proposed for removal. Therefore, insufficient information is provided as to whether the removal of these trees is acceptable.</p>	<p>Insufficient information</p>

Ryde LEP 2010	Comments	Comply?
<p>vegetation under the Native Vegetation Act 2003 or, that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or</p> <ul style="list-style-type: none"> – Plants declared noxious weeds under the noxious weeds act. 		
<p>Clause 5.10 (5) Heritage Impact Assessment</p> <p>A heritage impact assessment is required for the subject site, which is in close proximity to the Town Clock a local heritage item</p>	<p>The DA was considered concurrently with the 'Site 2' development at 1-3 Wharf Road, by Council's Heritage/Strategic Planner.</p> <p>Council's heritage planner has noted that heritage has not been adequately addressed by the Applicant.</p> <p>The proposed elevated Wharf Road plaza is also considered to negatively impact the setting of the Clock Tower from Wharf Road.</p>	No
<p>Clause 6.1 Earthworks</p> <p>Development consent is required for earthworks of a non minor nature or changes the landform by more than 300mm. Prior to granting consent the consent authority is to consider the disruption of, or any detrimental effect on, existing drainage patterns, soil stability, the effect on future use or redevelopment of the land, quality of fill, affect on amenity of adjoining properties, source of material, likelihood of disturbing relics, proximity to impact to water courses and drinking catchment and or environmentally sensitive areas.</p>	<p>Earthworks to raise the level of Wharf Road and excavation of up to 9 metres for basement parking levels are proposed.</p> <p>A Geotechnical Assessment has been submitted as part of the DA. The Geotechnical Report provides recommendations for ensuring adequate stability and drainage to these works.</p> <p>This report recommends a detailed Geotechnical report and recommendations will be provided. This could be required as a Condition of Consent, if a favourable recommendation of the DA was made.</p>	Could be conditioned to comply

Note 1: Height and exception to the development standard

The proposed development exceeds the maximum LEP height standard of 22 metres by up to 9 metres. The extent of the proposed non-compliance with the LEP height standard is illustrated at **Figure 9** and **Figure 10**.

The Applicant has provided written justification for the proposed height non-compliance in accordance with the requirements of Clause 4.6 of the Ryde LEP 2010. The Applicant provides the following justification for the proposed variation to the height standard:

- Flexibility in applying the control is required to off-set costs of providing a superior urban design outcome for the Wharf Road public plaza than prescribed by the Built Form Plan (DCP).

Assessment comment:

It is not considered the proposed development provides a superior urban design outcome compared to the public plaza requirements under the Ryde DCP 2010. The proposed development, combined with the adjoining development at 1-3 Wharf Road, proposes a public plaza with a width of 10-11 metres, compared to a minimum 15 metres required under the DCP. Furthermore, the DCP does not envisage the encroachment of building elements including basements, into the public plaza.

- Without additional height, the project would not be viable as it involves the purchase of significant public domain area and the investment of substantial amounts of money in the improvement of the public domain.

Assessment comment:

The subject site is identified under the Ryde DCP 2010 as being a 'key site' within the Gladesville centre. Council's strategic planner has confirmed the site has been allocated a higher maximum height under the LEP to facilitate the public domain enhancements envisaged at this location. Further detail is provided under the Ryde DCP 2010 assessment below. Also, as noted by the Urban Design Review Panel (UDRP), the non-compliance with the height and floor space on the site results in the need for additional parking to accommodate more units on the subject site. The proposed parking areas encroaches into the public domain area, which may contribute to raising the cost for additional density based on additional basement areas, required below the public plaza.

- The bulk and scale departure are relatively minor, reinforcing the general thrust of the DCP. Additional population in the development will give greater life to the southern end of the Gladesville shopping strip.

Assessment comment:

*The departure with the maximum height control is up to 9 metres (41%) – the equivalent of 1 to 3 storeys, as illustrated at **Figure 9** and **Figure 10** below. This is considered a significant departure from the maximum height control. Such a departure can not be considered acceptable under the current controls. The extent of non-compliance should require separate assessment under a Planning Proposal first, with any formal amendment to controls.*

In addition, analysis against the Land and Environment Court Planning Principles assessing height and bulk (*Veloshin v Randwick Council [2007] NSW LEC 428*) indicates the height of the proposed development is inappropriate, having considered the following:

- The impacts of the proposed development, particularly with respect to overshadowing, are beyond what is reasonably expected under an LEP complying development.
- The proposed development exceeds the envisaged maximum height for the site under both the Ryde LEP 2010 (by up to 9 metres) and the Ryde DCP 2010 (by 3 to 6 storeys).
- The proposal will result in a development which significantly exceeds the bulk and character of development envisaged for the Gladesville Town Centre under the Ryde

LEP 2010 and Ryde DCP 2010, prepared following extensive community consultation and urban design analysis. The controls envisage development in the town centre generally between 2 to 6 storeys, with limited opportunity on other sites up to 8 storeys.

- As noted by the Urban Design Review Panel, the proposal appears to be an overdevelopment of the site due to the excessive height and floor space proposed and poor internal amenity to units.



Figure 9 Area of non-compliance with maximum 22 metre LEP height standard (north east elevation)



Figure 10 Area of non-compliance with maximum 22 metre LEP height standard (North West elevation)

Note 2: Floor space ratio and exception to development standard

The proposed development exceeds the maximum floor space ratio (FSR) for the site, being 3.5:1, by 2.03:1, proposing a total FSR of 5.53:1. The Applicant has identified the proposed FSR as 3.53:1. This FSR is based on the site area incorporating current public/community land (Wharf Road, Pearson Lane road reservation areas). As noted above, public/community land is to be considered separately when determining the site area for the purposes of calculating FSR.

The Applicant has provided justification based on an FSR non-compliance of 0.3:1, rather than the actual non compliance of 2.3:1. It is therefore considered the proposed FSR, which provides a significant (65.7%) departure from the maximum FSR of the 3.5:1 is unacceptable under the current planning controls.

As noted above, to support the provision of public domain works, the subject site has been allocated one of the highest maximum FSRs under the Ryde LEP 2010.

Furthermore, analysis against the Land and Environment Court Planning Principles assessing height and bulk (*Veloshin v Randwick Council [2007] NSW LEC 428*), the FSR of the proposed development is inappropriate, having considered the following:

- The impacts of the proposed development, particularly with respect to overshadowing and parking demand, are beyond what is reasonably expected under an LEP complying development.
- The proposed development exceeds the envisaged maximum FSR for the site under the Ryde LEP 2010 by 2.03:1 and the built form outcome envisaged under the Ryde DCP 2010.

- The proposal will result in a development which significantly exceeds the bulk and character of development envisaged for the Gladesville Town Centre under the Ryde LEP 2010 and Ryde DCP 2010, prepared following extensive community consultation.
- As noted by the Urban Design Review Panel, the additional FSR for the site increases the need for additional parking and building elements to encroach outside of the site and into the future public domain area.

8.7 Ryde Development Control Plan 2010 (Part 4.6) Gladesville Town Centre and Victoria Road Corridor

The RDCP 2010 (Part 4.6) is the primary DCP applicable to development within the Gladesville Town Centre and Victoria Road Corridor. The relevant provisions of the DCP are outlined below:

Control	Comment	Compliance
2.0 Vision		
2.2.4 Vision Statement Gladesville Town Centre Precinct The precinct will: <ul style="list-style-type: none"> • Transform into a genuine mixed use town centre. • An enhanced pedestrian network and new public spaces off Victoria Road, with a new square at the end of Wharf Road. • Better pedestrian amenity on and around Victoria Road and a greater range of services will revitalise the town centre as the focus of urban life for the communities on both sides of the town centre. • The intersection of Wharf Road, Meriton Street and Victoria Road is a key site. The clocktower marks this important intersection, which will be strongly defined by appropriately scaled buildings built to the street alignment. 	<p>The proposed development supports the desired mixed use character of the Gladesville Town Centre.</p> <p>The proposal includes part of the proposed Wharf Road Public Plaza, as envisaged by the Ryde DCP 2010.</p> <p>The proposed retail tenancies will assist in accommodating future availability of goods and services within the Gladesville Town Centre. The Urban Design Review Panel has raised concerns regarding pedestrian amenity, including poor circulation around the site as a result of the stair and chair lift access to the plaza and the laneway paths not being at least 1.5 metres in width.</p> <p>Council's Heritage Planner has raised concerns regarding the scale of development and the finished floor level of the public plaza resulting in reduced sight lines to the local heritage listed clock tower.</p>	<p>Yes</p> <p>Yes</p> <p>Partial compliance</p> <p>No</p>
2.3 Public Domain		
2.3.2 Public spaces Public spaces to be provided as part of	Part of the subject site includes the	Yes

Control	Comment	Compliance
'Key Sites'.	Wharf Road public plaza. The proposed development includes provision and embellishment of part of the Wharf Road publicly accessible plaza area in accordance with the Ryde DCP 2010. The remainder of the public plaza is to be embellished as part of the development of the adjoining development site, 1-3 Wharf Road.	
3.1 – Built Form		
3.1.1 Built Form Heights Buildings must comply with the maximum heights described in the Gladesville Town Centre and Victoria Road Corridor LEP and the Built Form Heights Plan in this DCP.	The proposal exceeds the maximum height under the Ryde LEP 2010 by up to 9 metres (refer to Ryde LEP assessment above). The Built Form Heights Plan within the DCP stipulates a maximum 6 storey height for the subject site. The proposed development provides a 4-9 storey development, which exceeds the maximum height by up to 3 storeys. The DCP as well as Hunters Hill Council's Gladesville Village Centre DCP which effects the land opposite on Victoria Road and was developed concurrently with the Ryde controls, permits development of 5-6 storeys in the area surrounding the site. The proposal exceeds the maximum height stipulated for the subject site, and is inconsistent with the desired character of the surrounding area.	No
Floor to ceiling heights must be a minimum of 2.7m for residential uses	The floor to ceiling heights of all levels above the Ground Floor is 2.6 metres.	No
Ground floor levels are to have a floor to floor height of a minimum of 3.6m.	The proposed Ground Floor retail component floor to ceiling height is 3.9 metres. The floor to ceiling height for residential units at the Ground Floor is 3.2 metres.	Partial compliance

Control	Comment	Compliance
3.1.2 Active Street frontages Provide ground level active uses where indicated on the map. Active frontages are indicated along the Victoria Road and Wharf Road frontages.	The proposal provides active frontages along the Wharf Road and part of the Victoria Road frontage. This is inconsistent with the desired active uses along the length of the Victoria Road frontage.	No
Active uses consist of community and civic facilities, recreation and leisure facilities, shops, commercial premises, residential uses that do not occupy more than 20% of the street frontage.	At the Victoria Road ground floor frontage, residential uses occupy 39% of the frontage length. This exceeds the maximum 20% under this provision, and is inconsistent with the intended active uses along the length of Victoria Road.	No
Where required, active uses must comprise the street frontage for a depth of at least 10m.	Proposed retail tenancies have a depth of 11 to 18 metres.	Yes
Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.	Vehicular access is provided off Pearson Lane. No vehicular access to the site is provided where active frontages are required.	Yes
Security grills can be incorporated to ground floor shops. Blank roller shutter doors are not permitted.	This could be imposed as a Condition of Consent if a favourable recommendation of this DA was made.	Could be conditioned to comply
3.1.3 Buildings Abutting the Street Alignment Provide buildings built to the street boundary in the Gladesville Town Centre precinct and in Monash Road precinct except as shown on the appropriate map under Section 4.0. The diagram requires all frontages to be built to the street alignment.	Balconies of the proposed development projects beyond the Victoria Road and Pearson Lane frontages.	No
3.1.4 Setbacks Setbacks in accordance with Setback Requirements Table and Key Sites diagram.	N/A – the Key Sites diagram is addressed further in this table.	N/A

Control	Comment	Compliance
The Setbacks Requirements Table does not include any setbacks from boundaries of the subject site.		
3.1.5 Rear Setbacks and Residential Amenity Provide a 9m ground level setback at the rear of sites fronting Victoria Road.	The subject site has a rear frontage to Pearson Lane. Therefore this control is not applicable.	N/A
Provide 12 metre separation above ground floor between residential buildings.	The building is setback 10-11 metres from at the adjoining residential development to the west. This is considered inadequate as it provides opportunities for direct overlooking between units within the proposed development, and those proposed on the adjoining development site, 1-3 Wharf Road.	No
Buildings fronting Victoria Road may be built to the side boundary for a depth of 20m measured from the street frontage. A side setback is then required to achieve 12m separation between proposed and potential residential land uses.	N/A – The site has no side boundaries abutting other buildings along Victoria Road.	N/A
Predominantly residential activities should be located adjoining low density residential areas including at the rear. If this is not practicable, activities that do not produce negative impacts in terms of noise, light, sound and odour are encouraged.	The proposed development does not comply with interface requirements set out by this provision and the Key Sites diagram, addressed further below. The proposal includes an 8 storey residential apartment element at the boundary adjacent to lower density residential areas. This area of the site is nominated for 1 storey development under the Key Sites diagram within the DCP.	No
3.1.6 Conservation Area and Built Form Guidelines All development proposals within the Conservation Area shall be assessed for their impact on the heritage significance of the Conservation Area	The subject site lies outside of the Gladesville Conservation Area.	N/A

Control	Comment	Compliance
	to the garbage collection area to allow passing vehicles when garbage is being collected. Additionally, it has been recommended the pathway be a minimum 1.5 metres wide. The proposed laneway is unacceptable in its current form.	
3.2.3 Parking The subject site is identified as a location to provide publicly acceptable parking to support retail, entertainment and commercial land uses, to Council's satisfaction. The quantity of publicly accessible parking within the Town Centre Precinct shall equal or exceed existing public parking.	The proposed development includes publicly accessible parking. Council's Traffic Consultant has noted that the proposal provides 32 retail spaces, compared to the required 22 spaces (1 space per 25sqm). This increases the parking availability within the Gladesville Town Centre Precinct.	Yes
Provide secure bicycle parking in every building equal to 1 car space for every 100 car spaces or part thereof.	The proposal provides the equivalent of 1.5 parking spaces for bicycle parking, less than the required equivalent of 2 car parking spaces.	No
3.3 Public Domain		
3.3.1 Pedestrian Connections Provide street furniture, lighting and generous paved areas along the main pedestrian routes within the retail and commercial core with clear direct sightlines and direct linkages. Provide pedestrian through-site connections and public domain parks, squares and plaza's in accordance with the Pedestrian Connections Control Drawing (Figure 4.6M) and the Public Domain Control Drawing (Figure 4.6N). Courtyards, plazas or squares should be provided to complement and adjoin pedestrian through-site connections.	The proposal includes the embellishment of the Victoria Road pedestrian pathway and the Wharf Road plaza. The DCP requires improvements to the pedestrian environment of Victoria Road and a new public plaza at the end of Wharf Road. The proposal includes these required pedestrian connection works. The Wharf Road plaza will form a focal point for pedestrian connections required around the Clocktower.	Yes Yes Yes
3.3.2 Public Domain Increase the quantum and diversity of public space in the heart of the town	The proposal includes part of the proposed street closure of Wharf	Yes

Control	Comment	Compliance
centre as shown on the Public Domain Framework Control Drawing (including street closure at Meriton Street and Wharf Road to create a new public square away from Victoria Road).	Road, in accordance with the Public Domain Framework Diagram.	
3.3.3 Landscape Character Create a consistent planting theme with a number of species to ensure that the planting provides a visual coherence, Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.60) and in accordance with the Ryde Public Domain Technical Manual and Relevant Street Tree Master Plans. Select Trees based on the scale of buildings, width of the street, aspect and environmental parameters such as soil type. Build on the visual significance of the Church Site and the Clocktower site to emphasis the edges of the urban area.	Council's Landscape Architect has reviewed the landscape drawings provided for the publicly accessible open space areas of the site, in conjunction with the adjoining development proposal at 1-3 Wharf Road. The proposed landscape design does not fulfil the requirement for landscaping in relation to the Clocktower. Deciduous trees are recommended within the public plaza.	No
3.3.4 Urban elements Provide paving, seats, benches and bins in accordance with the Ryde Public Domain Technical Manual. Provide seating and shelter (awnings or bus shelter) at all bus stops. Seating shall be in accordance with the Ryde Public Domain Technical Manual. Provide new street lighting to primary and secondary streets as selected by Council and underground power cables. Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.	A Condition of Consent could be imposed requiring compliance with the Ryde Public Domain Technical Manual and the provisions of this section of the Ryde DCP 2010 if a favourable recommendation was made.	Could be conditioned to comply
3.3.7 Victoria Road – Town Centre Precinct Section <ul style="list-style-type: none"> Provide a 3.5 metre wide footpath and buildings typically built to the boundary defining both sides of Victoria Road; Provide continuous granite paving for 	The footpath width along Victoria Road ranges from 2 metres to 3.6 metres. The NSW Transport Roads and Maritime Services (RMS) have also raised concerns regarding the	No

Control	Comment	Compliance
<p>the full footpath width in accordance with the Ryde Public Domain Technical Manual.</p> <ul style="list-style-type: none"> • Provide landscaping consistent with an urban setting including planter boxes and the like. • Provide street furniture in accordance with the Ryde Public Domain Technical Manual including: <ul style="list-style-type: none"> – Provide seats and bins at 50 metre intervals and at bus stops, a minimum one per block, if required by Council. – Provide new street lighting, staggered at 20 metre intervals on both sides of street, or to Council satisfaction. – Provide lighting to the underside of awnings for the safety and security of pedestrians. • Power lines are to be underground in locations specified by Council. 	<p>projection of building elements beyond the boundary and into the Victoria Road reservation.</p> <p>A Condition of Consent could be imposed requiring compliance with the Ryde Public Domain Technical Manual and the provisions of this section of the Ryde DCP 2010 if a favourable recommendation of the DA was made.</p> <p>The proposal includes the undergrounding of power lines surrounding the site.</p>	<p>Could be conditioned to comply</p> <p>Yes</p>
4.0 Key Sites		
<p>4.1 Introduction</p> <p>Future design and development proposals for Key Sites are to be reviewed by a Design Review Panel to ensure quality in design proposals.</p>	<p>As noted under Section 8.2, the proposal has been reviewed by the Urban Design Review Panel on two occasions. The Urban Design Review Panel has determined that the proposed development is not acceptable in its current form.</p>	<p>No</p>
<p>The Keys Sites Plans in Section 4 of this Part may be varied subject to preparation of a new Comprehensive Plan, subject to Council's Satisfaction:</p> <ul style="list-style-type: none"> • Publicly accessible open space exceeding that shown in the Key Sites Plans OR publically accessible open space that exceeds 30% of the site area. • Community benefit in the form of facilities such as child care, community meeting space, library space, commuter parking, business 	<p>The Applicant has proposed a variation to the Key Sites diagram. The variation applies to the subject site and the adjoining development site at 1-3 Wharf Road.</p> <p>The variation to the Key Sites diagram is not supported as it is considered not to meet the criteria for a variation. Refer to Note 1 below.</p>	<p>No</p>

Control	Comment	Compliance
<p>incubator or other. The Comprehensive Plan must demonstrate the demand for such facilities to Council satisfaction;</p> <ul style="list-style-type: none"> • Environmental impacts (such as overshadowing and overlooking) are managed; • Environmentally sustainable design is implemented. Water and energy consumption are minimised. • Transport Management is to Council and where applicable, RTA satisfaction including pedestrian access, public transport access, parking quantum and layout and intersection of service. 		
<p>Block 25 Built Form controls Building Uses and Ground Floor Activities</p> <p>Provide mixed use development with retail or commercial uses at ground floor, with a continuous retail or commercial frontage to Victoria Road, Meriton Street and Wharf Road.</p>	<p>The proposal provides a mixed use development. 39.5% of the Victoria Road frontage comprises residential units, inconsistent with the proposed retail/commercial frontage envisaged for Victoria Road.</p>	<p>No</p>
<p>Street Frontages</p> <p>Provide an active frontage at ground level to Victoria Road, Meriton St and Wharf Road.</p> <p>Locate intensely used, small scale retail frontages, such as cafes, restaurants and speciality shops addressing the proposed landscape pedestrian area at the northern end of Wharf Road.</p>	<p>An active frontage is provided to Wharf Road and 60.5% of the Victoria Road frontage.</p> <p>Smaller retail tenancies, ranging in size from 58m² to 80m², are proposed addressing the publicly accessible open space area at the end of Wharf Road.</p>	<p>Partial compliance</p> <p>Yes</p>
<p>Building heights</p> <p>Provide development in accordance with Block 25 Built Form Plan for building height in storeys (1-6 storeys is shown on the plan).</p>	<p>The proposal ranges in height from 5 to 9 storeys, exceeding the maximum height by 3 to 6 storeys. Refer to Note 2 below.</p>	<p>No</p>
<p>Building Depth and Separation</p> <p>Building depth to be in accordance with Built Form Plan.</p>	<p>The proposed development exceeds the maximum building</p>	<p>No</p>

Control	Comment	Compliance
<p>12m separation required to adjoining residential development.</p> <p>18m wide maximum envelope including balconies and façade articulation is preferred.</p>	<p>depth for development on the site.</p> <p>The proposal is setback 10-11 metres from the adjoining development at 1-3 Wharf Road. As noted earlier, this will result in opportunity for direct overlooking between the sites.</p> <p>Refer to Note 2 below.</p>	
<p>Building Setbacks</p> <p>Zero setback to Meriton Street and Wharf Road.</p> <p>Ground and first floor zero setback to Victoria Road, Wharf Road and Pearson Lane.</p> <p>Upper Floors to comply with Built Form Plan to create a splayed corner.</p>	<p>Balconies of the proposed development project beyond the Victoria Road and Pearson Lane boundaries of the site.</p> <p>NSW Transport RMS has refused to grant concurrence to the proposal as a result of the encroachment of building elements into the road reservation.</p> <p>A splayed corner is not provided in accordance with the Key Site's diagram. A curved building element overhanging the plaza area is proposed at this point.</p> <p>Refer to Note 2 below.</p>	No
<p>Avoiding Noise and Air Pollution in residential buildings</p> <p>Barriers to noise and air pollution provided by internal layout and design.</p> <p>Cross ventilation to be maintained as part of any noise and air pollution barriers.</p>	<p>Appropriate Conditions of Consent could be imposed to ensure compliance with relevant noise and air pollution standards, if a favourable recommendation of the DA was made.</p>	Could be conditioned to comply
<p>4.3.5 Block 25 Public Domain Controls</p> <p>Close Wharf Road and provide a new vehicular laneway connection to Meriton Street.</p> <p>Provide a public plaza that is:</p> <ul style="list-style-type: none"> • Open to the Sky; • Minimum dimension of 15m in any one direction; • A minimum area of 500m²; • 15m separation between buildings on either side of Wharf Road Street 	<p>The vehicular connection between Wharf Road and Meriton Street does not form part of this proposal.</p> <p>The closure of Wharf Road is proposed as part of this DA in conjunction with the adjoining development at 1-3 Wharf Road.</p> <p>The proposed public plaza is open to the sky.</p> <p>As a result of the encroachment of the adjoining development at 1-3 Wharf Road, the public plaza width</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>No</p>

Control	Comment	Compliance
<p>Closure.</p> <ul style="list-style-type: none"> Paved in accordance with Ryde Council's Public Domain Technical Manual. 	<p>is 10-11 metres to the adjacent 1-3 Wharf Road site.</p> <p>The plaza area is approximately 725m².</p> <p>A Condition of Consent could be imposed requiring compliance with the Ryde Public Domain Technical Manual and the provisions of this section of the Ryde DCP 2010 if a favourable recommendation of the DA was made.</p>	<p>Yes</p> <p>Conditioned to comply</p>
Provides clear unobstructed and identifiable pathways and open spaces.	The Urban Design Review Panel has raised concerns with pathways and circulation in the plaza and Pearson Lane. The accessibility to the plaza via stair and chairlift and the width of the Pearson Lane pedestrian footpath is considered inappropriate.	No
Provide generous planting to make a green pocket that contributes to the character of Victoria Road and is a green backdrop to the clock tower. Enhance the landscaping surrounding the clock tower.	The Applicant has proposed to landscape the area around the clock tower. However, Council's Landscape Architect has raised concerns regarding the lack of landscaping in the public plaza which is inconsistent with the requirement for providing a 'green backdrop' to the clock tower.	No
Narrow the carriageway to maximise the size of the new public space.	The Wharf Road carriageway is proposed to terminate at the intersection with Pearson Lane. No vehicular access will be provided within the public open space area.	Yes
<p>Other detailed provisions</p> <p>The proposed development is to comply with the provisions of the following parts of the DCP:</p> <ul style="list-style-type: none"> Energy Smart Water Wise; 	The proposed development is consistent with BASIX (see above). SEPP BASIX overrides compliance with the Energy Smart Water Wise provisions of the Ryde DCP 2010.	Yes
<ul style="list-style-type: none"> Waste Minimisation and Management; 	Council's Environmental Health Officer and Public Works Unit have assessed the waste management component of the proposed development.	No

Control	Comment	Compliance
	<p>A number of issues have been raised, resulting in the waste management aspect of the proposal being considered unacceptable. These issues are as follows:</p> <ul style="list-style-type: none"> • The use of a garbage compactor in the basement is unacceptable. • The garbage generation rates used are incorrect, being less than the rate required. • The retail garbage storage is too small. • Inappropriate access and separation between residential and retail garbage areas. • An on-going waste management plan is referenced by the Applicant in the Statement of Environmental Effects, however not provided as part of the DA. 	
<ul style="list-style-type: none"> • Construction Activities; 	<p>Appropriate Conditions of Consent could be imposed to ensure compliance with the Construction Activities provisions of the Ryde DCP 2010, if a favourable recommendation was made.</p>	<p>Could be conditioned to comply</p>
<ul style="list-style-type: none"> • Access for people with Disabilities. 	<p>The Applicant has submitted an Access Review which assesses compliance of the proposed development in accordance with the relevant Ryde DCP 2010 standards as well as other relevant Australian Standards, BCA and Disability Discrimination Act provisions. The recommendations made in this review could be imposed as Conditions of Consent if a favourable recommendation of this DA was made.</p>	<p>Could be conditioned to comply</p>
<p>Part 9.3 Car Parking</p> <p>2.0 Car parking rates:</p> <ul style="list-style-type: none"> • Residential: <ul style="list-style-type: none"> – 1 bedroom: 1 space dwelling 	<p>The proposal is required to provide the following parking spaces:</p> <ul style="list-style-type: none"> • 139 residential spaces; • 22 spaces for the retail 	<p>Acceptable variation</p>

Control	Comment	Compliance
<ul style="list-style-type: none"> – 2 bedroom: 1.2 spaces per dwelling – 3 bedroom: 1.6 spaces per dwelling – 1 visitor's space per 4 dwellings. • Retail premises: 1 space per 25sqm of area accessible to public. • To vary the provisions of this Part (particularly required parking) for large scale development; comparisons should be drawn with similar development and outlined in Traffic and Parking Impact Assessment Report submitted together with the DA. Such comparisons should include a minimum of two case studies drawn from the Ryde LGA or adjoining LGAs. <p><i>Note: This Section of the Ryde DCP 2010 was amended following lodgement of this DA. The above rates are based on those required prior to the amendment.</i></p>	<p>component;</p> <ul style="list-style-type: none"> • Total – 161 car parking spaces. <p>The proposal provides 137 car parking spaces for residential units and 32 spaces for the retail component. Additionally, one 'car share' space is provided. The proposal therefore provides a total 170 parking spaces, which achieves the number of parking spaces required, albeit an additional 9 spaces.</p> <p>The provision of parking is considered acceptable.</p>	
<p>2.7 Bicycle parking</p> <p>Bicycle parking spaces should be provided at an equivalent rate of 1 car parking space per 100 spaces or part thereof. Accordingly, the equivalent of 2 car parking spaces should be dedicated to bicycle parking.</p>	<p>The proposal provides the equivalent of 1.5 car parking spaces for bicycle parking. This is inconsistent with the minimum bicycle parking requirement.</p>	No
<p>3.0 Other parking provisions:</p> <p>The proposed development is to comply with the technical loading, design and construction standards outlined under Section 3.</p>	<p>Council's development engineer has raised a number of concerns with the proposed loading dock and parking circulation and layout. The proposal parking and loading areas are not acceptable in their current form.</p>	No

Note 1: Proposed alternative Key Sites diagram

The proposed development is inconsistent with the Key Sites diagram for the subject site. The Applicant has submitted an alternative Key Sites diagram. The DCP (**Figure 11**) and proposed (**Figure 12**) Key Sites diagrams are illustrated below. In summary, the Applicant's proposed alternative Key Sites diagram increases building height to 5 to 9 storeys (plus

plant) including a 7 to 8 storey building component along the Pearson Lane frontage of the site. The alternative Key Sites diagram also varies the overall built form articulation in areas.

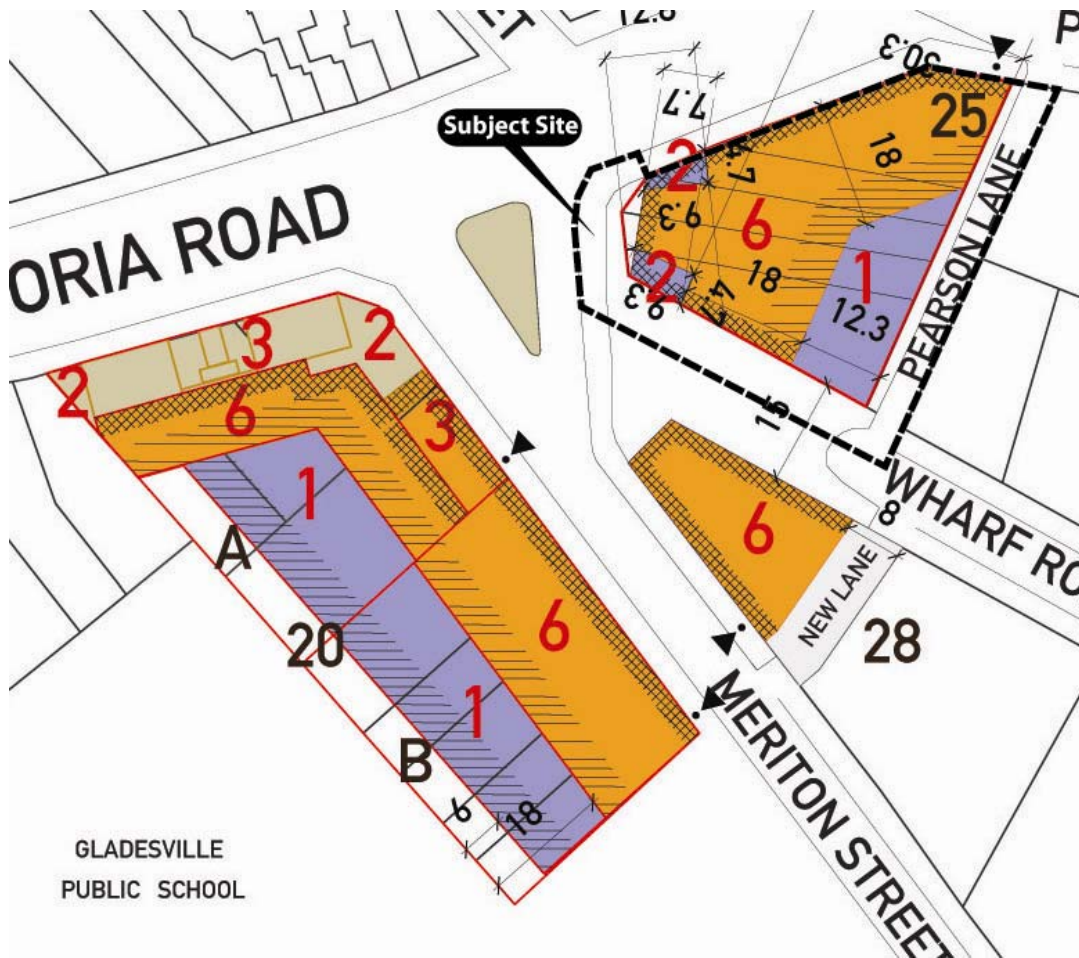


Figure 11 Ryde DCP 2010 Key Sites built form plan

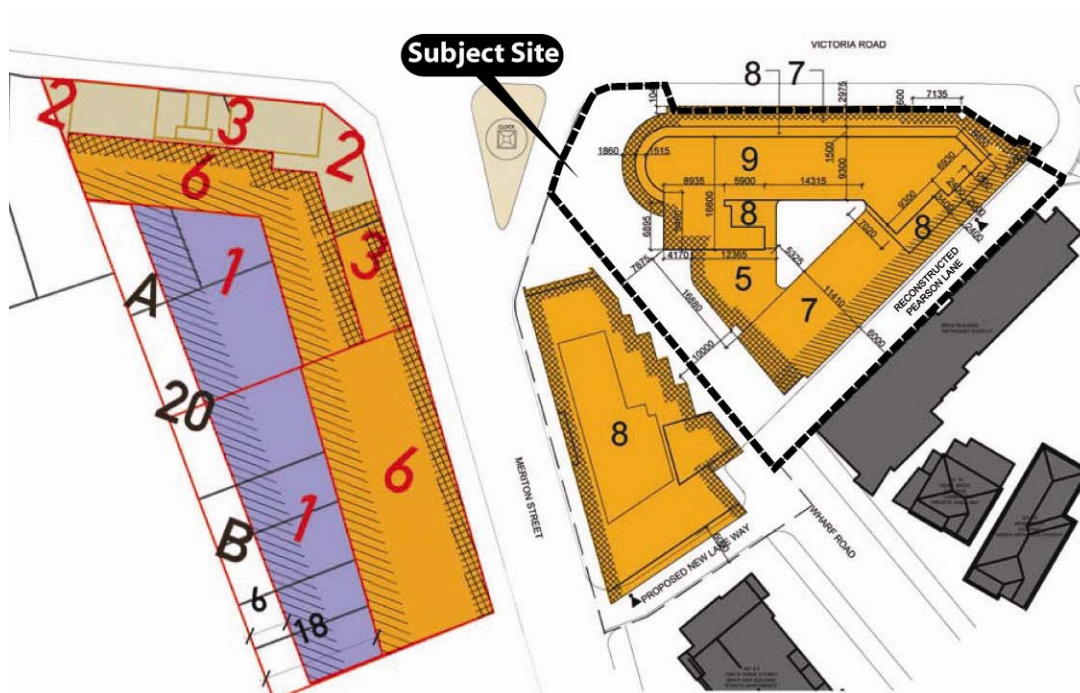


Figure 12 Proposed Key Sites built form plan

It is considered the proposal does not meet the criteria for variation of the adopted Key Sites Diagram, provided by Section 4 of Part 4.6 of Ryde LEP 2010, given the following:

- The proposal does not include any facility of community benefit beyond the provision of public open space, already envisaged by the DCP.
- Overshadowing impacts of the proposed development are greater than those expected from a reasonably complying development, namely increased overshadowing to private and public outdoor open space.
- The proposal provides opportunity for direct overlooking between the subject site and the adjoining development at 1-3 Wharf Road. It also increases overlooking/privacy concerns for adjacent properties to the south and south east through taller development along the length of Pearson Lane.
- The proposal does not provide any substantial environmentally sustainable design measures beyond BASIX. No rainwater tank is proposed for the use of rain water on-site. The number of south facing units
- The RMS has refused concurrence to the proposal in accordance with Section 138 of *the Roads Act 1993*.
- Council's Public Works Unit and Development Engineer have raised a number of concerns with respect to the proposed parking and access.
- The area of public open space is reduced, as the adjoining development at 1-3 Wharf Road will encroach on the existing Wharf Road reservation, reducing the envisaged public plaza width from 15 metres to 10-11 metres.

Note 2: Non-compliance with adopted Key Sites diagram

The maximum height under the adopted Key Sites diagram (or Built Form Plan) ranges from 1 storey at the rear to 6 storeys along the Victoria Road frontage. The building envelope required under the DCP provides for a transition from the Town Centre to lower density development to the south and south-east of the site. The non-compliance to the maximum building envelope prescribed under the Key Sites diagram is illustrated at **Figure 13**, **Figure 14**, and **Figure 15** below.

The Applicant considers the non-compliance with the building envelope controls is justified by responsive building designs, additional benefits to the community and the evolution of the southern gateway of the Gladesville Shopping Village, which will act as a catalyst for future developments in the area.

This justification is considered not adequate by this assessment given:

- The proposal does not respond to the site context, taking into consideration the density of residential development to the south and south-east and the envisaged surrounding development of 2-6 storeys under the Ryde DCP 2010. The DCP Key Site's diagram responds to lower building heights to the south and south-east of the site through stepping down the height from 6 to 1 storeys. The proposed Key Site Built Form Plan does not reflect this height transition.
- As stated above, there is no significant or additional community benefit provided for which justifies the significant increase in height and density.
- The planning controls provide for development on this site with greater height and density compared to the majority of other sites within the Gladesville Town Centre. A purpose of this was to support delivery of public domain improvements.

In addition, the DCP controls are considered to hold considerable weight in determining whether the proposed variations are unacceptable. In accordance with the Land and Environment Court Principle for considering the weight of a DCP (*Stockland Development Pty Ltd v Manly Council* [2004] NSWLEC 472), the proposal is considered unacceptable on the following grounds:

- The controls within the Ryde DCP 2010 are consistent with the Ryde LEP 2010 provisions. They have been independently tested by Architectus, which confirmed that the FSR of 3.5:1, as prescribed by the Ryde LEP 2010, can be achieved within the Key Sites built form plan under the Ryde DCP 2010. The Key Site diagram under DCP 2010 is therefore considered adequate in terms of achieving the height and density controls stipulated under the Ryde LEP 2010, and any public domain improvements Council has provided for through such controls.
- The Ryde DCP 2010 Gladesville Town Centre and Victoria Road corridor controls were prepared and adopted following extensive community consultation by both Ryde and Hunters Hill Councils. Whilst the DCP contains a provision under Section 4 to vary the Key Sites diagram, the proposed alternative plan significantly departs the adopted plan in built scale and density. Such a significant departure should have been raised and considered during the DCP making process, or alternatively, via an amendment to the DCP prior to the DA, where extensive community and stakeholder assessment of the alternative plan could be made, including necessary corrections. As noted under **Section 6**, Council Officer's suggested the applicant prepare a Planning Proposal if such significant departures were proposed.
- The approval of such a significant variation could establish a precedent for planning control departure for other sites within the Gladesville Town Centre and Victoria Road corridor.

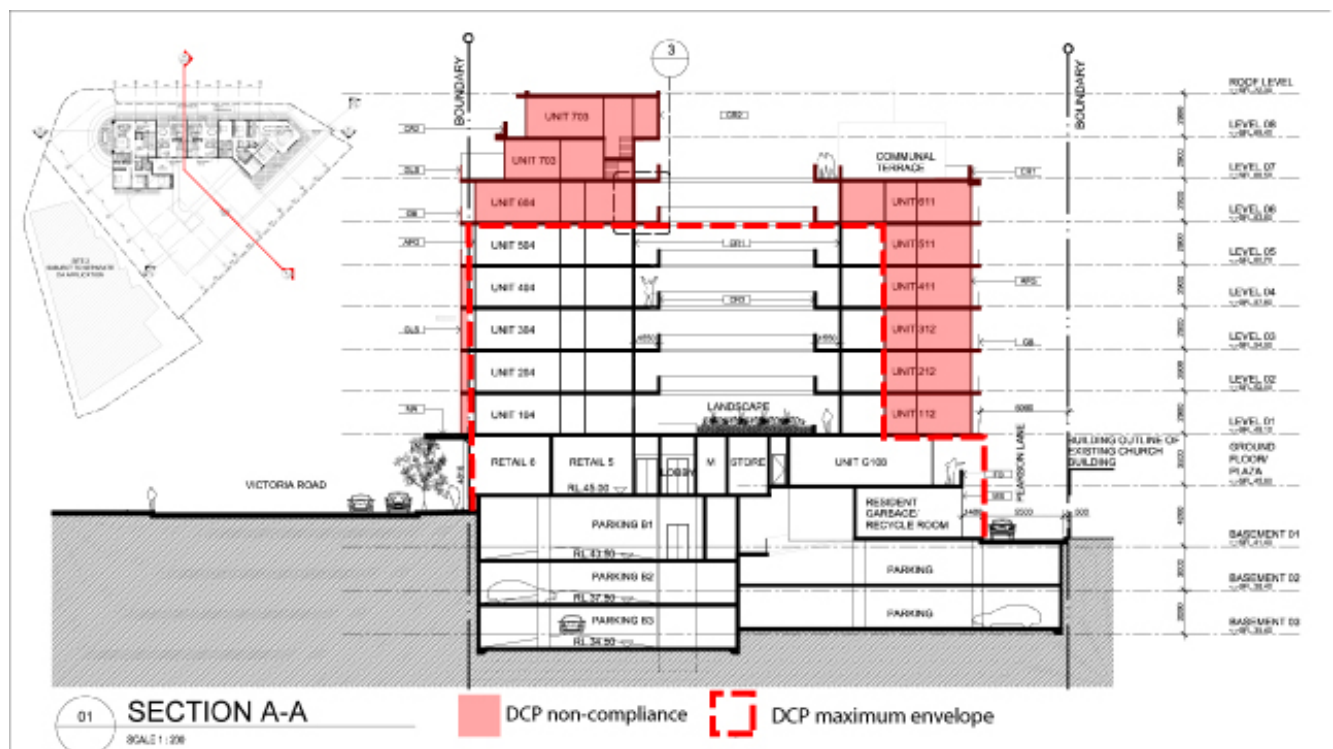


Figure 13 Non-compliance with the maximum Key Sites diagram envelope

10 LIKELY IMPACTS OF THE DEVELOPMENT

10.1 Context and setting

The subject site is part of the Gladesville Town Centre and Victoria Road Corridor. The surrounding area is characterised by a mix of two and three storey residential, retail and commercial developments. The desired future context is established by the Ryde LEP and DCP 2010 controls. These controls seek to increase the height and density of future built form on the site and provide for a mix of activities.

The proposal exceeds the scale of development envisaged by the controls. The variations proposed are considered to have a detrimental impact on context and setting as they will be out of character with the form of development and amenity expected by the Ryde LEP and DCP, which were prepared with extensive urban design, architectural analysis and community consultation.

10.2 Access, transport and traffic

Council's public works unit have determined that insufficient information and modelling has been provided to appropriately assess the impacts on traffic and transport in the locality. The modelling used by the Applicant is based on 2007 data. Therefore the impact of the proposed development with respect to transport and traffic impacts on the surrounding road network and intersections can not be satisfactorily considered.

Vehicular access to the site is proposed off Pearson Lane. It is proposed that Pearson Lane become a one-way route, reducing its availability as a rat-run route. The proposed access via Pearson Lane is supported.

The NSW Transport RMS has refused to grant concurrence to the proposed development, given the encroachments of the building into the public domain and other road and pedestrian safety concerns.

10.3 Solar access and overshadowing

The proposed development will reduce solar access and increase overshadowing to lower density residential areas to the south beyond what is expected by a reasonably complying development.

As indicated by the shadow diagrams submitted by the Applicant, in mid-winter, the proposal projects additional overshadowing into both the private open space of dwellings, and to the public domain as a result of the non-compliance with the maximum building height and density envisaged under the Ryde LEP and DCP 2010.

At 12pm on 22 June, the additional overshadowing caused by the non-compliance with the maximum LEP height control will significantly reduce solar access to the private open space of 16 Wharf Road, and 5 and 7 Pearson Street, Gladesville. At 3pm on 22 June, the additional overshadowing beyond that expected by a complying development, will impact further on the Uniting Church property, and properties east of Pearson Street.

10.4 Public domain and activity

The proposal includes active street frontages to Victoria Road and the proposed new public plaza, to be developed in conjunction with the adjoining development site at 1-3 Wharf Road.

The public domain area is envisaged under the Ryde DCP 2010 as a 15 metre wide plaza in the current Wharf Road reservation. The proposed development does not project into the Wharf Road reservation at or above the Ground Floor Level, however as the adjoining development at 1-3 Wharf Road is proposed to encroach its current site boundaries into the Wharf Road reservation, the envisaged public domain area will be reduced in width from 15 metres to 10-11 metres. Accordingly, the envisaged public domain outcome for the end of Wharf Road will not be fully realised, as it will be a reduced publicly accessible space in area (including that already provided by the road reservation).

The proposed retail tenancies will provide activation to Victoria Road and Wharf Road.

10.5 Heritage

The proposed development is considered to have a negative impact on the heritage significance and value of the locally listed clocktower. The proposed finished floor level of the public plaza, resultant of basement car parking located under this area, is 0.8 to 1.5 metres above the current natural ground level of Wharf Road. This will result in a reduction in the visual prominence of the Clock Tower when viewed from points further south of the site along Wharf Road.

10.6 Water

The proposal achieves a BASIX score of 40 (40 to pass) for water efficiency, therefore achieving the minimum requirement for efficiency in the use of water as part of the development. Achievement of this score will ensure minimisation of unsustainable water use.

10.7 Soils and contamination

The Preliminary Environmental Site Assessment submitted as part of the DA acknowledges the potential for the existence of site contamination as a result of possible imported fill brought to the site. A recommendation is made for further intrusive testing to identify the true presence of contamination. Should contamination be identified, a remedial action plan is required. The recommendations made in the Preliminary Environmental Site Assessment could be imposed as a Condition of Consent if a favourable recommendation was made.

10.8 Vegetation

The proposed development will result in the removal of five (5) street trees at the Wharf Road frontage of the site. The significance of the trees has not been addressed. New street trees are proposed along the Victoria Road frontage of the site. Other accent planting, in conjunction with the adjoining development at 1-3 Wharf Road, is proposed adjacent to the Wharf Road plaza stairs, and around the Clock Tower.

No information is provided regarding the proposed planting species within the subject site.

Insufficient information is provided to adequately determine the likely impact of the proposed development regarding vegetation.

10.9 Waste

The waste component of the proposed development has been reviewed by Council's Public Works Unit and Environmental Health Officer. A number of concerns have been raised regarding the inadequate calculation of waste generation on the subject site. Therefore, insufficient information has been provided to accurately determine the likely waste generation of the subject site.

Council's Development Engineer has also raised concerns that the reconstructed Pearson Lane is too narrow to accommodate passing vehicular traffic whilst waste is being collected.

10.10 Energy

The proposal achieves an energy efficiency score of 21 (20 to pass) under BASIX, demonstrating an acceptable level of energy efficiency. Additionally, the proposal achieves a 'pass' for thermal comfort under BASIX. The achievement of appropriate levels of energy efficiency and thermal comfort will ensure the proposal will generate an acceptable and sustainable demand for energy.

10.11 Noise

The proposed development is adjacent to Victoria Road, a major classified State road and busy east-west link between Sydney CBD and Parramatta. This route is subject to high volumes of traffic. Accordingly, the proposal will be subjected to high levels of noise as a result of the operation of Victoria Road.

As noted earlier, an Acoustic Report has been submitted as part of the DA. The Acoustic Report provides recommendations to ensure a suitable noise environment to future occupants of the development. These recommendations could be imposed as Conditions of Consent if a favourable recommendation was made.

The construction of the proposed development may also result in potential noise impacts to the surrounding area. Should a favourable recommendation be made, appropriate conditions could be imposed prohibiting the emission of offensive noise, and restricting the hours in which construction activity may be undertaken on the subject site.

10.12 Safety, security and crime prevention

The proposal is considered to have a positive impact on safety, security and crime prevention. The ground floor includes active uses to Victoria Road and the proposed new Wharf Road public plaza. Active uses at the ground floor will enhance safety in the surrounding public domain area.

Balconies and windows of living room and bedrooms address the surrounding public domain, providing passive surveillance opportunities to the laneway, Victoria Road and the Wharf Road public plaza.

Appropriate access control is provided to ensure only authorised entry is provided to residential living and car parking areas.

As noted earlier, the NSW Police have made a number of recommendations to enhance safety, security and crime prevention through surveillance, access control, and reducing the potential for crime. These recommendations could be imposed as Conditions of Consent if a favourable recommendation was made (refer to **Section 13**).

10.13 Stormwater and drainage

Council's Development Engineer has noted the potential for the proposed development to cause downstream flooding at 10-16 Ashburn Place (south of the site), as stormwater flow for both the proposed development, and the adjoining development at 1-3 Wharf Road, is proposed to drain to a single point. Further study of the likely flooding impact of the proposal is required.

10.14 Social impacts in the locality

The proposed development will provide additional housing choice in the locality, providing a mix of studio, one, two and three bedroom apartments. The proposal will provide 104 (23%) of the forecast 439 additional dwellings for Gladesville-Tennyson Point between 2011-2016 (source: Ryde Forecast .ID), assisting in accommodating the additional housing growth forecast for the locality.

The proposed retail component of the development will modify employment opportunities currently available by existing commercial occupants on the subject site, maintaining the site's employment role within the Gladesville Town Centre.

The proposed outdoor plaza will enhance the availability of useable publicly accessible open space in the Gladesville centre, contributing to the existing community space and facilities. However, as noted above, is a reduced area than envisaged under the DCP.

10.15 Economic impacts in the locality

The construction phase of the proposed development will result in temporary construction-related employment in the locality.

The increase in housing on the site will contribute to the economic well-being of local shops and services within the Gladesville Town Centre. An increase in the local population is likely to result in additional patronage of local shops and services, supporting their economic vitality. However, development in accordance with the controls will also support such.

10.16 Demolition and construction

The proposed construction work will have air, noise, waste and traffic impacts on the surrounding area. It is necessary that these impacts be mitigated to ensure minimal nuisance and disturbance to the surrounding area, particularly residential properties to the south and south-east of the site.

Should a favourable recommendation be made, appropriate Conditions of Consent could be imposed to maintain an appropriate level of amenity during the undertaking of construction activity on the site. Such conditions could manage adequate air quality, dust control, stormwater quality, noise mitigation, restricted hours of construction, traffic and waste.

11 SUITABILITY OF THE SITE FOR DEVELOPMENT

The proposed development is considered suitable to the subject site with respect to zoning. The site is zoned B4 – Mixed Use under the Ryde LEP 2010, which permits the development of shop-top housing and commercial premises.

As a result of non-compliances to the height and floor space ratio standards contained within the Ryde LEP 2010, and the height and built form controls under the Ryde DCP 2010, the proposed development will create overshadowing impacts to residential areas south and south-east of the site beyond those expected of a reasonably complying development.

The RMS have also deemed that the development as inappropriate given the encroachments of development within road reservations, and potential impacts on road and pedestrian safety and operation.

Further, insufficient information is provided to adequately determine the impacts of waste and traffic generation.

Therefore, the proposed development is not considered suitable to the subject site.

12 THE PUBLIC INTEREST

The proposed development is affected by the following objectives of the *Metropolitan Plan for Sydney 2036*:

- **Objective A3 – To contain the urban footprint and achieve a balance between greenfields growth and renewal in existing urban areas.**

The proposed development will provide additional housing development within the Gladesville Town Centre, an established urban area. This will assist in accommodating additional housing growth within the existing urban footprint of the Sydney Metropolitan Region.

- **Objective B1.1 – Plan for centres to grow and change over time.**

The Ryde LEP 2010 and Ryde DCP 2010 controls provide plans for the growth and rejuvenation of the Gladesville Town Centre. These plans were prepared following extensive community consultation, undertaken together with Hunters Hill Council, the planning authority for the part of the Gladesville Centre.

The proposed development significantly exceeds the envisaged development outcome for the subject site under the Ryde LEP 2010 and Ryde DCP 2010 controls, and is therefore considered inconsistent with the desired growth and change planned for the Gladesville Town Centre.

- **Objective D1.1 – Locate at least 70 per cent of new housing within existing urban areas and up to 30 per cent in new release areas.**

The proposed development provides 104 new dwellings within the Gladesville Town Centre, contributing to increasing the provision of housing within an existing urban area.

- **Action B2.1 – Plan for housing in centres consistent with their employment role.**

Gladesville is identified as a 'Village Centre' under the Inner North Subregional Strategy. A Village Centre is characterised by 'a strip of shops' and typically will comprise of '2,500-5,000 dwellings' and 'medium density housing in and around the main street'. The proposed development exceeds the envisaged density for development on the site, established by the Ryde LEP 2010 and Ryde DCP 2010, planning controls prepared and

adopted following the Draft Inner North Draft Subregional Strategy. The proposed development is characteristic of 'high density' development – envisaged for only limited sites within Gladesville (being 8 storey developments permissible at two strategic locations close to the Gladesville Town Centre core and on larger sites); however not the subject site which is at the eastern fringe of the town centre.

- **Action C1.3 Plan for increased housing capacity targets in existing areas.**

Ryde Council identified to accommodate an additional 12,000 dwellings between 2004 and 2031. The proposed development will assist in achieving these targets, by providing an additional 104 dwellings.

The proposal was notified for comment between 6 January 2012 and 7 March 2012, during which Council received 58 objections and 419 letters of support. The vast majority of the letters of support were in a proforma format and 310 were dated February to July 2011, prior to lodgement of the DA. The issue and comments raised in the submissions are discussed further under **Section 14** of this report.

The proposal will have additional impacts on the locality and residents in the surrounding area beyond those expected of a reasonably complying development.

Accordingly, the proposed development is not considered to be in the public interest.

13 REFERRALS

External referrals

NSW Transport Roads and Maritime Services (RMS)

The RMS were referred the DA for concurrence under Section 138 of the *Roads Act, 1993*. Following a review of the DA, the RMS has refused to grant concurrence to the proposal, for the reasons summarised:

- No new buildings, structures or parking should be constructed within the road reserve. Detailed Sections A-A and B-B dated November 2011 show the building line to be outside the property boundary.
- The intersection of Victoria Road and Meriton Street shall be constructed to accommodate a 12.5 metre vehicle, with turning paths submitted to the RMS. A 10.2 metre vehicle is not an Austroads design vehicle length.
- RMS does not support a right turn from Meriton Street into the new lane, as right turning traffic waiting for a gap in opposing traffic would block an existing zebra crossing.

The RMS also recommended proposed plantings in the Victoria Road reserve shall be frangible, clear of driver's sight line to the zebra crossing and clear of underground and overhead utilities.

As the RMS has refused concurrence to the proposed development, consent can not be granted.

Gladesville Police

Gladesville Police have reviewed the proposed development in accordance with the principles of Crime Prevention through Environmental Design (CPTED). Comments from Gladesville Police are summarised below:

- **Surveillance:** Appropriate surveillance should be provided, particularly in areas which lack passive surveillance opportunities. Recommendations by the Gladesville Police include appropriate materials and finishes for surveillance into common areas; installation of mirrors for safety; installation of CCTV in particular locations; and CCTV maintenance and recording requirements. These recommendations could be imposed as Conditions of Consent if a favourable recommendation was made.
- **Landscaping:** No landscape maintenance plan, which is essential, has been provided. A lack of information regarding landscaping is also noted and a number of landscaping recommendations made to ensure safety and crime prevention, such as appropriate maintenance of trees and landscaping. These recommendations could be imposed as Conditions of Consent if a favourable recommendation was made.
- **Lighting:** Appropriate lighting of common areas, basement areas and public areas should be provided. Recommendations for appropriate lighting levels and timing could be imposed as Conditions of Consent if a favourable recommendation was made.
- **Territorial reinforcement:** Appropriate signage should be provided to assist in deterring crime and reinforce public and private space boundaries. Recommendations for signage at exit/entry points and in public and communal areas could be imposed as Conditions of Consent if a favourable recommendation was made.
- **Environmental maintenance:** A plan of management including maintenance details should be prepared. This should ensure security devices including CCTV, security communication devices, card readers, lighting and signage are all scheduled for regular maintenance and monitoring. This could be imposed as a Conditions of Consent if a favourable recommendation was made.
- **Space/Activity management:** Ensure areas are appropriately managed and secured to avoid unauthorised intruder access and ensure entrances do not provide unauthorised access to other parts of the building. This could be imposed as Conditions of Consent if a favourable recommendation was made.
- **Access control:** It has been identified that there is no access control to the basement parking area and to residential parking spaces. Furthermore, Gladesville Police have identified that retail visitors using the parking must travel via a lift into the residential lobby to get to the ground floor and then access retail units. This gives unrestricted access to the residential units, particularly at Ground Floor. Additional doors should be provided to provide a secure entry to the residential units at Ground Floor. Additionally, the lift used for retail visitor access should be restricted to travel between Ground Floor and the Mezzanine parking level only. These recommendations could be imposed as Conditions of Consent if a favourable recommendation was made.
- **Other matters:** Gladesville Police have also noted that sensor lights should be installed and a security company used to monitor the site during construction. It is also recommended that appropriate garage doors and locking mechanisms are in place to avoid unauthorised intruders from entering residential parking areas. These recommendations can be imposed as Conditions of Consent if a favourable recommendation was made.

Internal referrals

Heritage Planner

The proposed development was considered by Council's Heritage Planner in conjunction with the proposed development at 1-3 Wharf Road.

The significance of the clocktower is noted as a local landmark, sited in a visually prominent location. It is therefore considered significant in the local context and streetscape.

No Heritage Impact Statement was submitted as part of the DA. It is considered that the documentation submitted does not adequately address the heritage impact of the development.

The proposal is also considered to impact negatively on the heritage significance of the clocktower, given the following:

- The development will encroach on the Wharf Road reservation and provide a building separation of less than 15 metres, interfering with the current centred vista of the clock tower along Wharf Road. The proposed buildings should retain the original street and building alignment as per the DCP controls.
- The differences in height across the site from Victoria Road to Wharf Road and the elevated pedestrian mall would obscure the lower section of the clocktower and does not present an appropriate transition from the original Wharf Road level to the proposed development.
- The proposed '*Liriope Muscari*' grass would provide mass native grass plantings reaching a mature height of 0.6 metres. This would detract from the clocktower's heritage significance by obscuring viewing opportunities to the heritage item.

Overall, Council's Heritage Planner considered the proposal unacceptable on heritage grounds.

Environmental Health Officer

Council's Environmental Health Officer commented on a number of areas of concern including:

- Inappropriate location of garbage compactor in the basement parking level;
- Incorrect calculation of waste generation;
- Frequency of waste collection;
- The size of the retail waste storage area; and
- Accessibility and security between residential and retail waste storage areas.

Additional information is required to address the above.

Landscape Architect

Council's Landscape Architect reviewed the proposal and considers the overall landscape design of the public plaza to be inappropriate and lacking key design features such as appropriate feature lighting, 3D design elements such as trees and public art, shading and appropriate tree plantings.

Development Engineer

Council's Development Engineer reviewed the architectural and engineering drawings and raised a number of concerns, summarised below:

- Parking layout does not comply with applicable Australian Standards;
- Parking allocations are not clearly identified on the drawings;
- Vehicle manoeuvring areas within the basement parking areas are inconsistent with applicable Australian Standards;
- The operation of the loading dock is unsafe, with no clear sightlines to allow for safe passing of pedestrians. The loading dock is also considered poorly located with no easy access to lifts;
- The northern and southern side of Pearson Lane should be provided with a minimum 1.5 metre (northern side) and 0.5 metre (southern side) wide pathways;
- The overhang clearance distance of the building over the laneway is unclear;
- Additional information on the load ability of the reconstructed roadway and manoeuvring space is required;
- A rainwater tank is required at the volume equivalent to what a required OSD tank would be;
- Flows from the site, and the adjoining development at 1-3 Wharf Road, are proposed to be piped to Council's drainage system in Pearson Street. This is not supported as it would exacerbate flooding conditions to properties further downstream. The capacity of this system should be checked for 1:20 and 1:100 year flood events; and
- Some segments of piping in the public road reserve are proposed at 300mm diameter. These should be at least 375mm.

Public Works Unit

Council's Public Works Unit has assessed the proposed development with regards to drainage, traffic, public domain and waste. The Public Works unit have made the following comments regarding these aspects of the development:

- **Drainage:** Refer to Development Engineer comments above.
- **Traffic:** The proposal is recommended for refusal for the following reasons:
 - Insufficient bicycle parking is provided in accordance with Section 3.2.3 of Part 4.6 of Ryde DCP 2010;
 - The development has the potential to introduce an unacceptable road safety impact to pedestrians and vehicles and no road safety audit has been provided to address these issues as per Council's pre-lodgement request;
 - There is insufficient confidence in the extent of intersection impacts caused by the development due to the use of intersection analyses being sourced from the *Gladesville and Victoria Road Corridor Study* undertaken over three years ago. This data is considered to be out of date and not representative of current conditions; and
 - There is insufficient confidence in the extent of traffic impacts caused by the development due to reliance on intersection analyses undertaken in the *Gladesville and Victoria Road Corridor Study*. This analysis has not been verified by the Applicant for current and accuracy.
 - No demonstration that the parking layout and access arrangements can accommodate a garbage truck in accordance with AS 2890.1:2004.
- **Public domain:** No comment.

- **Waste:** Issues identified including security and access between residential and commercial waste storage areas; access to the hard waste storage room via ramp is inappropriate; an on-going waste management plan is not provided.

14 PUBLIC NOTIFICATION AND SUBMISSIONS

The proposed development was exhibited between 3 January and 7 March 2012. It is noted that the proposal was exhibited in conjunction the DA for the adjoining development at 1-3 Wharf Road (LDA 2011/0622) and the separate demolition DAs for the two sites.

Council received 58 objections and 419 letters of support. The vast majority of these letters were in a proforma format and 310 were dated February to July 2011, prior to the lodgement of the DA. It is noted that these letters generally related to support for provision of a publicly accessible open space (the proposed plaza). As these letters are dated prior to the exhibition of the DA, it is not clear as to whether they relate directly to the development scheme proposed by this DA.

The key issues raised by the submissions provided during the exhibition period include the following:

Traffic, transport and parking impacts:

Issues:

- New laneway to Wharf Road is a safety hazard.
- The proposal will exacerbate parking and traffic issues along Wharf Road and the surrounding area.
- The proposal will increase traffic issues in the locality.
- Public transport is already operating at capacity.
- Loading area is not suitable for large trucks.
- Right turn into the laneway from Meriton Street will cause traffic problems.
- More current traffic counts should be undertaken.
- Wharf Road should not be re-opened.

Comments:

The proposed new laneway between Wharf Road and Meriton Road is envisaged under Council's DCP. Any future laneway at this location will need to comply with the applicable Australian Standards and Council's recommendations for safe operation of the laneway and its intersections.

The traffic generation calculation has not been appropriately considered, and therefore an accurate assessment of the likely impacts of the proposed development on traffic and operation of the local road network can not be made.

The proposal provides parking additional to that required under the Ryde DCP 2010, in accordance with Ryde DCP 2010 which encourages additional parking provision within the Gladesville Town Centre precinct. This will assist in reducing car parking demand along Wharf Road.

The proposed development exceeds the envisaged development outcome for the site under the current Council planning controls for the Gladesville centre. These controls were prepared taking into consideration the accessibility, road and transport operation and servicing of the site and surrounds. By proposing development which exceeds the envisaged development outcome, the likely envisaged demand for transport in the locality may be increased.

Council's Development Engineer and the RMS have reviewed the DA, including operation of the laneways. A number of concerns have been raised with regards to the safe operation of the laneways and entry into the laneway. Taking these concerns into consideration, the proposed operation of the new laneway is not satisfactory.

Council's Development Engineer has raised concerns with the operation of the loading dock, as well as compromised sight lines. Accordingly, the loading dock is deemed inappropriate in its proposed form.

It is not proposed that Wharf Road be re-opened to Victoria Road.

Height and built form:

Issues:

- The height and built form is an overdevelopment of the site.
- The development is twice as tall as other development in the area.

Comments:

The proposed development exceeds both the maximum building height stipulated under the Ryde LEP 2010 (22 metres) and the Ryde DCP 2010 (1 to 6 storeys). The built form also significantly exceeds the envisaged development outcome for the site as stipulated by the Key Sites diagram within the Ryde DCP 2010.

The site is afforded one of the highest height and FSR standards for development within the Gladesville Town Centre. The proposed development exceeds the maximum height, resulting in development that will be out of context with the locality.

Objections to height and built form are well founded. The proposed height and built form is considered excessive.

Density:

Issues:

- FSR calculation needs clarification.
- The proposal significantly exceeds the maximum FSR.

Comments:

The FSR has been calculated incorrectly by the Applicant. In accordance with the Ryde LEP 2010, the site area when calculating FSR must exclude any community or public lands. Accordingly, the site can not include any part of the Wharf Road, Victoria Road, Meriton Street or Pearson Lane reservations.

Detailed discussion of the FSR is provided at **Section 8.6** above.

The maximum FSR is significantly exceeded on the subject site, and accordingly, the proposed development is not supported by this assessment report.

Response to neighbourhood character:

Issues:

- The proposed development is out of character with the village atmosphere of Gladesville.
- The proposal does not fit in with the heritage characteristics of the area.

Comments:

As noted under **Section 12** the proposed development is considered to be 'high density' development, which is not consistent with the 'medium density' development which should characterise the 'village centre' identification of Gladesville under the Draft Inner North Subregional Strategy.

As discussed below, the proposed development is considered unacceptable with respect to its impact on the heritage listed clocktower.

Heritage impacts:

Issue:

- The proposal will impact on the heritage value of the Clock Tower.
- The proposal is out of character with heritage listed Gladesville Hospital site.

Comment:

The proposal was referred to Council's Heritage Planner, who has concluded that the proposed development will negatively impact on the heritage significance of the locally listed heritage Clock Tower given the scale of development and proposed finished floor level of the Wharf Road plaza being raised from its current level.

The proposed development is located some distance from the Gladesville Hospital site. It is not required that development on the site take into consideration impacts on Gladesville Hospital given the 400-500 metre separation distance.

Overshadowing:

Comment:

- Overshadowing impacts should be shown from 7am, as this is when surrounding properties receive morning sun.

Issue:

It is noted that in accordance with Council's submission requirements, shadow diagrams are required for 21 June at 9am, 12pm (noon) and 3pm. The Applicant has provided shadow diagrams for these times in accordance with the DA submission requirements.

The extent of additional overshadowing caused by the excessive height and density of the site is acknowledged as an area of concern, and accordingly, the proposed development can not be supported.

Privacy impacts:

Issues:

- The proposal includes balconies directly overlooking open space of surrounding residential properties.
- Council should enforce the provision of pergolas to units on the adjacent site to the south of 1-3 Wharf Road to maintain privacy, in accordance with an agreement for the Developer to pay the body corporate \$110,000 (inc GST) for these works.

Comment:

This concern is acknowledged by Council. The proposed development, particularly where the height is exceeded, exacerbates potential privacy impacts to the surrounding area.

Also, as noted under the RFDC and Ryde DCP 2010 assessments (**Section 8.1** and **8.7** respectively), the proposal does not comply with minimum separation distances to development to the south and the adjoining development site at 136-140 Victoria Road and 2-10 Wharf Road, providing opportunity for overlooking between units.

Following the assessment of the proposal against the relevant SEPP 65 and Ryde DCP 2010 privacy provisions, the proposal is unacceptable in its current form.

Privacy would be enhanced under a complying development scheme.

Aesthetics and visual impacts:

Issue:

- The proposed development is unattractive and lacks taste.

Comment:

The Urban Design Review Panel has raised a number of concerns with the overall design of the building. The building design is not supported.

Social impacts:

Issue:

- Such density will result in social and health impacts for future occupants, especially children who require public open space.
- Gladesville is an established community and does not need an influx of other multicultural community groupings.

Comment:

The proposed dwelling mix will accommodate a range of household types. Communal open space is proposed as part of the development. The proposal will also assist in accommodating the expected population growth of the locality.

The proposal is not considered to have a detrimental social impact.

Noise impacts:

Issue:

- Car parking entrance locations, outdoor dining and loading and service areas proposed will create additional noise impacts to surrounding residences.

Comment:

Council's Development Engineer has raised concerns with the location of the driveway and the suitability of the loading dock areas.

The increase in density on the site will also add to parking demand, and therefore car movements in and out of the proposed parking. Therefore, it is considered that proposed traffic noise will be beyond what is reasonably expected of a complying development.

Public domain:

Issue:

- Trees should be provided in the plaza for shading.

Comment:

This comment is supported by Council's Landscape Architect and the Urban Design Review Panel who have noted the lack of trees in the publicly accessible open space area.

Economic viability:

Issue:

- No demand for retail, with many vacant shops in Gladesville Town Centre and bankruptcy of Top Ryde City development.

Comment:

Retail uses at Ground Floor are required under the Ryde DCP 2010, and the provision of active street level uses is supported by Council.

Community consultation:

Issue:

- Council have not actively engaged with the community regarding this proposal.
- Council have 'delegated' community consultation to the developer.
- Council exhibited DA over Christmas holiday period.

Comment:

The exhibition period of this application was extended by Ryde Council to 7 March 2012, providing the community two months to prepare submissions to the exhibited DAs. This is well in excess of the standard 21 day notification period. Gladesville residents within the Hunters Hill LGA were also notified and invited to prepare submissions.

The requirement for the Applicant to undertake community consultation prior to lodgement of the DA was put forward and endorsed by Council at the time of considering the potential sale of Council land to the applicant for the purposes of providing a publicly accessible plaza. This

requirement for community consultation is not part of the statutory exhibition of the DA, which was undertaken by Council.

Structural damage to properties:

Issue:

- The excessive excavation will cause structural damage to surrounding homes.

Comment:

Should a favourable recommendation of the DA be made, appropriate Conditions of Consent could be imposed requiring the undertaking of a dilapidation survey of surrounding properties to ensure excavation work is appropriately managed.

Rejuvenation of the Gladesville Town Centre:

Issues:

- The proposal will provide much need rejuvenation of the Town Centre;
- Gladesville is currently rundown and tired;
- Proposal will provide more outdoor open space and bring jobs and investment to the area.

Comment:

The Gladesville Town Centre and Victoria Road LEP and DCP controls have been developed following extensive consultation with the local residents and community and business groups and through urban design analysis which resulted in additional floor space to this site compared generally with others. Whilst it is acknowledged that the proposed development will assist in the rejuvenation of the Gladesville Town Centre/Victoria Road corridor, the proposal will also set a precedent for development that is not suitable to desired future character of the locality established by the controls.

Sale of Council land:

Issue:

- Council selling ratepayer property for private development is unacceptable.

Comment:

It is understood that Council only entered into a purchase agreement and therefore Council owned land has not yet been sold.

Other issues:

Issue:

- Development will block television reception to adjoining residences to the south.
- Council should assess the impact of the proposed development on future development of the Uniting Church site.

Comment:

There is not evidence that the proposed development will impact on television reception.

As part of the above assessment, the impact on adjoining sites, including the Uniting Church, has been considered.

15 CONCLUSION

The proposed development involves the construction of a five (5) to nine (9) storey mixed use retail/residential development comprising seven (7) retail tenancies at the Ground Floor level, and 104 residential units at the Ground and upper levels. Three (3) levels of basement parking are proposed, accommodating car parking for 170 motor vehicles. The proposal also includes the provision of part of a publicly accessible private open space at the northern end of Wharf Road, in conjunction with the adjoining development proposal at 1-3 Wharf Road.

The proposed development results in significant non-compliances with the height and FSR standards stipulated under the Ryde LEP 2010. The building exceeds the maximum 22 metre height standard by up to 9 metres and the maximum FSR standard of 3.5:1 by 2.03:1. The proposal also varies considerably the built form outcome envisaged for the site under the Key Sites diagram within the Ryde DCP 2010. The proposal exceeds the envisaged development outcome of a 1-6 storey development by three (3) to six (6) storeys. The extent of non-compliances is considered to be significant against the adopted controls.

Further, the NSW Transport RMS has refused to grant concurrence to the proposed development in accordance with *Section 138 of the Roads Act 1993*.

The development application is therefore recommended for **refusal**.

16 RECOMMENDATIONS

Pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, the following is recommended:

- A. That the Sydney East Region Joint Regional Planning Panel, as the consent authority, refuse consent to 2011SYE123 – Development Application for a 5 to 9 storey mixed use retail/residential building including three basement parking levels, upgrades to an existing Laneway and provision of a new public plaza within an existing road reservation in conjunction with a proposed development at 1-3 Wharf Road (2011SYE124):
 - (a) The NSW Transport Roads and Maritime Services (RMS) has not granted concurrence to the proposed development under Section 138 of the *Roads Act 1993*.
 - (b) The proposal is inconsistent with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings with respect to Character, Scale, Built Form, Density and Amenity.
 - (c) The DA proposes significant non-compliances with the maximum height and floor space ratio standards for the site under the Ryde LEP 2010, which result in adverse bulk and scale impacts.
 - (d) The DA seeks significant variation to the applicable Ryde DCP 2010 controls, particularly in relation to the envisaged development outcome for the site under the Key Sites diagram. The degree of variation would have been best assessed first under an amendment to the planning controls.

- (e) The proposed variation will result in a development with negative impacts on local context and setting, additional overshadowing to surrounding areas and an unacceptable impact on an item of heritage significance.
- (f) Insufficient information is provided to appropriately determine the likely traffic generation and impacts on the surrounding road network.
- (g) The proposed development is not considered to be in the public interest for the following reasons:
 - i. It is inconsistent with the relevant 'Village Centre' classification of Gladesville under the Metropolitan Plan for Sydney 2036 and Draft Inner North Subregional Strategy;
 - ii. The proposed development will have negative impacts on the heritage significance of the local heritage listed Clock Tower;
 - iii. The proposed development will set an inappropriate precedent for significant departures to the Ryde LEP 2010 maximum height and FSR standards, and the Ryde DCP 2010 Key Site's controls.

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