

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP NUMBER:	2011SYE124
DA NUMBER:	LDA2011/0622
LOCAL GOVERNMENT AREA:	City of Ryde
PROPOSED DEVELOPMENT:	Construction of an eight storey mixed use development containing retail/commercial floor space at the Ground Floor level; 68 residential apartments; and parking for 119 motor vehicles over three and a half basement levels.
STREET ADDRESS:	1-3 Wharf Road Gladesville
APPLICANT:	Windesea Build 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 an eight (8) storey mixed use commercial/retail and residential development at 1-3 Wharf Road, Gladesville. The development comprises commercial/retail uses at the Ground Floor level (3 retail units), 68 residential apartments distributed across ground and upper floors, and 119 car parking spaces over 3 and a half basement levels. A laneway is to be provided along the southern boundary of the site, connecting Meriton Street to Wharf Road. Resident and visitor vehicular and loading dock access will be provided from this future laneway. Pedestrian access is provided off Meriton Street. The proposal also includes part of a publicly accessibly private open space area at the northern end of Wharf Road, in conjunction with DA 2011SYE123 (LDA2011/0621).

It is noted that a separate Development Application (LDA2011/0629) 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 3 January 2012 and 7 March 2012, in conjunction with LDA2011/0621 for a mixed use development at 136-140 Victoria Road and 2-10 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: Windesea Build Pty Ltd

Owner of the site: Windesea Build Pty Ltd and Hilda and Joseph Cheong. Part of the site also owned by City of Ryde Council.

Estimated value of works: \$14,933,347 (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.

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 1-3 Wharf Road, Gladesville and the legal description of the land is Lot A in Deposited Plan 85916.

The subject site is bounded by Victoria Road, Wharf Road and Meriton Street. There is a gentle downward slope from the north to the south-west corner of the site, of 1.62 metres. The location of the site illustrated at **Figure 1**.

The site currently comprises a two storey commercial building.

The site is surrounded by a three storey mixed use retail/residential development further north-west along Victoria Road; a mix of one and two storey residential dwelling houses and residential flat buildings to the north-west opposite Meriton Street; adjoining development site (mixed use retail/residential development, 2011SYE123/ LDA 2012/621) to the east and a three storey residential flat building to the south.

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

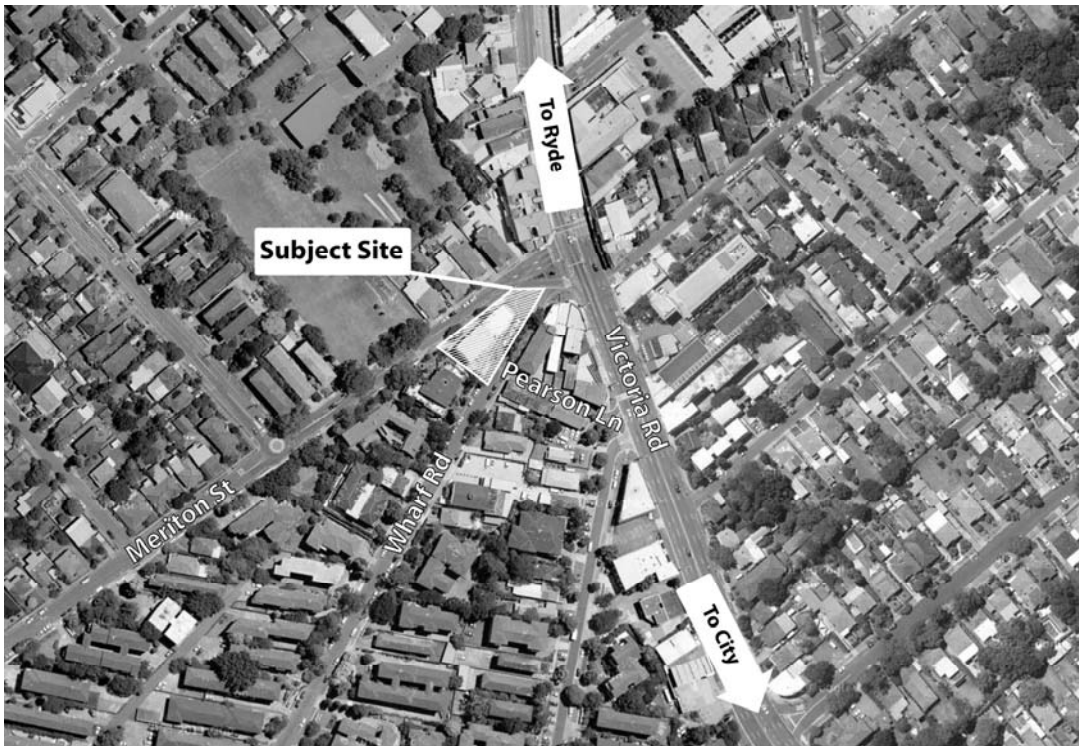


Figure 1 Site location plan
Source: Google Earth 2011



Figure 2 View of the subject site frontage to the Meriton Street/Wharf Road/Victoria Road junction



Figure 3 The rear of the site at the location of the proposed new laneway



Figure 4 Three storey mixed use development north-west of the site at the corner of Victoria Road and Meriton Street



Figure 5 Southern boundary of the site, showing adjoining residential flat building (left)

4 SITE DETAILS

Total site area:	1,330m ² including 705m ² of publicly owned land, being part of the Wharf Road reservation.
Frontage to Victoria Road/Meriton Street junction:	8.235 metres
Frontage to Meriton Street:	39.705 metres
Frontage to Wharf Road:	37.55 metres
Rear (south) boundary length:	21.095 metres
Land use zone:	B4 Mixed Use (refer to Zoning Plan at Figure 6). A small portion of the site (being part of the Wharf Road reservation) is located within the R4 – High Density Residential Zone under the Ryde Local Environmental Plan 2010 (Refer to Figure 7).



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

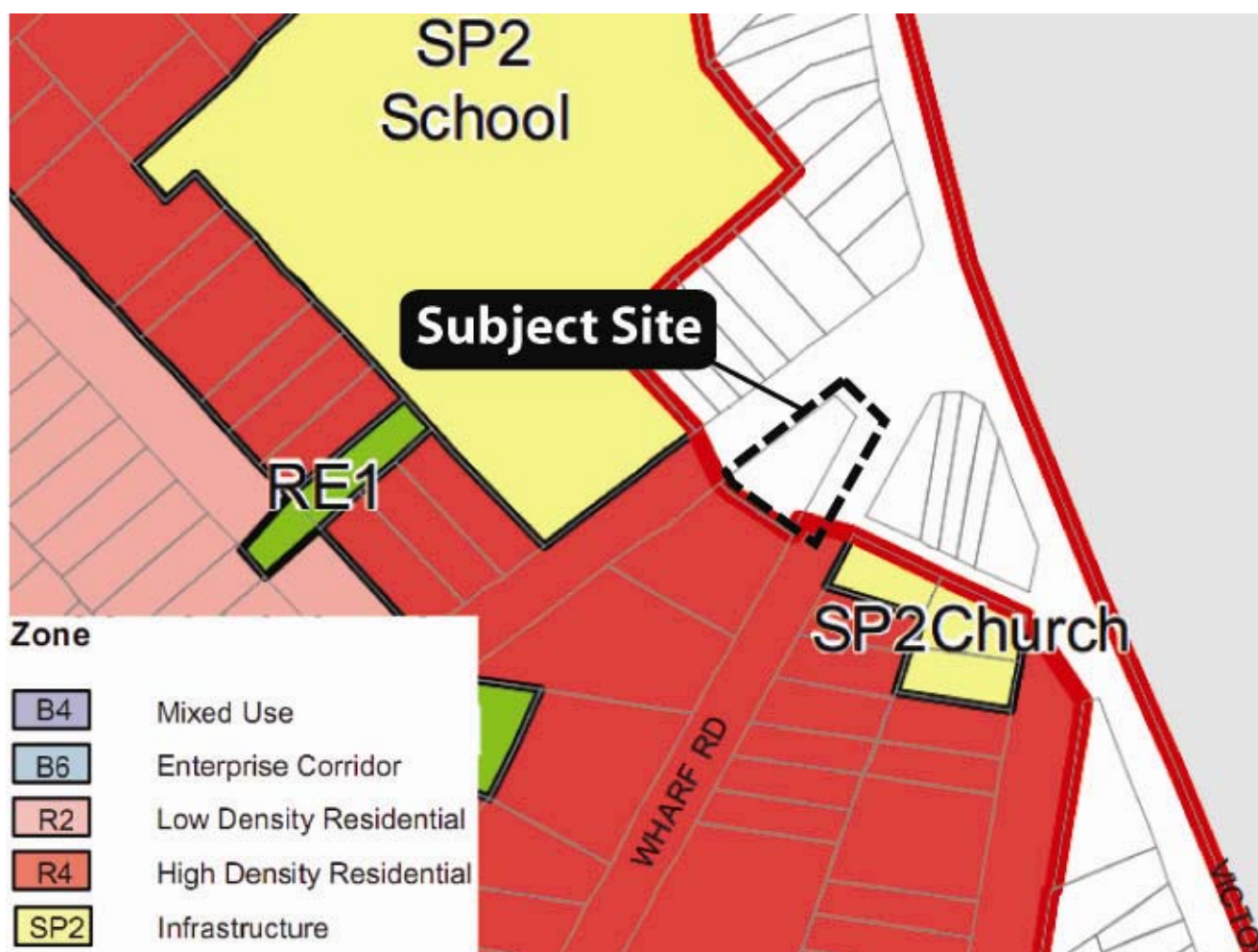


Figure 7 Zoning Plan under LGA-wide Ryde Local Environmental Plan 2010.

5 PROPOSAL

The DA proposes the development of a mixed use 8 storey building. The Ground Floor level includes non residential uses (3 retail tenancies) and residential apartments. Upper floors are residential. Residential accommodation includes 26 x 1 bedroom units and 42 x 2 bedroom units. Basement parking is proposed, with 119 car parking spaces across 3 and a half basement levels. The 119 car parking spaces include 107 residential spaces and 12 retail spaces. Communal open space is provided in the form of a roof terrace.

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 136-140 Victoria Road and 2-10 Wharf Road Gladesville opposite, being part on that site and part on the subject site. A DA currently applies to that land (reference 2011SYE123/ LDA2011/0621). The location of the site in relation to the adjoining development site is illustrated at **Figure 8**. Other public domain works include repaving of a public footway along Victoria Road and Meriton Street, construction of a new lane at the southern boundary of the site and landscape improvements to the locally listed heritage Clock Tower, located adjacent.

A photomontage of the proposed development is provided at **Figure 9**.

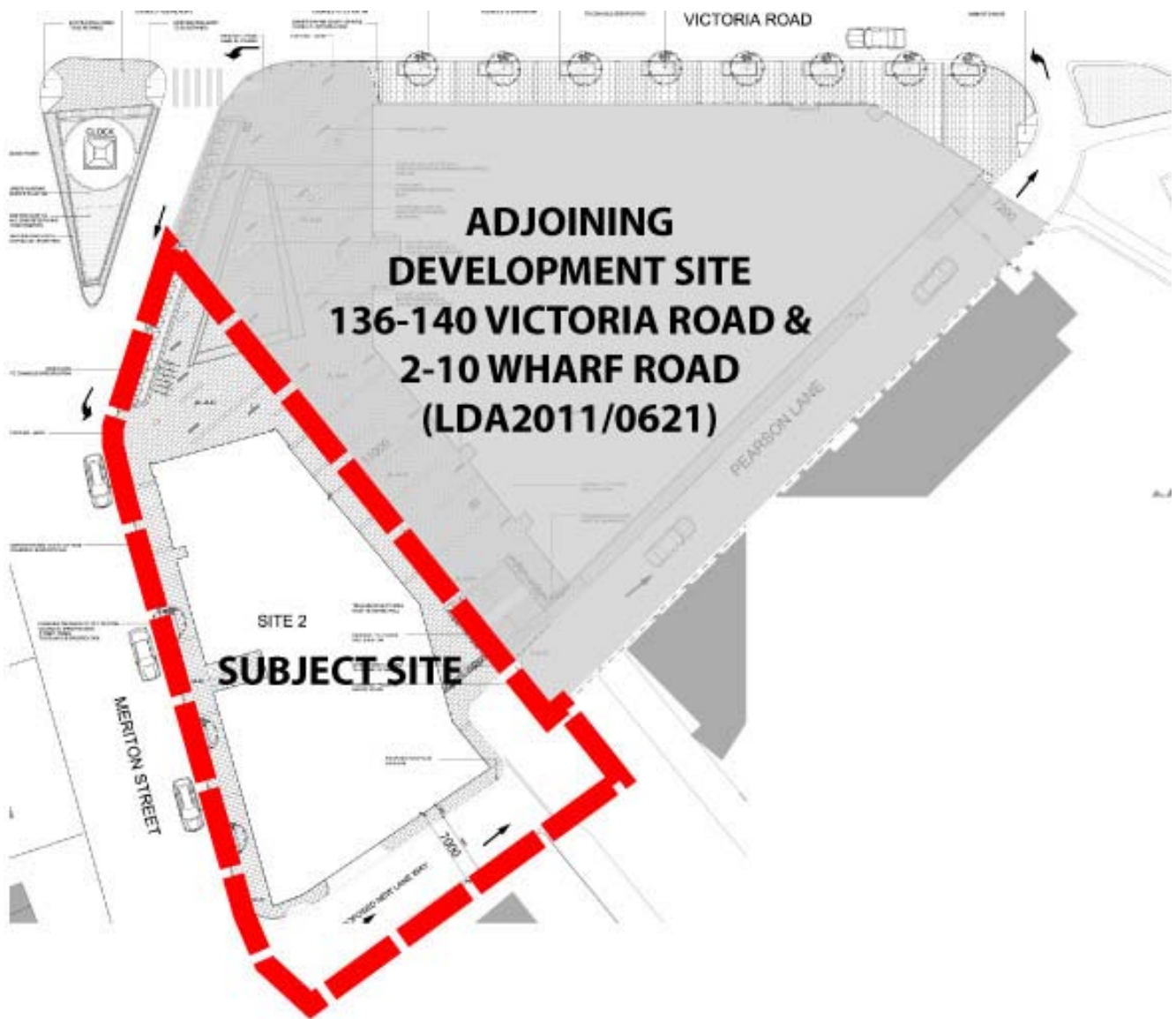


Figure 8 Subject site and adjoining development site at 136-140 Victoria Road and 2-10 Wharf Road



Figure 9 Photomontage of proposed development and the adjoining development site (136-140 Victoria Road) to the left.

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 the DA for a mixed use retail/residential development at 136-140 Victoria Road and 2-10 Wharf Road (2011/SYE123/LDA2011/0621).

The Applicant and Council officers also met on a number of occasions to discuss the proposed development and the adjoining development at 136-140 Victoria Road ('Site 1'). A summary of these meetings is outlined below:

- 17 March 2010 – Initial meeting held with Applicant of Site 1, who advised Council officers of the possible future development of Site 1.
- 5 May 2010 – Further meeting held with Applicant of Site 1, who advised Council officers of potential for joint development with the subject site. Council at this meeting stated that a largely compliant development application would be supported.
- 9 July 2010 – Meeting with Applicant of the proposed development and of Site 1 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 the failure of site to be developed was not an issue for Council. 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, floor space ratio and building form.

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 site has been used for commercial office uses. Council's Environmental Health Officer has stated that there are no known contamination issues on the site.

Accordingly, the subject site is considered suitable mixed use retail/residential development.

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 has also been reviewed by the Urban Design Review Panel, both at both prelodgement and during DA public exhibition. Their comments are incorporated below where relevant, or where the issue has not been addressed.

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 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.	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 under the recently adopted DCP.	Partial compliance

SEPP 65 Design Principle	Comment	Complies
<p>Principle 2: Scale</p> <p>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.</p>	<p>The scale of development envisaged for the site is detailed by the Key Sites diagram under the Ryde DCP 2010. Development of 6 storeys is envisaged for the site. The proposal provides a development of 8 storeys, which exceeds the scale of development envisaged for the site under the DCP. Furthermore, the proposal projects significantly beyond the boundaries of the site into the Wharf Road and Meriton Street reservations as well as the new laneway, which will crowd the publicly accessible open space.</p>	<p>No</p>
<p>Principle 3: Built form</p> <p>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>	<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 Wharf Road, and Meriton Street reservations as well as into the new laneway to the south.</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 built form reduces the area of public domain envisaged by Council's planning controls by projecting beyond the current site boundaries and proposing development within the existing Wharf Road reservation. The relevant planning controls require a public plaza of 15 metres wide – the encroachment of the built form results in an 11 metre wide plaza.</p> <p>The alternative Key Sites built form diagram presented in the DA by the applicant does not meet the DCP criteria under Section 4, Part 4.6 of Ryde DCP 2010. Refer to Section</p>	<p>Partial compliance</p>

SEPP 65 Design Principle	Comment	Complies
	8.7.	
<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 density of the site, determined by FSR is 5.98:1, plus an additional 2.73:1 FSR proposed on the site area currently defined as 'public land'. The FSR of the proposal on the site exceeds the maximum by 2.48:1. No FSR is permitted within the public land portion of the site under the FSR Map within the Ryde LEP 2010. Accordingly, the 2.73:1 FSR on this portion of the site is not permitted. The FSR is considered excessive with regards to the envisaged density of the site under Council's planning controls.</p>	No
<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 (65%). However, sunlight access to units is calculated based on units receiving 2-3 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 2-3 hours.</p> <p>No deep soil areas or water reuse is proposed.</p>	Partial compliance
<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</p>	<p>A Landscape Plan has been submitted for the public domain works proposed. No Landscape Plan has been provided for the rooftop communal open space area.</p> <p>The Landscape Plan includes no tree plantings in the plaza area.</p> <p>Shrub and smaller plantings are provided around the clock tower and perimeters of the plaza.</p> <p>As recommended by Council's</p>	Partial compliance and lack of information

SEPP 65 Design Principle	Comment	Complies
<p>management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of 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.</p>	<p>Landscape Architect (discussed further under Section 13), trees should be provided in the public plaza to provide shading, particularly in summer when this area will receive direct sunlight.</p> <p>It is not possible to assess the Landscape quality of communal open space given the lack of information provided.</p>	
<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 136-140 Victoria Road/2-10 Wharf Road, allowing for direct overlooking and insufficient privacy to these units. • The southern portion of the building has a building depth between 18-22 metres. As a result, three primarily south facing apartments are provided at the southern end of the site. These would be more appropriate as one or two larger units to allow for dual-aspect units and improve amenity. 	No
<p>Principle 8: Safety and security</p> <p>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,</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,</p>	Could be conditioned to comply

SEPP 65 Design Principle	Comment	Complies
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.	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>Principle 9: Social dimensions and housing affordability</p> <p>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 and 2 bedroom dwellings provides housing choice in a locality of predominately larger detached dwellings to suit a range of household types and budgets.</p>	Yes
<p>Principle 10: Aesthetics</p> <p>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 streetscape, or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	<p>The proposed materials and finishes provide an interesting building address to the Clock Tower and Wharf Road plaza.</p> <p>The darker façade at the upper level and upper two levels at the rear assists in accentuating the excessive height and scale of the development.</p>	Partial compliance

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 136-140 Victoria Road and 2 Wharf Road development site;
- The size of the plaza being too narrow and provides poor useability;
- Poor separation distances between the subject site and the proposed 136-140 Victoria Road and 2-10 Wharf Road development;
- Lobbies and internal corridors should have access to natural light; and
- Open space should be provided, perhaps on the roof.

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. The pedestrian pathway along the proposed new laneway should be at least 1.5 metres;
- The laneway dimensions do not meet the minimum Ryde DCP 2010 width of 8 metres;
- Balconies overhanging the laneway at the south of the site will impact on building separation requirements for future development of the adjoining site to the south. The building should be setback at least 6 metres from the southern boundary (it is proposed to be 4 to 4.5 metres);
- Lobbies and corridors are not provided with natural light;
- The excessive height and floor space will negatively impact on development to the south (particularly overshadowing);
- No detail is provided regarding the roof top open space area. This area should be afforded equitable access and provide facilities such as a shade structure and appropriate amenities and landscaping.
- Overall, the Urban Design Review Panel does not support the proposed development.

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 6 storeys respectively.</p> <p>The Ryde LEP 2010 maximum height of 22 metres covers the whole site. The proposed</p>	No

Residential Flat Design Code 2002	Comment	Complies
	<p>development exceeds the maximum LEP height by up to 8 metres.</p> <p>The building exceeds the maximum DCP height of 6 storeys by 2 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 daylight access to proposed dwellings based on units receiving 2-3 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> <p>Refer to Note 1 under Sections 8.6 and 8.7.</p>	
<p>Building depth</p> <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.</p> <p>In general, apartment building depth 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>The proposed building depth ranges between 11 metres to 22 metres.</p> <p>The proposal achieves adequate natural ventilation, with 64.7% of units naturally ventilated.</p> <p>The proposal provides only 2 hours of sunlight to 70% of units. It is considered that in this suburban town centre location, units should receive at least 3 hours of sunlight access.</p> <p>Three south facing apartments which do not achieve good solar access and ventilation are provided in the area where the building depth exceeds 18 metres.</p>	<p>Partial compliance</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</p>	<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</p>	<p>No</p>

Residential Flat Design Code 2002	Comment	Complies
<p>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 below applies. • 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>separation required is 18 metres under the RFDC. Council's DCP reduces this to 15 metres (Refer to Section 8.7). Direct overlooking opportunities result between habitable rooms within the proposal and the 136-140 Victoria Road and 2-10 Wharf Road development.</p> <p>No privacy screens or mitigation measures are indicated on the architectural drawings to prevent direct overlooking.</p> <p>The proposed development is separated 7.6 metres from the external façade of the adjoining development, being 5 Wharf Road, located to the south. This is less than the minimum required 9-12 metres.</p>	

Residential Flat Design Code 2002	Comment	Complies
<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 is established by the Key Sites controls under the Ryde DCP 2010.</p> <p>The controls stipulate that the building be built to the alignment of Wharf Road, Meriton Street and the proposed new laneway at the rear. The building overhangs each setback – with substantial portions of the building overhanging the Wharf Road plaza area and less substantial portions of the building overhanging the laneway and Meriton Street.</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; 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.</p>	<p>The subject site has three (3) street frontages, including the proposed new laneway at the rear (south) of the site.</p> <p>Accordingly, there are no 'side and rear' setbacks for the proposed development.</p>	N/A
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</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 surroundings and conditions impacting on the site.</p>	Yes

Residential Flat Design Code 2002	Comment	Complies
<p>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>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 measures must be integrated with the design of the residential flat building.</p>	<p>No deep soil area is provided on the subject site.</p> <p>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>	<p>Acceptable non-compliance</p>
<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</p>	<p>The proposal includes some areas of blank walls addressing the public domain, particularly to the proposed new 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</p>	<p>Could be conditioned to comply</p>

Residential Flat Design Code 2002	Comment	Complies
<p>safety and security.</p> <p>Select durable materials, which are easily cleaned and graffiti resistant.</p>	<p>and maintenance of the site. Refer to Section 13.</p> <p>A further Condition of Consent could be imposed requiring that where there is potential for vandalism or graffiti, materials are to be durable, easily cleaned and graffiti resistant.</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>Minimise maintenance by using robust landscape elements.</p>	<p>No detailed landscape plans are provided for the roof top communal open space area.</p> <p>Landscape plans are provided for the publicly accessible private open space area within the Wharf Road Reserve.</p> <p>In their prelodgement notes, the Urban Design Review Panel raised a number of concerns in relation to the usability and amenity of this area – by recommending shading, children's play areas and seating. The landscape plans do not indicate any planting, group seating areas or children's play areas as recommended by the Urban Design Review Panel.</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>Insufficient information provided</p>
<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</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 roof top communal open space terrace area. Further information is</p>	<p>Refer to comment</p>

Residential Flat Design Code 2002	Comment	Complies
<p>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>required to assess the usability of this space.</p> <p>Ground floor apartments are provided with balconies of 6m² to 8m², however, have a depth of 1.8 to 2.2 metres. This is considered inadequate for ground floor units.</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 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>The orientation of the site is considered inappropriate, as the proposed building envelope exceeds that prescribed by the Ryde DCP 2010, and results in reduced building separation between the site, and the adjoining proposed development at 136-140 Victoria Road and 2-10 Wharf Road.</p> <p>As noted above, the Applicant has also calculated sunlight access based on units receiving 2 hours of sunlight. This is more appropriate for dense urban areas such as city centres surrounded by taller development. The subject site is located within low-mid rise suburban context on the fringe of a local town centre and is therefore not considered a 'dense urban area'. Therefore, sunlight access should be calculated based on</p>	<p>No</p>

Residential Flat Design Code 2002	Comment	Complies
	units receiving three hours of sunlight in mid-winter.	
<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 roof terrace open space area. Insufficient information is provided in relation to the depth and 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 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>Council's Development Engineer has raised concerns regarding the potential flooding impact of the development on properties downstream (at 10-16 Ashburn Place), discussed further under Section 13.</p> <p>Council's Development Engineer has also advised that a rainwater tank should be provided. The tank should be equivalent in volume to the requirement for an OSD tank.</p>	<p>No</p>
<p>Site amenity: safety</p>		

Residential Flat Design Code 2002	Comment	Complies
<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>No security gate or measure separates residential car parking from public parking.</p> <p>The main residential entrance is off the Meriton Street frontage, providing a visible and safe entry point.</p> <p>Balconies and windows overlook the surrounding public domain area, providing opportunities for passive surveillance.</p> <p>Gladesville Police have reviewed the development application and made a number of recommendations to ensure appropriate surveillance and safety, access control and territorial reinforcement. These recommendations could be incorporated as Conditions of Consent if a favourable recommendation was made. Refer to Section 13.</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 apartments.</p> <p>Use detailed site and building design elements to increase privacy without compromising access to light and air.</p>	<p>As noted under 'Building Separation' above, there are opportunities for overlooking between the east facing windows of the proposal and the west facing windows of the adjoining development at 136-140 Victoria Road, created by separation distances of between 10-11 metres.</p> <p>No visual privacy measures are indicated on the drawings, which will result in poor internal amenity (privacy) between the subject site and proposed development at 136-140 Victoria Road opposite.</p>	<p>No</p>
<p>Site access: building entry</p> <p>Improve the presentation of the development to the street (ie. designing the entry as a clearly</p>	<p>The building entrance is located from Meriton Street. The location of the entry is considered</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Complies information
Site access: pedestrian access Utilise the site and its planning to optimise accessibility to the development. Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas. Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space. Maximise the number of accessible, visitable and adaptable apartments in a building. Australian Standards are only a minimum. Separate and clearly distinguish between pedestrian access ways and vehicle access ways. Follow the accessibility standard set out in Australian Standard AS 1428 (Parts 1 and 2), as a minimum. Provide barrier free access to at least 20% dwellings in the development.	Lift access is provided to all levels of the development. The main residential lobby at Ground Floor is accessible off Meriton Street and via lift access from the basement parking levels. Ground Floor apartments are not accessible directly off the street. The proposal provides 7 adaptable units. This is consistent with the relevant standards. Vehicular and pedestrian access points are clearly separated, with vehicular access provided off the rear lane, and pedestrian access off Meriton Street. The submitted BCA report addresses accessibility provisions including AS 1428. A detailed accessibility review should be undertaken. This could be imposed as a Condition of Consent if a favourable recommendation was made. Lift access is provided from the car parking levels to all residential levels and the communal open space on the roof.	Yes Yes No Yes Yes Could be conditioned to comply Yes
Site access: vehicle access <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. 	The driveway has a width of 5.3 metres. The driveway is accessed via the proposed new rear lane and away from main pedestrian entrance, located off Meriton Street.	Yes Yes
Part 3: Building Design		
Building configuration: apartment layout Determine appropriate apartment	All units are considered to be of an	Yes

Residential Flat Design Code 2002	Comment	Complies
<p>sizes in relation to geographic location and market demands, the spatial configuration of an apartment, not just its plan, and its affordability. Ensure apartment layouts are resilient over time.</p> <p>Design apartment layouts, which respond to the natural and built environments and optimise site opportunities by providing private open space, orienting main living spaces toward the primary outlook, etc.</p> <p>Avoid locating the kitchen as part of the main circulation space of an apartment, such as a hallway or entry space.</p> <p>Ensure apartment layouts and dimensions facilitate furniture removal and placement.</p> <p>Comparative unit sizes: internal area (external area):</p> <ul style="list-style-type: none"> • Studio 38.5m² (6m²) • 1br cross-through 50m² (8m²) • 1br loft 62m² (9.4m²) • 1br single-aspect 63.4m² (10m²) • 2b corner 80m² (11m²) • 2br cross-through 89m² (21m²) • 2br cross-over 90m² (16m²) • 2br corner with study 121m² (33m²) • 3br 124m² (24m²) <p>The back of a kitchen should be no more than 8.0m from a window.</p> <p>Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to 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>appropriate size and layout to allow for flexibility and change in occupant requirements over time.</p> <p>All balconies are adjacent and accessible from the primary living areas of each unit.</p> <p>Kitchens are well located and will not obstruct circulation space within units.</p> <p>Unit dimensions and planning are considered appropriate for furniture removal and placement.</p> <p>The back of all kitchens are located no more than 8 metres from a window.</p> <p>The proposed unit sizes are adequate and comply with the minimum recommended unit sizes.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Residential Flat Design Code 2002	Comment	Complies
<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 proposed apartment mix – being one and two bedrooms, is considered appropriate for the site given its town centre locality. It is considered that in context of housing availability and choice in the surrounding area, which comprise predominately detached dwellings. The proposal will add to the diversity of dwelling types.</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 point on primary balconies. Provide primary balconies for all apartments with a min. depth of 2.0m.</p>	<p>All apartments are provided with a balcony, adjacent and directly accessible from the main living area of each unit.</p> <p>All west facing balconies are 1.8 metres in depth. Deeper balconies are desirable in this location to minimise heat gain to units in summer caused by direct western sun exposure, and for providing useable private open spaces.</p> <p>The south-west unit at the Ground Floor also has a balcony depth of 1.8 metres.</p>	<p>Partial compliance</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</p>	<p>All floor to ceiling heights of residential units are at least 2.7 metres, as required under the Ryde DCP also (refer to Section 8.7).</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Complies
<p>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>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>The proposed unit layouts are considered to provide an adequate degree of internal flexibility.</p> <p>The proposal provides 7 adaptable units.</p>	<p>Yes</p> <p>Yes</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 accessible units. This relates to the desire streetscape and topography of the site. • Provide ground floor apartments with access to private open space, preferable as a terrace or garden. 	<p>No ground floor apartments are provided with individual street entries. An adaptable unit is provided at the ground floor.</p> <p>Ground floor units are provided with balconies. Balconies of west facing units and the south-west corner unit are less than 2 metres in depth.</p>	<p>Partial compliance</p> <p>No</p>
<p>Building configuration: internal Circulation</p> <p>Increase amenity and safety in circulation spaces by providing</p>	<p>Levels 1 to 7 each contain a single</p>	<p>No</p>

Residential Flat Design Code 2002	Comment	Complies
<p>generous corridor widths and ceiling heights, appropriate levels of lighting, including the use of natural daylight, minimising corridor lengths, providing adequate ventilation.</p> <p>Support better apartment building layouts by designing buildings with multiple cores which increase the number of entries along a street and the number of vertical circulation points, give more articulation to the facade, limiting the number of units off a circulation core on a single level.</p> <p>Articulate longer corridors.</p> <p>Minimise maintenance and maintain durability by using robust materials in common circulation areas.</p> <p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8. Exceptions may be allowed.</p>	<p>double-loaded corridor providing access to nine (9) units. The RFDC recommends that a single corridor provide access to no more than eight (8) units.</p> <p>The proposed corridors provide no access to sunlight or ventilation and any articulation or variation in width. In this instance, the proposed corridors are not acceptable.</p>	
<p>Building configuration: mixed use</p> <p>Choose a mix that complements and reinforces the character, economics and function of the local area.</p> <p>Chose a compatible mix of uses, for example, food retail, small-scale commercial and residential is a better mix than car repair and residential.</p> <p>Consider building depth and form a relation to each use's requirements for servicing and amenity. The compatibility of various uses can be 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</p>	<p>The proposed development comprises part ground floor retail, with part ground floor and upper floor residential uses. This is consistent with the land use mix encouraged by the B4 – Mixed Use zoning under the Ryde LEP 2010.</p> <p>The proposed retail component includes three (3) tenancies ranging in size from 58m² to 75m². 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>Residential access is provided by two lifts. It is not clear how retail</p>	<p>Yes</p> <p>Yes</p> <p>No</p>

Residential Flat Design Code 2002	Comment	Complies
<p>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>customers and occupants access tenancies from the basement parking area. The current arrangement indicates that retail access from the basement requires tenants and visitors to use the residential lifts, exit to Meriton Street via the residential lobby, and either enter the retail tenancies from the street frontage; or walk outside of the basement parking area, and then access retail tenancies from their street frontage.</p> <p>The north-western and south-eastern units directly abut retail tenancies. If a favourable recommendation was made, a Condition of Consent requiring details of the acoustic treatment to these common walls could be submitted 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>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, 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 	<p>The Applicant's Statement of Environmental Effects states that each unit is provided with an average 9.8m² of storage.</p> <p>A detailed breakdown of storage areas has not been provided to determine the proportion of storage located within units and within basement parking areas.</p>	<p>Insufficient information</p>

Residential Flat Design Code 2002	Comment	Complies
<ul style="list-style-type: none"> • 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 Report provides a number of recommendations to ensure appropriate acoustic privacy and amenity is provided to dwellings. These 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 another – 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 appropriate shading in summer.</p> <p>Optimise the number of apartments receiving daylight access to habitable rooms and principal windows.</p> <p>Design for shading and glare control, particularly in summer using shading devices, colonnades, balconies, pergolas, external louvres and planting, optimising the number of north-facing living spaces, providing external horizontal shading to north-facing windows, providing vertical shading to east or west windows, using high performance glass but</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 buildings adjacent to the site's north, east and west, it is considered that 3 hours of sunlight to 70% of units should be achievable.</p> <p>A condition of consent could be imposed to restrict glass reflectivity to 20% if a favourable recommendation was made.</p>	<p>No</p> <p>Could be conditioned to comply</p>

Residential Flat Design Code 2002	Comment	Complies
<p>minimising external glare, use a glass reflectance below 20%.</p> <p>Prohibit the use of lightwells as the primary source of daylight in habitable rooms.</p> <p>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid winter. In dense urban areas a minimum of 2 hours may be acceptable.</p> <p>Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed.</p>	<p>15 units (22%) are single aspect south facing units. This is significantly greater than the maximum recommended 10% of units. Given the proposal does not meet the minimum requirements for 3 hours of daylight access to dwellings (considered appropriate for this suburban location), this number of single aspect south facing units is considered not acceptable.</p>	<p>No</p>
<p>Building amenity: natural ventilation</p> <p>Plan the site to promote and guide natural breezes.</p> <p>Utilise the building layout and section to increase the potential for natural ventilation. Design solutions include facilitating cross ventilation etc.</p> <p>Design the internal apartment layout to promote natural ventilation.</p> <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</p>	<p>Natural ventilation is achieved to 44 (65%) of dwellings.</p> <p>The building depth exceeds 18 metres in the southern portion of the site, with a depth of up to 23.8</p>	<p>Yes</p> <p>No</p>

Residential Flat Design Code 2002	Comment	Complies
<p>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>metres. This exceeds the built form envisaged for the site under the DCP Key Sites diagram.</p> <p>22% of kitchens are naturally ventilated. This is acceptable in this instance, given all kitchens are within 8 metres of a window.</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 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>Awnings are required to all frontages under the DCP except for the southern laneway frontage.</p> <p>Awnings are provided along the Wharf Road plaza and northern half of the Meriton Street frontages. The provision of awnings is considered appropriate to the location of active frontages.</p> <p>The awning is stepped at the residential entrance point, which assists in identifying this entry.</p> <p>If a favourable recommendation was made, a Condition of Consent would be imposed to ensure appropriate under awning lighting is installed.</p> <p>The Applicant has indicated that no signage is proposed as part of the proposed development.</p>	<p>Acceptable non-compliance</p> <p>Yes</p> <p>Could be conditioned to comply</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</p>	<p>The northern façade appears well articulated and interesting.</p> <p>The east and west façade accentuate the bulk and height of the development.</p>	<p>Partial compliance</p>

Residential Flat Design Code 2002	Comment	Complies
<p>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>Building form: Roof design</p> <p>Relate roof design to the desired built form. Some design solutions include:</p> <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</p>	<p>The use of roof space for communal open space is supported. Landscaping is indicated for the edge of the rooftop open space, softening the appearance of the roof. However, as noted earlier, specific details of this space have not been provided.</p>	<p>Partial compliance</p>

Residential Flat Design Code 2002	Comment	Complies
<p>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>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.</p> <p>Reduce reliance on artificial lighting. Maximise the efficiency of household appliances.</p>	<p>The proposal achieves a BASIX score for energy efficiency of 21 (20 to pass).</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.</p> <p>Select durable materials, which are 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>The proposal appears generally acceptable with respect to maintenance.</p> <p>If a favourable recommendation was made, appropriate conditions 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 repaired/removed as soon as practicable.</p>	<p>Could be conditioned to comply</p>
<p>Building form: waste management</p> <p>Incorporate existing built elements into new work and recycle and reuse demolished materials, where</p>	<p>A Waste Management Plan has been submitted as part of the development application.</p>	<p>No</p>

Residential Flat Design Code 2002	Comment	Complies
<p>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>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 noted a number of concerns with respect to waste management including access to commercial garbage areas, security of residential garbage areas and the size of the chute room. Council's Environmental Health Officer has also raised a number of concerns regarding insufficient number of waste storage bins; poor access to retail waste areas and incorrect calculation of waste volumes. These are discussed further under Section 13.</p>	
<p>Building form: water conservation</p> <p>Use AAA rated appliances to minimise water use.</p> <p>Collect, store and use rainwater on site.</p> <p>Incorporate local indigenous native vegetation in landscape design.</p> <p>Consider grey water recycling.</p>	<p>The building achieves a water efficiency score of 41 (40 to pass).</p>	<p>Yes</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: 42 (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 the northern portion of the site abuts Victoria Road, a classified 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>The 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 site 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 as Conditions of Consent if a favourable recommendation of this DA was made.</p>	<p>Could be conditioned to comply</p> <p>Could be conditioned to comply</p>
<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 	<p>Access to the site is provided off the proposed new laneway at the rear of the site.</p> <p>Council's Traffic Consultant has raised concerns with the accuracy of calculations for traffic generation of the proposed development.</p>	<p>Yes</p> <p>Insufficient information</p>

Infrastructure SEPP	Comments	Comply?
<ul style="list-style-type: none"> – 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>An Acoustic Report has been submitted as part of the Development Application. This 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>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: <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 	<p>Victoria Road is a State classified Road. As noted above, 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?
10pm and 7am – Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.		
Clause 104 Traffic generating development <ul style="list-style-type: none"> The proposed development, being a residential flat building with parking for more than 50 vehicles, 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 passes, 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 RTA a copy of the determination of the application with 7 days after the determination is made. 	<p>The proposed development is considered 'traffic generating development', containing parking for more than 50 vehicles.</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>A copy of the determination will be provided to the RMS by the City of Ryde Council.</p>	<p>Noted</p> <p>No</p> <p>Yes</p>

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 and land-use. 	<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
<p>Development permitted with consent</p> <p>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.</p>	<p>The proposed development is permitted with consent, being for shop top housing and commercial premises.</p>	Yes
Clause 2.7 Demolition requires		

Ryde LEP 2010	Comments	Comply?
<p>development consent</p> <p>Demolition of a building or work may be carried out only with development consent.</p>	<p>This DA does not seek consent for demolition. Demolition of existing structures is proposed under a separate DA (reference: LDA 2011/0629).</p>	<p>N/A</p>
<p>Clause 4.3 Height of buildings</p> <p>The height of a building on any land is not to exceed the maximum height shown for land on the Height of Buildings map.</p> <p>22 metres is shown on the map.</p>	<p>The proposed building height ranges from 25 metres to 30 metres. This exceeds the maximum permitted height of 22 metres by up to 8 metres.</p> <p>Refer to Note 1 following this table below.</p>	<p>No</p>
<p>Clause 4.4 Floor Space Ratio</p> <p>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.</p> <p>FSR of 3.5:1 is shown on the Map</p>	<p>The proposed FSR, calculated in accordance with the Ryde LEP 2010 provisions for gross floor area and site area, is 5.98:1, which exceeds the maximum FSR by 2.48:1.</p> <p>Additional floor space is also proposed above land that is 'public/community land', being the Wharf Road and Meriton Street reservations. The FSR of the 'public land' portion of the site is 2.73:1.</p> <p>Refer to Note 2 following this table below.</p>	<p>No</p>
<p>Clause 4.5 Calculation of floor space ratio and site area</p> <p>This clause defines site area for the purposes of calculating the floor space ratio of the site.</p> <p>Under this provision, the site area of privately owned property is to be considered separately to public/community land.</p> <p>(4) Exclusions from site area</p> <p><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</i></p>	<p>The Applicant has provided floor space ratio calculations combining both privately owned and public/community land.</p> <p>In accordance with this clause, the site must be separated into two parts, as noted under Floor Space Ratio above.</p>	<p>No</p>

Ryde LEP 2010	Comments	Comply?
<p><i>(except as provided by subclause (7)).</i></p> <p><i>(7) Certain public land to be separately considered</i></p> <p><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>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 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 	<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 standards ratio 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>environmental planning grounds to justify contravening the development standard.</p> <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 vegetation under the Native Vegetation Act 2003 or, that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or – Plants declared noxious weeds under the noxious weeds act. 	<p>The proposal will result in the removal of trees along the Meriton Street frontage of the site.</p> <p>No Arborist Report has been submitted with this development application outlining the significance of trees proposed for removal.</p> <p>Therefore, insufficient information is provided as to whether the removal of these trees is acceptable.</p>	<p>Insufficient information</p>
<p>Clause 5.10 (5) Heritage Impact Assessment</p>	<p>The DA was considered</p>	<p>No and</p>

Ryde LEP 2010	Comments	Comply?
<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>concurrently with the 'Site 1' development at 136-140 Victoria Road and 2-10 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>Concerns are also raised with the encroachment of the proposed building into the Wharf Road reservation and the elevation of the ground level of the Wharf Road plaza, which will have significant impacts on the lines of sight and to, and setting of the Clock Tower.</p>	<p>insufficient information provided</p>
<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 for the proposal and the adjoining development site at 136-140 Victoria Road and 2-10 Wharf Road 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>	<p>Could be conditioned to comply</p>

Note 1: Height and exception to the development standard

The proposed development exceeds the maximum LEP height standard of 22 metres by up to 8 metres within the subject site. The development also extends beyond the site boundary. Under the Ryde LEP 2010, no development is permitted within this area of the site. The extent of the proposed non-compliance with the LEP height standard is illustrated at **Figure 10** and **Figure 11**.

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 highest point of the site (30 metres) is the lift overrun which occupies only a small portion of building area. The overall building height ranges from 25 metres (north) and 27 metres (south). The Applicant provides the following justification for the proposed variation to the height standard:

- The building envelope controls are based on a significantly smaller site not developed with the expectation that the Applicant would provide the public domain areas at its expense. Council approached the land owner in 2007 to acquire the subject site. The intention of the purchase was to make the land available to the public as a public square project.

Assessment comment:

The Ryde LEP 2010 and Ryde DCP 2010 controls for the subject site were prepared taking into consideration the requirement of future development on the site to provide public domain works, thus the 'key site' nomination under the Ryde DCP 2010. As confirmed by Council's Strategic Planner, the site is afforded one of the highest maximum height controls in the Gladesville Town Centre to assist with the facilities of such public domain works. 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 encroach into the public domain area, which may contribute to raising the cost for additional density based on additional basement areas required, located below the public plaza. The DA also proposes height over existing public land in which zero height is permitted under the Ryde LEP 2010 (Map reference: HOB 001).

- The roof design was achieved to give the appearance of a six storey building. Hence the height non-compliance of 2-5 metres is minor in nature.

Assessment comment:

The proposed non-compliance of 2-8 metres not considered minor in this instance. The maximum height is supplemented by the 6 storey height limit for the site under the DCP. As noted by the UDRP, the site is located adjacent to a zone boundary, with land to south zoned for residential development up to 11.5 metres in height. The proposed development will result in additional overshadowing to the south-east, south and south-west beyond what would be reasonably expected to these areas under a complying development. The additional height, accommodating additional apartments, will also create additional parking demand and private vehicle trip generation. Accordingly, the proposed non-compliance is not considered minor in nature.

- The bulk and scale is appropriate to Council's desired future character as set out by the LEP and DCP. This is a major departure within the locality permitted by the LEP as a means to revitalise the area and accommodate more residents.

Assessment comment:

The proposal is not considered consistent with Council's desired future character. The Ryde LEP 2010 and Ryde DCP 2010 envisage a height of 6 storeys excluding over the area of the new laneway. The proposed height, together with the non-compliance with the maximum FSR (discussed further below), results in a development significantly beyond that envisaged by the controls. The DA also proposes height over existing public land, in which zero height is permitted under the Ryde LEP 2010.

- The site is located in proximity to 11 bus services providing access to Sydney CBD, West Ryde Station, Macquarie University and Parramatta.

Assessment comment:

The planning controls applicable to the site were prepared taking into consideration the availability of public transport to the locality. This is not considered an adequate justification for the proposed height variation.

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 8 metres) and the Ryde DCP 2010 (by 2).
- 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.
- The proposal encroaches the current boundaries of the site into the Wharf Road and Meriton Road reservations. No height is permitted in these areas under the Ryde LEP 2010.

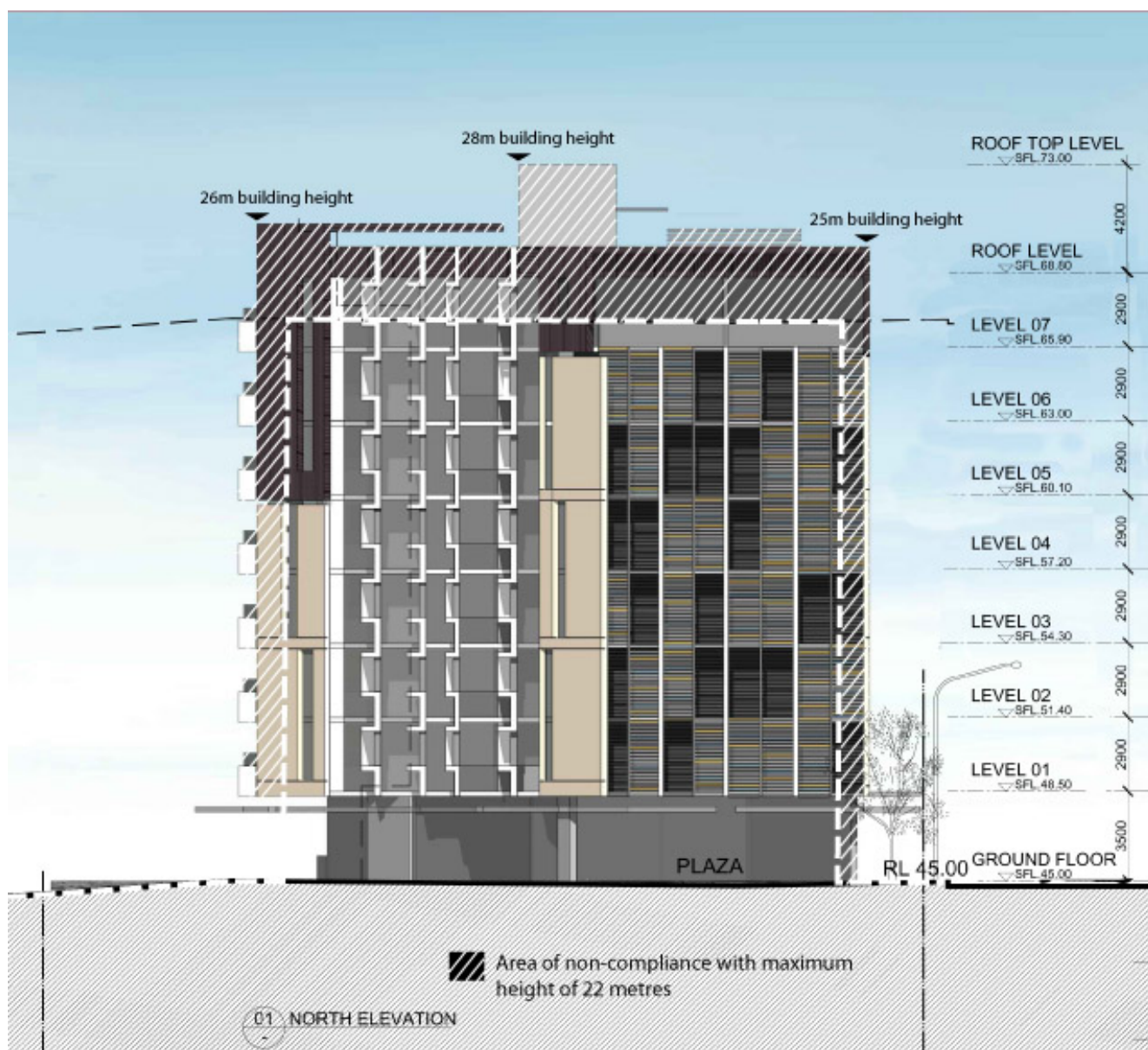


Figure 10 Area of non-compliance with the maximum 22 metre LEP Height Standard (North Elevation)



Figure 11 Area of non-compliance with the maximum 22 metre LEP Height Standard (West Elevation)

Note 2: Floor space ratio and exception to development standard

In accordance with the Ryde LEP 2010, the floor space ratio of the site is to be considered in two portions, 'Portion 1' being the existing site 1-3 Wharf Road, and 'Portion 2' being the current publicly owned lands, which the Applicant has included in the subject site. Contrary to the Ryde LEP 2010, the Applicant has combined the site areas and identified the FSR of the site to be 3.89:1.

The FSR of the two portions of the site are outlined under **Table 1** below. The two portions of the site for the purposes of determining site area and calculating the FSR are illustrated at **Figure 12**.

Table 1 FSR calculations

	Site area	Proposed GFA	Maximum permissible FSR	Proposed FSR	Non-compliance
Portion 1	625sqm	3,739m ²	3.5:1	5.98:1	2.48:1
Portion 2	705sqm	1,922m ²	0	2.73:1	2.73:1

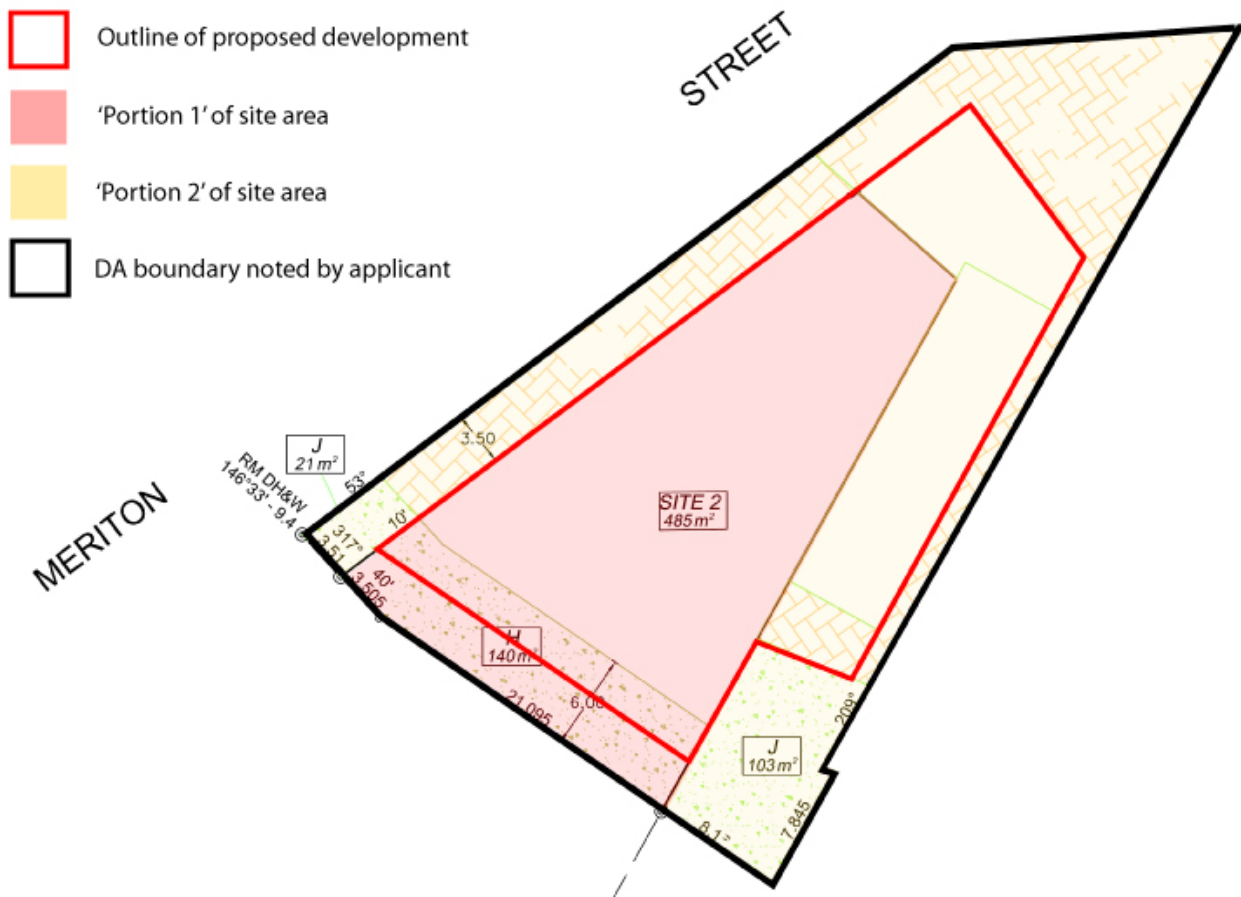


Figure 12 Site portions for calculating FSR

As outlined above, the proposed development provides a significant variation to the maximum FSR for the subject site, and proposes further gross floor area beyond the site boundary in areas which zero floor space is permitted under the LEP. Under the LEP, zero floor space is shown within the Wharf Road reservation.

The Applicant has provided justification for a lesser non-compliance of 0.39:1, rather than the actual non-compliance of 2.48:1 as well as an additional 1,922m² of gross floor area located outside the current site boundaries. It is therefore considered that the proposed FSR, which provides a significant departure from the maximum FSR of 3.5:1 (70.8% plus additional floor space outside of current site boundaries), is unacceptable under the current planning controls.

In addition, 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 2.48:1 and proposes gross floor area in portions of the site where floor space is not permitted. This significantly exceeds 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 proposed FSR for the site increases the need for additional parking and results in building elements encroaching outside of the site and into the future public domain area. The Urban Design Review Panel also noted that the significant increase in FSR cannot be supported.

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 Clock Tower 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 encroaches into the area envisaged to be part of the proposed public square at the end of Wharf Road.</p> <p>The proposed retail tenancies will assist in accommodating future availability of goods and services within the Gladesville Town Centre. As noted earlier, the Urban Design Review Panel has raised concerns regarding pedestrian amenity, including poor circulation around the site and to the plaza.</p> <p>Council's Heritage Planner has raised concerns regarding the scale of development, the encroachment into the Wharf Road alignment and the finished floor level of the plaza resulting in reduced sight lines to the local heritage listed clock tower.</p>	<p>Yes</p> <p>No</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 'key sites'.	The Ryde DCP 2010 requires the provision of a public plaza at the end of Wharf Road. The subject site	No

Control	Comment	Compliance
	includes the provision and embellishment of part of this plaza. The proposed development encroaches into the area required as a publicly accessible open space. This results in the plaza area being 10-11 metres in width, compared to the required 15 metres.	
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 8 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 an 8 storey development, which exceeds the maximum height by up to 2 storeys. The DCP, as well as Hunters Hill Council's Gladesville Village Centre DCP, envisage development of 5-6 storeys in the area surrounding the site. The development is therefore inconsistent with the desired scale.	No
Floor to ceiling heights must be a minimum of 2.7m for residential uses	As noted under the RFDC assessment at Section 8.1 , Floor to ceiling heights of all levels above the Ground Floor Level are 2.7 metres.	Yes
Ground floor levels are to have a floor to floor height of a minimum of 3.6m.	The floor to ceiling height of the Ground Floor Level is 3.3 metres.	No
3.1.2 Active Street frontages Provide ground level active uses where indicated on the map. Active uses are required along the length of the Wharf Road and Meriton Street frontages.	Active uses are provided along the majority of the Wharf Road frontage. The majority of the Meriton Street frontage comprises residential units.	No
Active uses consist of community and	Residential uses occupy 25% of the	No

Control	Comment	Compliance
civic facilities, recreation and leisure facilities, shops, commercial premises, residential uses that do not occupy more than 20% of the street frontage.	Wharf Road frontage and 78% of the Meriton Street frontage. This is inconsistent with the active frontage requirements for these streets.	
Where required, active uses must comprise the street frontage for a depth of at least 10m.	The retail uses at the ground floor have a depth of 6 to 9.6 metres. This is inconsistent with the minimum active uses depth required.	No
Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.	Vehicular access to the site is provided from the proposed new lane. No vehicular access is provided where active uses 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 proposed development projects beyond the envisaged street frontage alignments to Wharf Road, Meriton Street and the new laneway.	No
3.1.4 Setbacks Setbacks in accordance with Setback Requirements Table and Key Sites diagram. The Setbacks Requirements Table does not include any setbacks from boundaries of the subject site.	The DCP requires a 0 metre setback to Meriton Street. The proposal encroaches the Meriton Street boundary by 1.2 metres. The Key Sites diagram is assessed further in this table.	No
3.1.5 Rear Setbacks and Residential Amenity Provide a 9m ground level setback at the rear of sites fronting Victoria Road.	The proposal will have a rear frontage to a new laneway. Refer to assessment against Key Sites diagram further in this table.	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 inadequate as it provides	No

Control	Comment	Compliance
	<p>opportunities for direct overlooking between units within the proposed development, and those proposed on the adjoining development site, 136-140 Victoria Road and 2-10 Wharf Road.</p> <p>The site is setback between 4.5 metres (above Ground Floor Level) and 7.7 metres (Ground Floor Level) from the southern boundary. The Urban Design Review Panel has noted that the building should be setback a minimum of 6 metres (continuous along the façade height of the southern building), to achieve equitable sharing of the 12 metre separation requirements between the subject site and the adjoining site to the south.</p>	
<p>Buildings fronting Victoria Rd 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.</p>	<p>N/A – The site has no side boundaries abutting other buildings along Victoria Road.</p>	<p>N/A</p>
<p>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.</p>	<p>Residential uses are proposed to the rear.</p> <p>However, the height of the proposal (being 8 storeys at the rear) is inconsistent with the 6 storey maximum stipulated for the site under the Building Height and Key Sites diagrams. This will result in negative impacts to lower density residential areas to the south – particularly with respect to overshadowing.</p>	<p>No</p>
<p>3.1.6 Conservation Area and Built Form Guidelines</p> <p>All development proposals within the Conservation Area shall be assess for their impact on the heritage significance of the Conservation Area and have regard to the Statement of Significance</p>	<p>The subject site lies outside of the Gladesville Conservation Area.</p>	<p>N/A</p>

Control	Comment	Compliance
<p>3.1.7 Awnings</p> <p>Provide awnings over footpaths for ground level building frontages as shown on relevant map.</p> <p>Awning height is to be generally a minimum of 3m from the pavement and setback 600mm from the kerb edge. The heights of adjoining awnings should be considered.</p> <p>Awnings are to protect people from sun and rain. Glazed awnings are generally not permitted.</p> <p>Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety for pedestrians at night.</p>	<p>Awnings are required over the length of the Meriton Street and Wharf Road frontages of the site. Awnings are proposed along the Wharf Road/plaza frontage of the site and part of the northern portion of the Meriton Street frontage.</p> <p>The height of awnings ranges from 2.7 metres to 3.4 metres. Awnings in this instance should be at least 3 metres in height, particularly at frontages where the site does not slope significantly.</p> <p>Awning details are not provided. A condition of consent could be imposed prohibiting the use of glass awnings if a favourable recommendation was made.</p> <p>Under awning lighting could be imposed as a Condition of Consent if a favourable recommendation of the application was made.</p>	<p>Partial compliance</p> <p>No</p> <p>Could be conditioned to comply</p> <p>Could be conditioned to comply</p>
3.2 – Access		
<p>3.2.2 Vehicular Access</p> <p>Provide vehicular access from the local roads network in preference to Victoria Road. This will require the development of public laneways within the rear setback of most sites in the North Gladesville and Monash Road Precincts.</p> <p>Where a laneway is required, the new lane must include a 2-way carriageway, 6m wide and a footpath along one side 1.5m wide, to Council's satisfaction. A setback of 0.5m may also be required to any built form.</p>	<p>The proposed laneway and access point are unacceptable in their proposed form.</p> <p>Vehicular access is provided off the proposed new lane at the rear of the site. Council's Development Engineer has noted that the location of the driveway does not comply with AS 2890.1-2004, which requires the driveway to be at least 6 metres from the intersection with Meriton Street. The driveway is located just 2 metres from this point.</p> <p>The new laneway is proposed as a one-way carriageway, 5.5 metres wide. A 1.2 metre wide pathway is proposed at the northern side of the carriageway. At upper levels, the building overhangs 2.5-3.2 metres into the new lane road reservation. Council's development engineer</p>	<p>No</p> <p>No</p>

Control	Comment	Compliance
	has recommended that the pedestrian pathway be widened to at least 1.5 metres.	
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 12 retail spaces, compared to the required 9 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 parking space 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 provision of a publicly accessible open space area to the end of Wharf Road. The DCP requires a new public plaza at the end of Wharf Road. The proposal includes provision of the public open space at the end of Wharf Street. The Wharf Road plaza will form a focal point for pedestrian connections required around the Clock Tower.	Yes Yes Yes
3.3.2 Public Domain Increase the quantum and diversity of public space in the heart of the town 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).	The proposal includes part of the proposed street closure of Wharf Road, in accordance with the Public Domain Framework Diagram.	Yes

Control	Comment	Compliance
<p>3.3.3 Landscape Character</p> <p>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.</p> <p>Select Trees based on the scale of buildings, width of the street, aspect and environmental parameters such as soil type.</p> <p>Build on the visual significance of the Church Site and the Clock Tower site to emphasis the edges of the urban area.</p>	<p>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 136-140 Victoria Road and 2-10 Wharf Road. Council's Landscape Architect has commented that the proposed landscape design does not fulfil the requirement for landscaping to provide a green backdrop to the Clock Tower. Deciduous trees are preferred for the public plaza.</p>	<p>No</p>
<p>3.3.4 Urban elements</p> <p>Provide paving, seats, benches and bins in accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide seating and shelter (awnings or bus shelter) at all bus stops. Seating shall be in accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide new street lighting to primary and secondary streets as selected by Council and underground power cables.</p> <p>Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.</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 was made.</p>	<p>Could be Conditioned to comply</p>
<p>3.3.7 Victoria Road – Town Centre Precinct Section</p> <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 full footpath width in accordance with the Ryde Public Domain Technical Manual. • Provide landscaping consistent with an urban setting including planter 	<p>The proposal does not include areas of footpath along Victoria Road.</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</p>	<p>N/A</p> <p>Could be conditioned to comply</p>

Control	Comment	Compliance
<p>boxes and the like.</p> <ul style="list-style-type: none"> • 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>DA was made.</p> <p>Both the Urban Design Review Panel and Council's Landscape Architect have raised concerns regarding the lack of tree landscaping in the urban plaza.</p> <p>The proposal includes the undergrounding of power lines surrounding the site.</p>	<p>No</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 incubator or other. The Comprehensive Plan must demonstrate the demand for such 	<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 variation. Refer to Note 1 below.</p>	<p>No</p>

Control	Comment	Compliance
<p>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. Continuous retail/commercial frontage is not provided to Wharf Road and Meriton Street.</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>Residential uses occupy 25% of the Wharf Road frontage and 78% of the Meriton Street frontage.</p> <p>Retail tenancies, ranging in size from 58m² to 75m², are proposed addressing the publicly accessible open space area at the end of Wharf Road. This is similar to the size of those proposed in the adjacent development opposite the plaza (136-140 Victoria Road and 2-10 Wharf Road).</p>	<p>No</p> <p>Yes</p>
<p>Building heights</p> <p>Provide development in accordance with Block 25 Built Form Plan for building height in storeys (6 storeys is shown on the plan).</p>	<p>The height is 8 storeys, exceeding the maximum height by 2 storeys. Refer to Note 2 below.</p>	<p>No</p>

Control	Comment	Compliance
<p>Building Depth and Separation</p> <p>Building depth to be in accordance with Built Form Plan.</p> <p>12m separation required to adjoining residential development.</p> <p>18m wide maximum envelope including balconies and façade articulation is preferred.</p>	<p>The proposed development exceeds the maximum building depth for development on the site, as parts of the building project into the Wharf Road reservation.</p> <p>The proposal is setback 10-11 metres from the adjoining development at 136-140 Victoria Road and 2-10 Wharf Road. As noted earlier, this will result in opportunity for direct overlooking between the sites. No privacy or screening measures are shown on the drawings.</p> <p>The building exceeds 18 metres in depth in its southern portion, as a result of the projection of the building beyond the current site boundaries.</p> <p>Refer to Note 2 below.</p>	No
<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>Balconies of the proposed development project beyond the envisaged building alignments along Meriton Street, Wharf Road and the proposed new lane.</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>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>Access</p>	<p>The proposed laneway reservation</p>	No

Control	Comment	Compliance
<ul style="list-style-type: none"> • Provide a new laneway that is 8 metres wide and enhances pedestrian and vehicular access to and from the site and public plaza. • Laneway shall implement Local Area Traffic Management in accordance with RTA guidelines (to ensure that the new laneway does not become a rat run between Victoria Road and Meriton Street). 	<p>is 7 metres wide, including a 5.5 metre carriageway and 1.2 metre pedestrian footpath along the northern side of the carriageway. Above the ground floor, the building projects 3.2 to 3.5 metres into the laneway, above both the footpath and part of the carriageway.</p> <p>The laneway will operate as a one-way route to avoid its use as a 'rat-run' route.</p>	Yes
<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 Closure. • Paved in accordance with Ryde Council's Public Domain Technical Manual. 	<p>A laneway connection is proposed between Meriton Street and Wharf Road.</p> <p>The closure of Wharf Road is proposed as part of this DA in conjunction with the adjoining development at 136 Victoria Road and 2-10 Wharf Road.</p> <p>The proposed public plaza is open to the sky.</p> <p>As a result of the encroachment of the proposed development into the Wharf Road reservation, the public plaza width is 10-11 metres to the adjacent 136-140 Victoria Road and 2-10 Wharf development</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>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Could be conditioned to comply</p>
Provides clear unobstructed and identifiable pathways and open spaces.	The Urban Design Review Panel has noted concerns with pathways and circulation in the plaza and Pearson Lane. The accessibility to the plaza via stair and chair lift and the width of the proposed new laneway pedestrian footpath is	No

Control	Comment	Compliance
	considered inappropriate.	
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 limitation of the proposed 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
Other detailed provisions The proposed development is to comply with the provisions of the following parts of the DCP: <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. A number of issues have been raised, resulting in the waste management aspect of the proposal being considered unacceptable. These issues are as follows: <ul style="list-style-type: none"> Garbage chutes on each level are not part of service rooms. The service rooms should also incorporate recycling storage. Calculations for general waste generation are incorrect. The location and process for bin collection in the laneway is not clear. Retail access to garbage room requires simplification and clarification. Residential bins should not be accessible to commercial 	No

Control	Comment	Compliance
	<p>tenants. Secure access between these areas is not clear.</p> <ul style="list-style-type: none"> The proposed access to recycling bins in chute room in the basement is very restrictive and does not allow sufficient space for disposing of recyclable waste. 	
<ul style="list-style-type: none"> Construction Activities; 	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.	Could be conditioned to comply
<ul style="list-style-type: none"> Access for people with Disabilities. 	The relevant accessibility requirements of the Ryde DCP 2010, Australian Standards, BCA and Disability Discrimination Act could be imposed as Conditions of Consent if a favourable recommendation of this DA was made.	Could be conditioned to comply
<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 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</i></p>	<p>The proposal is required to provide the following parking spaces:</p> <ul style="list-style-type: none"> 94 residential spaces; 9 spaces for the retail component; Total – 103 car parking spaces. <p>The proposal provides 107 car parking spaces for residential units and 12 spaces for the retail component.</p> <p>The proposal provides an oversupply of 13 residential parking spaces and 3 retail parking spaces. Council's Public Works Unit has raised no objection with the oversupply of parking.</p>	Acceptable variation

Control	Comment	Compliance
<i>2010 was amended following lodgement of this DA. The above rates are based on those required prior to the amendment.</i>		
2.7 Bicycle parking 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.	The proposal provides 6 bicycle parking spaces. This is inconsistent with the minimum bicycle parking requirement. Council's Public Works Unit considers the shortfall in bicycle parking unacceptable.	No
3.0 Other parking provisions: The proposed development is to comply with the technical loading, design and construction standards outlined under Section 3.	Council's development engineer has raised a number of concerns with the proposed loading dock, access point and parking circulation and layout. The proposal parking and loading areas are not acceptable in their proposed form.	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 13**) and proposed (**Figure 14**) Key Sites diagrams are illustrated below. In summary, the Applicant's proposed alternative Key Sites diagram increases building height to 8 storeys plus plant, and increases site coverage and building footprint.

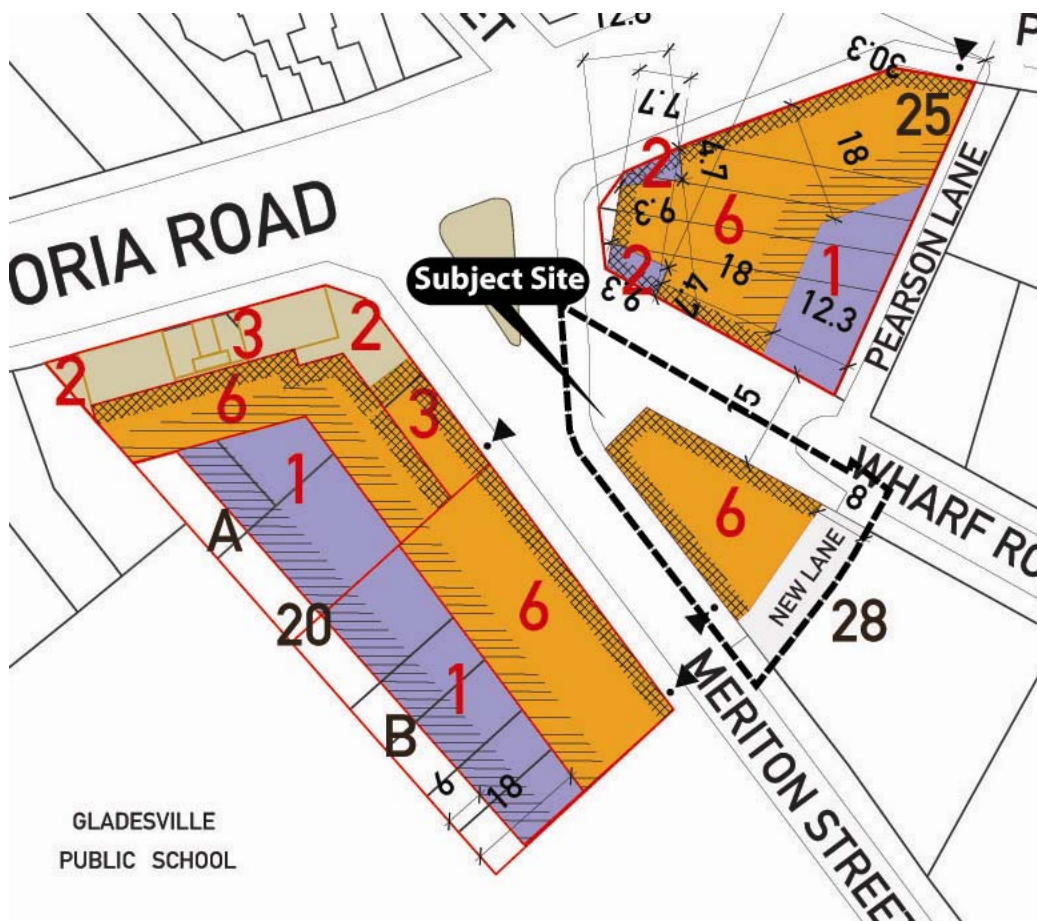


Figure 13 Ryde DCP 2010 Key Sites built form plan

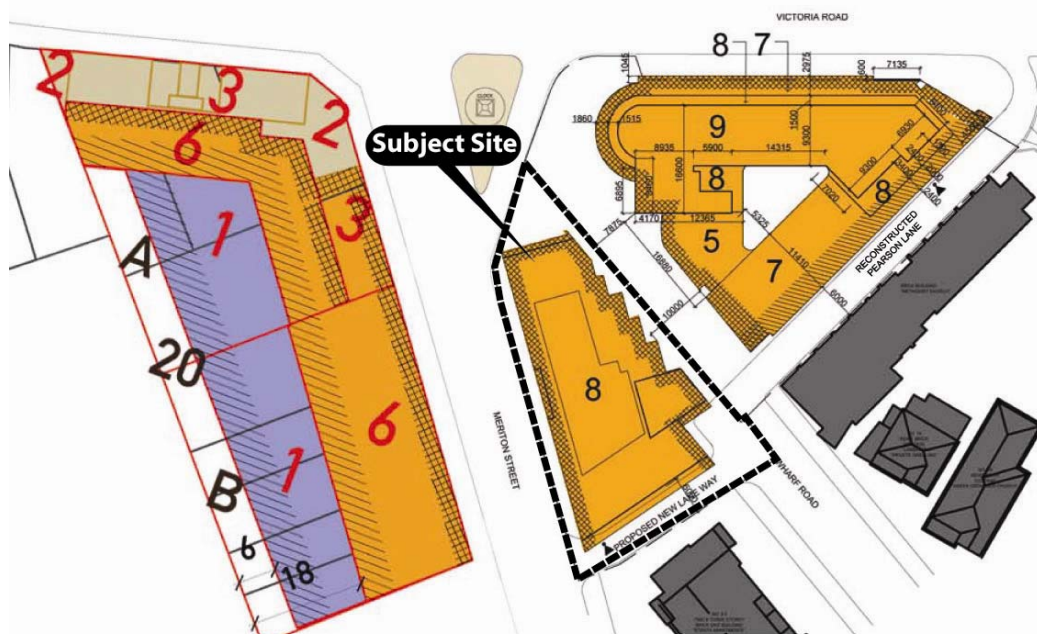


Figure 14 Proposed Key Sites built form plan

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

- The area of public open space is reduced by the encroachment of the proposed development into the existing Wharf Road reservation area. This results in a plaza width of 10-11 metres, compared to the envisaged 15 metres.
- The proposal does not include any facility of community benefit beyond the provision of public open space and a new laneway, already envisaged by the DCP, albeit of a reduced quality and amenity.
- Overshadowing impacts of the proposed development are greater than those expected from a reasonably complying development, including increased overshadowing to private and public outdoor open space.
- The proposed development results in opportunity for direct overlooking between the subject site and the adjoining development at 136-140 Victoria Road and 2-10 Wharf Road.
- 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 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 in relation to the applicable Australian Standards.

Note 2: Non-compliance with the adopted Key Sites diagram

The maximum height under the adopted Key Sites diagram (or Built Form Plan) is 6 storeys across the site with an 8 metre laneway across the southern boundary, which also provides a buffer between the envisaged development and lower density residential development to the south. The non-compliance to the maximum building envelope prescribed under the Key Sites diagram is illustrated at **Figure 15** below. The area of the building outside of the current site boundaries is also illustrated at **Figure 12** under **Note 2** of the Ryde LEP 2010.

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 not considered appropriate given:

- The proposal does not respond to the site context, taking into consideration residential development to the south. The building encroaches the area envisaged as an 8 metre laneway with both floor space and balconies, reducing the separation between the site and residential development to the south. The proposal is also out of context with the surrounding envisaged development of 2-6 storeys under the Ryde DCP 2010.
- Despite providing a plaza and laneway, the proposal provides reduced community benefit compared to that envisaged under the Ryde DCP 2010. This is a result of encroachments of the building into the envisaged public plaza area and a reduction in the width of the proposed laneway (being 7 metres compared to 8 metres required).
- 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.

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.

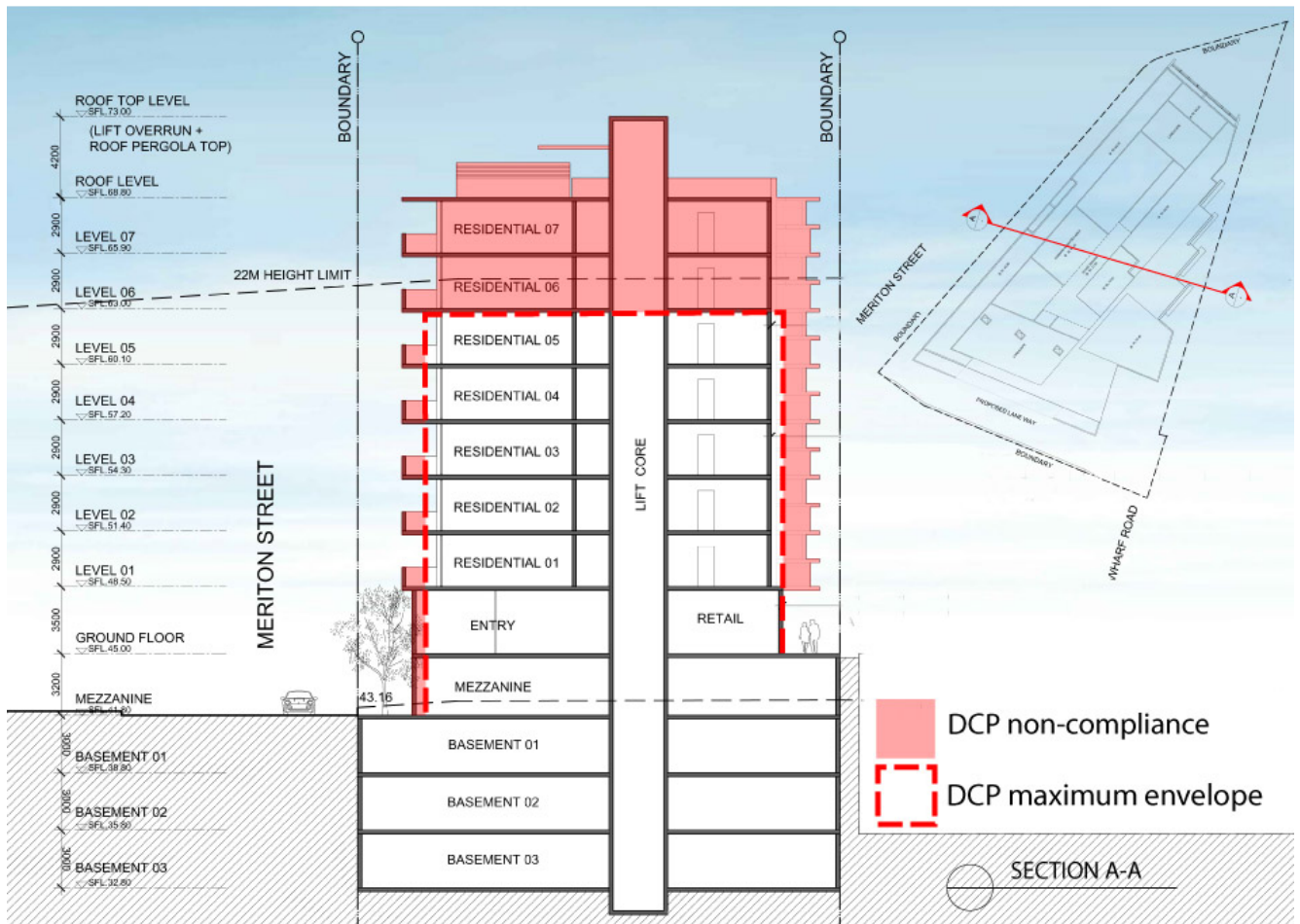


Figure 15 Non-compliance with the maximum Key Sites diagram envelope

9 SECTION 94 DEVELOPMENT CONTRIBUTION

Section 94 Contributions are not required as this DA is recommended for refusal.

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. 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.

Council's Development Engineer has raised concerns regarding access into the site from the new lane being too close to the intersection of the new laneway and Meriton Road. This results in a potentially unsafe access point into the site.

Further, Council's Development Engineer and the Urban Design Review Panel consider a wider footpath to the new laneway is appropriate, particularly for accessibility and pedestrian safety.

The impacts of the proposed development on access are unsatisfactory. The proposed traffic impacts cannot be appropriately determined.

As noted earlier, 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 casts additional overshadowing into both the private open space of dwellings, and to the public domain as a result of the non-compliances with the maximum building height and density envisaged under the Ryde LEP and DCP 2010.

At 9am on 22 June, the proposed development will result in additional overshadowing to Boyla Reserve, south of the site, beyond that expected by a reasonably complying development. At 3pm on 22 June, the proposed development will result in additional overshadowing to residences on the western side of Pearson Street, beyond what would be expected by a reasonably complying development.

10.4 Public domain and activity

The proposal includes an active street frontage to the proposed new public plaza, to be developed in conjunction with the adjoining development site at 1-3 Wharf Road. Active frontages are required along Meriton Street under the Ryde DCP 2010. Residential units are proposed to address Meriton Street.

The public domain area is envisaged under the Ryde DCP 2010 as a 15 metre wide plaza in the current Wharf Road reservation. As noted earlier, the proposed development will project beyond the current site boundaries of 1-3 Wharf Road, and into the Wharf Road reservation, effectively reducing the width of the envisaged public plaza to 10-11 metres. Further, the 8 metre public laneway envisaged under the Ryde DCP 2010 to be provided on the site, connecting Meriton Street and Wharf Road, is proposed at 7 metres in width. Parts of the building also project into the laneway area by 3.5 metres.

The proposal therefore reduces public domain area and street frontage activity (to Meriton Street), compared to that required under the Ryde DCP 2010. As noted earlier, the nomination of the site as a 'Key Site' within the Gladesville Town Centre provides the site with greater height and density than other sites within the Gladesville Town Centre to facilitate the provision of new public domain areas. In this respect, it is considered the impacts of the proposed development on public domain and activity along the streetscape are unsatisfactory.

10.5 Heritage

The proposed development is considered to have a negative impact on the heritage significance and value of the locally listed Clock Tower. 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 subject site has been in the past used for commercial premises. Council's Environmental Health Officer has noted that there are no known contamination issues on the subject site.

10.8 Vegetation

The proposed development will result in the removal of three (3) street trees at the Meriton Street frontage of the site. The significance of the trees has not been addressed. New street trees are proposed along the Meriton Road frontage of the site. Other accent planting is proposed in conjunction with the adjoining development site at 136-140 Victoria Road and 2-10 Wharf Road, adjacent to the Wharf Road plaza stairs, and around the Clock Tower. Additional planting around the Clock Tower does not in any way justify impacts on sightlines to the Clock Tower from Wharf Road.

No information is provided regarding the proposed planting species within the roof top open space.

Overall, 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. Council's Environmental Health Officer has

noted that incorrect waste generation rates have been used by the Applicant. The information provided is inadequate to satisfactorily determine the likely impact of waste.

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 in close proximity 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 may be subjected to potentially 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 ground floor includes active uses to the proposed new Wharf Road public plaza. Active uses to the plaza 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, the Wharf Road public plaza and Meriton Street.

No access control to residential parking areas is identified as part of the proposal. This may lead to unauthorised access into residential parking areas.

The NSW Police have reviewed the DA and 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.

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 136-140 Victoria Road and 2-10 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 one and two bedroom apartments. The proposal will provide 68 (15%) 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 development results in a reduction in size of the future Wharf Road Plaza compared to that envisaged under the Ryde DCP 2010 as a result of encroachments of the development into the Wharf Road reservation. This will result in a reduction in publicly accessible land within the Gladesville Town Centre compared to that envisaged and expected under the Ryde DCP 2010 – prepared following extensive community consultation. Therefore, it is considered that the expected community benefit of the public plaza will not be fully realised as a result of the proposed development.

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 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 68 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 68 dwellings.

As noted earlier, the proposed development will result in inconsistencies with the 'Village Centre' classification of Gladesville, and the envisaged development outcome planned for Gladesville in accordance with the contemporary Ryde LEP 2010 standards and Ryde DCP 2010 controls. Therefore, in this regard, the proposal is not considered to be in the public interest.

The proposal was notified for comment between 6 January 2012 and 7 March 2012, during which 58 letters of objection and 419 letters of support were received. 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 in accordance with Section 91A (4) of the EP&A Act 1979.

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 is provided and that such is essential. 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, 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:** 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 136-140 Victoria Road and 2-10 Wharf Road.

The significance of the Clock Tower 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 Clock Tower, 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 Clock Tower 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 Clock Tower'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 has noted that there are no likely contamination issues on the subject site.

A number of recommendations are made with respect to waste management, ventilation, food premises, Sydney Water requirements, noise restrictions and operation of machinery and plant. These recommendations could be imposed as Conditions of Consent if a favourable recommendation was made.

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 issues, summarised below:

- Parking layout, manoeuvring space and aisle widths in the Mezzanine parking level do not comply with applicable Australian Standards;
- The driveway exit is too close to the intersection of the proposed laneway and Meriton Street and does not comply with the applicable Australian Standard;
- The plant room in the south east corner would need to be splayed 2.5 x 2 metres for safe pedestrian sight distance to pedestrians;
- The Applicant should reconsider the intersection operation of the new laneway and Wharf Road to ensure queuing does not extend to Meriton Street;

- The laneway footpath should be at least 1.5 metres wide for safe pedestrian movement;
- The building overhang clearance distance over the laneway is unclear;
- Additional information on the load ability of the new 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, have been 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 assessed 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 Council 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 currency and accuracy.
- **Public domain:** No comment.
- **Waste:** Issues identified including access to commercial bins from tenancies is inadequate and will require tenants to go out to the plaza and back into the building from the roller doors; the security and access between residential and commercial waste storage; and limited space for residents to dispose of recyclables in the garbage chute room.

14 PUBLIC NOTIFICATION AND SUBMISSIONS

The proposed development was exhibited between 6 January and 7 March 2012. It is noted that the proposal was exhibited in conjunction the DA for the adjoining development at 136-

140 Victoria Road and 2-10 Wharf Road (LDA 2011/0621) 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:***Issues:***

- 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:***Issue:***

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

Comment:

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 an eight (8) storey mixed use retail/residential development comprising three (3) retail tenancies at the Ground Floor level,

and 68 residential units at the Ground and upper levels. Three and a half levels of basement parking are proposed, accommodating car parking for 119 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 136-140 Victoria Road and 2-10 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 8 metres and the maximum FSR standard of 3.5:1 by 2.98:1, as well as proposing further floor space over public land. 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 6 storey development by two (2) storeys. The extent of non-compliances is considered to be of a significant degree and beyond what can be considered acceptable under the adopted controls.

Further, the 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 2011SYE124 – Development Application for an 8 storey mixed use retail/residential building including three and one part basement parking levels, provision of a new laneway and a new public plaza within an existing road reservation in conjunction with a proposed development at 136-140 Victoria Road and 2-10 Wharf Road (2011SYE123), for the following reasons:
- (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 best been assessed first under an amendment to the planning controls.
 - (e) The proposed variations will result in a development with negative impacts on local context and setting, additional overshadowing to surrounding areas and heritage 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 results in a reduced anticipated public domain area as a result of encroachments into the area envisaged as a public plaza under the Ryde DCP 2010;
 - iii. The proposed development will have negative impacts on the heritage significance of the local heritage listed Clock Tower;
 - iv. 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.

Report prepared by:

John Riordan
Associate Director
Consultant Town Planner, Architectus Group

Camille Lattouf
Urban Planner
Consultant Town Planner Architectus Group

Murray Donaldson
Associate Director
Consultant Town Planner, Architectus Group

Report approved by:

Sandra Bailey
Team Leader Major Developments
City of Ryde

Liz Coad
Manager Assessment
City of Ryde

Dominic Johnson
Group Manager Environment and Planning
City of Ryde
