JRPP NUMBER:	2012SYE001
DA NUMBER:	LDA2011/0648
LOCAL GOVERNMENT AREA:	City of Ryde
PROPOSED DEVELOPMENT:	Demolition of existing buildings (excluding the heritage listed cottage at 9 Monash Road) and construction of a 6 storey mixed use building comprising 70 residential units and 2520m^2 of retail floor space on the ground level over 3 levels of basement parking
STREET ADDRESS:	1-9 Monash Road and 407-417 Victoria Road, Gladesville
APPLICANT:	Architecture & Building Works
NUMBER OF SUBMISSIONS:	Thirty six (36) submissions received
RECOMMENDATION	Approval, subject to Conditions included under Attachment 1
REPORT BY:	Sanju Reddy - Senior Town Planner City of Ryde

Assessment Report and Recommendation

1 EXECUTIVE SUMMARY

The following report is an assessment of a development application for demolition and construction of a six (6) storey mixed use retail/ residential development at 1-9 Monash Road and 407-417 Victoria Road, Gladesville. The development comprises a single retail tenancy (2,520m^2) at the ground floor level, 70 residential apartments on upper floor levels, and 204 car parking spaces over three (3) basement levels. Vehicular access is provided from Eltham Street. A laneway and loading/ service area is proposed on the site accessible from Eltham Street. Delivery trucks and service vehicles will enter the site from Eltham Street and exit into Monash Road.

The application has a capital investment value in excess of $20 million. The consent authority for the purposes of determining the subject application is the Sydney East Region Joint Regional Planning Panel in accordance with Schedule 4A of the Environmental Planning & Assessment Act 1979 (as amended).

The Local Development Application (DA) was publicly exhibited between 25 January 2012 and 15 February 2012. During this time, thirty six (36) submissions were received from the local residents objecting to the development, mainly on traffic grounds.

As part of the assessment a number of issues were raised with the application including the need for additional traffic & parking information. The applicant was requested to address the issues raised by Council staff and the concerns of the residents. The applicant submitted amended plans and supporting information on 21 March 2012 and 3 April 2012.

A review of the amended details indicated that the development generally complies with the planning requirements and that the traffic impact would be at an acceptable level within the locality.

The issues raised in the submissions have been reasonably addressed as detailed later in the report.

It is recommended that the proposed development be approved, subject to conditions of consent.

2 APPLICATION DETAILS

Name of applicant: Architecture & Building Works

Owner of the site: Hanna & Hanna Pty Ltd

Estimated value of works: $22,331,339.00 (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.

3 SITE DESCRIPTION

The subject site is known as 1-9 Monash Road and 407-417 Victoria Road, Gladesville and forms the gateway to the Gladesville Town Centre. The legal description of the land is Lots 1-6 DP24099, Lots A&D DP371644 and Lots 2-5 DP264285. The development area which comprises of 12 individual lots is bound by Victoria Road to the south, Monash Road to the west and Eltham Street to the north. The frontage to Victoria Road is 50.23 metres, Monash Road is 98.84 metres and to Eltham Street is 35.82 metres with a total site area of 4,456.7m^2.

The site is relatively flat with a slight fall of approximately 2 metres from east to west, with the lowest point at the corner of Victoria Road and Monash Road. The site is surrounded with commercial, industrial and residential developments. A single storey cottage is located on the northern corner of the site. The cottage has a local heritage listing and will be retained as part of the current development.

The rest of the development site contains a landscape supply yard with a storage area for sand and soils, to which truck access is gained from Monash Road.

Figure 1: Location Plan

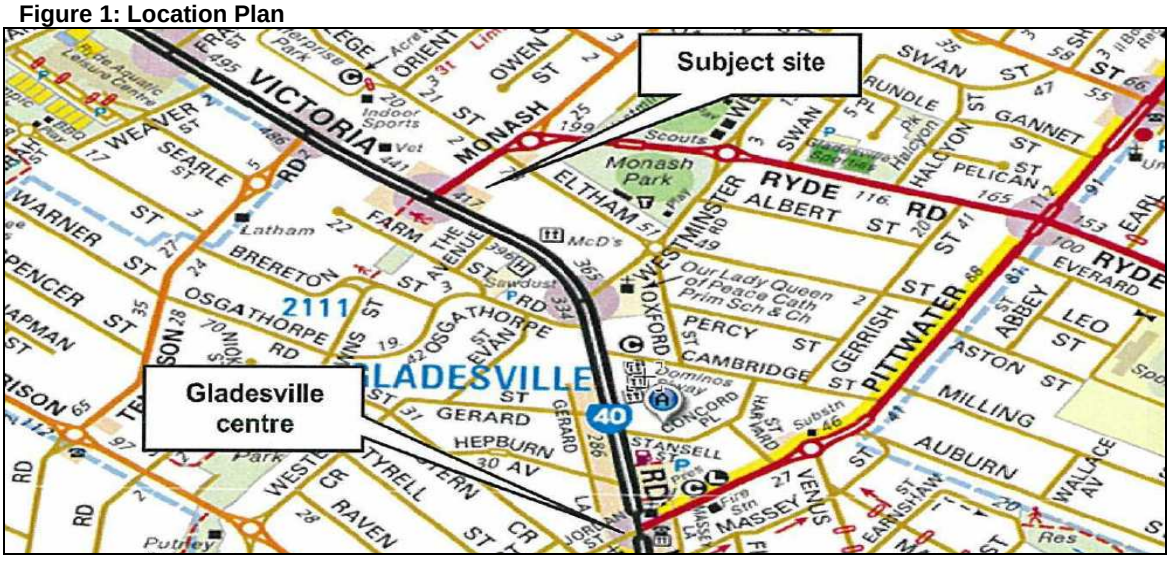


Figure 2: Subject Site Along Victoria Road Frontage

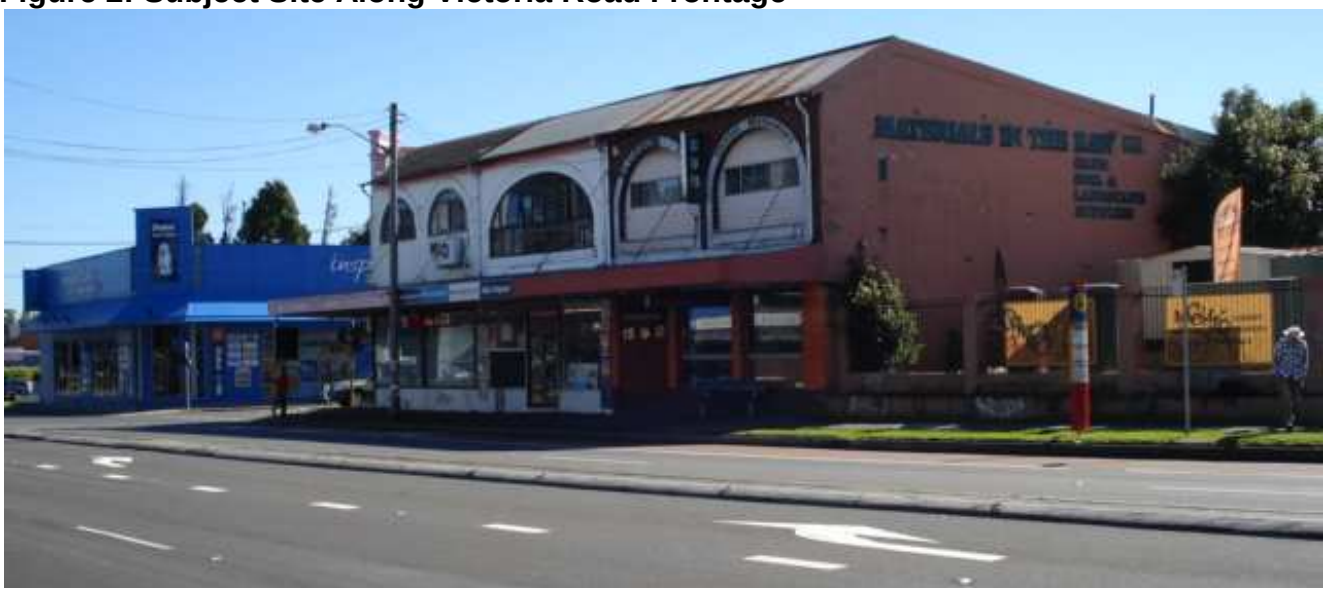


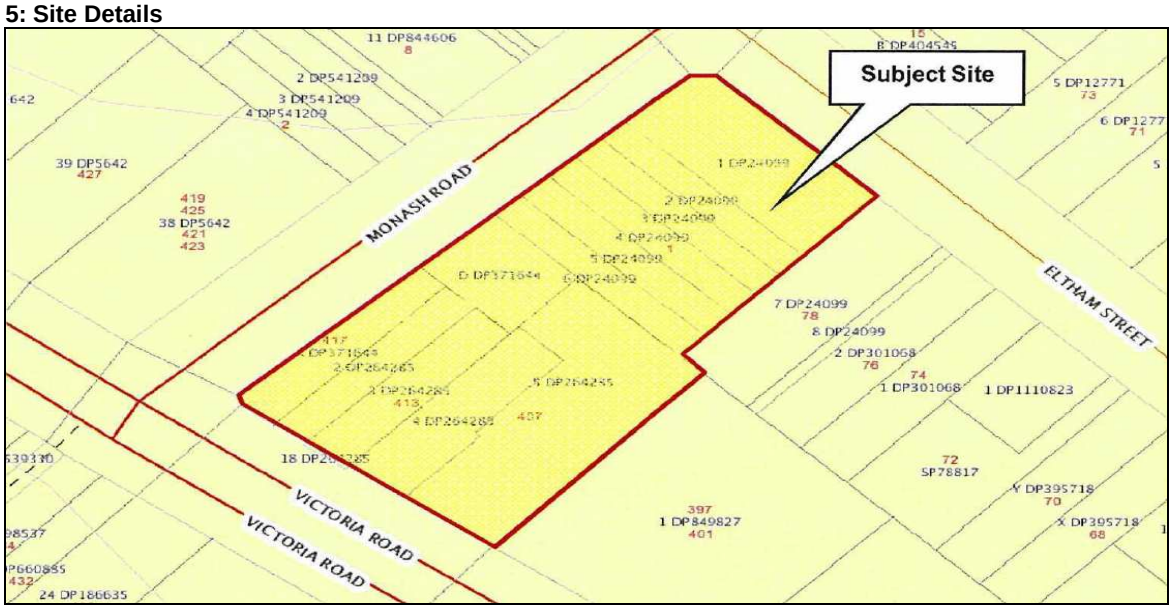
Figure 3: Site Along Monash Road Frontage

Figure 4: Eltham Street Frontage (showing heritage listed cottage)

4 SITE DETAILS

Total site area:	4,456.7m^2
Frontage to Victoria Road:	50.23m
Frontage to Monash Road:	98.84m
Frontage to Eltham Street:	35.82m
Land use zone:	Zone B4 – Mixed Use under Ryde Local Environmental Plan 2010

Figure 5: Site Details



PROPOSAL

The application proposes the following works:

- Demolition of the existing buildings on the development site excluding the cottage located at 9 Monash Road that is listed as a local heritage item.

- Construction of a six (6) storey mixed use (retail/ residential flat building) development. The development comprises a retail tenancy (2,520m^2) at the ground floor level, 70 residential apartments over five levels on upper floors, and 204 car parking spaces over three (3) basement levels:
    - The 70 residential units will consist of 14 x 1 bedroom apartments, 48 x 2 bedroom apartments and 8 x 3 bedroom apartments. Level 6 will contain loft areas associated with residential units on Level 5.
    - Pedestrian access to the residential apartments will be via both Victoria Road and Monash Road frontages through separate elevators and lobby areas in addition to the internal access from the basement.
    - The retail area will be directly accessible to pedestrians from street level via Victoria Road or from the basement levels via the central lifts. The retail area will be serviced via the loading dock located on the ground floor level.

- The proposal includes a new public laneway to allow vehicular access to the site and future vehicular access along the rear of the properties in the street block that face Victoria Road. The laneway and loading/ service area on the site will be accessible from Eltham Street. Delivery trucks to service the ground floor tenancy will enter the site from Eltham Street and exit into Monash Road. The laneway will be constructed to Council's specification and dedicated to Council. The location of the laneway is demonstrated in Figure 6 below.

- The strata subdivision of the development upon its completion.

- Alterations to the heritage cottage including the removal of air conditioning units, boundary walls and replacement of existing carport.

Figure 6: Proposal (ground floor with laneway)

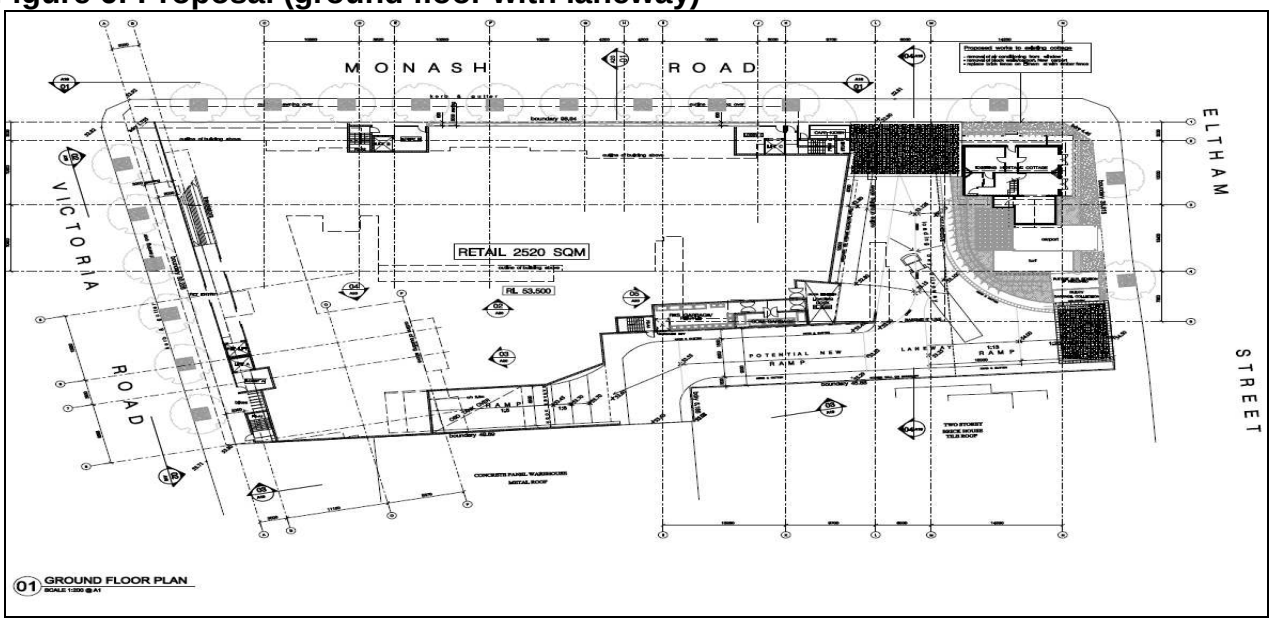


Figure 7: Photo Montage (Indicative Only) Victoria Rd View

5 BACKGROUND

- Prior to lodgement of the current application, the applicant undertook a pre-lodgement meeting with Council staff on 25 May 2011.
- The proposal in its draft form was also reviewed by Council's Urban Design Review Panel on 25 May 2011 & 31 August 2011.
- The development application was submitted to Council on 20 December 2011.
- The Application was reviewed by the Urban Design Review Panel again on 24 January 2012.
- The application was notified and advertised for 21 days ending on 15 February 2012. A total of 36 submissions were received.
- On 29 February 2012 a letter was sent to the applicant outlining various issues with the proposal. Copies of all the submissions were forwarded to the applicant and to the JRPP Secretariat.
- JRPP briefing was held on 15 March 2012.
- The applicant submitted amended plans on 21 March 2012. Re-notification of the amended proposal was not warranted as the amendments did not alter the proposal significantly in terms of its footprint, height or floor space.
- On 3 April 2012 the applicant amended the plans again to address waste management issues (provision of chutes, additional storage and loading dock leveller) and a reconfigured awning.

6 APPLICABLE PLANNING CONTROLS

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

- 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 SEPP);

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

7 PLANNING ASSESSMENT

This section provides an assessment against the relevant planning controls.

7.1 State Environmental Planning Policy No 55 - Remediation of Land

The requirements of SEPP 55 apply to the subject site. In accordance with Clause 7 of SEPP, Council must consider if the land is contaminated. If it is contaminated, whether is it suitable for the proposed use; and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

A detailed site investigation has been carried out by Aargus Australia (Phase II Environmental Site Assessment). A site history review found that the site has previously been used for a landscape supply business, a bus depot and other unknown commercial uses. Altered site levels also suggest that imported fill had been used to level the site and that there was the potential for asbestos and other hazardous materials on the site.

A set of 23 soil samples were collected from 12 boreholes across the site and submitted to a NATA registered laboratory for analysis.

The number of boreholes complies with the EPA Sampling Design Guidelines, based on a site area of 4,500m^2, and the test results indicate that the concentrations of contaminants are below the health-based investigation levels for residential developments with minimal access to soil including high-rise apartments and flats.

The report concludes that the risk to human health and the environment associated with soil contamination is low and that the site is suitable for the proposed use. Council's Environmental Health Officer has raised no objection to this report.

7.2 Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not

applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

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

The development is defined as 'BASIX Affected Development' under the *Environmental Planning and Assessment Regulation 2000*.

The applicant has provided BASIX Certificates:

- BASIX No. 385805M_02

The certificate indicates that the development will achieve the required target scores for water efficiency, thermal comfort and energy efficiency.

A condition has been imposed in accordance with the *Environmental Planning & Assessment Regulation, 2000* requiring compliance with the *Schedule of BASIX Commitments* made in the Certificate (See Condition Nos.1 & 42)

7.4 State Environmental Planning Policy (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:

(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
(b) providing greater flexibility in the location of infrastructure and service facilities, and
(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

The following provisions of the Infrastructure SEPP are applicable to this DA:

Clause 101 – Development with frontage to a classified road
The site has a frontage to Victoria Road which is defined as a classified road. Clause 101 of this SEPP requires that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied of the following:

1. *Where practicable, vehicular access is to be provided by a road other than the classified road.*

   The site has 3 frontages including Victoria Road, Monash Road and Eltham Street. Roads and Maritime Services (RMS) does not support any vehicular access from Victoria Road or Monash Road. For this reason, the development has been designed to have all

vehicular access from Eltham Street. Trucks and service vehicles will enter the site from Eltham Street and exit into Monash Road. The proposal is unlikely to significantly impact on the operation of the classified road. On 27 February 2012 the RMS advised that the proposal will be satisfactory subject to various conditions. These conditions have been discussed under the referrals section of this report.

2. *The safety, efficiency and ongoing operation of the classified road is not to be adversely affected by the development as a result of the design of the vehicular access to the land, the emission of smoke or dust from the development or the nature, volume or frequency of vehicles using the classified road to gain access to the land.*

Traffic modelling has been conducted by the Applicant's Traffic Consultant which shows that the traffic impact will be at an acceptable level. The entry, exit, loading and parking areas have been designed to maximise safety and efficiency on the site.

The development will meet the requirements of AS2107-2000 & AS3671-1986, having regard to the traffic noise levels emanating from Victoria Road. Further details in respect of noise insulation will be incorporated in the plans and specifications submitted for Construction Certificate as per the recommended conditions of consent (see Conditions 48, 57 & 79). Additionally, the following design features have been incorporated to ensure minimisation of noise impact:

- The ground floor being used for non residential purposes.
- Building setback from Victoria Road and Monash Road frontage generally in accordance with the DCP & Urban Design Review Panel comments.
- Special acoustic measures in accordance with the Acoustic Report will be incorporated (wall insulation, special glazing etc) to achieve an acceptable level of external noise transmission.

3. *The consent authority must be satisfied that the development is of a type that is not sensitive to traffic noise or vehicle emissions, it 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.*

The use of the site for residential is a type of development that would be considered to be sensitive to traffic noise or vehicle emissions. Victoria Road carries considerable traffic which would adversely affect the site due to road noise or vibration. The applicant has prepared an Acoustic Report in respect of the traffic noise from surrounding streets.

The Acoustic Report recommends the following specific strategies to address potential on site and off site noise issues:

- In order to minimise unnecessary noise generated by the driveway the following measures should be considered:
    - The paving conditions of the car park and ramps shall be sufficiently smooth and level to ensure minimal vertical displacement and potential for noise generated by wheels to concrete impacts and floor grating impacts.
    - The surface of the car park should be covered with surface coating that does not promote squealing of car tyres.
    - A maximum speed limit of driveway is to be 10km/h

- Prominent notices shall be placed on the site to remind people that minimum amount of noise is to be generated when entering or leaving the premises during night time period.
- An acoustic screen of masonry construction to be provided at the property boundary separating the development and 78 Eltham Street. The screen will be erected over part of common boundary on the north western & southern side of 78 Eltham Street. A condition will be imposed to ensure that this acoustic screen complies with Council's Fencing DCP (see Condition 48(c)).
- To prevent sleep disturbance, truck deliveries will be restricted to only certain time of the day, that is, not before 7:00am or after 10:00pm.

Note: It is recommended that loading dock operating hours be restricted to between 7am to 9pm Monday to Friday, and 8am to 5pm during weekends as this will comply with the recommendation in the Acoustic Report and will also be consistent with similar developments in the area (see Conditions 48(d) & 133).

- The following is recommended to attenuate noise generated from the external sources:
  - Glazing to achieve appropriate internal noise criteria as per table below:

Figure 8: Diagram demonstrating the appropriate glazing treatment to ensure acceptable acoustic privacy

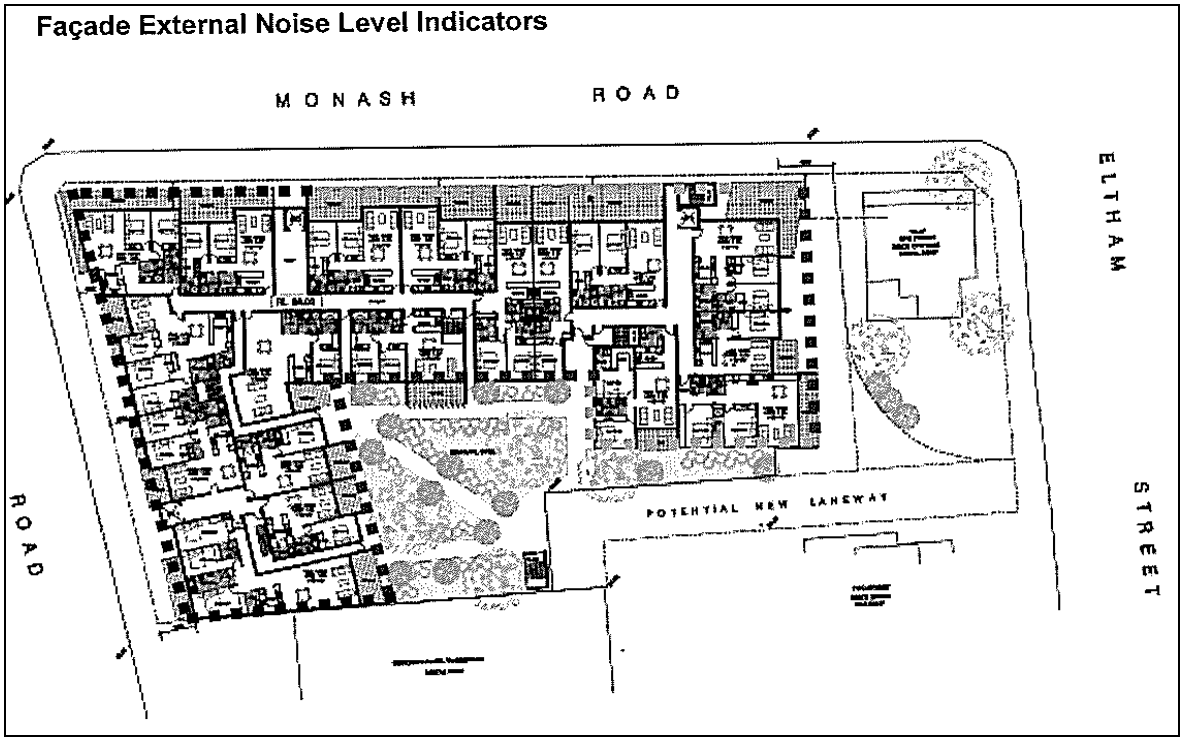


Table 11 Recommended Control Measures to achieve Internal Noise Levels

Location	Minimum Glazing Requirements	Ventilation Requirements
■ ■ ■ ■ ■	Rw 41 E.g. Double glazing comprising of 8 mm / 16 mm air space / 8.5 mm lam in acoustically sealed frame; or similar	Windows and doors to living and sleeping spaces of residential apartments will need to be closed to achieve acceptable internal noise levels. In such instances, alternative means of achieving the requirement for "comfort ventilation" will need to be considered to enable openings in the external facade (i.e. windows and doors) to remain fully closed during noisy periods. Ventilation to the requirements of the Building Code of Australia F 4.5 (b) and Australian Standard 1668.2 Table 4.2 should be provided. This means, as a minimum, providing fresh air at a rate of 5 litres/second per person in habitable rooms, to meet the requirements of AS 1668. Design input should be sought from an appropriately qualified mechanical consultant.
■ ■ ■ ■ ■	Rw 36 E.g. Single glazing with minimum 10.38 mm laminated glass with full perimeter acoustic seals; or similar	
■ ■ ■ ■ ■	Rw 24 Standard 4 mm monolithic glazing with standard weather seals; or similar	

It is also recommended that these apartments be designed as per the requirements of AS3671-1989 "Traffic Noise Intrusion – Building Siting and Construction" and AS2107-2000. The above recommendations will be imposed as conditions of consent to ensure compliance (see Condition number 57).

Clause 102 – Impact of road noise or vibration on non-road development

Clause 102 of the SEPP specifies various noise levels which are not to be exceeded for a residential development adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles.

These noise levels have been considered in the acoustic report. As discussed above, subject to compliance with the recommendations of the report, the development will achieve acceptable noise levels.

Clause 104 – Traffic Generating Development

The proposed development is identified within Schedule 3 of this SEPP and in accordance with Clause 104 was referred to the Roads and Maritime Services for comment. Via a letter dated 27 February 2012, RMS advised that the traffic issues in relation to the proposed development was considered by the Sydney Regional Development Advisory Committee (SRDAC) and no objection was raised.

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

SEPP 65 came into effect on 26 July 2002 and applies to the proposed development because it comprises three or more storeys and contains four or more self-contained dwellings. The SEPP aims to improve the design quality of residential flat development in New South Wales. The SEPP recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, social and cultural benefits of high quality residential flat building design. The proposal has been assessed against the following matters relevant to SEPP 65, for consideration:

- Urban Design Review Panel comments;
- The ten SEPP 65 Design Quality Principles; and

- The NSW Residential Flat Design Code guidelines, published by the Department of Planning and NSW Government Architect in September 2002.

Urban Design Review Panel

First Review

Council's Urban Design Review Panel reviewed a preliminary proposal (prior to lodgement) on 25 May 2011. The Panel recommended consideration of the following matters prior to formal lodgement of a DA:

- Locate the access and loading dock from Eltham Street to minimise impact on traffic and improve the interface between the proposed development and existing heritage building.
- Redesign of units 1.05 and 1.18 across all levels as these units have limited external walls & windows resulting in deep floor plates with little or natural ventilation.
- Lobby 1 should be modified to incorporate natural light and ventilation.
- Demarcation of communal space and private space needs to be considered.
- Apply 2m setback at ground level along the full length of Victoria Road frontage on ground floor level.
- Lower the awning to improve pedestrian amenity.
- Façade articulation to be simplified.

Second Review

The revised proposal was considered by the Urban Design Review Panel again on 31 August 2011.

The Panel noted the following improvements:

- ☑ That the inclusion of the key site diagram demonstrates improves solar access to communal open space and results in improved usefulness of this area.
- ☑ Residential entries and lobbies have generally been improved and now include natural light and ventilation.
- ☑ The revised scheme removes the under-croft condition in the previous design and this is supported by the Panel.
- ☑ Access and interface with podium level units has been improved.
- ☑ The panel supports the expression of "pop ups" on the upper level even though these slightly exceed the allowable height as they provide a modulated roof line. The Panel also supports the general approach to façade design, materiality and the corner expression of the buildings.

However, the following matters required further attention:

- Greater details and levels of the driveway/ laneway having regard to future rear laneway connections of properties fronting Victoria Road;
- The relationship between the proposed development and existing heritage cottage; and
- Improve residential amenity for single aspect oriented apartments (B6 and corresponding units above it).

Third Review

Upon lodgement of the application, the Urban Design Review Panel further considered the application on 24 January 2012. The Panel advised the following:

The Panel is now generally supportive of the proposal. Subject to the changes identified below, the form and massing is considered acceptable.

- ☑ *Improve interface with heritage building*
- ☑ *Potential privacy problem for unit C-11 & C-10*
- ☑ *Inadequate separation between the balcony and living area of Unit B-26 and the bedroom of Unit A-14.*
- ☑ *Impact of afternoon summer sun into units facing Monash Rd.*

The amended plans have reasonably addressed the above concerns through the following design changes:

Interface with Heritage Building:
The interface between the proposed building and the heritage item has been improved by changing the proposed building height and configuration in the north western corner. These changes include:

- At the ground level the modified configuration of the loading dock is considered to be more appropriate to the setting and curtilage of the Heritage Item.
- A café kiosk has been included at the north east corner of the development at the ground floor fronting Monash Road and opposite the Heritage Item. Inclusion of kiosk will increase pedestrian activity.
- The residential units above are stepped back at the fourth and fifth level facing the Heritage Item which will reduce the overall bulk and massing along the eastern elevation. These changes have been supported by Council's Heritage Officer.

Resolution of Privacy Issues:

This matter has been resolved on all floors by the deletion of the south-west facing window of Unit C-10 (and respective units on other floors) and creation of a new south-east facing wall with highlight window.

Separation between Units:

This matter has been addressed by the inclusion of privacy screening to the bedroom window of Unit A 14. This will adequately prevent visual privacy impacts between the balcony of Unit B-26 and the bedroom window of Unit A-14.

Managing Impact of Afternoon Sun:

Solar performance requirements are met throughout the development. The development incorporates blade arrangements and sliding louvers which will facilitate in the appropriate management of solar access along the Monash Road façade.

SEPP 65 Design Quality Principles
The following table provides an assessment of the proposed development against the 10 Design Quality Principles of SEPP 65:

SEPP 65 Design Principle	Comments	Comply?
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 site falls within the Gladesville Town Centre and forms the western gateway into the Gladesville Town Centre and Victoria Road Corridor. The precinct is currently characterised by low & medium density residential buildings, commercial/ office and some light industrial activities. The planning controls, including the Ryde LEP (Gladesville Town Centre and Victoria Road Corridor) 2010 and Ryde DCP 2010, provides for increased height and density to achieve the desired future character of the locality. The planning controls envisage mixed use developments which are up to 5 storeys in height. The proposal responds to the future context by proposing a mixed use apartment development of appropriate scale and will make a positive contribution to the streetscape and local setting.	Yes
Principle 2: Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and scale needs to achieve the scale identified for the desired future character of the area.	The building height ranges from 5 to 6 storeys, with the taller elements ("pop ups") designed as loft areas. These pop ups provide for a modulated roof line and this aspect of the proposal is supported by Council's Urban Design Review Panel. The setbacks and height variation along the frontages provide for appropriate transitions. The building addresses the corner formed by Victoria Road and Monash Rd and also maintains a low scale towards the Eltham Street and adjoining residential area. The proposed development is	Yes

SEPP 65 Design Principle	Comments	Comply?
	considered to provide appropriate scale.	
Principle 3: Built form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The built form is considered appropriate for the site and proposed use. The building alignments and proportions are responsive to site geometry and generally accords with the key site diagrams prescribed for the site in the Council's DCP. The development will provide a positive urban design response to the Victoria Road Corridor.	Yes
Principle 4: Density 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.	The proposed development has a FSR of 2.5:1. This slightly exceeds the Council's Control of 2.38:1 however, the variation is considered acceptable as the development proposes an appropriate bulk, scale & height. The site is located within close proximity of a major employment area, is located on a public transport route and has access to other public facilities such as parks, hospital, shopping centre, schools etc. The proposal therefore maximises residential density in relation to established facilities/services.	No (variation acceptable)
Principle 5: Resource, energy and water efficiency 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	The proposed development is considered suitable with respect to resource, energy and water efficiency. The proposal meets minimum BASIX targets for thermal comfort, energy and water efficiency.	Yes

SEPP 65 Design Principle	Comments	Comply?
vegetation and reuse of water.		
Principle 6: Landscape Good design recognises that together landscape and building operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of 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.	The landscape design is integrated with the overall development, providing areas for communal open space, and supporting residential amenity. The proposed landscape plan shows communal open space to be centrally located and easily accessible to residents. A range of plantings, turf, paving, BBQ area, seating wall and potential areas for outdoor furniture is proposed and considered suitable for the proposed use. The landscaping will also soften the appearance and improve the aesthetic quality of the development and amenity for the occupants. The proposed landscaping will also improve the interface between the proposed building and the heritage item on the site.	Yes
Principle 7: Amenity 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.	The development complies with the controls contained in the Residential Flat Design Code in respect to apartment sizes, access to sunlight, ventilation, visual and acoustic privacy, storage layout and access requirements. The units are well proportioned to accommodate various furniture layouts. All units are provided with sufficient indoor and outdoor living spaces. All balconies are at least 2.0 metres in depth, providing flexibility in layout for outdoor furniture, and are directly accessible from main living areas.	Yes

SEPP 65 Design Principle	Comments	Comply?
	Compliance with these matters is discussed in detail below in the RFDC compliance table.	
Principle 8: Safety and security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and a clear definition between public and private spaces.	Passive surveillance opportunities are provided with balconies and windows addressing all streets as well as the internal common courtyard area. Residential lobbies and the commercial/retail tenancy also provide passive surveillance opportunities at the ground floor and surrounding areas. Entrance points are clearly identified and public and private space is clearly delineated through secure entrances.	Yes
Principle 9: Social dimensions and housing affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provisions of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. 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.	The proposed development provides a range of dwelling types including 1, 2 & 3 bedroom units. The proposed unit mix is considered appropriate, as discussed further by this assessment.	Yes
Principle 10: Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to the desirable elements of the existing streetscape,	The building aesthetics are considered appropriate. The appearance of the development is contemporary, and will make a positive contribution to the locality. Appropriate variety of materials and finishes is proposed.	Yes

SEPP 65 Design Principle	Comments	Comply?
or, in precincts undergoing transition, contribute to the desired future character of the area.		

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	Comply?
Local context: Primary development controls		
Building height • 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.	The proposed development exceeds the maximum height of 19 metres permitted under the Ryde LEP (Gladesville) 2010. Although the building exceeds the maximum permitted height, there will be no significant adverse impacts on day light access to the public domain or adjoining residential areas.	No[1] (but variation acceptable – refer to **Note 1** under Section 7.6 of this report) Yes
Building depth Control over building depth is important as the depth of a building will have a significant impact on residential amenity for the building occupants. In general, narrow cross section buildings have the potential for dual aspect apartments with natural ventilation and optimal daylight access to internal spaces. In general, apartment building depth 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.	The proposal generally complies with the maximum depth requirement except for 2 units on each floor which slightly encroaches beyond the maximum depth. Units C4, C3 & respective units above it, have a maximum depth of approximately 20m. Each of these units has sufficient aspects and outlook created through terrace, balconies, strip windows and window openings. The proposed depth does not detrimentally affect the amenity of the affected units.	No (but variation acceptable)
Building separation For buildings over three storeys it is recommended that building separation increase in proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants. Suggested dimensions within a development, internal courtyards and between adjoining		

Residential Flat Design Code 2002	Comment	Comply?
site are: • Up to four storeys/12 metres – 12m between habitable rooms/balconies – 9m between habitable/balconies and non-habitable rooms – 6m between non-habitable rooms • Up to eight storeys/25 metres – 18m between habitable rooms/balconies – 12m between habitable/balconies and non-habitable rooms – 9m 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.	The development is surrounded by 3 roads which ensure adequate separation with development along Victoria Road, Monash Road and Eltham Street. The nearest residential development is located at 78 Eltham Street & the development maintains a separation of 18 metres. This separation is sufficient to maintain adequate privacy and amenity for both parties. Internally, adequate separating distances have been achieved in accordance with the requirement under this code. Where terraces or balconies are separated by less than 12m, adequate privacy screening/ walls have been incorporated. All terraces facing the communal space on the podium level are adequately screened. Further, the “L” shaped layout of the residential building footprint, and general adherence with the Key Site Diagram under the DCP ensures greater separation. The measures will adequately manage direct overlooking.	Yes
Street setbacks • 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.	The DCP requires that part of the façade is to be built to the boundary. The development does not comply with this requirement & has proposed a 2m setback on the ground level along Victoria Road. This is considered preferable as it will allow for street tree planting and a wider footpath space for the pedestrians. The DCP requires ‘0’ setback on ground level up to fourth level. Level 4 and above should be setback 2m.	No (variation acceptable) No (variation acceptable

Residential Flat Design Code 2002	Comment	Comply?
	The ground floor is setback 600mm instead of '0' setback. Level 4 is setback 1m to 3.7m and on the floor above the setback increases to 4.5m & 6.5m instead of 2m. The varied setback achieves the articulation required under the Key Site Diagram of the DCP which is acceptable to Council's Urban Design Review Panel.	
Side and rear setbacks 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. 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.	The DCP permits that building fronting Victoria Road to be built to the side boundary for a depth of 20m from the frontage. A further setback is then required to achieve a 12m separation between residential land uses. The ground floor (retail) is built to the side boundary for a depth of approximately 21m then a 6m setback is achieved over the basement entry point, and then a 9 – 13m setback is provided. The '0' setback requirement for the depth of 20m requirement is varied for a distance of 1m. However, this is as a result of providing a further 2m front setback along the Victoria Road frontage which has the effect of pushing the building further back. In light of the above the minor variation is supported as it is unlikely to result in any adverse impact on the adjoining warehouse located to the east. Beyond the 21m depth the 12m separation requirement to other residential development is generally met as the building is setback 6m (adjacent to the warehouse) and transitions to a setback of 9m-13.5m (rear laneway is proposed within this 9m setback). Note: the nearest residential building is 12m from the loading dock.	No (variation acceptable)

Residential Flat Design Code 2002	Comment	Comply?
	The building is offset 6m from the heritage site which is in accordance with Council's DCP2010.	
Part 2: Site Design		
Site analysis Development proposals need to illustrate design decisions, which are based on careful analysis of the site conditions and their relationship to the surrounding context. By describing the physical elements of the locality and the conditions impacting on the site, opportunities and constraints for future residential flat development can be understood and addressed in the design. A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the development application.	The architectural drawings include a thorough site analysis of the conditions affecting the site and the local context, opportunities and constraints.	Yes
Site configuration: deep soil zones Optimise the provision of consolidated deep soil zones within a site. Optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties. Promote landscape health by supporting for a rich variety of vegetation type and size. Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials. 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.	Substantial landscaped areas are included on the first floor level comprising approximately 573m^2 of open space. Within this area deep planter boxes have been provided measuring a total of 100m^2 with up to 700mm - 800mm depth to enable shrubs to be planted. A total of 239m^2 of the site comprises deep soil planting (with natural ground). This area is predominantly located adjacent to the heritage item. This equates to 29% of the open space with deep soil areas which are at natural ground. Conditions of consent have been recommended by Council's Development Engineer to ensure appropriate management of stormwater (refer to Condition numbers 61-71 & 120-126).	Yes
Site configuration: fences and walls	An acoustic barrier/ retaining wall is	

Residential Flat Design Code 2002	Comment	Comply?
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. Select durable materials, which are easily cleaned and graffiti resistant.	proposed along part of the eastern side boundary to address the difference in ground level and for acoustic privacy between the development and 78 Eltham Street. This fence will not exceed 1.8m from the existing ground level on the adjoining residential property and will only extend along the side boundary up to the front alignment of the dwelling house on 78 Eltham Street (refer to Condition 48(c)). The proposed fencing and walls are acceptable as it will provide important amenity and will not be visible from the Victoria Rd & Monash Rd frontages.	Yes
Site configuration: landscape design 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. Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces. Design landscape that contributes to the site's particular and positive characteristics. Contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management. Provide sufficient depth of soil above paving slabs to enable growth of mature trees.	Landscaping is provided between a mix of private and publicly accessible garden areas including a communal courtyard area. Trees are proposed along the street frontages and within the common open space area, providing shade and softening the site's appearance. Council's Development Engineer has confirmed that the proposed stormwater and drainage is generally acceptable subject to Condition numbers 61-71 & 120-126. Planter boxes have been provided which will allow for adequate growth of trees.	Yes
Site configuration: open space Provide communal open space that is appropriate and relevant to the context and the building's setting. Where communal open space is provided, facilitate its use for the	Communal open space is provided as part of the outdoor courtyard on the podium level. Additional areas are located adjacent to the heritage building. The location of open space is considered appropriate as it is	

Residential Flat Design Code 2002	Comment	Comply?
desired range of activities. Provide private open space for each apartment capable of enhancing residential amenity. Locate open space to increase the potential for residential amenity. Provide environmental benefits including habitat for native fauna, native vegetation and mature trees, a pleasant microclimate, rainwater percolation and outdoor drying area. The area of communal open space required should generally be at least between 25% of the site area. 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.	easily accessible by the residents living on the site and is separated from the retail floor. The open space area is capable of facilitating active and passive recreational opportunities, with an open grassed area and outdoor seating, tables & BBQ area. The proposal provides 812m^2 (18.2%) of communal open space which is less than the min 25%. However, given that the site proposes a laneway, retains the heritage building and proposes basement parking (as per DCP requirement), it is not possible to fully comply with this requirement. In accordance with the SEPP, reasonable residential amenity in the form of common open space on the podium, BBQ area and large balconies have been incorporated as part of the development. The application is considered satisfactory in this regard.	No (but variation supported)
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.	The applicant's Access Review Report makes recommendations for compliance with the relevant Australian Standards and Ryde DCP 2010 controls. A Condition of Consent is recommended requiring compliance with the recommendations of this report (refer to Condition number 37(b) &109).	Yes
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	A continuous path of travel is provided to all units via lifts and barrier free access is provided to more than 20% of the dwellings.	Yes

Residential Flat Design Code 2002	Comment	Comply?
20% dwellings in the development.		
Site access: vehicle access • Generally limit the width of driveways to six metres. • Locate vehicle entries away from main pedestrian entries and on secondary frontages.	The proposed driveway width/rear lane at the entrance to the site is over 8 metres. This is considered necessary to ensure safe vehicle entry into the loading dock and the proposed new laneway. The width of the driveway is unlikely to visually dominate the street frontage as it forms part of the proposed new 9m wide laneway. A Condition of Consent has been imposed requiring the preparation of a loading dock management plan to ensure safe operation and management of the loading dock (refer to Condition number 133). The driveway, located off Eltham Street and addition truck exit point on Monash Road is considered the most suitable location for vehicular access to the site. The access and exit points are considered satisfactory by RMS & Council's Traffic Engineer. Conditions have been recommended to manage vehicle entry/exit from the site to ensure added safety (refer to Conditions 133 & 134).	No (but supported)
Part 3: Building Design		
Building configuration: apartment layout Ensure apartment layouts and dimensions facilitate furniture removal and placement. The back of a kitchen should be no more than 8.0m from a window. Buildings not meeting the minimum standards listed above, must	All units have acceptable layout and room sizes. Additionally, these units are provided with balconies of minimum 2.0 metres in depth which will provide decent outdoor living spaces directly accessible off the primary internal living area. All kitchens are located within 8 metres of an opening enabling appropriate solar access.	Yes Yes

Residential Flat Design Code 2002	Comment	Comply?
demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to habitable rooms. Minimum apartment sizes that do not exclude affordable housing are: • 1 bedroom apartment 50m^2 • 2 bedroom apartment 70m^2 • 3 bedroom apartment 95m^2	1 bedroom unit = over 57m^2 2 bedroom unit = over 80m^2 3 bedroom unit = 84m^2 – 114m^2	Yes
Building configuration: apartment mix Provide a variety of apartment types.	The following mix of units are proposed: • 1 bedroom: 20% • 2 bedroom: 68% • 3 bedroom: 12% This mix will provide for a variety in apartment types.	Yes Yes
Building configuration: balconies Provide at least 1 primary balcony. Provide primary balconies for all apartments with a min. depth of 2.0m.	Each unit is provided with a primary balcony that is directly accessible off the main living area. All balconies have a depth of at least 2.0 metres.	Yes Yes
Building configuration: ceiling Heights 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. Recommended minimum floor to ceiling heights: • 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.	Ceiling heights are proposed as follows: Basement (Parking): 2.7m – 3m Ground floor (Retail): 4.8m Upper floors (Res): 2.7m Loft Level: 2.4m (5.0m over living area). Highlight/strip windows have been provided to units having south east aspect to ensure greater level of solar amenity without compromising privacy.	Yes
Building configuration: ground floor apartments • Optimise the number of ground floor apartments with separate entries and consider requiring an	Ground floor comprises of retail use. No residential apartment is proposed on the ground floor level.	N/A

Residential Flat Design Code 2002	Comment	Comply?
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.		
Building configuration: internal Circulation 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. Articulate longer corridors. Minimise maintenance and maintain durability by using robust materials in common circulation areas. 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.	Apartments are accessed via 3 lift cores and 3 entrances/lobbies. The corridors/lifts serve 4 – 9 units on typical floors. As the corridor lengths are reasonably short (0m, 17m & 32m), the arrangement is acceptable. The longest corridor is designed in a manner which ensures solar access opening (strip & highlight windows) located approximately midway along the corridor on all levels.	Yes
Building configuration: mixed use Choose a mix that complements and reinforces the character, economics and function of the local area. Chose a compatible mix of uses, for example, food retail, small-scale commercial and residential is a better mix than car repair and residential.	The proposed development is located within a mixed use zone. The proposed mix of residential and retail uses is therefore considered appropriate and consistent with the desired future character of the area. The uses will be compatible with the heritage building located at 9 Monash Rd which also forms part of the development site.	Yes
Design legible circulation, which ensure the safety of users by isolating commercial service requirements such as loading docks, from residential servicing areas and primary outlook, locating clearly demarcated commercial and residential vertical access points, providing security entries to all private areas including	Access between retail and residential areas of the development is secure. Appropriate conditions have been imposed, as recommended by Gladesville Police, to also ensure appropriate security access to all parts of the building (refer to Condition numbers 87 - 99).	Yes

Residential Flat Design Code 2002	Comment	Comply?
car parks and internal courtyards and providing safe pedestrian routes through the site where required.		
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.	Public domain improvements proposed as part of this development is considered satisfactory and has been discussed elsewhere in this report.	Yes
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.	The proposal will comply with noise insulation and acoustic privacy requirements.	Yes
Building configuration: storage 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. 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. Provide accessible storage facilities at the following rates: • Studio apartments 6m³ • 1 bedroom apartments 6m³ • 2 bedroom apartments 8m³ • 3 plus bedroom apartments 10m³.	Each unit is provided with an average area of 16.5m2 for storage within the basement level. In addition each unit also has internal storage areas. It is considered that the proposed storage spaces are generous.	Yes
Building amenity: daylight access Plan the site so that new residential flat development is oriented to optimise northern aspect.	Given that the site has 3 street frontages, the units are appropriately oriented to maximum solar access.	Yes
Ensure direct daylight access to communal open space between March	The portion of communal open space located on the first floor receives	Yes

Residential Flat Design Code 2002	Comment	Comply?
and September and provide appropriate shading in summer. Prohibit the use of light wells as the primary source of daylight in habitable rooms.	sufficient levels of sunlight access in mid-winter. In summer trees and landscaping will ensure appropriate shading of the communal open space. Balconies, screening and shading devices are used to control glare and undesirable solar access to and from units. It is not considered that the proposed development will result in undesirable reflectivity as glazing does not constitute a large proportion of the façade. No light wells are proposed.	
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.	59 of the 70 units (84%) receive sunlight access to balconies and main living areas in mid-winter for a period of 3 hours.	Yes
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.	Three (3) units (4.2%) have single southerly aspect. This is considered a small percentage and complies with the code. To improve the amenity of these units they have been designed to overlook the rear communal open area and have large balconies. Additionally, the proposal meets the appropriate BASIX targets for thermal comfort and energy efficiency.	Yes
Building amenity: natural ventilation		
Plan the site to promote and guide natural breezes. Utilise the building layout and section to increase the potential for natural ventilation. Design solutions include facilitating cross ventilation etc. Design the internal apartment layout to promote natural ventilation. Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout. 60% of residential units should be naturally	The building is designed as ‘L’ shape which provides greater opportunity for natural & cross ventilation. In addition the layout (building footprint) has generally been provided in accordance with the ‘Key Site Diagram under the DCP. The KSD has been slightly varied to produce a better outcome for the site and in terms of compliance with SEPP 65. A total of 52 units will have natural	Yes Yes

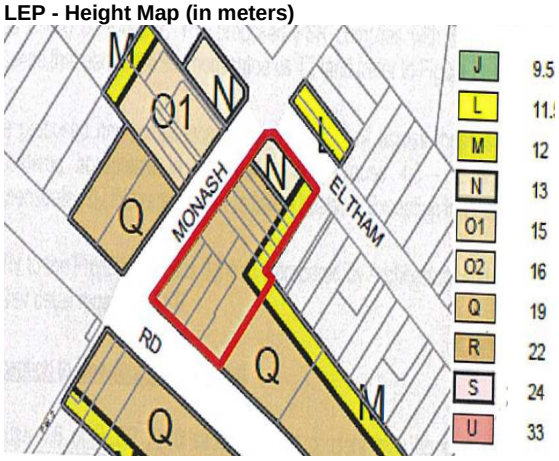
Residential Flat Design Code 2002	Comment	Comply?
cross ventilated and 25% of kitchens within a development should have access to natural ventilation. Developments which seek to vary from the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.	cross ventilation which equates to 74% of the units. 18 units have their kitchen naturally ventilated which equates to 25% of the total units therefore meeting the minimum requirement. As noted earlier, all kitchens are located within 8 metres of an opening enabling appropriate solar access as well.	Yes
Building form: Roof design Relate roof design to the desired built form. Some design solutions include: 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. Design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form. Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access. Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. Support the use of roofs for quality open space in denser urban areas.	The roof is well integrated with the overall building design. Materials, colours and finishes of the roof and top floor complement the overall aesthetics and assist with providing design emphasis to all frontages and the Victoria Rd corner. The Urban Design Review Panel supports the roof form with the proposed 'pop ups'.	Yes
Building form: waste management Incorporate existing built elements into new work and recycle and reuse demolished materials, where possible. Specify building materials that can be reused and recycled at the end of their life. Integrate waste management processes into all stages, of the project, including the design stage. Support waste management during the design stage. Prepare a waste management plan. Locate storage areas for rubbish bins away from the front of the development where they have a	A Waste Management Plan has been submitted as part of the DA. Waste management has been incorporated into the building design through dedicated waste storage area located adjacent to the loading dock for ease of collection. Council's Environmental Health Officer & Waste Management Coordinator has recommended a number of Conditions to ensure appropriate waste management on the site during construction and operational stage. These recommendations have been	Yes

Residential Flat Design Code 2002	Comment	Comply?
significant negative impact on the streetscape, on the visual presentation of the building entry and on the amenity of residents, building users and pedestrians. 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. Incorporate on-site composting, where possible, in self contained composting units on balconies or as part of the shared site facilities.	imposed as Conditions of Consent (refer to Condition numbers 135-139). Waste storage amenities have been provided. Composting is not encouraged on balconies.	

7.6 Ryde Local Environmental Plan (Gladesville Town Centre and Victoria Road Corridor) 2010

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

Gladesville LEP 2010	Comments	Comply?
Zone B4 – Mixed Use Land Use Table The objectives of this zone: • 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 and reinforce topography, landscape setting and unique location in design and land-use.	The proposed development provides a mix of land uses (retail and residential) considered suitable for this location. The subject site is located within walking distance of bus services and retail and commercial services, and therefore is considered a suitable location for this development. The proposal will increase residential density within the locality and will enhance the viability of shops and services located in and around Gladesville. The proposed development will promote a safe and attractive pedestrian environment through improvements in the public domain.	Yes
Clause 2.3 Permissibility		

Gladesville LEP 2010	Comments	Comply?
Building identification signs, business premises, office premises, retail premises and shop top housing are permitted within this zone.	The proposed development is permitted within this zone.	Yes
Clause 2.6 Subdivision Consent is required for the subdivision of land.	The development application proposes strata subdivision of the development upon its completion. No objection is raised to the strata subdivision of the building.	Yes
Clause 2.7 Demolition Demolition requires Consent.	Demolition is included as part of the proposed development.	Yes
Clause 4.3 Height of buildings The height map provides for two maximum heights of the site. The majority of the site has a maximum height of 19 metres (facing Victoria Road & Monash Road). The rear of the site which contains the heritage building has a maximum height of 13 metres. **LEP - Height Map (in meters)** 	The majority of the development is located within the area of the site that has a 19 metre height control. The proposed development exceeds the maximum height of 19 metres by approximately 500mm. This is due to the loft level. The minor non-compliance in height is supported and has been discussed in detail in Note 1 under this table.	No (but variation acceptable) (refer to **Note 1** at end of table)
Clause 4.4 Floor Space Ratio The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the floor space ratio map. The site is affected by 3 different FSR. The Floor Space Ratio Map provides FSR as follows: • No FSR control for the heritage listed site, and • 2.7:1 on the 3 lots closest to the intersection of Victoria Rd &	The development proposes a total floor space of 9,486m^2. Thus a FSR of **2.5:1** is proposed. The floor space is 459.3m^2 (5%) over that permitted on the sites. The variation is considered acceptable as discussed in Note 2 under this table.	No (but variation acceptable) (refer to **Note 2**)

Gladesville LEP 2010	Comments	Comply?
Monash Road, and • 2.3:1 FSR for the rest of the site. The allowable FSR for the entire site (excluding the heritage site) would equate to **2.38:1 or 9,038.76m^2**.		
Clause 4.6 Exceptions to development standards (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 specifically excluded from the operation of this clause. (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: • The compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and • That there are sufficient environmental planning grounds to justify contravening the development standard. (4) Consent must not be granted for development that contravenes a development standard unless: • The consent authority is satisfied that: – 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	As the proposed development exceeds the maximum height and FSR permitted on the subject site, Clause 4.6 – Exceptions to development standards is required to be taken into consideration. The applicant has provided written justification as part of the documentation submitted with the development application. The provisions of this clause are addressed in **Notes 1 & 2** under this table.	Variation acceptable (Refer to **Note 1**).

Gladesville LEP 2010	Comments	Comply?
the particular standard and the objectives for development within the zone in which the development is proposed to be carried our, and • The concurrence of the Director-General has been obtained.	Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards	Yes
Clause 5.10 (4-6) Heritage Impact Assessment A heritage impact assessment is required for the subject site, which is in close proximity to a heritage listed cottage located on 9 Monash Road. Consent Authority must consider effect of proposed development on heritage significance of the item. The Consent Authority may require a Heritage Conservation Management Plan	The Heritage Impact Statement submitted with the application, has considered the history and heritage significance of the Late Victorian Gothic Style cottage on the northern side of the development site (at 9 Monash Road). The cottage will be retained. A Conservation Management Plan has been prepared by the applicant's Heritage Consultant. Council's Heritage Officer has reviewed the proposal and determined that there will be little impact on the heritage significance.	Yes

Proposed Variations (pursuant to Clause 4.6 of the Gladesville LEP2010)

Clause 4.6 of RLEP 2010 stipulates that consent may be granted for development that contravenes a development standard on the basis that the following can be demonstrated:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) That there are sufficient environmental planning grounds to justify contravening the development standard. (Clause 4.6 (3)).

The proposed development contravenes development standards relating to the maximum Building Height and the Floor Space Ratio permitted on the site. These issues are discussed below.

Note 1 Maximum Height:

The height map provides for two maximum heights of the site. The majority of the site has a maximum height of 19 metres (facing Victoria Road & Monash Road). The rear of the site has a maximum building height of 13 metres. The 13m height limit is not breached but the 19m height limit is exceeded by approximately 500mm at certain locations as a result of the loft level.

The area of non-compliance is illustrated in the figures below:

Figure 9: Victoria Road elevation demonstrating the height non-compliance

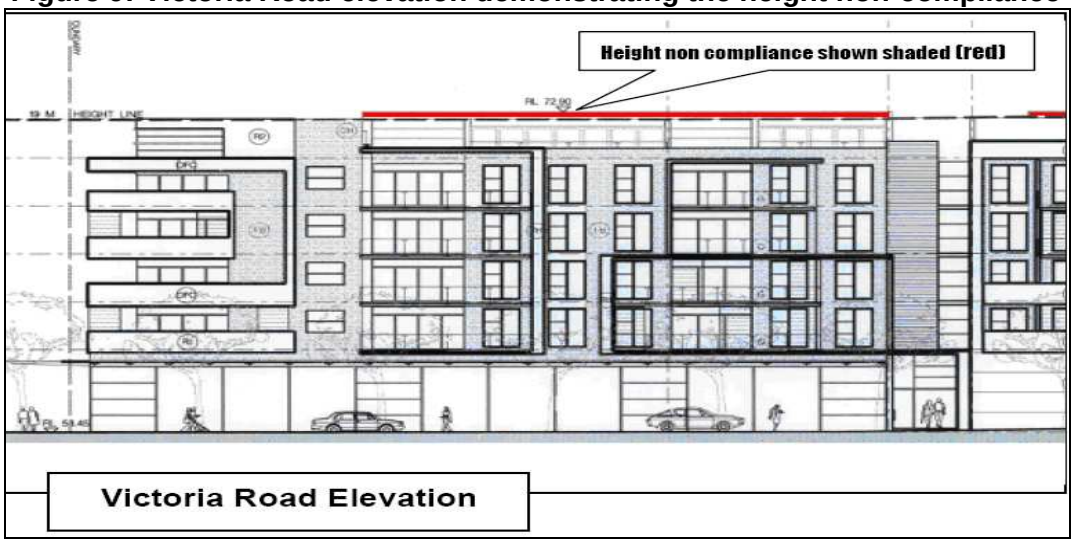
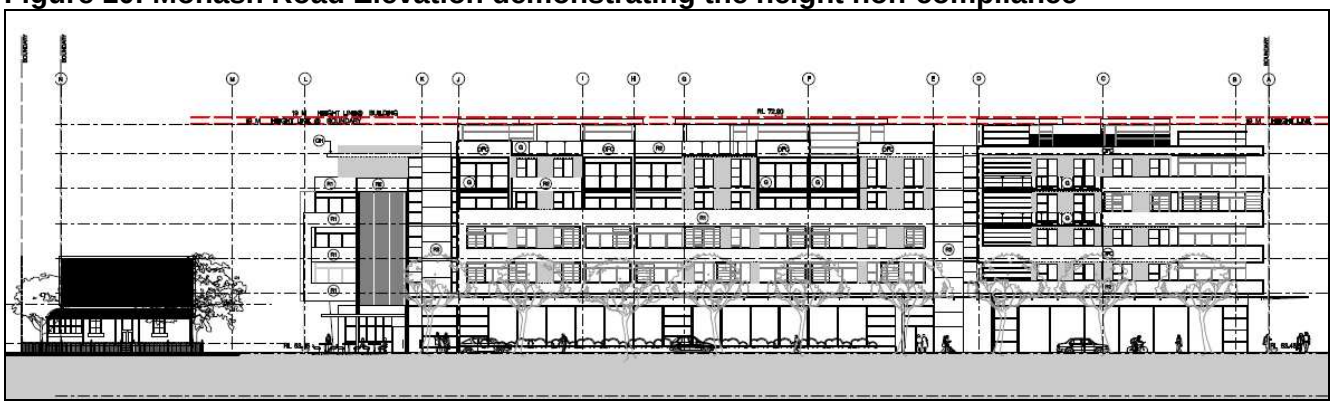


Figure 10: Monash Road Elevation demonstrating the height non-compliance



Monash Rd Elevation

The applicant's Town Planner has provided justification for the non-compliance in accordance with the requirements of Clause 4.6 as part of the Statement of Environmental Effects. The justifications provided by the applicant for varying the maximum building height standard are as follows:

- The proposed 'pop-ups, which represent the loft level, are significantly set back from the site boundary (and street frontages) and will not cause overshadowing to adjoining properties or communal open space areas through additional building bulk;
- The minor increase in height is considered acceptable given the proposed 'pop-ups' contribute to the overall design of the building, enhance internal amenity and are not read as the prominent building height of the development; and
- Additional floor area within these units increases residential amenity;

In accordance with Clause 4.6 of the Gladesville LEP, the applicant's submission to vary the development standard has been considered by Council staff to ascertain whether in this instance the strict compliance with Clause 4.3 Heights of Buildings is considered

unnecessary or unreasonable. The assessment of the application (including a review by Council's independent Urban Design Review Panel) has found that the variation is worthy of support as it produces a better outcome and does not significantly deter from the intent of the standard. The minor variation in height by 480mm – 500mm is supported based on the following reasons:

- The increased height is attributed to the provision of the loft levels on the top floor connected to the units on level 5 and appear as smaller 'pop up' segments on the roof level. The Urban Design Review Panel supports the expression of 'pop ups' as they provide a modulated roof line.
- The areas of non compliance would not result in any substantial adverse impact on the visual amenity or daylight access of adjacent residential areas.
- Strict compliance with the standards would reduce the sizes and level of amenity for most residential units located on Level 5, thus being contrary to one of the objectives of SEPP 65 which is to expand housing choice in the locality.
- The non-compliance in height is insignificant relative to the size of the development and cannot be easily discernible from any public place.

It further noted that the proposed height supports the achievement of the redevelopment of the site which is considered to be in the wider public interest, through the expansion of housing supply in the locality, construction of public laneway and retention of an heritage building and the improvement of site aesthetics through a more responsive built form outcome compared to the existing buildings in the area.

The variation in height is considered acceptable.

Note 2 Floor Space Ratio

The applicant's Town Planner has provided justification for the non-compliance with the maximum FSR for the site based on the following grounds:

- The proposed minor increase in floor area does not result in unacceptable bulk and scale;
- The proposed development demonstrates appropriate modulation and depth in external walls;
- The proposed development has been designed to maximise daylight and natural ventilation to provide a high level of amenity for residents;
- The proposed development does not cause unacceptable levels of overshadowing, and improves solar access to communal open space areas;
- Building facades have been articulated to create visual interest and improve the public domain;
- The proposed development does not unreasonably impact upon adjoining properties;
- The proposed development has been thoughtfully designed to ensure building bulk is concentrated towards Victoria Road and Monash Road; and
- The minor additional FSR is off-set by the community/public benefit gained through the ongoing conservation and management of the existing heritage cottage, new public laneway and footpath and improved public domain and streetscape works.

The variation to the FSR control is considered to be acceptable. The overall bulk & scale & height of the development predominantly comply with the Key Site Diagram. The reasons given by the applicant are supported by Council's officers as well as the Urban Design Review Panel. The variation is acceptable.

7.7 Ryde Development Control Plan 2010

The relevant provisions of the Ryde DCP 2010 are addressed at the table below.

Part 4.6 Gladesville Town Centre and Victoria Road Corridor

The purpose of this DCP is to facilitate the revitalisation of Gladesville Town Centre as a vibrant, attractive and safe urban environment with a diverse mix of retail, commercial, residential and leisure opportunities. The site is located within the Monash Road Precinct which includes sites adjacent to Monash Road and Victoria Road intersection.

The vision for this precinct is to maintain its retail role and protect its heritage character while encouraging additional retail, commercial and residential development.

The following table demonstrates compliance with the relevant planning controls for the site.

Control	Comment	Compliance
Built Form		
Built Form Heights 1. 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. 2. Floor to ceiling height for residential uses must be a minimum of 2.7 metres. 3. Ground floor levels are to have a floor to floor height of a minimum of 3.6 metres.	The height map provides for two maximum heights across the site. The majority of the site has a maximum height of 19 metres (& up 5 storeys under the DCP) for lots facing Victoria Road & Monash Road). The rear allotment with the heritage building has a maximum height of 13 metres. The proposed development exceeds the maximum height of 19 metres by approximately 500mm at the loft level. The loft level is designed as an architectural feature appearing as small 'pop ups' on the top level. However, the 'pop ups' are defined as a 6th storey and thus results in a variation of the built form heights under the DCP. This variation however is acceptable for the reasons discussed earlier in the report. Floor to ceiling height is 2.7m Ground level floor to floor height: 5.0m	No (but variation is supported as discussed earlier in this report under section 7.7) Yes Yes
Active Street frontages 1. Provide ground level active uses where indicated on the map. 2. Active uses consist of community and civic facilities, recreation and leisure facilities, shops, commercial premises, residential uses that do not occupy 20% of the street frontage.	The development is required to provide ground level active uses along Victoria Road & Monash Road. The development complies as a retail tenancy is proposed on the ground level. A coffee kiosk is also provided on the Monash Rd frontage. There are no residential units on	Yes Yes

Control	Comment	Compliance
3. Where required, active uses must comprise the street frontage for a depth of 10 metres.	ground level.	
4. Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.	Vehicle access is proposed from the rear Lane.	N/A
5. Security grills can be incorporated to ground floor shops. Blank roller shutter doors are not permitted.	Security grills not proposed.	Yes
6. Serviced apartments, hotels and motels shall not have apartments located on the ground floor.	None of these uses have been proposed so the control is not applicable.	N/A
Buildings Abutting the Street Alignment 1. Provide buildings built to the street boundary in the Gladesville Town Centre Precinct and in Monash Road Precinct where shown on the Key Site Diagram.	The Key Site Diagram requires building on Monash Road and part of the façade on Victoria Rd to be built to the boundary. The development does not comply with this requirement & has proposed a 2m setback on the ground level along Victoria Road & a 600mm setback along part of Monash Rd. This is considered preferable as it will allow for street tree planting and a wider footpath space for the pedestrians. This minor non-compliance will not affect the desired streetscape character. The building articulation and setbacks as proposed have been reviewed by Council's Urban Design Review Panel and is considered to produce a better design outcome.	No (variation supported)
2. Ground level architectural features such as recessed doors and windows are permitted to a maximum of 400mm from the street boundary to design out concealment opportunities and promote personal safety and security.	Adequate offsets have been provided along both frontages. Adequate surveillance is possible on all entries. The floor above the ground floor has been articulated to add interest and break the façade.	Yes
Setbacks 1. Along Victoria Road ground floor setback to be part 2m & part built to boundary and 4m setback above level 4.	On Victoria Road the ground floor setback is as mentioned above. The upper level on Victoria Rd is setback 2m – 4m for improved articulation which is generally supported.	No (variation supported)
2. Along Monash Road the setback is to be 0m. & for level 4 and above the setback to be 2m	On Monash Rd the ground floor setback is setback 600mm instead of '0' setback. Level 4 is setback 1m to 3.7m and on the floor above the setback	No (Variation supported).

Control	Comment	Compliance
	increases to 4.5m & 6.5m. The proposed variation to the upper levels achieves a better articulation and built form outcome which is acceptable to Council's Urban Design Review Panel.	
3. From Heritage Site – 6m.	A 6m setback is provided from the rear block.	Yes
Rear Setbacks and Residential Amenity 1. Provide 9m ground level setback at the rear of sites fronting Victoria Road or as shown in Key Site Diagram (KSD).	9m setback for rear lane & 6m from heritage site has been provided.	Yes
2. Provide 12m separation minimum above the ground floor between residential buildings.	The separation requirements have been met in accordance with SEPP 65 and are discussed elsewhere in this report.	Yes
3. Buildings fronting Victoria Road may build 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 land uses.	As mentioned earlier, the ground floor (retail) is built to the side boundary for a depth of approximately 21m then a 6m setback is achieved over the basement entry point, and then a 9 – 13m setback is provided. The '0' setback requirement for the depth of 20m requirement is varied for a distance of 1m. However, this is as a result of providing a further 2m front setback along the Victoria Road frontage which has the effect of pushing the building further back. In light of the above the minor variation is supported as it is unlikely to result in any adverse impact on the adjoining warehouse located to the east. Beyond the 21m depth, the 12m separation requirement to other residential development is generally met.	No (variation supported)
Conservation Area Built Form Impact on heritage significance	The subject site does not fall in the area identified as Conservation Area in the DCP.	N/A
Awnings 1. Provide awnings over footpaths for ground level building frontages as shown on relevant map.	A continuous awning is proposed as per Council requirement on both Victoria Road & Monash Road frontages & street trees will be provided (see Conditions 1(c), 6(d) and 6(e).	Yes

Control	Comment	Compliance
2. 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.	There are no adjoining awnings. Minimum 3m height proposed.	Yes
3. Awnings are to protect people from sun and rain. Glazed awnings are generally not permitted.	The awning will not be glazed.	Yes
4. Provide lighting preferable recessed to the underside of awnings, sufficient to ensure a high level of safety for pedestrians at night.	A condition of consent will be imposed to ensure acceptable lighting (see Condition 6).	Yes
Access		
Minimum Street Frontage / Site Amalgamation 1. Any development within the North Gladesville Precinct is to have a minimum 40m frontage to Victoria Road and one driveway crossing maximum, unless it can be demonstrated that access may be achieved from the local road network.	The site is not located in North Gladesville Precinct.	N/A
Vehicular Access 1. Provide vehicular access from the local roads network in preference to Victoria Road. This will require development of public laneways within the rear setbacks of most sites.	A laneway is being provided (accessible from Eltham Street) in accordance with the DCP. All vehicular access is proposed from the Eltham Street. Access to the loading dock is also proposed from Eltham Street. These vehicles will however exit the site via Monash Road.	Yes
2. Where laneway proposed, must include 2-way carriageway of 6m width, 1.5m footpath & 0.5m setbacks from other built elements.	A lane is proposed consistent with the dimensions outlined under the DCP. Conditions of consent have been imposed in respect to the standard of construction for the laneway (see Condition 68).	Yes
Public Parking 1. Provide publicly accessible parking to support retail, entertainment and commercial land uses, church and educational institutions as shown on the Parking Control Drawing.	The development complies with the required parking rates. To address public concern raised in the submissions about traffic generation, no additional parking is proposed on the site. Council's Traffic Engineer supports this arrangement.	No (Variation supported).

Control	Comment	Compliance
2. Provide secure bicycle parking in every building equal in area to 1 car space for every 100 car spaces or part thereof.	Bicycle parking racks have been provided in the basement level & ground level within a total area of approximately 17m^2.	Yes
Public Domain		
Pedestrian Connections 1. Provide street furniture, lighting and generous paved areas along the main pedestrian routes.	A condition of consent is recommended to ensure compliance with requirement (see Condition 6)	Yes
Public Domain Framework 1. Improve Trim Place connections with the public domain network. 2. Improve the quality and function of the small park space on the corner of Victoria Road and Jordan Street. 3. Increase the quantum and diversity of public space in the heart of the town centre. 4. Create vehicular and pedestrian connections through major development site.	These controls are not applicable to the subject development as it is not located in the location referenced in the controls.	N/A
Landscape Character 1. Create a consistent planting theme with a number of species to ensure that the planting gives a visual coherence.	Planting along the street will be consistent with the Public Domain Technical Manual (refer to Condition 6).	Yes
Urban Elements 1. Provide paving, seats, benches and bins as selected by Council in accordance with the Ryde Public Domain Technical Manual. 2. Provide seating and shelter (awnings or bus shelter) at all bus stops, and provide seating at community facilities and drop off points. Seating shall be in accordance with the Ryde Public Domain Technical Manual. 3. Provide new street lighting to primary and secondary streets as selected by Council and underground power cables. 4. Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.	Conditions of consent have been recommended which require this development to comply with the requirements of the Ryde Public Domain Technical Manual (See Condition 6). This will ensure compliance with requirements 1-4. In addition the condition will also require the under grounding of the power cables.	Yes
Key Sites The site is identified as a Key Site		

Control	Comment	Compliance
under the DCP and is subject to Key Site Diagram (KSD) that specifies building setback, height, land use zones, articulation zones, building depth, building separation & a general building envelope etc:		
1. Development proposals for Key Sites are to be reviewed by a Design Review Panel to ensure designs quality.	The proposal was reviewed by Council's Urban Design Review Panel. The Panel was generally supportive of the proposal within the context of the KSD.	Yes
2. The Keys Site diagrams may be varied subject to merits demonstrated via a Comprehensive Plan.	A variation is proposed which has also been reviewed by the Design Review Panel and is considered satisfactory.	No[2] (variation supported see note below)
3. Provide setback along Victoria Rd 0m & 2m	A 2m continuous setback is proposed along the full Victoria Rd frontage.	No (but supported)
4. Provide active street frontage.	Active frontage is encouraged by retail use & provision of the entry on Victoria Rd. The wider footpath and glazed see through front wall provides additional visual interaction/ activation. A coffee kiosk is also provided along the Monash Road frontage next to the heritage building.	Yes
5. Provide building height in accordance with the height indicated.	Generally complies except for minor variation which is supported and discussed earlier in this report.	No (supported)
6. A max of 18m building depth is permitted.	Minor variation occurs (but is supported on merits as discussed earlier under Residential Flat Design Code assessment.	No (supported)
7. Provide upper level setback in accordance with Figure 4.6X & 4.6Y.	The upper level setback is generally in accordance with these controls with minor variations which has been supported by Council's Urban Design Review Panel.	No (acceptable)
8. At least 10% of the site area to be provided as public domain.	70m^2 of additional footpath widening and paving is proposed along Victoria Rd. A 9m wide laneway and associated footpath will be constructed and dedicated to Council. The proposal is considered satisfactory in relation to this matter.	Yes

Note [2]:Proposed Variation to the Key Site Diagram (KSD)

Figure 11: Key Site Diagram as contained in the DCP

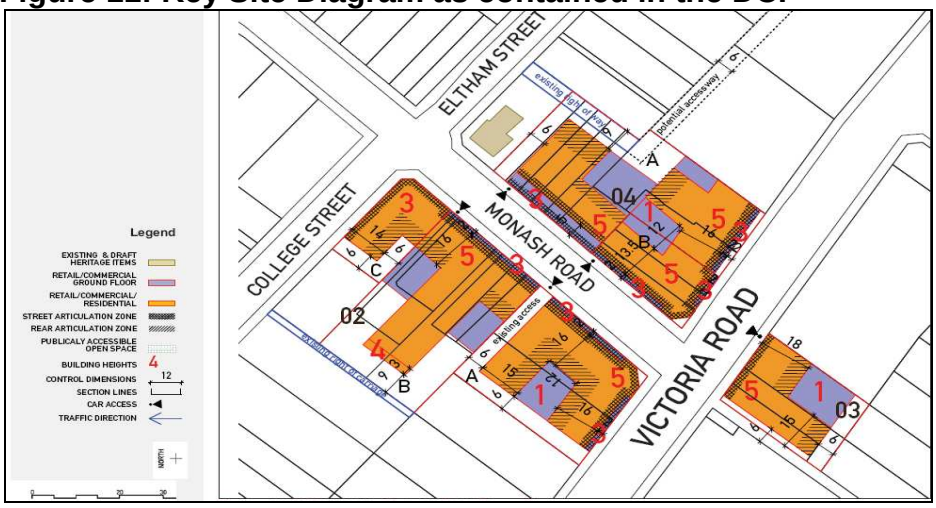


Figure 11 demonstrates the KSD as contained in the DCP. Clause 4.1(b) of Council's DCP2010 allows the KSD to be varied as long as it can be demonstrated that the changes will produce a better built form outcome and improved amenity for the site. According to the applicant, justification for the proposed variation to the KSD is that the KSD as provided under the DCP was tested and found to produce an undesirable built form having particular regard to residential amenity and solar access. Some of the variations to the KSD have been were suggested by Council's Design Review Panel (refer to SEPP 65 Assessment). In terms of the amendments to the KSD the following principles have been applied:

- Provide a continuous 2m setback along the Victoria Road instead of half of the façade built to boundary as this will provide continuity to the wider footpath and awning. It will also allow planting of trees on the nature strip.
- Readjust building height for improved built form and greater articulation and allow for articulation of the top floor (pop ups).This has resulted in a minor variation to the height & storey control.
- Reconfigured residential floors and consequentially simplified building footprint.
- Active retail use throughout the ground floor level.
- Provide continuity of communal open space and provide a consolidated common open space area.
- Allow for increased solar access to communal open space area & balconies.
- Modify setbacks to upper levels for improved building articulation as shown in the table below:

Upper levels	**Setback Required**	**Setback Proposed**	**Merit**
Monash Rd	2m, level 4 & above	1m – 6.55m	Improved articulation.
Victoria Rd	4m, level 4 & above	2m – 4m	Improved articulation along the frontage. Also setback increased on ground level frontage.
Ground level			
Victoria Rd	0 & 2m	2m throughout on ground level	Continuous wider footpath for public. Area for tree planting along footpath.

Monash Rd	0	600mm along part of frontage	Improved articulation and wider footpath

- Provision of a public laneway as part of the current DA with additional footpath incorporated along the proposed laneway.
- Height varied as the loft level "pop ups" equates to 6th level whereas the KSD specifies a maximum of 5 stories notwithstanding the maximum height provision under the LEP2010. This variation produces a better architectural feature as recommended by the Urban Design Review Panel.

Figure 12: Key Site Diagram as proposed by the applicant

The KSD may be varied subject to the preparation of a new Comprehensive Plan (this is identified in Figure 12) which addresses the following to Council's satisfaction:

a. *Publicly accessible open space exceeding that shown in the Key Sites Plans within this Part OR publicly accessible open space that exceeds 30% of the site area*.

The inclusion of publicly accessible open space is not applicable to the subject site.

b. *Community benefit in the form of facilities such as child care, community meeting space, library space, commuter parking or other. The Comprehensive Plan must demonstrate the demand for such facilities to Council satisfaction.*

The key community benefits of the proposed development are described below:

- A new 9m wide public laneway is to be constructed and dedicated to Council. This laneway will provide access to the subject site and future access to a number of other lots backing onto the future laneway. A public footpath is also proposed as part of the laneway design and will be publicly accessible.
- A 2m setback has been provided along the Victoria Road frontage which enables a wide footpath for pedestrians and additional area for street planting.

- Conservation and management of the heritage cottage which will provide retention of an important heritage listed building.
- Public domain improvements works are proposed such as footpath paving, provision awning along both frontages, street tree planting to beautify the street, provision of street lighting and under grounding of power lines.

c. *Environmental impacts (such as overshadowing and overlooking) are managed.*

The amended KSD will not result in any additional overshadowing or overlooking than what would occur with the original KSD. As demonstrated earlier in the report, these aspects are considered acceptable.

d. *Environmentally sustainable design is implemented. Water and energy consumption are minimised*.

The design is considered to be environmentally sustainable. Not only does it comply with the BASIX requirements, it has also ensured acceptable level of sunlight & ventilation to the apartments and the communal open space areas.

e. *Transport Management is to Council and, where applicable, RMS satisfaction including pedestrian access, public transport access, parking quantum and layout, and intersection level of service.*

The development has been designed to satisfy the requirements for the construction of the laneway and off street parking. RMS has reviewed the proposal and traffic impact, and has raised no objection. The site is located adjacent to a bus stop on Victoria Road which is a major public transport route. The parking quantum and level of service has been assessed to be at acceptable level.

The above variations to the KSD are relatively minor and each variation has been discussed in greater detail in the above table and have been found to be satisfactory. The variations have also been supported by Council's Urban Design Review Panel. In the circumstances no objection is raised to the proposed variation.

Part 9.2 Access for People with Disabilities

The development is required to provide an accessible path of travel from the street to and through the front door of all units on each level. In addition, 10% of units, in this case 7 units, are to be adaptable units.

The proposed development will provide a continuous accessible path of travel from the adjoining footpath to the ground floor lift lobbies. The lifts will facilitate access to the basement car park levels and the upper floor levels of the building. The development complies with Council's DCP requirements for an accessible path of travel.

Seven (7) adaptable units are required. At least 1 adaptable unit is located on each floor of the building being unit numbers A6, C10, C16, A10, C21, A7 and A11. These units will comply with AS4299.

The applicant has provided an Access Report which verifies compliance. A condition of consent will be imposed to ensure that the development is carried out in accordance the accessibility & adaptability requirements (see Condition number 37(b) & `109).

Part 9.3 Car Parking

The site contains car parking for 204 vehicles. It is proposed to allocate 103 spaces in the basement level 3 as residential and visitor parking. The rest on basement 1 (51 spaces) & basement 2 (50 spaces) will be for retail parking.

In accordance with the DCP, car parking is to be provided at the following rates:

- Retail
  1 space per 25m^2 of gross floor area.

  For 2,520m^2 of retail space, 101 parking retail spaces would be required. The development proposes 101 retail spaces within basement level 1 & 2.

- Residential
  0.6 -1 space/ 1 bedroom dwelling
  0.9 – 1.2 spaces/ 2 bedroom dwelling
  1.4 – 1.6 spaces/ 3 bedroom dwelling
  Visitor – 1 space per 5 dwellings.

  The development proposes 70 units (14X1bed, 48X2bed, 8X3bed). Parking is calculated as follows:

	Allowable Parking Range	Parking Proposed	Compliance
1 bed X14	8.4 – 14.0 spaces	-	
2 bed X 48	43.2 – 57.6 spaces	-	
3 bed X 8	11.2 – 12.8 spaces	-	
Parking for Units	62.8 – 84.4 spaces	85	Yes
Visitor	14	18 (103 spaces)	Yes

A total of **204** parking spaces will be provided on the site. All visitors parking is located on the residential parking level. The accessible parking spaces are distributed over all 3 basement levels. A total of 12 *accessible* parking spaces have been provided. The development is considered satisfactory in terms of car parking.

8 SECTION 94 DEVELOPMENT CONTRIBUTION

Development Contributions Plan 2007 (2010 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density/floor area.

The contributions that are payable with respect to the development are based on the following figures being outside Macquarie Park:

- Retail – 2,520m^2 GFA (the tenancy has been designated as retail therefore the retail rate has been applied).
- Existing retail floor space – 1,100m^2 (an allowance fro existing floor area has been granted).
- Residential – 70 units (12X1bed, 42X2bed, 16X3bed).

  Note: the bedroom mix includes the loft rooms on Level 6 being considered as a bedroom (capable of being used as a bedroom under as required under Council's Section 94 Contributions Plan). This results in the unit mix being different to the proposed in the description of the proposal.

Contribution Plan	Contributions
Community and Cultural Facilities	$205,054.92
Open Space and Recreation Facilities	$441,582.73
Civic and Urban Improvements	$191,039.00
Roads and Traffic Management Facilities	$31,995.33
Cycleways	$16,279.63
Stormwater Management Facilities	$56,581.44
Plan Administration	$4,381.44
Grand Total	**$946,914.48**

Condition 33 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter.

9 LIKELY IMPACTS OF THE DEVELOPMENT

(a) Built Environment

The proposal was amended significantly throughout the pre-lodgement, design review and assessment process. The proposal is generally consistent in height and scale with the desired future character of the area as identified in the applicable planning controls.

The proposed development will enhance the 'gateway' to Gladesville Town Centre and improve the public domain area including footpath paving, tree planting, lighting, provision of awning and provision of a new laneway. In addition the development will result in increased pedestrian activity in the vicinity of the site. The heritage cottage on the northern corner of the site will be adequately conserved and managed in accordance with the Conservation Management Plan.

The proposed development is considered generally consistent with Council's planning controls and the desired future character and is unlikely to result in any unacceptable impact within the area.

(b) Economic Impact

The proposed mixed use development supports the zoning objectives and will attract additional activity and population to the area, making the local area more economically viable. The development will also result in improved access to housing and employment in the local area, with consequent positive flow on effects for the locality.

Overall, the proposed development will have a positive economic and social impact on the locality.

(c) Access and Traffic

Vehicular access from Victoria Road is not supported by the RMS as it would adversely impact on the traffic flow on Victoria Road. The DCP requires a laneway to be constructed at the rear of the site connected to Eltham Street. The application proposes a laneway to be constructed and dedicated to Council. All vehicles will enter the site via the lane. This will minimise any potential impact on the main roads.

A Traffic Impact Report was prepared by Varga Traffic Planning in support the proposed development. The total number of parking spaces provided within the basement levels have been reduced from what was originally proposed to a maximum of 204 spaces (101 retail, 85 residential and 18 visitor parking spaces). The amended parking facilities, comprising retail, residential and visitor parking are located within three basement levels, directly under the building. Vehicular entry and exit for vehicles is proposed via Eltham Street except for delivery trucks which will exit via Monash Road to reduce any potential impact on Eltham Street.

The retail tenancy will attract delivery trucks with an expected frequency of approximately 4-5 deliveries per week (depending on the type of future tenancy). The majority of delivery/service vehicles expected to visit the site will comprise light commercial vehicles and rigid trucks up to 15.5m in length.

The applicant's traffic report estimates a traffic generation of 35 vehicle trips per hour on Eltham Street (east of the site) as a result of the proposed development, yielding cumulative traffic flows in the order of 222vph and 189vph during the weekday PM peak and Saturday peaks respectively. SIDRA traffic capacity analysis has been carried out using traffic generation rates published by the RMS. The Traffic modelling indicates that as a result of the proposed development the traffic impact within the locality will not be of an unacceptable level.

The RMS Guidelines specify that 300 vehicles per hour is the maximum environmental capacity of residential streets. As this development is proposing 222vph & 189vph during the weekday peak and Saturday peaks respectively, it is substantially less than the RMS *Guidelines*.

The site is serviced by a number of bus routes connecting Ryde Shopping Centre, West Ryde, Macquarie Park and Sydney CBD. It is considered the increase in residential density in Gladesville will provide additional patronage to the local and regional public transport services.

The proposal has been reviewed by RMS and Council's Traffic Team. No objection has been raised to the proposal on traffic grounds subject to conditions of consent. Further detailed discussion of traffic issues has been included under the submissions and referrals section of this report.

(d) Natural Environment

The natural environment will not be significantly affected as there is no vegetation on the site.

(e) Overshadowing

The development is unlikely to result in any significant increase in overshadowing on any surrounding residential building or open spaces. An analysis of the shadow diagrams indicate that majority of the shadow will be cast on Victoria Road on 21 June.

(f) Noise Impact

The proposed development is adjacent to Victoria Road, a major road which is subject to high volumes of traffic. Accordingly, the proposal will be subjected to potentially high levels of noise as a result of the traffic on Victoria Road.

The application was accompanied by an Acoustic Report recommending measures to be incorporated in the proposal to address the noise issue and comply with the relevant Australian Standards.

The proposal has been reviewed by Council's Environmental Health Officer who has assessed the proposal with respect to its exposure to traffic noise. No issues have been raised subject to conditions that the development must comply with Australian Standards and specific recommendations in relation to noise attenuation measures.

(g) Safety, security and crime prevention

The proposal was reviewed by the NSW Police in relation to this matter. All security and access measures recommended by the NSW Police have been implemented into the amended plans and or can be addressed via conditions of consent .

(h) Demolition and construction phase

The proposed demolition and construction works will have some degree of noise & traffic impacts within the locality. It is necessary that these impacts be mitigated to ensure minimal nuisance and disturbance to the surrounding area, particularly residents along Eltham Street.

To maintain an appropriate level of amenity to the locality during the undertaking of works, a number of Conditions of Consent have been imposed, to manage dust control, noise mitigation measures, restricted hours of undertaking of works, traffic and waste management. A Construction Management Plan will also be required (refer to Condition 70).

10 SUITABILITY OF THE SITE FOR DEVELOPMENT

The recent adoption of the Gladesville LEP2010 provides the opportunity for the mixed use development on the site. The amalgamated lots provide better opportunity for efficient site planning and development with better amenities in the form of communal open space, site access & traffic management within the locality.

The site is not affected by any natural constraints such as flooding or subsidence. In this regard, the proposal is considered to be suitable for the site in terms of the impact on both the existing natural and built environments.

11 THE PUBLIC INTEREST

The proposed development is considered to be in the public interest as it provides an opportunity for amalgamation and more efficient redevelopment of smaller remnant sites occupied by dilapidated buildings. The development will also contribute to significant public domain improvements and benefits for the public including construction and dedication of a public lane. The development will result in the retention, conservation and continued management of the heritage cottage located on the site. The proposal will also contribute to the provision of additional housing within an existing and established urban locality.

The redevelopment of the subject site will contribute to the growth and change within the City of Ryde by providing an increase in the local population and associated economic activity as envisaged by the local planning controls.

The proposal has taken into account the applicable planning controls and any potential impact on the locality. Issues in relation to increased traffic and increase in demand for infrastructure services have been adequately addressed or will be mitigated as prescribed by the conditions of consent. Accordingly, the proposed development is considered to be in the public interest.

12 REFERRALS

External referrals

Roads and Traffic Authority (RTA)

The following comments were received:

I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this development at its meeting on 2 February 2012. Below are the Committee's recommendations and RMS comments on the subject application:

- *The subject property is affected by a road proposal as shown by pink colour on the attached plan. RMS owns lots 17 – 20 DP264285 shown in colour blue on attached plan. The area required for road widening should be identified as a separate lot in any plan of subdivision. RMS has no objections to the proposed development on property grounds provided any new buildings or structures are erected clear of the land required for road widening (unlimited in height and depth).*

  Comment:
  The applicant has confirmed that the development is not encroaching on the RMS owned land. In addition, a 2m setback from the front boundary is proposed along Victoria Road frontage which sets the development clear of the land described in the diagram submitted by RMS. A condition of consent is not required.

- *Turning swept path shall be submitted showing a 19m vehicle entering and exiting the site.*

  Comment:
  Council's Engineers have determined that the loading and manoeuvring area cannot accommodate a 19m semi trailer, however it could support a Heavy Rigid Vehicle (HRV), that is, up to a 15.5m long trucks. Accordingly, a condition will be placed on the consent restricting the largest vehicle accessing the site and the loading dock to a HRV.

- *Consideration shall be given to minimising the driveway width on Monash Road to improve pedestrian safety with the provision of a central median concrete island.*

  Comment:
  The Monash Road driveway will be restricted to an exit only driveway and no right turn manoeuvre will be permitted. In the circumstances, no median concrete island is necessary. An appropriate condition has been recommended by Council's Development Engineer to ensure the width is minimised (see Condition 46).

- *Details shall be provided regarding location of servicing for residential units.*

  Comment:
  This matter has adequately been addressed by conditions of consent and via amended plans received on 3 April 2012.

- *An intercom should be considered at the entry to the parking with placement of a median island providing segregation to opposing traffic flows*

  Comment:
  Intercom and appropriate access control will be implemented as recommended by the Gladesville Police (see Condition 47).

- *RMS suggests the pedestrian path be located on the eastern side of the laneway to improve pedestrian safety.*

Comment:
Pedestrian path will be provided on both sides of the laneway.

- *RMS suggests an extension of the concrete pathway to improve pedestrian access to the cottage and align heavy vehicles traversing the loading dock.*

  Comment:
  The amended plans provide adequate pedestrian access path adjacent to the cottage. No further conditions are required.

- *RMS suggested the footpath adjacent to the loading dock be removed and the pedestrian path be widened adjacent to the cottage*.

  Comment:
  Pedestrian path has been widened adjacent to the cottage.

Gladesville Police, 19 January 2012:
Gladesville Police have reviewed the proposed development in accordance with the principles of Crime Prevention through Environmental Design. Comments from Gladesville Police are summarised below:

- **Surveillance**: A number of recommendations have been made to ensure appropriate levels of surveillance throughout the development, including the use of CCTV security cameras and security mirrors at blind corners and car park entries. These recommendations have been included as Conditions of Consent where necessary (refer to Condition number 87).
- **Landscaping**: Concern was raised that landscaping and trees proposed as part of the development may act as a natural ladders for intruders to gain access onto balconies and other building features. Appropriate conditions of consent have been recommended requiring the preparation of a Landscape Maintenance Plan to ensure landscaping is maintained so as to not provide opportunities for concealment and to address above issues (refer to Condition number 88).
- **Lighting**: A recommendation for the lighting and control of lighting of all common areas, car parking and stairs was made. This recommendation has been imposed as a Condition of Consent (refer to Condition number 89).
- **Territorial reinforcement**: Recommendations are made regarding the types of signage to be provided throughout the development to assist in crime prevention and to deter potential intruders. The recommended signage has been imposed as Conditions of Consent (refer to Condition number 90).
- **Environmental maintenance**: A recommendation is made that regular maintenance of all security equipment and devices should be prepared to ensure their proper functioning. A Condition of Consent has been imposed requiring the surveillance cameras to be regularly maintained and tested.
- **Access control**: Specific access control recommendations were made to ensure appropriate locking systems, electronic security access and parking access were installed to minimise intrusion into the development. These have been imposed as considered necessary as part of the Conditions of Consent (refer to Condition numbers 91-95).

Internal referrals

Development Engineer, 3 April 2012:
The following comments were received:

The proposed loading dock could not be designed to accommodate a 19m semi trailer, however it could support a Heavy Rigid Vehicle (HRV). Accordingly, a condition will be placed on the consent restricting the largest vehicle accessing the site and the loading dock to a HRV.

No objections are raised to the proposal, subject to the appropriate conditions (See Conditions 65-71).

Heritage/Strategic Planner, 26 March 2012:

A Heritage Impact Statement prepared by Weir Phillips, dated December 2011 and a Conservation Management Plan prepared by Weir Phillips, dated November 2011 were submitted with the development application which has been reviewed by Council's Heritage Advisor. The following comments were received:

Existing Conditions:
The heritage listing applies to a Victorian cottage (c.1881) dwelling located on a prominent corner position of Monash Road and Eltham Street, being No. 9 Monash Road.
At No.1 Monash Road is a former engineering workshop situated to the southwest of the heritage cottage. This warehouse structure was constructed in the late 1920's.

Both the heritage listed cottage and the adjacent workshop structure are considered important as they represent part of the William Tyrell's land grant (first-fleeter) of 60 acres of 22/7/1795 and subsequently subdivision of the area into Eltham Heights Estate. It is noted that the LEP 2010 listing for the site address is 1-9 Monash Road under Lots 1-6 DP 24099 and Lot D of DP 371644, this suggests it covers the land where the workshop is currently situated although no reference within the listing refers to any structures other than a house. The workshop was proposed as a heritage item, but was not adopted in the LEP listings by Council.

Assessment of Heritage Impact based on Amended Plans:
Amended plans were submitted to Council on 20 March 2012. The proposal has been modified to include:

Amended loading dock: entry to the site from Eltham Street and egress from Monash Road is retained. The entrance to the loading dock has been inset at ground floor along the eastern elevation and angled away from the adjacent Heritage Item. Delivery vehicles will now reverse parallel to the eastern elevation into the dock to unload. The modified configuration of the loading dock is considered to be more appropriate to the setting and curtilage of the Heritage Item.

A Kiosk/café space: The proposal includes a kiosk at the north east corner of the development at the ground floor fronting Monash Road and opposite the Heritage Item. The inclusion of a kiosk will increase activation and pedestrian movement at this location of the

development and in the Monash Road streetscape. The increased activation at this area is considered to more appropriate to the setting and significance of the Heritage Item.

The Stepping back of upper levels of residential units: The residential units above are stepped back at the fourth level and fifth level along the eastern elevation fronting the Heritage Item. The stepping back of the upper levels of residential development will reduce the overall bulk and massing along the eastern elevation and opposite the Heritage Item. This modification to the proposal is considered to improve the relationship between the proposed development and the heritage item when viewed from surrounding streetscapes.

A Photographic Recording must be prepared and approved by the Council for the workshop situated at No. 1 Monash Road, prior to any works commencing on the subject site.

Recommendations*:*

- *A detailed Photographic Recording of the workshop (proposed for demolition) must be undertaken prior to any works commencing on the subject site.*

Note: The above has been included in the recommended conditions (see Conditions 49 & 100).

Environmental Health Officer & Waste Management Coordinator, 10 April 2012:

The environmental health and waste management was considered by Council's Environmental Health Officer and the Waste Management Coordinator. Generally the development was considered satisfactory however concerns were raised in respect to waste management. Garbage chutes are proposed for the residential component of the development. These chutes discharge into the garbage and recycling rooms provided on level 1. Safety concerns are raised as residents have access to this area. A condition of consent has been imposed requiring that the chutes discharge into a separate garbage room that is not accessible to residents. Appropriate conditions have been imposed to reflect the Environmental Health Officer's requirements (see Conditions 135-152).

Traffic Engineer, 3 April 2012: The following comments were received after review of amended traffic related information:

From a traffic perspective there are no objections to approval of this application subject to the following conditions:

1) That a further detailed (more comprehensive), Traffic and Parking Management Plan (TPMP) (including Loading Dock Management Plan) be developed which is to show all possible vehicular movements to and from the site, as well as in and out of the proposed new laneway and loading dock area. The TPMP is to have minimal affect on residential amenity (potential rat running) in Eltham Street. The plan should visually show all heavy vehicle movements as well as internal management system to prevent general public from exiting the site from Monash Road. Measures to be included (but not limited to) are as follows (as subheadings) and properly indexed via a contents table:

   a) Loading Dock Management
      i) Movement of vehicles to be fully confined within the development site

ii) Heavy vehicle entry/egress management
iii) Operating hours of Loading Dock to be 10.00am to 3.00pm

b) General Vehicle Management
i) General vehicle entry/egress management – system to prevent general public from exiting the site from Monash Road
ii) Advisory signs and line marking at the entry and exits of the car park on Eltham Street and Monash Road.
Signs to be included (but not limited to) in accordance with Australian Standard AS1742:
- *NO ENTRY*
- *EXIT ONLY*
- *ENTRY.*

Line marking to be included (but not limited to) in accordance with Australian Standard AS1742:
- *Directional arrows at the entry and exit of the development site*

iii) Minimising the impact on local street amenity.

NOTE: The above have been included in the recommended conditions (see Conditions 133 & 134).

Drainage Engineer, 3 April 2012:

From drainage perspective, there is no objection to the proposed development.

Urban Landscape Architect, 27 March 2012: Advised that the following public domain requirements will apply:

Victoria Road
- *The street trees are to be 200L Platanus acerifolia (London Plane Tree).*
- *The planting details are to comply with the drawing 'Vic Rd Planting Details'*
- *The groundcover in each tree pit is to be Liriope muscari 'Royal Purple'*

Monash Road
- *The street trees are to be 200L. Species to be decided in consultation with Council.*
- *Tree pit size and treatment to be decided in consultation with Council.*

Paving
- *The grey granite paving is to comply with Council's written specification.*
- *Victoria Road, Monash Road and Eltham Street are to be paved in grey granite in accordance with Council's Public Domain Technical Manual (paving type 2)*
- *The paving at the corner of Victoria Road and Monash Road and the corner of Monash Road and Eltham Street is to be angled as in the drawing 'Vic Rd Surface Finishes'*

NOTE: The above have been included in the conditions of Consent (refer to Condition 6).

13 PUBLIC NOTIFICATION AND SUBMISSIONS

The Local Development Application (DA) was publicly exhibited between 25 January 2012 and 15 February 2012. During this time, thirty six (36) submissions were received from the local residents objecting to the development mainly on traffic grounds.

At the end of the submission period, copies of the submissions were forwarded to the applicant so that the issues could be addressed.

The key issues raised in this submission include the following:

(a) Additional traffic generated by the development will detrimentally impact the local road network including Eltham Street, Monash Road and College Street.

Assessment Officer's Comment:
Council's Traffic Engineer reviewed the proposal and requested additional information in relation to the traffic modelling and the extra parking that was provided on the site. Amended traffic information was received by Council on 21 March 2012 and incorporated the following changes:

- The width of the road reserve for the proposed laneway increased to 9m with a 6m wide carriageway to allow vehicles to pass and to allow a footpath on both sides of the laneway.
- The extra parking that was proposed on the site was deleted to reduce any higher traffic generation. Total number of parking spaces has been reduced from 283 spaces to 204 spaces.
- An adequate turning path has been provided for trucks turning in and out of the site to demonstrate compliance with relevant Australian Standards.
- Modified layout of loading dock.
- Reduction in the maximum size of truck servicing the development to 15.5m from 19m.
- Provision of traffic modelling and relevant data to show traffic volumes on the Eltham Street and Monash Road, projected future traffic generation potential of the development, cumulative two way traffic flow, results of SIDRA analysis.

Further, the Traffic Consultant noted that the RMS has released revised Traffic Generation Rates for retail development since preparation of the original Traffic and Parking Assessment Report (dated 29 November 2011) and the new figures provided by RMS suggest a substantial reduction in estimated traffic generation rates applicable for the development.

Applying the new retail generation rates as well as the older rates for the residential component results in the projected future traffic generation for the development being as follows:

	Thursday PM Peak Period	**Saturday Peak Period**
Residential Apartments	20.3vph	20.3vph
Retail	147.3vph	175.3vph
Total traffic generation potential	167.6vph	195.6vph

The traffic generation rates that have been analysed by Varga Traffic Planning Pty Ltd have been found to be acceptable in the context of the existing road network in the vicinity of the site. This information has been reviewed by RMS & Council's Traffic Engineer who has agreed with the above findings.

The objection has raised concerns in respect to increased traffic to Eltham Street, Monash Road & College Street. The traffic implications from the above total generation rates to the nearby road network have been assessed using the SIDRA program. This has demonstrated that the additional traffic flows expected to be generated by the development in Eltham Street will be in the order of 35 vehicles per hour, yielding cumulative traffic flows in the order of 222vph and 189vph during the weekday PM Peak and Saturday peaks respectively. Most of the cumulative (existing & proposed) traffic in Eltham Street (east) will be existing traffic already using Eltham Street. The projected cumulative flows in Eltham Street (east of the site) are substantially less than the 300 vehicles per hour which is the *maximum environmental capacity* of residential streets as specified under Table 4.6 of the RTA *Guidelines*.

Increased traffic generation in Monash Road is likely to be in the order of 55 to 60vph adjacent to the site and 16 to 20vph north of the site. College Street is unlikely to have any significant increase in the traffic.

The following table demonstrates the net increase in total average vehicle delays as a consequence of the development for Monash Road, Eltham Street and College.

Key Indicators	Existing Traffic Demand		Projected Traffic Demand	
	PM	SAT	PM	SAT
Level of Service	A	A	A	A
Degree of Saturation	0.234	0.155	0.281	0.265
Average Vehicle Delay (secs/vehicle)	4.7	3.7	5.8	4.9

These figures demonstrate that as a consequence of the development there is likely to be increased delays in the order of 1.1 & 1.2 seconds per vehicle for weekday pm and Saturday peak periods. This increase in delay is considered minimal and acceptable. Council's Traffic Engineer is satisfied that the development will have an acceptable traffic impact.

(b) Vehicular entry to the development site should not be obtained from Eltham Street as Eltham Street is a residential street, and existing access to the site is from Monash Road.

Assessment Officer's Comment:
Eltham Street is considered to be a suitable vehicular entry point for the development. The access arrangement is consistent with Council's Development Control Plan which was developed after intensive public consultation and provides for a 9m wide laneway via Eltham Street. The effect of this is to provide a localised access point with minimal impact on traffic flow on Victoria Road and the Monash Road.

Vehicular entry into the site from Monash Road, would not be suitable because of its proximity to the Victoria Road intersection which may cause adverse impact on the main road through vehicle queuing. Thus only trucks & service vehicles would be permitted egress into Monash Road. Further, the RMS maintains the following policy position in relation to access from Victoria Road:

> *The RTA* (RMS) *requires that no direct vehicular access to and from Victoria Road is to be allowed for new and redeveloped sites along Victoria Road, in the area covered by this plan* (LEP 2010 (Gladesville Town Centre & Victoria Road Corridor))*. Direct vehicular access to such developments is to be made via the local street system* (Ref: COR2006/721).

As part of the proposed development, a comprehensive Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd was provided to Council and details the impacts of the development on traffic in Eltham Street. A further Traffic and Parking Statement dated 20 March 2012 with an associated Traffic and Parking Management Plan was received by Council which concludes that using either the old or new traffic generation rates provided by RMS *Guidelines*, the proposal will not have any unacceptable traffic implication on Eltham Street.

(c) *Can there be access from Victoria Road into the site*.

RMS will not support access from Victoria Road due to safety concern. Any access on Victoria Road would be too close to a signalised intersection which would increases the risk of rear end collisions. Further, the State Environmental Planning Policy (Infrastructure) 2007, Clause 101 and RMS Policy- aims to reduce access from main roads to maintain network efficiency.

(d) *The Traffic and Parking Assessment Report contains some incorrect statements and the traffic impact assessment made within the report is inadequate.*

Assessment Officer's Comment:
An addendum Traffic and Parking Statement was prepared by Varga Traffic Planning Pty Ltd and submitted to Council for further assessment.

A copy of the revised Traffic report was forwarded to the objector who raised the above issue.

After assessment of the revised traffic information, Council's Traffic Engineer has not raised any objections.

(e) *The traffic report indicates the projected net increase in traffic is 312vph and 393vph for Thursday and Saturday respectively. However, according to the study it states that the projected increase in traffic will not have any unacceptable traffic implications. This seems fairly ambitious a comment as the net increase in traffic is a significant increase. Existing traffic is 3vph and 18vph for Thursday and Saturday respectively.*

Assessment Officers Comment:
The figures in the above submission as well as in the response are all based on the generation rates originally provided by RMS and do not reflect the revised generation rates for retail development. These figures have been taken for the original Traffic & Parking Assessment Report.

Council engaged an independent Consultant Traffic Engineer to review the traffic report in light of the issues in the submissions. The following comments were received:

> *The figures of 312 (Thursday PM) and 393 (Saturday midday) are the TOTAL trips in and out of the proposed development, via the driveway in Eltham Street. Figure 5 on page 21 of the Varga report shows the estimated distribution of these trips on the local road network. (The first number is Thursday and the second number is Saturday.) It can be seen that the traffic is split two ways in Eltham Street (east or west) and then it is split again when it reaches the next intersections (Monash or Westminster). So the actual impact on the intersections is not as high as the 312 and 393 figures would initially suggest. That is why, when analysed in SIDRA, the performance of the key intersections (Monash/Victoria and Monash/Eltham) does not deteriorate significantly*.

The above explanation indicates the as a result of the 2 way trip distribution reduces the actual impact on the intersection of Eltham and Monash road.

(f) *Under SIDRA analysis of Monash Road/Eltham Street the current traffic demands operates at LOS A and after development this stays same at A. I want to know how the LOS can stay the same when there is a significant increase in traffic.*

Council's Traffic Engineer's Comment:
Vehicle movement Level of Service (LOS) is based on average vehicle delay per movement and intersection & approach LOS is based on average delay for all vehicle movement. LOS & average vehicle delay provides a measure of the operational performance of an intersection/road. Each LOS is based on a range, for example, LOS A involves a delay of less than 14 seconds per vehicle. LOS still remains at 'A' because even though there is a slight in increase in traffic delay, the average delay still appears to be in the same range, which is less than 14 seconds for the Monash Road/Eltham Street analysis.

(g) *The traffic report seems to omit any analysis on Ryde Road / Monash Road. Currently Ryde Road has quite a bit of through traffic for people wanting access to Burns Bay Road and Pittwater Road. With the increase in traffic after the development will Ryde road be affected significantly or not? I think an analysis of Ryde Road should also be conducted to determine whether improvements need to be made.*

Council's Traffic Engineer's Comment
The estimated increases in traffic going to/from the intersection on Monash Road are all less than 50vph. This would be insignificant compared to current traffic flows on Monash and Ryde Roads. Most of the development-generated traffic is estimated to come from and go to Victoria Road.

(h) The proposed laneway will have little community benefit and is in close proximity to numerous residential dwellings. Furthermore, use of the lane for general access and egress is contrary to the intended usage specifies in the Ryde LEP (Gladesville Town Centre and Victoria Road Corridor) 2010.

Assessment Officer's Comment:
It is noted that properties known as 1- 9 Monash Road Gladesville comprises of a number of lots including Lots 1 – 6 in DP 24099. Records indicate that in 1951 rights of carriageway over Lots 1-6 was created to provide rear lane access via Eltham Street to each of the individual lots in DP 24099. Consequently, in the making of the Development Control Plan for Gladesville and particularly the 'Key Site Diagram' control for the subject site, the existing right of way over Lots 1-6 in DP24099 provided an opportunity for formalisation of a laneway for vehicular access from Eltham Street in order to minimise any potential impact on traffic on Victoria Road and Monash Road.

The following provides further background to the access way identified in DCP 2010 – Part 4.6 Gladesville Town Centre and Victoria Road Corridor from Eltham Street to the Monash Road key site:

- The draft Gladesville Master Plan which was exhibited in 2004 proposed a series of laneways in the study area that would run parallel to Victoria Road. The laneways provided alternate access to the sites fronting Victoria Road.
- Subsequently, the Draft Gladesville DCP/LEP was prepared and was publicly exhibited from 28 November 2008 to 27 February 2009.
- The RTA made a submission on the draft DCP for Gladesville Town Centre and Victoria Road Corridor stating that access for new or re – developed sites along Victoria Road must be from the local street network and rear lanes rather than Victoria Road.
- In response to the submissions received in respect to the draft DCP, the draft plan was amended to introduce new rear setbacks for North Gladesville and Monash Road Precincts and included a potential laneway.

The intent of Council's DCP Ryde DCP (Gladesville Town Centre and Victoria Road Corridor) 2010 is to provide a laneway on the subject site. This laneway would be extended as each property is redeveloped which would alleviate the need to obtain multiple driveway access along Victoria Road frontage in the future. The laneway will be constructed and dedicated as a public laneway for access by the public. The laneway will minimise impact on the efficiency of the main roads by localising the vehicular access to the site. The proposed development directly accords to the design objectives which are encouraged by Council for the redevelopment of the site. Accordingly the lane will provide public benefit as mentioned above and through improved traffic flow along Victoria Road (regional benefit) and through increased permeability.

(i) The development will have adverse environmental impacts including traffic, noise and pollution.

Assessment Officers Comment:
The development is suitably located within the B4 Mixed Use zone and the development has been designed to respond to the opportunity to provide a prominent and high quality development at the intersection of Victoria Road and Monash Road.

The assessment of the development application has been carried out in accordance with the requirements under the EP& A Act, 1979. The details of the assessment included in this report indicate that the development is unlikely to result in any unacceptable level of impact in terms of traffic, noise or air pollution and the proposal will have minimal adverse environmental impacts. Conditions of consent have also been imposed to reduce any environmental impacts.

(j) *Eltham Street should be blocked at its western end to protect residential amenity to the east of the site.*

Assessment Officer's Comment:
The Traffic Analysis undertaken by Varga Traffic Planning Pty Ltd has demonstrated that Eltham Street does not need to be blocked off. The application was also reviewed by the RMS & SRDAC which did not recommend any road closures. In addition, any such road closure cannot occur as part of the DA assessment process. Any such request should be made in writing to Ryde Traffic Committee and must include information and evidence that supports the request.

(k) *There should be a roundabout or traffic lights at the corner of Monash Road, College Street and Eltham Street*

Assessment Officer's Comment:
As mentioned before, the traffic analysis undertaken by Varga Traffic Planning Pty Ltd has demonstrated that this traffic will be at an acceptable level and such measures are not required. A roundabout or traffic lights at this corner was not recommended by the Sydney Regional Development Advisory Committee. Further Council's Traffic Engineer reviewed the application and also does not recommend a roundabout at this intersection.

(l) *Eltham Street has a 3 tonne load limit for vehicles and heavy vehicles accessing the development site from the Eltham Street vehicle entry and the development will conflict with this limit.*

Assessment Officer's Comment:
As stated within the enclosed Traffic and Parking Statement prepared by Varga Traffic Planning Pty Ltd dated 20 March 2012, trucks may traverse a road with a load limit if its destination falls on that road. The following response was received from the applicant's Traffic Consultant:

> Trucks accessing the site from Monash Road will need to traverse a short section of load limited roadway (approximately 30m). However, it is noted that Clause 57(4) in Division 2 of the Road Transport Mass Loading and Access Regulation 2005 does not prohibit any person from driving a truck on a road limited road if the truck has a destination on that road.

In light of above, the applicant has submitted a Traffic and Parking Management Plan which will require the trucks to approach the site via the shortest possible route from Monash Rd and then a right turn into the site, before departing the site via a left-turn only into Monash Rd to return to Victoria Road (see Conditions 133 & 134).

Council's Traffic Engineer reviewed the submission and also advised that a heavy vehicle can access the street if the destination is in the street. However, they are not permitted to park longer than 1 hour on the street. The development application could not be refused based on this reason.

(m) The six car parking spaces adjacent to Nos. 2-6 Monash Road should be retained as these businesses have no off-street parking. Furthermore, should parking restrictions be implemented in Eltham or College Streets, these business owners should be able to obtain a permit for exemption from such restrictions.

Assessment Officer's Comment:
No change to these parking spaces is proposed as part of the DA.

(n) A Traffic and Parking Management Plan should be prepared for the proposed development.

Assessment Officer's Comment:

A Traffic and Parking Management Plan has been prepared by Varga Traffic Planning and submitted to Council. The Plan outlines commitments to ensure environmental impacts are minimised with respect to parking, traffic, loading and unloading on the site. A more detailed TPMP will be required prior to the issue of a Construction Certificate. In addition a number of conditions have been recommended that will ensure that parking and traffic is adequately managed on the site to minimise any adverse effects within the surrounding area. Some of the conditions will form part of the TPMP (refer to Conditions 133 & 134).

(o) The bulk and scale of the proposed development is not in keeping with surrounding development and the DCP specifies a maximum limit of 5 levels for the site but the proposed development comprises 6 levels.

Assessment Officer's Comment:
Bulk and scale (height & FSR) of the proposed development generally accords with the built form controls for the site as enshrined under the recently adopted Local Environmental Plan 2010 and Development Control Plan 2010. The site is identified as a gateway site to the Victoria Road Corridor. The proposed built form outcome is appropriate for a gateway site and provides a high quality visual amenity for the locality.

The predominant height of the building is 5 storeys with a further level above which projects out as 'pop-ups' (forms the 6th level) and are linked to the residential units beneath. The 'pop-ups' contribute positively to the overall design and provides roof modulation to create visual interest. The overall height as proposed has been supported by the Urban Design Review Panel. In addition, the development provides adequate transition & amenity to the adjacent heritage and residential buildings.

Notwithstanding the 6 levels, the development is generally within the maximum height limit set under the Local Environmental Plan 2010 except for minor variation of up to 500mm as demonstrated earlier in this report.

The new zoning and density provisions under the LEP2010 make provision for similar height and density in the surrounding area that is included within the Victoria Road Corridor.

(p) The development will result in loss of privacy to nearby residential properties.

Assessment Officer's Comment:
The proposal achieves reasonable privacy to surrounding residential properties in the context of suburban living. Balconies to the upper residential levels of the development are primarily orientated to Monash and Victoria Roads. Internal balconies are either generally orientated away from No. 78 Eltham Street or sufficiently setback from the boundary of No. 78 Eltham Street. A minimum setback of 9 metres is proposed for the north western units abutting the laneway. A privacy screen has been incorporated on the eastern side of the balcony to units C21 (and all units beneath it) to ensure no down looking views are possible into the adjoining dwelling house. This is considered reasonable given the visual separation of the units from the side boundary of the adjoining dwelling.

(q) There is no registered company on the ASIC database known as "Hanna & Hanna Group Pty Ltd".

Assessment Officer's Comment:
While this is not a relevant planning consideration, the applicant has advised that ASIC database does list Hanna & Hanna Group Pty Ltd as being registered at the Sydney office as an "Australian Proprietary Company.

(r) Retail use of the ground level commercial floor space should be restricted to exclude supermarkets, so as to ensure lower traffic volume and facilitate the integration of the building in the character of the neighbourhood.

Assessment Officer's Comment:
The site is zoned B4 - Mixed Use under the Ryde LEP (Gladesville Town Centre and Victoria Road Corridor) 2010 and retail premises are permissible within the B4 Mixed Use zone. The assessment of the amended proposal has demonstrated that the proposed development will have minimal adverse environmental impacts. Adequate parking, entry, egress and manoeuvring area has been provided on the site. This is considered satisfactory.

(s) Eltham Street should not be used for heavy vehicles during construction.

Assessment Officer's Comment:

Heavy vehicles will approach the site via Monash Road and then a right-turn into the site from Eltham Street in accordance with the Traffic and Parking Management Plan prepared by Varga Traffic Planning Pty Ltd dated 19 March 2012. In addition applicant will be required to prepare and submit a Construction and Traffic Management Plan to ensure safe construction traffic flow. The Traffic Management Plan (TMP) and report will be prepared by an RTA accredited person and submitted to and approved by Council and RMS prior to issue of Construction Certificate. This will ensure adequate management of traffic during the construction phase (see Condition 70).

The TMP will have to comply with Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", the RTA's Manual – "Traffic Control at Work Sites" and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities. It is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, handling and deliveries including construction traffic parking

Additionally, it is a condition of consent that all traffic controllers on site must be RMS accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities.

(t) *The proposed development will adversely impact traffic within the local road network during school start and finish times, noting that Our Lady Queen of Peace school is located nearby to the east at the corner of Westminster and Oxford Streets.*

Assessment Officer's Comment:
A survey of existing traffic conditions was undertaken by Traffic and Parking Assessment Report and their subsequent assessment of the proposed development demonstrated that it will have acceptable impacts on the surrounding road network. It is also noted that the site is significantly away from the school site.

(u) *The proposed development will result in additional demand for existing on-street parking availability in Eltham Street.*

Assessment Officer's Comment:
Adequate car parking for customers, residents and visitors have been provided on the site. It is unlikely that the car parking demand will change as a result of the proposed development as the proposed development provides the required car parking in accordance with Council's car parking controls and therefore contains all required parking on site.

(v) *The entire site of the heritage item (9 Monash Road) should be preserved rather than retaining the heritage item as an island site surrounded by four trafficable roads and driveways.*

Assessment Officer's Comment:
The Monash Road and Eltham Road provide the 2 frontages to the heritage site. An additional frontage will be created by the proposed new lane. However, adequate treatment in the form of landscaping and setbacks has been incorporated in the development. The parameters for development of this site have been provided in Councils DCP2010 which has been incorporated in the proposal by the developer in terms of the treatment, setback and laneway adjacent to the heritage cottage.

The proposed amended development respects the significance of the heritage item through appropriate setbacks and design treatments, whilst a coffee shop/kiosk will activate the paved area between the heritage item and the new building and provide an appropriate interface between these two elements.

The application has been reviewed by Council's Heritage Planner and the amended plans address all of the concerns in relation to the setbacks, cartilage, design interface of the

new building and management & conservation of the heritage building. A detailed Conservation Management Plan for the site has been submitted to council.

Detailed comments from Council's Heritage Officer have been included under the referrals section of this report.

(w) The scale and treatment of the eastern elevation of the development does not relate well to the heritage item.

Assessment Officer's Comment:
Further design changes have been made to the development to improve the relationship of the new building with the heritage item in response to the comments received from the Urban Design Review Panel & Council's Heritage Officer. The design changes and façade treatment has also been supported by Weir Phillips Heritage (Heritage Consultant).

(x) Government statistics indicate that Victoria Road is at capacity in terms of public and private transport.

Assessment Officer's Comment:
The Metropolitan Plan for Sydney 2036 encourages development within the walking catchments of existing centres with good access to public transport and the site is located in close proximity to Gladesville Town Centre and Ryde Town Centre. The Traffic analysis prepared by Varga demonstrates that the proposed development will not have any unacceptable impacts on the road network capacity.

Allowing the vehicular access to the site from Eltham Street will ensure that the traffic flow and efficiency of Victoria Road is maintained.

(y) 1 hour parking signs should be posted in surrounding streets such as those around Ryde Aquatic Centre.

Assessment Officer's Comment:
Traffic and parking assessment of the development has demonstrated that such a measure is not required. The Sydney Regional Development Advisory Committee did not recommend any parking restrictions along the Victoria Road which is under the care of RMS.

(z) The bus stop outside the site on Victoria Street should be retained as it is the only local bus stop for the Parramatta to City bus route and the nearest bus stop otherwise is at Gladesville shops.

Assessment Officer's Comment:
As part of the construction works it may be necessary to relocate the bus stop for a temporary period. The bus stop would however be required to be re-located to the original location prior to the issue of any Occupation Certificate. Condition 105 specifies the details.

(aa) The development will adversely impact existing solar access of surrounding residential properties.

Assessment Officer's Comment:
The shadow diagrams have been reviewed which demonstrate that the development will maintain an acceptable level of solar access to surrounding residential properties.

(bb) The method used to calculate the FSR of the development is inconsistent with Council's framework.

Assessment Officers Comment:
Council staff has recalculated the FSR in accordance with the LEP2010. The applicant's calculation is consistent with the provisions of the LEP.

14 CONCLUSION

The proposal provides an opportunity to redevelop the site with a mixed use building that is considered more responsive to the strategic intentions of the Gladesville LEP2010 and associated planning controls that has been adopted for the site by the Council.

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest.

The proposed development will result in some minor non-compliances with the planning controls as discussed in the report. However following assessment of the proposal against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, these non-compliances are considered acceptable on town planning and urban design grounds. A thorough traffic assessment has also been completed and it is unlikely that the development will result in any unacceptable environmental, social and economic impacts in the locality.

The development application is therefore recommended for **approval** subject to conditions.

15 RECOMMENDATIONS

A. 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 grant consent to the development application LDA 2011/0648 for the construction of a mixed use development located at 1-9 Monash Road & 407-417 Victoria Road, Gladesville, subject to the Conditions of Consent included in Attachment 1 of this report.

B. That a copy of the development consent be forwarded to the RMS.

Report prepared by:

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Report Reviewed by:

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Report Approved (for JRPP consideration) by:

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Dominic Johnson
Group Manager – Environment & Planning

DATE: