

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP NUMBER:	2012 SYE 105
DA NUMBER:	LDA2012/0417
LOCAL GOVERNMENT AREA:	City of Ryde
PROPOSED DEVELOPMENT:	Demolition of an existing building and the construction and use of a 7 storey mixed use development with ground floor retail, 62 residential units (12 studios, 37 x 1 bed and 13 x 2 bed) and parking for 82 vehicles within 3 basement levels. The application includes development on both private land and public land (road reserve), the latter being owned by the City of Ryde Council.
STREET ADDRESS:	1-3 Wharf Road Gladesville, plus areas of existing public roads in Meriton Street and Wharf Road. The total “site” area is 1,330m², comprised of 1-3 Wharf Road (625m² approx.) and road reserve (705m²).
APPLICANT:	Windesea Build Pty Ltd
NUMBER OF SUBMISSIONS:	52 objections and 132 letters of support. The vast majority of these letters of objection and support were in a pro-forma format.
RECOMMENDATION	Submission of amended plans for further consideration by the Panel.
REPORT BY:	SJB Planning, consultant town planners to City of Ryde Council.

Assessment Report and Recommendation

1 EXECUTIVE SUMMARY

This assessment report deals with an amended application for the demolition of an existing building and the construction and use of a 7 storey mixed use development with ground floor retail and residential, a total of 62 residential units (12 studios, 37 x 1 bed and 13 x 2 bed) and parking for 82 vehicles within 3 basement levels. The development includes two (2) retail tenancy spaces towards the north-eastern end of the ground floor of the building (closest to Victoria Road) as well as three (3) residential units at the ground floor level. Levels 1-7 include the remainder of the residential units.

Amendments to the application have come about as a result of the applicant's response to issues raised during the assessment process, including comments from the Council's Urban Design Review Panel (UDRP).

A laneway is to be provided along the southern boundary of the site, connecting Meriton Street to Wharf Road. Resident and visitor vehicular and loading dock access will be provided from this future laneway. Pedestrian access to the residential apartments, ground floor and above is provided off the proposed Wharf Road plaza. The two retail tenancies have dual frontage to Meriton Street and the plaza.

The proposal includes the construction of part of the Wharf Road plaza, to occupy (what is to be) the closed section of the northern end of Wharf Road. Delivery of the whole of the publicly accessible plaza, which also relies on another and separate DA on the opposite side of Wharf Road, is one of the key issues associated with the application and is discussed in detail within this report.

KEY ISSUE

The development exceeds the built form outcomes anticipated in the Council's key planning documents – Ryde Local Environmental Plan 2010 (Gladesville Town Centre and Victoria Road Corridor) 2010 (referred to in this report as RLEP 2010) and Ryde Development Control Plan 2010 (referred to as RDCP 2010).

The departures from the planning documents arise largely from the development "site" being more than double in size compared to the "Key Site" controls envisaged in the RDCP 2010 in particular. The enlargement of the site in turn comes about as a result of the Council's decision to close sections of public roads and sell the land to the owner of 1-3 Wharf Road.

As a result of the development site, and the resultant development, being much greater than anticipated in the Council's planning documents, there is an inevitable and inherent conflict between the two.

Despite the circumstances relating to the "site" having changed since the Council's planning documents were originally prepared, the planning documents have not been amended to reflect the changed circumstances. The assessment process relies heavily on consideration of the impact of those components of the development that depart from the planning controls. The enlarged development site, including the road reserve in Wharf Road and Meriton Street is shown in Figure 1 below. Figure 2 shows the "Key Site" location in RDCP 2010.

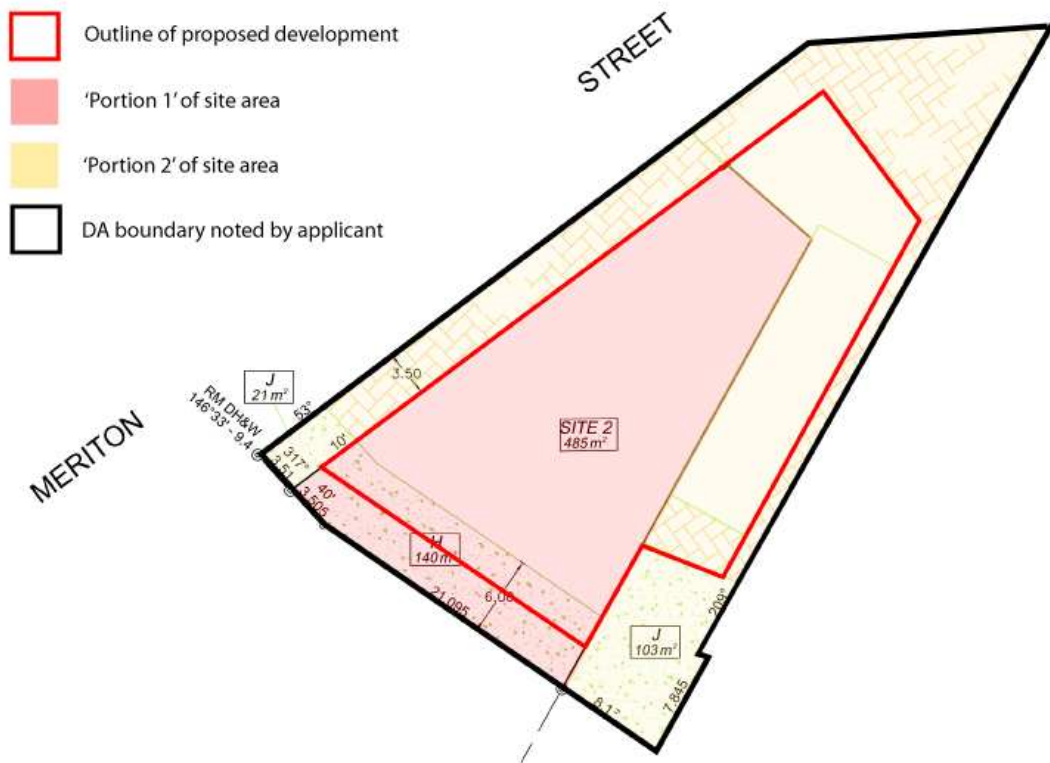


Figure 1: showing the privately owned land (pink) and publicly owned land (yellow) making up the enlarged development “site”

Figure 2 below shows the “Key Site” as identified in RDCP 2010. The pink area in Figure 1 and the orange area in Figure 2 correlate. The yellow area on Figure 1 is that part of the “site” that now lies outside the area of the “Key Sites” map.

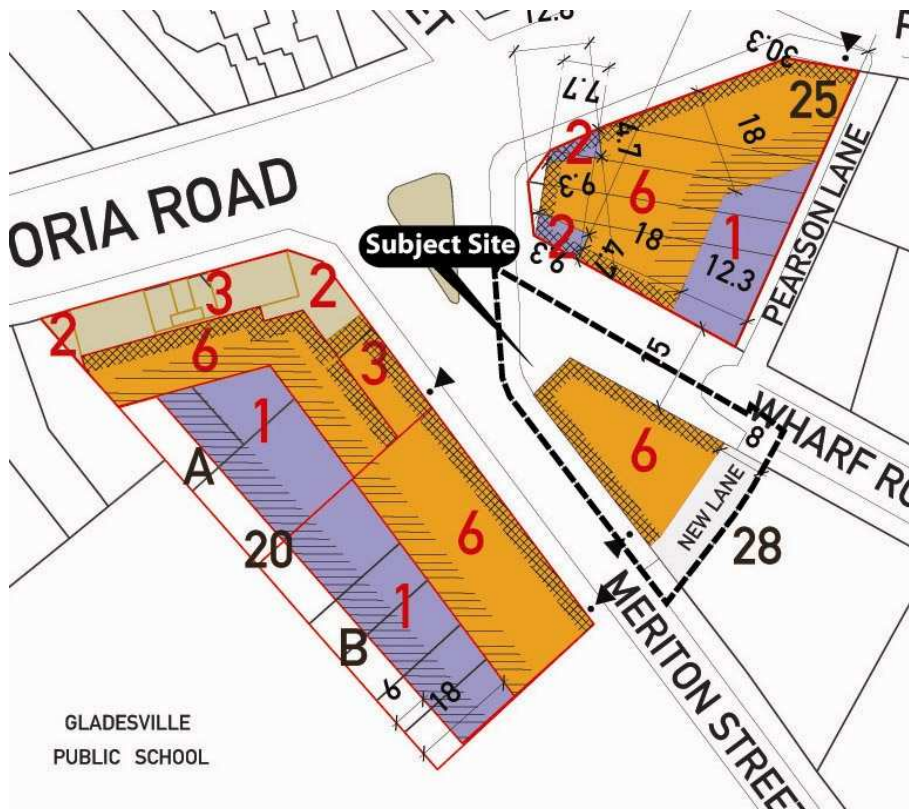


Figure 2: extract from RDCP 2010 showing the extent of the “Key Site” in orange.

This current (2012) DA follows the withdrawal of a 2011 DA for an eight storey development. The previous DA was recommended for refusal.

The DA has a capital investment value in excess of \$5 million and includes Council land. Accordingly, the Sydney East Region Joint Regional Planning Panel is the consent authority.

The recommendation is that the applicant be required to submit amended plans that address the various design matters highlighted in this report. The design changes relate to both the external envelope of the building and the internal planning of the residential units, as well as some technical matters detailed in the report..

2 APPLICATION DETAILS

Name of Applicant: Windesea Build Pty Ltd

Owner of the site: The larger part of the site is owned by Ryde City Council (705m2), with Windesea Build Pty Ltd and Hilda and Joseph Cheong owning 625m2.

Estimated value of works: \$11.9 million (including GST).

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

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

3 SITE DESCRIPTION

The privately owned land is known as 1-3 Wharf Road, Gladesville and the legal description of the land is Lot A in DP 85916.

Lot A is bounded by Wharf Road and Meriton Street. The site slopes from the north to the south-west corner of the site by approximately 1.62 metres. The location of the site is shown at Figure 3.

Lot A currently comprises a two storey commercial building.

The site is surrounded by a three storey mixed use retail/residential development further north-west along Victoria Road; a mix of one and two storey residential dwelling houses and residential flat buildings to the north-west opposite Meriton Street. There is located a two-three storey residential flat building to the south at 5 Wharf Road.

Photographs of the subject site and surrounding development are provided at Figure 4-7.

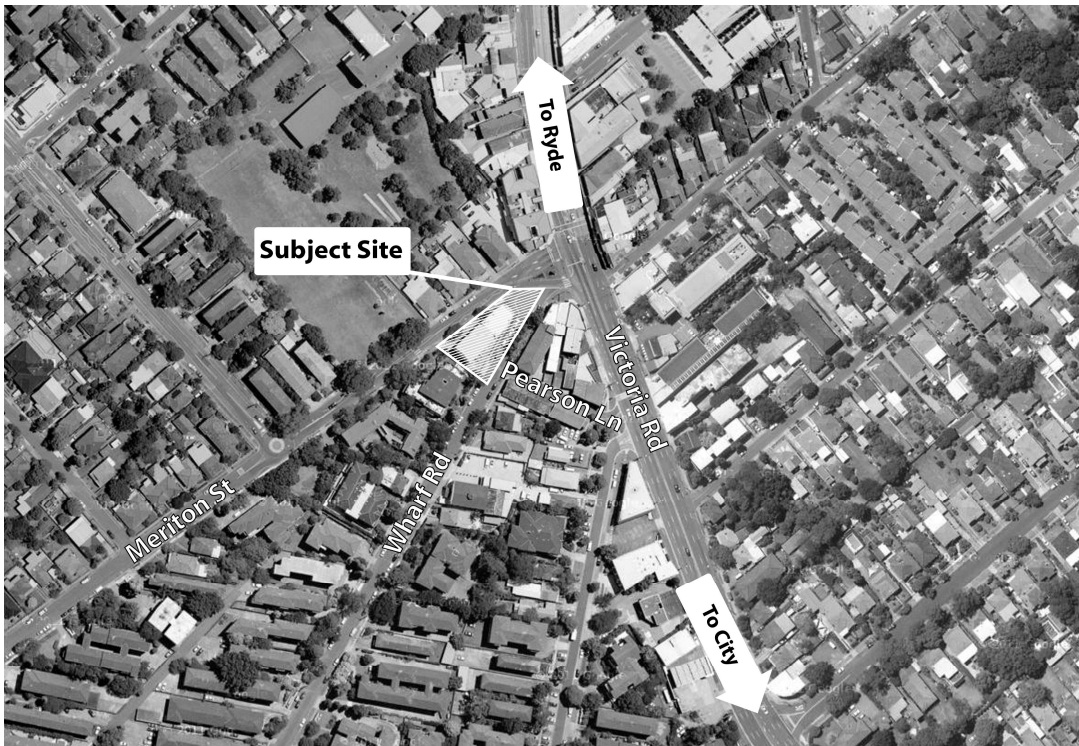


Figure 3: Site location plan (source: Google Earth 2011)



Figure 4: View of the subject site frontage to the Meriton Street/Wharf Road junction



Figure 5: The rear of the site at the location of the proposed new laneway



Figure 6: Three storey mixed use development north-west of the site at the corner of Victoria Road and Meriton Street



Figure 7: Southern boundary of the site, showing adjoining residential flat building (left) at 5 Wharf Road

4 **SITE DETAILS**

Total site area:	1,330m ² including 705m ² of publicly owned land, being part of the Wharf Road and Meriton Street reservations.
Frontage to Meriton Street/Victoria Road junction:	8.235 metres
Frontage to Meriton Street:	39.705 metres
Frontage to Wharf Road:	37.55 metres
Rear (south) boundary length:	21.095 metres
Land use zone:	B4 Mixed Use (refer to Zoning Plan at Figure 8). A small portion of the site (being part of the Wharf Road reservation) is located within the R4 – High Density Residential Zone under the Ryde Local Environmental Plan 2010 (Refer to Figure 9).

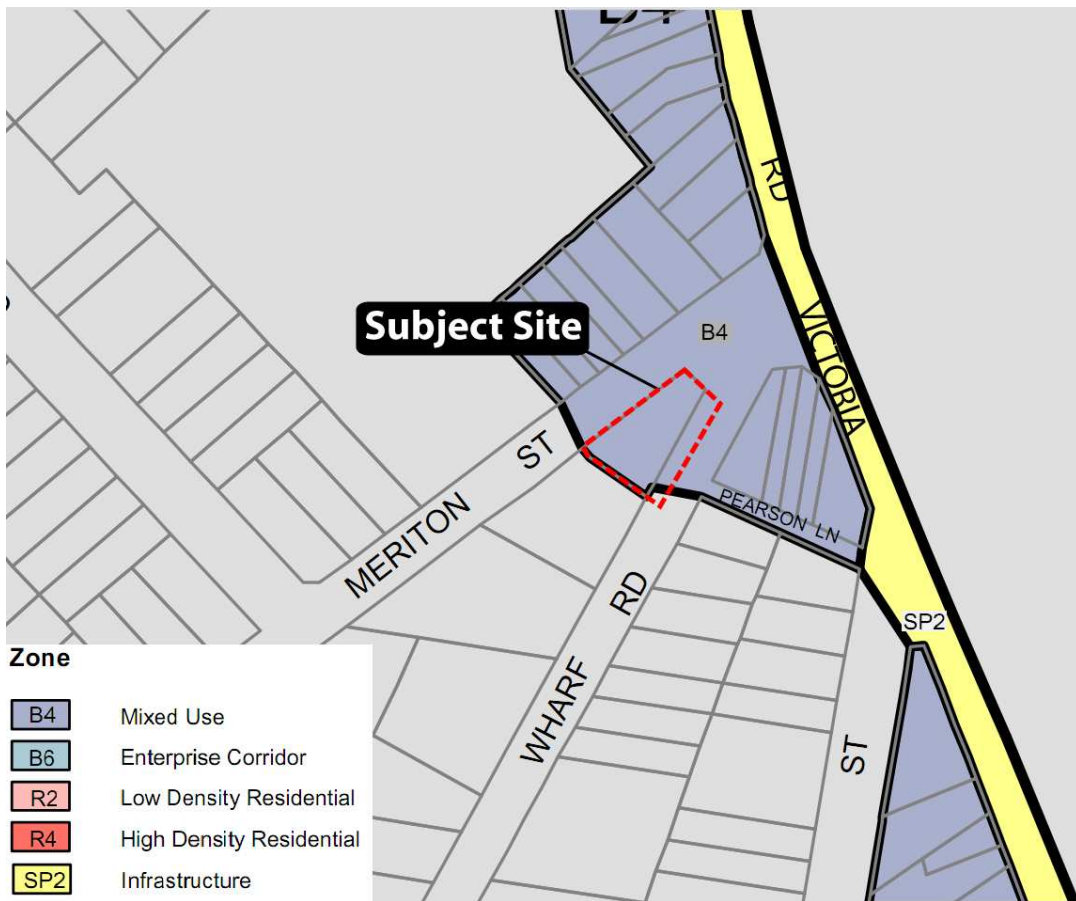


Figure 8: Zoning under Ryde (Gladesville Town Centre and Victoria Road Corridor) Local Environmental Plan 2010.

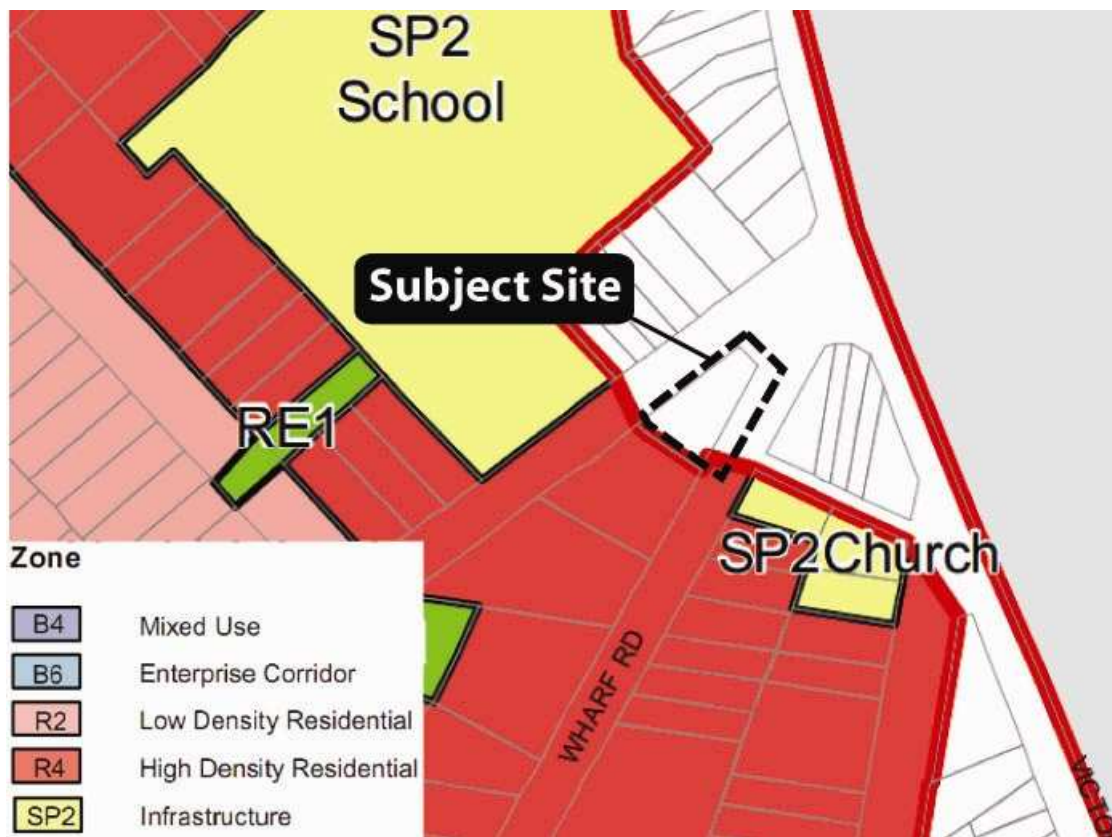


Figure 9: Zoning under LGA-wide Ryde Local Environmental Plan 2010.

5 PROPOSAL

The DA proposes the development of a mixed use 7 storey building. The ground floor level includes retail floor space and 3 residential units. Upper floors contain residential units. The development includes a total of 62 residential units (12 studios, 37 x 1 bed and 13 x 2 bed) and parking for 82 vehicles within 3 basement levels.

The mixed use building extends beyond the boundaries of the privately owned Lot A and on to the current Wharf Road reserve as well as on to the Meriton Street road reserve.

The basement levels extend entirely below a proposed publicly accessible Wharf Road plaza, and under Meriton Street, effectively taking up the majority of the 1,330m² site.

The plaza, located at the northern end of Wharf Road, will result from the closure and sale of the relevant section of Wharf Road. The road closure and sale process is separate to the DA. A section of Meriton Street is also to be closed and sold.

The publicly accessible plaza relates to the subject development site as well as the development site on the opposite side of Wharf Road at No 2-10 Wharf Road and 136-140 Victoria Road, i.e. the sale of the road is being split 50/50, with each of the adjacent development sites responsible for the separate purchase and development of the road reserve land, including the delivery of the publicly accessible plaza. The adjoining development site is shown in Figure 10 below. The DA reference is to a recently submitted DA for this site and for which the Joint Regional Planning Panel will also be the consent authority. This DA for adjoining development is also subject to a VPA that includes the delivery of the remainder of the publicly accessible plaza.

Other “public domain works” associated with the subject DA include repaving of a public footway along Victoria Road and Meriton Street, construction of a new lane at the southern boundary of the site and landscape improvements to the locally heritage listed heritage Clock Tower, located adjacent.

A coloured architectural drawing of the development viewed from the north is included at Figure 11, together with a photomontage at Figure 12.

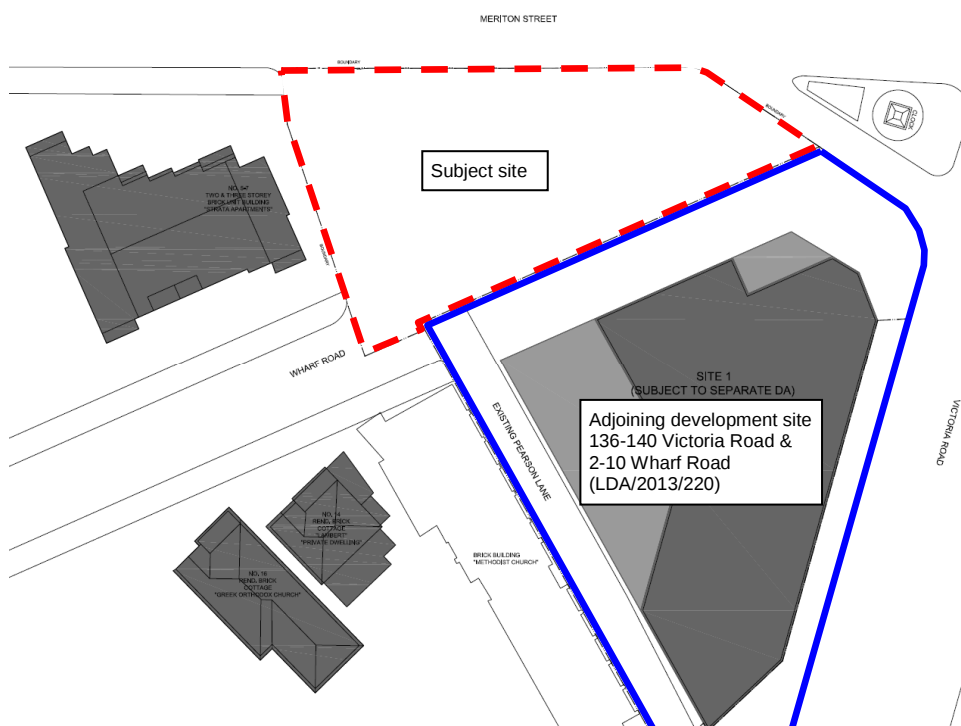


Figure 10: Subject site and adjoining development site at 136-140 Victoria Road and 2-10 Wharf Road



Figure 11: Proposed development viewed from the north.



Figure 12: photomontage of the proposed development, viewed from Victoria Road

6 **BACKGROUND**

A 2011 application, DA 2011SYE124 (LDA 2011/0622) associated with the same private and public land proposed construction of an 8 storey mixed use development containing retail/commercial floor space at the ground floor level; 68 residential apartments; and parking for 119 cars over three and a half basement levels. Works to partially establish the publicly accessible plaza and other public domain works were also proposed.

The previous DA was subject to an independent assessment report to the Sydney East JRPP meeting of 2 May 2012 and which recommended refusal of the application. The applicant withdrew the application immediately prior to the JRPP considering the assessment report. The previous DA included a very long assessment process involving numerous meetings with the applicant and consideration by the Council's Urban Design Review Panel (UDRP). The UDRP, in their second review, concluded that the proposal was unacceptable with respect to the proposed public plaza, floor space ratio and building form.

Following withdrawal of the previous DA, a revised scheme prepared by the applicant was considered by the UDRP in a pre-lodgement meeting on 16 August 2012. The UDRP and Council officers provided pre-lodgement advice to the applicant in writing, raising numerous issues of concern. This advice is included at Attachment 1.

The current DA was lodged in October 2012. The key steps in the assessment process have been:

- Public exhibition of the DA and referral to government agencies
- Briefing provided to the Sydney East JRPP 28 February 2013
- Following an initial assessment a detailed "issues" letter raising a number of concerns was provided to the applicant in March 2013
- Consideration of amended plans by the UDRP 30 April 2013
- Submission of further amended plans and documentation by applicant 6 June 2013.

This assessment report is based on the amended documentation received by the Council on 6 June 2013.

There are three significant and related matters associated with the DA:

- A Memorandum of Understanding as well as a Deed of Put and Call option for the conditional sale of land owned by the Council that is part of the Wharf Road reserve and part of Meriton Street – this is the 705m² component of the development "site".
- A Voluntary Planning Agreement (VPA) that has been negotiated between the applicant and the Council. The draft VPA was considered at the Council Meeting of 25 June 2013, at which time the Council resolved as follows:

(a) That if the Joint Regional Planning Panel resolves to approve Local Development Application 2012/0417 at 1-3 Wharf Road, Gladesville then Council give "in principle" support to the Voluntary Planning Agreement made by Windsea Build Pty Ltd & Xcel Pty Ltd dated 29 May 2013 with the removal of the contingency component and a corresponding increase in the monetary component to achieve close proximity to the 20% threshold in excess of s94 contributions.

- (b) That the above be communicated to the Joint Regional Planning panel at the time of determination of the application, and*
- (c) That the Group Manager, Environment and Planning be delegated to finalise the Voluntary Planning Agreement with Windsea Build Pty Ltd & Xcel Pty Ltd in accordance with the submitted Voluntary Planning Agreement and the applicable legal requirements under the Environmental Planning and Assessment Act 1979.*

- The closure and declassification of the northern end of Wharf Road and the relevant section of Meriton Street as public roads, enabling the sale of this land for the purposes of the development.

In 2008 the Council resolved to close the northern part of Wharf Road and part of Meriton Street and to also enter in to negotiations with adjoining land owners regarding the sale of the land. In May 2011 the Council resolved to sell the land to adjoining owners. In April 2013 Council's solicitors issued a formal road closure application to Roads and Maritime Services (RMS) and also notified relevant authorities and utility providers. At the time of preparing this report Council officers had advised that the application for road closure has been lodged with the Land Titles Office.

As will be evident throughout this assessment report, the planning regime/controls for the subject land, do not contemplate development on the 705m² of public land. The planning controls were developed based on the privately owned portion of the site, being 1-3 Wharf Road, with a land area of 625m². As a result there is an inherent conflict arising from any DA that proposes development on the whole of the site occupying 1,330m².

Balanced against this is the Council's clear intent to sell the 705m² of public land to the applicant for the purpose of a larger development site, acknowledging that the Council is also seeking public benefits by way of a negotiated VPA.

In short, the planning controls applying to the combined 1,330 m² haven't caught up with the changed (changing) circumstances that were initiated and pursued by the Council, such that any DA that proposes development beyond the established boundary of 1-3 Wharf Road (Lot A) must inevitably be non-compliant.

7 APPLICABLE PLANNING CONTROLS

Environmental Planning Instruments

- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX);
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) (Sydney Harbour SREP); and
- Ryde Local Environmental Plan 2010 (Gladesville Town Centre and Victoria Road Corridor) 2010.

Development Control Plan

- Ryde Development Control Plan 2010 (RDCP 2010).

8 PLANNING ASSESSMENT

8.1 State Environmental Planning Policy No 55 - Remediation of Land

SEPP 55 requires the consideration of the contamination of the land and its suitability for its intended use. The site has been used for commercial office uses. Council's Environmental Health Officer has stated that there are no known contamination issues on the site.

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

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

Assessment against SEPP 65 and the NSW Residential Flat Design Code (RFDC) is provided below.

The proposal has been reviewed by the Council's UDRP, both prior to lodgement and post-lodgement. In all the Panel has considered the redevelopment of the site on four occasions; twice associated with the previous DA and twice associated with the current DA. The Panel's comments on the current DA are incorporated below where relevant, or where the issue has not been addressed. Note that the applicant lodged further amended plans in June 2013 in response to the last Panel comments of 30 April 2013.

SEPP 65 Design Principle	Comment	Complies
Principle 1: Context Good design responds and contributes to its context. 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.	The development is consistent with the local context with respect to the mix of retail and residential land uses. The amended application is generally consistent with the intended height, although the extent of built form and density that is not consistent with RDCP 2010 due to the expanded development site.	Partial compliance
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	The scale of development envisaged for the site is detailed by the Key Sites diagram under RDCP 2010. Development of 6 storeys is envisaged for the site, together with a footprint confined to Lot A (605m ² area). Notwithstanding, the maximum height under RLEP 2010 is 22m. Proposed are 7 storeys. The UDRP commented: <i>The building generally fits within the</i>	Capable of generally complying in terms of height.

SEPP 65 Design Principle	Comment	Complies
future character of the area.	<i>maximum height plane however the floor to floor heights of the building are only 2.9m and do not meet the minimum 2.7m ceiling height in the RFDC. The panel requests that the floor to floor height be amended to 3m. This is likely to result in exceedance of the height plane near the proposed laneway and should be addressed as an additional setback at level 7.</i> The amended proposal has increased the building separation across Wharf Road, although still projecting beyond the boundaries of Lot A and into the Wharf Road and Meriton Street reservations as well as the new laneway, which will encroach into the publicly accessible open space. These matters have also been subject to comment by the UDRP as discussed later in this report. Amendments have been made to increase the floor-to-floor height to 2.975m which is acceptable. An additional setback at level 7 may be addressed via a condition of consent.	
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 development is consistent with the building type (mixed use residential/retail) envisaged for the site. The proposal is inconsistent with the building alignments required under the Key Sites diagram within the RDCP 2010 – with encroachments into the Wharf Road, and Meriton Street reservations as well as into the new laneway to the south. Notwithstanding some improvements included in the amended plans, the extent of the built form is still excessive and requires further refinement, particularly in defining the public domain. These matters are addressed in the	Partial compliance and capable of further refinement via further design amendments.

SEPP 65 Design Principle	Comment	Complies
	comments provided by the UDRP, discussed further in this report.	
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 calculation of the site density, as expressed as floor space ratio (FSR) throws up an unusual set of circumstances. The Council has received legal advice that the “site”, for the purposes of the FSR calculation is the whole of the 1,330m ² inclusive of the Wharf Road reservation. A copy of the legal advice is included at Attachment 2	Technical compliance with FSR standard, but a greater built form density than anticipated in the RDGP 2010.
Principle 5: Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its life cycle, including construction.	The proposed development achieves the applicable BASIX targets for water and energy efficiency and thermal comfort. The proposal achieves adequate number of units achieving cross ventilation (60%) and states that 61% of units receive 3 hours direct solar access.	Partial compliance, with acceptable variations.
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.	The landscaping detail to both the publicly accessible areas and to the roof top of the building has been subject to negotiations between the Council’s technical officers and the applicant. Landscaping is capable of being detailed to the satisfaction of the Council.	General compliance and capable of finalisation by way of conditions of consent.
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	The internal layout and design of units have been subject to numerous comments from the UDRP, resulting in some improvements included in the latest amended plans. Notwithstanding, there are further amendments required. These are discussed in more detail later in this	Not currently satisfactory but considered capable of improvement to a satisfactory level with further refinement.

SEPP 65 Design Principle	Comment	Complies
layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.	report.	
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.	The proposal enhances safety and security of the immediate area by introducing improved ground floor active frontages and residential apartments above providing for passive surveillance after hours. Gladesville Police have reviewed the DA and recommended a number of conditions to further enhance safety, security and crime prevention on the subject site. These recommendations could be imposed as conditions of consent.	Could be conditioned to comply
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 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 proposal will provide expanded housing choice within the Gladesville town centre locality, assisting to improve housing availability and affordability. A mix of 1 and 2 bedroom dwellings provides housing choice in a locality of predominately larger detached dwellings to suit a range of household types and budgets.	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, or, in precincts undergoing transition, contribute to the desired future character of the area.	The Council's UDRP has not raised concerns regarding the general aesthetics of the building, with the focus of comments being the relationship to the plaza and context in the location, as well as the internal amenity of units. The Council's Urban Designer has made recommendations regarding some façade treatment.	Partial compliance and considered capable of improvement to a satisfactory level with further refinement.

SEPP 65 Design Principle	Comment	Complies

Urban Design Review Panel comments

Given that the Panel has commented on the development of the site on four occasions, including pre-lodgement and post-lodgement comments associated with the current DA, their most recent comments of 30 April 2013 are included in italics in full below. In some instances the latest amended drawings of 6 June 2013 respond to the Panel's comments and this is discussed below as well.

This is the fourth time the panel has reviewed a proposal by the applicant for 1-3 Wharf Road.

The panel acknowledges that the planning of the proposal has improved particularly in relation to the building access, address, and response to the topography and retail tenancies to the ground floor. The provision of a dual access to the lifts from both the plaza and Meriton Street is positive and improves the legibility of the building.

The remaining concerns with the application centre on the building separation to the adjoining site across the extension of Wharf Road, the massing and its additional overshadowing, balcony size and location relative to the landscape within the plaza and the internal planning of the building.

Building Separation

The separation and setback distances provided for the building are not considered adequate. At the corner of Meriton Street and the proposed laneway the building provides only 4m rather than the required 6m. This should be corrected so that the minimum setback from the boundary is 6m.

Comment: It should be noted that the DCP control is for a 8m setback, although there is agreement between the Council officers and the applicant that 6m may be acceptable above ground level. The amended plans do not achieve the recommended 6m setback in the south-west corner of the site. In addition, further information provided by the applicant indicates that the non-compliance with the rear building setback of 8m results in addition overshadowing to No 5 Wharf Road, in particular to a north facing elevated outdoor terrace. As a result there is a direct impact arising from the non-compliance with the DCP control. Further amendments to the built form to require compliance with the DCP in this location are recommended.

The building separation between this development and 2-10 Wharf Road is 13m between the wall of the buildings but the separation between the edge of the balconies and the walls are not indicated. It would appear to be considerably less.

The panel considers the extent to which the building and balconies protrude into the 13m separation distance is too great and that the scheme should be amended to ensure it is only

the balconies which protrude beyond the 13m line and no actual floor space. This would require the balconies to sit roughly in the position of the living room wall.

Comment: The RDCP 2010 requires a 15m separation, which is achieved at ground level, assuming that No 2-8 Wharf Road develops where indicated in the RDCP 2010. The amended plans do not achieve the 15m separation above ground level, instead providing 13.24m from wall to wall and a minimum of 12m to a single enclosed balcony that encroaches in to this space over levels 2-7. Any approval should require the majority of balconies to be open and not “wintergardens”, thereby meeting the comments of the Panel.

It should be noted that the applicant was previously advised by Council planning officers that a minimum building separation of 15m at ground level and 13.24m wall to wall above ground level would be acceptable and the applicant has responded to this, as well as to the further comments of the Panel.

Massing and overshadowing

The building generally fits within the maximum height plane however the floor to floor heights of the building are only 2.9m and do not meet the minimum 2.7m ceiling height in the RFDC. The panel requests that the floor to floor height be amended to 3m. This is likely to result exceedance of the height plane near the proposed laneway and should be addressed as an additional setback at level 7.

Comment: Amendments have been made to increase the floor-to-floor height to 2.975m which is acceptable. The rear of the building exceeds the 22m height standard, the 7 storey RDCP 2010 control and encroaches into the RDCP 2010 setback control of 8m. As discussed above, due to the additional overshadowing to No 5 Wharf Road (additional to a complying development) the top level at the rear of the development should be amended to achieve as a minimum the 8m rear setback and maximum 6 storeys.

This further refinement will have obvious implications for the internal layout and planning of units on this top level. Achieving an acceptable architectural solution to both the internal planning and the external appearance of the amended built form will be a matter for the architect to further consider.

The shadow diagrams provided indicate that the proposal increases the shadow for 5-7 Wharf Road and to the plaza itself from 11am until 3pm, times at which it is expected that the plaza would receive most use by residents and visitors. The building will create a significant additional shadow and this concerns the panel.

The potential shadow cast by the DCP envelop for any future development to the corner of Victoria Road and Meriton Street needs to be modelled to demonstrate whether the additional shadow sits within shadow that would be cast by this site or not. If not then massing should be deleted to reduce the impact to the plaza in particular between the hours of 12 – 2pm.

Comment: In response to this Panel comment, amendments have been made to increase the building separation which will assist in maximising solar access to Wharf Road plaza. There will be inevitable shadow impacts arising from 6-7 storey buildings generally contained within the 22m height control on either side of Wharf Road. The additional shadow cast from the extension of the building into the Wharf Road reserve is not significant and of itself is not a ground for further amendments to the design.

Notwithstanding, the additional shadow impact on No 5 Wharf Road has been confirmed by way of additional information provided by the applicant. The existing elevated outdoor terrace on the northern side of the building will be impacted by additional shadow resulting from the non-compliance and hence the need for further amendments as discussed above.

Balconies

The panel notes that most of the balconies provided do not comply with the Residential Flat Design Code and are far too small and too narrow. The furniture layout shows that a small table occupies almost the entire balcony space with no area for circulation or a BBQ or any other element. This is not supported and the balconies should be redesigned.

A number of the apartments show awning windows to the balcony winter gardens. Awning windows are generally not preferred, as they do not allow the balcony to be fully opened up if desired by the occupant. The panel notes that these windows are intended to be full width across the balcony such as is seen in Lumiere in the City. The panel considers these are suitable for locations such as Victoria Road but that bifold or sliding glass panels may be preferable for other locations to maximise flexibility.

The balconies on the side of the building facing the plaza appear to interfere with the tree canopies of the proposed landscape in the plaza.

Comment: The amended drawings have responded in part to the Panel's comments with some design and layout improvements. Notwithstanding there remain some balconies that are undersized and/or impractical in shape, such as narrow triangular balconies along the southern elevation. In addition the extensive use of "wintergardens" with awning windows is not supported. Enclosed balconies for those units at the northern end of the building and close to Victoria Road (2 per floor on levels 2-7) are acceptable and are included in GFA and FSR calculations. As suggested by the Panel, bi-fold or sliding glass panels would be preferable for other locations to maximise flexibility, but on the basis that the balconies are not fully enclosed above level 1. Finalisation of the balcony designs, among other matters detailed in this report, requires the lodgement of further amended plans.

In addition, the majority of units rely on the enclosed wintergardens to achieve the RFDC minimum rule-of-thumb unit sizes, particularly in the case of the 1 bedroom units. In other words, if the wintergardens are converted to balconies then the net floor area of a number of 1 bedroom units will be below 50m². Achievement of the minimum unit sizes is considered fundamental to achieving an acceptable design outcome. Again, this should be addressed by way of amended plans.

Apartments

The internal design and size of a number of the apartments in the proposal is not adequate. For instance the one bedroom unit 1.01 is very small at 47 sqm and has the window to the bedroom located hard to the street frontage with no setback. The floor level of this apartment and the street may not be sufficiently different to ensure privacy to that window from pedestrians who will be able to stand right next to the window and the edge of the balcony to the living area.

This unit also has no internal area for dining within the apartment and the 47 sqm appears to include the balcony area. This would mean that residents would be unable to dine within the unit without using the balcony space. This is not considered an acceptable solution. In such locations it is recommended that the balconies lower down the building are constructed as winter gardens with screens and windows capable of being slid back to allow more flexible use of this space. The applicant should note that in such a circumstance the area of the balcony may be considered as FSR due to recent case law. Balconies do not replace living space within the apartment for dining. If this is the intent, the applicant needs to address the lack of balconies as required by the RFDC. The panel does not support this approach and recommends the inclusion of both balconies and dining area.

Comment: Again, the amended drawings have gone some way to addressing the Panel's comments. Notwithstanding, there remain some inadequacies, as outlined in the previous comment box. Along the Meriton Street elevation, on levels 2-7, each of units 01-03 should be re-planned internally to ensure like uses are adjacent, i.e. don't have bedrooms of one unit against the wall of the living area, balcony, kitchen or balcony of the adjacent unit. The treatment of balconies and the size of units is discussed above.

Apartment 1.02 has a living area that is so narrow it is unlikely to be useable. Unit 1.03 has an arrangement that has a bedroom area with no natural light or air and no outlook. This is also not acceptable. It is suggested that wet areas be located in parts of the plan without access to natural light rather than habitable rooms or kitchens.

Unit 201 has a study located next to a very small kitchen that has no access to light and air. It is suggested that the bathroom be moved to against the rear wall of the unit and the study space be incorporated into the bedroom to give it access to shared light from the bedroom.

It is noted that many of the kitchens are very small and unlikely to be workable.

Unit 2.07 has a kitchen and dining area to the rear of the unit again with very limited access to light and air due to the cupboard that sits between it and the living area. It is suggested

that this is reconfigured to avoid this impact and a proper U shaped kitchen is provided with a smaller storage cupboard.

Unit 2.05 also has a kitchen and dining space that has no access to natural light. The kitchen space shows a dining table but the area available is so tight the panel doubts its utility. The panel also notes that having access to the apartments bathroom from the kitchen is a poor design outcome that should be deleted.

These design issues also apply to the apartments on other floors in the building.

Comment: In response to these Panel comments, amendments have been made to the internal layout and planning of units. With the exception of the matters already commented on above, and for which further amendments are needed, the amended drawings have addressed the Panel's concerns.

Loading area

The location of the loading area to the basement is on the visual axis of Pearson Lane to the south east of the site. It is imperative that the dock is screened when not in use by a high quality roller or panel lift door. Details around its finish and appearance should be submitted to Council.

Comment: This design matter is capable of being addressed by way of an appropriate condition of consent.

NSW Residential Flat Design Code

Residential Flat Design Code 2002	Comment	Complies
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 desired future character of the site with respect to building height is presented by both the RLEP 2010 and the RDCP 2010, which stipulate a maximum height of 22 metres and 6 storeys respectively. The RLEP 2010 maximum height of 22 metres covers the whole site and the development complies at the northern end but breaches through the centre of the building and slightly at the rear. Notwithstanding, the building does successfully step down the slope of the site. The Council's UDRP has accepted the proposed height,	Yes

Residential Flat Design Code 2002	Comment	Complies
	with the exception of the need for a setback of the top level at the rear of the site. The building exceeds the maximum DCP height of 6 storeys by 1 storey, although the extent of the 7th storey will be limited with the introduction of the recommended setback/step at the rear of the building. Shadow diagrams submitted with the amended drawings confirm the acceptability of shadow impacts on the surrounding area, generally consistent with that anticipated by a building meeting the 22m height standard.	
Building depth 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 proposed building depth ranges between 6 metres to 22 metres and is a reflection of the unusual long triangular shape of Lot A and the “site” as a whole. The proposal achieves adequate natural ventilation, with 60% of units naturally ventilated. The proposal provides 3 hours of sunlight to 61% of units and a further 19% receive a minimum of 2 hours. This is discussed further later in this table.	Partial compliance
Building separation • Up to 4 storeys/12 metres – 12m between habitable rooms/balconies – 9m between habitable/balconies and non-habitable rooms – 6m between non-habitable rooms • 5 to 8 storeys/25 metres – 18m between habitable rooms/balconies – 12m between habitable/balconies and non-habitable rooms – 9m between non-habitable	The building will achieve the minimum 12m from the anticipated adjoining development proposal at 2-8 Wharf Road for levels 1-4. From Levels 4 to 6, the minimum separation required is 18m under the RFDC. Council’s DCP reduces this to 15m and both Council officers’ as the UDRP have accepted wall to wall separation of 13.24m. Along the north-eastern elevation of the proposed building there will be only two units per floor above	In part, but generally acceptable, subject to some required amendment.

Residential Flat Design Code 2002	Comment	Complies
rooms • Developments that propose less than the recommended distances must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.	level 4 (i.e. 3 levels) with direct outlook across the plaza to 2-8 Wharf Road. Of these the most northern unit has the living area and balcony facing north towards Victoria Road, so there will be one balcony on levels 5-7 (3 in total) separated by 12m. The Council's UDRP have accepted this as satisfactory. The proposed development has a minimum 9m separation from the northern wall of the adjoining 2-3 storey residential flat building located at 5 Wharf Road to the south. There is an outdoor terrace at third floor level opposite the subject site. The separation between the terrace and the 3 south facing balconies on each of levels 2-7 is less than the minimum 12m but again the Council's UDRP has accepted that the relationship is acceptable, with the exception of requiring the top level 7 to be further setback from the southern boundary. Recommended amendments are included that address potential overlooking into 5 Wharf Road.	
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. • Relate setbacks to area's street hierarchy. • Identify the quality, type and use of gardens and landscape areas facing the street.	The desired streetscape character is established by the Key Sites controls under the Ryde DCP 2010. The controls stipulate that the building be built to the alignment of Wharf Road, Meriton Street and the proposed new laneway at the rear. The building overhangs each setback but improvements have been achieved by way of the latest amended drawings, to the point where the Council's UDRP have accepted the design as satisfactory, subject to some further refinement.	Yes at ground level but departures for levels 2-7

Residential Flat Design Code 2002	Comment	Complies
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.	The subject site has three (3) street frontages, including the proposed new laneway at the rear (south) of the site. Accordingly, there are no 'side and rear' setbacks for the proposed development, although the new laneway will effectively provide a rear setback.	Setbacks and building separations are discussed above.
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.	A plan and written site analysis plan are provided as part of the DA documentation. The documentation shows adequate identification of the surroundings and conditions impacting on the site.	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. A minimum of 25% of the open space area of a site should be a deep soil zone.	No deep soil area is provided. This is considered acceptable in this instance given the site's location within the Gladesville Town Centre and the development outcome envisaged for the site under the applicable planning controls.	Acceptable non-compliance
Site configuration: fences and walls 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. Clearly delineate the private and	The proposal includes some areas of blank walls addressing the public domain, particularly to the proposed new lane. As noted above, Gladesville Police have reviewed the application and recommended a number of conditions of consent that could be imposed to ensure clear	Could be conditioned to comply.

Residential Flat Design Code 2002	Comment	Complies
public domain without compromising safety and security. Select durable materials, which are easily cleaned and graffiti resistant.	delineation of the public domain and maintenance of the site. A further condition of consent could be imposed requiring that where there is potential for vandalism or graffiti, materials are to be durable, easily cleaned and graffiti resistant.	
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.	Landscaping of the publicly accessible areas around the building and the roof top communal open space may be dealt with by way of conditions of consent. No detailed landscape plans are provided for the roof top communal open space area.	Capable of being conditioned.
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 desired range of activities. Provide private open space for each apartment capable of enhancing residential amenity. The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m², the minimum preferred dimension in one direction is 4.0m.	Landscape plans are provided for the publicly accessible private open space area within the Wharf Road reservation. The plaza area acts as a public space, with outdoor dining opportunities and areas for public seating. Landscaping is provided at the edges of the public space. Finalisation of the design and landscaping of these areas may be dealt with by way of conditions. Ground floor apartments are provided with balconies of 5m² to 8m², however, have limited depth. Improved design can be required by way of further amendments to the design.	Capable of being conditioned
Site configuration: orientation Plan the site to optimise solar access by positioning and orienting buildings to maximise north facing walls, providing adequate building separation within the development	The shape and orientation of the site presents challenges, particularly given that the widest section of the site is the southern end, where the greater number of	In part, but generally acceptable.

Residential Flat Design Code 2002	Comment	Complies
and to adjacent buildings.	units can be placed within the building. The Council's UDRP has generally accepted the siting, design, layout and configuration of the building subject to some further refinement.	
Site configuration: planting on structures Design for optimum conditions for plant growth by providing soil depth, soil volume and soil area appropriate to the size of the plants to be established etc. Design planters to support the appropriate soil depth and plant selection. Increase minimum soil depths in accordance with the mix of plants in a planter.	The architectural drawings indicate that plantings will be located as part of the communal roof terrace open space area. Finalisation of the landscape plan can be dealt with by way of a condition of consent.	Capable of being conditioned
Site configuration: stormwater management Reduce the volume impact of stormwater on infrastructure by retaining it on site.	Stormwater management is capable of being addressed by appropriate conditions of consent.	Yes
Site amenity: safety Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic. Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance by orienting living areas with views over public or communal open spaces, where possible. Minimise opportunities for concealment. Control access to the development.	A security garage door separates residential car parking from public parking. The main residential entrance is off the Wharf Road frontage, providing a visible and safe entry point. Balconies and windows overlook the surrounding public domain area, providing opportunities for passive surveillance. Gladesville Police have reviewed the development application and made a number of recommendations to ensure appropriate surveillance and safety, access control and territorial reinforcement. These recommendations may be	Generally acceptable and may be further conditioned.

Residential Flat Design Code 2002	Comment	Complies
	incorporated as conditions of consent.	
Site amenity: visual privacy Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments. Use detailed site and building design elements to increase privacy without compromising access to light and air.	As noted under 'Building Separation' above, there are opportunities for overlooking between the east facing windows of the proposal and the west facing windows of the adjoining development at 2-8 Wharf Road, created by separation distances of between 12-13.24m. The Council's UDRP has accepted the design as satisfactory.	Yes
Site access: building entry Improve the presentation of the development to the street. Ensure equal access for all. Provide safe and secure access. Generally provide separate entries from the street for pedestrians and cars and different uses. Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces. Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.	The building entrance is located from Wharf Road. The location of the entry is considered appropriate and is clearly visible from the street. The entrance area is acceptable to provide equal access. The development must meet minimum access requirements under the BCA. The location of mailboxes is shown on the drawings.	Yes
Site access: parking Determine the appropriate car parking space requirements in relation to proximity to public transport, shopping and recreational facilities, density etc. Limit the number of visitor parking spaces, particularly in small developments. Give preference to underground parking, whenever possible. Where above ground enclosed	Council's Public Works Unit has reviewed the proposed parking provision and raised no objection. It is noted that both visitors and retail parking area provided in the publicly accessible parking areas of the basement levels. Due to the slope of the site, some parking areas project above ground level to Wharf Road and Meriton Street. A condition of consent requiring the finishes to	Yes Could be conditioned to comply

Residential Flat Design Code 2002	Comment	Complies
parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and amenity. Provide bicycle parking, which is easily accessible from ground level and from apartments.	these areas to be graffiti resistant and that any vandalism is cleaned as soon as practicable by the managing body corporate may be imposed. Bicycle parking is provided within the public plaza. Internal bicycle storage is provided.	Yes
Site access: pedestrian access Utilise the site and its planning to optimise accessibility to the development. Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas. Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space. Maximise the number of accessible, visitable and adaptable apartments in a building. Australian Standards are only a minimum. Separate and clearly distinguish between pedestrian access ways and vehicle access ways. Follow the accessibility standard set out in Australian Standard AS 1428 (Parts 1 and 2), as a minimum. Provide barrier free access to at least 20% dwellings in the development.	Lift access is provided to all levels of the development. The main residential lobby at ground floor is accessible off Wharf Road and via lift access from the basement parking levels. Ground floor apartments are not accessible directly off the street. The proposal provides 6 adaptable units. This is consistent with the relevant standards. Vehicular and pedestrian access points are clearly separated, with vehicular access provided off the rear lane. The submitted BCA report addresses accessibility provisions including AS 1428 and ultimately the development must meet the access provisions of the BCA. Lift access is provided from the car parking levels to all residential levels and the communal open space on the roof.	Yes Yes No but acceptable non-compliance Yes Yes Yes Yes
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 driveway has a width of 5.5 metres. The driveway is accessed via the proposed new rear lane and away from main pedestrian entrance.	Yes Yes
Part 3: Building Design		

Residential Flat Design Code 2002	Comment	Complies
Building configuration: apartment layout Determine appropriate apartment sizes in relation to geographic location and market demands, the spatial configuration of an apartment, not just its plan, and its affordability. Ensure apartment layouts are resilient over time. The back of a kitchen should be no more than 8.0m from a window. Minimum apartment sizes that do not exclude affordable housing are: • Studio 38.5m² • 1 bedroom 50m² • 2 bedroom 70m² • 3 bedroom 95m²	The size of units, as documented in the amended plans, is inclusive of enclosed wintergardens in all cases, so, in addition to the wintergardens being undersized as compared to acceptable balcony sizes, the net floor area of a number of units is also undersized. Notwithstanding that wintergardens will be acceptable for units 04-05 (facing Victoria Road) on levels 2-7 and for all units on level 1, it is nonetheless considered important that the net floor area for each unit should meet the minimum areas expressed in the RFDC, exclusive of wintergardens or balconies. In particular, this will require amendments to unit 01 on level 1 and units 01-05 and unit 10 on each of levels 2-7. Subject to this further design refinement all units will have an appropriate size and layout to allow for flexibility and change in occupant requirements over time. All balconies are adjacent and accessible from the primary living areas of each unit. Kitchens are generally well located and will not obstruct circulation space within units. Unit dimensions and planning are considered appropriate for furniture removal and placement. The back of all kitchens are generally located no more than 8 metres from a window.	No, but capable of being addressed with further amendments.
Building configuration: apartment mix Provide a variety of apartment types.	The proposed unit mix of 1 and 2	Yes

Residential Flat Design Code 2002	Comment	Complies
	bedrooms is considered appropriate for the site given its town centre locality.	
Building configuration: balconies Provide at least 1 primary balcony. Primary balconies should be located adjacent to the main living areas, sufficiently large and well proportioned to be functional and promote indoor/outdoor living.	All units have wintergardens/balconies. Some balconies remain undersized and/or impractical in shape, such as narrow triangular balconies along the southern elevation. In addition the extensive use of wintergardens with awning windows is not supported. Enclosed balconies for those units at the northern end of the building and close to Victoria Road (2 per floor on levels 2-7) have been accepted by UDRP. As suggested by the Panel, bi-fold or sliding glass panels would be preferable for other locations to maximise flexibility, but on the basis that the balconies are not fully enclosed above level 2. Finalisation of the balcony designs may be dealt with by way of further amendments.	Partial compliance and capable of amendment
Building configuration: ceiling Heights 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.	All floor to ceiling heights of residential units are at least 2.7m and the amended drawings show floor-to-floor heights of 2.975m	Yes
Building configuration: flexibility Provide apartment layouts, which accommodate the changing use of rooms. Promote accessibility and adaptability by ensuring the number of accessible and visitable apartments is optimised and adequate pedestrian mobility and access is provided.	Subject to meeting the minimum sizes referred to earlier in this report, the proposed unit layouts are considered to provide an adequate degree of internal flexibility. The proposal provides 6 adaptable units.	Yes Yes

Residential Flat Design Code 2002	Comment	Complies
Building configuration: internal circulation Increase amenity and safety in circulation spaces by providing generous corridor widths and ceiling heights, appropriate levels of lighting, including the use of natural daylight, minimising corridor lengths, providing adequate ventilation. 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.	Levels 1 to 7 each contain a single double-loaded corridor providing access to 4 and 6 units respectively. The ground floor lobby has a glazed frontage to Wharf Road to allow natural light.	Yes
Building configuration: mixed use Choose a mix that complements and reinforces the character, economics and function of the local area. Design legible circulation, which ensure the safety of users by isolating commercial service requirements such as loading docks, from residential servicing areas and primary outlook, locating clearly demarcated commercial and residential vertical access points, providing security entries to all private areas including car parks and internal courtyards and providing safe pedestrian routes through the site where required. . 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 development comprises part ground floor retail, with part ground floor and upper floor residential uses. This is consistent with the land use mix encouraged by the B4 – Mixed Use zoning under the RLEP 2010. The retail component includes 2 tenancies of 72m2 in size. These are compatible with the residential component of the development. Basement level garbage areas for the retail and residential components are separated. Residential access is provided by two lifts. Retail customers are more likely to access from ground level but in the event that they use the basement, lift access is also available. The north-western and south-eastern units directly abut retail tenancies. In the event of a consent a suitable condition requiring details of the acoustic treatment to these common walls could be submitted to ensure an appropriate noise environment to the residential dwelling.	Yes Could be conditioned to comply

Residential Flat Design Code 2002	Comment	Complies
Building configuration: storage Provide accessible storage facilities at the following rates: • Studio apartments 6m³ • 1 bedroom apartments 6m³ • 2 bedroom apartments 8m³ • 3 plus bedroom apartments 10m³.	A breakdown of storage areas has been provided and there are approx. 70 storage units/areas of various sizes and configurations provided in the basements.	Yes
Building amenity: acoustic privacy Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings. Arrange apartments within a development to minimise noise transition between flats. Design the internal apartment layout to separate noisier spaces from quieter.	An acoustic report has been submitted. The report provides a number of recommendations to ensure appropriate acoustic privacy and amenity is provided to dwellings. These may be imposed as conditions of consent. Units are generally well planned but some amendments are required in order to ensure so that room types in one apartment about the same room type in another – assisting with creating an acceptable internal environment for units.	Could be conditioned to comply
Building amenity: daylight access 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.	The development provides a minimum 3 hours of direct sunlight to 61% of units in mid-winter and a further 19% receive a minimum of 2 hours. Given the triangular shape of the site, with the widest section at the southern end, its orientation and the height of buildings existing and proposed adjacent to the site's north, east and west, it is considered that the solar access is acceptable.	Yes
Building amenity: natural ventilation 60% of residential units should be naturally cross ventilated and 25% of kitchens within a development should have access to natural ventilation.	Cross ventilation of 60% of units achieved. 25% of kitchens receive natural ventilation.	Yes

Residential Flat Design Code 2002	Comment	Complies
Building form: facades Consider the relationship between the whole building form and the facade and/or building elements.	The Council's UDRP considers the façade treatment of the amended drawings to be satisfactory. Various minor amendments such as replacement of awning windows to wintergardens will result in minor design changes to the façade. A security grill/screen will be required to the basement car park.	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.	The use of roof space for communal open space is supported. Landscaping is indicated for the edge of the rooftop open space, softening the appearance of the roof. However, as noted earlier, specific details of this space have not been provided.	Capable of being conditioned.
Building performance: energy efficiency Incorporate passive solar design techniques to optimise heat storage in winter and heat transfer in summer. Improve the control of mechanical space heating and cooling.	The proposal is supported by a BASIX certificate.	Yes
Building performance: maintenance Design windows to enable cleaning from inside the building, where possible.	The proposal appears generally acceptable with respect to maintenance. Appropriate conditions may be imposed requiring building materials used at ground floor (particularly where blank walls are exposed to the public domain), be graffiti resistant and that any damage or vandalism is repaired/removed as soon as practicable.	Could be conditioned to comply

Residential Flat Design Code 2002	Comment	Complies
Building form: waste management Prepare a waste management plan. Locate storage areas for rubbish bins away from the front of the development where they have a significant negative impact on the streetscape, on the visual presentation of the building entry and on the amenity of residents, building users and pedestrians.	A waste management plan has been submitted as part of the development application. Relevant conditions are included. Waste storage is provided in the basement.	Capable of being conditioned.
Building form: water conservation Use AAA rated appliances to minimise water use. Collect, store and use rainwater on site.	The building achieves the required level of water efficiency.	Yes

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

The proposed development achieves the minimum BASIX targets for building sustainability. A condition of consent may be imposed requiring compliance with all BASIX commitments.

8.4 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to the subject site given the northern portion of the site abuts Victoria Road, a classified Road. The following provisions of the Infrastructure SEPP are applicable to this DA:

Infrastructure SEPP	Comments	Comply?
Clause 101 Development with frontage to a classified road (1) The objectives of this clause are: • To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and • To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.	The DA was referred to Roads and Maritime Services (RMS) for comment. RMS has declined concurrence, requiring design details of the slip lane from Victoria Road to Meriton Street. This is dealt within the recommendation of the report. Other design issues, largely associated with landscaping, are also capable of being addressed by way of conditions. The acoustic report submitted by the applicant provides a number of recommendations to ensure the impact of noise from Victoria Road	No, but capable of being addressed. .

Infrastructure SEPP	Comments	Comply?
	is minimised. These recommendations may be imposed as conditions of consent.	
(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that: • Where practicable, vehicular access to the land is provided by a road, other than a classified road; and • The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: – The design of vehicular access to the land, or – The emission of smoke or dust from the development, or – The nature, volume or frequency of vehicles using the classified road to gain access to the land. • The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	Access to the site is provided off the proposed new laneway at the rear of the site. An acoustic report has been submitted with the DA. The report provides a number of recommendations to minimise adverse impacts of Victoria Road on future occupants.	Yes May be appropriately conditioned.
Clause 102 Impact of road noise or vibration on non-road development • Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette. • If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate	Victoria Road is a State classified Road. As noted above, an acoustic report has been submitted and a number of recommendations to ensure compliance with the appropriate noise levels for residential development. These recommendations may be imposed as conditions of consent.	May be appropriately conditioned.

Infrastructure SEPP	Comments	Comply?
measures will be taken to ensure that the following LAeq measures are not exceeded: – In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am – Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.		
Clause 104 Traffic generating development • The proposed development, being a residential flat building with parking for more than 50 vehicles, and with access to a road that connects to a classified road (within 90 metres) is considered traffic generating development. • Before determining a DA for which this clause applies the consent authority must: – Take into consideration any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passed, the RTA advises that it will not be making a submission), and – Take into consideration any potential traffic safety, road congestion or parking implications of the development.	The proposed development is considered 'traffic generating development', containing parking for more than 50 vehicles. The NSW Transport Roads and Maritime Authority (RMS), previously 'RTA', has provided correspondence regarding this development application, declining to grant concurrence in accordance with the <i>Roads Act 1993</i>. The RMS has declined concurrence due to some technical design issues that are required to be addressed.	Noted No. Requires resolution of design and technical issues associated with landscaping and pedestrian safety.

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

SREP (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment. The site is approximately 550 metres from the nearest point of Sydney Harbour. Given the topography of the surrounding area, the built environment between the waterways and the site, and the alignment of roads between the waterways and the site, it is not considered the proposed development will have a significant visual impact on Sydney Harbour.

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

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

RLEP 2010	Comments	Comply?
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 topography, landscape setting and unique location in design and land-use.	The proposed development provides a mix of retail and residential uses, appropriate for the subject site and its town centre location. The proposal will assist in creating a safe and active centre through passive surveillance opportunities and ground floor retail activity.	Yes
Clause 4.3 Height of buildings The height of a building on any land is not to exceed the maximum height shown for land on the Height of Buildings map. 22 metres is shown on the map.	In relation to development on Lot A (the 625m² component of the site that is in private ownership) the maximum height standard is 22m. In relation to the land that is part of the Wharf Road road reserve and over which the building also sits (the 705m² component owned by the Council), there is no maximum height standard. The proposal in part complies with the 22m height standard, with some minor and generally acceptable variations. As discussed earlier in this report, an additional setback at the rear of level 7 will ensure compliance with the height standard for this section of the building, thereby minimising bulk, scale and overshadowing impacts to the 2-3	In part, with acceptable variation.

RLEP 2010	Comments	Comply?
	storey residential flat building to the rear at 5 Wharf Road.	
Clause 4.4 Floor Space Ratio The maximum floor space for a building on any land is not to exceed that floor space ratio shown for land on the Floor Space Ratio Map. FSR of 3.5:1 is shown on the Map	The FSR across the whole site is 3.19:1. See the discussion in the line below regarding the calculation of the FSR.	Yes
Clause 4.5 Calculation of floor space ratio and site area This clause defines site area for the purposes of calculating the floor space ratio of the site. Under this provision, the site area of privately owned property is to be considered separately to public/community land. <i>(4) Exclusions from site area</i> <i>The following land must be excluded from the site area:</i> <i>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</i> <i>(b) community land or a public place (except as provided by subclause (7)).</i> <i>(7) Certain public land to be separately considered</i> <i>For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</i>	The calculation of the site density, as expressed as floor space ratio (FSR) throws up an unusual set of circumstances. The Council has received legal advice that the “site”, for the purposes of the FSR calculation is the whole of the 1,330m² including the Wharf Road reservation of 705m² The GFA of the development is 4247m² and the resultant FSR calculation across the 1,330m² site is 3.19:1. This calculation includes the enclosed wintergardens as GFA. If the majority of these are to be more open and some also enlarged, as is recommended elsewhere throughout this report, then the GFA and FSR calculation will be reduced, to an estimate of approximately 3.0:1.	Yes
Clause 4.6 Exceptions to development standards (1) The objectives of this clause are as follows:	The applicant has provided a written justification with the DA	Yes

RLEP 2010	Comments	Comply?
• To provide an appropriate degree of flexibility in applying certain development standards to particular development, and • To achieve a better outcome for and from development by allowing flexibility in particular circumstances.	documentation regarding non-compliance with the maximum height standard. The exception to the development standard is discussed further at the conclusion of this table.	
Clause 5.10 (5) Heritage Impact Assessment A heritage impact assessment is required for the subject site, which is in close proximity to the Town Clock a local heritage item	The DA was considered by Council's Heritage Planner in conjunction with consideration of the VPA. The major heritage issue is the relationship and impact with the local heritage item Gladesville Memorial Clock Tower located to the north of the site fronting Victoria Road. The site is also adjacent to the Gladesville Shopping Centre Conservation Area. The Clock Tower is noted as a local landmark, sited in a visually prominent location. It is therefore considered significant in the local context and streetscape. The DA is supported by a Heritage Impact Statement (HIS) and, subject to the protection of the Clock Tower, and separate VPA monetary contribution towards the restoration of the Clock Tower, no objections have been raised to the amended proposal.	Yes
Clause 6.1 Earthworks Development consent is required for earthworks of a non minor nature or changes the landform by more than 300mm. Prior to granting consent the consent authority is to consider the disruption of, or any detrimental effect on, existing drainage patterns, soil stability, the effect on future use or redevelopment of the land, quality of fill, affect on amenity of adjoining properties, source of material, likelihood of disturbing relics, proximity to impact to water courses and drinking	Earthworks to raise the level of Wharf Road and excavation of up to 9 metres for basement parking levels are proposed. A geotechnical assessment for the proposal and the adjoining development site at 136-140 Victoria Road and 2-10 Wharf Road has been submitted. The report provides recommendations for ensuring adequate stability and drainage to these works. This report recommends a detailed	Could be conditioned to comply

RLEP 2010	Comments	Comply?
catchment and or environmentally sensitive areas.	geotechnical report and recommendations will be provided. This may be required as a condition of consent.	

Proposed maximum building height and variation to the development standard

The applicant has provided written justification for the proposed variation to the maximum building height development standard, in accordance with the requirements of Clause 4.6 of the RLEP 2010. The applicant's justification is summarised below and provided in full as Attachment 1 to this report:

- The majority of the building complies with the 22m height limit. The most significant non-compliance is the lift overrun in the centre of the building.
- The development positively responds to the site constraints.
- Is compatible with the character of the existing development within the area.
- Is consistent with the built form envisaged for the area.
- Will support the future transition in building height from the Gladesville Town Centre Precinct to the adjacent residential areas to the south.
- Will not result in development that is overbearing or which has an unreasonable adverse impact on surrounding properties.
- Will not result in any adverse impacts on the surrounding area.
- The variation is minor in the context of the height of the overall building.
- The building mass above the height standard predominantly comprises a lift shaft and stairwell which extends in order to provide access to the rooftop garden.
- The development is consistent with the objectives of the height control.
- The building is compliant along its most sensitive interface to the existing residential buildings to the south.
- The non-complying component of the building will not materially increase shadow impacts.
- Maintaining the development standard would not result in any public benefit. Reducing the height would not alter the design approach or outcome for the site and would not improve the relationship between the site and the surrounding area.
- If the current development standards were maintained, this would have a detrimental impact on the development by unnecessarily and unreasonably limiting the site from realising its full development potential, and in this regard limit the orderly and economic use of the land.

Comment:

The development meets the height development standard in part and exceeds the standard in part and to varying degrees. These variations are due in part to the slope of the site from north to south and also the stepped form of the building down the site.

At the northern end of the building, closest to Victoria Road the height standard is met. Within the centre of the building, prior to the stepping, the maximum non-compliance is approximately 2m (other than the lift overrun). As the building steps there is again compliance with the height standard before a small section at the rear southern end of the

building where the non-compliance is in the order of approximately 400mm. The highest point of the building is approximately 25.5m in the location of the lift overrun which occupies a small portion of the centre of the building area.

Images provided by the architect showing the areas of compliance and non-compliance are included below. The 22m maximum height is shown as a red dotted line across the top of the building:



Figure 13: Location of 22m height standard shown as dotted red line



Figure 14: Location of 22m height standard shown as dotted red line

At the rear of the site the building not only exceeds the height standard, it is also a storey greater than the RDCP 2010 and extends beyond the 8m setback contained in the RDCP 2010. Due to this additional building bulk and scale at the rear, it is recommended that the top level be setback from the rear to at least meet the RDCP 2010 setback control, consistent with the UDRP comments.

The RLEP 2010 and RDCP 2010 controls were prepared only for Lot A (625m²) and not the enlarged site (additional 705m²). Council planning staff have confirmed that the planning controls were developed taking in to account that development on Lot A would also result in public domain works - thus the "Key Site" nomination under the RDCP 2010.

To the extent that the variations to the height standard arise from that part of the building located on Lot A, it is agreed that the variations are relatively minor with no significant environmental impacts, particularly if further modified as recommended in this report.

The assessment of the acceptability of the variation is however complicated by the building taking up a greater footprint than envisaged in the planning controls, thereby being greater in width, bulk and scale.

The extent of the additional width and scale of the built form, relative to the existing Lot A is shown in Figure 15 below.

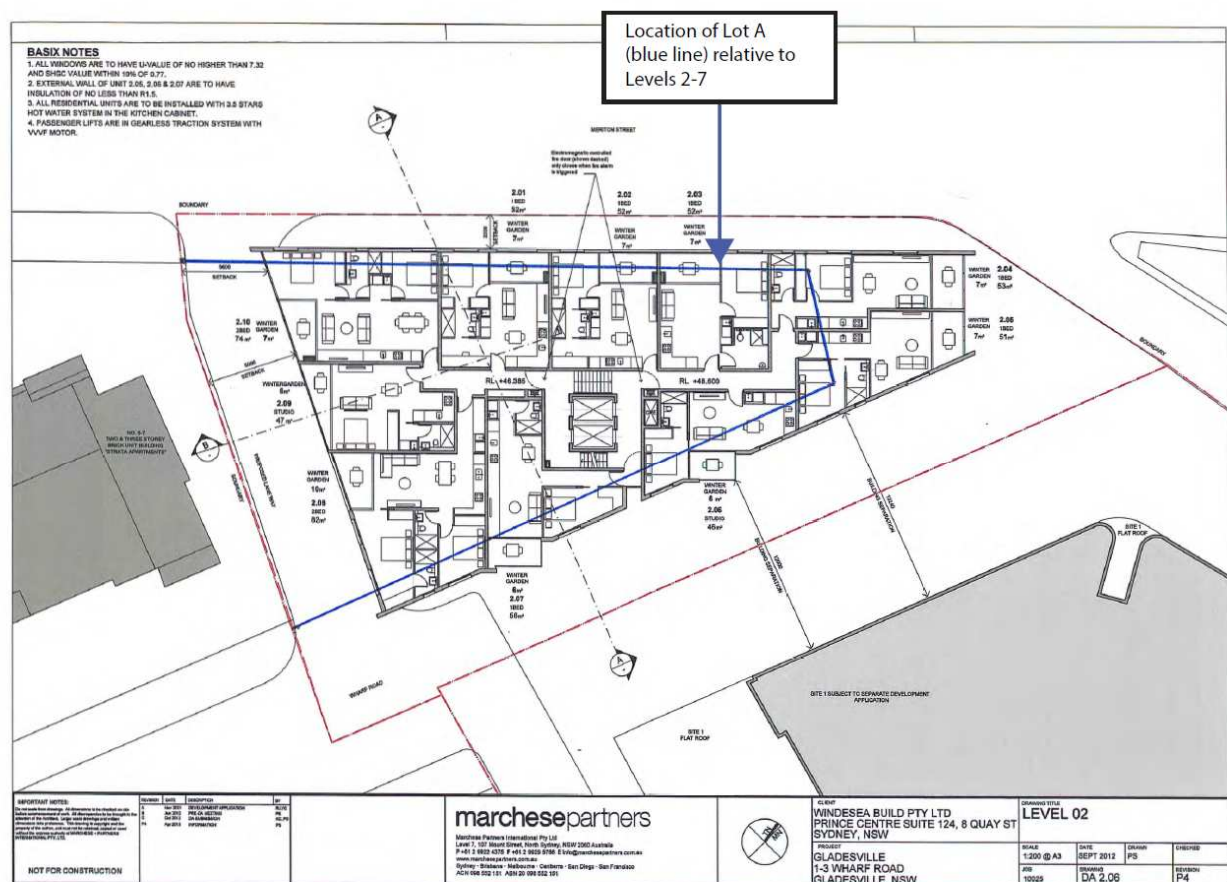


Figure 15: Approximate location of Lot A relative to scale of the building.

Analysis against the Land and Environment Court Planning Principles assessing height and bulk (*Veloshin v Randwick Council [2007] NSW LEC 428*) indicates the height of the proposed development is generally acceptable if further amended as recommended:

- The impacts of the proposed development, particularly with respect to overshadowing on adjoining residential sites, will be generally consistent with what is reasonably expected under a LEP complying development. This relies on the rear of the development being further setback and a maximum of 6 storeys as recommended.
- Subject to the further design amendments as recommended, the proposal will result in a development which is largely consistent with the bulk and character of development envisaged for the Gladesville Town Centre under the RLEP 2010 and RDCP 2010, and in particular in relation to adjoining residential development.
- The development will not result in other amenity impacts on adjoining residential properties such as view loss or bulk and scale impacts. The most directly impacted property is to the south at No 5 Wharf Road and the recommendation is that the rear

upper section of the building be amended to meet both the maximum number of storeys and building separation provisions of RDCP 2010.

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

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

Control	Comment	Compliance
2.0 Vision		
2.2.4 Vision Statement Gladesville Town Centre Precinct The precinct will: - Transform into a genuine mixed use town centre. - An enhanced pedestrian network and new public spaces off Victoria Road, with a new square at the end of Wharf Road. - Better pedestrian amenity on and around Victoria Road and a greater range of services will revitalise the town centre as the focus of urban life for the communities on both sides of the town centre. - The intersection of Wharf Road, Meriton Street and Victoria Road is a key site. The Clock Tower marks this important intersection, which will be strongly defined by appropriately scaled buildings built to the street alignment.	The proposed development supports the desired mixed use character of the Gladesville Town Centre. The proposal encroaches into the area envisaged to be part of the proposed public square at the end of Wharf Road. The proposed retail tenancies will assist in accommodating future availability of goods and services within the Gladesville Town Centre. Council's Heritage Planner has not raised objections to the development.	Yes Non-compliance accepted by the Council Urban Design Review Panel Yes Yes
2.3 Public Domain		
2.3.2 Public spaces Public spaces to be provided as part of 'key sites'.	The RDCP 2010 requires the provision of a public plaza at the end of Wharf Road. The subject site includes the provision and embellishment of part of this plaza.	Partial compliance, with acceptable variation.

Control	Comment	Compliance
	The DA achieves the necessary component of the future 15m wide plaza at ground level, i.e. 50% of the width of the plaza. Above ground level the separation between building walls will be 13.24m, assuming the adjoining site at 2-10 Wharf Road meets the requirements of the RDCP 2010.	
3.1 – Built Form		
3.1.1 Built Form Heights Buildings must comply with the maximum heights described in the Gladesville Town Centre and Victoria Road Corridor LEP and the Built Form Heights Plan in this DCP.	The DA partially complies and is partially non-compliant with the 22m maximum height standard under RLEP 2010. The Built Form Heights Plan within the DCP stipulates a maximum 6 storey height for the subject site. The proposed development provides a 7 storey development. The Council's UDRP has accepted the height subject to a greater setback at the rear resulting in 6 storeys at the most sensitive interface with adjoining residential development.	No, but subject to recommended design amendments to achieve a greater level of compliance, particularly 6 storeys at the rear.
Floor to ceiling heights must be a minimum of 2.7m for residential uses	As noted under the RFDC assessment floor to ceiling heights of all levels above the Ground Floor Level are 2.7 metres.	Yes
Ground floor levels are to have a floor to floor height of a minimum of 3.6m.	The floor to floor height of the ground floor is 3.6m, with an estimated floor to ceiling height of 3.3 m.	Acceptable non-compliance
3.1.2 Active Street frontages Provide ground level active uses where indicated on the map. Active uses are required along the length of the Wharf Road and Meriton Street frontages.	Active uses are provided along approximately 50% of the Wharf Road and Meriton Street frontages.	Acceptable
Active uses consist of community and	See above comments	Acceptable

Control	Comment	Compliance
civic facilities, recreation and leisure facilities, shops, commercial premises, residential uses that do not occupy more than 20% of the street frontage.		non-compliance
Where required, active uses must comprise the street frontage for a depth of at least 10m.	The retail uses at the ground floor provide full depth between Wharf Road and Meriton Street. Because of the narrow section of the site being located at the northern end the minimum 10m is not achieved at this location.	Acceptable non-compliance
Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.	Vehicular access to the site is provided from the proposed new lane. No vehicular access is provided where active uses are required.	Yes
Security grills can be incorporated to ground floor shops. Blank roller shutter doors are not permitted.	This may be imposed as a condition of consent.	May be conditioned to comply
3.1.3 Buildings Abutting the Street Alignment Provide buildings built to the street boundary in the Gladesville Town Centre precinct and in Monash Road precinct except as shown on the appropriate map under Section 4.0.	At ground level the development meets the street boundary alignment and then projects beyond the street frontage alignments to Wharf Road, Meriton Street and the new laneway.	Acceptable non-compliance
3.1.4 Setbacks Setbacks in accordance with Setback Requirements Table and Key Sites diagram. The Setbacks Requirements Table does not include any setbacks from boundaries of the subject site.	See comments above.	Acceptable non-compliance
3.1.5 Rear Setbacks and Residential Amenity Provide a 9m ground level setback at the rear of sites fronting Victoria Road.	The proposal will have a rear frontage to a new laneway. Refer to assessment against Key Sites diagram further in this table.	N/A
Provide 12 metre separation above ground floor between residential	The building separation and setbacks are discussed at length	Part compliance

Control	Comment	Compliance
buildings.	earlier in this report. Subject to further amendments recommended in this report, the UDRP has accepted the proposal as satisfactory.	and part acceptable non-compliance.
Predominantly residential activities should be located adjoining low density residential areas including at the rear. If this is not practicable, activities that do not produce negative impacts in terms of noise, light, sound and odour are encouraged.	Residential uses are proposed to the rear.	Yes
3.1.6 Conservation Area and Built Form Guidelines All development proposals within the Conservation Area shall be assess for their impact on the heritage significance of the Conservation Area and have regard to the Statement of Significance	The subject site lies outside of the Gladesville Conservation Area.	N/A
3.1.7 Awnings Provide awnings over footpaths for ground level building frontages as shown on relevant map. 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. Awnings are to protect people from sun and rain. Glazed awnings are generally not permitted. Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety for pedestrians at night.	Awnings are required over the length of the Meriton Street and Wharf Road frontages of the site. Awnings are proposed along the Wharf Road/plaza frontage of the site and part of the northern portion of the Meriton Street frontage. Awning details, including minimum heights and lighting details, are subject of a condition of consent.	Partial compliance and may be conditioned to comply.
3.2 – Access		
3.2.2 Vehicular Access Provide vehicular access from the local roads network in preference to Victoria Road. This will require the development of public laneways within the rear setback of most sites in the	The proposed laneway and access point are satisfactory.	Yes.

Control	Comment	Compliance
North Gladesville and Monash Road Precincts. Where a laneway is required, the new lane must include a 2-way carriageway, 6m wide and a footpath along one side 1.5m wide, to Council's satisfaction. A setback of 0.5m may also be required to any built form.		
3.2.3 Parking The subject site is identified as a location to provide publicly acceptable parking to support retail, entertainment and commercial land uses, to Council's satisfaction. The quantity of publicly accessible parking within the Town Centre Precinct shall equal or exceed existing public parking.	The proposed development includes publicly accessible parking.	Yes
Provide secure bicycle parking in every building equal to 1 car space for every 100 car spaces or part thereof.	Bicycle parking is provided within basement level 1.	Yes
3.3 Public Domain		
3.3.1 Pedestrian Connections Provide street furniture, lighting and generous paved areas along the main pedestrian routes within the retail and commercial core with clear direct sightlines and direct linkages. Provide pedestrian through-site connections and public domain parks, squares and plaza's in accordance with the Pedestrian Connections Control Drawing (Figure 4.6M) and the Public Domain Control Drawing (Figure 4.6N). Courtyards, plazas or squares should be provided to complement and adjoin pedestrian through-site connections.	The proposal includes the provision of a publicly accessible open space area to the end of Wharf Road. The DCP requires a new public plaza at the end of Wharf Road. The proposal includes provision of the public open space at the end of Wharf Street. The Wharf Road plaza will form a focal point for pedestrian connections required around the Clock Tower.	Yes Yes Yes
3.3.2 Public Domain Increase the quantum and diversity of public space in the heart of the town centre as shown on the Public Domain	The proposal includes part of the proposed street closure of Wharf Road, in accordance with the	Yes

Control	Comment	Compliance
Framework Control Drawing (including street closure at Meriton Street and Wharf Road to create a new public square away from Victoria Road).	Public Domain Framework Diagram.	
3.3.3 Landscape Character Create a consistent planting theme with a number of species to ensure that the planting provides a visual coherence, Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.60) and in accordance with the Ryde Public Domain Technical Manual and Relevant Street Tree Master Plans. Select Trees based on the scale of buildings, width of the street, aspect and environmental parameters such as soil type. Build on the visual significance of the Church Site and the Clock Tower site to emphasis the edges of the urban area.	Landscaping details accompany the DA, and require some further refinement. This may be dealt with by way of a condition of consent.	May be conditioned to comply
3.3.4 Urban elements Provide paving, seats, benches and bins in accordance with the Ryde Public Domain Technical Manual. Provide seating and shelter (awnings or bus shelter) at all bus stops. Seating shall be in accordance with the Ryde Public Domain Technical Manual. Provide new street lighting to primary and secondary streets as selected by Council and underground power cables. Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.	A condition of consent could be imposed requiring compliance with the Ryde Public Domain Technical Manual and the provisions of this section of the RDCP 2010.	May be conditioned to comply
3.3.7 Victoria Road – Town Centre Precinct Section Provide a 3.5 metre wide footpath and buildings typically built to the	The proposal does not include areas of footpath along Victoria	N/A

Control	Comment	Compliance
boundary defining both sides of Victoria Road; • Provide continuous granite paving for the full footpath width in accordance with the Ryde Public Domain Technical Manual. • Provide landscaping consistent with an urban setting including planter boxes and the like. • Provide street furniture in accordance with the Ryde Public Domain Technical Manual including: – Provide seats and bins at 50 metre intervals and at bus stops, a minimum one per block, if required by Council. – Provide new street lighting, staggered at 20 metre intervals on both sides of street, or to Council satisfaction. – Provide lighting to the underside of awnings for the safety and security of pedestrians. • Power lines are to be underground in locations specified by Council.	Road. A condition of consent may be imposed requiring compliance with the Ryde Public Domain Technical Manual and the provisions of this section of the RDCP 2010 if a favourable recommendation of the DA was made. The proposal includes the undergrounding of power lines surrounding the site.	May be conditioned to comply Yes
4.0 Key Sites		
4.1 Introduction Future design and development proposals for Key Sites are to be reviewed by a Design Review Panel to ensure quality in design proposals.	As noted earlier in this report, the amended DA has been reviewed by the UDRP with the Panel determining that the proposed is generally acceptable subject to further amendments, which in turn are recommended in this report.	Part compliance and part non-compliance. Areas of non-compliance are acceptable.
The Keys Sites Plans in Section 4 of this Part may be varied subject to preparation of a new Comprehensive Plan, subject to Council's Satisfaction: • Publicly accessible open space exceeding that shown in the Key Sites Plans OR publically accessible	There application does not rely on a comprehensive variation to the Key Sites Plan, but instead seeks to justify areas of non-compliance, based on the larger "site". The merit assessment of the	Acceptable non-compliance

Control	Comment	Compliance
open space that exceeds 30% of the site area. - Community benefit in the form of facilities such as child care, community meeting space, library space, commuter parking, business incubator or other. The Comprehensive Plan must demonstrate the demand for such facilities to Council satisfaction; - Environmental impacts (such as overshadowing and overlooking) are managed; - Environmentally sustainable design is implemented. Water and energy consumption are minimised. - Transport Management is to Council and where applicable, RTA satisfaction including pedestrian access, public transport access, parking quantum and layout and intersection of service.	variations is largely addressed in earlier comments in this report.	
Block 25 Built Form controls Building Uses and Ground Floor Activities Provide mixed use development with retail or commercial uses at ground floor, with a continuous retail or commercial frontage to Victoria Road, Meriton Street and Wharf Road.	The proposal provides a mixed use development. Continuous retail/commercial frontage is not provided to Wharf Road and Meriton Street, although this has amenity benefits for adjoining residential development to the south.	Partial compliance
Street Frontages Provide an active frontage at ground level to Victoria Road, Meriton St and Wharf Road. Locate intensely used, small scale retail frontages, such as cafes, restaurants and speciality shops addressing the proposed landscape	Residential uses occupy 25% of the Wharf Road frontage and 78% of the Meriton Street frontage. Retail tenancies are 72m2 in area.	Acceptable non-compliance Yes

Control	Comment	Compliance
pedestrian area at the northern end of Wharf Road.		
Building heights Provide development in accordance with Block 25 Built Form Plan for building height in storeys (6 storeys is shown on the plan).	The height is 7 storeys and is recommended to be part 6 storeys at the rear.	Acceptable non-compliance
Building Depth and Separation Building depth to be in accordance with Built Form Plan. 12m separation required to adjoining residential development. 18m wide maximum envelope including balconies and façade articulation is preferred.	The building separation and depth are addressed in earlier comments in the report. There are components of compliance and non-compliance, and for the reasons stated earlier, the application is considered acceptable.	Part compliance and part non-compliance. Where non-compliant, the development is nonetheless considered acceptable
Building Setbacks Zero setback to Meriton Street and Wharf Road. Ground and first floor zero setback to Victoria Road, Wharf Road and Pearson Lane.	Building setbacks have also been detailed and discussed in detail earlier in the report, with the DA considered to be acceptable for the reasons stated earlier, and subject to further amendment as recommended.	Acceptable non-compliance
Avoiding Noise and Air Pollution in residential buildings Barriers to noise and air pollution provided by internal layout and design. Cross ventilation to be maintained as part of any noise and air pollution barriers.	Appropriate conditions of consent may be imposed to ensure compliance with relevant noise and air pollution standards.	May be conditioned to comply
Access Provide a new laneway that is 8 metres wide and enhances pedestrian and vehicular access to and from the site and public plaza.	The proposed laneway reservation is 8m at ground level and varies above ground level. The report recommendation is that the design be amended to require a consistent minimum of 6m for levels 2-6. In addition level 7 is to be required to	Part compliance and part non-compliance

Control	Comment	Compliance
Laneway shall implement Local Area Traffic Management in accordance with RTA guidelines (to ensure that the new laneway does not become a rat run between Victoria Road and Meriton Street).	be setback further.	Yes
4.3.5 Block 25 Public Domain Controls Close Wharf Road and provide a new vehicular laneway connection to Meriton Street. Provide a public plaza that is: - Open to the Sky; - Minimum dimension of 15m in any one direction; - A minimum area of 500m²; 15m separation between buildings on either side of Wharf Road Street Closure. - Paved in accordance with Ryde Council's Public Domain Technical Manual.	A laneway connection is proposed between Meriton Street and Wharf Road. The closure of Wharf Road is proposed as part of this DA in conjunction with the adjoining development at 136 Victoria Road and 2-10 Wharf Road. The proposed publicly accessible plaza is open to the sky and meets the minimum size requirement. As a result of the encroachment of the proposed development into the Wharf Road reservation, the public plaza width is 13.24m, assuming that the adjacent development at 2-10 Wharf Road proceeds in accordance with RDCP 2010. A condition of consent may be imposed requiring compliance with the Ryde Public Domain Technical Manual and the provisions of this section of the RDCP 2010.	Yes Yes Yes In part May be conditioned to comply
Provides clear unobstructed and identifiable pathways and open spaces.	The design of the publicly accessible plaza is generally acceptable and is subject to further refinement to the Council's satisfaction.	May be amended to Council's satisfaction.
Provide generous planting to make a green pocket that contributes to the character of Victoria Road and is a green backdrop to the clock tower. Enhance the landscaping surrounding the clock tower.	Landscaping details accompany the DA, and require some further refinement.	May be amended to Council's satisfaction.

Control	Comment	Compliance
Narrow the carriageway to maximise the size of the new public space.	The Wharf Road carriageway is proposed to terminate at the intersection with Pearson Lane. No vehicular access will be provided within the public open space area.	Yes
Other detailed provisions The proposed development is to comply with the provisions of the following parts of the DCP: Energy Smart Water Wise;	The proposed development is consistent with BASIX, which overrides compliance with the Energy Smart Water Wise provisions of the RDCP 2010.	Yes
Waste Minimisation and Management;	Council's Environmental Health Officer have made recommendations, included as appropriate conditions of consent.	May be conditioned to comply
Construction Activities;	Appropriate conditions of consent may be imposed to ensure compliance with the Construction Activities provisions of the RDCP 2010.	May be conditioned to comply
Access for people with Disabilities.	The relevant accessibility requirements of the BCA will apply to the development.	Yes
Part 9.3 Car Parking 2.0 Car parking rates: - Residential: 1 bedroom: 0.6 to 1 space dwelling 2 bedroom: 0.9 to 1.2 spaces per dwelling 3 bedroom: 1.4 to 1.6 spaces per dwelling 1 visitor's space per 5 dwellings. - Retail premises: 1 space per 25sqm of area accessible to public. - To vary the provisions of this Part (particularly required parking) for large scale development; comparisons should be drawn with similar development and outlined in Traffic and Parking Impact	The proposal is required to provide the following parking spaces: 41-65 residential spaces; 12-15 residential visitor spaces 6 spaces for the retail component. - Total – Min 59 Max 86 spaces. The proposal provides a total of 82 spaces, with 71 spaces in basement levels 2 and 3, and 11 spaces on basement level 1 to function as both residential visitor spaces and retail spaces (6 needed). A condition of consent is included	Compliance, and subject to condition.

Control	Comment	Compliance
Assessment Report submitted together with the DA. Such comparisons should include a minimum of two case studies drawn from the Ryde LGA or adjoining LGAs.	to ensure adequate visitor residential visitor spaces are allocated. Councils traffic engineers have recommended the allocation spaces as follows: - Residential units: 63 - Residential visitor: 13 - Retail: 6	
2.7 Bicycle parking Bicycle parking spaces should be provided at an equivalent rate of 1 car parking space per 100 spaces or part thereof.	Bicycle parking is provided in basement 1.	Yes
3.0 Other parking provisions: The proposed development is to comply with the technical loading, design and construction standards outlined under Section 3.	Subject to further conditions, the proposal is acceptable.	May be conditioned to comply

Key Sites diagram

As noted in the report the DA is inconsistent with the key sites diagram for the subject site. The Key Sites diagram is shown below in Figure 16.

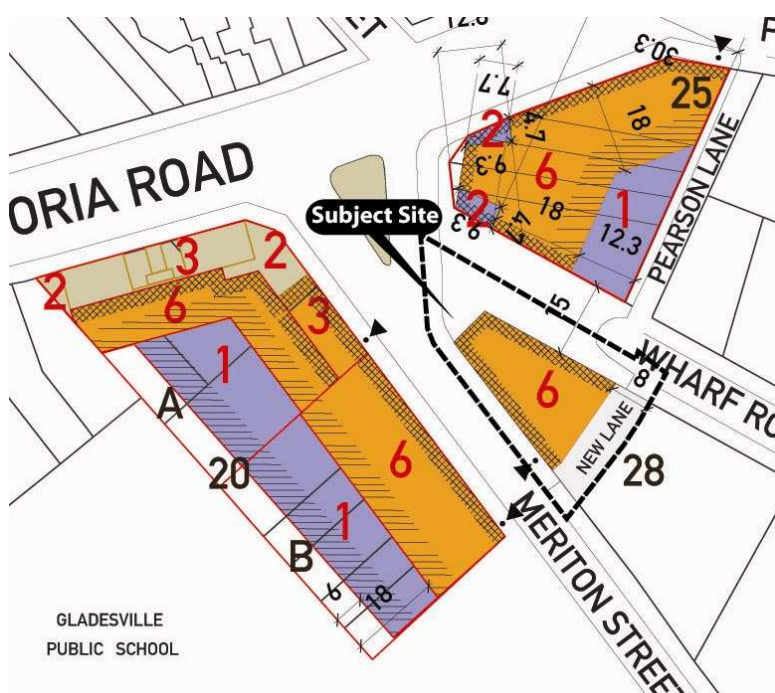


Figure 16: RDCP 2010 Key Sites built form plan

The DA does not comply with the Key Sites diagram contained in RDCP 2010.

[illegible]

Page 55 of 72

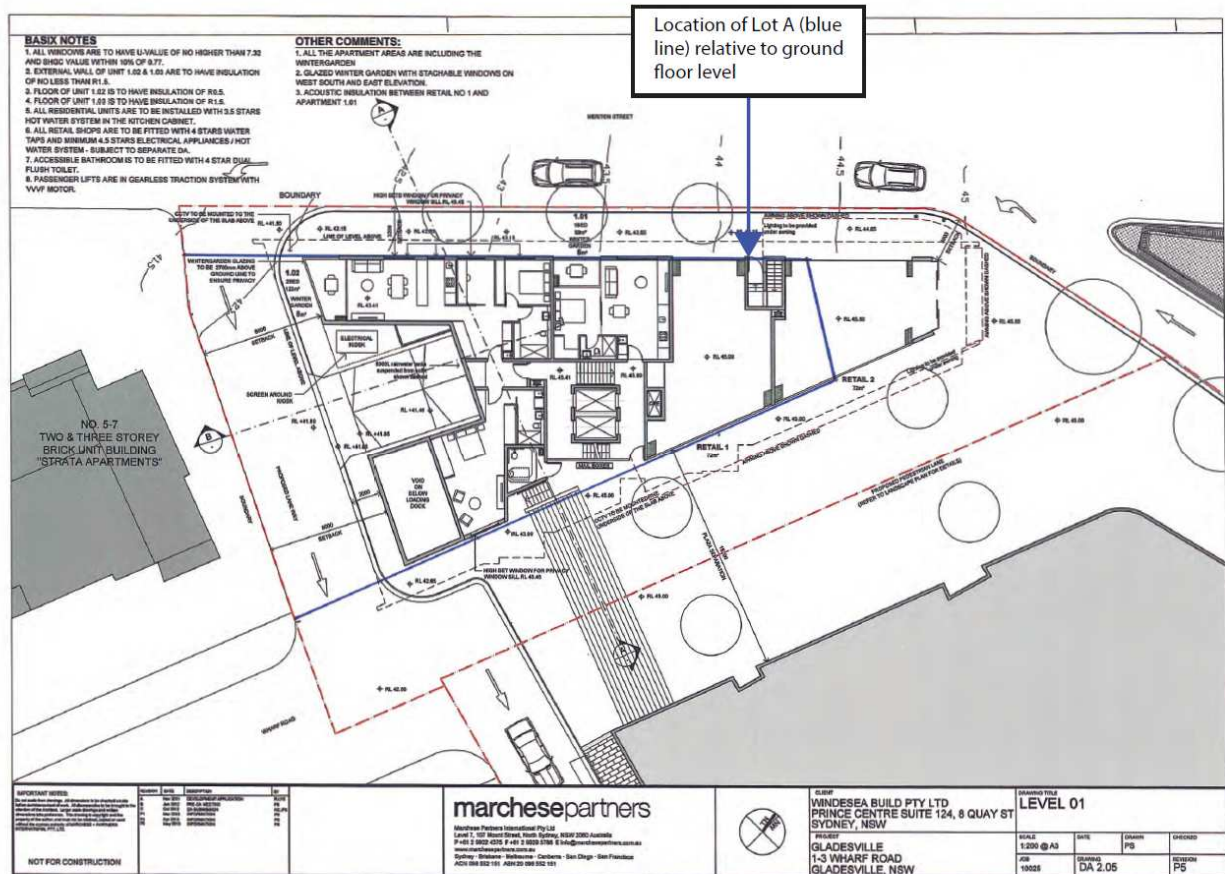


Figure 18: ground floor of the development relative to Lot A, shown in blue

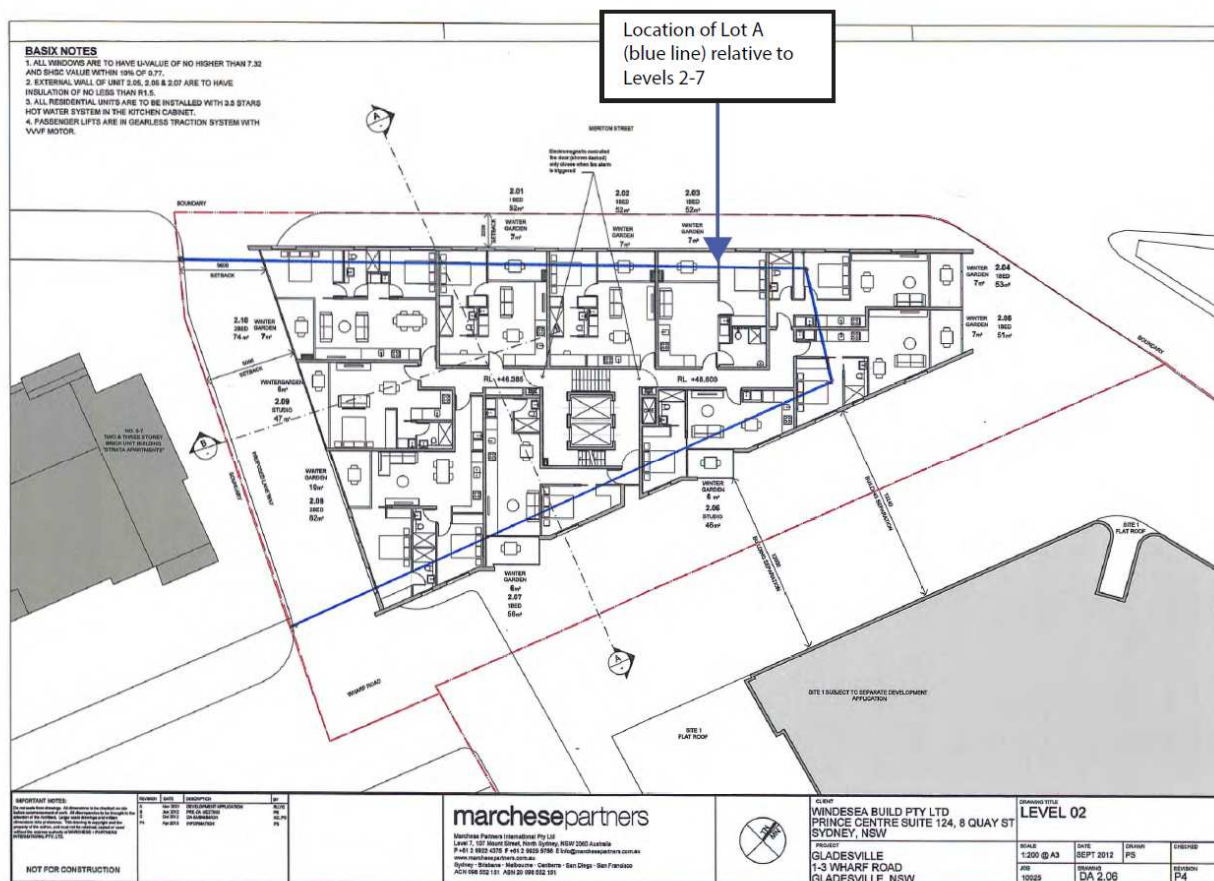


Figure 19: levels 2-7 ground floor of the development relative to Lot A, shown in blue

The departure from the Key Sites diagram and related controls is the threshold issue associated with the DA. Due to the Council and the applicant agreeing, separately to the DA process, to respectively sell and purchase additional land and establish a larger development site, the opportunity exists for the applicant to pursue a greater scale and density of development, based on the enlarged development site.

The height of the development is generally consistent with the maximum height envisaged for the site, and subject to further amendment to the setback of the top level. The areas of non-compliance with the building separation to the rear (6m instead of 8m for levels 2-6) and to the future development at 2-10 Wharf Road to the north-east (13.24m instead of 15m for levels 2-7) has been accepted in negotiations with Council officers and by the Council's Urban Design Review Panel.

The potential amenity impacts arising from the areas of non-compliance with the building separation controls are relatively minor and are subject to further amendment as recommended..

The DA will achieve the minimum 15m wide publicly accessible plaza and building separation to 2-10 Wharf Road, assuming 2-10 Wharf Road is approved in accordance with the RDCP 2010 provisions. The DA achieves the rear laneway connection between Meriton Street and Wharf Road.

9 LIKELY IMPACTS OF THE DEVELOPMENT

9.1 Context and setting

The subject site is part of the Gladesville Town Centre and Victoria Road Corridor. The surrounding area is characterised by a mix of two and three storey residential, retail and commercial developments, although is an area in transition with a greater scale, height and density of development envisaged in the local planning controls.

The development is generally consistent with the anticipated maximum height under RLEP 2010. The DA will also deliver the publicly accessible plaza and other public benefits envisaged in the planning controls.

While the proposal exceeds the scale of development envisaged by the controls, the Council's actions to sell adjoining land has created an enlarged development site. The variations proposed, subject to further amendments as recommended, are considered to have an acceptable impact in terms of context and setting in the area.

9.2 Access, transport and traffic

As noted earlier in the report RMS has refused to grant concurrence to the proposed development at this stage, requiring further work. This further work is included as a deferred commencement condition as it is capable of being addressed.

The rear laneway and access to the site is considered acceptable by the Council's traffic engineer and the applicant has made necessary amendments as requested.

9.3 Solar access and overshadowing

Given that the DA largely complies with the maximum height standard, the extent of overshadowing is largely as anticipated, notwithstanding the larger footprint of the development. There is some additional overshadowing of the publicly accessible plaza, although the minor increase is also considered acceptable. Further amendments to the height and setback at the rear of the building will address increased overshadowing to No 5 Wharf Road.

9.4 Public domain and activity

The proposal includes an active street frontage to the proposed new publicly accessible plaza, to be developed in conjunction with the adjoining development site at 2-10 Wharf Road.

The public domain area is envisaged under the RDCP 2010 as a 15 metre wide plaza in the current Wharf Road reservation and this is achieved at ground level, with the minimum building separation above ground level acceptable to the Council's UDRP. The 8m wide rear laneway is achieved, again with the 6m above ground level also accepted by the Council and UDRP.

9.5 Heritage

The DA is considered acceptable by the Council's heritage planner, subject to further details regarding the landscaping and treatment of the public domain. Adjacent The Clock Tower is to be restored, with a contribution made by way of the separate VPA.

9.6 Landscaping

The DA is supported by some landscaping detail. Final details will be subject to the submission of further plans to the Council's satisfaction.

9.7 Noise

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

As noted earlier, an acoustic report has been submitted as part of the DA. The acoustic report provides recommendations to ensure a suitable noise environment to future occupants of the development. These recommendations may be imposed as conditions of consent.

9.8 Safety, security and crime prevention

The ground floor includes active uses to the proposed new Wharf Road publicly accessible plaza. Active uses to the plaza will enhance safety in the surrounding public domain area.

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

The NSW Police have reviewed the DA and made a number of recommendations to enhance safety, security and crime prevention through surveillance, access control and reducing the potential for crime. These recommendations may be imposed as conditions of consent.

9.9 Social impacts in the locality

The development will provide additional housing choice in the locality, providing a mix of one and two bedroom apartments.

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

The proposal will contribute to the delivery of the publicly accessible which will contribute significantly to the rejuvenation of the Gladesville Town Centre.

9.10 Economic impacts in the locality

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

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

10 SUITABILITY OF THE SITE FOR DEVELOPMENT

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

Potential impacts arising from the non-compliances with the planning controls have been discussed in detail within the report. Subject to further amendments as recommended, the development is considered to be acceptable in the location and will achieve the desired public benefits envisaged in the RDCP 2010.

11 REFERRALS

External referrals

NSW Transport Roads and Maritime Services (RMS)

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

1. Proposed plantings in the Victoria Road reserve shall be frangible, clear of driver's sight line to the zebra crossing and clear of underground and overhead utilities.

The Road Safety Audit fails to address RMS previous concern regarding landscaping. The proponent needs to demonstrate that safety of pedestrians and vehicles along Victoria Road are not reduced by landscaping. The planter box along frontage to the slip lane from Victoria Road is located within the clear zone of a 12.5 metre vehicle turning, this is not addressed in the Road Safety Audit. The Road Safety Audit does not address the concern in relation to frangible plantings.

The following comments are provided for Council's consideration in the determination of the application:

2. The kerb return from the left turn slip lane from Victoria Road into Meriton Street should be constructed to allow a 12.5 metre vehicle to safely turn within its own lane.

The swept path shown in the amended traffic report and the road safety audit dated October 2012 does not show the centre lane line on Meriton Street and it appears the 12.5 metre vehicle may cross into the path of an on coming vehicle approaching the traffic coordinated signals.

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

As the RMS has refused concurrence to the proposed development, consent can not be granted in accordance with Section 91A (4) of the EP&A Act 1979 until these matters are

addressed. These are essentially design details that are capable of being addressed and included in the recommendation.

Gladesville Police

Gladesville Police have reviewed the proposed development in accordance with the principles of Crime Prevention through Environmental Design (CPTED). No objection has been raised, with a number of recommendations made dealing with the following matters:

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

Internal referrals

Urban Designer

In addition to the Council UDRP, the Council's Urban Designer, who also sits on the Panel, has provided comments.

As a number of the matters raised have been addressed by amended drawings, below is a summary of issues, and comments in response.

- The proposal fits substantially within the building height envelope. The UDRP has recommended a maximum building height of 6 storeys along the laneway to southern edge of the building. This would reduce the bulk of the building and improve the transition to the lower scale residential buildings opposite.

Comment:

Amended plans requiring a maximum of 6 storeys at the rear is recommended.

- The proposal achieves a minimum 6m setback to the south for levels 2-7. Whilst acceptable the UDRP has recommended an 8m setback from the southern boundary for all levels would provide a better outcome and is consistent with the DCP.

Comment:

The UDRP has accepted an 8m setback at ground level, and 6m setback for levels 2-6, together with an increased setback at level 7, to effectively achieve a 6 storey building at the rear.

- The building is overhanging the footpath by 1m along Meriton Street. The UDRP recommended that the building envelope be predominantly within the existing boundary line with some elements overhanging to provide articulation to the façade. However it has been clarified that the new boundary line is the street edge. Based on this the only constraints along this frontage appear to be maintaining pedestrian and infrastructure access along Meriton Street, vehicle access along Meriton Street and the new laneway and compliance with SEPP 65 (for example building separation). If the application addressed these issues then the proposed overhang is acceptable. Additional information is required to demonstrate this.

Comment:

The UDRP has also accepted the 1m overhang of the publicly accessible footpath along Meriton Street.

Building articulation refers to the three dimensional modulation and modelling of a building façade (such as the interplay of light and shadow). Articulation should assist in providing visual interest, human scale and a hierarchy of texture and detail to a façade. It is distinct from the building massing and form. An urban design review of the development recommends that the articulation of the façade be further developed. This includes:

- Stronger definition of the top of the building is recommended.
- Further consideration to the residential dwellings opposite.
- Consideration of a larger palette of materials and finishes to provide highlights to the façade and assist in building identification within the development. For example a mixture of materials, opacity and colour could be used to better differentiate the wintergardens from other fenestration elements.
- Documentation of the material and finish of the street awing.
- Use of passive solar design elements in preference to reliance on the performance of the glazing. Reliance on the performance of the glazing alone is not compatible with utilisation of natural ventilation.

Comment:

The most recent comments of April 2013 provided by the UDRP do not raise any concerns regarding building articulation and materials, other than the need for wintergardens to be amended. The above comments regarding materials may be dealt with by way of conditions of consent.

6. The proposed substation and hydrant booster pump should be screened so they are not visible from the public domain. The hydrant booster pump should be contained within the building envelope.

Comment:

These matters have been addressed in the amended drawings.

Heritage Planner

The proposed development was considered by Council's Heritage Planner in conjunction with consideration of the VPA. The major heritage issue is the relationship and impact with the local heritage item Gladesville Memorial Clock Tower located to the north of the site fronting Victoria Road. The site is also adjacent to the Gladesville Shopping Centre Conservation Area.

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

The DA is supported by a Heritage Impact Statement (HIS) and, subject to the protection of the Clock Tower, and separate VPA monetary contribution towards the restoration of the Clock Tower, no objections have been raised to the amended proposal.

Environmental Health Officer

The comments from the Council Environmental Health Officer note that the site will be changing from a less sensitive use (i.e. factory) to a more sensitive use (i.e. residential/commercial). As the proposal includes the removal of the soil in the process of demolition and excavation and the desk top study revealed that the industries on site are not likely to have been potentially contaminating industries, therefore conditions have been proposed to account for any potential contamination found during demolition.

A number of recommendations are also made with respect to waste management, ventilation, food premises, Sydney Water requirements, noise restrictions and operation of machinery and plant. These recommendations may also be imposed as conditions of consent.

Development Engineer

Council's Development Engineer raised some issues associated with adequate headroom for a small rigid truck and the manoeuvring areas for some car spaces. These matters have been addressed in the amended drawings. A range of other technical issues may be addressed as conditions of consent.

Public Works Unit

Council's Public Works Unit has assessed the proposed development with regards to drainage, traffic, public domain and waste. The development is considered to be satisfactory however there is an issue in respect of the rear lane. The development is required to provide a minimum 1.2m clearance from the outside of basement 2 roof slab to the finished level of

the new lane way to allow for the future provision of utility mains. This matter can be addressed in the amended drawings.

All other technical issues raised may be dealt with by way of appropriate conditions of consent.

12 PUBLIC NOTIFICATION AND SUBMISSIONS

The DA was exhibited in November 2012. Amended drawings and additional information, all of which go to addressing issues raised during the assessment process including matters raised in objections, were not re-notified.

Council received 52 objections and 132 letters of support. The vast majority of these letters of objection and support were in a pro-forma format.

With regard to the letters of support these nominate the following positives:

- The proposed north facing public plaza
- Shelter from the sun on hot days
- Landscaping
- Safe environment with lighting and security cameras
- Street furniture
- Facilities for cyclists
- Amenities for families
- Covered and secure parking
- Revitalisation of the area

The key issues raised by the objections include the following:

Traffic, transport and parking impacts:

Issues:

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

Comments:

The Council's traffic engineers have not raised objections to the traffic generation or the use of the new lane. Various technical issues associated with design have been addressed through the assessment process.

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

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

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

RMS has not provided concurrence at this stage due to design issues associated with the slip lane off Victoria Road. Addressing the design issues is a deferred commencement condition.

Height and built form:

Issues:

- Development does not comply with RLEP 2010 and RDCP 2010
- The height and built form is an overdevelopment of the site.
- The development is twice as tall as other development in the area.

Comments:

These issues are discussed at some length earlier in this report. With further amendments to the height, bulk and scale as recommended, the proposal is acceptable, notwithstanding areas of non-compliance.

Construction impacts

Issues:

- Excavation noise and construction vehicle noise
- Asbestos contamination

Comments:

Management of the construction process, including vehicle movements and removal of hazardous material are matters that will be dealt with by way of conditions of consent and implemented by the Principal Certifying Authority.

Accessibility and maintenance of the plaza

Issues:

- Development will present a physical barrier to pedestrians, especially the elderly and mobility impaired
- No on-going arrangements for the maintenance of the private plaza

Comments:

Equitable access will be required through the plaza and the publicly accessible footpaths around the site. The landscape plan lodged with the amended plans does include a passenger lift adjacent to the steps bisecting the plaza.

Plaza unnecessary

Issues:

- Pedestrian plazas are a waste of money and space
- Inappropriate site for a plaza next to busy Victoria Road

Comments:

The Council has determined that the closed section of Wharf Road is an appropriate location for a pedestrian plaza.

Density:

Issues:

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

Comments:

The calculation of GFA and FSR has been discussed in some detail earlier in the report. The Council's legal advice is that FSR is calculated across the whole of the enlarged site of 1,330 m². Based on this approach, the development complies with the definition contained in the RLEP 2013.

Notwithstanding the method of FSR calculation, the scale and density of development is greater than that anticipated in the Council's key planning documents. It is the potential impact of that greater scale of development that has formed a large component of the assessment of the DA.

Privacy and other direct impacts on No 5 Wharf Road:

Issues:

- The proposal includes balconies directly overlooking open space of adjoining and surrounding residential properties.
- Design measures are needed to address overlooking into the private open space of No 5 Wharf Road.
- New lane between Meriton Street and Wharf Road should be rejected.
- Lighting in the new plaza may cause disturbance.
- Existing timber boundary fence will be inadequate protection and screening from new laneway and basement driveway.

Comment:

While the Council's planning controls do contemplate a 6 storey built form in proximity to No 5 Wharf Road, it is nonetheless necessary to address any direct amenity impacts such as overlooking. There is potential for the balconies to the south facing units 08-10 at level 3-6 (level 7 is to be setback further as recommended) to overlook No 5 Wharf Road. It would be appropriate to require balustrades to opaque to prevent overlooking from people seated on the balconies.

The new lane is key planning outcome envisaged from the redevelopment of the site and is embodied in the RDCP 2010. The development is proposing is to deliver the lane.

Lighting in the plaza is a technical issue to be determined between the Council and the applicant. It is appropriate to include a condition of consent that requires lighting to meet public street lighting standards and without unacceptable light spill.

Given the extent of works associated with the construction of the new lane it is reasonable that a replacement masonry boundary fence be constructed between the site and No 5. This is included as a condition of consent.

Community consultation:

Issue:

- Council have not actively engaged with the community regarding this proposal.
- Council have 'delegated' community consultation to the developer.

Comment:

The exhibition of the DA has been in accordance with the Council's notification policy.

Sale of Council land:

Issue:

- Council selling ratepayer property for private development is unacceptable.

Comment:

It is understood that Council only entered into a purchase agreement and therefore Council owned land has not yet been sold. Nonetheless the Council is proceeding with the process to enable sale.

13 CONCLUSION

The DA is for the construction of a 7 storey mixed use building, with retail and residential at ground floor and 6 levels of residential units above.

The "site" contains the privately owned 1-3 Wharf Road, being 625m² in area, and 705m² of public road reserve in Wharf Road and Meriton Street. The areas of public road are to be sold by Ryde City Council to the owner of 1-3 Wharf Road.

The formal closure and de-classification the 705m² of public road is proceeding. Subject to the successful completion of this process, and the approval of the DA, the land will be sold to the owner of 1-3 Wharf Road. In addition to the land sale, the Council has entered into a Voluntary Planning Agreement with the applicant regarding the delivery of public benefits arising from and associated with the DA.

There is no doubt that the inclusion of the public land to create a much larger development site has resulted in a complex development assessment and determination process.

The design of that section of the plaza included with this application has been generally accepted by the UDRP and the Council's technical officers.

The merit assessment of the built form proposed in the application involves two broad questions: firstly, is the proposed envelope, bulk and scale of the mixed use building acceptable – acknowledging the departures from the Council's planning controls; and secondly is the internal planning and amenity of the residential units acceptable given the unusual triangular shape and orientation of the site?

In relation to the first question regarding the built form envelope, the proposal requires further amendment as follows:

- a. The building at the rear southern end of the site adjacent to the proposed new lane is to be a maximum of 6 storeys above ground level. The top level of the building is to be part 6 storeys, at the rear, and part 7 storeys for the remainder. This will require a step in the built form from the front to the rear of the building at the top level. The top storey at the rear is to be setback so as to at least comply with the minimum setback of 8.0 metres to the property boundary with No 5 Wharf Road, as required under Ryde Development Control Plan 2010 (RDCP 2010).
- b. The whole of the ground floor level (known as level 1) of the building at the rear adjacent to the proposed new lane is to have a minimum setback of 8.0 metres to the property boundary with No 5 Wharf Road. In particular this will require the south-western corner of the building adjacent to the proposed intersection of the new lane and Meriton Street to be amended, so as to be consistent with the requirements of Ryde Development Control Plan 2010 (RDCP 2010).
- c. The whole of the building at levels 2-6 at the rear of the site adjacent to the proposed new lane is to have a minimum setback of 6.0 metres to the property boundary with No 5 Wharf Road. In particular this will require the south-western corner of the building adjacent to the proposed intersection of the new lane and Meriton Street to be amended.

In relation to the second question regarding the internal planning and amenity of the residential units, the following amendments are necessary:

- d. All units are to have a minimum gross floor area, exclusive of wintergardens or balconies, as follows:
 - i. Studio units: 38.5m²
 - ii. 1 bedroom units: 50m²
 - iii. 2 bedroom units: 70m²
- e. The internal layouts of residential units 01-04 on levels 2-7 inclusive are to be re-planned so as to ensure that bedrooms adjoin bedrooms along dividing walls of the units and to avoid circumstances where active uses such as balconies, living areas and bathrooms adjoin bedrooms along dividing walls between the units.

- f. The wintergardens/balconies are to be amended as follows:
- i. Enclosed balconies in the form of wintergardens are acceptable to all ground floor units and units 04-05 on levels 2-7 only. The wintergardens are to have bi-fold windows or sliding screens or similar and not include awning windows. All other units are to have balconies that are not capable of being fully enclosed. These balconies may include sliding screens or similar to provide partial protection.
 - ii. All studio units are to include balconies (wintergardens where otherwise allowed as outlined above) with a minimum internal area of 6 square metres and a minimum depth at any point of 2.0 metres. All 1 bedroom units are to include balconies (wintergardens where otherwise allowed as outlined above) with a minimum internal area of 8 square metres and a minimum depth at any point of 2.0 metres. All 2 bedroom units are to include balconies (wintergardens where otherwise allowed as outlined above) with a minimum internal area of 10 square metres and a minimum depth at any point of 2.0 metres.
 - iii. In relation to the balconies to units 08-10 on levels 2-6 each is to include a solid balustrade to a height of 1.2 metres so as to prevent overlooking from a seated position to the rear of No 5 Wharf Road.

14 **RECOMMENDATIONS**

1. That the applicant for development application 2012 SYE 105 to undertake demolition of an existing building and the construction and use of a 7 storey mixed use development with ground floor retail, 62 residential units (12 studios, 37 x 1 bed and 13 x 2 bed) and parking for 82 vehicles within 3 basement levels at **1-3 Wharf Road and adjoining road reserve at Meriton Street and Wharf Road Gladesville**, be required to amend the application as follows:

1.1 In order to obtain the concurrence of the NSW Roads and Maritime Services under Section 138 of the Roads Act, 1993 the following is required to their satisfaction::

- a. The proposed plantings in the Victoria Road reserve being frangible, clear of driver's sight line to the zebra crossing and clear of underground and overhead utilities.
- b. The Road Safety Audit demonstrating that safety of pedestrians and vehicles along Victoria Road are not reduced by landscaping.

1.2 In order address external building bulk and scale impacts:

a. The building at the rear southern end of the site adjacent to the proposed new lane is to be a maximum of 6 storeys above ground level. The top level of the building is to be part 6 storeys, at the rear, and part 7 storeys for the remainder. This will require a step in the built form from the front to the rear of the building at the top level. The top storey at the rear is to be setback so as to at least comply with the minimum setback of 8.0 metres to the property boundary with No 5 Wharf Road, as required under Ryde Development Control Plan 2010 (RDCP 2010).

b. The whole of the ground floor level (known as level 1) of the building at the rear adjacent to the proposed new lane is to have a minimum setback of 8.0 metres to the property boundary with No 5 Wharf Road. In particular this will require the south-western corner of the building adjacent to the proposed intersection of the new lane and Meriton Street to be amended, so as to be consistent with the requirements of Ryde Development Control Plan 2010 (RDCP 2010).

c. The whole of the building at levels 2-6 at the rear of the site adjacent to the proposed new lane is to have a minimum setback of 6.0 metres to the property boundary with No 5 Wharf Road. In particular this will require the south-western corner of the building adjacent to the proposed intersection of the new lane and Meriton Street to be amended.

1.3 In order to address issues associated with the internal planning and amenity of the residential units:

a. All units are to have a minimum gross floor area, exclusive of wintergardens or balconies, as follows:

- i. Studio units: 38.5m²
- ii. 1 bedroom units: 50m²
- iii. 2 bedroom units: 70m²

b. The internal layouts of residential units 01-04 on levels 2-7 inclusive are to be re-planned so as to ensure that bedrooms adjoin bedrooms along dividing walls of the units and to avoid circumstances where active uses such as balconies, living areas and bathrooms adjoin bedrooms along dividing walls between the units.

c. The wintergardens/balconies are to be amended as follows:

- i. Enclosed balconies in the form of wintergardens are acceptable to all ground floor units and units 04-05 on levels 2-7 only. The wintergardens are to have bi-fold windows or sliding screens or similar and not include awning windows. All other units are to have balconies that are not capable of being fully enclosed. These balconies may include sliding screens or similar to provide partial protection.
- ii. All studio units are to include balconies (wintergardens where otherwise allowed as outlined above) with a minimum internal area of 6 square metres and a minimum depth at any point of 2.0 metres. All 1 bedroom units are to include balconies (wintergardens where otherwise allowed as outlined above) with a minimum internal area of 8 square metres and a minimum depth at any point of 2.0 metres. All 2 bedroom units are to include balconies (wintergardens where otherwise allowed as outlined above) with a minimum internal area of 10 square metres and a minimum depth at any point of 2.0 metres.

iii. In relation to the balconies to units 08-10 on levels 2-6 each is to include a solid balustrade to a height of 1.2 metres so as to prevent overlooking from a seated position to the rear of No 5 Wharf Road.

1.4 Detailed landscape plan(s) for the treatment of that part of the proposed publicly accessible plaza to be located on the subject site, including details of treatment at the northern end adjacent to the proposed Victoria Road slipway and details of the treatment of the proposed communal open space on the roof of the building are to be provided. Details are to take into account the matters raised by RMS in 1.1 above. The landscape plan is to address all of the public benefit works identified in the Voluntary Planning Agreement. The plan is to include construction drawings for the required works within the plaza, Meriton Street, the laneway and the northern end of the site adjacent to Victoria Road. All of the work is to be in accordance with the Ryde Public Domain Manual.

1.5 In order to address the outstanding engineering issues:

- a. A minimum headroom clearance of 3.5m shall be provided along the travel path of an SRV vehicle from the new Laneway to the proposed loading dock & turning areas in accordance with AS 2890.2-2002.
- b. The exit ramp gradients from basement level 1 to the new laneway are excessive and do not comply with section 3.3 of AS 2890.1-2004. Accordingly the access ramp gradients are to be modified to comply with this requirement. Evidence that this cannot be achieved is to be supplied to Council prior to consideration of alternative low intensity audible siren with flashing light for pedestrian and traffic warning of vehicle egress from the basement ramp.
- c. To facilitate safe pedestrian sight distance the residential bin room shall be chamfered to produce a safe sight triangle of 2.5x2m at the driveway entrance.
- d. A minimum 1.2m clearance is required from the outside of basement 2 roof slab to the finished level of the new lane way to allow for future provision of utility mains.
- e. Allocation of parking spaces are to be clearly numbered and labelled for the appropriate use e.g. visitor, retail, resident etc and the space dimensions and aisle widths are required to be designed in accordance with AS 2890.1-2004 for the applicable user class.

1.6 A revised BASIX Certificate that addresses the amended plans in respect of the above is to be submitted. The BASIX Certificate is to demonstrate that the development achieves the required project scores for water, thermal comfort and energy.

1.7 The applicant is to submit a revised Voluntary Planning Agreement. The document is to remove the contingency component, provide a corresponding increase in the monetary component to achieve close proximity to the 20% threshold in excess of Section 94 contributions and address all legal requirements under the Environmental Planning and Assessment Act, 1979.

1.8 A revised Implementation Deed is to be submitted to Council's satisfaction.

1.9 A Strata Management Plan is to be prepared and submitted to Council's satisfaction.

2. That the applicant be required to provide amended documentation to address the matters detailed in item 1 above to the Council within 4 months of the date of the Panel's decision.
3. Upon receipt of amended documentation that addresses the matters raised in item 1 above, the application be subject to a further assessment report for the consideration of the Panel.

Report prepared by:

Stuart McDonald
Director
Consultant Town Planner, SJB Planning

Attachment 1: Pre-lodgement advice

Attachment 2: Council's legal advice regarding the calculation of floor space ratio