

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP NUMBER:	2013 SYE 049
DA NUMBER:	LDA 2013/0220
LOCAL GOVERNMENT AREA:	City of Ryde
PROPOSED DEVELOPMENT:	<p>Demolition of all existing structures across the existing site.</p> <p>Construction of a part 7 storey and part 2 storey mixed use development with a total gross floor area (GFA) of 6,957m².</p> <p>The application includes development on both private and public land (road reserve), the latter being owned by the City of Ryde Council.</p>
STREET ADDRESS:	<p>134-140 Victoria Road and 2-10 Wharf Road and adjacent land within the road reserve at Gladesville.</p> <p>The total “site” area is 2,294m², comprised of 134-140 Victoria Road, 2-10 Wharf Road (total 1,492 m²), Pearson Lane (356 m²) and the Wharf Road road reserve (446 m²). The total area of public land is 802 m² or 35% of the site.</p>
APPLICANT:	Hindmarsh Development Australia Pty Ltd
NUMBER OF SUBMISSIONS:	A total of 65 submissions have been received. 48 submissions raise various objections and 17 submissions provide support.
RECOMMENDATION	Deferred commencement approval.
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 existing buildings and the construction and use of a part 7 storey and part 2 storey mixed use development with ground floor retail and a total of 83 residential units (17 studios, 45 x 1 bed, 19 x 2 bed and 2 x 3 bed) and parking for 124 vehicles within 3 basement levels. The development includes five (5) retail tenancy spaces within the ground floor of the building, fronting Victoria Road, Wharf Road and on the corner of Victoria Road and Pearson Lane.

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).

Pedestrian access to the residential apartments, ground floor and above is provided off the proposed Wharf Road plaza. Vehicular access is off Pearson Lane at the rear of the building.

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 at 1-3 Wharf Road 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. The development at 1-3 Wharf Road has been approved by the Sydney East JRPP. In addition the development is to deliver a rebuilt and resurfaced Pearson Lane at the rear, including a pedestrian footpath along the northern side of the lane.

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).

In particular the height and number of storeys are a departure from the planning documents and arise largely from the development "site" being larger in size compared to the "Key Site" controls envisaged in the RDCP 2010 in particular.

The enlargement of the site comes about as a result of the Council's decision to close sections of public roads (Wharf Road and Pearson Lane) and sell the land to the owner of 134-140 Victoria Road and 2-10 Wharf Road. The larger site area provides the potential for greater floor space, while still comfortably complying with the maximum floor space ratio control of 3.5:1.

As a result of the development site, and the resultant development, being 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 Pearson Lane is shown in Figure 1 below. Figure 2 shows the "Key Site" location in RDCP 2010.

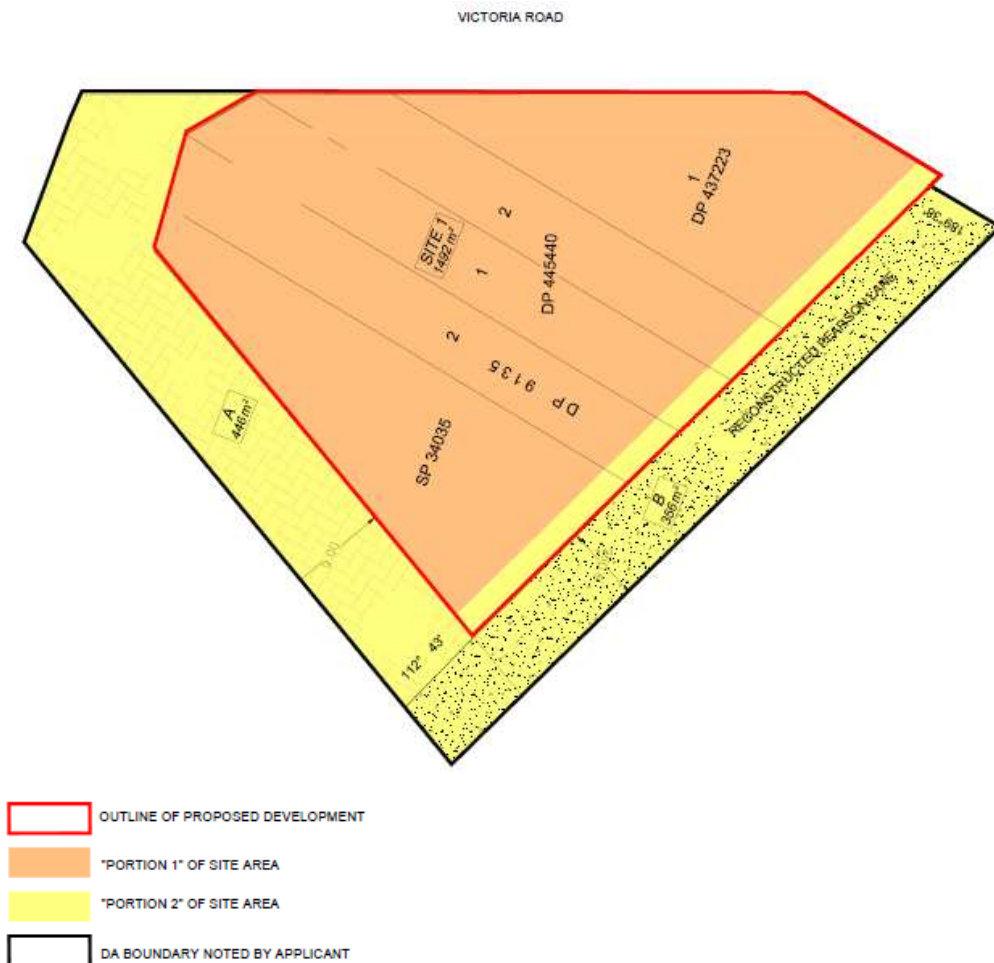


Figure 1: showing the privately owned land (pink) and publicly owned land (yellow) making up the enlarged development "site"

Figure 2 below shows the "Key Site" as identified in RDCP 2010. The orange area in Figure 1 and the orange/purple areas 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 (2013) DA follows the withdrawal of a 2011 DA for a part five and part nine storey development. The previous DA was assessed and was recommended for refusal but was withdrawn by the applicant prior to determination.

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 for a deferred commencement consent.

2 APPLICATION DETAILS

Name of Applicant: Hindmarsh Development Australia Pty Ltd.

Owner of the site: The larger part of the site is owned by P and B Sheerin Pty Ltd, Spectacular Investments Pty Ltd, Wharf Nominees Pty Ltd and Graham F Atkins with Ryde City Council owning 802 sqm, or 35% of the site.

Estimated value of works: \$15.46 million (excluding 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 JRPP 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 134-140 Victoria Road and 2-10 Wharf Road, Gladesville and the legal description of the land includes Lot 1 of DP 437223, Lots 1 and 2 of DP 445440, Lot 2 of DP 9135 and Lot 1 and Lot 2 in SP 34035. The land is shown in Figure 3 below. The yellow outline shows the total site including Pearson Lane and part of Wharf Road, with an area of 2,294 sqm.



Figure 3: Aerial view of the site and boundaries.

The site has frontage to Victoria Road (east), a small section of Meriton Street (north), Pearson Lane (south) and Wharf Road (west).

The site slopes from the north to the south-east corner of the site by approximately 4 metres.

Buildings on the site are 1 and 2 storeys in scale.

Photographs of the subject site and surrounding development are provided at **Figure 4-9**.



Figure 4: View of the subject site frontage to Victoria Road, looking south-west from the opposite side of Victoria Road



Figure 5: Victoria Road frontage, looking north-east from southern end



Figure 6: Further view of the site fronting Victoria Road, taken looking north from corner Pearson Street and Victoria Road



Figure 7: View looking east along Pearson Lane from Wharf Road, showing the location of the church building adjoining on the southern side of the lane.



Figure 8: Three storey mixed use development north-west of the site at the corner of Victoria Road and Meriton Street



Figure 9: Existing building at 1-3 Wharf Road. The site has been approved for redevelopment, including the provision of 50% of the future Wharf Road plaza

4. SITE DETAILS

Total site area: 2,294 sqm including 802 sqm of publicly owned land, being part of the Wharf Road and Pearson Lane reservations.

Land use zone: B4 Mixed Use (refer to zoning map at **Figure 10**) under the Ryde Local Environmental Plan 2010.



Figure 10: Zoning under Ryde (Gladesville Town Centre and Victoria Road Corridor) Local Environmental Plan 2010.

1. PROPOSAL

The DA proposes the development of a mixed use 7 storey building, with a 2 storey section fronting Pearson Lane at the rear. The ground floor level includes retail floor space fronting Victoria Road, the corner of Victoria Road and Pearson Lane and Wharf Road. The retail tenancy proposed on the corner of Victoria Road and Pearson Lane is two storeys in volume due to the transition of the building allowing for the slope of the site and the desire to have an active streetscape on this prominent corner.

Three residential units are proposed at ground level fronting Pearson Lane at the rear. The pedestrian entry to the residential lobby is from Wharf Road. Upper floors contain residential units. The development includes a total of 83 residential units (17 studios, 45 x 1 bed, 19 x 2 bed and 2 x 3 bed). Vehicular access is provided from Pearson Lane to service areas and parking for 124 vehicles within 3 basement levels. Basement level 1 is in fact a storey out of the ground at the rear fronting Pearson Lane due to the slope of the land.

The basement levels of the mixed use building extend beyond the southern boundary of the privately owned land and into the Pearson Lane road reserve by approximately 2 metres. The basement car park also extends in to the Wharf Road reserve.

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.

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 1-3 Wharf 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 11 below and has recently been approved by the JRPP for redevelopment, including the construction of the plaza. 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 rebuilding Pearson Lane.

A photomontage of the proposal is shown at Figure 12 and a perspective drawing at Figure 13.



Figure 11: Subject site and adjoining development site at 1-3 Wharf Road



Figure 12: Proposed development viewed from the north-western side of Victoria Road.



Figure 13: Perspective of the proposed development, viewed from Wharf Road

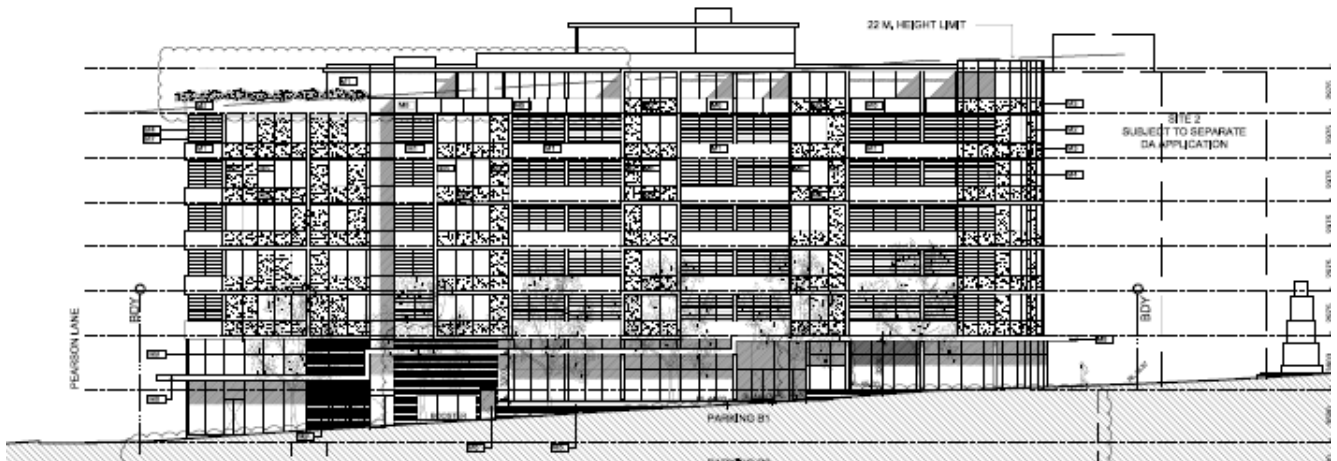


Figure 14: Victoria Road elevation

4 **BACKGROUND**

The current development application was lodged on 28 June 2013. The application was notified and advertised and referred to relevant government agencies. An initial assessment of the application was commenced following this period.

The Sydney East JRPP was briefed on the application on 19 September 2013.

Following the initial assessment, including consideration of Council's internal comments, government agency comments and public submissions, the applicant was provided with written comments by way of a letter dated 17 October 2013.

The applicant submitted amended drawings and documentation on 28 November 2013. Following a further assessment of the amendments the applicant was contacted in mid December 2013 and advised that the amendments did not adequately address the issues previously raised. Due to the congested time of year and the difficulty in key people being available in late 2013 and early 2014, it was agreed that the applicant would consider further options and meet again in late January 2014.

The applicant's representative, Council's Team Leader Major Development and the assessment officer met on 31 January 2014. Further amended plans and documentation were submitted by the applicant 19 February 2014. This assessment report is based on the amended documentation dated 19 February 2014 which includes the step in the top level of the building, deletes the previous 8 storey component and reduces the extent of the basement in relation to Pearson Lane. Some internal layout changes to some units and balconies were also incorporated.

By way of reference, a previous DA 2011SYE123 (LDA2011/0621) for the construction of a five to nine storey mixed use development containing retail/commercial floor space at the Ground Floor level; 104 residential apartments; and parking for 170 vehicles over three basement levels was withdrawn by the then applicant (different applicant to the current DA).

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 Pearson Lane.

- 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 101 December 2013, at which time the Council resolved as follows:
 - (a) *That if the Joint Regional Planning Panel resolves to approve Local Development Application 2013/0220 at 2-10 Wharf Road and 134-140 Victoria Road, Gladesville then Council give “in principle” support to the Voluntary Planning Agreement made by Hindmarsh Development Australia Pty Limited as prepared by Sparke Helmore Lawyers..*
 - (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 Hindmarsh Development Australia Pty Limited 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 Pearson Lane 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 Pearson Lane 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 802 sqm of public land. The planning controls were developed based on the privately owned portion of the site with a land area of 1,492 sqm.

Balanced against this is the Council's clear intent to sell the 802 sqm 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.

5 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).

6 PLANNING ASSESSMENT

6.1 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.

A phase 1 environmental site assessment has been undertaken and forms part of the DA documentation. Previous uses on the site include a motor vehicle garage and fuel storage and possibly glass manufacturing. The assessment concluded that the site can be made suitable for the proposed mixed development. The Council's Environmental Health Officer has included a number of recommended conditions regarding the remediation of the site.

Accordingly, the subject site is considered capable of being remediated to an acceptable level in order to accommodate the mixed use retail/residential development.

6.2 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, in lodging various amendments, the applicant has sought in part to respond to matters raised by the Panel.

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.	<p>The development is consistent with the local context with respect to the mix of retail and residential land uses.</p> <p>The amended application is generally consistent with the intended height, and also consistent with the recent approval for a 7 storey building opposite at 1-3 Wharf Road.</p> <p>The building does step down the site and from the corner of Pearson Lane. As a result the building height reduces in proximity to residential</p>	Partial compliance.

SEPP 65 Design Principle	Comment	Complies
	development to the south.	
<p>Principle 2: Scale</p> <p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and scale needs to achieve the scale identified for the desired future character of the area.</p>	<p>The scale of development envisaged for the site is detailed by the Key Sites diagram under RDCP 2010. Development of 6 storeys and a section of single storey at the rear fronting Pearson Lane. Notwithstanding, the maximum height under RLEP 2010 is 22m. Proposed are 7 storeys. The UDRP comments associated with an earlier version of drawings included:</p> <ul style="list-style-type: none"> • The Panel considers that 7 storeys may be an acceptable height subject to the following: <ul style="list-style-type: none"> ○ that the building height steps down a storey mid-way along the Victoria Road elevation, which would reflect the slope of the land. This would also support a communal open space on the eastern half of the roof with access from level 7 to the west. ○ An upper level setback be provided along the Victoria Road frontage <p>These design changes have been incorporated into the amended plans. Level 7 includes unroofed balconies along the Victoria Road façade. There is step in the building at the southern end on the corner of Pearson Lane, with roof top communal open space provided.</p> <p>In relation to the proposed two storeys to Pearson Lane, exceeding the one storey height control, the Panel's comments included:</p> <ul style="list-style-type: none"> • concerned with the additional storey along Pearson Lane and questions the amenity of these residential units and their impact on the property to the south of the lane. 	<p>Capable of generally complying in terms of height.</p>

SEPP 65 Design Principle	Comment	Complies
	<ul style="list-style-type: none"> The proposal uses the laneway width (6m) as its separation with the adjoining property. Whereas the property to the south would need to achieve all of its separation within its site. An equitable approach would share the separation benefits of the laneway. This would result in a 3m setback for these units from the laneway. The setback area could be used as additional private open space (terrace) for these units and incorporate edge planting to further improve the amenity. This configuration could support either residential or commercial office uses. <p>The amended plans generally incorporate the Panel's comments. The apartments adjacent to Pearson Lane have been setback from the laneway and do not rely on the adjoining property to the south for reasonable separation. Terraces and edge planting has also been incorporated.</p> <p>Also in response to the Panel's comments, amendments have been made to increase the floor-to-floor height to 2.975m which is acceptable.</p>	
<p>Principle 3: Built form</p> <p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The development is consistent with the building type (mixed use residential/retail) envisaged for the site.</p> <p>In relation to the corner of Victoria Road and Wharf Road the proposal is inconsistent with the building alignments required under the Key Sites diagram within the RDCP 2010.</p> <p>In this regard, the UDRP has provided the following comments:</p> <ul style="list-style-type: none"> The proposal expresses the corner as a curve. Earlier panel meeting have supported this 	<p>General compliance.</p>

SEPP 65 Design Principle	Comment	Complies
	variation in form from the key site diagram. As this is a significant corner, which will be highly visible along Victoria Rd and be a backdrop to the clock tower, the quality of the façade design and materiality is important.	
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 2,294 sqm inclusive of the Wharf Road and Pearson Lane reservations. A copy of the legal advice is included at Attachment 2	Technical compliance with FSR standard with a greater floor space than anticipated in the RDCP 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 (67%) and states that 47% of units receive 3 hours direct solar access and a further 24% receiving a minimum of 2 hours . The issue of solar access is discussed further within this report with regard to compliance with the Residential Flat Design Code.	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.	Compliance and capable of finalisation by way of conditions of consent.
Principle 7: Amenity	The internal layout and design of	Generally

SEPP 65 Design Principle	Comment	Complies
<p>Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>units have been subject to numerous comments from the UDRP, resulting in improvements included in the latest amended plans.</p>	<p>complies</p>
<p>Principle 8: Safety and security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and a clear definition between public and private spaces.</p>	<p>The proposal enhances safety and security of the immediate area by introducing improved ground floor active frontages and residential apartments above providing for passive surveillance after hours.</p>	<p>Yes</p>
<p>Principle 9: Social dimensions and housing affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>The proposal will provide expanded housing choice within the Gladesville town centre locality, assisting to improve housing availability and affordability. A mix of studio, 1 and 2 bedroom dwellings and dwelling sizes provides housing choice in a locality of predominately larger detached dwellings to suit a range of household types and budgets.</p>	<p>Yes</p>
<p>Principle 10: Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and</p>	<p>The Council's UDRP has not raised concerns regarding the general aesthetics of the building, with the focus of comments being the</p>	<p>Yes</p>

SEPP 65 Design Principle	Comment	Complies
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.	relationship to the plaza and context in the location, as well as the internal amenity of units.	

Urban Design Review Panel comments

Given that the Panel has commented on the development of the site on three occasions, including pre-lodgement comments associated with the current DA, their most recent comments of 21 March 2013 are included in italics in full below. In some instances the latest amended drawings respond to the Panel's comments and this is discussed below as well.

This is the third time the panel has reviewed a proposal by the applicant on this site. In the first two meetings, the proposal was jointly presented with the adjacent site at 1-3 Wharf Road. Each site is a separate DA with separate landowners and developers. They share the same architect. The two sites are identified within Council's DCP as a key site, with specific building envelope controls. Any variations to the DCP envelope require a new key site diagram to be prepared by the applicant.

A new plaza within the Wharf Road reserve is also included. The delivery of the plaza is to be jointly between the two developments and is the subject of a voluntary planning agreement with Council. A third proposal for the adjacent site was presented to the panel in August 2012. The proposal included the design of the plaza, which the panel recommended be reconsidered in consultation with Council. The plaza design has been subsequently been revised.

Building Envelope

The key site diagram for the site identifies a 6 storey height along Victoria Road with the upper level set back and a one storey height along Pearson Lane. The corner of Victoria Road and Wharf Road is articulated to reference the building envelope for 1-3 Wharf Road and creates a frame for the plaza and clock tower.

The proposal is for a 7/8 storey building along Victoria Road and 2 storeys along Pearson Lane. The proposal has been significantly reduced from the previous version for 9 storeys along Victoria Road and 7/8 storeys at Pearson Lane organised around a central lightwell/courtyard.

Victoria Road – The height exceeds the key site diagram by a storey at the plaza end and two storeys at the Pearson Street end. The permissible height in metres is 22m. As the site fall away from the corner at Victoria Road and Wharf Road, only the edge of the corner is within the 22m. A communal open space is included on the roof which would require lift access and shade. These elements require additional height on top of the additional storeys.

The panel considers that 7 storeys may be an acceptable height subject to the following:

- that the building height steps down a storey mid-way along the Victoria Road elevation, which would reflect the slope of the land. This would also support a communal open space on the eastern half of the roof with access from level 7 to the west.*
- that an upper level setback between level 5 and 6 in keeping with the key site diagram. The lack of upper level setback results in a sheer wall. Slots are proposed to break up the length of façade into 4 vertical elements along the street. While this may assist in reducing the apparent length of the building it does not mitigate street wall height.*

Comment: The building design has been amended to 7 storeys, with a step in the south-eastern end of the building. The top floor also has a setback with unroofed balconies along Victoria Road.

Pearson Lane – The panel is concerned with the additional storey along Pearson Lane and questions the amenity of these residential units and their impact on the property to the south of the lane. The units' only outlook is to the south and their elevation is not sufficient to benefit from views to the south. Additionally their proximity to the service lane would result in noise impacts from trucks and vehicle.

The proposal uses the laneway width (6m) as its separation with the adjoining property. Whereas the property to the south would need to achieve all of its separation within its site. An equitable approach would share the separation benefits of the laneway. This would result in a 3m setback for these units from the laneway. The setback area could be used as additional private open space (terrace) for these units and incorporate edge planting to further improve the amenity. This configuration could support either residential or commercial office uses.

Council noted in the meeting that Pearson Lane is to be 8m clear and include a 1.5m footpath, 6.0m carriageway and a .5m verge along the a boundary fence to the south. The proposal shows a 5.8m laneway including 5.5m carriageway and .3m verge (5.8m) with a 1.4 meter footpath within the site boundary overhung by the building. The panel does not support a footpath being overhung by the building and this contributes to the separation issues mentioned.

Comment: The design has been amended to provide a 6m wide carriageway, a 1.5m wide footpath and a 500mm verge. The separation between buildings is a minimum of 8m. The Pearson Lane units have been setback with terraces and edge planting to the laneway.

Corner of Victoria Road and Wharf Road – The proposal expresses the corner as a curve. Earlier panel meeting have supported this variation in form from the key site diagram. As this is a significant corner, which will be highly visible along Victoria Rd and be a backdrop to the clock tower, the quality of the façade design and materiality is important. The triangular balcony to Unit 15 (L1) and above and the projecting balcony to Unit 01 (L1) and above break the integrity of the curved corner. The panel encourages further design refinement of the corner and request 3d views to demonstrate its success. Generally the roof form, façade articulation and variety of materials need to be considered in more detail as the design develops.

Comment: The design has been amended to address the design of the above mentioned balconies. 3D images and material details have been provided.

Ground Floor Interface

The panel supports the key site diagrams requirement for activation along Victoria Road. The downward slope along Victoria Road results in retail above street level and a blank wall along the eastern end of site. The panel recommends retail space step to provide better access to the footpath. This would facilitate flexibility in tenancy size and configuration over the life of the buildings.

A residential unit is squeezed in between the retail frontage and car park wall. This unit would have poor amenity directly adjacent a busy road and should be deleted. The panel does not support a blank wall at the corner of Victoria Road and Pearson Street at street level. This corner is highly visible along Victoria Road and is not appropriate for residential use at the lower levels. A double height commercial tenancy would be preferable. The panel notes this would require relocating the proposed substation.

Comment: The Victoria Road retail tenancies have been stepped and the extent of blank wall/non shop-front minimised. The corner of Victoria Road and Pearson Street has been amended to include a 2 storey shopfront, as shown in the perspective drawing copied below in Figure 15. Figure 16 shows shopfronts along Victoria Road.



Figure 15: Perspective looking towards corner of Victoria Road and Pearson Street

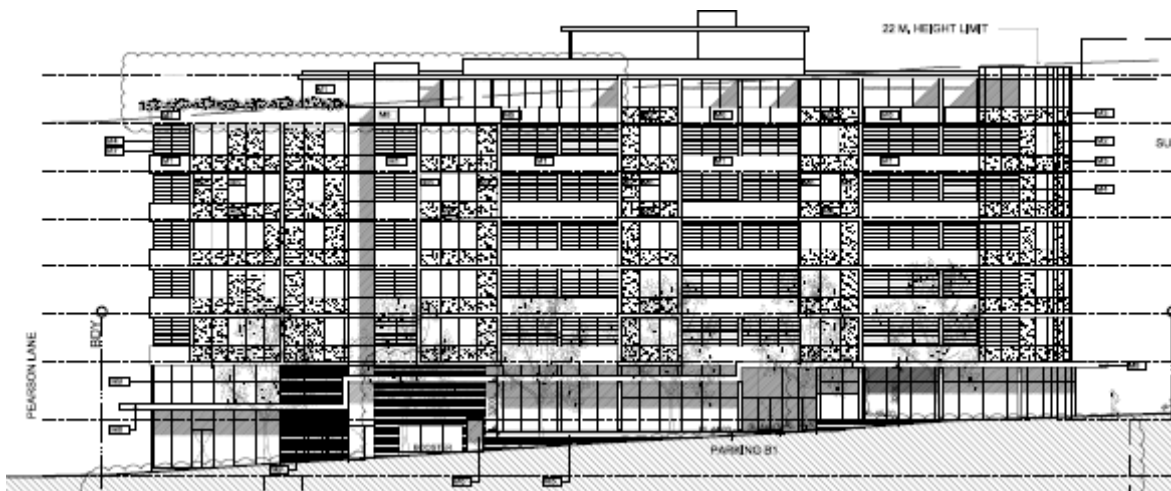


Figure 16: North-east elevation of Victoria Road showing the ground floor shopfronts.

Apartment Layout

The apartment layouts are compromised by trying to achieve too many units per floor in proportion to the available external façade area. This results in:

- a high proportion of studio style apartments where the bedroom has no windows and borrow light across the living area. While this format may be acceptable for true studio apartments, these units are labelled as 1 bedroom units and are 50 sqm metres and therefore likely to sell as one bedroom units. The panel does not support this configuration for 1 bedroom apartments and their reduced amenity.
- slots which are very narrow and deep to assist with cross ventilation. The panel questions the effectiveness of these slots promoting cross ventilation. For slots or notches to work they generally need to be wider than they are deep to create necessary air pressure. These also depend on prevailing breezes to assist their functionality. The panel was questioned whether these could include windows to the bedrooms in lieu of using borrowed light across living areas. The panel would not support the use of the slots of this dimension as a primary source of light or natural ventilation to bedrooms. Additionally, adjacent bedrooms from different apartment are likely result in acoustic privacy issues.

The majority of units are single aspect with a high percentage of units either impacted by busy road noise along Victoria Road or with south facing aspect and limited or no solar access. The number of units off a single core is 15, which exceed the SEPP 65: RFDC rule of thumb. The panel suggest that a two core building would be better suited to this building envelop and site. It would promote some dual aspect cross through units, could benefit from both sun to the north and views to the south and provide a refuge away from the busy road noise. →→

A number of units have awkward shapes. While internal layouts are not included at this stage of the design development, the panel questions the capacity of these shapes to support good apartment layouts.

Unit 13 is constrained by the separation distance with 1-3 Wharf Road, resulting in limited outlook to its own balcony and a wall. This unit should be deleted or amalgamated with Unit 14.

Comment: The floor layouts have been amended to provide two cores with 6 and 8 units off each core respectively. The number of studio apartments have been reduced and generally the layout and orientation of the units amended in accordance with the UDRP comments and is now considered satisfactory. The unusual shape of the site does result in some examples of awkward shaped units but generally the design response is well considered. The separation to 1-3 Wharf Road has been improved as a result of changes to that DA.

Communal Open Space

Communal open spaces are shown Level 01 and on the roof of the building. In the meeting it was proposed by the architect that the communal open space be consolidated on the roof. The panel supports this as the Level 01 space has limited solar access and potential privacy impacts on adjacent apartments. A roof level space is preferred as described above under Building Envelope. The space should be larger than the one shown in the current plans and include appropriate amenities such as a BBQ, shade, seating, and spaces for a range of group or individual use. Sufficient soil depth to promote viable plant growth should also be included. A landscape architect should be engaged to design this space.

Comment: A roof top BBQ and communal area has been provided. A landscape plan for this area may be included as a condition of consent.

Plaza

The panel notes that the plaza design is a marketed improvement to the past designs. The simple layout supports a variety of uses and full width stair reinforce it spatial alignment. The panel is concerned with the lack of deep soil within the plaza. Some deep soil is provided along the slip lane where it does not impact the car park below. The area of deep soil shown in the architectural plans is too narrow to be beneficial to trees (1.5 to 2.2m wide) and does not align with the deep soil shown in the landscape plan (3m wide deep soil). Deep soil zones should be 6m minimum dimension. It should also be confirmed that the deep soil is not impacted by services.

The panel supports the concept for feature trees and yellow colour at the entry to the plaza, however questions the rounder form of the *fraxinus excelsior*. A tree with more height and potentially taller trunk would be more appropriate against a 22m building form. Increased deep soil would assist in maximising the growth of trees.

Comment: The design for the plaza is subject to a separate VPA with the Council. The Council will have the ultimate control of this component of the design.

NSW Residential Flat Design Code

Residential Flat Design Code 2002	Comment	Complies
Local context: Primary development controls		
Building height <ul style="list-style-type: none">To ensure future development responds to the desired future character of the street and local area.To allow reasonable daylight access to all developments and the public domain.	<p>The desired future character of the site with respect to building height is presented by both the RLEP 2010 and the RDCP 2010, which stipulate a maximum height of 22 metres and 6 storeys respectively.</p> <p>The RLEP 2010 maximum height of 22 metres covers the whole site and the development complies at the eastern (Victoria Road) and southern (Pearson Lane) except</p>	Yes

Residential Flat Design Code 2002	Comment	Complies
	<p>for a section at the eastern end of the lane. The major breach is through the centre of the building. Notwithstanding, the building does successfully step down the slope of the site. The Council's UDRP has accepted the proposed height, subject to some design changes that have been incorporated in the amended plans.</p> <p>The building exceeds the maximum DCP height of 6 storeys by 1 storey, although the extent of the 7th storey has been reduced. Along Pearson Lane there is a section of the building that is 2 storeys, being 1 storey greater than proposed in the DCP. Again the UDRP have accepted this scale subject to recommended design changes, which have been incorporated in the amended plans.</p> <p>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.</p>	
<p>Building depth</p> <p>In general, apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and ventilation are to be achieved.</p>	<p>The proposed building depth ranges and is a reflection of the unusual long diamond shape of the site. Notwithstanding, the site has 3 street frontages and so any building on the site has reasonable access to light and outlook. The proposal achieves adequate natural ventilation, with 60% of units naturally ventilated.</p> <p>The proposal achieves adequate number of units achieving cross ventilation (67%) and states that 47% of units receive 3 hours direct solar access and a further 24% receiving a minimum of 2 hours.</p> <p>The issue of solar access is</p>	<p>Partial compliance</p>

Residential Flat Design Code 2002	Comment	Complies
	discussed further within this report.	
<p>Building separation</p> <ul style="list-style-type: none"> Up to 4 storeys/12 metres <ul style="list-style-type: none"> 12m between habitable rooms/balconies 9m between habitable/balconies and non-habitable rooms 6m between non-habitable rooms 5 to 8 storeys/25 metres <ul style="list-style-type: none"> 18m between habitable rooms/balconies 12m between habitable/balconies and non-habitable rooms 9m between non-habitable rooms Developments that propose less than the recommended distances must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved. 	<p>The building will achieve the minimum 12m from the anticipated adjoining development proposal at 1-3 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.</p> <p>To the south on the opposite side of Pearson Lane there exists a single storey church building separated by a minimum of 8m to the part 5 and part 6 storey section of the building facing Pearson Lane. The DCP envisages 6 storeys in this location.</p>	<p>Generally complies and overall acceptable.</p>
<p>Street setbacks</p> <ul style="list-style-type: none"> Street setbacks should relate to the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Relate setbacks to area's street hierarchy. Identify the quality, type and use of gardens and landscape areas facing the street. 	<p>The desired streetscape character is established by the Key Sites controls under the Ryde DCP 2010.</p> <p>The controls stipulate that the building be built to the alignment of the streets that define the site, with an upper level setback off a section of Pearson Lane and the southern end of the site fronting Wharf Road.</p> <p>The form and setbacks of the building are generally consistent with that envisaged in the DCP and accepted by the UDRP.</p>	<p>Yes at ground level but departures for levels 2-7</p>
<p>Side and rear setbacks</p> <p>Side setbacks should minimise the impact of light, air, sun and privacy, views and outlook for neighbouring properties, including future buildings</p>	<p>The subject site has three (3) street frontages, including the Pearson Lane at the rear (south) of the site.</p>	<p>Setbacks and building separations are discussed</p>

Residential Flat Design Code 2002	Comment	Complies
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.		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 public domain without compromising safety and security. Select durable materials, which are easily cleaned and graffiti resistant.	The proposal includes some areas of blank walls addressing the public domain, particularly to Pearson Lane. A condition of consent is recommended requiring that where there is potential for vandalism or graffiti, materials are to be durable, easily cleaned and graffiti resistant.	Acceptable.
Site configuration: landscape design Improve the amenity of open space	Landscaping of the publicly accessible areas around the	Capable of being

Residential Flat Design Code 2002	Comment	Complies
	amended plans.	
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.	All retail parking is provided separately on basement level 1 with residential and residential visitor parking provided in basements 2 and 3. A condition of consent is recommended for a security garage door to the parking area. 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.	Generally acceptable and may be further conditioned.
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	As noted under 'Building Separation' above, there are opportunities for overlooking between the west facing windows of the proposal and the east facing windows of the adjoining development at 1-3 Wharf Road,	Yes

Residential Flat Design Code 2002	Comment	Complies
<p>apartments.</p> <p>Use detailed site and building design elements to increase privacy without compromising access to light and air.</p>	<p>created by separation distances of between 13.24 and 15m.</p> <p>The Council's UDRP has accepted the design as satisfactory.</p>	
<p>Site access: building entry</p> <p>Improve the presentation of the development to the street.</p> <p>Ensure equal access for all.</p> <p>Provide safe and secure access.</p> <p>Generally provide separate entries from the street for pedestrians and cars and different uses.</p> <p>Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.</p> <p>Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.</p>	<p>The building entrance to the residential lobby is located from Wharf Road. The location of the entry is considered appropriate and is clearly visible from the street.</p> <p>The entrance area is acceptable to provide equal access. The development must meet minimum access requirements under the BCA.</p> <p>The location of mailboxes is shown on the drawings.</p>	Yes
<p>Site access: parking</p> <p>Determine the appropriate car parking space requirements in relation to proximity to public transport, shopping and recreational facilities, density etc.</p> <p>Limit the number of visitor parking spaces, particularly in small developments.</p> <p>Give preference to underground parking, whenever possible.</p> <p>Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and amenity.</p> <p>Provide bicycle parking, which is easily accessible from ground level and from apartments.</p>	<p>The proposed quantum is 124 parking spaces, made up of 100 residential (inclusive of residential visitor) and 24 retail.</p> <p>In accordance with the Council DCP the allocation of the 124 spaces provided is:</p> <ul style="list-style-type: none"> • 76 residential; • 17 residential visitor; and • 31 retail <p>It is noted that both visitors and retail parking area provided in the publicly accessible parking areas of the basement levels.</p> <p>Due to the slope of the site, the "basement" level 1 projects above ground level at the rear of the site fronting Pearson Lane. A condition of consent requiring the finishes to these areas to be graffiti resistant</p>	<p>Able to be conditioned to comply</p> <p>Able to be conditioned to comply</p>

Residential Flat Design Code 2002	Comment	Complies
	<p>and that any vandalism is cleaned as soon as practicable by the managing body corporate may be imposed.</p> <p>Some bicycle parking is provided within the basement level 1. End of trip facilities accessible to the retail staff (including at least 1 shower and change room) will need to be provided and can be dealt with by way of condition.</p> <p>Secure bicycle storage for the residential component of the development will also need to be a condition of consent.</p>	<p>Yes</p> <p>Capable of being conditioned to comply.</p>
<p>Site access: pedestrian access</p> <p>Utilise the site and its planning to optimise accessibility to the development.</p> <p>Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas.</p> <p>Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space.</p> <p>Maximise the number of accessible, visitable and adaptable apartments in a building. Australian Standards are only a minimum.</p> <p>Separate and clearly distinguish between pedestrian access ways and vehicle access ways.</p> <p>Follow the accessibility standard set out in Australian Standard AS 1428 (Parts 1 and 2), as a minimum.</p> <p>Provide barrier free access to at least 20% dwellings in the development.</p>	<p>Lift access is provided to all levels of the development.</p> <p>The main residential lobby at ground floor is accessible off Wharf Road and via lift access from the basement parking levels. No ground floor units.</p> <p>The proposal provides adaptable consistent with the relevant standards.</p> <p>Vehicular and pedestrian access points are clearly separated, with vehicular access provided off the rear lane.</p> <p>The submitted BCA report addresses accessibility provisions including AS 1428 and ultimately the development must meet the access provisions of the BCA.</p> <p>Lift access is provided from the car parking levels to all residential levels and the communal open space on the roof.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Site access: vehicle access</p> <ul style="list-style-type: none"> Generally limit the width of 	<p>The driveway has a width of 7</p>	<p>No but given</p>

Residential Flat Design Code 2002	Comment	Complies
<p>driveways to six metres.</p> <ul style="list-style-type: none"> Locate vehicle entries away from main pedestrian entries and on secondary frontages. 	<p>metres.</p> <p>The driveway is accessed via the proposed new rear lane and away from main pedestrian entrance.</p>	<p>the location along the rear lane and constraints of site lines along the lane, it is acceptable variation.</p>
Part 3: Building Design		
<p>Building configuration: apartment layout</p> <p>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.</p> <p>The back of a kitchen should be no more than 8.0m from a window.</p> <p>Minimum apartment sizes that do not exclude affordable housing are:</p> <ul style="list-style-type: none"> Studio 38.5m² 1 bedroom 50m² 2 bedroom 70m² 3 bedroom 95m² 	<p>Unit sizes comply. Wintergardens are provided to the majority of units fronting Victoria Road, which is acceptable in the location. The wintergardens have been included in the calculation of GFA but separate to the calculation of internal unit sizes.</p> <p>Unit configurations acceptable.</p>	<p>Yes</p>
<p>Building configuration: apartment mix</p> <p>Provide a variety of apartment types.</p>	<p>The proposed unit mix of studio, 1, 2 and 3 bedrooms is considered appropriate for the site given its town centre locality.</p>	<p>Yes</p>
<p>Building configuration: balconies</p> <p>Provide at least 1 primary balcony. Primary balconies should be located adjacent to the main living areas, sufficiently large and well proportioned to be functional and promote indoor/outdoor living.</p>	<p>All units have wintergardens/balconies.</p> <p>Balconies to units 13 and 14 (units 9 and 10 on level 6) are triangular in shape but have been amended in size to ensure adequate width for the placement of table and chairs.</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Complies
<p>Building configuration: ceiling Heights</p> <p>Recommended minimum floor to ceiling heights:</p> <ul style="list-style-type: none"> • 2.7m for all habitable rooms on all floors; and • 2.4m is the preferred minimum for all non-habitable rooms, however, 2.25m is permitted. 	<p>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</p>	<p>Yes</p>
<p>Building configuration: flexibility</p> <p>Provide apartment layouts, which accommodate the changing use of rooms.</p> <p>Promote accessibility and adaptability by ensuring the number of accessible and visitable apartments is optimised and adequate pedestrian mobility and access is provided.</p>	<p>The proposed unit layouts are considered to provide an adequate degree of internal flexibility.</p> <p>The proposal provides 9 adaptable units.</p>	<p>Yes</p> <p>Yes</p>
<p>Building configuration: internal circulation</p> <p>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.</p> <p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8.</p>	<p>The building includes two lift cores, with the typical residential floor containing 8 and 6 units off each core. The lobby to lift core 2 will receive natural light.</p>	<p>Yes</p>
<p>Building configuration: mixed use</p> <p>Choose a mix that complements and reinforces the character, economics and function of the local area.</p> <p>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,</p>	<p>The development comprises ground floor retail, with upper floor residential uses. This is consistent with the land use mix encouraged by the B4 – Mixed Use zoning under the RLEP 2010.</p> <p>The retail component includes 5 tenancies ranging in size from 77 sqm to 213 sqm in size. These are compatible with the residential component of the development.</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Complies
<p>providing security entries to all private areas including car parks and internal courtyards and providing safe pedestrian routes through the site where required.</p> <p>.</p> <p>Address acoustic requirements for each use by separating residential uses from ground floor leisure or retail use by utilising an intermediate quiet-use barrier, such as offices and design for acoustic privacy from the beginning of the project to ensure that future services do not cause acoustic problems later.</p>	<p>Basement level garbage areas for the retail and residential components are separated and the Council's Environmental Health Officer has no objection to the amended plans.</p> <p>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.</p> <p>Level 1 residential unit 1 abuts retail space 2 and unit 3 abuts retail space 1. Acoustic treatment to these common walls will be required to be demonstrated at CC stage to ensure an appropriate noise environment to the residential dwellings will be required.</p>	<p>Yes</p>
<p>Building configuration: storage</p> <p>Provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • Studio apartments 6m³ • 1 bedroom apartments 6m³ • 2 bedroom apartments 8m³ • 3 plus bedroom apartments 10m³. 	<p>A breakdown of storage areas has been provided confirming some deficiencies for some units. Given the excess car parking provided in the basement some of this excess space is capable of being converted/used for additional storage so as to ensure all units have the minimum required. A condition is recommended.</p>	<p>No but capable of being addressed by condition.</p>
<p>Building amenity: acoustic privacy</p> <p>Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.</p> <p>Arrange apartments within a development to minimise noise transition between flats.</p> <p>Design the internal apartment layout to separate noisier spaces from quieter.</p>	<p>An acoustic report has been submitted.</p> <p>The report identifies that the development can provide appropriate acoustic privacy and amenity is provided to dwellings. Units are generally well planned but some amendments are required in order to ensure so that room types in one apartment abut the same room type in another – assisting with creating an acceptable internal environment</p>	<p>Conditioned to comply</p>

Residential Flat Design Code 2002	Comment	Complies
	for units.	
<p>Building amenity: daylight access</p> <p>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter. In dense urban areas a minimum of 2 hours may be acceptable.</p>	<p>The proposal achieves 47% of units receiving 3 hours direct solar access and a further 24% receiving a minimum of 2 hours. Therefore a total of 71% achieve a minimum of 2 hours.</p> <p>Given the unusual diamond shape of the site, with the widest sections at the southern and eastern frontages and a very limited section of the site facing north it is acknowledged that there are constraints in achieving 3 hours to units. Other than the three x level 1 units facing south to Pearson Lane, all upper levels have only 1 unit out of 14 (1 of 10 on level 7) with an exclusively south orientation.</p> <p>It is considered that the design maximises solar access given the circumstances of the site.</p>	<p>Yes achieves a minimum of 2 hours to 70% of units.</p>
<p>Building amenity: natural ventilation</p> <p>60% of residential units should be naturally cross ventilated and 25% of kitchens within a development should have access to natural ventilation.</p>	<p>Cross ventilation of 67% of units achieved. 25% of kitchens receive natural ventilation.</p>	<p>Yes</p>
<p>Building form: facades</p> <p>Consider the relationship between the whole building form and the facade and/or building elements.</p>	<p>The Council's UDRP considers the façade treatment of the amended drawings to be satisfactory.</p>	<p>Yes</p>
<p>Building form: Roof design</p> <p>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</p>	<p>The use of roof space for communal open space is supported. Landscaping is indicated for the edge of the rooftop open space. However, as noted earlier, specific details of this space have not been provided.</p>	<p>Capable of being conditioned.</p>

Residential Flat Design Code 2002	Comment	Complies
corners etc.		
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.	Conditioned to comply
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.	Conditioned to comply.
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

6.3 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.

6.4 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: <ul style="list-style-type: none">• To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and• To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.	RMS has provided concurrence subject to various conditions.	Yes
(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: <ul style="list-style-type: none">• Where practicable, vehicular access to the land is provided by a road, other than a classified road; and• The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:<ul style="list-style-type: none">– The design of vehicular access to the land, or– The emission of smoke or dust from the development, or– The nature, volume or frequency of vehicles using the classified road to gain access to the land.• The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions	Access to the site is provided off the rear laneway. 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 Conditioned to comply

Infrastructure SEPP	Comments	Comply?
within the site of the development arising from the adjacent classified road.		
<p>Clause 102 Impact of road noise or vibration on non-road development</p> <ul style="list-style-type: none"> Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette. If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded: <ul style="list-style-type: none"> In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time. 	<p>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.</p>	<p>May be appropriately conditioned.</p>
<p>Clause 104 Traffic generating development</p> <ul style="list-style-type: none"> The proposed development, being a residential flat building with parking for more than 50 vehicles, and with access to a road that connects to a classified road (within 90 metres) is considered traffic generating development. Before determining a DA for which this clause applies the consent authority must: <ul style="list-style-type: none"> Take into consideration any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passed, the RTA advises that it 	<p>The proposed development is considered 'traffic generating development', containing parking for more than 50 vehicles.</p> <p>RMS has provided concurrence</p>	<p>Noted</p> <p>Yes</p>

Infrastructure SEPP	Comments	Comply?
<p>will not be making a submission), and</p> <ul style="list-style-type: none"> – Take into consideration any potential traffic safety, road congestion or parking implications of the development. 		

6.5 **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 600 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.

6.6 **Ryde Local Environmental Plan 2010 (Gladesville Town Centre and Victoria Road Corridor) (LEP 2010)**

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

RLEP 2010	Comments	Comply?
<p>The objectives of this zone:</p> <ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To create vibrant, active and safe communities and economically sound employment centres. • To create a safe and attractive environments for pedestrians. • To recognise topography, landscape setting and unique location in design and land-use. 	<p>The proposed development provides a mix of retail and residential uses, appropriate for the subject site and its town centre location.</p> <p>The proposal will assist in creating a safe and active centre through passive surveillance opportunities and ground floor retail activity.</p>	Yes
<p>Clause 4.3 Height of buildings</p> <p>The height of a building on any land is not to exceed the maximum height shown for land on the Height of Buildings map.</p>	<p>In relation to development on that part of the site that is in private ownership the maximum height standard is 22m.</p>	In part, with acceptable variation.

RLEP 2010	Comments	Comply?
<p>22 metres is shown on the map.</p>	<p>In relation to the land that is part of the Wharf Road and Pearson Lane road reserves there is no maximum height standard.</p> <p>The proposal in part complies with the 22m height standard, with some minor and generally acceptable variations. As discussed earlier in this report, additional setbacks to level 7 as required by the Council's UDRP will assist in minimising bulk, scale and overshadowing impacts to the residential area to the south of the church building located on the southern side of Pearson Lane.</p>	
<p>Clause 4.4 Floor Space Ratio</p> <p>The maximum floor space for a building on any land is not to exceed that floor space ratio shown for land on the Floor Space Ratio Map.</p> <p>FSR of 3.5:1 is shown on the Map</p>	<p>The FSR across the whole site is 3.03:1. See the discussion in the line below regarding the calculation of the FSR.</p>	<p>Yes</p>
<p>Clause 4.5 Calculation of floor space ratio and site area</p> <p>This clause defines site area for the purposes of calculating the floor space ratio of the site.</p> <p>Under this provision, the site area of privately owned property is to be considered separately to public/community land.</p> <p>(4) Exclusions from site area <i>The following land must be excluded from the site area:</i></p> <p><i>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</i></p> <p><i>(b) community land or a public place (except as provided by subclause (7)).</i></p> <p>(7) Certain public land to be separately considered</p>	<p>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 land including the 802 sqm of road reserves.</p> <p>The GFA of the development is 6,957 sqm and the resultant FSR calculation across the site is 3.03:1. This calculation includes the enclosed wintergardens as GFA. This FSR is comparable to the recently approved 7 storey building at 1-3 Wharf Road which was estimated at approximately 3.10:1</p>	<p>Yes</p>

RLEP 2010	Comments	Comply?
<p><i>For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</i></p>		
<p>Clause 4.6 Exceptions to development standards</p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> • 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. 	<p>The applicant has provided a written justification with the DA documentation regarding non-compliance with the maximum height standard.</p> <p>The exception to the development standard is discussed further at the conclusion of this table.</p>	<p>Yes</p>
<p>Clause 5.10 (5) Heritage Impact Assessment</p> <p>A heritage impact assessment is required for the subject site, which is in close proximity to the Town Clock a local heritage item</p>	<p>The DA was considered 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.</p> <p>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.</p> <p>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</p>	<p>Yes</p>

RLEP 2010	Comments	Comply?
	proposal.	
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 catchment and or environmentally sensitive areas.	Earthworks to raise the level of Wharf Road and excavation of up to approximately 9 metres for basement parking levels are proposed. A geotechnical assessment for the proposal has been submitted. The report provides recommendations for ensuring adequate stability and drainage to these works. This report recommends a detailed geotechnical report and recommendations will be provided. This may be required as a condition of consent.	Could be conditioned to comply

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 as to why compliance with the development standard is unreasonable and unnecessary is summarised below and provided in full as Attachment 1 to this report:

- The proposed development displays a varied height limit ranging from a minimum of 21.8 metres to a maximum of 26.43 metres.
- This maximum is inclusive of the lift overrun and other rooftop elements located towards the centre of the building.
- The site has substantial fall to the south east from Wharf Road to Pearson Lane along Victoria Road of approximately 4.0 metres and cross fall of 2.5 metres to Pearson Lane from the intersection of Wharf and Victoria Roads.
- The setbacks to the top level provide an appropriate response to the slope of the land with the step in the building reducing perceived bulk and scale when viewed from the south-east
- The requirement for minimum driveway gradient off Pearson Lane, on a sloping site, results in the basement being above ground in this location.
- The development complies with the floor space ratio standard.
- The scale does not result in any additional overshadowing impact.
- Is compatible with the character of the existing development within the area.
- 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.

- The maximum height does not relate to an entire storey. The seventh storey only partially exceeds the maximum 22m height standard at its maximum by 2.4m. This minor variation does not translate to external impacts from bulk and scale or overshadowing.

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 east to west and north to south and also the stepped form of the building down the site.

At the eastern end of the building, fronting 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. The highest point of the building is approximately 26.43m in the location of the lift overrun which occupies a small portion of the centre 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:

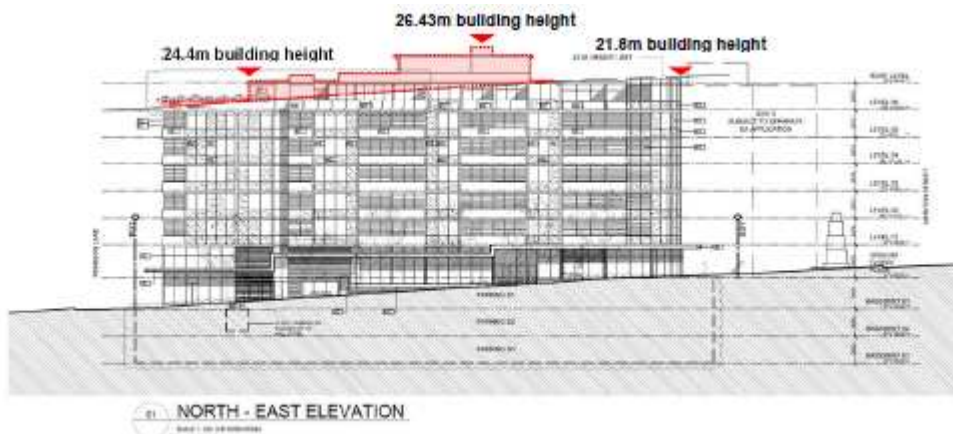


Figure 17: Areas of compliance and non-compliance with the 22m height standard, viewed from Victoria Road.

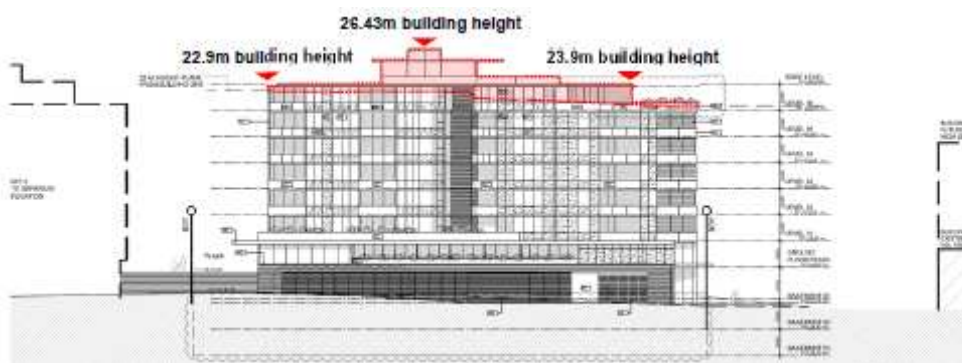


Figure 18: Areas of compliance and non-compliance with the 22m height standard, viewed from south of the site. Note that the areas of non-compliance are within the centre of the building and do not extend to Pearson Lane.

For a section at the rear of the site the building exceeds the height standard and is a storey greater than the RDCP 2010 but it is acknowledged that this is only for a relatively small section of the building adjacent to Pearson Lane and this component of the building has minimal visual bulk or overshadowing impacts, as compared to a compliant envelope in this location.

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:

- 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.
- 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 unreasonable or unanticipated amenity impacts on adjoining residential properties such as view loss or bulk and scale impacts. The most directly impacted properties to the south are dwelling houses at Nos 14 and 16 Wharf Road and at the residential properties at 3 and 5 Pearson Street. The shadows cast by the proposal, as compared to that of a complying envelope are very similar.

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

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

Control	Comment	Compliance
2.0 Vision		
2.2.4 Vision Statement Gladesville Town Centre Precinct The precinct will: <ul style="list-style-type: none"> • Transform into a genuine mixed use town centre. • An enhanced pedestrian network and new public spaces off Victoria Road, with a new square at the end of Wharf Road. • Better pedestrian amenity on and around Victoria Road and a greater range of services will revitalise the town centre as the focus of urban life for the communities on both sides of the town centre. • The intersection of Wharf Road and Victoria Road is a key site. The Clock Tower marks this important intersection, which will be strongly defined by appropriately scaled buildings built to the street alignment. 	<p>The proposed development supports the desired mixed use character of the Gladesville Town Centre.</p> <p>The proposal will contribute to realising the Wharf Road plaza.</p> <p>The proposed retail tenancies will assist in accommodating future availability of goods and services within the Gladesville Town Centre.</p> <p>Council's Heritage Planner has not raised objections to the development.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
2.3 Public Domain		

Control	Comment	Compliance
2.3.2 Public spaces Public spaces to be provided as part of 'key sites'.	<p>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.</p> <p>The DA achieves the necessary component of the future 15m wide plaza at ground level, i.e. 50% of the width of the plaza.</p> <p>Accessibility within the plaza is dependent upon a publicly accessible lift, to be provided in the south-west corner of the building. Details are to be subject of a deferred commencement condition.</p>	Yes
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.	<p>The DA partially complies and is partially non-compliant with the 22m maximum height standard under RLEP 2010.</p> <p>The Built Form Heights Plan within the DCP stipulates a maximum 6 storey height for the subject site with a maximum of 1 storey fronting part of Pearson Lane. The proposal is for a part 7 storey and part 2 storey development.</p> <p>The Council's UDRP has accepted the height subject to greater setbacks, which have been incorporated in to the amended plans.</p>	No, but acceptable non-compliance accepted by the Council's UDRP.
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 minimum floor to floor height of the ground floor is 3.6m, with an estimated minimum floor to ceiling	Yes

Control	Comment	Compliance
	height of 3.3 m.	
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 Victoria Road and Wharf frontages.	Retail spaces are provided.	Yes
Active uses consist of community and civic facilities, recreation and leisure facilities, shops, commercial premises, residential uses that do not occupy more than 20% of the street frontage.	See above comments	Yes
Where required, active uses must comprise the street frontage for a depth of at least 10m.	The depths of all retail tenancies exceed 10m.	Yes
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 rear 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.	Yes
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.	There are departures from upper level setbacks on the corner of Victoria Road and Wharf Road accepted by the Council's UDRP. The DCP requires a 12.3m setback to Pearson Lane for part of that section of the building	Acceptable non-compliance Yes above the 2 storey component.

Control	Comment	Compliance
	above 1 storey. The building is 2 storeys in this location but does meet the setback requirement above.	
3.1.5 Rear Setbacks and Residential Amenity Provide a 12.3 m setback above 1 storey.	See comments above regarding the setback to Pearson Lane.	See above.
Provide 12 metre separation above ground floor between residential buildings.	The building separation and setbacks are discussed in this report. The UDRP has accepted the proposal as satisfactory.	Part compliance 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.	Awnings are required over the length of the Victoria Road and Wharf Road frontages of the site. Awnings are proposed along the Wharf Road/plaza frontage of the site and the Victoria Road frontage. Awning details, including minimum heights and lighting details, are subject of a condition of consent.	Yes

Control	Comment	Compliance
Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety for pedestrians at night.		
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 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.	The proposed laneway and access point are satisfactory.	Yes.
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. Further details are required, which can be dealt with by way of a condition of consent.	May be conditioned to comply
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.	The proposal includes the provision of a publicly accessible open space area to the end of Wharf Road.	Yes Yes

Control	Comment	Compliance
<p>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).</p> <p>Courtyards, plazas or squares should be provided to complement and adjoin pedestrian through-site connections.</p>	<p>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.</p> <p>The Wharf Road plaza will form a focal point for pedestrian connections required around the Clock Tower.</p> <p>Achieving equitable access within the plaza is a recommended deferred commencement condition of consent.</p>	<p>Yes</p>
<p>3.3.2 Public Domain</p> <p>Increase the quantum and diversity of public space in the heart of the town centre as shown on the Public Domain Framework Control Drawing (including closure at Wharf Road to create a new public square away from Victoria Road).</p>	<p>The proposal includes part of the proposed street closure of Wharf Road, in accordance with the Public Domain Framework Diagram.</p>	<p>Yes</p>
<p>3.3.3 Landscape Character</p> <p>Create a consistent planting theme with a number of species to ensure that the planting provides a visual coherence,</p> <p>Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.60) and in accordance with the Ryde Public Domain Technical Manual and Relevant Street Tree Master Plans.</p> <p>Select Trees based on the scale of buildings, width of the street, aspect and environmental parameters such as soil type.</p> <p>Build on the visual significance of the Church Site and the Clock Tower site to emphasis the edges of the urban area.</p>	<p>Landscaping details accompany the DA, and require some further refinement. This may be dealt with by way of a condition of consent.</p>	<p>May be conditioned to comply</p>
<p>3.3.4 Urban elements</p>		

Control	Comment	Compliance
<p>Provide paving, seats, benches and bins in accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide seating and shelter (awnings or bus shelter) at all bus stops. Seating shall be in accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide new street lighting to primary and secondary streets as selected by Council and underground power cables.</p> <p>Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.</p>	<p>A condition of consent could be imposed requiring compliance with the Ryde Public Domain Technical Manual and the provisions of this section of the RDCP 2010.</p>	<p>May be conditioned to comply</p>
<p>3.3.7 Victoria Road – Town Centre Precinct Section</p> <ul style="list-style-type: none"> • Provide a 3.5 metre wide footpath and buildings typically built to the boundary defining both sides of Victoria Road; • Provide continuous granite paving for the full footpath width in accordance with the Ryde Public Domain Technical Manual. • Provide landscaping consistent with an urban setting including planter boxes and the like. • Provide street furniture in accordance with the Ryde Public Domain Technical Manual including: <ul style="list-style-type: none"> – Provide seats and bins at 50 metre intervals and at bus stops, a minimum one per block, if required by Council. – Provide new street lighting, staggered at 20 metre intervals on both sides of street, or to Council satisfaction. – Provide lighting to the underside of awnings for the safety and security of pedestrians. • Power lines are to be underground in locations specified by Council. 	<p>The footpath along Victoria Road will meet the requirement. The Council's Senior Development Engineer has commented that the footpath and kerb fronting the site in Victoria Road will be maintained as public roadway and in accordance with chapter 2 of Council's Public Domain Technical Manual (Gladesville), the verge and footpath fronting the site on Victoria Road (and extending into the new plaza) is to be repaved and multifunction poles installed in accordance with this document.</p> <p>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.</p>	<p>Yes</p> <p>May be conditioned to comply</p> <p>Yes</p>

Control	Comment	Compliance
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 have been incorporated in the amended plans.	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: <ul style="list-style-type: none"> Publicly accessible open space exceeding that shown in the Key Sites Plans OR publically accessible open space that exceeds 30% of the site area. Community benefit in the form of facilities such as child care, community meeting space, library space, commuter parking, business incubator or other. The Comprehensive Plan must demonstrate the demand for such 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. 	The 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 variations is largely addressed in earlier comments in this report.	Acceptable non-compliance
Block 25 Built Form controls Building Uses and Ground Floor Activities Provide mixed use development with retail or commercial uses at ground	The proposal provides a mixed use development. Continuous retail/commercial frontage is	Yes

Control	Comment	Compliance
floor, with a continuous retail or commercial frontage to Victoria Road, Meriton Street and Wharf Road.	provided to Wharf Road and Victoria Road.	
Street Frontages Provide an active frontage at ground level to Victoria Road and Wharf Road. Locate intensely used, small scale retail frontages, such as cafes, restaurants and speciality shops addressing the proposed landscape pedestrian area at the northern end of Wharf Road.	See above comments	Yes
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 part 7 storeys and part 2 storeys.	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 Victoria Road 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.	Appropriate conditions of consent may be imposed to ensure	May be conditioned to

Control	Comment	Compliance
Cross ventilation to be maintained as part of any noise and air pollution barriers.	compliance with relevant noise and air pollution standards.	comply
4.3.5 Block 25 Public Domain Controls Close Wharf Road and provide a public plaza that is: <ul style="list-style-type: none"> • Open to the Sky; • Minimum dimension of 15m in any one direction; • A minimum area of 500m²; • 15m separation between buildings on either side of Wharf Road Street Closure. <ul style="list-style-type: none"> • Paved in accordance with Ryde Council's Public Domain Technical Manual. 	<p>The closure of Wharf Road is proposed as part of this DA in conjunction with the adjoining development at 1-3 Wharf Road.</p> <p>The proposed publicly accessible plaza is open to the sky and meets the minimum size requirement.</p> <p>As a result of the encroachment of the approved development at 1-3 Wharf Road into the Wharf Road reservation, the public plaza width is 13.24m. The subject development meets the requirements of RDCP 2010.</p> <p>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.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>May be conditioned to comply</p>
Provides clear unobstructed and identifiable pathways and open spaces.	The design of the publicly accessible plaza is generally acceptable. In particular, equitable access between the lower and upper levels of the plaza is a matter to be dealt with by way of a deferred commencement condition.	Conditioned to comply.
Provide generous planting to make a green pocket that contributes to the character of Victoria Road and is a green backdrop to the clock tower. Enhance the landscaping surrounding the clock tower.	The landscaping in this area has been provided as per the VPA which is considered satisfactory.	Yes
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	Yes

Control	Comment	Compliance
	space area.	
Other detailed provisions The proposed development is to comply with the provisions of the following parts of the DCP: <ul style="list-style-type: none"> • Energy Smart Water Wise; 	The proposed development is consistent with BASIX, which overrides compliance with the Energy Smart Water Wise provisions of the RDCP 2010.	Yes
<ul style="list-style-type: none"> • Waste Minimisation and Management; 	Council's Environmental Health Officer have made recommendations, included as appropriate conditions of consent.	Conditioned to comply
<ul style="list-style-type: none"> • Construction Activities; 	Appropriate conditions of consent may be imposed to ensure compliance with the Construction Activities provisions of the RDCP 2010.	Conditioned to comply
<ul style="list-style-type: none"> • Access for people with Disabilities. 	<p>The relevant accessibility requirements of the BCA will apply to the development.</p> <p>It is noted that the amended drawings nominate a public passenger lift to provide access from the lower to upper plaza levels, with the lift located in the south-west corner of the building. There are few details provided regarding the design and operation of the lift, which will be critical to the functioning of the plaza. While the design is capable of being dealt with by way of condition, it is nonetheless a very important component of the application and requires details prior to the issuing of a full consent.</p>	<p>Yes</p> <p>Capable of being addressed by way of a deferred commencement condition.</p>
Part 9.3 Car Parking 2.0 Car parking rates: <ul style="list-style-type: none"> • Residential: <ul style="list-style-type: none"> – 1 bedroom: 0.6 space dwelling – 2 bedroom: 0.9 spaces per 	The proposed quantum is 124 parking spaces, made up of 100 residential (inclusive of residential	Able to be dealt with by way of a condition.

Control	Comment	Compliance
dwelling – 3 bedroom: 1.4 spaces per dwelling – 1 visitor's space per 5 dwellings. • Retail premises: 1 space per 25sqm of area accessible to public.	visitor) and 24 retail. In accordance with the Council DCP the allocation of the 124 spaces provided is: <ul style="list-style-type: none"> • 76 residential; • 17 residential visitor; and • 31 retail 	
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.	Some bicycle parking is provided within the basement level 1. End of trip facilities accessible to the retail staff (including at least 1 shower and change room) will need to be provided and can be dealt with by way of condition. Secure bicycle storage for the residential component of the development will also need to be a condition of consent.	In part and capable of being conditioned to comply.
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.

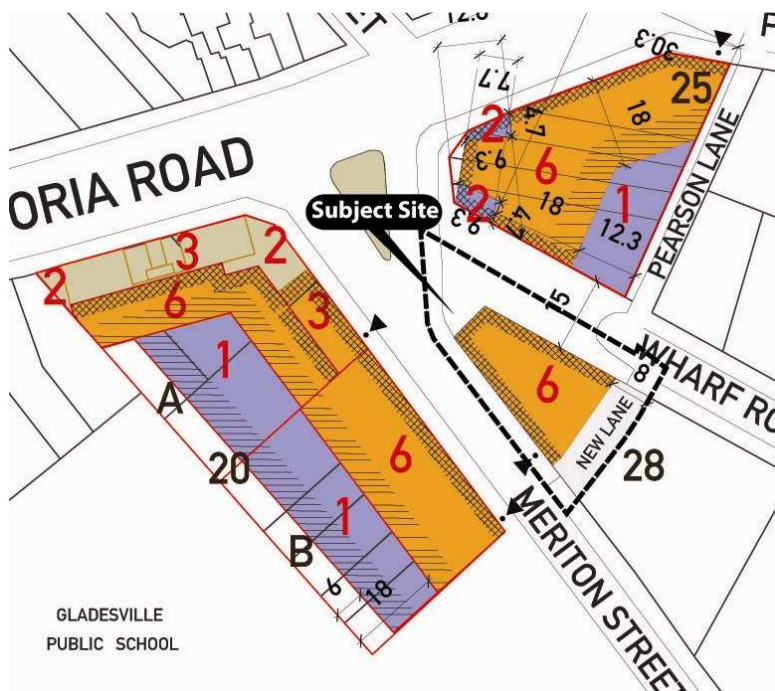


Figure 16: RDCP 2010 Key Sites built form plan

The DA departs from the Key Sites diagram contained in RDCP 2010. The departure, and the departures generally from the relevant planning controls in RLEP 20101 and RDCP 2010, arise largely from the development “site” being 802 sqm greater than envisaged in the “Key Site” diagram and controls 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 public roads and sell the land to the owner of 134-140 Victoria Road and 2-4 Wharf Road. The larger site has in turn allowed a greater volume of floor space to be achieved while at the same time meeting the maximum FSR control. In fact the proposal is well below the maximum allowable FSR. The additional floor space has been accommodated by way of a 7th storey and an additional (2nd) storey fronting Pearson Lane, as well as some relatively minor departures from the DCP setback controls.

Notwithstanding the above, the development, above ground level, does not encroach into the existing Wharf Road reserve and maintains an 8 m wide corridor (with a 6m carriageway) along Pearson Lane.

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 with a 22m height standard. The areas of non-compliance with the building envelope envisaged under RDCP 20101 have been accepted in negotiations with Council officers and by the Council’s Urban Design Review Panel, subject to the amendments now incorporated.

The potential amenity impacts arising from the areas of non-compliance with the building separation controls are relatively minor and are considered acceptable.

The DA will achieve the minimum 15m wide publicly accessible plaza and building separation to 1-3 Wharf Road.

7 LIKELY IMPACTS OF THE DEVELOPMENT

7.1 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 transitional with a greater scale, height and density of development envisaged in the local planning controls. A 7 storey mixed use residential building has been approved opposite at 1-3 Wharf Road.

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 action to sell adjoining land has created an enlarged development site. The variations proposed are considered to have an acceptable impact in terms of context and setting in the area.

7.2 Access, transport and traffic

As noted earlier in the report RMS has granted concurrence to the proposed development and the Council's Senior Development Engineer has not raised objection subject to recommended conditions.

7.3 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 and 7th storey of the development. There is some additional overshadowing of the publicly accessible plaza, although the minor increase is also considered acceptable.

7.4 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 1-3 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 corridor is achieved with a 6m carriageway.

A deferred commencement condition is included regarding accessibility between the lower and upper levels of the plaza.

7.5 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.

7.6 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.

7.7 Noise

The development is located fronting 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 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.

7.8 Safety, security and crime prevention

The ground floor includes active uses to the proposed new Wharf Road publicly accessible plaza and to Victoria Road. 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 Victoria Road.

7.9 Social impacts in the locality

The development will provide additional housing choice in the locality, providing a mix of unit sizes.

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.

7.10 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.

8 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. The development is considered to be acceptable in the location and will achieve the desired public benefits envisaged in the RDCP 2010.

9 REFERRALS

External referrals

NSW Transport Roads and Maritime Services (RMS)

The RMS was referred the DA for concurrence under Section 138 of the *Roads Act, 1993*. Following a review of the DA, the RMS has granted concurrence to the proposal subject to a range of conditions that will be included in the recommendation.

Gladesville Police

Gladesville Police have not provided comments specific to this application but did comment on the adjoining development at 1-3 Wharf Road, with many of the comments considered generic with regard to Crime Prevention Through Environmental Design (CPTED) and applicable in this case. The points raised previously have either been addressed by way of the amended drawings or are capable of being addressed by conditions of consent. These include:

- **Surveillance:** Appropriate surveillance should be provided, particularly in areas which lack passive surveillance opportunities. 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 condition of consent.
- **Access control:** Retail visitors using the basement car parking need to be restricted in terms of their access to the ground floor residential lobby and remainder of the building. 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

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 is contaminated and requires remediation. Appropriate conditions are recommended.

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.

Senior Development Engineer

Council's Senior Development Engineer has raised no objections to the amended application. Relevant recommended conditions are included.

Public Works Unit

Council's Public Works Unit has assessed the proposed development with regards to drainage, traffic, public domain and waste.

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

10 PUBLIC NOTIFICATION AND SUBMISSIONS

The DA was exhibited 19 July 2013 – 21 August 2013. 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.

A total of 65 submissions were received by the Council. 48 submissions raised various objections and 17 submissions provided support.

Issues raised in objections include:

- Opposition to the sale of Council land in Wharf Road
- Inadequate public benefits arising from the sale of public land and the scale of redevelopment

- Non-compliance with the height, number of storeys and floor space controls
- Overshadowing resulting from non-compliance with controls
- Increased traffic congestion and lack of car parking
- Loss of kerb-side parking in Wharf Road
- Closure of Wharf Road will be impractical for heavy vehicles
- Inadequate traffic studies
- Non-compliance with SEPP 65 and the Residential Flat Design Code
- Overlooking and privacy impacts from balconies facing existing residential properties
- Economic impact on Gladesville shops of more retail space
- Social impacts from young people occupying studio and 1 bedroom units
- Creation of a physical barrier and access difficulties associated with raising the ground level for the plaza
- Impacts on the adjoining church – loss of light to northern windows; noise impact on church from plaza; excavation impacts on church building
- Cumulative traffic impacts of this and other developments on nearby Gladesville Public School.
- Gladesville Public School is at full capacity.

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

- Positive contribution of new units in the location
- Existing run-down buildings have a negative impact
- Improved streetscape
- The proposed public plaza will reinvigorate the area
- Revitalisation of this area of Gladesville
- Safe environment with lighting and security cameras

The key issues raised by the objections include the following:

Traffic, transport and parking impacts:

Issues:

- Lack of adequate traffic studies for the area.
- 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.
- More current traffic counts should be undertaken.
- Wharf Road should not be re-opened.
- Loss of kerbside parking in closed section of Wharf Road.
- Closed Wharf Road will result in difficulties for large vehicles.

Comments:

The Council's traffic engineers have not raised objections to the traffic generation or raised concerns regarding the carrying capacity of the local streets. The Council has accepted that the traffic analysis accompanying the application is satisfactory. Various technical issues associated with design have been addressed through the assessment process.

Similarly the RMS has raised no objections.

The closure and sale of the northern end of Wharf Road is a matter separate to this DA and is a decision previously made by the Council, and again supported by the RMS.

The proposal provides parking generally consistent with the Council's requirements, inclusive of retail parking and visitor parking, all accessed from Pearson Lane.

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 but nonetheless both the Council's and RMS technical experts have raised no objections on traffic or parking grounds.

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.
- Non-compliance with SEPP 65 and the RFDC.
- Potential privacy and overshadowing impacts.

Comments:

These issues are discussed at some length earlier in this report. The height, bulk and scale as detailed in the amended plans are considered satisfactory and have been accepted as such by the Council UDRP. The overshadowing impact is generally consistent with that envisaged by a complying envelope. The 5 balconies at the side and rear of the upper levels of the building are estimated to be a minimum of 20m and up to 30m from the nearest existing residential properties to the south and west and given the separation are considered unlikely to result in unacceptable privacy impacts.

The overshadowing of the northern side windows of the church building on the southern side of Pearson Lane is inevitable from any multi-storey development on the site as envisaged by the planning controls.

Construction impacts

Issues:

- Excavation impacts

Comments:

Management of the construction process, including excavation/dilapidation, 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.

Comments:

Equitable access will be required through the plaza and the publicly accessible footpaths around the site. A deferred commencement condition is included regarding needed details of the proposed public passenger lift providing access between the lower and upper plaza levels.

Use of Council land to create the plaza

Issues:

- Lack of resultant public benefit
- 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:

- 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. 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.

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.

Economic impact on Gladesville shops of more retail space:

Comment:

In introducing new planning controls for the subject site, and the Victoria Road precinct, the Council has determined that mixed use development, including ground floor retail space, is appropriate in the location. It is also noted that the subject site currently accommodates retail uses, and that retail extends to both the north-east and south-west of the site along Victoria Road. The inclusion of ground floor retail space is consistent with the land use zoning and also considered unlikely to have an unacceptable impact on Gladesville shops.

Social impacts

Issue:

Impacts from young people occupying studio and 1 bedroom units.

Comment:

The local planning controls, and the provisions of the NSW Residential Flat Design Code, encourage a mix of dwelling sizes in order to meet demand for, and achieve, a diverse range of housing, with implied social benefits. The development does provide a mix of dwelling sizes in the location and will contribute to the housing mix in Gladesville.

Impacts on adjoining church building

Issue:

Loss of light to northern windows; noise impact on church from plaza; excavation impacts on the church building.

Comment:

As mentioned earlier in this report, any multi-storey development on the subject site, as envisaged under the planning controls, will directly impact on the solar access to the church. The impacts arising from the development are consistent with those anticipated from a complying development.

The potential noise impacts arising from the public plaza are not such as would warrant refusal of the application. The delivery of the public plaza is a long standing Council initiative.

Potential excavation and construction impacts on the church may be dealt with by way of standard conditions of consent.

11 CONCLUSION

The DA is for the construction of a part 7 storey and part 2 storey mixed use building, with retail and residential at ground floor and 6 levels of residential units above.

The “site” contains the privately owned 134-140 Victoria Road and 2-4 Wharf Road, being 1,492 m² in area, and 802m² of public road reserve in Wharf Road and Pearson Lane. The areas of public road are to be sold by Ryde City Council to the owner of the privately held land.

The formal closure and de-classification the 802m² 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 private land owner. 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.

The inclusion of the public land to create a larger development site has resulted in a complex development assessment and determination process, similar in many ways to that undertaken for the adjoining site at 1-3 Wharf Road.

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 diamond shape and orientation of the site?

In relation to the first question regarding the built form envelope, the proposal, as amended consistent with comments provided by the Council’s UDRP, is considered acceptable, with external impacts consistent with those likely from a fully complying development. In relation to the second question, the amended application is also considered acceptable, given the site orientation, shape and slope. The design has sought to maximise solar access and internal amenity to units, notwithstanding the site constraints.

12 RECOMMENDATION

That development application 2013 SYE 049 for the demolition of existing buildings and the construction and use of a part 7 storey and part 2 storey mixed use development with ground floor retail and a total of 83 residential units (17 studios, 45 x 1 bed, 19 x 2 bed and 2 x 3 bed) and parking for 124 vehicles within 3 basement levels, together with part construction of a publicly accessible plaza within Wharf Road and construction of Pearson Lane at **134-140 Victoria Road, 2-4 Wharf Road** and adjoining road reserve at Wharf Road and Pearson Lane, be APPROVED and DEFERRED COMMENCEMENT CONSENT be issued subject to the attached conditions.

Report prepared by:

Stuart McDonald

Consultant Town Planner, SJB Planning

Report approved by:

Sandra Bailey

Team Leader Major Developments

City of Ryde

Liz Coad

Manager Assessment

City of Ryde

Dominic Johnson

Group Manager Environment and Planning

City of Ryde

Attachment 1: Draft conditions of consent

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