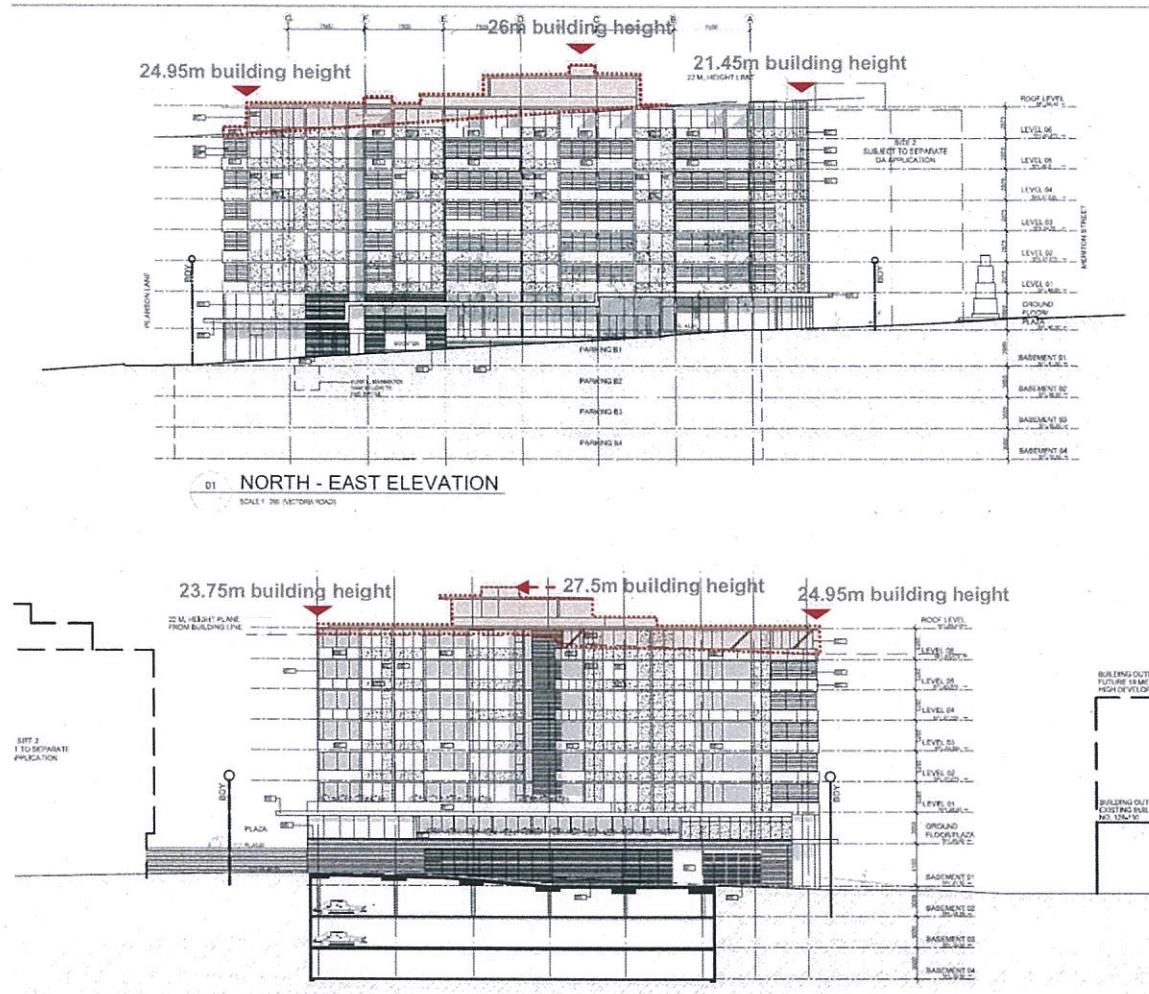


#### 4.7.4 SECTION 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

The following section seeks to vary the *maximum height* standard of 22 metres for the subject site, as stipulated under Section 4.3 of RLEP2010. The proposed development displays a varied height limit ranging from a minimum of 21.45 metres to a maximum of 27.5 metres. This maximum is inclusive of the lift overrun and other rooftop elements as illustrated in **Figure 10** below. The portion of the building that will exceed to 22 metre height limit is highlighted in 'red'.

FIGURE 10 – PROPOSED BUILDING HEIGHTS ALONG NORTH EAST AND SOUTH ELEVATION



*Clause 4.6(3)(a): Compliance with the development standard is unreasonable and unnecessary*

The reasons why compliance with the development standard is deemed to be unreasonable and unnecessary can be summarised as follows:

- Strict compliance with the maximum height of buildings standard is considered unnecessary as the proposed development is located on a landmark site within the Gladesville Town Centre. The opportunity to create an iconic mixed use development that responds to the sites context and its immediate surrounds should not be compromised by the current building height standard.
- The proposed development has considered the future height and density of surrounding buildings as defined by the Ryde Gladesville Town Centre LEP 2010.

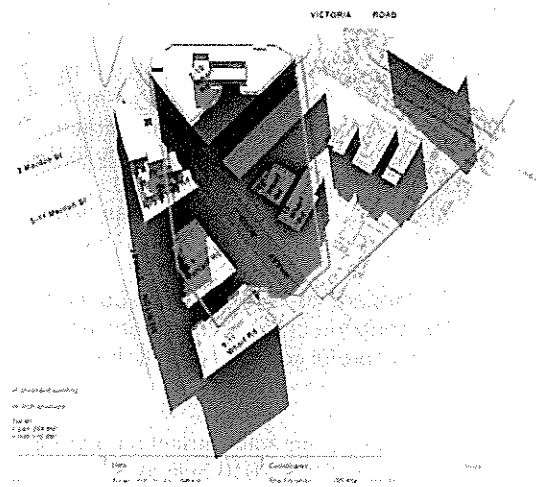
- The subject site has substantial fall to the south east from Wharf Road to Pearson Lane along Victoria Road of approximately 4.0 metres and cross fall of 2.5 metres to Pearson Lane from the intersection of Wharf and Victoria Roads.
- Given Council's requirement to achieve access for medium rigid vehicles to the basement, this has impacted on the proposed Pearson Lane entry and driveway gradients. As a result, the basement level will protrude above ground level. Ensuring that the design and configuration of the basement levels is consistent with the relevant design standards has consequently influenced the ability for the proposed development to adhere with the relevant building height provisions. The proposed implementation of a level and functional Public Plaza has also meant the building design has been influenced by various external factors.
- It is noted that the proposal will not exceed the maximum FSR standard applicable to the subject site. Rather than increasing the overall bulk of the proposed development, the proposed development has sought to marginally elevate the scale of the building, whilst giving careful consideration to the amenity of the adjoining residential properties.
- It can be seen through the below additional shadow analysis that the net amenity impact on adjoining properties, will be less than that which would result under the existing RDCP 2010 built form provisions for the subject site.
- The proposed development, through its ground floor address to the Plaza, presents a more human scale element for pedestrians.
- Notwithstanding the above, the proposed height variation will not adversely detract from the desired future character and form of the Gladesville Town Centre. The proposed development will positively contribute to the public realm and ensure to the best extent that the amenity of the adjoining residential properties is preserved.

*Clause 4.6(3)(b): Environmental planning grounds for variation*

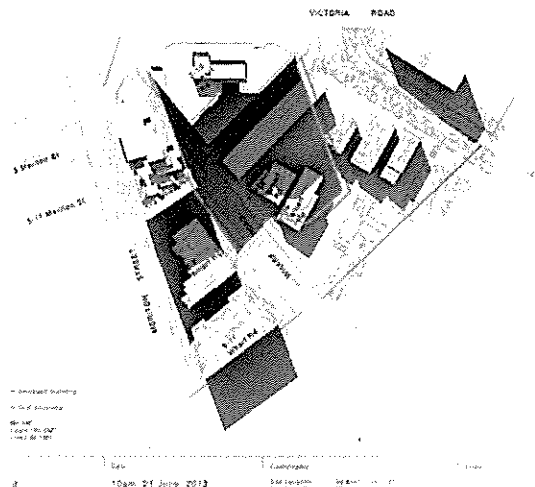
The environmental planning grounds for the proposed variation can be summarised as follows:

- The proposed development is consistent with the objectives of the B4 Mixed Use zone through the provision and integration of retail, residential and civic uses within a highly accessible location to maximise public transport patronage. The proposed development through its ground floor retail activation, construction of the Wharf Road Civic Plaza and contribution to general public domain improvements around the periphery of the site, will create an attractive and safe environment for pedestrians and the general community within the Gladesville Town Centre.
- Following a review of the detailed shadow analysis, which examined the impact of the proposed building envelope on the amenity of the neighbouring properties (*in particular to the south of the site*), the net impact is considered to be negligible. The detailed shadow analysis work took into consideration both the permitted building envelope under the RDCP and the envelope proposed as part of this development application. The below images illustrate the key findings from this analysis. The analysis includes hourly intervals between 9am and 3pm 21 June (winter solstice). A complete scale set of these shadow diagrams, including both the winter and summer solstice, is provided at **Appendix J**.
- The marginal encroachment of overshadow, outside of the existing RDCP building envelope, relates to a minor redistribution of floor space. This redistribution resulted from the expansion of Pearson Lane in accordance with RDCP and consequently the loss of potential floor space along the south-eastern boundary of the site. The redistribution is not seen to adversely impact on the ability for the neighbouring properties to the south to receive a minimum of three hours of direct sun light at the winter solstice as illustrated in **Figure 11**.

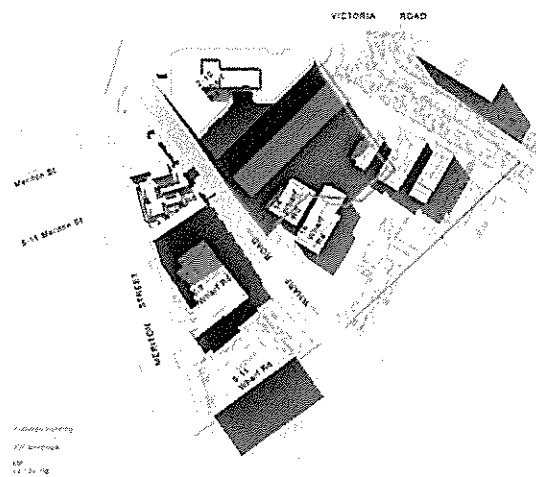
FIGURE 11 – SHADOW ANALYSIS WITH EXISTING DCP BUILDING ENVELOPE (BLUE) AND PROPOSED BUILDING ENVELOPE (ORANGE) (SOURCE: ARCHITECTURAL IMAGES)



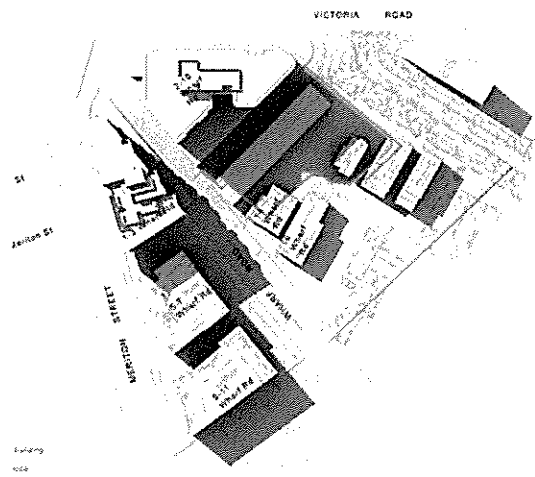
PICTURE 15 – 9:00AM SHADOW



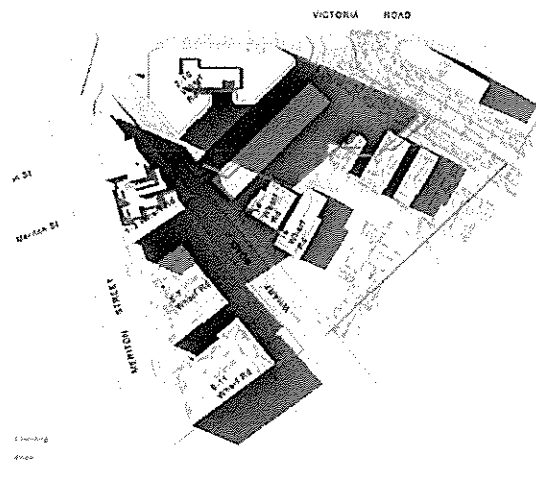
PICTURE 16 – 10:00AM SHADOW



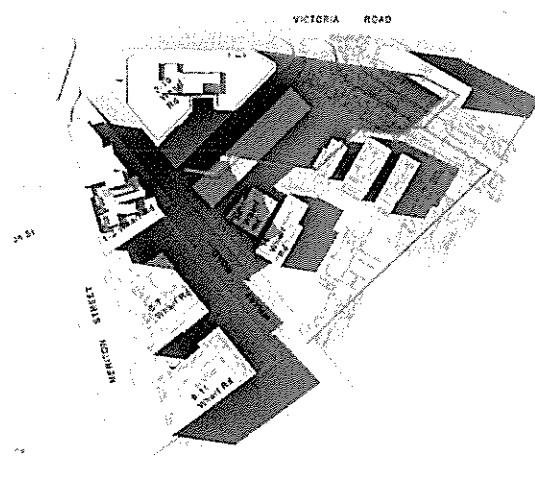
PICTURE 17 – 11:00AM SHADOW



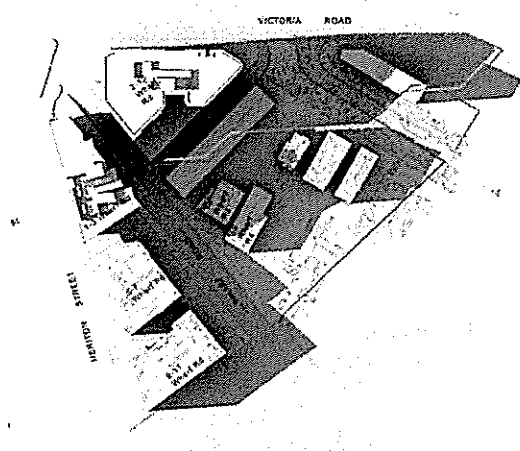
PICTURE 18 – 12:00PM SHADOW



PICTURE 19 – 1:00PM SHADOW



PICTURE 20 – 2:00PM SHADOW



PICTURE 21 – 3:00PM SHADOW

- The key findings from the above shadow diagrams are summarised below:
  - **9:00am, 21 June (winter solstice)**
    - Improved sunlight access to all neighbouring properties to the south, in particular to the private open space of 16 Wharf Road.
    - A minor encroachment outside the current RDCP 2010 building envelope in front of 9-11 Wharf Road.
    - Minor overshadow impacts on 1-3 Wharf Road. It is noted that this shadow has moved come 10:00am.
  - **10:00am, 21 June (winter solstice)**
    - Improved sunlight access to neighbouring properties to the south of the site.
  - **11:00am, 21 June (winter solstice)**
    - Improved sunlight access to neighbouring properties to the south of the site.
    - A minor encroachment outside the current RDCP 2010 building envelope at 16 Wharf Road, however the majority of this is across the existing roof form. Further, the existing structure appears to overshadow the block at this time.
  - **12:00pm, 21 June (winter solstice)**
    - A substantial improvement in sunlight access to 14 Wharf Road.
    - An encroachment outside the current RDCP 2010 building envelope at the rear of 3 Pearson Street. It was noted from onsite observations that this area is primarily used for parking.
  - **1:00pm, 21 June (winter solstice)**
    - Improved solar access to 3 Pearson Street.
    - The additional overshadow between 3 and 5 Pearson Street appears to overlap with the existing built form shadows.

- **2:00pm, 21 June (winter solstice)**

- An encroachment outside the current RDCP 2010 building envelope at the front of 3 and 5 Pearson Street. These areas do not appear to be the primary private open space areas for the respective properties.
- The remainder of the shadow encroachment is across the designated on street parking area along Pearson Street.

- **2:00pm, 21 June (winter solstice)**

- An encroachment outside the current RDCP 2010 building envelope to the south of Pearson Street. However it is noted that the additional shadow sits within the existing 128-130 Victoria Road shadow cast at this time.

- The proposed mixed use development forms part of the delivery of a significant public benefit within the Gladesville town centre. The proposal will contribute to the delivery of the Wharf Road Civic Plaza in collaboration with the developer of 1-3 Wharf Road. The Plaza, and other associated public domain works including the expansion of Pearson Lane, the introduction of a designated pedestrian pathway along Pearson Lane and the revitalisation of the sites Victoria Road frontage are each significant contributions that the proposed development will deliver on for the Gladesville Town Centre.
- The orientation of the site and its triangular shape present a number of constraints for achieving a desired built form outcome that responds to the amenity of adjoining residents and maximises the amenity for future residents within the development. The request for exception to the existing height standard under the RLEP 2010 will not adversely compromise the amenity of adjoining residents however it will increase the amenity and environmental efficiency of the proposed residential development.

*Clause 4.6(4)(a)(ii): Public interest and objectives of the standard and zone*

The objectives for the height of buildings standard are stated under Clause 4.3 (10) as follows:

- (a) to maintain desired character and proportions of a street within an area,*
- (b) to minimise overshadowing and ensure a desired level of solar access to all properties,*
- (c) to enable the built form in denser areas to create spatial systems that relate to human scale and topography,*
- (d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections,*
- (e) to reinforce important road frontages in specific centres.*

The objectives for the B4 Mixed Use zone are;

- *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 safe and attractive environments for pedestrians.*
- *To recognise and reinforce topography, landscape setting and unique location in design and land-use*

- The proposed mixed use development presents a built form and scale that aligns the desired future character for the Gladesville Town Centre, without adversely compromising sunlight access to neighbouring properties.
- The proposed development responds to the role and functions of the 'Key Site' within the Town Centre and will seek to further enhance this through the development of a Civic Plaza. The Plaza will establish a reinvigorated focal point for the local community to enjoy.
- The development will respond to the scale and topography of the land and surrounding development, with a prominent seven storey street wall (including ground) to be established along the sites Victoria Road and Wharf Road frontages, with a significant step down to two storeys along Pearson Lane (i.e. Basement Level 1 and Ground Floor).
- As stated earlier (above), the proposed development provides an integrated mix of retail, residential and civic uses that are appropriate for the subject site and complimentary to the Gladesville Town Centre location.

*Clause 4.6(5)(a): Matters of significance for State or regional environmental planning*

The proposed non-compliance with the maximum height of buildings standard for the subject site will not impact on matters of State or regional environmental planning. The proposed mixed use development will provide housing opportunities for existing and future residents within Gladesville, with easy access to the metropolitan bus network and within close proximity to local commercial and retail services.

The proposal provides the opportunity to significantly enhance the role and function of the Gladesville Town Centre within the Ryde Local Government Area, without adversely compromising the amenity of adjoining properties and the further redevelopment of a number of key sites within the Gladesville Town Centre and Victoria Road Corridor.

*Clause 4.6(5)(b): Public benefit in strictly maintaining the development standard*

The proposed variation is considered justified in terms of public benefit for the following reasons:

- The proposed redevelopment of the site will deliver a number of key community benefits, namely associated with the establishment of a local community meeting place by way of a new plaza, as well as the provision of community parking opportunities onsite.
- The implementation of the following community benefits seek to improve the general amenity and access of the existing pedestrian network, as well as provide the opportunity for social gathering and leisure for workers, visitors and residents within and around the site. The key community benefits to be delivered as part of the Key Site redevelopment include:
  - A Plaza, inclusive of alfresco dining, street furniture, lighting and generous paved areas that will complement the active ground floor retail. The Plaza will include access to public toilet facilities, as well as a designated area for bicycle rack facilities.
  - Reconstruction and widening of Pearson Lane, as well as the introduction of a designated pedestrian pathway.
  - Reconstruction and landscaping of the Victoria Road footpath, along the sites frontage, to the standard of both the RMS and Ryde City Council.
  - Installation by the developer of a substation on site so as to contribute to the local energy supply network and not burden the local power supply for future local residents.
  - Contribution to Ryde City Council for the refurbishment of the Clock Tower.



*Clause 4.6(5)(c): Any other matters*

The proposed maximum height of the building (point of encroachment) is 27.5 metres. This height includes the buildings lift overrun tower, as well as minor weather protection structure associated with the designated communal open space area at roof level.

The maximum height does not relate to an entire additional storey. The seventh storey only partially exceeds the maximum 22 metre height limit at its maximum by 2.95 (RL 24.95) metres which relates to an approximate 13% variation in height. This minor variation does not adversely translate to an excessive bulk form and scale within the proposed development. Further, the centralised rooftop communal open space area and lift overrun will not cause any additional overshadowing to neighbouring properties.

Overall it is considered that the proposed minor variation to the height of buildings standard is appropriate and can be clearly justified having regard to the matters listed under Clause 4.6 of the RLEP 2010.

#### 4.7.5 TREE PRESERVATION

Section 5.9(3) under the RLEP 2010 states that:

*A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:*

- (a) development consent, or*
- (b) a permit granted by the Council*

The proposed development will require the removal of six existing trees along the western boundary (Wharf Road frontage). The Applicant has engaged a qualified Arborist to assess the quality of the trees proposed for removal. Please refer to **Section 5.17** of this report for further details in relation to the matter of 'tree removal'.

The trees proposed for removal are not listed as a threatened species and it is proposed that these be replaced with appropriately design landscaping as part of the redevelopment of the site. A copy of the Arborist Report is located at **Appendix K**.

#### 4.8 HERITAGE CONSERVATION

Under Section 5.10 (5)(c), development within the vicinity of a 'heritage listed item' or 'heritage conservation', may be required by the consent authority to prepare a Heritage Impact Statement to accompany the development application.

The proposed development is located within the vicinity of the following heritage items listed under Schedule 5 Part 1 of the RLEP 2010:

- Memorial Clock, Wharf Road/Meriton Street, Gladesville.
- Great North Road, Bedlem Point to Eastwood, Ryde, Gladesville, Eastwood.
- Bayview Tavern, No. 170 Victoria Road, Gladesville.

A Heritage Impact Statement has been prepared to support this development application and is provided at **Appendix L**. In addition, the issue of 'heritage' is further dealt with under **Section 5.5** of this report.