

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2015/SYE065
DA Number	LDA 2015/0156
Local Government Area	City of Ryde
Proposed Development	Demolition, construction of a part 3, part 6 and part 7 storey mixed use development containing retail and residential uses over 2 levels of basement car parking. A total of 3 retail premises and 56 residential units (as amended) are proposed
Street Address	142-154 Victoria Road & 1 Meriton Street, Gladesville
Applicant/Owner	Bridgelane Property 12 Pty Ltd
Number of Submissions	Four (4) submissions received
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 Million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2000; • Environmental Planning and Assessment Act 1979; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Building Sustainability Index: BASIX); • State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development; • Draft State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Ryde Local Environmental Plan 2014; • City of Ryde Development Control Plan 2014;

	and <ul style="list-style-type: none"> Section 94 Development Contributions Plan 2007.
List all documents submitted with this report for the panel's consideration	Conditions of consent Clause 4.6 variation request: height
Recommendation	Approval with Conditions
Report by	Andy Nixey, Senior Town Planner
Report date	24 September 2015

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of a mixed use development at 142-154 Victoria Road & 1 Meriton Street, Gladesville.

The development application (as amended) proposes demolition of all existing buildings and the construction of a mixed use development containing 56 residential units (23 x 1 bedroom and 33 x 2 bedroom) and 3 retail/commercial tenancies (total floorspace 420m²). The proposed building will comprise 3, 6 and 7 storey elements. Two (2) levels of basement car parking for 61 vehicles are proposed. The application also includes associated landscaping and a 2m setback on the Meriton Street frontage to allow widening of the public footpath.

During the notification period, Council received four (4) submissions. The submissions raise various concerns including parking, cumulative traffic impacts, appropriate form of development, leasing of an existing tenancy forming part of the subject site and notification of the DA. All of the issues raised have been addressed in the report.

Assessment of the application against the relevant planning framework, and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern. Consequently this report concludes the application is sound in terms of its design, function, and relationship with its neighbours.

This report recommends that consent be granted to this application, in accordance with conditions provided at Attachment 1.

2. APPLICATION DETAILS

Applicant: Bridgelane Property 12 Pty Ltd

Owner: Bridgelane Property 12 Pty Ltd

Estimated value of works: \$21,751,571

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

3. SITE DESCRIPTION & CONTEXT

The site forms part of Gladesville Town Centre and is bounded by Victoria Road to the east and Meriton Street to the south-east. The site wraps around the north-western corner of the prominent intersection of Victoria Road and Meriton Street/Wharf Road.

The north-western border of the site is bound partly by open space forming part of Gladesville Public School and partly by a two storey retail/commercial development at 156 Victoria Road. A recently constructed 7 storey mixed use development at 3 Meriton Street directly adjoins the south-western boundary of the site.

Figure 1 below provides an aerial view of the site (outlined in red) and its context whilst photographs of the site and surrounding buildings are provided as **Figures 2 to 5**.



Figure 1: Aerial photograph of the site and surrounding area (Source: SEE/Six Maps)



Figure 2: Subject site (142-154 Victoria Road) viewed from Victoria Road looking south-west



Figure 3: Subject site (1 Meriton Street) viewed from intersection of Wharf Road and Victoria Road looking north



Figure 4: Subject site (1 Meriton Street & corner of 142 Victoria Road) viewed from Victoria Road looking west. Adjacent site under construction is 3 Meriton Street. Completed development further west is 5-11 Meriton Street. Construction site at 136-140 Victoria Road & 2-4 Wharf Road is visible on left side of photo.

As indicated by the above photographs, the immediate area is undergoing significant redevelopment with new mixed use developments either recently constructed (5-11 Meriton Street) or currently under construction (3 Meriton Street, 1-3 Wharf Road and 136-140 Victoria Road & 2-4 Wharf Road). The relationship of the proposed development with regard to the height of these neighbouring developments is considered in section 8.9 of this report.

The site slopes down from the north eastern corner to the south western corner with an approximate 3.9m change in levels across the site. There are no trees located on the site.

The site currently contains the following:

- A 2 and 3 storey retail/residential building containing 874m² retail floorspace and 8 residential units at 142-154 Victoria Road.
- A 2 storey residential apartment building containing 4 units at 1 Meriton Street.

Vehicular access to both existing developments on the site is currently provided from Meriton Street approximately 13m south of the intersection with Victoria Road.

4. SITE DETAILS

This DA relates to 142-154 Victoria Road and 1 Meriton Street. The development site is legally described as Lots 1-3 DP 130781 and Lot 19 DP 2955. The total area of the site is 1839m².

5. PROPOSAL

The scope of works for which consent is sought comprises:

- Demolition of all existing structures across the site;
- Construction of a mixed use development extending to 3, 6 and 7 storeys in height containing 3 retail/commercial tenancies (total 420m²) at ground level and 56 units (23 x 1 bedroom and 33 x 2 bedroom) above;
- Provision of two (2) levels of basement car parking for 61 vehicles with access from Meriton Street; and
- Associated landscaping and stormwater infrastructure works.

The development also includes provision of a 2m wide setback to Meriton Street to allow for a widened public footpath. This will be subject to establishment of a Right of

Way (RoW). The fitout and use of the proposed retail tenancies does not form part of this DA.

A photomontage of the proposed development is provided in **Figure 5** below.



Figure 5: Proposed development viewed from Victoria Road looking west

6. BACKGROUND

6.1 Pre-Lodgement

Redevelopment of the subject site has been subject to various pre-DA meetings. This included consultation with Council Officers and the Urban Design Review Panel (UDRP) regarding amendment to the key site diagram applying to the site under City of Ryde Development Control Plan 2014 (DCP2014). The key site diagram in DCP2014 was predicated on retention of 142-154 Victoria Road as this building is located in the Gladesville Town Centre Heritage Conservation Area and was considered to be of contributory heritage value. However, Council Officers agreed on 2 January 2014 that the buildings were of limited contributory value and could be demolished subject to an appropriate key site diagram and replacement building being proposed.

Subsequent discussions have taken place regarding the formulation of a revised key site diagram for the site. An early version of the currently proposed scheme and revised key site diagram was considered by the UDRP on 26 November 2014. The UDRP were generally supportive of the revised key site diagram and proposed form of development.

A formal pre-lodgement and UDRP meeting took place on 25 February 2015. A number of issues were raised predominantly in regard to building height, building depth, internal amenity and open space.

6.2 Current Development Application

The development application was submitted to Council on 7 April 2015. The original application included 59 residential units, 511m² of retail floorspace, and 62 parking spaces. The application also included a formal Voluntary Planning Agreement (VPA) offer for public domain improvements comprising:

- A 2m widening of the footpath on Meriton Street for a length of 32m;
- Public open space alcove (located on the apex of the development);
- Public art (located within the proposed public open space alcove);
- 4 multi-function poles;
- Power undergrounding; and
- Paving upgrade works to both street frontages.

A letter was sent to the applicant in May 2015 advising that Council's VPA Panel had reviewed the VPA offer and that it was not acceptable to Council Officers on the basis that the majority of the benefits offered are requirements of section 3.3 (Public Domain) of Part 4.6 of DCP2014 and would therefore normally be subject to conditions of consent. The issue of public domain works is considered in Section 8.12 of this report.

The UDRP reviewed the DA on 3 June 2015 and a further letter was sent to the applicant on 5 June 2015 requesting further information and/or consideration in respect of the following issues:

- Height;
- Floor Space Ratio (FSR);
- Traffic;
- Waste;
- Landscaping;
- Overshadowing;
- Internal layout; and
- Elevational details.

Following a meeting on 2 July 2015, amended architectural plans and additional information were received by Council on 20 July 2015. The amended plans involved the following key changes:

- Reduction in height of the development on Meriton Street frontage by approx. 1m.
- Reduction in number of units from 59 to 56 (and associated change to unit mix).
- Reduction in retail floorspace by 91m² to 420m².
- Alterations to façade treatment fronting Victoria Road allowing areas of proposed 'breezeways' to be considered 'open' and thus excluded from gross floor area (GFA) calculations.
- Overall reduction in GFA by 263m² resulting in a compliant FSR of 2.49:1.
- Alterations to address internal amenity issues raised by Council and the UDRP.
- Relocation of bicycle storage area from ground level to basement.
- Increased clearance for vehicles using basement loading dock.

In addition, the applicant advised that the VPA offer had been withdrawn following Council's response that the offer was unacceptable. The widening of the footpath on Meriton Street by 2m however remains part of the DA.

On the basis of the amendments only reducing the extent of the originally advertised application, it was considered that the revised plans did not require renotification.

Additional information was also received with regard to height (revised clause 4.6 variation request), FSR, traffic, waste, environmental health and landscaping. Revised landscaping and additional shadow diagrams were also received.

Further amended plans and additional information were received on 31 August 2015 following further comments from Council and the UDRP. The amendments predominantly involved internal alterations and the addition of an awning to the Meriton Street frontage and over the lobby entrance. Given the minor nature of the amendments, it was again considered that the revised plans did not require renotification.

7. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- State Environmental Planning Policy (Infrastructure) 2007);

- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Draft State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014; and
- Section 94 Development Contributions Plan 2007.

8. PLANNING ASSESSMENT

8.1 Environmental Planning and Assessment Act 1979

Section - 5A Threatened species, populations or ecological communities, or habitats

This section of this Act requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

Noting the review undertaken for this development application, it is apparent the site does not have any ecological attributes which, if lost, would impact upon any threatened species, population, ecological community or habitat.

Section 79C Evaluation

All relevant matters for consideration under Section 79C have been addressed in the assessment of this application.

8.2 Environmental Planning and Assessment Regulation

This application satisfies Clause 50(1)(a) of the Regulation as it is accompanied by the nominated documentation for development seeking consent for a residential flat building, including:

- A design verification statement from a qualified designer;
- An explanation of the design in terms of the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development; and
- Relevant drawings and montage.

8.3 State Environmental Planning Policy (State and Regional Development) 2011

This proposal has a Capital Investment Value of more than \$20 million, and consequently the Joint Regional Planning Panel is the consent authority for this application.

8.4 State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

The subject site has been in use for retail and residential purposes for a considerable time with aerial photographs from 1943 showing the current buildings on the site.

Accordingly, there would appear to be minimal risk of contamination and the site is considered suitable for the proposed development. However, if any contamination is located during excavation, further investigation may be required. A condition of consent has been imposed to reflect this (see condition 30).

8.5 State Environmental Planning Policy (Building Sustainability Index: BASIX)

The Policy seeks to ensure that new dwellings are designed to use less water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets, which are based on the NSW average benchmark. The Policy also sets minimum performance levels for the thermal comfort of a dwelling.

This application, as amended, was accompanied by BASIX Certificate No. 615717M_03 which confirms that required targets will be met.

Appropriate conditions are to be imposed requiring compliance with the BASIX commitments detailed within the Certificate (see conditions 3, 76 & 107).

8.6 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to the subject site given the eastern boundary of the site abuts Victoria Road, a classified Road. In addition, the development is classified as a 'Traffic Generating Development' as it includes more than 50 parking spaces where access is required within 90m of Victoria Road. **Table 1** below contains the provisions of the Infrastructure SEPP applicable to this DA:

Infrastructure SEPP	Comments	Comply?
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Infrastructure SEPP	Comments	Comply?
<p>Clause 101 Development with frontage to a classified road</p> <p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> • To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and • To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. 	<p>The DA was referred to Roads and Maritime Services (RMS) for comment. RMS has raised no objection to the proposal and comments provided have been addressed by the applicant and in the assessment of the application. The acoustic report submitted by the applicant provides a number of recommendations to ensure the impact of noise from Victoria Road is minimised. These recommendations may be imposed as conditions of consent (see conditions 67 and 117).</p>	<p>Yes</p>
<p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <ul style="list-style-type: none"> • Where practicable, vehicular access to the land is provided by a road, other than a classified road; and • The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: <ul style="list-style-type: none"> – The design of vehicular access to the land, or – The emission of smoke or dust from the development, or – The nature, volume or frequency of vehicles using the classified road to gain access to the land. • The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road. 	<p>Access to the site is provided from Meriton Street, as far as possible from the intersection with Victoria Road. To ensure safe access and egress without adversely affecting the operation of the intersection, condition 36 is recommended which restricts the access to left-in, left-out operation only.</p> <p>The acoustic report submitted with the application provides a number of recommendations to minimise adverse impacts of Victoria Road on future occupants.</p>	<p>Yes</p> <p>Yes - may be appropriately conditioned.</p>
<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 	<p>Victoria Road is a State classified Road. As noted above, an</p>	<p>Yes - may be appropriately</p>

Infrastructure SEPP	Comments	Comply?
<p>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.</p> <ul style="list-style-type: none"> 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>acoustic report has been submitted and this includes 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>conditioned.</p>
<p>Clause 104 Traffic generating development</p> <ul style="list-style-type: none"> The proposed development, being a development with ancillary 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 will not be making a submission), The accessibility of the site concerned, and Take into consideration any potential traffic safety, road congestion or parking implications of the development. 	<p>The proposed development is considered 'traffic generating development'.</p> <p>RMS has raised no objection to the proposal.</p> <p>Satisfactory.</p> <p>Subject to conditions 36 and 137 being imposed which will restrict the operation of the driveway access to Meriton Street to left-in, left-out only, the proposal is considered acceptable in this regard.</p>	<p>Noted</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Table 1: Consistency with Infrastructure SEPP

8.7 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- Urban Design Review Panel (prior to lodgement);
- The 10 SEPP 65 Design Quality Principles; and
- The NSW Residential Flat Design Code (RFDC) guidelines.

Urban Design Review Panel

As detailed in Section 6.1, redevelopment of the subject site has been subject to various pre-DA meetings. An early version of the currently proposed scheme and revised key site diagram was considered by the UDRP on 26 November 2014. The UDRP were generally supportive of the revised key site diagram and the proposed form of development.

A formal pre-lodgement and UDRP meeting took place on 25 February 2015. A number of issues were raised predominantly in regard to building height, building depth, internal amenity and open space.

Following lodgement of the current DA, the application was considered by the UDRP at a meeting on 3 June 2015. Again, the Panel generally supported the proposed design approach but still raised concerns with regard to height, communal open space and internal amenity.

Following the submission of amended plans, rather than require a further full UDRP meeting to review the plans (given they appeared to address the outstanding issues), the revised proposal was forwarded to one of the Panel members for independent review and comment. Comments were generally supportive of the amended design with the exception of the secondary bedrooms of units 7, 8, 19 and 20 being provided only with high level windows opening onto the lightwell.

The applicant has subsequently amended the plans to alter the layout of these units to being only 1 bedroom with study.

Accordingly, the amended application is considered to have satisfactorily addressed the remaining concerns of the UDRP.

Design Quality Principles

Part 2 of the Policy introduces 10 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions.

As required by the Environmental Planning and Assessment Regulation, this application is accompanied by a response to the design principles, as prepared by the project architect.

Table 2 below provides an assessment of the proposal against the 10 design principles of the SEPP:

Design Quality Principle	Comment
<p>Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<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 the proposed design responds appropriately to the likely future context of the area including new developments already constructed or currently under construction in the immediate vicinity of the site.</p>
<p>Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>The scale in terms of height is generally consistent with the height control identified in Ryde Local Environmental Plan 2014 (LEP2014) with a relatively minor breach occurring to the south-western side as a result of the sloping nature of Meriton Street. The nature of the breach is unlikely to adversely impact the streetscape and the height of the development is appropriate with regard to redeveloped neighbouring buildings.</p> <p>The scale of the development is modulated and responds to relevant controls in DCP2014. It also will be consistent in terms of massing and scale with desired future character of the precinct. Notably, Council's Urban Design Review Panel and Council's Heritage Advisor have raised no concerns regarding the scale and massing of the development as amended.</p> <p>The bulk of the development is also considered to be acceptable given that the development achieves</p>

Design Quality Principle	Comment
	suitable compliance with the objectives contained in the RFDC.
<p>Built Form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed building has been designed to provide a contemporary form of development that achieves visual interest and an acceptable built form. The building will contribute positively to the existing and emerging character of the surrounding streetscape. Council's Urban Design Review Panel supports the proposed built form as amended.</p>
<p>Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>The proposal complies with the LEP 2014 FSR control of 2.5:1 and an acceptable level of amenity of to be provided to each of the 56 units. The Gladesville Town Centre is undergoing transition and the proposal conforms to the desired density and scale of development for this location. The site's density is also considered appropriate given its proximity to public transport.</p>
<p>Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles,</p>	<p>Energy and water efficiency targets under SEPP (BASIX) 2004 are achieved.</p> <p>A Site Waste Minimisation and Management Plan has been submitted and assessed as acceptable by Council's Environmental Health Officer.</p> <p>The design is generally consistent with best practice 'rules of thumb' for cross ventilation, solar access, soil depth and reuse of water as provided in the RFDC.</p>

Design Quality Principle	Comment
efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	
<p>Landscape</p> <p>Landscape design enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>The proposal incorporates landscaping over a number of levels. Predominantly soft landscaped communal open space is proposed to the rear (north-western) portion of the site with a further area proposed within a raised planter adjacent to the main entry to the building.</p> <p>Further landscape planters are proposed on levels 1 and 3 and as part of the roof top terraces serving units of levels 5 and 6.</p> <p>Overall approximately 11.1% (205m²) of the site is set aside as ground level landscaped area/open space. Of that, approximately 4.7% (88m²) of the site area or 43% of the overall landscaped area is available as deep soil zone.</p> <p>The proposed landscaping will assist in improving the aesthetics of the building as well as improving the amenity of the future residents.</p> <p>Each unit is also provided with a private balcony, courtyard area or roof terrace sufficient for recreational use and amenity benefit.</p> <p>Overall the proposed landscape works within the site have been assessed as satisfactory for SEPP 65/RFDC purposes.</p>
<p>Amenity</p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>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>The design and orientation of the units allows for a sufficient level of amenity for future occupants of the building.</p> <p>The development generally complies with the controls contained in the RFDC and amenity for the units is satisfactory in terms of unit size, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, and ease of access.</p>

Design Quality Principle	Comment
<p>Safety and Security Good design optimises safety and security, both internal to the development and for the public domain.</p>	<p>The application has been reviewed by NSW Police who have advised that appropriate outcomes can be achieved through conditions (see conditions 121 to 130).</p> <p>The development is consistent with the CPTED principles as follows:</p> <ul style="list-style-type: none"> ➤ Clearly located entries to the residential and commercial uses. ➤ Constant passive surveillance of Victoria Road and Meriton Street. ➤ Clear, well lit access from entry to private lobbies. Each lobby also provides limited entries which will encourage familiarity between neighbours. ➤ Clear definition between public and private spaces, with residents only able to access the residential domain.
<p>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.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>The proposal, as amended, comprises 56 units as follows:</p> <ul style="list-style-type: none"> • 23 x 1 bedroom apartments; and • 33 x 2 bedroom apartments. <p>Of those, 6 apartments (10.7%) will be adaptable.</p> <p>This is considered to be a suitable mix of housing which should attract single, couples and family occupants alike into an area which is highly accessible to public transport and local shopping. In this regard, as a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability.</p>
<p>Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape</p>	<p>The development has incorporated a variety of materials and finishes to assist in the massing of the building as well as providing differentiation between the uses and various elements within the development. The aesthetics respond to the desired future character of the area. Council's Heritage Advisor is satisfied with the proposed materials and colours.</p>

Design Quality Principle	Comment
or, in precincts undergoing transition, contribute to the desired future character of the area.	

Table 2: Design Principles

Residential Flat Design Code

The SEPP requires consideration of the "Residential Flat Design Code" (RFDC) which supports the 10 design quality principles by giving greater detail as to how those principles might be achieved. **Table 3** below provides an assessment of the proposal against the matters in the RFDC:

Part 01 – Local Context		
	Comments	Consistent
Building Height Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.	The proposed building height is considered acceptable (see Section 8.9 of this report). The proposed development, as amended, complies with the 2.5:1 FSR control.	Yes
Building Depth In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	Building depth is generally compliant with the exception of an approx. 5m wide section extending to a depth of approx. 23m. Voids and articulation have been used to ensure no adverse amenity impacts arise in this regard. It is noted that the design provides for 66% of units achieving cross ventilation, 34% of units receiving at least 3 hours of solar access in midwinter, and notably 79% of units achieving at least 2 hours of solar access in midwinter. Accordingly, the proposed depth non-compliance is considered acceptable as it is relatively minor and will not adversely impact the amenity of future residents of the development or neighbouring developments.	No - Acceptable
Building Separation Building separation for buildings up to 8 storeys or up to 25 metres should be: -18m between habitable	Zero side setbacks are required for the proposed development and no openings are proposed in the side elevations. Building separation	N/A

Part 01 – Local Context		
	Comments	Consistent
rooms/balconies -13m between habitable/balconies and non-habitable rooms -9m between non-habitable rooms. Developments that propose less distance must demonstrate that adequate daylight access, urban form and visual and acoustic privacy has been achieved.	distances are therefore not relevant.	
Street Setbacks Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.	Street setbacks of zero to Victoria Road and 2m to Meriton Street are proposed. Although the DCP requires zero setbacks to both frontages, the 2m setback to Meriton Street will allow for widening of the public footpath and raises no concerns in relation to streetscape character. The proposed setbacks are consistent with the proposed revised Key Site Diagram (see Section 8.10 of this report) and are considered acceptable by the UDRP.	Yes
Side and Rear Setbacks Relate side setbacks to existing streetscape patterns. These controls should be developed in conjunction with building separation, open space and deep soil zone controls. In general, no part of the building should encroach into a setback area.	Zero side setbacks are proposed consistent with Council's DCP controls. The rear setback (if taken to be the north-western boundary) is a minimum of 15m and will contain suitable deep soil, landscaping and communal open space.	Yes
Floor Space Ratio Test the desired built form outcome against the proposed floor space ratio to ensure consistency with building height, building footprint, the three dimensional building envelope and open space requirements.	As amended, the proposed development complies with the FSR control of 2.5:1.	Yes

Part 02 – Site Design		
	Comments	Consistent
Deep Soil Zones		

Part 02 – Site Design		
	Comments	Consistent
A minimum of 25% of the open space area of a site should be deep soil zone. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration.	Approximately 87.5m ² (4.8%) of the site is set aside as deep soil landscaped area. This equates to approximately 43% of the overall ground level open space (205m ²). It is notable in this regard that the existing site contains no landscaping and is fully built out. As such, the proposal represents a significant improvement over the current situation.	Yes
Fences and Walls Fences and walls are to respond to the identified architectural character for the street and area. They are also to delineate the private and public domain without compromising safety and security.	No fences or walls are proposed adjacent to the public domain.	Yes
Landscape Design Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.	Council's Consultant Landscape Architect has confirmed the proposed landscape treatment as amended is satisfactory.	Yes
Open Space The area of communal open space required should generally be at least between 25% and 30% of the site area. Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.	Approximately 205m ² of ground level communal open space is proposed together with 41m ² on level 3. This equates to approx. 13.4% of the site area. Although non-compliant with the RFDC recommendation, private open spaces are provided for each unit in the form of a balcony or terrace for above ground units and courtyard areas for the 2 ground floor units. All courtyard and terrace areas and balconies are of a useable size and all balconies have a minimum depth of approximately 2m. These spaces satisfy design criteria in the RFDC and it is considered that all units will be provided with suitable residential amenity in this regard.	No - Acceptable
Orientation Optimise solar access to living areas and associated private open spaces by orientating them	The orientation of the proposed building is set by the existing street frontages and the Key Site Diagram	Yes

Part 02 – Site Design		
	Comments	Consistent
to the north and contribute positively to the streetscape character.	contained in DCP 2014. Solar and daylight access has been suitably considered in the proposal and has been maximised where possible.	
Planting on Structures In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes: • Shrubs - minimum soil depths 500 - 600mm	Council's Consultant Landscape Architect has reviewed the proposed landscaping scheme and has raised no concerns in this regard.	Yes
Stormwater Management Reduce the volume impact of stormwater on infrastructure by retaining it on site.	Council's Senior Development Engineer is satisfied with arrangements for the collection and disposal of stormwater, subject to conditions (see conditions 51, 52, 106, 109 and 110).	Yes
Safety Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance and minimise opportunities for concealment.	The design properly responds to the principles which underpin CPTED considerations. Conditions of consent have been included to reflect appropriate safety and security measures (see conditions 121 to 130).	Yes
Visual Privacy The building separation requirements should be adopted.	Zero side setbacks are required and there will be no unreasonable privacy impacts to neighbouring properties. It should be noted that a secondary balcony proposed on level 1 serving unit 8 adjacent to the north-western boundary has however been amended to ensure no privacy or amenity issues will arise in the event of the future redevelopment of the adjacent site at 156 Victoria Road. The development incorporates	Yes

Part 02 – Site Design		
	Comments	Consistent
	appropriate design elements and screening to prevent any internal privacy impacts.	
Building Entry Ensure equal access to all. Developments are required to provide safe and secure access. The development should achieve clear lines of transition between the public street and shared private, circulation space and the apartment.	Equitable and secure access is available onto the site and within the development. The Access Report accompanying the application has identified various minor matters that will need to be addressed at Construction Certificate stage to ensure compliance with the relevant standards are met in terms of achieving equitable access. Condition 69 is recommended in this regard.	Yes
Parking Determine the appropriate car parking numbers. Where possible underground car parking should be provided.	<p>With regard to the proposed unit numbers and mix, Council's DCP2014 would allow for between 44 and 63 residential parking spaces on the site. The proposal provides 44 residential spaces in addition to 11 residential visitor spaces (and 6 retail tenant spaces).</p> <p>In addition, all units have been allocated a bicycle storage space adjacent to the respective parking spaces within the basement.</p> <p>The number of parking spaces proposed is suitably compliant with the provisions of DCP2014. Council's Senior Development Engineer is satisfied with the proposed parking supply and allocation and conditions 15 and 138 are recommended in this regard.</p>	Yes
Pedestrian Access Provide high quality accessible routes to public and semi-public areas of the building and the site. Maximise the number of accessible, visitable and adaptable apartments in the building.	<p>The development provides accessible paths of travel within the building and to public areas.</p> <p>6 (10.7%) adaptable apartments are provided. Condition 70 is recommended in this regard.</p>	Yes
Vehicle Access		

Part 02 – Site Design		
	Comments	Consistent
To ensure that the potential for pedestrian / vehicle conflicts is minimised. The width of driveways should be limited to 6 metres. Vehicular entries should be located away from main pedestrian entries and on secondary streets.	<p>The driveway access width is 7.4m and is located on Meriton Street away from main pedestrian entries.</p> <p>The additional driveway width is required for larger service vehicles entering and exiting the site. Council's Public Works Team and Senior Development Engineer are satisfied with access arrangements for cars and service vehicles.</p>	No - Acceptable

Part 03 – Building Design		
	Comments	Consistent
<p>Apartment Layout</p> <p>Single aspect apartments should be limited in depth to 8m from a window.</p>	Although 6 single aspect units do exceed 8m in depth, at 9.5m the non-compliance is considered relatively minor. The overall proposed unit layout is considered reasonable and responds satisfactorily to the orientation and location of the approved building envelopes. The UDRP have raised no concerns in this regard.	No
The back of kitchen should be no more than 8m from a window	Although not 100% compliant, in most instances the back of the kitchen is no more than 8m from a window. Given the minor extent of any non-compliance and the small number of units involved (6), this is considered reasonable and acceptable. Again, the UDRP have raised no concerns in this regard.	No
<p>The minimum sizes of the apartments should achieve the following;</p> <p>1 bedroom – 50m²</p> <p>2 bedroom – 70m²</p>	All apartments exceed the minimum size requirements.	Yes

Part 03 – Building Design		
	Comments	Consistent
Apartment Mix The development should provide a variety of types.	Apartment mix is: <ul style="list-style-type: none"> • 23 (41%) x 1 bedroom apartments; and • 33 (59%) x 2 bedroom apartments. 6 apartments (10.7%) will be adaptable. Overall, the proposed mix is considered reasonable.	Yes
Balconies Where private open space is not provided, primary balconies with a minimum depth of 2m should be provided.	Each unit is provided with a primary balcony that is accessed from the main living areas. All balconies have a minimum depth of 2 metres.	Yes
Ceiling Heights The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level FCL). <ul style="list-style-type: none"> • in general, 2.7m minimum for all habitable rooms on all floors, 2.4m is the preferred minimum for all non-habitable rooms, however 2.25m is permitted. 	Floor to ceiling heights are at least 2.7m are proposed for habitable rooms.	Yes
Flexibility Provide apartment layouts which accommodate the changing use of rooms.	Floor plates are considered satisfactory.	Yes
Ground Floor Apartments Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	Both proposed ground floor apartments are provided with access to private open space and internal and external entries.	Yes
Internal Circulation		

Part 03 – Building Design		
	Comments	Consistent
<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 eight.</p> <p>Increase amenity and safety of circulation spaces by providing generous corridor widths and ceiling heights, appropriate levels of lighting including the use of natural daylight.</p>	<p>Achieved.</p> <p>Achieved.</p>	<p>Yes</p> <p>Yes</p>
<p>Mixed Use The development is to choose a mix of uses that complement and reinforce the character, economics and function of the local area. The development must also have legible circulation systems.</p>	<p>The development incorporates 3 retail tenancies which will allow for uses compatible with the surrounding Gladesville Town Centre and residential properties above to be established. An acceptable 3.7m ceiling height is proposed for each tenancy.</p>	<p>Yes</p>
<p>Storage In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> • studio apartments - 6.0m³ • one-bedroom apartments - 6.0m³ • two-bedroom apartments - 8.0m³ • three-bedroom apartments - 10.0m³ Locate storage conveniently for apartments. Options include providing at least 50% within each respective apartment, dedicated storage rooms on each floor or dedicated storage in the basement.</p>	<p>Floorplans indicate the provision of storage areas within each unit with additional storage to be provided for each unit within the basement car park. Details demonstrating compliance with the volume requirements however have not been provided and condition 74 is recommended to ensure minimum storage rates for each unit are complied with.</p>	<p>Yes (subject to condition)</p>
<p>Acoustic Privacy Apartments to be arranged to minimise noise transitions.</p>	<p>The development has been designed to minimise potential noise transitions between apartments. Conditions 67 and 117 will ensure compliance with relevant acoustic requirements in this regard.</p>	<p>Yes</p>

Part 03 – Building Design		
	Comments	Consistent
<p>Daylight Access Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.</p>	<p>The proposed buildings achieve the following outcomes:</p> <ul style="list-style-type: none"> • 34% of units achieve 3hrs solar access to living rooms and open space; • 79% of units achieve 2hrs solar access to living rooms and open space. <p>The site is located within Gladesville Town Centre which is transitioning into a dense urban area. As such, 79% of all units receiving at least 2 hours of solar access is considered a reasonable and acceptable outcome and units will be provided with a satisfactory level of amenity with regard to daylight access.</p>	No - Acceptable
<p>Limit the number of single aspect apartments with a southerly aspect to a maximum of 10%</p>	<p>No units are proposed with a direct southerly aspect. Of the south-eastern facing units, 6 (10.7%) are single aspect. This is considered a reasonable outcome for a development of this size with regard to the site orientation and zero side setback requirements.</p>	Yes
<p>Natural Ventilation Building depths which support natural ventilation typically range from 10 to 18 metres.</p>	<p>The proposed building depths and apartment layouts support natural ventilation.</p>	Yes
<p>60% of residential units should be naturally cross ventilated.</p>	<p>66% (37 units) – Achieved.</p>	Yes
<p>Awnings Contribute to the legibility of the residential flat development and amenity of the public domain by locating awnings over building entries.</p>	<p>An awning is provided over the main residential entry point.</p>	Yes
<p>Facades Facades are to be of appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character.</p>	<p>The facade composition and mix of materials is satisfactory and responds appropriately to the desired contextual character.</p>	Yes

Part 03 – Building Design		
	Comments	Consistent
Roof Design Roof design is to relate to the desired built form as well as the size and scale of the building.	Satisfactory.	Yes
Energy Efficiency Incorporate passive solar design techniques to optimize heat storage in winter and heat transfer in summer. Improve the control of mechanical space heating and cooling.	The energy efficiency of the buildings is consistent with the requirements under BASIX.	Yes
Maintenance The design of the development is to ensure long life and ease of maintenance.	Satisfactory.	Yes
Waste Management A waste management plan is to be submitted with the development application.	A waste management plan has been submitted with the application. Conditions 80 and 141 to 144 are recommended with regard to waste management.	Yes
Water Conservation Reduce mains consumption of potable water. Reduce quantity of urban stormwater runoff.	The water conservation methods of the buildings are consistent with the requirements under BASIX.	Yes

Table 3: RFDC Compliance

8.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan, now a deemed State Environmental Planning Policy, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The site is approximately 550 metres from the nearest point of Sydney Harbour. Given the topography of the surrounding area, the built environment between the waterways and the site, and the alignment of roads between the waterways and the site, it is not considered the proposed development will have a significant visual impact on Sydney Harbour and there are no specific controls that directly apply to this proposal.

8.8 Draft State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

Draft SEPP 65 was placed on public exhibition on 23 September 2014 and incorporated changes to the SEPP itself and the RFDC. The revised SEPP was published on the NSW legislation website on 19 June 2015 (over 2 months after lodgement of the subject DA). Transitional arrangements for the amended SEPP state that for DAs lodged before 19 June 2015 and not determined before the amendment commenced on 17 July 2015, the application must be determined under the version of the SEPP in force prior to 19 June 2015.

As such, this DA has been assessed under the provisions of the previous version of SEPP 65 (Design Quality of Residential Flat Development) and the associated Residential Flat Design Code (see previous consideration in Section 8.6 of this report).

In any event, the proposal is considered to be generally consistent with the provisions of the revised SEPP 65 and associated Apartment Design Guidelines.

8.9 Ryde Local Environmental Plan 2014

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014, although compliance is not strictly necessary.

Clause 2.3 Zone Objectives and Land Use Table

The land is zoned "*B4 Mixed Use*" under LEP 2014. The proposal constitutes a mixed use development comprising residential and retail uses. Given residential use is proposed at ground level, it does not technically satisfy the definition of "shop top housing". However, "commercial premises" is a permissible form of development within the zone and a "*residential flat building*" is not listed as prohibited form of development.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the B4 zone are as follows:

- *To provide a mixture of compatible 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.*

The subject site forms part of the Gladesville Town Centre and the proposal meets the objectives of the zone though providing a suitable mix of retail floorspace and

housing types and densities that will be compatible with the surrounding area. The site is located in very close proximity to bus services and within a relatively short distance of ferry services.

Clause 4.3 Height of Buildings

Clause 4.3(2) states that the height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map. The map specifies the maximum height for any building on the site as 22m. Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Whilst compliant on the Victoria Road frontage, the site slopes away to the south-west along the Meriton Street frontage. The proposed building consequently does not comply with the height control to varying degrees with the maximum breach extending to 2.37m measured at the south-eastern corner of the services core (RL 69.75). At the south-eastern corner of the top floor on the Meriton Street frontage (which is inset 7.6m from the side boundary), the breach extends to approximately 1m.

Figures 6 and 7 below illustrate the location and extent of the proposed height breaches. For comparison purposes, the **Figure 6** also illustrates the nature of breaches recently approved for neighbouring sites (the subject site is circled in red). **Figure 8** comprises the roof plan of the proposed development which allows comparison with **Figures 6 and 7** in terms of the roof elements that are in breach of the height control.

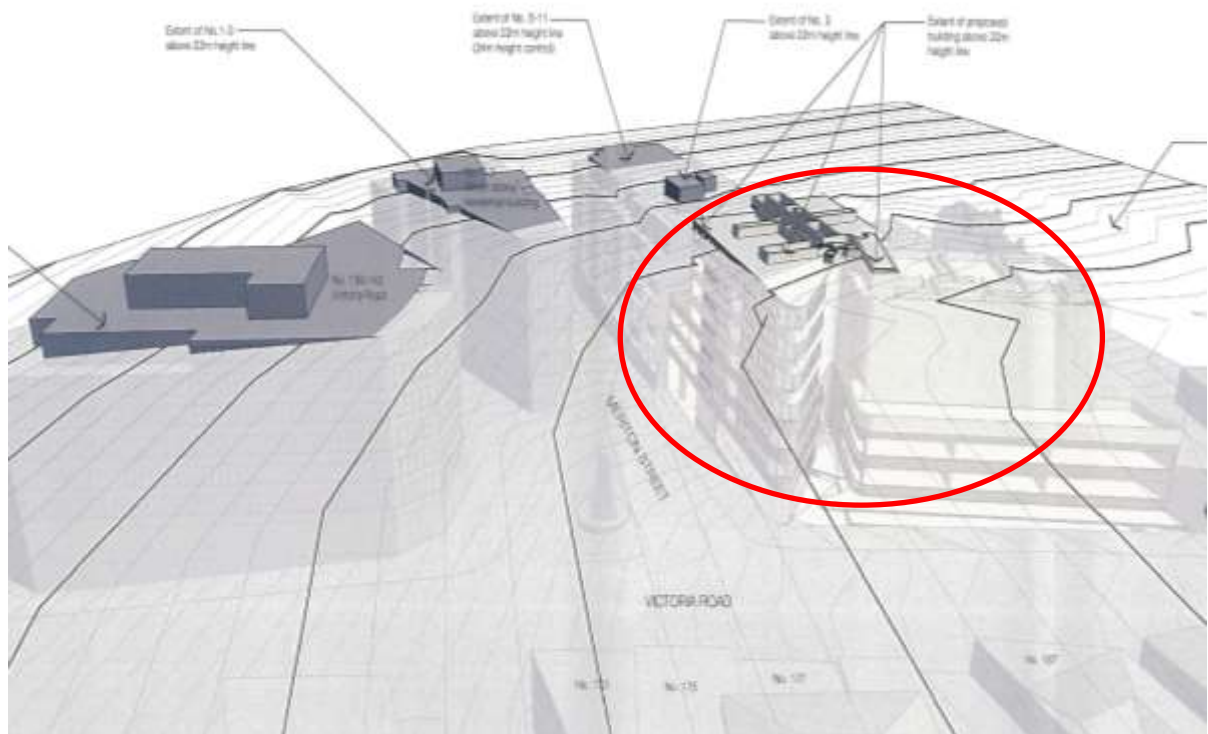


Figure 6: Proposed height non-compliance in comparison with approved neighbouring redevelopments (Source: DA drawing A-3009/02)

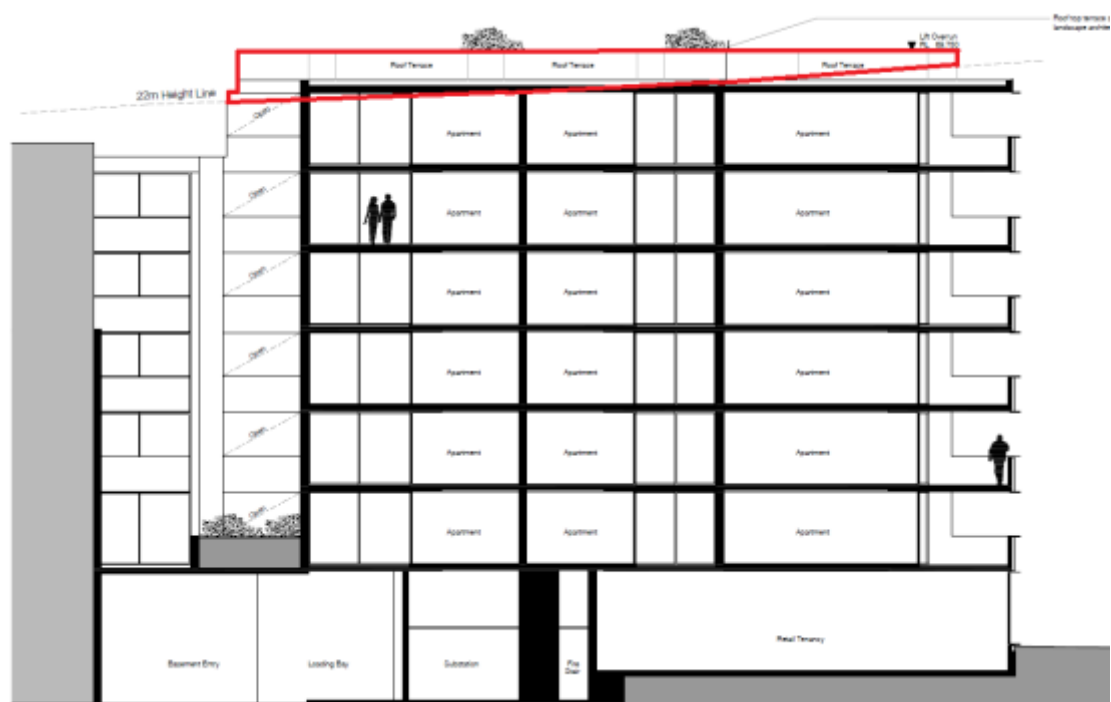


Figure 7: Section E (Meriton Street) showing extent of variation outlined in red (Source: DA drawing A-0605/01 & Clause 4.6 variation request)

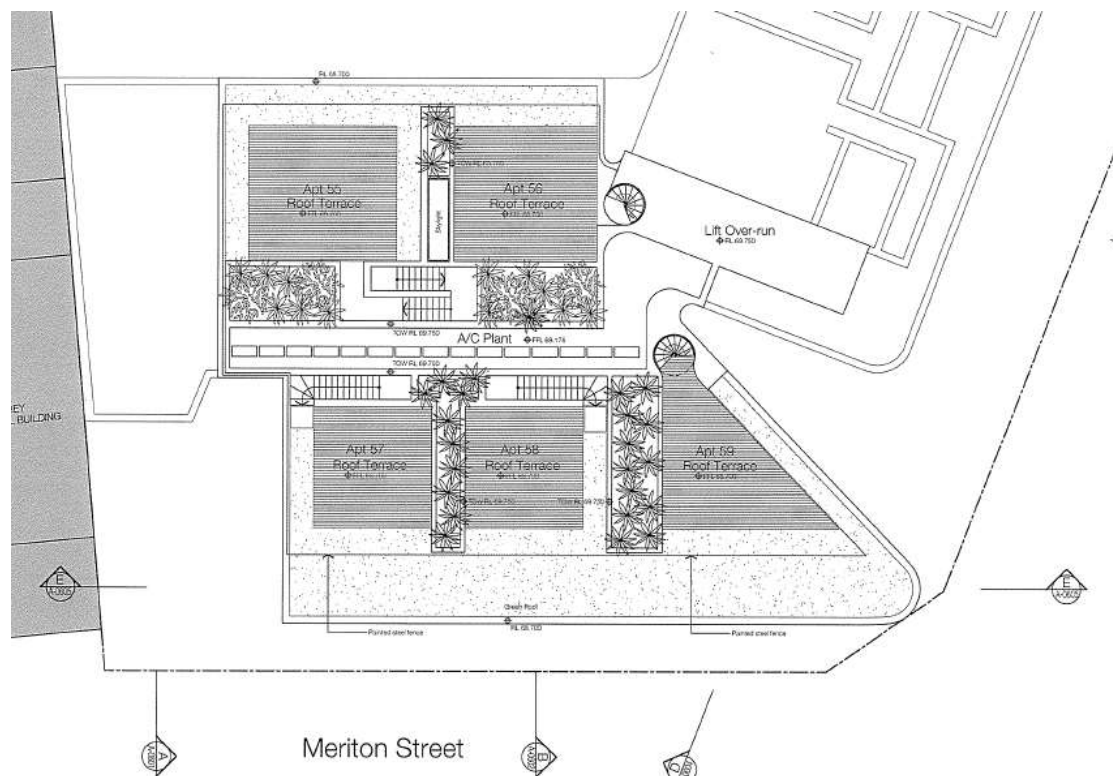


Figure 8: Roof Plan (Source: DA drawing A-0210/10)

Accordingly, the applicant has submitted a request to vary the LEP height control. Consideration of this request is provided under clause 4.6 (Exceptions to Development Standards) below.

Clause 4.4 Floor Space Ratio

Clause 4.4(2) states the floor space ratio (FSR) of a building is not to exceed the maximum specified on the FSR Map. The FSR Map specifies a maximum FSR of 2.5:1 for the site. This equates to a gross floor area (GFA) of approximately 4,598m². The proposed development, as amended, has a GFA of approximately 4,590m² and a compliant FSR of 2.49:1. The calculation of GFA is in accordance with the LEP 2014 definition of GFA and specifically excludes relevant breezeway areas where these areas are sufficiently open and are not capable of being enclosed.

Clause 4.6 Exceptions to Development Standards

Clause 4.6 of LEP 2014 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest and it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

1. Written request provided by the applicant.

The applicant has provided a revised written request seeking to justify the variation to the development standard based on the amended plans.

2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.

The applicant has provided justification for non-compliance with the development standard primarily on the basis that the development is consistent with the objectives for the control, allows for the orderly and economic use of the land consistent with section 5(a) of the Environmental Planning & Assessment Act 1979 and that there are sufficient environmental planning grounds to justify the proposed variation.

Overall, the height of the proposed building is consistent with LEP 2014 with the exception of some relatively minor breaches at the south-western end of the Meriton Street frontage. These breaches are essentially due to the topography of the site and are generally consistent with the minor breaches of the height control recently approved for the redevelopment of neighbouring sites. No adverse impacts occur from the non-compliance and there is sufficient justification provided by the applicant to demonstrate that strict compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case.

3. There are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has addressed the environmental grounds to justify the non-compliance as follows:

- *The proposed variation is minor in its extent, with the majority of the building below the maximum height limit. The breach of the standard is limited to a small portion of the building along Meriton Street, and relates to the servicing and private courtyard elements located on the roof;*

- *The proposed breach of the development standard does not result in any adverse impacts when viewed from the public domain. The elements located on the roof (terraces and services) have been setback from the edge of the building along Meriton Street, and will not be visible;*
- *The breach in height will have no detrimental impact on surrounding development in relation to loss of views, overshadowing, loss of privacy, visual impact, or aural privacy; and*
- *The breach in height is minor and, provides access to private roof open space for the residents of Level 6.*

The above grounds are considered justified and relevant to the specific nature and context of the proposed form of development and are supported. Despite the breach of the control, there are sufficient environmental planning grounds in this instance to justify contravening the development standard to the relatively minor degree proposed.

4. The development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The zone objectives have already been identified in an earlier section of the report. As previously concluded, the development complies with the objectives of the zone. The objectives of the height clause in LEP 2014 are as follows:

(a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,

Comment: The proposed development incorporates 2 distinctive building forms with firstly, a 3 storey element fronting Victoria Road with a zero setback with a further 6 storey element setback 5m from the road boundary; and secondly, a 7 storey built form fronting Meriton Street with a 2m setback from the street boundary.

As demonstrated in the SEPP65/RFDC consideration earlier in this report, the proposed development is compatible with the context of the site and the bulk and scale of the building as viewed from both Meriton Street and Victoria Road is consistent with the planning controls and desired character for the Gladesville Town Centre. The overall built form is consistent with the desired future character for the area and recent approvals for the redevelopment of neighbouring sites and ensures acceptable setbacks, streetscapes, scale and visual interest will result from the proposed development.

Notably Council's UDRP has raised no concerns with the proposed design and how the proposed built form will relate to the character of nearby development.

(b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,

Comment: The applicant has provided shadow diagrams for 9.00am, 12noon and 3.00pm in midwinter. Further shadow diagrams, including 1pm and 2pm in midwinter, were submitted on 20 July 2015 which clearly demonstrate the shadow impact arising from the proposed breaches of the height control.

The submitted diagrams demonstrate that overshadowing to neighbouring development has been minimised and that the proposed exceedance of the height control does not result in any adverse overshadowing beyond that which would occur from a fully compliant form of development.

No concerns arise with regard to the visual impact of the proposal and the development is considered to be compatible with the changing appearance of the surrounding area and as per the desired character of the area as expressed by Council's controls.

(c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,

Comment: The proposal consolidates 4 existing allotments into a single allotment. The site is located adjacent to a major road corridor with a high level of bus services to the City and other key areas. No issues arise in relation to the proposed height and consistency with this objective being achieved.

(d) to minimise the impact of development on the amenity of surrounding properties,

Comment: The proposed height does not result in any consequential adverse impact on the amenity of surrounding properties.

(e) to emphasise road frontages along road corridors.

Comment: The site fronts both Meriton Street and Victoria Road; Victoria Road being a classified road carrying high levels of traffic flow. The proposed development is considered to result in a built form that suitably emphasises the road frontages and achieves an appropriate and sympathetic bulk and scale and is consistent with neighbouring redevelopments in this respect.

In accordance with the above, the development is considered to comply with LEP 2014 objectives for the height control and is consequently in the public interest.

5. Concurrence of the Director General.

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-Generals concurrence for exceptions to development standards.

Conclusion

The variations to the height control of LEP 2014 are considered relatively minor and the development will still satisfy the objectives of the control and there are sufficient environmental planning grounds in this instance to justify contravening the development standard. Despite the non-compliance with the height control, the development satisfies the criteria outlined in clause 4.6 and the variation is acceptable and can be supported.

Other provisions

The table below (**Table 4**) considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes.
Clause 5.9 Preservation of trees and vegetation	The application does not involve the removal of any trees.
Clause 5.10 Heritage conservation	<p>The site is located in the Gladesville Shopping Centre heritage conservation area. The existing building at 142-154 Victoria Road is a contributory item. However, Council Officers agreed on 2 January 2014 that the building is of limited contributory value and could be demolished.</p> <p>Council's Heritage Advisor has raised no concerns with the proposed development and overall it is concluded that the development is satisfactory in terms of the provisions of Clause 5.10.</p>
Clause 6.1 Acid sulfate soils	The northern portion of the site is impacted by Class 5 acid sulfate soils. As the proposal involves excavation to approx. RL41 AHD, the preparation of an acid sulfate soils management plan is not required.
Clause 6.2 Earthworks	The proposed development includes excavation for a

Provision	Comment
	basement car park. Council's Senior Development Engineer requires that a sediment and erosion control plan to be submitted prior to the issue of a Construction Certificate (see condition 53). Accordingly the development is considered satisfactory in respect of this clause.
Clause 6.4 Stormwater management	The proposed stormwater management system for the site is acceptable.
Clause 6.6 Environmental sustainability	This clause applies as the site area exceeds 1500m ² and is located in a business zone. Assessment of the DA confirms that the proposed development satisfies the environmental requirements of the clause and is therefore acceptable in this regard.

Table 4: Other LEP2014 Relevant Provisions

8.10 City of Ryde DCP 2014

The following sections of DCP 2014 are of relevance, being:

- Part 4.6 – Gladesville Town Centre and Victoria Road Corridor
- Part 7.1 - Energy Smart, Water Wise
- Part 7.2 - Waste Minimisation and Management
- Part 8.1 - Construction Activities
- Part 8.2 - Stormwater Management
- Part 8.3 - Driveways
- Part 9.2 - Access for People with Disabilities
- Part 9.3 - Car Parking

With regard to Parts 7.1 to 9.2, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters. Parts 4.6 and 9.3 are considered below.

Part 4.6 – Gladesville Town Centre and Victoria Road Corridor

Part 4.6 of DCP 2014 is the primary DCP applicable to development within the Gladesville Town Centre and Victoria Road Corridor. The relevant provisions of the DCP are outlined in **Table 5** below:

Control	Comment	Compliance
2.0 Vision		
2.2.3 Vision Statement Gladesville Town Centre		

Control	Comment	Compliance
Precinct The precinct will: <ul style="list-style-type: none"> Transform into a genuine mixed use town centre. An enhanced pedestrian network and new public spaces off Victoria Road, with a new square at the end of Wharf Road. Better pedestrian amenity on and around Victoria Road and a greater range of services will revitalise the town centre as the focus of urban life for the communities on both sides of the town centre. The intersection of Wharf Road, Meriton Street and Victoria Road is a key site. The Clock Tower marks this important intersection, which will be strongly defined by appropriately scaled buildings built to the street alignment. 	<p>The proposed development supports the desired mixed use character of the Gladesville Town Centre.</p> <p>Although not a requirement of the DCP, the proposal includes widening of the footpath on Meriton Street which will enhance the amenity for the pedestrians in this location.</p> <p>The proposed retail tenancies will assist in accommodating future availability of goods and services within the Gladesville Town Centre.</p> <p>The proposed development will complete the remaining key site redevelopment of this intersection. Council's Heritage Advisor has raised no objection to the development.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.1 – Built Form		
3.1.1 Built Form Heights Buildings must comply with the maximum heights described in LEP 2014.	As detailed in Section 8.9 of this report, the DA does not fully comply with the 22m maximum height standard under RLEP 2014. The non-compliance is relatively minor and the development will satisfy the objectives of the control and is considered acceptable in the circumstances of the case.	No - Acceptable
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	Yes

Control	Comment	Compliance
	Ground Floor Level are 2.7 metres.	
Ground floor levels are to have a floor to floor height of a minimum of 3.6m.	The floor to floor height of the retail section of the ground floor and level 1 above is 4m with an estimated floor to ceiling height of 3.7m.	Yes
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 Meriton Street frontages.	Active uses are provided along along both street frontages with the exception of the driveway location on Meriton Street.	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 retail tenancies have a minimum depth of 10m measured from the street frontage.	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 Meriton Street. No alternative location is possible.	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 (see condition 148).	Yes
3.1.3 Buildings Abutting the Street Alignment Provide continuous street frontages with buildings built to the street boundary in the	The proposal adopts a compliant zero setback to Victoria Road for 3 storeys with	No - Acceptable

Control	Comment	Compliance
<p>Gladesville Town Centre precinct and in Monash Road precinct except as shown in the key site diagrams.</p>	<p>a 5m setback to the levels above.</p> <p>On Meriton Street, the building is setback 2m from the street boundary to allow for a widened public footpath. Although not compliant with the DCP, the 2m setback is supported as it will improve pedestrian amenity and will provide sufficient space for street tree planting and an awning.</p>	
<p>3.1.4 Setbacks</p> <p>Setbacks in accordance with Setback Requirements Table and Key Sites diagram.</p> <p>The Setbacks Requirements Table requires a 0m setback to Victoria Rd with a 5m setback for levels 4 and above; and a 0m setback to Meriton Street.</p>	<p>See comments above.</p>	<p>No - Acceptable</p>
<p>3.1.5 Rear Setbacks and Residential Amenity</p> <p>Provide a 9m ground level setback at the rear of sites fronting Victoria Road in the North Gladesville and Monash Road Precincts except where adjoining Gerard Lane</p>	<p>The site is located within the Town Centre Precinct.</p>	<p>N/A</p>
<p>Provide 12 metre separation above ground floor between residential buildings.</p>	<p>Given the site has 2 frontages, it is questionable as to which boundary (if any) technically forms the rear boundary of the site. In any event, the development complies with the agreed revised Key Site Diagram for the site (see consideration below) and with the RFDC building separation requirements. As such, the objectives of the control are</p>	<p>Complies with intent.</p>

Control	Comment	Compliance
	considered satisfied.	
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 of the development with the exception of the 2 retail tenancies on the ground floor fronting Victoria Road which will extend through to the rear elevation. The north-western boundary adjoins the playing fields of Gladesville Public School and it is considered that no adverse impacts will result between the uses given the setbacks, orientation and landscaping proposed.	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 within the Gladesville Conservation Area. Appropriate information has been submitted with the application and Council's Heritage Advisor is supportive of the proposed development.	Yes
3.1.7 Awnings Provide awnings over footpaths for ground level building frontages as shown on relevant map. Awning height is to be generally a minimum of 3m from the pavement and setback 600mm from the kerb edge. The heights of adjoining awnings should be considered. Awnings are to protect people from sun and rain. Glazed awnings are generally not permitted. Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety for pedestrians at night.	Suitable awnings are proposed over the Victoria Road and Meriton Street retail frontages.	Yes

Control	Comment	Compliance
Where the street or ground level is sloped, awnings should step down the hill.		
3.2 – Access		
3.2.2 Vehicular Access Provide vehicular access from the local roads network in preference to Victoria Road.	The proposed vehicular access point is from Meriton Street.	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.	This control pertains to the need to provide at least the number of any existing public parking spaces on a site as part of any redevelopment. Given no public car parking currently exists on the site, this control is not applicable to the proposal.	N/A
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 widening the footpath on Meriton Street by 2m (via the establishment of a RoW). Although not a requirement of the DCP, this is considered an acceptable outcome to improve the existing pedestrian environment in this location.	Yes
3.3.2 Public Domain Framework Increase the quantum and diversity of public space in the heart of the town centre as shown on the Public Domain Framework Control Drawing (including street closure at Meriton Street and Wharf Road to create a new public square away from Victoria Road).	The Public Domain Framework Control Drawing does not include any specific requirements for the subject site.	N/A

Control	Comment	Compliance
<p>3.3.3 Landscape Character</p> <p>Create a consistent planting theme with a number of species to ensure that the planting provides a visual coherence, Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.60) and in accordance with the Ryde Public Domain Technical Manual and Relevant Street Tree Master Plans.</p> <p>Select Trees based on the scale of buildings, width of the street, aspect and environmental parameters such as soil type.</p> <p>Build on the visual significance of the Church Site and the Clock Tower site to emphasis the edges of the urban area.</p>	<p>The Landscape Character Control Drawing includes a requirement for large scale street trees to be provided on Meriton Street. The submitted landscape plans however do not include any street tree planting. This issue may be dealt with by way of a condition of consent (see condition 54).</p>	<p>May be conditioned to comply</p>
<p>3.3.4 Urban elements</p> <p>Provide paving, seats, benches and bins in accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide seating and shelter (awnings or bus shelter) at all bus stops. Seating shall be in accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide new street lighting to primary and secondary streets as selected by Council and underground power cables.</p> <p>Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.</p>	<p>The application originally proposed to undertake the required public domain 'urban elements' as part of a VPA (with associated reduction in Section 94 contributions). This offer was not consistent with the DCP and was unacceptable to Council. The VPA offer has since been withdrawn and the applicant has advised that they do not agree to any conditions being imposed by Council in respect to such works.</p> <p>Nevertheless, in accordance with the provisions with the DCP and as per all other similar forms of development in the Gladesville Town Centre including neighbouring sites, conditions 54 and 55 are recommended requiring compliance with the Ryde Public Domain Technical</p>	<p>May be conditioned to comply</p>

Control	Comment	Compliance
	Manual and the provisions of this section of the RDCP 2014.	
3.3.7 Victoria Road – Town Centre Precinct Section <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 proposed building will be built to the boundary on Victoria Road. The existing footpath is already 3.5m in width in this location.</p> <p>As per the above consideration of 'urban elements', the applicant does not agree to conditions of consent being imposed requiring compliance with the Ryde Public Domain Technical Manual and the provisions of this section of the RDCP 2014. Conditions 54 and 55 are nevertheless recommended in relation to paving, street furniture, multi-function light poles and undergrounding of powerlines.</p>	<p>N/A</p> <p>May be conditioned to comply</p>
4.0 Key Sites		
4.1 Introduction Future design and development	The DCP includes the subject	Yes

Control	Comment	Compliance
proposals for Key Sites are to be reviewed by a Design Review Panel to ensure quality in design proposals.	site as a Key Site within Gladesville Town Centre. As noted previously in this report, the DA, including the amended plans, have been reviewed by the UDRP with the Panel determining that the proposed development is acceptable.	
<p>The Keys Sites Plans in Section 4 of this Part may be varied subject to preparation of a new Comprehensive Plan, subject to Council's Satisfaction:</p> <ul style="list-style-type: none"> Publicly accessible open space exceeding that shown in the Key Sites Plans OR publically accessible open space that exceeds 30% of the site area. Community benefit in the form of facilities such as child care, community meeting space, library space, commuter parking, business incubator or other. The Comprehensive Plan must 	<p>The Key Site Diagram for the site was predicated on the retention of the existing building fronting Victoria Road. Figure 8 below this table illustrates the Key Site Diagram contained in DCP 2014.</p> <p>Council Officers and the UDRP however agreed at the pre-lodgement stage that the existing building at 142-154 Victoria Road is not contributory to the Conservation Area and can be demolished. A revised Key Site Diagram was therefore agreed prior to lodgement and has been submitted as part of the DA. Figure 9 below this table illustrates the proposed revised Key Site Diagram.</p> <p>The Wharf Road Key Site Diagram does not include any publically accessible open space. The proposal however does provide for a widened footpath on Meriton Street which is supported.</p> <p>The proposed Key Site Diagram does not include any community benefit in the form of facilities. Given the revision of the original Key Site Diagram is driven by the agreed demolition of the</p>	Variation agreed

Control	Comment	Compliance
<p>demonstrate the demand for such facilities to Council satisfaction;</p> <ul style="list-style-type: none"> • Environmental impacts (such as overshadowing and overlooking) are managed; • Environmentally sustainable design is implemented. Water and energy consumption are minimised. • Transport Management is to Council and where applicable, RTA satisfaction including pedestrian access, public transport access, parking quantum and layout and intersection of service. 	<p>contributory item at 142-154 Victoria Road, it is not considered reasonable to impose a community benefit requirement as part of the revised diagram. This is aside from standard public domain works adjacent to the site which are included as conditions 54 and 55.</p> <p>The proposed form of development resulting from the proposed revised Key Site Diagram will not result in any adverse environmental impacts.</p> <p>The proposed development complies with BASIX requirements. Additional environmental design measures pertaining to the non-residential portion of the development are included in condition 17.</p> <p>Transport management is to Council and RMS satisfaction. The location of the access driveway is consistent with the original and proposed Key Site Diagram. Although insufficient parking is proposed to service the retail element of the proposal, this is accepted in the circumstances and additional section 94 contributions to offset the parking deficit are payable accordingly (see consideration of Part 9.3 of DCP 2014 below).</p>	
<p>4.3.8 Block 20, 25 & 28 Built Form Controls</p> <p>Building Uses and Ground</p>		

Control	Comment	Compliance
Floor Activities Provide mixed use development with retail or commercial uses at ground floor, with a continuous retail or commercial frontage to Victoria Road, Meriton Street and Wharf Road.	The proposal provides a mixed use development. Continuous retail/commercial frontage is provided to Victoria Road and Meriton Street, with the exception of the driveway access on Meriton Street.	Yes
Street Frontages Provide an active frontage at ground level to Victoria Road, Meriton St and Wharf Road.	Active frontages are proposed to both Victoria Road and Meriton Street.	Yes
Building heights Provide development in accordance with Block 20, 25 & 28 Built Form Plan for building height in storeys (a mix of 2, 3 and 6 storeys fronting Victoria Road and Meriton Street is shown on the plan).	The revised Key Site Diagram seeks to alter the number of storeys to a mix of 3, 6 and 7 storeys fronting Victoria Road and Meriton Street. The proposed development is consistent with the revised diagram and largely complies with the LEP height control as detailed previously in this report. Overall, the proposed height is considered acceptable.	Yes (with revised Key Site Diagram)
Building Depth and Separation Building depth to be in accordance with Built Form Plan. Provide 12m building separation between proposed development and existing or proposed residential development. An 18m wide Building envelope maximum including balconies and façade articulation is preferred.	The proposed building separations and depths are consistent with the revised Key Site Diagram and are acceptable.	Yes (with revised Key Site Diagram)
Building Setbacks		

Control	Comment	Compliance
Zero setback to Meriton Street and Wharf Road.	The proposed development includes a 2m setback to Meriton Street. Building setbacks have been discussed in detail earlier in this report and the proposed 2m setback will improve pedestrian amenity and is considered acceptable.	No - Acceptable
Avoiding Noise and Air Pollution in residential buildings Barriers to noise and air pollution provided by internal layout and design. Cross ventilation to be maintained by means such as glass and metal louvres, and cross over or two storey apartment types.	Appropriate conditions of consent are recommended to ensure compliance with relevant standards (see condition 48, 67 and 117).	Yes
4.3.9 Block 20, 25 & 28 Public Domain Controls Provide clear unobstructed and identifiable pathways and open spaces.	Complies.	Yes

Table 5: Part 4.6 of DCP 2014 Controls

Key Site Diagram

As noted in the table above, the subject site forms part of the Block 20, 25 & 28 (Wharf Road) Key Site diagram. The original and proposed Key Site Diagrams are shown below in **Figures 9** and **10** respectively:

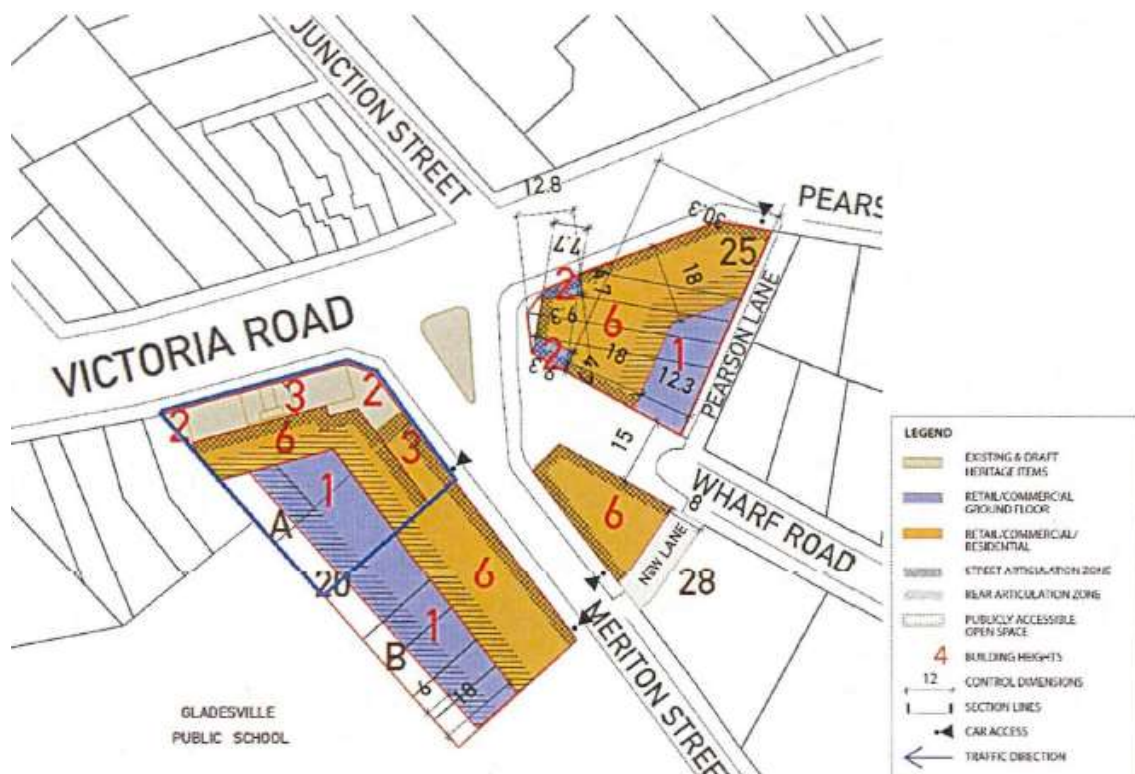


Figure 9: Current Key Site Diagram (site outlined in blue) including other sites forming part of the Wharf Road built Key Site (Source: SEE)



Figure 10: Proposed Revised Key Site Diagram (site outlined in blue) including other sites forming part of the Wharf Road built Key Site and their recent approved built forms (Source: SEE)

The proposed variation to the Key Site Diagram forms part of this DA and a *Key Site Diagram & Urban Analysis* report, prepared by SJB Architects, has accordingly been submitted with the application. A summary of the key changes between the existing and proposed diagrams has been provided by the applicant as follows:

- *As demolition is proposed the built form to Victoria Road has been reconsidered, and includes a nil setback for the first three storeys, with a 5-8 metres setback of upper levels along the Victoria Road frontage;*
- *widening of Council's footpath at ground level along Meriton Street;*
- *a 7 storey street wall with a zero metre setback along Meriton Street to the intersection of Victoria Road. This has been considered as a result of the recently approvals in the immediate area, which forms the future character of the area;*
- *a greater building depth of 20 metres for the upper levels along the Victoria Road frontage.*

A preliminary proposed amendment to the Key Site Diagram was reviewed by Council Officers and the UDRP in August 2013 at which time Officers confirmed demolition of the buildings on the site was potentially acceptable. A revised scheme was reviewed by the UDRP in November 2014 and it was agreed that the alternative built form proposed would potentially achieve an acceptable outcome for the site subject to design refinement at the DA stage. The UDRP have raised no objection to the proposed revised diagram submitted as part of the DA and the proposed built form has been suitably amended in accordance with comments received during the DA assessment.

Overall the revised Key Site Diagram is considered consistent with the objectives of the DCP and represents an appropriate redistribution of building bulk as originally anticipated for the site. The revised diagram is supported by the UDRP and Council Officers. This DA has therefore been assessed on the basis of the revised Key Site Diagram and the proposed development is considered consistent and acceptable in this regard.

Part 9.3 - Car Parking

With regard to Part 9.3 – Car Parking, Councils parking requirements are noted as follows:

Unit Type	Quantity	Min Req.		Max Req.	
Studio	0	0		0	
1 Bedroom	23	13.8	(14)	23	(23)

2 Bedroom	33	29.7	(30)	39.6	(40)
3 Bedroom	0	0		0	
TOTALS	59	43.5	(44)	62.6	(63)
		(44)		(63)	

		Min (Residents)		Max. (Residents)	Visitors
SUB-TOTAL		44		63	11.2 (12)
<hr/>					
TOTAL (Vis included)	55.2	(56)	74.2	(75)	

Accordingly, the proposed level of parking supply of 44 resident spaces complies with the residential parking requirement. A total of 5 disabled spaces have been provided for the adaptable apartments, complying with the ratio of 1 space per unit.

With regard to visitor parking, although the DCP requires 12 spaces be provided, 11 spaces are proposed. Council's Senior Development Engineer considers the minor non-compliance acceptable given the location of the site close to major bus routes and the fact that a minimum of 1 of the retail spaces can be conditioned to be made available for visitor parking outside of business hours. This requirement forms part of condition 15.

In terms of the retail component, the level of parking required under DCP 2014 is 17 vehicle spaces (420m² retail GFA @ 1 space per 25m² = 16.8).

6 parking spaces are proposed for the retail tenancies thus resulting in a shortfall of 11 spaces. The applicant contends this is acceptable based on the fact that there is no retail parking currently provided on the site, excellent access to public transport, and less retail floorspace is proposed compared to existing. It is also contended that the small size of the proposed retail component and its location within the Gladesville Town Centre would suggest that most customers would walk to the site or already be in the area and hence not generate additional parking.

The lack of existing customer parking represents an historical non-compliance which redevelopment of the site provides the opportunity to rectify. Council's Senior Development Engineer and Public Works (Traffic section) have however noted that entry to the property in the morning period is problematic due to traffic queues extending back from Meriton Street and Victoria Road intersection. As such, there is some merit to reducing the level of retail parking on the property in that it would reduce the level of traffic movements entering the property at this time. Council's Senior Development Engineer notes that Victoria Road accommodates time restricted (30min.) parking outside the commute periods, ensuring a steady turnover of available parking in retail hours. As such, there is a

steady turnover of parking in the area which would serve the parking needs of the retail use.

Council's Section 94 Plan permits a contribution of \$35,558.16 per space where insufficient on-site parking is provided to meet demand generated. On this basis and given the above, the shortfall is accepted and the required payment for 'Transport and Access' is included in the recommended condition for Section 94 contributions (see below and condition 32).

8.11 Section 94 Development Contributions Plan 2007

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

The development will require Section 94 contributions in accordance with Council's current Section 94 Contributions Plan on the basis of construction of a development comprising:

- * 420m² retail floorspace;
- * 23 x 1 bedroom units; and
- * 33 x 2 bedroom units.

As detailed in Section 8.10 above, the proposal also includes a shortfall of 11 parking spaces to service customers of the proposed retail tenancies. Council's Section 94 Plan includes a contribution of \$35,558.16 per space where insufficient on-site parking is provided to meet demand generated. The required contribution is included in the calculation below under 'Transport & Access'.

The development includes the demolition of 12 residential units (8 x 3 bedroom and 4 x 2 bedroom) and 8 retail tenancies (total GFA of 874m²) and this has been included in the Section 94 contribution calculations. Accordingly, the required contributions have been calculated as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$93,035.90
Open Space & Recreation Facilities	\$250,975.18
Civic & Urban Improvements	\$71,191.92
Roads & Traffic Management Facilities	\$7,648.42
Cycleways	\$6,065.66
Stormwater Management Facilities	\$17,597.46
Plan Administration	\$1,633.98
Transport & Access	\$391,139.76
The total contribution is	\$839,288.28

Where a study has been provided, an analysis of the amended plans indicates these cannot potentially be used as bedrooms in the future and therefore have not been considered as bedrooms for the purposes of Section 94 calculations.

Condition 32 requiring the payment of the above Section 94 contribution prior to the issue of any Construction Certificate has been included in the recommendation of this report and which will further be indexed at the time of payment if not paid in the same quarter.

Note:

- The CPI for June Quarter has been applied to the development. The CPI index for September quarter is likely be issued by Bureau of Statistics by 28 October 2014. Should a new rate be available prior to determination of this DA, the Panel will be advised of the same via a separate memorandum with the revised S94 Contributions amount.

8.12 LIKELY IMPACTS OF THE DEVELOPMENT

Most of the impacts associated with the proposed development have already been addressed in the report. The additional impacts associated with the development or those issues requiring further consideration are discussed below.

Public Domain Works/Public Benefit

As detailed in Section 6.2 of this report, the application initially included a VPA for the following works:

- A 2m widening of the footpath on Meriton Street for a length of 32m;
- Public open space alcove (located on the apex of the development);
- Public art (located within the proposed public open space alcove);
- 4 multi-function poles;
- Power undergrounding; and
- Paving upgrade works to both street frontages.

The VPA was considered unacceptable to Council on the basis that the majority of the benefits offered being requirements of section 3.3 (Public Domain) of Part 4.6 of DCP2014 and would therefore be subject to conditions of consent.

The applicants letter dated 8 July 2015 subsequently withdrew the offer of the VPA. The proposed development therefore does not propose any public domain works/improvements beyond the 2m wide setback to Meriton Street to allow for a widened public footpath.

Whilst Council does not object to the widening of the Meriton Street footpath and required creation of a RoW as this will provide some public benefit, this setback is not a requirement of Council's DCP2014 and has notably not been provided for new developments directly to the south-west of the site thus reducing the benefit of the proposed setback as it will end in a wall at the south-western boundary of the site. It is not considered that provision of the widened footpath should negate the need for the applicant to undertake any other public domain works that other similar forms of development consistently incorporate at no cost to Council.

Required public domain works for developments of this nature are always imposed via conditions of consent. The applicant has however advised that they do not agree to such conditions being imposed on the basis that, '*...since the works are not caused or required by this development, and nor are they part of a Section 94 Contributions Plan, they may not be the subject of a condition of consent (other than at the applicants agreement).*'

Council does not accept this position as the required public domain works are consistent with the provisions of DCP 2014 and it is particularly relevant to note that the recent approvals for the redevelopment of neighbouring sites at 3 Meriton Street and 5-11 Meriton Street include conditions to this effect in addition to Section 94 contributions. The redevelopment of 1-3 Wharf Road and 136-140 Victoria Road also included significant public domain benefits in the form of a public plaza and widening of Pearson Lane.

The photograph below (**Figure 11**) illustrates the public domain work recently undertaken as part of the conditions of consent at the completed development at 5-11 Meriton Street.



Figure 11: Public domain work undertaken at 5-11 Meriton Street (looking north-east along Meriton Street towards Victoria Road)

Accordingly, standard public domain upgrade works in relation to paving, multi-function light poles, street furniture and undergrounding of power lines have been recommended as conditions 54, 55 and 134.

Traffic

Following a request from Council's Traffic Engineer, additional traffic information was received by Council on 20 July 2015. The additional information confirms that the impact on neighbouring intersections from traffic generated by the proposed development combined with other recent nearby approvals will be negligible. The submission also confirms that the traffic assessment has been based on a left-in, left-out access to the site from Meriton Street.

On the basis of the above, Council's Traffic Engineer has raised no objection to the proposal. Accordingly, the proposed development is considered acceptable with regard to traffic generation.

Privacy

The proposal raises no privacy concerns in relation to neighbouring residential developments or Gladesville Public School to the rear. The development incorporates appropriate design elements and screening to prevent any internal privacy impacts.

Overshadowing

Shadow diagrams submitted with the application indicate no adverse or unreasonable shadow impacts to neighbouring residential development (including those approved but not constructed) or public open space would occur as a result of the proposed development.

Heritage

The DA is considered acceptable by the Council's Heritage Advisor subject to conditions being imposed in relation to photographic archival recording, a Heritage Interpretation Plan and the salvage of materials and building elements (see conditions 19, 39, 40 and 133).

Noise

The development is in close proximity to Victoria Road, a major classified State road and is accordingly subject to high volumes of traffic. The proposal may therefore be subjected to potentially high levels of noise as a result of the operation of Victoria Road. As noted previously in this report, 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. Compliance with these recommendations has been imposed as conditions of consent (see conditions 48, 67 and 117).

9. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed development is considered suitable for the subject site with respect to the B4 – Mixed Use zoning under LEP 2014 and the associated planning controls.

Potential impacts arising from the non-compliances with the controls have been discussed in detail within the report. Subject to further amendments as recommended, the development is considered to be acceptable in the location and will achieve an outcome compatible with the LEP 2014 controls and as envisaged in the Gladesville Town Centre section of DCP 2014.

10. THE PUBLIC INTEREST

The development is considered to be in the public interest as it is generally consistent with the relevant controls and assessment of this application has not identified any issues of concern that have not been addressed by amended plans or by recommended conditions of consent.

11. REFERRALS

The following table (**Table 6**) provides a summary of internal and external referrals undertaken for this application:

Internal	
Heritage Advisor	No objection - conditions provided.
Consultant Landscape Architect	No objection - conditions provided.
Environmental Health Officer	No objection - conditions provided.
Senior Development Engineer	No objection - conditions provided.
Public Works (Drainage)	No objection - conditions provided.
Public Works (Traffic)	No objection - conditions provided.
Public Works(Public Domain)	No objection - conditions provided.
Public Works (Waste)	No objection - conditions provided.
External	
Roads & Maritime Services	No objection - conditions provided.
NSW Police	No objection - conditions provided. The measures referred to in the conditions include CCTV cameras, site security, lighting and graffiti prevention.

Table 6: Referrals Table

12. PUBLIC NOTIFICATION AND SUBMISSIONS

The proposal was notified and advertised in accordance with Part 2.1 (Notification of Development Applications) of DCP2014. The exhibition period was from 15 April, 2015 until 6 May, 2015.

4 submissions were received objecting to, or commenting on, the proposal. The majority of the issues raised have been addressed in the above assessment report. Comments are however provided in relation to the following matters:

Issue 1 This area has been described as the gateway to Gladesville in past correspondence by our council. I hope this proposed development is in sympathy with that sentiment.

The current development in Meriton St that abuts the primary school and the footpath of Meriton St, dominates the immediate

environs. It needs to be juxtaposed with a more open development to balance nature with built environment.

Response:

The proposal notably includes a 2m setback to Meriton Street. Given the setbacks and building heights involved, it is not considered that any adverse impacts will occur to the adjacent school.

Overall the design of the proposed development is considered to represent a positive and acceptable outcome for this key corner site. Council's UDRP is satisfied that the proposal is acceptable from an urban design perspective and represents a compatible and sympathetic form of development with regard to the context of the existing and desired character of the area.

Issue 2 The development should include sufficient parking to comply with DCP parking requirements as a minimum and preferably include extra spaces to reduce on-street parking pressure

Response:

The proposal satisfies Council's residential parking requirement under DCP2014. The proposal however provides a shortfall of 11 spaces with regard to Council's requirements for the retail component of the development. This issue has been considered previously in Section 8.12 of this report.

Issue 3 Council should consider the impact of this development and other developments on traffic movements from Meriton into Junction Street and discuss with relevant authorities mitigating strategies to reduce impact on Junction Street

That area around Meriton and Wharf Rds will be a problem when all these developments are all underway and then especially when they are completed. I was wondering if there has been any recent survey/study on cumulative effect that all these Gladesville developments will have on the traffic flow in the area. Also is there any plans to change the road planning in the area around that location?

Response:

As detailed previously in Section 8.12 of this report, the application is considered acceptable with regard to traffic generation. Council's Traffic Engineer has however provided the following comments in relation to this submission:

'The submitted traffic impact assessments have indicated minimal impact by the development on the local network. Coupled with the anticipated Local Area Traffic Management Scheme that is to be implemented along Morrison Road, there will be minimal vehicles travelling toward Junction Street.'

The submitted Traffic Impact Assessments have also demonstrated minimal impact on the local network within close proximity to the site. Including the cumulative effect of the major developments in this area, the impact is still considered within reasonable expectations and remains within the RMS road capacity guidelines.'

Issue 4 *Shop within the 142 Victoria Road was leased on 31 March 2015. The Real Estate agent and owner should not have leased the premises if the building is to be demolished. The DA should be refused or put on hold for many years to enable the investment to be covered.*

Response:

Whilst Council sympathises with the situation faced by the lessee, this represents a civil matter between the site owner and the lessee. Council is legally required to assess the DA which has been properly made and the DA cannot be refused or determination otherwise delayed as a result of this issue.

Issue 5 *I live in Gladesville and have only just found out (via Hunters Hill Council!) about LDA2015/0156. I have since spoken to several other Gladesville residents and they are also totally unaware of this Gladesville development proposal. As residents of Gladesville but residents located on the Hunters Hill side of the Municipality I am very concerned about the lack of real community consultation and resident notification by Ryde Council.*

Response:

The eastern side of Victoria Road in this location falls within the boundary of the Hunters Hill Local Government Area (LGA). Section 2.7 of Part 2.1 of DCP2014 states the following with regard to notification across local government boundaries:

'Where a development application is likely to affect owners of land outside the City of Ryde, Council will contact the neighbouring Council to provide them with information to enable them to adequately inform the community.'

The notification of landowners outside the City of Ryde regarding a development is at the discretion of the neighbouring council.'

Accordingly, Council notified Hunters Hill Council of the DA on 13 April 2015 with the understanding that they would then notify owners/residents of any relevant neighbouring properties within their LGA of the proposal. In addition, signage notifying the DA was erected at the site and the DA was advertised in the Northern District Times on 15 April 2015. Council has therefore satisfied the notification/advertising requirements contained within DCP2014.

13. CONCLUSION

This report considers an application for demolition and construction of a part 3, part 6 and part 7 storey mixed use development containing retail and residential uses over 2 levels of basement car parking at 142-154 Victoria Road & 1 Meriton Street, Gladesville.

The proposal generally complies with the relevant provisions of SEPP65, the Residential Flat Design Code, Ryde LEP 2014 and Ryde DCP 2014. The non-compliances are considered relatively minor and justified and the design of the building satisfactorily responds to the conditions of the site, neighbouring development and the existing and desired character of the surrounding area.

The application has demonstrated that the level of amenity in terms of solar access, privacy, overshadowing, private and communal open space and energy efficiency can be met. Overall, the proposal can be supported.

It is recommended that the application be approved subject to conditions.

14. RECOMMENDATION

Pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, the following is recommended:

- A. That the Sydney East Region Joint Regional Planning Panel grant consent to development application LDA2015/0156 for demolition and construction of a part 3, part 6 and part 7 storey mixed use development containing retail and residential uses over 2 levels of basement car parking at 142-154 Victoria Road & 1 Meriton Street, Gladesville, subject to the conditions of consent in Attachment 1 of this report; and
- B. That those persons making a submission be advised of the decision.
- C. That RMS be advised of the decision.

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