

## SUPPLEMENTARY REPORT :

**230 Victoria Rd Gladesville. Lot 3 DP 527517 Local Development Application for demolition of existing commercial building and construction of a seven storey mixed use development comprising of 2 x commercial tenancies on the ground level, 88 residential units comprising of 30 x 1 bedroom, 53 x 2 bedroom, 5 x 3 bedrooms and one and a half level of basement parking for 113 vehicles. JRPP No. 2015SYE118. LDA2015/0433.**

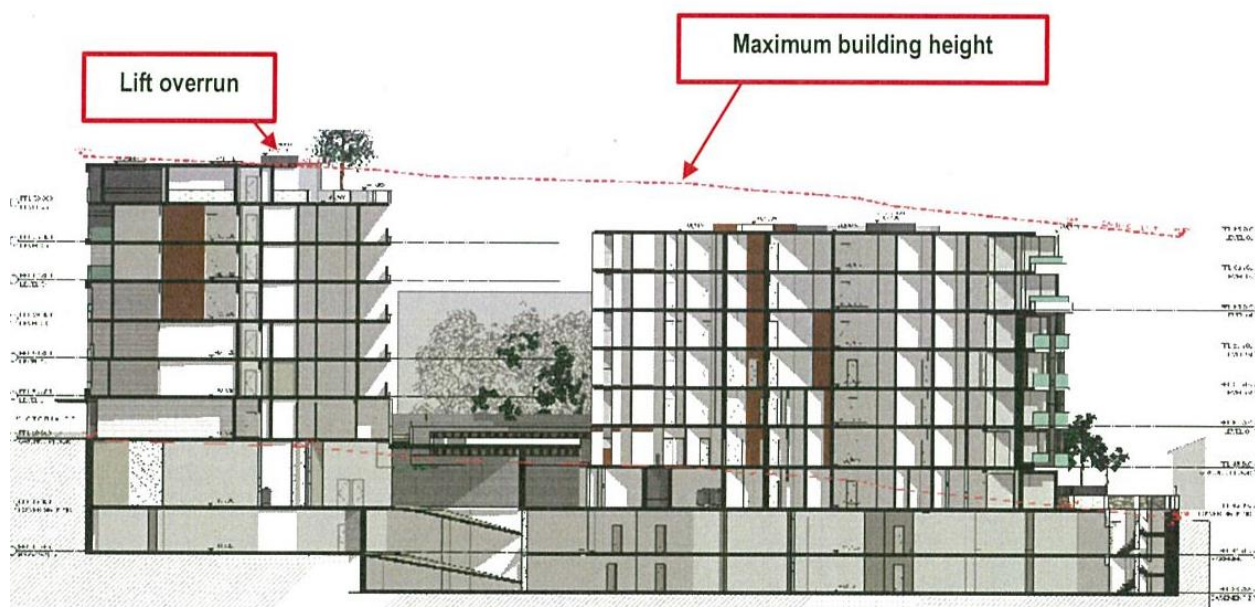
Council on 9 August 2016 received notice from Planning Ingenuity, acting on behalf of the applicant Urban Link P/L, advising that the architectural plans submitted with the application omitted the lift overrun for proposed Building A. Amended elevation plan (Drawing No. 300B) and section plan (Drawing No. 3002C) has been submitted showing the proposed lift overrun on Building A.

The lift overrun encroaches the maximum 22 height limit under the provisions of Ryde Local Environmental Plan 2014 and an accompanying Clause 4.6 Variation is submitted for variation to Clause 4.3 of the RLEP 2014.

### Clause 4.3 Heights of Buildings

The height of a building on any land is not to exceed the maximum height as specified on the Building Heights Map. The map identifies the site as having a maximum height of 22m.

The development complies with the height control except for the lift overrun for Building A. The lift overrun will have an overall height of 23m which is 1m over the maximum allowed which is a 4.5% variation. This breach in height is for Building A lift overrun only. The area of non compliance to the height control is demonstrated in **Figure 1** below.



**Figure 1: Section illustrating the maximum building height allowed across the site and the lift overrun non-compliance in Building A.**

Clause 4.6 of RLEP 2014 allows exceptions to development standards. Consent must not be granted for a 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 as 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 written request seeking to justify the variation to the development standard.

2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant's written request has demonstrated that compliance with the development standard would be unreasonable and unnecessary as the development complies with the objectives of the standard. The written request has also considered the environmental planning grounds that are particular to the circumstances of the proposed development. In part the applicant's submission is as follows:

*The maximum building height development standard is unnecessary in the circumstance of this case as the development meets the objectives of that standard and the zone objectives.*

*The objectives of Clause 4.3 are as follows, inter alia:*

- (a) to ensure that street frontages of development are in proportion with and in keeping with 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,*
- (c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,*
- (d) to minimise the impact of development on the amenity of surrounding properties,*
- (e) to emphasise road frontages along road corridors*

*The above is addressed in turn below:*

- (a) The street frontage of the development does not present any differently than a compliant development scheme. The building façade is well articulated and presents a building form appropriate to the streetscape and compliments other similar surrounding developments.*
- (b) The building height non-compliance will have no discernible impact on shadow impact compared to that of a compliant scheme and consequently objective (b) is met.*
- (c) The proposal provides a mixture of compatible land uses in an accessible location with a good level of access to bus transport and is part of the town centre which will provide future residents with a variety of established serviced and facilities within walking and cycling distance.*
- (d) The minor height exceedance by the lift overrun does not impact on the amenity of adjoining and surrounding properties. The relationship of the proposed development with adjoining and surround properties is discussed in detail in the submitted Statement of Environmental Effects.*

#### *Objectives of the B4 zone*

- To provide a mixture of compatible land uses.*
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.*
- To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.*

*The proposal satisfies the objectives of the B4 zone in that it provides a mixed use building in an accessible location so as to maximise public transport patronage and encourage walking and cycling. Due to the layout and design, the building setbacks and separation to neighbouring properties will ensure that there is no loss of amenity to future occupants.*

*Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard relating to height. The associated environmental planning benefits of the design can be summarised as follows:*

- It is considered that there is an absence of significant impacts of the proposed non-compliance on the character of the area as it relates to the Victoria Road and adjoining and neighbouring properties.*
- The minor non-compliance will have no adverse impacts on adjoining properties with regard to visual impacts or overshadowing.*
- The variation is due to lift access which provides appropriate residential amenity for future occupants.*
- The development provides increased housing choice close to the Gladesville Town Centre and to public transport options.*

- *To require strict compliance would mean removing parts of the building without resulting in a real planning or environmental benefit.*

*On planning grounds and in order to satisfy that the proposal meets objectives of Clause 4.6 in that allowing flexibility in the particular circumstances of this development will achieve a “a better outcome for and from development”, it is considered that the current proposal will facilitate an additional opportunity to provide a mixed use development on a site that is highly suited for such purposes and in a configuration that will not detract from neighbouring properties. Therefore, on balance, the proposal is considered to achieve a planning purpose of enhancing the site’s contribution to Gladesville Town Centre, particularly in the absence of any additional adverse impacts.*

#### Planner’s Comments:

Agreed with the above – the exceedance is negligible within the streetscape and urban context generally and the lift overrun will not be seen from Victoria Road. The exceedance will have negligible impact to adjoining neighbours in terms of overshadowing, overlooking or visual impact. Accordingly the proposal meets the objectives of the development standard. In addition, the proposal meets the objectives of the B4 zone by providing a mixture of compatible land uses in an accessible location close to public transport. The variation is due to lift access which provides appropriate residential amenity for the residents. There are sufficient environmental planning grounds to justify contravening the development standard.

3. The proposed development is 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.

Despite the breach in the height control the Victoria Road elevation of the development will be in proportion with and in keeping with the intended future character of the area, as well as being consistent with the recently constructed and approved developments in the Gladesville area. The breach will not result in loss of amenity to adjoining properties and it will not contribute to overshadowing to adjoining properties.

The objectives of the height standard and the zone objectives have been addressed in the applicant’s submission detailed above.

4. Concurrence of the Director General has been obtained.

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

#### Conclusion

The applicant has demonstrated satisfactorily that the development complies with the objectives of the height standard and the objectives of the B4 zoning. In this instance the proposed development is considered to be in the public interest and that strict compliance with the height standard would be unreasonable and unnecessary.

To accept a departure from the development standard in this context would promote the proper and orderly development of land as contemplated by the controls applicable to the B4 zoned land and the objectives of the EP&A Act.

The variation to the height standard is supported.

Accordingly, Condition 1 contained in Attachment 1 of the Council Assessment Report for LDA 2015/0433 (2015SYE118) be amended as follow:

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

| Document Description                | Date                                | Plan No/Reference                       |
|-------------------------------------|-------------------------------------|-----------------------------------------|
| Cover Sheet                         | Received 17 June 2016               | Issue B                                 |
| Basement 2                          | 17/06/2016                          | DA2100 Rev C                            |
| Basement 1                          | 17/06/2016                          | DA2101 Rev C                            |
| Lower Ground Floor                  | 17/06/2016                          | DA2102 Rev D                            |
| Ground Floor                        | 17/06/2016                          | DA2103 Rev B                            |
| Level 1                             | 17/06/2016                          | DA2104 Rev A                            |
| Level 2 - 5                         | 17/06/2016                          | DA2105 Rev A                            |
| Level 6                             | 17/06/2016                          | DA2106 Rev A                            |
| Elevations<br>North/South/West/East | <del>17/06/2016</del><br>08/08/2016 | <del>DA3000 Rev A</del><br>DA3000 Rev B |
| Sections AA/BB                      | 17/06/2016                          | DA3001 Rev A                            |
| Sections CC/DD                      | <del>17/06/2016</del><br>08/08/2016 | <del>DA3002 Rev A</del><br>DA3002 Rev C |
| Roof Terrace/Roof Plan              | 17/06/2016                          | DA1003 Rev A                            |
| Landscape Plan Key Plan             | 04/02/2016                          | LS01 Issue C                            |
| Landscape Plan Lower Ground Floor   | 04/02/2016                          | LS02 Issue C                            |
| Landscape Plan Ground Floor/Level 6 | 04/02/2016                          | LS02 Issue C                            |

Prior to the issue of a **Construction Certificate**, the following amendments shall be made:

- (a) **Tree Retention:** Tree 1 located adjacent to the southern boundary of the site within the neighbouring allotment at 1-7 Jordan Street (Brush Box) is to be retained and protected. Appropriate protection of the tree, in accordance with Condition 95 of the consent is to be carried out.
- (b) **Privacy Planting.** The following provisions must be made to address privacy to the adjoining property (5 Western Crescent) and to future residents:  
The external north west facing terraces of Apartment BLG02, BLG03 & BLG04 (Lower Ground floor of Building B) is to be provided with raised planters capable of providing screen planting of 1.5m high. The planters are to have a minimum depth and width of 600mm and 500mm, respectively.

(c) **Roof Shading.** The proposed communal open space on Building A's roof is to be provided with some shading device. Details of such is to be shown on the plans for the Construction Certification and are not to extend beyond the maximum height control.

(d) **Articulation.** Greater articulation of the southern wall of Building A is required. This is to be achieved by the use of different contrasting materials and/or use of decorative architectural elements. Details of the amended treatment/material are to be submitted and approved by Council's Manager – Assessment prior to the issue of the Construction Certificate.

Details of (a), (b) and (c) amendments are to be submitted to and approved by the Principal Certifying Authority. Details of point (d) are to be submitted and approved by Council prior to the approval of the Construction Certificate.

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