

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

<b>JRPP No</b>	2015/SYE159
<b>DA Number</b>	LDA 2015/538
<b>Local Government Area</b>	City of Ryde
<b>Proposed Development</b>	Demolition of existing buildings and construction of a mixed use development comprising 2 buildings (Block 1 and Block 2) containing a total of 145 residential units & 5,339m <sup>2</sup> of car showroom floorspace.
<b>Street Address</b>	589-619 Victoria Road, Ryde
<b>Applicant/Owner</b>	Artro Management Pty Ltd
<b>Number of Submissions</b>	First round notification: Thirty two (32) submissions received Second round notification: Two (2) submissions received
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	General Development over \$20 Million
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Regulation 2000;</li> <li>• Environmental Planning and Assessment Act 1979;</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX);</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</li> <li>• Ryde Local Environmental Plan 2014; and</li> <li>• City of Ryde Development Control Plan 2014.</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	Attachment 1: Reasons for Refusal Attachment 2: Urban Design comments 16/5/16 Attachment 3: Clause 4.6 variation request: height
<b>Recommendation</b>	Refusal
<b>Report by</b>	Planning Ingenuity Pty Ltd
<b>Report date</b>	19 May 2016

## **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 589-619 Victoria Road, Ryde.

The proposed development includes demolition of existing buildings and construction of a mixed use development comprising 2 buildings (Block 1 and Block 2) containing a total of 145 residential units & 5,339m<sup>2</sup> of car showroom floorspace.

The application was placed on public notification on two occasions and received a total of thirty-four (34) submissions. During the first notification period from 18 November 2015 to 9 December 2015, Council received thirty-two (32) submissions. The submissions raised various concerns including building height, bulk and scale, overdevelopment, lack of consultation, impact on residential amenity, insufficient setbacks, insufficient landscaping, noise, privacy, traffic and parking, visual appearance, overshadowing, contrary to objectives, site ecology, and location of waste storage.

The application was placed on public notification a second time due to an administration error (failure to advertise the development as Integrated Development under the Water Management Act 2000) and very minor changes. It is noted that the changes alone would not have required re-notification and, as such, the letter of renotification specifically stated that previous submissions would still be considered as part of the assessment process. During the second notification period from 13 April 2016 to 13 May 2016, Council received a total of 2 submissions. Issues raised were consistent with those issues raised in the first round.

Assessment of the application against the relevant planning framework, and consideration of various design matters by Council's Urban Design Review Panel (UDRP) and technical departments has identified fundamental design issues and the need for additional documentation to be submitted.

Consequently this report concludes that the application is not acceptable in its current form in terms of its design and relationship with adjoining properties and that the application is deficient with regard to certain technical information.

This report recommends that LDA2015/0538 be refused for the reasons stated in the refusal notice provided at **Attachment 1**.

### **2. APPLICATION DETAILS**

**Applicant:** Artro Management Pty Ltd

**Owner:** Adam Kaplan

**Estimated value of works:** \$98,597,400

**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**

The subject site is located on the northern side of Victoria Road and is legally described as Lot A and B in DP403323, Lot 1 and 2 in DP 856439 and Lots 1 and 2 in DP 1000478. The site is visually prominent with a long, curved frontage to an arterial road. The site has a total area of approximately 9,532m<sup>2</sup> and comprises 10 separate land parcels within two blocks.

Block 1 has an approximate area of 5,508.2m<sup>2</sup> and is bounded by residential development to the north and west, Arras Parade to the east, and Victoria Road to the south. Block 2 has an approximate area of 4,023m<sup>2</sup> and is bounded by residential development to the north, Irvine Crescent to the east, Victoria Road to the south and Arras Parade to the west.

**Figures 1 and 2** below provide an aerial and street view of the site (outlined in red) and its context whilst photographs of the site and surrounds are provided as **Figures 3 to 7**.



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



Figure 2: Location map of the site and surrounding area (Source: SEE/Six Maps)



Figure 3: Subject site (589-619 Victoria Road) at corner of Arras Parade and Victoria Road, looking north-east



Figure 4: Subject site (589-619 Victoria Road) on right viewed from Victoria Road looking north-west





**Figure 5: Subject site (589-619 Victoria Road) viewed from Victoria Road looking north-east**



**Figure 6: Subject site (589-619 Victoria Road) viewed from Irvine Crescent looking north-west**



**Figure 7: High density development to south across Victoria Road (Putney Hill)**

The site is currently occupied by Hunter Holden as a car sales yard and onsite servicing of vehicles. The current built form on the site consists of the following:

- Vehicle service centre (Block 1) contained within a single storey commercial building;
- Car sales premises (Block 2) contained within a single storey commercial building;
- Both Block 1 and 2 also contain outdoor car sales yards;
- Block 2 contains a large pylon sign for business identification purposes;
- Three vehicular cross overs exist on Block 2 from Victoria Road to the site.

#### **4. SITE CONTEXT**

The site falls within Precinct 8 - Commercial Edge East under the City of Ryde DCP 2014. This precinct is centred on the busy intersection of Blaxland Road and Victoria Road. It negotiates a transition between the shopping precincts, arterial roads, quiet residential streets and Ryde Park.

The Commercial Edge East is identified as a gateway to the Ryde Town Centre and supports both Mixed Use and Enterprise Corridor Land Use Zones.

Residential development located to the north of the site consists of predominantly one and two storey detached dwellings, with some multi dwelling housing. Including various stages of release and currently under construction to the south of the site, on the opposite side of Victoria Road, is the Putney Hill development consisting of a mix of residential apartment buildings up to eight (8) storeys fronting Victoria Road.

The zoning map below (from Ryde LEP 2014) identifies the site in the context of surrounding zones. It is noted that the site boundary on its northern sides adjoins the R2 low density residential zone, and therefore the site forms the interface between low and high density uses.

#### **5. PROPOSAL**

The scope of works for which consent is sought comprises:

- Demolition and construction of 2 mixed use residential and car showroom buildings over 2 blocks containing a total of 145 residential units and 5,339m<sup>2</sup> of showroom floor space. More specifically:
  - Block 1 comprises 1 building with 3 towers of 4-5 storeys containing 71 residential units, 3,300m<sup>2</sup> of commercial floor area for use as a new and used car showroom with display for 25 cars. This block contains 3 basement parking levels providing car showroom storage for 99 cars and 118 parking spaces.

- Block 2 comprises 1 building of 5 storeys containing 74 residential units, 2,039m<sup>2</sup> of commercial floor area for use as a new and used car showroom with display for 38 cars. This block contains 3 basement parking levels providing car showroom storage for 81 cars and 108 parking spaces.

A photomontage of the proposed development is provided in **Figure 8** below.



Figure 8: Proposed development viewed from Victoria Road looking west

## 6. BACKGROUND

### 6.1 Pre-Lodgement

A formal pre-lodgement and UDRP meeting took place on 10 June 2015 (PRL2014/11). A number of issues were raised by the Panel primarily in regard to varying the building height plane without strong justification or analysis, relationship between commercial and residential uses, internal and external amenity, architectural presentation, and built form detail. Specific comments provided included the following:

#### Height

*'There is no strong justification in terms of adjacent development to support non-compliance with the height control. The adjacent residential interface also makes additional bulk problematic. The recent development of the Frasers site at Putney Hill is not considered to provide justification for exceeding the height controls. On this basis the Panel considers the proposal should comply fully with the height plane.'*

#### Use

*'The zoning of the site allows residential in combination with commercial uses. However the panel is concerned that the colocation of car showroom uses with*

*'shop top' residential uses is not conducive to high levels of amenity and safety for the residential part of the development.*

*An alternative showroom use could work comfortably with the residential but it is understood that the applicant wishes to keep the car business on the site. On that basis the panel is concerned that it may not be possible to accommodate the extent and type of residential that is sought.'*

#### Separation

*'The apartment portion of the buildings does not provide adequate separation from adjacent residential lots. The residential areas to the north are at the change in zone. As such, greater separation than 8m should be provided for buildings of the scale proposed. It is suggested that a minimum of 15m be provided between any habitable rooms and balconies and adjoining residential uses.'*

*The proposal hugs the 7m setback line and this is considered too close to avoid overlooking and unreasonable amenity impacts to the housing to the rear and side boundaries.'*

#### Rear boundary/landscaping

*'The only buffer to the rear boundaries by the new development is a small strip of planting. This is not considered sufficient to ameliorate the impact.'*

#### Garbage

*'All garbage areas appear to be located along and accessed from the 'shareways' and directly adjacent to residential lobbies. This is a very poor arrangement that will compromise the amenity of the residents as well as require the garbage truck to enter the site.'*

*Garbage should be located within the basement and in a development as large as this with both commercial and residential waste it should be possible for garbage trucks to enter the basement to collect waste for both blocks. Loading from the streets or 'shareway' is not supported.'*

The Panel concluded that there were fundamental design and amenity issues with the proposal and suggested a substantial redesign would be required to achieve a scheme the Panel would support.

In addition, pre-lodgement advice provided by Council officers included concerns with respect to building height & density, traffic and parking, , and resolution of technical and infrastructure issues (stormwater, waste, public domain). It was recommended that the applicant redesign the proposal as advised and that a follow up meeting be arranged with the UDRP to discuss and consider any revised scheme prior to lodgement of a DA.



Following the meeting and above advice, no further pre-lodgement meeting or discussions with Council were sought by the applicant.

## **6.2 Current Development Application**

The subject development application was lodged on 29 October 2015. With regard to the plans considered at the pre-lodgement meeting, the submitted DA plans deleted a storey from Buildings 1 & 2 on Block 1 and a storey from the building on Block 2 and converted the 'pan handle' at the rear of Block 1 to communal open space. However the built form and overall design otherwise remained similar to the original pre-DA submission.

The application was notified from 18 November 2015 to 9 December 2015. 32 submissions were received during this period.

A letter was sent to the applicant seeking additional information on 24 November 2015. The issues raised can be summarised as follows:

- Lack of detail regarding existing ground levels and building height, elevations and sections;
- Incorrect application of FSR across Block 1 and 2;
- Insufficient provision of heritage assessment;
- DCP non-compliance justification required (upper level setbacks/ maximum height from ground to 3<sup>rd</sup> storey parapet),
- Required additional documentation – arts and cultural plan, workplace travel plan; consideration of relevant Precinct Plan; and
- Sufficiency statement required in terms of car storage provisions for proposed use (distribution centre versus car sales centre).

Additional information was provided by the applicant on 15 December 2015 and was found sufficient to enable initial assessment of the application. Of particular note was the assertion by the applicant that the proposed development has:

*'demonstrated an alternative design solution to the specific precinct plan that is capable of complying with the key amenity requirements for a development of the proposed nature and is largely compliant with Council's built form provisions for the site.'*

The UDRP reviewed the application on 8 December 2015 and issued advice on 1 February 2016. Comments from the Panel included that many of the concerns raised in its pre-DA advice of 10 June 2015 had not been materially addressed and as such, remain relevant and "outstanding" issues.

A further letter was sent by Council to the applicant on 12 February 2016 (incorporating Panel concerns and assessment issues). This correspondence

raised significant concerns with the proposal and requested further information and/or consideration in respect of the following:

- Building density;
- Building height;
- Landscape treatments at the street and rear portions of each site;
- Relationship between the commercial and residential uses,
- Amenity of units;
- Inclusion of circulation space as GFA;
- Presentation to Victoria Road;
- Pedestrian access and experience at ground floor;
- Incorrect FSR calculation across Block 1 and 2 and potential non-compliance, non-compliance with LEP height control;
- Non-compliance with DCP building envelope controls, storey and overall massing requirements;
- Access from Victoria Road (RMS classified road) is not supported given alternative option in Aras Parade and Irvine Crescent;
- Insufficient plan detail or provision of landscape treatment, conflict across arborist and landscape documentation;
- Insufficient truck loading and waste provisions. Additional information required to clarify waste vehicle movement and clearance;
- Traffic matters – inconsistent site data (area), additional information requested (site distances to public transport provisions); and
- Insufficient Civil Drawings, Flood Impact Assessment and Concept Stormwater Management Plans. Revised plans requested.

The following key excerpts are provided from Council's letter (bold added for emphasis):

#### UDRP

*'Given the concerns raised by the Panel, **the application is not supported in its current form**. You are therefore requested to respond to the Panel comments with design changes as is necessary.'*

#### DCP Building Envelope Controls

*'Council is aware of the status of a DCP control pursuant to Section 79C(3A) of the EP&A Act, 1979, however, there are site specific controls that were developed as part of the strategic planning of the site and the consultative process that gave rise to the increased height and FSR under the LEP. The site specific and centre specific provisions cannot simply be ignored without a robust urban design argument that acknowledges the intention of the controls. Aside from the control objectives, the controls are designed to both manage impacts on the lower density residential properties to the north and to provide a form that responds to the site's status within the Ryde Town Centre.'*

*The proposal fails to comply with the envelope requirements at the Victoria Road frontage, the storey height requirements, as well as the overall massing of the building at the site, with particular regard to Block 1.*

*Whilst there has been some attempt to respond to the desired massing on Block 2, the clear intention to provide a transitional form on Block 1 with the building transitioning from 4 to 2 storeys has largely been ignored in the current design.*

*A failure to respond to these controls undermines the strategic planning process and the proposal fails to provide sufficient justification on urban design grounds to support the proposed form being a reasonable alternative to the intended massing identified in the consultative planning process. **As such, the proposal is not supported in its current form.***

### Height

***'The degree of the height non-compliance proposed is not supported and the application is to be amended accordingly. In particular, the justifications provided do not adequately demonstrate any unique circumstances that are particular to the sites.'***

A written response to Council's letter and UDRP comments was provided by the applicant on 22 March 2016 including a design statement by the project architects, Kann Finch. Notwithstanding Council's clear and unambiguous advice that the proposed form of development was not supported, the response to Council's request for amendments and additional information stated that:

*'The Urban Design Review Panel (UDRP) comments have been given consideration by the applicant. In response, no wholesale changes to the proposal will occur, other than some minor alterations to waste rooms and minor alterations to landscaping and public domain in response to items raised in Council's letter.*

*The previously submitted proposal, the response to additional information 15 December 2015, and this formal response are considered to adequately respond to the design comments received to date by the UDRP, and the supporting Attachment to this letter provide an additional response to the UDRP matters.*

*It is therefore considered that no further action is required in relation to the UDRP'*

The only amendments to the scheme however related to minor changes to the waste rooms, landscaping and public domain.

The application was placed on public notification a second time from 13 April 2016 to 13 May 2016 due to an administration error (failing to advertise the development as Integrated Development under the Water Management Act 2000) and very minor changes and, as such, the letter of renotification specifically stated that previous submissions would still be considered as part of the assessment process. Two (2)

submissions have been received following close of the second notification round. It is noted that the 15 December 2015 changes alone would not have required re-notification.

Following the review of the additional materials submitted on the 22 March 2016, it was considered that the further justification provided by the applicant to the key planning matters identified in Council's letter of 12 February 2016 (and indeed to a large degree with the pre-DA consultation) was not well founded and the proposed scheme remained unacceptable. Given no amendments had been made notwithstanding Council's clear position that the proposal was not acceptable, Council proceeded to brief the JRPP on the proposal on 20 April 2016 at which time a determination meeting date of 1 June 2016 was set by the Panel.

The applicant was advised on 20 April 2016 of the determination meeting date and the recommendation for refusal based essentially on the issues raised in Council's letter of 12 February 2016 and the fact the applicant had not sought to discuss or undertake any amendments to the scheme.

The applicant subsequently responded by requesting that the DA be deferred from consideration by the JRPP until such time as further amendments and submissions were made. The applicant was advised to provide a list of proposed amendments before Council would agree to withdraw the matter from the 1 June 2016 JRPP determination meeting. At the time of writing and finalising this report, no additional information had been submitted.

## **7. APPLICABLE PLANNING CONTROLS**

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

- Environmental Planning and Assessment Regulation 2000;
- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- State Environmental Planning Policy (Infrastructure) 2007;
- Statement Environmental Planning Policy (State & Regional Development ) 2011
- State Environmental Planning Policy No. 64 (Advertising & Signage)
- 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

## **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 mixed use development, 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 Apartment 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.

Historically, Block 1 was in residential use until 1970, prior to the current use as a car dealership. Block 2 was occupied by a service station between 1937-1978, prior to the current use as a car dealership and service centre.

The application was accompanied by a Stage 1 Preliminary Site Assessment. The Contamination Report prepared by EIS concludes that the site can be made suitable for the proposed development subject to implementation of the following recommendations sought to address the data gaps and to better manage and characterise the risks:

1. Undertake a Stage 2 Environmental Site Assessment (ESA) including a detailed groundwater assessment;
2. Undertake a ground penetrating radar scan to identify the potential for Underground Storage Tanks (UST's), particularly the southern section of Block 2;
3. If required prepare a Remediation Action Plan (RAP) to outline remedial measures for the site; and
4. Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition works.

Council's Environmental Health Officer has advised that insufficient information has been submitted to address the matters raised in the Preliminary Site Assessment. A Stage 2 detailed contamination report, including a detailed ground water assessment to address the data gaps identified in the preliminary report and site specific (separated for each block), must be submitted to demonstrate the site is suitable for the proposed development.

#### **8.5 State Environmental Planning Policy No. 64 (Advertising and Signage)**

The subject application refers to the location of business identification signage being included as part of the proposal and that detailed signage applications would be subject to a separate application. No objection is raised to the provision of business identification signage along the site frontage subject to future applications for additional signage

#### **8.6 State Environmental Planning Policy (Building Sustainability Index: BASIX)**

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared for the development which provides the development with a satisfactory target rating.

## 8.7 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to the subject site given frontage of the site is to Victoria Road, a Classified Road. In addition, the development is classified as a 'Traffic Generating Development' as it includes more than 50 motor vehicles for motor showroom use and 75 dwellings for residential use with access to a Classified Road (Victoria Road). **Table 1** below contains the provisions of the Infrastructure SEPP applicable to this DA:

Infrastructure SEPP	Comments	Comply?
<p><b>Clause 101 Development with frontage to a classified road</b></p> <p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> <li>To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and</li> <li>To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</li> </ul>	<p>The DA was referred to Roads and Maritime Services (RMS) for comment. After confirmation by the applicant that no access is proposed from the site to Victoria Road, RMS has raised no objection to the proposal subject to conditions of consent.</p> <p>The acoustic report submitted by the applicant provides a number of recommendations to ensure the impact of noise from Victoria Road is managed and minimised.</p>	Yes
<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"> <li>Where practicable, vehicular access to the land is provided by a road, other than a classified road; and</li> <li>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"> <li>The design of vehicular access to the land, or</li> <li>The emission of smoke or dust from the development, or</li> <li>The nature, volume or frequency of vehicles using the classified road to gain access to the land.</li> </ul> </li> <li>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</li> </ul>	<p>Access to the site is provided from Arras Parade and Irvine Crescent with no provision for vehicular access off Victoria Road.</p> <p>Insufficient information has been provided to adequately assess the impacts of car transporters entering and exiting Victoria Road.</p> <p>The acoustic report submitted with the application provides a number of recommendations to minimise adverse impacts of</p>	<p>Yes</p> <p>Additional information required</p> <p>Yes</p>

Infrastructure SEPP	Comments	Comply?
vehicle emissions within the site of the development arising from the adjacent classified road.	Victoria Road on future occupants. However in regard to vehicle emissions, no information has been submitted addressing measures required to mitigate the impact of vehicle emissions.	No
<b>Clause 102 Impact of road noise or vibration on non-road development</b> <ul style="list-style-type: none"> <li>Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</li> <li>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"> <li>In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am</li> <li>Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.</li> </ul> </li> </ul>	Victoria Road is a State Classified Road. As noted above, an acoustic report has been submitted and this includes a number of recommendations to ensure compliance with the appropriate noise levels for residential development.	Yes
<b>Clause 104 Traffic generating development</b> <ul style="list-style-type: none"> <li>The proposed development, being a motor showroom for more than 50 vehicles and a residential development with more than 75 dwellings, and with access to a classified road is considered traffic generating development.</li> <li>Before determining a DA for which this clause applies the consent authority must: <ul style="list-style-type: none"> <li>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),</li> <li>The accessibility of the site concerned, and</li> <li>Take into consideration any potential traffic safety, road congestion or parking implications of the</li> </ul> </li> </ul>	<p>The proposed development is considered 'traffic generating development'.</p> <p>RMS has raised no objection to the proposal.</p> <p>Insufficient information provided to determine.</p> <p>Insufficient information provided to determine.</p>	<p>Noted</p> <p>Yes</p> <p>Additional information required</p> <p>Additional information</p>

Infrastructure SEPP	Comments	Comply?
development.		required

## **8.7 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment 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 9 SEPP 65 Design Quality Principles; and
- Apartment Design Guide.

### **Urban Design Review Panel**

As detailed in Section 6.1, redevelopment of the site has been subject to various pre-DA meetings. An early version of the currently proposed scheme was considered by the UDRP on 10 June 2015.

The UDRP did not support the scheme and raised a number of issues. The primary issues relate to height exceedance, concerns with the relationship between commercial and residential uses, internal and external amenity, architectural presentation, and built form detail.

Following lodgement of the application, the UDRP reviewed the application on 8 December 2015 and issued advice on 1 February 2016. Comments from the Panel included that many of the concerns raised in its pre-DA advice of 10 June 2015 had not been materially addressed and as such remain relevant and “outstanding” issues.

A written response to Council’s letter incorporating the Panel comments was provided by the applicant on 22 March 2016. The submission included a design statement by the project architect, Kann Finch.

The current proposal with minor changes, along with the design statement was forwarded to one of the Panel members (who attended both previous meetings) for final independent review and comment. Comments were provided on 16 May 2016 and maintained previous concerns with building height, the general scale and siting of the development. These comments are found at **Attachment 2** to this report.

## Design Quality Principles

Part 2 of the Policy introduces 9 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 9 design principles of the SEPP:

Design Quality Principle	Comment
<p><b>Principle 1:</b></p> <p><b>Context &amp; Neighbourhood Character</b></p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The development is consistent with the local context with respect to the mix of retail and residential land uses.</p> <p>The proposed development is inconsistent with the anticipated building height and siting for the site. Deviation from the site specific controls results in an unresolved relationship and interface with adjoining low density development.</p> <p>The site specific controls developed for the site reflect the desired and anticipated character for the locality and were crafted in direct response to the context of the site, being at the interface between high and low density uses. The proposal fails to appropriately address this interface and provide a transition between the zones as envisaged by the specifically prescribed building envelopes.</p>
<p><b>Principle 2:</b></p> <p><b>Built form and scale</b></p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of</p>	<p>The proposed development does not reflect the desired future character for the locality as a result of its non-compliant height and reduced setbacks. The proposal is inconsistent with the site specific planning controls.</p>



Design Quality Principle	Comment
<p>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><b>Principle 3: Density</b></p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposal complies with the LEP 2014 FSR control of 2.5:1 and 0.5:1 (split FSR controls). The GFA figure includes car storage as confirmed by GFA calculation diagrams (submitted as addendum information).</p> <p>The site's density is also considered appropriate given its proximity to public transport.</p> <p>The concerns related to density are related to the distribution and massing of the allowable GFA, as detailed throughout this report.</p>
<p><b>Principle 4: Sustainability</b></p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>Energy and water efficiency targets under SEPP (BASIX) 2004 are achieved.</p> <p>Insufficient information has been provided to conclude that the management of waste across the site is acceptable.</p>
<p><b>Principle 5: Landscape</b></p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental</p>	<p>In relation to landscaping, Block 1 includes ground level communal open space at the rear of the site, terrace courtyards and podium landscaping to Level 1, a rooftop communal open space and low scale landscaping to the Victoria Road frontage.</p> <p>Block 2 includes a large rooftop communal open space, terrace courtyards and podium landscaping to Level 1 and low scale landscaping to the Victoria Road frontage.</p> <p>As confirmed by the independent landscape review, the submitted landscape plan is generally considered to</p>

Design Quality Principle	Comment
<p>performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>provide a high-quality landscape design with regard to the communal and private open space areas with appropriate functional spaces.</p> <p>Species selection is generally considered to be satisfactory and incorporates a range of trees, shrubs, grasses and groundcovers.</p> <p>However, concerns have been raised in relation to the lack of curtilage landscaping provided to the site which fails to provide effective screening to the built form or reduce the overall visual bulk and scale presented to the public domain and surrounding residential allotments.</p> <p>Specifically, given the increased scale of the proposed development, it is considered the visual bulk and scale when viewed from the surrounding low density residential allotments will be significant. The current arrangement of the built form and associated perimeter driveway areas results in minimal effective planting provided to the boundaries bordering the existing dwelling houses to the north of the site. As such, it is considered additional buffer planting should be incorporated to the northern boundaries of the site.</p> <p>Concern has also been raised relating to lack of pedestrian access between the building and communal open space on the ground level of Block 1.</p> <p>The proposal provides 17% of the site as landscaped area which includes 645m<sup>2</sup> deep soil planting equating to 6.76% of the total site area. Additionally, a total area of 1,919m<sup>2</sup> is provided as podium landscaped area and roof terraces.</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><b>Principle 6: Amenity</b></p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The UDRP has raised concerns that the sense of address for each of the residential buildings is constrained and does not provide acceptable levels of amenity.</p> <p>This is largely resulting from a significant proportion of units relying on the Victoria Road frontage for outlook and amenity. This is offset by screening treatment over the façade, also not supported by the UDRP. However, to a certain extent this is considered to be a design solution to a sensitive interface for residential uses.</p>

Design Quality Principle	Comment
<p><b>Principle 7: Safety</b></p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The development is challenged in terms of legibility to residential entrances on the northern side of the each building. The proposal will however provide for constant passive surveillance of Victoria Road and clear, well-lit access from entry to private lobbies. Each lobby also provides limited entries which will encourage familiarity between neighbours.</p>
<p><b>Principle 8:</b></p> <p><b>Housing diversity and social interaction</b></p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal, as amended, comprises 145 units as follows:</p> <ul style="list-style-type: none"> <li>• 1 x studio</li> <li>• 102 x 1 bedroom;</li> <li>• 41 x 2 bedroom;</li> <li>• 1 x 3 bedroom;</li> </ul> <p>Of those, 15 apartments (10.3%) will be adaptable.</p> <p>The dwelling mix is not considered acceptable as it does not suitably accommodate larger families. Additional 3 bedroom units are required to provide a better dwelling mix.</p>
<p><b>Principle 9: Aesthetics</b></p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The UDRP has raised concerns that the architectural language of the building/s appears to favour the commercial component at the expense of the residential component though large format façade screening.</p> <p>As indicated by Council's UDRP, the proposal is <i>'over scaled – camouflaging the 3 and 4 levels of residential apartments behind them...the facades appear as relentless and oppressive elements in the streetscape'</i>.</p> <p>It is recognised that redevelopment of the site for mixed use development of the nature proposed would improve the appearance of this large stretch along Victoria Road, however better resolution of the façade treatment (in concert with a reduced street height) is necessary.</p>

## Apartment Design Guide

The SEPP requires consideration of the "Apartment Design Guide" (ADG) which supports the 9 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 ADG:

SEPP NO. 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) - COMPLIANCE TABLE		
Design Criteria	PROPOSAL	COMPLIES
<b>Part 2: Development Controls</b>		
<b>Building Depth</b> Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line	Block 1: Building 1: 17m Building 2: 29.6m (central common court) Building 3: 22m  Block 2: Building 4: 27.4m (central common courtyard with individual units 7m) Building 5: 28.6m-29.2m (central common courtyard with individual units 7m)  <i><b>The proposed building depths significantly exceed ADG recommendations and contribute to the unacceptable bulk and scale of the proposed buildings.</b></i>	Yes No No  No No
<b>Building Separation</b> Minimum separation distances for buildings are: Up to 4 storeys: 12m (Habitable) 9m (habitable/non-habitable) 6m (non-habitable)  Five to eight storeys: 18m (Habitable) 13m (habitable/non-habitable) 9m (non-habitable)	<u>External separation:</u> Block 1 Up to 4 storeys: Habitable 7m - Bldg 1 to NW (No. 621 Victoria Road) 12m - Bldg 1 to NW (No. 7 Maze Avenue) 8.5m - Bldg 1 to N (8 Maze Avenue) 8m-12m – Bldg 2 to N (No. 2 Arras Parade)  Level 4 – as above Level 5 – 11m-12m – Bldg 2 to N (No. 2 Arras Parade) from roof top COS.  Block 2 Up to 4 storeys: 20m – Bldg 4 to N (No. 3 Arras Parade) 8m – Bldg 5 to N (No. 2 Irvine Crescent)  Level 4 – as above Level 5 – 22m – Bldg 4 to N (3 Arras Parade) From roof top COS 15m – Bldg 5 to N (2 Irvine Crescent) From roof top COS	No Yes No Partial  No No  Yes No  No Yes No





<p><u>Visual Privacy</u></p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <ul style="list-style-type: none"> <li>• Up to 12m (4 storeys) 6m (habitable) / 3m (non-habitable)</li> <li>• Up to 25m (5-8 storeys) 9m (Habitable) / 4.5m (non-habitable)</li> </ul> <p>Apartment buildings should have an increased separation distance of 3m when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.</p>	<p>As detailed above under Building Separation, the proposed development does not provide sufficient separation distances internally or externally and as such will result in insufficient visual privacy between the development and adjoining properties.</p> <p>No increased setback or 'transition' provided and the proposal fails to meet prescribed DCP envelope that clearly requires stepping in the built form to provide transition.</p> <p><b>Unacceptable</b></p>	<p>No</p> <p>No</p>
<p><u>Bicycle and Car Parking</u></p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>• on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>• on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</li> </ul> <p><b>Bicycle Parking</b> Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>The minimum residential parking rates contained in the RMS Guidelines and Council's DCP 2014 are the same. Given the proposal also involves commercial development, required parking for the development is more appropriately considered under Part 9.3 of Council's DCP (see section 8.10 below).</p> <p>Block 1 (within basement): Bicycle - 18 (residents), 7 (visitor) Motorcycle - 4</p>	<p>Yes</p> <p>Yes</p>

	Block 2 (within basement): Bicycle - 22 (resident), 7 (visitor) Motorcycle - 4	
<b>Solar Access and Daylight</b>  Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	73.2% receive in excess of 2 hours of sunlight to living room windows and private open space areas during mid-winter. However this figure has been taken between extended period of 7am to 3pm. Revised figures providing % between 9am and 3pm are required.	Unclear due to insufficient information
<b>Natural Ventilation</b>  At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	82% are naturally cross ventilated	Yes
<b>Ceiling Height</b>  Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <ul style="list-style-type: none"> <li>Habitable Rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> <li>If located in a mixed use area - 3.3m for ground and first floor to promote future flexibility</li> </ul>	All habitable rooms have minimum 2.7m ceiling heights. Non-habitable rooms contain ceiling heights that are at least 2.4m Ground floor building height is 4.5m	Yes  Yes  Yes
<b>Apartment Layout</b>  Apartments are required to have the following minimum internal areas: <ul style="list-style-type: none"> <li>Studio - 35m<sup>2</sup></li> <li>1 Bedroom - 50m<sup>2</sup></li> <li>2 Bedroom - 70m<sup>2</sup></li> <li>3 Bedroom - 90m<sup>2</sup></li> </ul> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each  Every habitable room must have a window in an external wall with a	The 1x studio apartment is 56.3m <sup>2</sup> 2x 1 bed units are 49.5m <sup>2</sup> , the remainder are 50m <sup>2</sup> + 2x 2 bed units are 69m <sup>2</sup> , the remainder are 70m <sup>2</sup> + The 1x 3 bedroom apartments exceed 94m <sup>2</sup>  <b>Acceptable on merit</b>  All apartments with an additional bathroom have a larger internal area of 5m <sup>2</sup> each.  All windows will meet the requirements of the BCA.	Yes No  No Yes  Yes  Yes

<p>total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p> <p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>	Min. 3m	Yes
<p><b>Private Open Space</b></p> <p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> <li>• Studio - 4m<sup>2</sup></li> <li>• 1 Bedroom - 8m<sup>2</sup> (Minimum depth of 2m)</li> <li>• 2 Bedroom - 10m<sup>2</sup> (Minimum depth of 2m)</li> <li>• 3 Bedroom - 12m<sup>2</sup> (Minimum depth of 2.4m)</li> </ul>	Generally compliant or exceed minimum.	Yes
<p><b>Common Circulation Space</b></p> <p>The maximum number of apartments off a circulation core on a single level is 8.</p>	<p>Block 1:</p> <p>Building 1: 5 units (L1-4), 3 (L5)</p> <p>Building 2: 8 units</p> <p>Building 3: 7 units</p> <p>Block 2:</p> <p>Building 4: 9 (L1), 10 (L2-4)</p> <p>Building 5: 8 (L1), 9 (L2-4)</p> <p><b><i>Closer compliance should be achieved in conjunction with revisions to building mass to better transition to the northern boundary..</i></b></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>
<p><b>Storage</b></p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> <li>• Studio - 4m<sup>2</sup></li> <li>• 1 Bedroom - 6m<sup>2</sup></li> <li>• 2 Bedroom - 8m<sup>2</sup></li> <li>• 3 Bedroom - 10m<sup>2</sup></li> </ul> <p>At least 50% of the required storage is to be located within the apartment</p>	Schedule of storage areas not provided – general compliance stated by applicant.	Unclear due to insufficient information

As indicated by the above ADG table, the proposed development does not meet the design criteria relating to a number of areas. The key issue as discussed throughout this report is in relation to building separation and visual privacy.

The proposed development does not provide sufficient separation distances externally and as such will result in insufficient visual privacy to adjoining properties as well as generally unacceptable bulk and space issues at the interface zone. Refer to further discussion on privacy at Section 8 of this report.

Further areas that contravene the design criteria include:

- Building depth – extent of non-compliance contributes to overall unacceptable bulk and scale of the proposal;
- Common open space – closer level of compliance should be achieved;
- Deep soil planting – compliance should be achieved;
- Apartment layout – acceptable on merit; and
- Common circulation – closer level of compliance should be achieved.

It is considered that the material changes sought to meet site specific controls would resolve these areas of non-compliance or achieve a more acceptable level of compliance.

In addition, there are some areas where additional clarification is required, such as confirmation of storage provision through a schedule of areas dedicated to each unit and solar access diagrams isolated to 9am and 3pm (rather than extended hours of 7am to 3pm to achieve 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 1.5 kilometres from the nearest point of Sydney Harbour. As such, 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.

### **8.9 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.

## Clause 2.3 Zone Objectives and Land Use Table

The land is zoned "*B6 Business Enterprise Corridor*" under LEP 2014 with one of the allotments on Arras Parade (Lot 2 DP 856439) being zoned "*R2 Low Density Residential*".

The proposal constitutes a mixed use development comprising residential and retail uses. The proposed development is permissible as both "*retail premises*" and "*residential flat building*" are not listed as prohibited forms of development in the B6 zone.

The R2 zoned parcel of land within the north-western corner of Block 2 is currently predominantly used only for vehicle circulation and entry to the existing car sales premises on this basis, the applicant claims that the proposed new vehicle access arrangements and the underground car park entry are permissible on the basis of Existing Use Rights. Evidence to confirm this however has not been provided and is therefore raised as a further item of insufficient information.

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 B6 zone are as follows:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development.*
- *To promote sustainable development, including public transport use, living and working environments.*

The objectives of the R2 low density residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a variety of housing types.*

The subject site forms part of the Commercial Edge East precinct under the Ryde DCP 2014. The proposal generally meets the objectives of the B6 zone by providing a suitable mix of retail floorspace and residential units, however the design resolution in terms of building scale and siting is not compatible with the surrounding area being adjoining low density development to the north. The existing motor showroom use at the site will be maintained providing suitable employment opportunities and the residential component is provided as part of a mixed development scheme. The site is located with close proximity public

transport, public open space and community services. The parts of the proposal on R2 zoned land are not considered to be antipathetic to the R2 zone objectives.

### **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 15.5m. 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.

The permitted height under the LEP across the majority of the site is 15.5m and a small portion of land at the rear is 9.5m, being the R2 zoned land (Block 2). The proposed development provides a height of up to 19.77m which represents a 27.5% variation (based on the 15.5m height limit).

The applicant has provided a Clause 4.6 Variation Statement which emphasises that the majority of the proposal is contained within a 10% variation and that the proposed non-compliance above 10% is minor. The argument effectively claims a 10% variation “as of right” and then exceeds it further.

The justification relied upon in supporting the variation relates to meeting control and zoning objectives, being a suitable height for the B6 zone, lack of detrimental amenity impacts and the topographical constraints of the site. That is, the site slopes significantly towards the north and therefore any impacts of overlooking or enclosure is likely to occur to adjoining low density development whether development be in a compliant or non-compliant form.

**Figures 9 and 10** below illustrate the location and extent of the proposed height breaches, beyond the maximum LEP permitted height and 10% variation.



**Figure 9: Proposed height non-compliance to Block 1 showing LEP height limit (red), 10% increase (green) and protrusion above 10% increase (white) (Source: Applicant's Clause 4.6 Variation).**



**Figure 10: Proposed height non-compliance to Block 1 showing LEP height limit (red), 10% increase (green) and protrusion above 10% increase (white) (Source: Applicant's Clause 4.6 Variation).**

**Figures 11 and 12** below illustrate the location and extent of the proposed height breaches beyond the maximum LEP permitted height as viewed from the low density residential zone to the north of the site.



**Figure 11: Proposed height non-compliance to rear of Block 1 showing LEP height limit**



**Figure 12: Proposed height non-compliance to rear of Block 2 showing LEP height limit**

The assessment against the applicant's request to vary the LEP height control 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 2.0:1 for the majority of the site and 0.5:1 for the north-eastern portions of Block 1 and Block 2.

Given the “split” density controls and the site being divided into Block 1 and Block 2, the applicant was required to clarify the skew of calculations across each zone and block to confirm the correct distribution of permitted GFA across the subject site. Block 1 permits a GFA of 9,041.6m<sup>2</sup> (1,007.2m<sup>2</sup> / 0.5:1 + 4,269m<sup>2</sup> / 2:1) and Block 2 permits a GFA of 6,621.8m<sup>2</sup> (3,310.9m<sup>2</sup> / 0.2:1). This equates to a total gross floor area (GFA) of approximately 15,663.4m<sup>2</sup>. The proposed development, has a GFA of approximately 8,706.2m<sup>2</sup> (Block 1) and 6,620.1m<sup>2</sup> (Block 2) and a compliant FSR across each block. The calculation of GFA is in accordance with the LEP 2014 definition of GFA.

## **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. A copy of the request is attached to this report as **Attachment 3**.

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

The justification relied upon in supporting the variation relates to meeting control and zoning objectives, being a suitable height for the B6 zone, lack of detrimental

amenity impacts and the topographical constraints of the site. That is, the site slopes significantly towards the north and therefore any impacts of overlooking or enclosure is likely to occur to adjoining low density development whether a scheme complies or not.

The submitted Clause 4.6 Variation Statement provides no compelling argument to depart from the established maximum building height control. Whilst it is accepted that the site slope may create some compliance challenges and that some flexibility could be afforded to development at the site on this basis, the extent of non-compliance (particularly on the northern part of the site) should be reduced and would have some benefits to adjoining residents.

Insufficient justification is 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 development is entirely consistent with the underlying objective or purpose of the standard,*
- *The proposed mixed use development will give provision for 145 apartments and provision of up to 77 jobs for the benefit of residents of the local government area and the wider Sydney metropolitan region.*
- *The scale of the proposal is considered to be appropriate for the site and the surrounding area and meets the needs of the local residents and wider Sydney metropolitan area.*
- *The bulk and scale of the proposal is limited and is consistent with the style and scale of other residential buildings within the locality.*
- *The proposed development will not significantly impact on the amenity of adjoining occupiers.*
- *The proposed development will not result in any unreasonable privacy intrusion or loss of daylight access to adjacent properties.*
- *The proposed development still maintains compliance with GFA/FSR provisions for the site.*

The above justification is not considered to provide sufficient environmental planning grounds to justify contravening the development standard to the degree proposed. It is not accepted that the proposed variation would not result in unreasonable adverse amenity impacts for adjoining development or that the specific site attributes (topography) preclude achieving closer compliance to the prescribed height for the site. The general thrust of the justification is rather generic in nature and does not advance any particularly compelling environmental planning ground to justify the variation.

**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 presents an incompatible building scale relative to adjoining low density residential development to the north and therefore does not entirely meet the zoning objectives.

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 applicant provides that the proposed building height presents a consistent building envelope with other residential flat buildings in the surrounding locality, highlighting Putney Hill on the opposite site of Victoria Road. It is agreed to some extent that there is a degree of transitioning between the higher 9 storey development to the south at Putney Hill, however it is also recognised that Putney Hill is across a Classified Road and does not fall within the same precinct as the subject site, being Precinct 8 – Commercial Edge East (or even Ryde Town Centre).

The site collectively extends over 200m to a very prominent frontage. Concern is raised by the UDRP that *‘the applicant’s ambition for uninterrupted commercial presence and visibility is compromising the public realm treatment for a large extent of Victoria Road.’* More work is required to achieve suitable pedestrian scale at the site frontage and ground level and how this relates to the upper proportions of the building façade.

The overall built form is not consistent with the desired future character for the area given its deviation from site specific provisions as emphasised consistently by Council’s UDRP advice, noting that the adjacent residential interface to the north makes additional bulk problematic.

*(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. The submitted diagrams demonstrate that acceptable overshadowing will occur in the morning in midwinter to the

adjoining property to the west and the remaining shadows will occur over Victoria Road which is located to the south of the site.

The presentation of the development from Victoria Road is overly commercial in nature despite the largely residential nature of the development. In essence, architectural language appears to favour the commercial component at the expense of the residential component though large format façade screening. As indicated by Council's UDRP, the proposal is '*over scaled – camouflaging the 3 and 4 levels of residential apartments behind them...the facades appear as relentless and oppressive elements in the streetscape*'. It is recognized that redevelopment of the site for mixed use development of the nature proposed would improve the appearance of this large stretch along Victoria Road, however It is provided that better resolution of the façade treatment (in concert with a reduced street height) is necessary.

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

**Comment:** The proposal includes consolidation of allotments and will provide a mix of commercial and residential uses at the site which 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 consistency with this objective being achieved.

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

**Comment:** The adjacent low density residential interface with the development is compromised by reduced building setbacks and increased building height. It is accepted as inevitable that intensification at the site as anticipated by Council's planning controls will significantly alter the general amenity (outlook, enclosure) for existing low density residential uses adjoining or adjacent to the site. However, it is not accepted that increasing these impacts further by exceeding the permitted building height would have little consequence to existing residential amenity.

*(e) to emphasise road frontages along road corridors.*

**Comment:** The site fronts Victoria Road which is 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, whilst the development recognises the underlying intent of some of the objectives of Clause 4.3, more work (including a reduction in building height) is required to adequately address each of the objectives through a development that is more sympathetic to the immediate surrounds.

Accordingly, the proposal fails to meet the objectives of the height control and is not 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

Whilst it is accepted that topographical characteristics of the site create some challenges and that some flexibility could be afforded to development at the site, the proposed variation to the height control of LEP 2014 cannot be supported to the extent proposed. The applicant has not advanced any compelling argument or sufficient environmental planning grounds in this instance to justify contravening the development standard.

## Other provisions

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

Provision	Comment
<b>Clause 5.1 Relevant acquisition authority</b>	No part of the site is mapped as being reserved for acquisition for public purposes.
<b>Clause 5.9 Preservation of trees and vegetation</b>	The application indicates removal of 12 trees within the site or on neighbouring properties. Independent review by Consultant Landscape Architect (CPS) has indicated support for removal of 9 of the 12 trees. Owner's consent however has not been provided for the removal of 3 trees located on neighbouring sites.
<b>Clause 5.10 Heritage conservation</b>	<p>The subject site is located in proximity to the following items:</p> <ul style="list-style-type: none"> <li>i) 'Dalton House (hospital)' 642-648 Victoria Road, Ryde (Item No.I148)</li> <li>ii) 'Great North Road' Victoria Road, Gladesville (Item No.I54)</li> <li>iii) 'Fountain' Corner Blaxland and Victoria Roads, Ryde (Item No.I19)</li> </ul>

<b>Provision</b>	<b>Comment</b>
	Accordingly, a Heritage Impact Assessment has been submitted with the application and is considered acceptable by Council's Heritage Advisor.
<b>Clause 6.1 Acid sulfate soils</b>	<p>The northern portion of the site is impacted by Class 5 acid sulfate soils. As the proposal involves excavation to approx. RL30.5 AHD, the preparation of an acid sulfate soils management plan is not required.</p> <p>Ground water was encountered at RL 37.28. The application is Integrated Development as dewatering is required.</p>
<b>Clause 6.2 Earthworks</b>	The proposed development includes excavation for a basement car park. As such a sediment and erosion control plan would be required.
<b>Clause 6.4 Stormwater management</b>	Insufficient information has been provided to determine suitability of the proposed stormwater management for the site in relation to Clause 6.4.
<b>Clause 6.6 Environmental sustainability</b>	This clause applies as the site area exceeds 1500m <sup>2</sup> and is located in a business zone. Insufficient information has been provided to determine suitability of the proposed stormwater management for the site in relation to Clause 6.6.
<b>Clause 6.7 Ground floor development on land in Zone B6</b>	The proposal complies with the requirement that ground floor uses must be for business or employment activities (other than residential lobbies, access for fire or vehicular access).

## **8.10 City of Ryde DCP 2014**

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

- Part 4.4 – Ryde Town Centre
- 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, insufficient information has been provided to carried out thorough assessment of these matters. Parts 4.6 and 9.3 are considered below.

## Part 4.6 – Ryde Town Centre

Part 4.4 of DCP 2014 is the primary DCP applicable to development within the Ryde Town Centre, specifically Precinct 8 – Commercial Edge East. The relevant provisions of the DCP are outlined in **Table 5** below:

Control	Comment	Compliance
<b>3.0 Public Domain</b>		
<b>3.1 Pedestrian Access and Through-site links</b> a. Provide pedestrian through-site routes and public domain areas in accordance with the Public Domain Control Drawing opposite.	Site is not within area identified to provide a through-site link	NA
<b>3.2– Environmental Management and the Public Domain</b> a. Provide solar access to no less than 80% of the ground plane for at least 2 hours between 10 am and 2 pm on June 21 (exclusive of shadows cast by trees) to the following public domain areas: i. School playgrounds. ii. Landscaped grounds of heritage items. iii. Ryde Park including bowling greens. iv. Public Open Spaces in the area identified in the Public Domain Control Drawing. (Figure 4.4.02) b. Building design is to minimise adverse wind effects on public open spaces. The orientation, height and form of development are to be designed to promote public safety and comfort at ground level. Awnings and galleria are to be provided, if necessary, for pedestrian comfort. Council may require an assessment of wind impacts and a statement of commitment regarding proposed wind mitigation measures. c. Building design should ensure that summer breezes are not blocked to private open space, such as courtyards and balconies, as well as to the public domain.	Site not located within close proximity to public domain areas. As such no impact.	NA
<b>3.3 Active Frontage</b> a. Provide ground level active uses where indicated on the Active Frontage and Awnings Control Drawing.	Site is not indicated as requiring an active frontage.	NA

Control	Comment	Compliance
<b>3.5 Access and public domain</b>		
a. If required by Council, footpath improvements in accordance with the Ryde Town Centre Public Domain Plan are to be implemented by the developer.	Capable of compliance.	Yes
b. All development must comply with Australian Standard 1428 and Part 9.2 Access for People with Disability under this DCP.	Capable of compliance.	Yes
c. Barrier free access must be provided to the common areas of all buildings and public domain areas.	Achieved.	Yes
d. Adequate parking and safe convenient access to buildings for people with disabilities must be provided.	Achieved.	
e. To provide active frontage and quality building design, vehicular access ramps must be screened from view, contained wholly within buildings and may not ramp along street boundary alignments except in Devlin Street and by approval of Council and the RMS.	No access from Victoria Road. Vehicular access is from secondary frontages at rear of site.	Yes
f. Minimise the size, quantity and visual intrusion of vehicle access points. The preferred width of vehicle access points is 3 m however, up to 6m may be permitted. Greater widths for car parking access may be approved, if it can be demonstrated that the greater width is necessary and that pedestrian safety is not compromised.	Vehicular access is from secondary frontages at rear of site. Additional access points are provided off Arras Parade and Irvine Crescent to accommodate the proposed commercial use.	Yes
g. Vehicular traffic must be separated from pedestrians and vehicular access points clearly identified with paving, signage and the like.	The resident and commercial vehicular access points have been separated. The design seeks to keep commercial vehicle delivery and residential movement separate. Resident access is via the basement car park from Arras Parade from Block 1 and Arras Parade / Irvine Crescent for Block 2. An entrance on Arras Parade is provided for the commercial use (vehicle delivery and customer parking).	Yes
h. Loading docks must be located so that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction.	No loading docks proposed.	NA



Control	Comment	Compliance
i. Parking should be well lit, easily accessible and screened from view to maintain the attractiveness of the streetscape.	Parking and car storage is located below ground within basement levels of Block 1 and 2 buildings.	Yes
<b>3.6 Signage</b> All signage is to be in accordance with Part 9.1 Signage of this DCP.	Subject to future application.	NA
<b>3.8 Landscaping and Street Trees</b> a. Street trees and other planting shall be provided in accordance with the Ryde Town Centre Public Domain Plan and their health guaranteed for a minimum of 2 years.	<p>As confirmed by the independent landscape review, species selection is generally considered to be satisfactory and incorporates a range of trees, shrubs, grasses and groundcovers.</p> <p>Concerns have been raised however in relation to the lack of curtilage landscaping provided to the site which fails to provide effective screening to the built form or reduce the overall visual bulk and scale presented to the public domain and surrounding allotments.</p> <p>The current arrangement of the built form and associated perimeter driveway areas results in minimal effective planting provided to the boundaries bordering the existing dwelling houses to the north of the site. As such, it is considered that additional buffer planting should be incorporated to the northern boundaries of the site.</p>	Generally acceptable, Additional landscape treatment required
<b>3.9 Public Art</b> a. Public art must be included in all new developments of \$5 million dollars or greater. b. A site specific Arts and Cultural Plan is to be submitted together with the development application. The Arts and Cultural Plan should be prepared by an arts and cultural planner and should address the following: <ul style="list-style-type: none"> <li>i. Identify opportunities for the integration of public art in the development;</li> <li>ii. Identify themes for public art that are informed by the site history and local community issues including environmental sustainability;</li> <li>iii. Be inclusive of communities catering for the elderly, youth,</li> </ul>	<p>The proposal does not give provision for public art through an Arts and Cultural Plan.</p> <p>Applicant concludes that the site is not appropriate for public art.</p>	No

Control	Comment	Compliance
<p>children, mothers and minority groups;</p> <p>iv. Durability, robustness and longevity; and v. Demonstrate how public art is incorporated in the site and built form design.</p> <p>c. Public art shall be located in publicly accessible areas of new development such as foyers, building exteriors, rooftops, adjoining footpaths and the like.</p> <p>d. To the greatest extent possible public art should have a dual purpose. For example public art may include lighting that contributes to luminance levels in the public domain and hence public safety. Public art may also include paving and street furniture such as seating, safety barriers and water features.</p> <p>e. Public art may be required as part of an Interpretation Plan for heritage and archaeological resources</p>		
<p><b>3.10 Hoardings</b></p> <p>a. For any development in Ryde Town Centre hoardings must include the following (unless duration of construction is to be less than 12 weeks):</p> <p>i. Coordinated graphics that may form part of the public art program for the site;</p> <p>ii. Project consultant information in one location;</p> <p>iii. Required safety signage; and</p> <p>iv. Solid panels in preference to open mesh and fencing.</p> <p>b. Traffic and Pedestrian Plan of Management is required for the hoarding, construction or demolition phase.</p>	<p>Compliance can be achieved.</p>	<p>Yes</p>
<p><b>4.0 Architecture and Urban Form</b></p>		
<p><b>4.1 Building Height</b></p> <p>a. Buildings must comply with the maximum heights described in Ryde LEP 2014 - Height of Buildings Map.</p> <p>b. Height Planes A, B, C and D apply where indicated on the Building Height Control Drawing in this plan (Figure 4.4.05).</p> <p>c. NA</p>	<p>The proposed building exceeds the maximum building height of 15.5m permitted under RLEP 2014 – 4.6 Variation Statement submitted (refer to Section 8.9 of this Report).</p> <p>Height Plane C is applicable. The proposal is setback at the ground level (variable, minimum 5m) fronting Victoria Road and the residential levels above are located with a nil setback.</p>	<p>No</p> <p>No</p>

Control	Comment	Compliance
<p>d. Floor to ceiling height must be a minimum of 2.7 m for residential uses.</p> <p>e. To ensure that ground floor levels are adaptable over time for a wide range of uses, the floor to ceiling height shall be a minimum of 3.5 m clear for the ground floor and street levels in all development, regardless of uses, in the B4 Mixed Use – land-use zone except for Precinct 4.</p>	<p>Min. 2.7m floor to ceiling heights provided.</p> <p>Ground floor commercial level provided with 4.5m floor to floor.</p>	Yes
<p><b>4.2 Setbacks and Build-to Lines</b></p> <p>a. Building setbacks at the ground level must comply with the Setbacks Control Drawings Figure 4.4.07 and Figure 4.4.17.</p>	<p>The site is subject to a 3m front setback to Victoria Road. The proposal is setback between 5m and 6.5m.</p>	No
<p><b>4.3 Building Depth</b></p> <p>a. All occupied points on a commercial floor shall be no more than 15 m from a source of daylight. The preferred maximum depth of office buildings with openings on one side is 15 m. The preferred maximum depth of office buildings with openings on two or more sides is 30 m.</p> <p>b. Maximise daylight to public spaces in retail uses, including particularly arcades, circulation spaces, food courts and the like. Design devices such as atria and light wells are to be provided.</p> <p>c. Maximise natural ventilation in retail and commercial uses by incorporating where possible stack ventilation, openable windows, open air circulation spaces and courtyards.</p> <p>d. Achieve natural ventilation in residential buildings by having window openings in opposite directions and walls where possible.</p> <p>e. The maximum overall depth of residential buildings is 18 m unless design excellence can be demonstrated and natural ventilation is achieved.</p>	<p>Glazed curtain wall provided to the commercial areas to enable sufficient solar access and daylight. Glazing is provided to office spaces and the proposal will result in meeting and board rooms below ground level due to the slope of the site.</p> <p>Retail components of the building do not include public spaces. Suitable daylight access is made available through significant glazing.</p> <p>Acceptable level of ventilation available.</p> <p>Acceptable level of ventilation available.</p> <p>Refer to ADG table.</p>	<p>Acceptable on merit</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>
<p><b>4.4 Architectural and Design Quality</b></p> <p>a. Development on corners must address all street frontages. Entries, windows and other architectural elements should be placed to reinforce the corner.</p> <p>b. Provide building articulation elements including awnings, verandahs, decks, loggias, pergolas, bay windows and recessed doors.</p>	<p>Suitable design response to secondary frontages is proposed.</p> <p>Provided.</p>	<p>Yes</p> <p>Yes</p>

Control	Comment	Compliance
c. Windows and entries shall be placed to overlook public spaces and streets to provide surveillance opportunities.	Provided.	Yes
d. Balconies may not be continuous along the whole length of building façades.	Balconies do not extend building length.	Yes
e. Provide solar protection, including awnings, recessed windows, roof overhangs, external shutters and screens to the western and northern elevations of buildings.	Suitable solar screening provided.	Yes
f. Development should protect the existing level of amenity of adjacent development as well as for all users of the site.	Amenity impacts result from building scale and siting as discussed elsewhere in this Report.	No
<b>5.0 Heritage</b>		
<b>5.3 The Setting</b>		
a. New development in the vicinity of a heritage item is to be compatible with the visual character of the heritage item and its significant context or setting.	The subject site is located in proximity to the following items:	Yes
b. If the site of a heritage item is amalgamated, the original lot structure shall be discernible in all new development and the visual curtilage retained.	i) 'Dalton House (hospital)' 642-648 Victoria Road, Ryde (Item No.I148) ii) 'Great North Road' Victoria Road, Gladesville (Item No.I54) iii) 'Fountain' Corner Blaxland and Victoria Roads, Ryde (Item No.I19)	
c. The natural topography and landscaped setting of the site of a heritage item is to be retained.	Accordingly, a Heritage Impact Assessment has been submitted with the application and is considered acceptable by Council's Heritage Advisor.	
d. Significant views and other visual links to and from a heritage item are to be preserved and enhanced.		
<b>6.0 Sustainable Development</b>		
<b>6.1 Sustainable Development</b>		
a. Development is to comply with Part 7.1 Energy Smart, Water Wise of Development Control Plan 2010. Development within Precinct 1 is to achieve a minimum 5.0 Greenstar Rating and development in Precinct 2 is to achieve a minimum 4.0 Greenstar Rating.	There is no recognised impediment to compliance, subject to conditions of consent.	Yes
b. New development is required to submit an Energy Efficiency Performance Report to indicate overall environmental performance and management in relation to the following matters:	An ESD Initiatives and Strategy Report prepared by Thermal Environmental was submitted with the application.	Yes
i. Solar access that has been achieved for residential living areas, public open		

Control	Comment	Compliance
<p>space and private open space including clothes drying areas;</p> <p>ii. Solar access for adjoining and nearby development and public domain areas;</p> <p>iii. How energy efficiency is integrated into the orientation and design of buildings and the public domain;</p> <p>iv. Energy efficiency of all appliances including but not limited to hot water systems, clothes dryers, mechanical ventilation, ceiling fans and the like;</p> <p>v. How water usage is minimised and how the quality and quantity of water discharge from the site is managed; and</p> <p>vi. Details of the potential for water recycling.</p>	<p>This report demonstrates general compliance with the objectives of EDS initiatives and strategies.</p>	
<p><b>6.2 Water Management</b></p> <p>a. New development is to submit a Water Management Statement for proposals less than 15 residential dwellings or an Integrated Water Cycle Management Plan for proposals more than 15 dwellings.</p> <p>b. A Water Management Statement and an Integrated Water Cycle Plan must indicate:</p> <p>i. How the water usage is minimised and how the quantity of water discharge from the site is managed;</p> <p>ii. Details of the potential for water recycling and rainwater harvesting and re-use options;</p> <p>iii. Installation of appliances and plumbing hardware that have a minimum AAA Australian Standards Water Conservation Rating;</p> <p>iv. Investigation of treatment and reuse options of Grey Water for non-potable uses as part of the development; and</p> <p>v. Potential for any surplus harvested rainwater being piped for irrigation or other reuse possibilities to downstream Ryde Park.</p>	<p>An ESD Initiatives and Strategy Report and BASIX certificate prepared by Thermal Environmental was submitted with the application.</p> <p>However, the proposed water management strategy is not supported by Council without provision of further information relating to drainage disposal and overland flows.</p>	<p>Insufficient information.</p>
<p><b>6.3 Waste Management</b></p> <p>a. All applications for demolition and development must be accompanied by a Waste Management Plan that specifies the type of waste to be produced and the proposed arrangements for ongoing waste management, collection and disposal.</p>	<p>A Waste Management Plan was submitted with the application.</p> <p>The proposed waste management strategy is not supported by Council without provision of further information relating to waste vehicle movement and waste storage</p>	<p>Insufficient information</p>

Control	Comment	Compliance
b. All Waste Management Plans shall be prepared in accordance with the relevant requirements of the Waste Recycling and Processing Service Act 1970, and the Waste Minimisation and Management Act 1995, and the Protection of the Environment Operations Act 1997 and Part 7.2 Waste Minimisation and Management.	provisions.	
<b>6.5 Alternatives to Private Vehicle Transport</b> a. Refer to 2.7 Bicycle Parking within Part 9.3 Parking Controls of this DCP. b. Workplace Travel arrangements are made in every commercial building to encourage greater use of available public transport services by staff. Target 40% of staff to use public transport in each commercial or office premises.	Bicycle parking provided within Block 1 and 2 basement levels.  A Work Place Travel arrangement has not been provided with the application.	Yes  Outstanding information
<b>7.0 Residential Amenity</b>		
<b>7.1 Residential Private Open Space Front gardens</b> a. Provide front gardens to residential developments where buildings are required to be setback from the street. Refer Setbacks Control Drawing. b. Design front gardens to provide a positive setting for the building.  c. Tree species shall be selected from a palette in accordance with the relevant recommendations of the Ryde Town Centre Public Domain Plan 2006. Native plant species are generally encouraged. d. Minimise the impact of driveways in front gardens by design, materials selection and appropriate screen planting. e. All driveways are to be separated from pedestrian pathways and entryways. f. Driveways, kerb crossings, parking, paved areas and external structures must be sited to safeguard the root zone of existing street trees. g. Gardens less than 3 m wide shall have adequate continuous access to allow maintenance.	Concerns are raised in relation to the lack of curtilage landscaping provided to the site which fails to provide effective screening to the built form or reduce the overall visual bulk and scale presented to the public domain and surrounding allotments.  As confirmed by the independent landscape review, species selection is generally considered to be satisfactory and incorporates a range of trees, shrubs, grasses and groundcovers.  Concern has previously been raised in terms of pedestrian / vehicular conflicts between residential and commercial uses. The applicant has indicated a combination of signage and urban design detailing strategy will be implemented to clearly differentiate pedestrian areas, service areas, nominate variable speed restrictions and demarcate commercial vehicular zones with that of the residential pedestrian zones. It is considered that a Management	Revised landscape scheme required to address outstanding issues  Yes  Management Plan required

Control	Comment	Compliance
	Plan should be provided to formalise these intended strategies. This Plan would include a clear timeframe for vehicle delivery and replacement batches, indicated to occur on a 2-4 week rotation.	
h. Design front gardens for security by providing adequate lighting to pedestrian and vehicle entrances. Avoid planting which may obscure buildings entries.	Capable of compliance	Yes
<b>Private Gardens</b> j. Landscape spaces shall retain existing significant mature trees and contribute to the character and environmental quality of the landscape of Ryde Town Centre.	The application indicates removal of 12 trees within the site or on neighbouring properties. An independent review by Council's Consultant Landscape Architect has indicated support for removal of the 9 trees located on the subject site. Owner's consent however has not been received for removal of 3 trees that appear to be located on neighbouring properties.	No
k. Where possible provide 20% minimum deep soil landscape space. l. Deep soil landscape areas shall provide some capacity for storage and infiltration of stormwater falling within the total development.	6.8% deep soil provision. The extent of this significant shortfall in deep soil landscaping which has been justified through additional podium landscaping and roof terracing across the site is not supported. The provision of additional deep soil landscaping within the site frontage and across the northern rear boundary is required. At minimum, the ADG requirements for deep soil planting should be met.	No
m. Provide one large tree, with a spreading canopy, and mature height of 12 metres minimum, planted in deep soil, for every 100 m2 of landscaped open space. Indigenous species are preferred and should be selected from the palette detailed in the Ryde Town Centre Public Domain Plan 2006.	Suitable species selection, densities and locations has been confirmed by the landscaped referral.	Yes
n. To the greatest extent possible, locate car parking under the building footprint to maximise deep soil. o. Gardens less than 3 m wide shall	All parking (other than car storage within ground floor commercial level) is located within basement level parking. The proposed basement levels extend beyond the building footprint precluding deep soil provision to be maximised.	No

Control	Comment	Compliance
have adequate continuous access to allow maintenance.		
p. All air conditioning and other plant shall be screened from view and integrated in the architectural design.	The current arrangement of the built form and associated perimeter driveway areas results in minimal effective planting provided to the boundaries bordering the existing dwelling houses to the north of the site. As such, it is considered additional buffer planting should be incorporated to the northern boundaries of the site.	No
q. The design of podium landscapes above car parking shall create optimum conditions for the establishment and long term viability of soft garden areas, including:		
i. A minimum of 600 mm of soil to allow sustainable planting.		
ii. Provide drainage and irrigation to all planters over structure.	Some concerns are raised in relation to the lack of separated pedestrian access between the linear ground level communal open space of Block 1 and the residential building entry. Whilst a pedestrian pathway is provided partially along the communal open space, it terminates at the internal driveway/vehicular access. Given the area at which the path terminates is to be the designated waste collection area, concerns are raised that there may be conflict with pedestrians and vehicles. This is considered to be of particular concern as the waste collection vehicle appears likely to be required to reverse into or out of the loading area. As such, a revised design should be explored which provides fully separated pedestrian access from the communal open space to the pedestrian pathway which runs adjacent to the buildings of Block 1.	No
iii. Ensure that all planters are accessible for maintenance.		
r. All communal garden, swimming pool and outdoor spaces should be designed to enhance the safety and security of residents:	All units are serviced with a balcony for private open space.	
<b>Above ground open space</b>		Yes
s. Provide at least one balcony, terrace or deck for each dwelling where direct access to ground level private open space is not available.	All balconies are directly accessed from primary living areas.	
t. Primary above ground open space is to be accessible from a family room, lounge, dining room or kitchen, and be north, east or west facing, in the form of balconies, courtyards, terraces, roof gardens and the like.	Minimum balcony depth is generally 2m.	Yes
u. The depth of the primary above ground open space is to be in the range of 2 – 4.0 m. The optimal depth is 2.4 – 3.0 m.	Secondary balconies are provided to a number of units with access off bedrooms.	Yes
		Yes



Control	Comment	Compliance
<p>v. Smaller secondary open spaces such as balconies off bedrooms are also encouraged. The depth of the secondary open space should be in the range of 0.9 – 1.5 m.</p> <p><b>Fences</b></p> <p>x. Front fencing may only occur in the Precincts 4 and 6 where front setbacks are required.</p>	<p>No fencing proposed.</p>	<p>Yes</p>
<p><b>7.2 Solar Access and Sun Shading</b></p> <p>a. Optimise solar access to principal living rooms and private open spaces of all dwellings. Mid winter solar access diagrams may be required as part of the energy efficiency Performance Report required by Part 7.1 Energy Smart, Water Wise.</p> <p>b. Provide appropriate sun protection to glazing depending on orientation:</p> <p>i. On north facing facades provide external horizontal shading devices, eaves, awnings, colonnades, balconies, pergolas, planting and the like, to maximise solar access in winter and minimise solar access in summer; and</p> <p>ii. On east and west facing facades provide external vertical shading, sliding screens, adjustable louvres and the like. These may be used in conjunction with awnings, colonnades, balconies, pergolas, and planting.</p> <p>c. Extensive areas of glazing unprotected from sunlight during summer will NOT be permitted.</p> <p>d. Reliance on high performance glazing as the primary element of sun control is NOT permitted.</p>	<p>The proposed development provides 73.2% solar access to proposed units between 7am and 3pm.</p> <p>The proposed development, due to the site geometry and orientation relies on diffused reflected daylight by way of design treatment including bay windows and, large reflecting blades.</p> <p>Concern is raised by the UDRP over the use of a large portion of apartments relying on 'blinker' windows and balconies to achieve partial northerly aspect between proposed Blocks 1 and 2.</p> <p>As recognised by the UDRP, in the centre of Block 2, a number of units have constrained access to sunlight as a result of the linkage of buildings above the commercial level.</p> <p>It is concluded that the solar performance of the building would likely improve through modification to the building form, scale and height in response to the site specific controls.</p>	<p>No</p>
<p><b>7.3 Visual Privacy</b></p> <p>a. Ground floor residential development may be permitted subject to Land Use Controls.</p> <p>b. Ground floor residential development is encouraged to be more than one storey in height with split-levels, mezzanines and the like so that bedrooms and other spaces may be located above the street level.</p> <p>c. Direct overlooking of rooms and private outdoor space of on-site or neighbouring housing, including housing within the same development</p>	<p>Commercial uses only are proposed at ground level.</p> <p>NA</p> <p>Reduced building separation within the development will result in diminished privacy for future</p>	<p>NA</p> <p>No</p>

Control	Comment	Compliance
<p>is to be minimised through:</p> <ul style="list-style-type: none"> <li>i. Building layout.</li> <li>ii. Location and design of windows and balconies.</li> <li>d. The use of tinted glazing that does not prevent overlooking is not acceptable as the primary means of achieving privacy.</li> <li>e. This provision gives detailed guidance to the principles of SEPP 65 and promotes appropriate building separation. The preferred minimum distances between opposite windows of neighbouring buildings and dwellings where direct view is not restricted by screening or planting are: <ul style="list-style-type: none"> <li>i. 6 m between windows of service rooms and/or edges of secondary balconies.</li> <li>ii. 9 m between windows of service rooms and/or edges of secondary balconies to edges of primary balconies.</li> <li>iii. 9 m between windows of service rooms and/or edges of secondary balconies to windows of commercial uses.</li> <li>iv. 12 m between windows of “living” rooms and/or edges of primary balconies. 12 m between windows of “living” rooms to windows of commercial uses.</li> </ul> </li> </ul>	<p>occupants.</p> <p>Effort has been made to orientate balconies away from the sensitive residential interface to the north, however the overall siting strategy and building height is considered to result in diminished privacy relationship between the site and adjoining low density development to the north.</p> <p>Refer to ADG table. Development results in building separation shortfall.</p>	<p>No</p>
<p><b>7.4 Acoustic Privacy</b></p> <ul style="list-style-type: none"> <li>a. Development is to meet or exceed the sound insulation requirements between separating walls and floors of adjoining dwellings of the Building Code of Australia.</li> <li>b. New development is to meet or exceed the recommendations of Australian Standard 3671- 1987: Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors.</li> <li>c. Site buildings and design the internal layout of rooms, courtyards, terraces and balconies, the use of openings, screens and blade walls, and choice of materials, to minimise the transmission of noise externally.</li> <li>d. Design to achieve primary acoustic privacy between adjacent dwellings with appropriate building materials. This may be enhanced using service areas such as circulation, and storage</li> </ul>	<p>With regard to the proposed residential units, the development would be required to meet the recommendations within the Acoustic Report prepared by Acoustic Logic.</p> <p>Recommendations relate to acoustic building treatment and to use of plant equipment for which detailed design would typically be required to be carried out prior to CC issue.</p> <p>The proposed development will maintain the existing car sales use at the site and introduce residential occupation. The existing “service facility” will be removed from the subject site, thereby removing an offensive noise source for both adjoining residents and future occupants of the site.</p>	<p>Capable of compliance</p>

Control	Comment	Compliance
<p>areas, and back-to-back kitchens, laundries, storage and bathrooms to create a noise buffer.</p> <p>e. Balconies and other external building elements are to be located, designed and treated to minimise noise in the building and reflection of noise from the façade.</p> <p>f. The use of a premises, and any plant, equipment and building services associated with a premises must not:</p> <p>i. Create an offensive noise as defined by the Protection of the Environment Operations Act 1997; and</p> <p>ii. Add significantly to the background noise experienced in a locality. Council may require a statement of compliance from a qualified acoustical consultant.</p> <p>g. Machinery and activities, including construction work, that are likely to generate offensive noise must be adequately sound-proofed in accordance with the Protection of the Environment Operations Act 1997 prior to occupation of the premises.</p> <p>h. Where retail and commercial development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have acoustic insulation.</p> <p>i. Loading and unloading facilities must not be located immediately adjacent to residential development.</p> <p>j. Design restaurants and cafes to diminish the impact of noise associated with late night operation on nearby residents.</p>	<p>Operationally, vehicle deliveries for the commercial component will be made up to 3 times per day and will be restricted to business hours only.</p> <p>As detailed in section 9 of this report, Council's Environmental Health Officer has however raised concerns in relation to noise impacts occurring from external plant rooms and from waste collection services given the external location of the waste collection areas and their position adjacent to the rear/side boundaries of neighbouring dwellings. These potential impacts have not been adequately addressed in the submitted Acoustic Report.</p>	<p>No</p>
<p><b>7.5 Buildings facing Devlin St, Lane Cove Rd, Blaxland Rd and Victoria Rd</b></p> <p>a. Development is to comply with Australian Standard 3671-1989: Acoustics – Road Traffic Noise Intrusion, Building Siting and Construction.</p> <p>b. Maximise the effect of the following noise attenuation strategies by using them in combination:</p> <p>i. Use appropriate building materials;</p> <p>ii. Create a noise buffer between habitable rooms and working environments, facing Devlin Street and Victoria Road;</p>	<p>The proposed development would be required to meet the recommendations within the Acoustic Report prepared by Acoustic Logic.</p> <p>Recommendations relate to acoustic building treatment for which detailed design would typically be required to be carried out prior to CC issue.</p>	<p>Capable of compliance</p>

Control	Comment	Compliance
<p>iii. Use service areas such as circulation, kitchens, laundries, storage and bathrooms to create a noise buffer;</p> <p>iv. Use enclosable balconies to moderate the impact of noise;</p> <p>v. Use glazed enclosable balconies where the noise source is northward of development;</p> <p>vi. Protect the amenity of bedrooms by not locating them on the same side as the noise source; and</p> <p>vii. Use double glazing.</p> <p>c. Use design to achieve adequate noise attenuation while maintaining architectural address to busy roads.</p>	<p>The UDRP have raised concerns that the proposed screening offers little to truly ameliorate the noise impacts of Victoria Road and recommends an alternative design approached be developed to the residential component of the Victoria Road frontage. This is however a matter for acoustic experts.</p>	<p>Acoustic Report recommendations</p>
<p><b>7.6 Housing Choice</b></p> <p>a. This provision gives detailed guidance to the principles of SEPP 65. Development is to provide a diverse mix of dwelling sizes generally within the following ranges:</p> <p>3 bedroom 5 – 35%</p> <p>2 bedroom 40 – 80%</p> <p>1 bedroom + studio 5 – 35%</p> <p>b. Developments providing less than 10 units may vary this mix providing a range of dwelling sizes are represented.</p> <p>c. Developments providing less than 5 units are exempt.</p>	<p>3 bed – 1 (0.6%)</p> <p>2 bed – 41 (28%)</p> <p>1 bed – 102 (70.3%)</p> <p>Studio – 1 (0.6%)</p> <p>NA – 145 units proposed</p> <p>NA – 145 units proposed</p>	<p>No</p> <p>NA</p> <p>NA</p>
<b>8.0 Precincts</b>		
<p><b>8.6 Commercial Edge Precincts</b></p> <p><b>8.6.3 Precinct 8 – Commercial Edge East</b></p> <p><b>Indicative Plan</b></p> <p>Setback and building heights diagrams</p> <p><b>Future Character</b></p> <p>a. Provide modulation of the façade to reduce the mass and scale of buildings.</p>	<p>The proposed development does not comply with the site specific building height, massing and setback requirements provided within this diagram. Refer to response below.</p> <p>The mass and scale of the building facade is exacerbated by a combination of building height at the street edge, the overall lack of</p>	<p>No</p> <p>No</p>

Control	Comment	Compliance
	vertical modulation and the proposed elevational screening. These are all concerns raised by the UDRP to reach the conclusion that the facade presents as “relentless and oppressive”. The façade is therefore not supported in its current form.	
b. The maximum length of buildings is to be 40 m.	Buildings above the commercial ground level are broken up to provide less than 40m façade lengths.	Suitable on merit Unresolved UDRP issue
c. Articulate a strong top and base to built form. Roof treatments should be interesting and step with the topography.	The proposal provides a defined street edge through a glazed retail element that extends each block length. The building portion above presents as 3 to 4 residential levels which are screened. There is a distinction between the street level and upper residential levels, however as stated by the UDRP, the upper levels are camouflaged by screening, presenting a design language that is not supported.	Yes
d. A varied pallet of materials and finishes is required to assist with reducing massing and scale.	Achieved, however design intent not supported by UDRP.	Yes
e. Massing and height to be concentrated along Victoria Road.	Achieved – however, no vertical relief provided.	Yes
f. Ensure that parking is not visible from Victoria Road or Blaxland Road. Basement parking is encouraged.	All parking is provided within basement parking levels and access from secondary frontages.	NA
g. Retain the existing eucalypts along the street frontage adjoining 2-18 Blaxland Road.	NA	NA
h. The Princes Street road closure and Benson Place should be upgraded as part of future development of 2-18 Blaxland Road.	NA	NA
i. Provide pedestrian footbridges over Victoria Road in accordance with the Public Domain Control Drawing linking to residential areas within the Ryde Town Centre catchment.	No footbridge associated with site across Victoria Road.	NA
j. Advertising may be permitted on the footbridge.	NA	Insufficient information
k. Traffic management solutions must be provided to the satisfaction of Council to enable appropriate transitions to occur between the Ryde Town Centre and the adjoining residential areas. Traffic management works may be necessary.	Traffic management remains an outstanding issue to be resolved through additional information.	Yes

Control	Comment	Compliance
<p>l. The rear landlocked portion of 607-619 Victoria Road, located at the rear of properties fronting Arras Parade and Maze Avenue is to be landscaped and free of dwellings.</p> <p>m. The interface areas between low scale residential development and Precinct 8 are to be landscaped and treated to preserve the amenity of neighbouring development.</p>	<p>This parcel is proposed to be utilised as communal open space – landscaped and free of buildings.</p> <p>The relationship between the proposed development and northern low density residential interface is a significant issue and is not supported due to poor transition between zones and amenity impacts.</p>	No

### Building Height Plane C

Height Plane C requires a 9.5m street edge with a 3m setback above the third level. The proposal does not respond to this control. Instead the ground floor is setback from Victoria Road up to 5m with the residential levels above located on approximately 3m setback. The proposed scheme does not respond to this control, nor has any substantive justification been provided that demonstrates how the proposal represents a reasonable alternative that contravenes the site specific control.

The applicant's architect, Kann Finch have provided a Design Response dated 22 March 2016. The submission asserts that the proposal provides significantly less massing compared to Putney Hill and that the bulk and scale is consistent with the objectives of the DCP Building Envelope Control, creates a transition between Putney Hill Development (25.28m), the proposal (17.05m) and low density development to the north as well as responding to extreme topography.

The applicant submits that the proposal is a better outcome than the DCP Building Envelope Control in that it breaks down the bulk and scale into five residential blocks above a commercial podium. The applicant submits that the site has extreme topographical conditions and the variation in height is sought to rationalise the stepping.

**Response:** The arguments put forward to support deviating from the site specific controls do not reflect a robust justification or convincingly demonstrate an improved urban design outcome for the site to the extent that variations could be supported. The UDRP maintains fundamental concerns with the scheme, building height and massing.

They have also indicated an inability to support the overall architectural language to Victoria Road with an emphasis on the commercial component at the expense of residential uses.

The proposal requires fundamental changes to respond to the urban design shortfalls identified by the Panel which result from a disregard to the intended strategic direction for the site as articulated through specific controls. It is critical to the outcome of this application that these issues be resolved through design amendments.

### **Setbacks and built-to lines**

The site is subject to a 3m setback from Victoria Road. The proposed development provides an increased setback at the ground level of between 5m and 6.5m (including a 10m setback to accommodate external car storage associated with the proposed commercial use).

As indicated by the applicant the proposed increased setbacks are sought to create a “staged effect” with the ground line activated by pedestrian zone and external car display with the backdrop of glazed curtain walls with spandrels behind.

The proposed street setback anticipates a far less recessive building along the prominent and elongated length of Victoria Road (approximately 200m). The proposal with a nil setback to the residential levels above ground result in a built form almost opposite to that which the controls foresee, that is a greater street level setback and lessor upper level setback compared to a recessive street edge that would step away from the site frontage. The UDRP do not support this approach and have indicated that the proposal results in an over scaled built form.

### **Housing Choice**

The proposed development is required to provide the following housing diversity:

3 bedroom - 5-35%  
2 bedroom - 40-80%  
1 bedroom + studio 5-35%

Instead the proposal accommodates:

3 bedroom – 0.6%  
2 bedroom – 28%  
1 bedroom + studio – 71%

Despite proposed unit mix falling considerably outside the nominated range, the applicant asserts that the development will comprise ‘*an appropriate mix to*

*accommodate a diversity of housing*'. The proposal is considered to be weighted too heavily towards 1 bedroom accommodation with limited provision for shared accommodation or family accommodation. Given the absence of any evidence to justify the significant variation to the mix control, the proposed housing spilt is not supported. Further information is required to justify this variation.

## Precinct 8 – Commercial Edge



**Figure 13: Indicative Plan – Commercial Edge East**

As illustrated in the indicative plan above at Figure 13, controls anticipate the building siting and massing for the subject site (circled in red – referred to as Block 1, west and central parcels and Block 2 eastern parcel). These requirements and the proposal's numerical performance with these are discussed in the **Table 6** below:

Required	Comment	Complies
<b>BLOCK 1</b>		
Victoria Road – 7m setback / 4 storeys (western portion – Block 1)	5m setback / 5 storeys	No
2m setback to 2 storeys increasing to 5m setback at 4 storeys (central portion – Block 1)	4-5m setback at GF 3m setback L1 / 5 storeys	No
Arras Parade (east) - 2m setback / 2 storeys, increasing to 5m setback /4 storeys	3.8m setback / 2 storeys, 6m setback / 5 storeys	Yes Yes (setback) No (storeys)



Rear boundary – 7-10m setback / 2 storeys to majority of adjacent boundary; and No buildings on elongated parcel surrounded by low density residential lots	7m setback / 4-5 storeys,  No buildings within elongated parcel - COS	Yes (setback) No (storeys) Yes
7m setback to break up western portion and central portion of buildings	No building break up	No
<b>BLOCK 2</b>		
Victoria Road – 2m setback / 2 storeys, increasing to 5m setback / 4 storeys	6.5 GF, 3m / 5 storeys,	Yes No
Irvine Crescent – 6m setback / 2 storeys, increasing to 5m setback / 4 storeys;	6.5m GF, 6m setback / 5 storeys	Yes No
Rear (west) – 7-10m setback / 2 storeys with C- Shaped building loaded towards Victoria Road	7m setback GF, 9m setback / 4 storeys aligning with to rear elevation rather than C-shape (2 storey in centre adjoining rear boundary)	Yes No No
Arras Parade (west) – 2m setback / 2 storeys, increasing to 5m setback / 4 storeys	6.5m GF, 3.2m 5 storeys	No No

**Response:** The proposed development presents a vastly different built form outcome to that anticipated by the Commercial Edge East indicative plan presented in Figure 13 above.

These controls recognise that the site is suitable for increased height and scale given the site's frontage to Victoria Road, however seek to provide a suitable immediate transition to the sensitive low density residential interface to the north. The strategic vision for the site is one that steps from four storey to two storey development from the southern road corridor frontage to low density residential development.

The site specific DCP controls were prepared for the site at the time the site was "up zoned". It is considered that the increased density and building height permitted under the LEP would not have occurred in the absence of the site

specific DCP and the extensive strategic consultation and analysis that lead to its adoption. Site specific and centre specific provisions appear to have been ignored by the applicant without robust urban design argument that acknowledges the intention of the controls. Aside from the control objectives, the controls are designed to both manage impacts on lower density residential properties to the north, providing a suitable local transition and to provide a form that responds to the site's status within the Ryde Town Centre.

The comments provided on 3 occasions by the UDRP (1 pre-DA, 2x DA panel advice) have raised significant concern with the proposal undermining the strategic planning process and as such have concluded that the application cannot be supported on urban design grounds.

The applicant has advised that the comments provided by the Panel have been given consideration, however no "wholesale" changes to the proposal will occur other than some minor changes to the waste rooms, landscaping and public domain.

The applicant's architect, Kann Finch, have provided a Design Response dated 22 March 2016. The submission asserts that the proposal provides significantly less massing compared to Putney Hill and that the bulk and scale is consistent with the objectives of the DCP Building Envelope Control, creates a transition between Putney Hill Development (25-28m), the proposal (17.05m) and low density development, and responds to extreme topography.

The applicant submits that the proposal is a better outcome than the DCP Building Envelope Control in that it breaks down the bulk and scale into five residential blocks above a commercial podium. The applicant submits that the site has extreme topographical conditions and the variation in height is sought to rationalise the stepping.

The implication of the proposed scheme is a poor relationship and transition between the development within the B6 Zone and the northern adjoining low density residential properties. This translates to a reduced privacy and outlook as well as visual bulk concerns.

In relation transition treatment at a zone interface, Commission Bly in *Seaside Property Developments v Wyong Shire Council* [2004] NSWLEC 117 purports that *'any development in one zone needs to take into account the form of existing development and/ or development likely to occur in an adjoining zone'*. That is the low density zone must accept that a higher density and larger scale development can occur at the subject site.

Equally, any future development must account for the relationship of the larger development at its interface with the lower zone. Commissioner Bly further recognises that in considering the *"likely future character of development on the other side of the interface it may be that the development...may not be able to achieve the full potential otherwise indicated by applicable development standards and the like."*

Whilst accepted that the site can be intensified through redevelopment the extent and form of the proposal far exceeds that anticipation. As such, to turn away from the site specific controls but still result in significant amenity impacts indicates that an alternative design has not succeeded. Only when issues of amenity can be resolved, only then should flexibility in such controls be considered.

Increasing the setback of the building from the northern boundary, massing the building with less bulk to the north and restricting the building to 2 and 4 storeys as required by site specific requirements would assist in terms of reducing amenity impacts currently exacerbated by the proposal.

Adding to this, as noted by the Independent Landscape Referral advice, concerns are raised in relation to the lack of privacy screen planting to the curtilage areas of the site. Given the increased scale of the proposed development, it is considered the visual bulk and scale when viewed from the surrounding low density residential allotments will be significant. The current arrangement of the built form and associated perimeter driveway areas results in minimal effective planting provided to the boundaries bordering the existing dwelling houses to the north of the site. As such, it is considered that additional buffer planting should be incorporated to the northern boundaries of the site.

In the circumstances of the case, the proposal does not comply with the site specific controls (or LEP building height) and this will result in a poor relationship.

The proposal requires material changes to respond to the urban design shortfalls identified by the Panel resulting from a disregard of the intended strategic direction anticipated for the site through specific controls. It is critical to the outcome of this application that these issues be resolved through design amendments.

### ***Part 9.3 – Parking Controls***

Block 1 resident parking demand parking requirements are as follows:

<b>Unit Type</b>	<b>Quantity</b>	<b>Min Req.</b>		<b>Max Req.</b>	
Studio	0	0		0	
1 Bedroom	46	27.6	<b>(28)</b>	46	<b>(46)</b>
2 Bedroom	24	21.6	<b>(22)</b>	28.8	<b>(29)</b>
3 Bedroom	1	1.4	<b>(2)</b>	1.6	<b>(2)</b>
<b>TOTALS</b>	<b>71</b>	<b>50.6</b>	<b>(52)</b>	<b>76.4</b>	<b>(77)</b>
		(51)		(77)	
<b>SUB-TOTAL</b>			<b>Min (Residents)</b>	<b>Max. (Residents)</b>	<b>Visitors</b>
			51	77	14.2 (15)
<b>TOTAL (Vis included)</b>		65.2	<b>(66)</b>	91.2	<b>(92)</b>

Block 1 provides a total of 67 parking spaces with 15 visitor spaces and therefore complies with this requirement.

5,580m<sup>2</sup> GFA of showroom is proposed in Block 1 and would warrant 42 parking spaces based on the DCP rate for vehicle showrooms (0.75 spaces per 100m<sup>2</sup> of GFA). This has been provided in the form of 36 customer spaces and 6 staff parking spaces and therefore considered acceptable.

Block 2 resident parking demand parking requirements are as follows;

Unit Type	Quantity	Min Req.	Max Req.		
Studio	0	0	0		
1 Bedroom	56	33.6	(34)	56	(56)
2 Bedroom	18	16.2	(17)	21.6	(22)
3 Bedroom	0	0		0	
TOTALS	74	49.8	(51)	77.6	(78)
		(50)		(78)	
		Min (Residents)		Max. (Residents)	Visitors
SUB-TOTAL		50		78	14.8 (15)
TOTAL (Vis included)		64.8	(65)	92.8	(93)

Block 2 provides a total of 62 resident parking spaces with 16 visitor spaces and therefore complies with this requirement.

4,526m<sup>2</sup> GFA of showroom is proposed in Block 2 and would warrant 34 parking spaces based on the DCP rate for vehicle showrooms (0.75 spaces per 100m<sup>2</sup> of GFA). This has been provided in the form of 34 customer parking spaces and therefore considered acceptable.

The proposal therefore complies with the parking provisions contained in DCP2014.

## 9. 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.

### Traffic

The DA was referred to Roads and Maritime Services (RMS) for comment. After confirmation by the applicant that no access is proposed from the site to Victoria Road, RMS has raised no objection to the proposal subject to conditions of consent.

The applicant has provided a response to the first request for information (RFI) issued by Council on 1 December 2015. However a second RFI was prepared on 21 April 2016 identifying additional areas of insufficient information and data to enable a final referral response. Outstanding issues relate to vehicle clearance, queuing at roundabout and swept path data.

Specifically, Council's Traffic Engineer states the following:

- *The applicant is to submit to Council the DWG format of the swept path analysis as the diagrams are not clear in demonstrating clearances and dimensions.*
- *The roundabout configuration causes unnecessary queuing of vehicles on approach to the RAB.*
- *Swept path identities potential conflict with Council Waste Service vehicles and the building line. Redesign will be required to facilitate adequate turning manoeuvres.*
- *Swept paths indicate that a waste service vehicle will occupy the access way for the full length of the driveway access. This will prohibit vehicles from exiting or entering until the service vehicle has stopped at the opposite end. This will cause driver conflicts for vehicles already on the ramp and those who are attempting to exit from the building. A redesign will be required. Widening of the driveway access is considered a reasonable solution.*
- *The swept path of the Car Transporter shows the vehicle requiring both lanes of Irvine Crescent to enter into the site. This movement is generally not acceptable as this will impede on vehicles travelling in the opposite direction for the whole length of travel. Even based on a minimal number of truck movements, this is deemed an unsafe practice and causes conflict with oncoming traffic.*
- *The vehicle body appears to be conflicting with the building line.*
- *The swept path of a car transporter exiting the site demonstrates that the vehicle is impeding on the oncoming traffic lane. Due to the close proximity to the intersection, this is deemed to pose a safety risk for cars turning into Arras Parade as sight visibility is restricted around this corner.*
- *No swept path has been provided for vehicles turning into Irvine Crescent from Victoria Road. It is envisaged that the truck will turn across the opposite trafficable lane. This is deemed as a safety risk due to the conflicting movements coupled with the narrow street and poor sight visibility when entering the street.*

*It is anticipated that if a vehicle is already stopped at the intersection of Irvine Crescent and Victoria Road, the truck will be unable to access the street and will be forced to stop and wait until the vehicle has exited Irvine Crescent.*

*This will further cause conflicting movements along Victoria road with respect to the fact that the truck will come to a complete stop and is anticipated to hold up traffic as it requires two (2) lanes to perform the turn into Irvine Crescent.*

*This in turn will result in poor visibility of the driver exiting Irvine Crescent as they will be unable to see past the stopped truck. This will provide a situation which the driver will have to make a judgement as to whether they can exit the street safely onto Victoria Road. This is deemed an unsafe situation and cannot be supported.*

- *All truck movement matters will require an ongoing Traffic Management scheme involving accredited traffic controllers. This is an expensive exercise which would be borne by the applicant for the foreseeable future should they choose to proceed.*

## **Privacy**

As discussed within the report the application does not comply with the required setbacks to the adjoining low density residential zone. The application also does not comply with visual privacy requirements within the SEPP 65.

The non-compliant setbacks have an unacceptable impact on the amenity of the adjoining residential dwellings by reducing privacy through reduce building separation, pushing the building closer to the northern boundary than anticipated by the site specific controls, introducing a larger scale of built form closer to the boundary (and therefore more units and opening with line of site to existing residential properties).

There is also limited landscape screening along the boundaries through boundary planting. The current arrangement of the built form and associated perimeter driveway areas results in minimal effective planting provided to the boundaries bordering the existing dwelling houses to the north of the site. As such, it is considered additional buffer planting should be incorporated to the northern boundaries of the site.

## **Overshadowing**

The submitted diagrams demonstrate that acceptable overshadowing will occur in the morning in midwinter to the adjoining property to the west and the remaining shadows will occur over Victoria Road which is located to the south of the site.

## **Heritage**

The subject site is located in proximity to the following items:

- 'Dalton House (hospital)' 642-648 Victoria Road, Ryde (Item No.I148)
- 'Great North Road' Victoria Road, Gladesville (Item No.I54)
- 'Fountain' Corner Blaxland and Victoria Roads, Ryde (Item No.I19)

An acceptable Heritage Impact Assessment has been submitted with the application.

## 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 adjoining land and future occupants of the development.

Council's Environmental Health Officer has also raised concerns regarding the acoustic impact of the proposal as per the following comments:

*'In addition to the acoustic impact of the delivery of cars from the car carriers which will arrive at the subject site, the neighbouring residents will also be subject to the acoustic impact of the waste containers being serviced from the garbage storage areas located adjacent to the residential premises.'*

*'These acoustic impacts to the neighbouring residents will be cumulative. However, they can be reduced by relocating the waste storage and collection locations, the vehicle delivery locations and the location of the mechanical plant rooms. Other options may also include restriction vehicle delivery times or restricting garbage/recycling collection times for both commercial and residential waste to reduce the impact of noise on the residents.'*

Accordingly, further work is required in relation to the location of the waste storage/ collection points and mechanical plant rooms and the need to minimise acoustic impact to adjacent residential properties (see also consideration of 'waste' below).

## Waste

Council's Environmental Health Officer has raised the following concerns with regard to waste:

*'The applicant has shown the proposed garbage rooms are located at the rear of both blocks which are adjacent to the residential premises. The location of the waste storage rooms have not been relocated, although the applicant has proposed to separate the commercial and residential waste in this amendment. An amended waste management plan was submitted with the amended information which was prepared by Elephant's Foote and the report dated 17/3/2016.'*

*The waste storage rooms are not in a suitable position as:*

*1) the location of the waste storage areas will impact on the adjoining neighbouring residents in terms of odour, and noise as well as potentially becoming a hygiene issue if not adequately maintained.*

2) *The location may block access to the basement carpark for the residents of the subject site, particularly during times of collection.*

*Therefore the applicant shall redesign the waste storage areas so that they are located in the basement carpark, the commercial and residential waste storage areas are adequately separated and they are designed to comply with Council's Development Control Plan 2014, Part 7.2 with minimal impact to the neighbouring residents so that waste is collected from the basement carpark.'*

Council's Waste Officer has also raised concerns with regard to insufficient provision of bulky waste storage areas, swept path diagrams for the required 11m long/2.9m wide/3.6m high waste truck servicing the site not being provided, and potential conflict between car transporters and waste vehicles within the loading area to the rear of Block 2.

The potential amenity impact of the waste room for Block 1 is of further concern as Council's Senior Development Engineer has identified the following:

*A review of servicing area for Block 1 notes that the loading area will need to be elevated to fall back (south) to the access ramp. No levels are provided in the servicing area but noting that the roundabout is approximately RL 45.00m and assuming a modest grade of 3% up to the end of the loading zone, the RL of the pavement at the end would be in the order of RL46.00m, some 1.2m above the natural ground level. The amenity impacts upon the neighbouring property due to the elevation of the loading bay should therefore be taken into consideration.*

## **10. SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The proposed development in its current form is not considered suitable for the subject site with respect to the B6 – Enterprise corridor zoning under LEP 2014 and the associated planning controls.

The proposal requires material changes to respond to the urban design shortfalls identified which result in large part from a disregard to the intended strategic outcome anticipated for the site as articulated through site specific controls.

Potential and significant impacts arising from the non-compliances with the controls have been discussed in detail within the report. The proposal is not a suitable form of development for the site given the impacts associated with the proposed non-compliances.

## **10. THE PUBLIC INTEREST**

The development is not considered to be in the public interest as it does not suitably reflect a form of development which could be anticipated by the site



specific controls relating to the site. Assessment of this application has identified a number of compliance issues, unresolved matters and amenity impacts for adjoining development.

## 11. REFERRALS

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

<b>Internal</b>	
<b>Heritage Advisor</b>	No objection.
<b>Consultant Landscape Architect</b>	<p>Owner's consent not provided for the proposed removal of 3 trees on neighbouring allotments. Concerns also raised as follows in relation to the proposed landscape design:</p> <ul style="list-style-type: none"> <li>- <i>No separated pedestrian access to the ground level communal open space of Block 1. May result in conflict with vehicles/pedestrians, particularly given the location of the waste collection/loading area.</i></li> <li>- <i>Inadequate landscaping to the curtilage areas bordering the low density residential allotments to the north of the site – minimal planting provided to effectively screen and reduce the visual dominance/bulk and scale of the built form.</i></li> </ul>
<b>Environmental Health Officer</b>	Insufficient information (see section 8.4 and section 9 above).
<b>Senior Development Engineer</b>	<p>Concerns raised as follows:</p> <p><i>The flood report has claimed that the overland flow diverted into Arras Parade will be contained to the roadway. Whilst a cross section is undertaken, it appears that the driveway grades are not compliant, nor do they reflect what is shown on the plans. I maintain the matter the development fails to provide adequate flood protection to the basement levels of the eastern block, whilst having a driveway grade which complies with AS 2890.1</i></p>
<b>Public Works (Drainage)</b>	Insufficient information (see Development Engineer comments above).
<b>Public Works (Traffic)</b>	Insufficient information and swept path/safety issues (see section 9 above).
<b>Public Works (Public Domain)</b>	No objection - conditions provided.

<b>Public Works (Waste)</b>	Insufficient information (see section 9 above).
<b>External</b>	
<b>Roads &amp; Maritime Services</b>	No objection - conditions provided.
<b>NSW Police</b>	No objection - conditions provided.
<b>Department of Primary Industries - Water</b>	No objection - conditions provided.

## 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 18 November 2015 to 9 December 2015. Thirty-two (32) submissions were received objecting to, or commenting on, the proposal. As a result of a second notification period from 13 April 2016 to 13 May 2016 (required as the initial notification did not advise that the proposed development was integrated), Council received a further 2 submissions. The majority of the issues raised have been addressed in the above assessment report. Comments are however provided in relation to the following matters:

<b>Objection</b>	<b>Response</b>
<b>Out of character with surrounding streetscape</b>	It is considered that the proposed building, by breaching the height development standard and site specific DCP controls, is incompatible with the height, bulk and scale of other buildings in the locality, and the desired future character.  The proposed development is out of character with the surrounding areas and should be reduced in height and setbacks made to comply.
<b>Bulk and scale</b> The bulk and scale of the proposed development is much greater than what was anticipated based on the controls	Ryde LEP 2014 allows for mixed use development involving residential flat development along the Victoria Corridor. The DCP provides site specific controls to ensure that the development is encouraged however is also sensitive to the adjoining lower density residential zone.  The proposed development by breaching the height standard and the setback controls proposes a building greater than envisaged and is not supported.
<b>Height</b> The height of the building is excessive height proposed at 19.7m. The maximum for the site is 15.5m.	As discussed within the report the height breach is not supported.  Whilst the surrounding area includes the

	<p>Putney Hill Estate that contains large scale residential flat buildings, this subject site is isolated from Putney Hill Estate via the division created by Victoria Road. The main interface and transition to be considered in this case is that between the subject site and the adjoining residential dwellings to the north.</p> <p>In this case the proposed development contains a fifth storey that breaches the height limit and the setbacks are non-compliant to the common boundary. The impacts on privacy and acoustic amenity are unacceptable.</p> <p>In this regard the proposed development is considered out of harmony with the surrounding area</p>
Height breach exacerbated by difference in levels to the properties in Arras Parade (being 2m lower than the development site)	The proposed height is not supported.
Victoria Road overshadowed by imposing building.	Victoria Road and the public domain will receive solar access at different periods of the day. The proposal is considered satisfactory and will not negatively impact on the function of the road or the amenity of pedestrians within the public domain.
<b>No of stories</b> <ul style="list-style-type: none"> <li>- Development should be restricted to 3 stories.</li> <li>- 4-6 stories is not in keeping with the height of the development on this side of Victoria Road</li> </ul>	The inclusion of the fifth storey in the form proposed coupled with the non-compliant setbacks does not demonstrate appropriate transition to the residential dwellings to the north.
<b>Setbacks</b>	
The proposed building are too close to Victoria Road	Concerns are raised with the proposed setbacks to Victoria Road.
Inappropriate setbacks to adjoining residential dwellings at the rear – should be much greater than the proposed	Non-compliant setbacks are an outstanding concern and are dealt with throughout the report.
<b>Privacy</b>	
Loss of Privacy form building that is too close to boundary with balconies overlooking	<p>As discussed within the report the application does not comply with the required setbacks to the adjoining residential zone.</p> <p>The application also does not comply with visual privacy requirements within SEPP 65.</p> <p>The non-compliant setbacks have an unacceptable impact on the amenity of the adjoining residential dwellings by reducing privacy. The setbacks to the adjoining residential zone should comply with the controls specified for the site.</p>
Roof Top Terrace looks directly in to backyards and dwellings adjoining	<p>As indicated above the setbacks to the adjoining residential zone do not comply. These setback include the roof terrace.</p> <p>The non-compliant setbacks have an unacceptable impact on the amenity of the adjoining residential dwellings by reducing</p>

	privacy. The setbacks to the adjoining residential zone should comply with the controls specified for the site.
<b>Overshadowing</b> Unacceptable impact of overshadowing on adjoining residential properties	The residential dwellings are located to the north of the subject property and are not impacted by the shadows cast by the development. The bulk of shadow is over Victoria Road.
<b>Parking</b>	
Not enough parking for residents of the development. - Reality is that a family has 2 cars. Being close to public transport as a reason to provide 1 car space per apartment is not in touch with reality.	Excess residential parking is provided as a result of the proposed development.
Not enough parking for visitors of the residents within the development.	As above.
Not enough parking for staff of Hunter Holden.	Adequate staff parking provided.
No parking available for the existing residents of the single dwellings and their visitors along Arras Parade, Irvine Crescent, Turner Avenue and Princes Street.	
<b>Traffic Impact</b>	
Existing parking problems – - Staff parking from Hunter Holden in surrounding streets - Cars being serviced are being parked in the adjoining streets and not on the site of Hunter Holden - Staff parking in Turner Avenue - Blocking driveways	Parking provisions comply, however, the traffic referral requires additional information to conclude the proposal is acceptable on traffic grounds.
Significant congestion already exists in Arras Parade, Irvine Crescent and Princes Street. Traffic problems will be exacerbated by the development.	
Irvine Street is too narrow for parking on either side. Speeding vehicles is also a significant problem to be exacerbated. Suggested that speed humps and chicanes should be installed at full cost to the developer.	
Investigate the option of traffic lights at Irvine Street.	
This location happens to be the sharpest most dangerous bend along Victoria Road with regular accidents and accidents involving fatalities.	
Increased traffic within the area will have safety concerns to the pedestrians within the area.	Medium to high density development by nature increases the population of the area and as such there will be more pedestrians.  The zoning of the site allows for mixed use development comprising residential flat buildings, amongst other users, this type of development being the desired future character of the area.
Increased pedestrians within the area due to significant number of units will have potential to worsen the existing safety concern of the traffic and pedestrian conflict.	
Conflict between cars and pedestrian accessing the development from the rear lane.	The applicant has provided a strategy for managing this conflict which would be required to be translated into a management plan.

Visibility issues already exist while trying to exit Irvine Crescent and Arras Parade. Planting forward of the building in this area plants should be limited in height to allow for visibility for drivers	The proposed street planting has been reviewed by Independent Landscape Architect. Additional revisions are required to resolve a number of issues.
<b>Rear Lane Access</b> Rear lane access from all traffic and pedestrian located along the boundary with residential dwelling is inappropriate and will cause noise impacts on the adjoining properties.	Insufficient information has been provided to adequately determine whether the access lane dimensions can cater for the required sizes of car spaces and associated maneuverability.
<b>View Loss</b> Restrict views available to the residents of Putney Hill	The proposal breaches the height limit and as such is beyond the height established for the desired future character of the area. There is not however considered to be any significant direct view impact. More detailed cross-sections at site boundaries are needed to properly assess this.
<b>Acoustic privacy</b>	
Location of rear lane and garbage area adjoining residential properties creates noise impacts on the adjoining properties from cars, delivery trucks and pedestrians.	The Acoustic Report prepared by Acoustic Logic provides noise ameliorating measures that would be required along with a noise management plan / operational management plan. Concerns however remain in relation to noise impacts occurring from waste collection services given the external location of the waste collection areas and position adjacent to the rear/side boundaries of neighbouring dwellings.
Acoustic privacy from balconies fronting building	Acoustic privacy is directly related to building setbacks and building separation. In this regard the proposed development does not comply with either and its current form and may impact on the acoustic privacy of the immediately adjoining properties.
Location on the boundary of basement ventilation ducts will cause noise impact on the adjoining properties.	Acoustic treatment recommendations have been provided and can be adopted to ameliorate noise impacts.
<b>Impact on Amenity</b> Amenity would improve if building was kept to 3 stories and landscaping around the site was increased.	The Ryde LEP and the respective DCP allows for development being 4 storeys in height with maximum height of 15.5m.  A development that complies with the height and the setbacks to the adjoining low density residential zone identified for the site would have a lesser impact on the surrounding area than that of the proposed development.
<b>Location of Garbage Storage Area</b> The garbage storage areas for each site is located alongside a residential dwelling and will create unwanted smell and noise.	Concerns remain in relation to noise impacts occurring from waste collection services given the external location of the waste collection areas and position adjacent to the rear/side boundaries of neighbouring dwellings..
<b>Tree removal</b>	The application includes tree removal. Independent Landscape referral has raised no objections to the removal of the trees, subject to the provision of compensatory landscaping.
<b>No soft soil common open space/landscaping available to the residents of Block 2</b>	The common open space for use by the future residents is located on the roof terrace. Use of roof terraces as common open space is encouraged by the ADG and the DCP as the area will receive uninhibited solar access

	throughout the year and is accessible to all residents through the provision of lift access.
<b>Construction Phase Impacts</b>	
Excessive impacts created by excavation of 3 basement levels - amenity impacts of dust, noise and vibration	If the application were to be approved, appropriate conditions of consent relating to excavation and construction being undertaken in accordance with appropriate Australian Standards would be included.
Construction techniques for excavation and protection of adjoin properties	If the application were to be approved, appropriate conditions of consent relating to the excavation and the protection of adjoining property would be included. This would include the requirement to provide dilapidation reports.
Construction hours	If the application were to be approved, appropriate conditions of consent relating to the standard hours of construction would be included.
<b>Existing use rights</b> Existing use rights has not been demonstrated that Hunter Holden should be allowed to exist on the site let alone redevelop	The proposed use is permissible at the site.
<b>Signage</b> Hunter Holden should be limited with signage as currently an eyesore	Details of the type, size etc of advertising signage for the motor showroom has not been included as part of the plans or documents submitted with the application. In this regard, advertising will be subject to a separate development application.
<b>Boundary Fence</b> The proposed boundary fences adjoining the residential properties being at a height of 1.8m is too low and will allow overlooking form the common open space area.	The standard height of a boundary fence is 1.8m. If the application were to be approved, appropriate condition of consent relating to the provision of a 2.1m high fence incorporating a 1.8m solid fence with an additional 300mm of screening above.
<b>Devalue adjoining properties</b>	Applicants have a right, under the EP&A Act 1979, to the orderly and economic use and development of land, and that possible decreases in surrounding property values do not constitute a reasonable ground for refusal.
<b>Lack of consultation from developer with neighbouring properties</b>	Whilst early consultation is encouraged with surrounding property owners, there is no legislative requirement for this to be undertaken outside of the development application process. Notification of the applications been undertaken in accordance with Council's policy.
<b>Drawings do not match description of development</b>	No issues are raised with respect to plan details and project description.

### **13. CONCLUSION**

This report considers an application for demolition and construction of 2 mixed use residential and car showroom buildings over 2 blocks containing a total of 145 residential units and 5,339m<sup>2</sup> of showroom floor space at 598-619 Victoria Road, Ryde.

The proposal includes significant variations to the site specific controls in the absence of any robust justification or improved design strategy that would provide appropriate transition between the site and the sensitive residential interface to the north. Overarching concerns raised by the UDRP have not been resolved particularly in terms of the building height, massing and siting and the resulting impact on the amenity of future occupants and adjoining residential properties.

The proposal requires fundamental changes to respond to the urban design shortfalls that result from contradiction of the anticipated strategic outcome for the site as articulated through controls specific to the site.

As a result of non-compliance with the site specific controls, the application represents shortcomings in the level of amenity in terms of solar access, overlooking, privacy, deep soil provision and outlook. Overall, the proposal cannot be supported.

It is recommended that the application be refused.

### **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 refuse development application LDA2015/0358 for *demolition of existing buildings and construction of 2 mixed use residential & car showroom buildings over 2 blocks containing a total of 145 residential units & 5,339m<sup>2</sup> of showroom floorspace* at 598-619 Victoria Ryde, for reasons detailed 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.

**Report prepared by:**

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**Report approved by:**

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