

## SYDNEY NORTH PLANNING PANEL

<b>SNPP No</b>	2016SYE063
<b>DA Number</b>	LDA2016/258
<b>Local Government Area</b>	City of Ryde
<b>Proposed Development</b>	Mixed use development containing 102 apartments, two commercial tenancies and car parking for 133 vehicles, and landscaping works
<b>Street Address</b>	400-426 Victoria Road, Gladesville
<b>Applicant</b>	Fox Johnston Architects
<b>Number of Submissions</b>	During the final notification period 2 submissions were received - 1 supporting the application and 1 objecting to the development
<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>• 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 Flat Development</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Ryde Local Environmental Plan 2014</li> <li>• Ryde Development Control Plan 2014</li> <li>• Section 94 Development Contributions Plan 2007 (Amendment 2010)</li> </ul>
<b>List all documents submitted with the report for the panel's consideration</b>	<ul style="list-style-type: none"> <li>• Conditions of consent</li> <li>• Clause 4.6 variation to building height</li> <li>• Clause 4.6 variation to use of the ground floor</li> <li>• Shadow diagrams</li> </ul>
<b>Recommendation</b>	Approval subject to conditions
<b>Report by</b>	Sandra Bailey, Senior Coordinator Major Development
<b>Report date</b>	13 March 2017

### Summary of s79C matters

**Yes**

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

### **Legislative clauses requiring consent authority satisfaction**

**Yes**

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Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised in the Executive Summary of the assessment report?

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**Clause 4.6 Exceptions to development standards** **Yes**

If a written request for a contravention to a development standard (Clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

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**Special Infrastructure Contributions** **No**

Does the DA require Special Infrastructure Contributions (S94EF)?

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**Conditions** **Yes**

Have draft conditions been provided to the applicant for comment?

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## 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 containing commercial and residential uses at 400-426 Victoria Road, Gladesville. The overall height of the building ranges from 6 to 7 storeys. The development will contain 102 apartments and two commercial tenancies which adjoin Victoria Road. Parking will be provided for 133 vehicles.

The development has been assessed in respect of the relevant planning instruments and the application is non-compliant with the following:

- The development results in a breach to the height control contained in RLEP 2014. The non-compliance is due to the roof of the building being utilised for communal open space. The applicant has submitted a Clause 4.6 variation to this development standard.
- There is also a breach in respect to the use of the ground floor. Due to the slope of the site there are two ground floors. The RLEP requires the ground floor to be used for either commercial or retail uses. While the development complies along the Victoria Road frontage, residential is proposed on the lower ground floor. The applicant has submitted a Clause 4.6 variation to this development standard.
- There is a minor non-compliance with the Residential Flat Design Code in respect to the number of apartments that will receive sunlight.
- The development also fails to comply with a few of the requirements of Part 4.6 Gladesville Town Centre and Victoria Road Corridor of RDCP 2014. The non-compliances relate to depth of commercial tenancies, setbacks to the side boundaries for the ground floor and the provision of two driveway crossings.

Following an assessment of the development application, it is considered that these non-compliances are acceptable on planning grounds.

During the final notification period, Council received two submissions, one objecting to the development and one supporting it. The issues raised in the submission that objected to the development related to concerns with the building mass,

overshadowing, privacy and height. These matters are addressed in full detail in Section 11 of this report.

The development is consistent with the desired future character of the precinct as identified in the relevant planning instruments.

The development application is therefore recommended for approval subject to appropriate conditions of consent provided in Attachment 1 of this report.

## 2. APPLICATION DETAILS

**Name of applicant:** Fox Johnston Architects

**Owner of site:** Barua No. 3 Pty Limited

**Estimated value of works:** \$24,714,789

**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 site is known as 400-426 Victoria Road, Gladesville and the legal description of the land is Lot 1 DP747541. The site is a trapezoid shaped allotment with a frontage of 76.15m to Victoria Road and a depth of 42.7m to 42.9m. The total site area is 3,263m<sup>2</sup>. Figure 1 provides an aerial view of the site and its context.



Figure 1. Aerial photograph of the site.

The site slopes significantly from the Victoria Road to Farm Street, with the site having a fall of approximately 5m.

The site contains a total of ten trees. Nine of these trees are located along the Victoria Road frontage and consist of 8 Brush Box trees and 1 Blueberry Ash. These trees are approximately 10-12 metres in height. The final tree is located in the south western rear corner of the site and is a Tallowwood approximately 20 metres in height.

The site currently contains a part 2, part 3 storey commercial/light industrial building. Uses within this building include a 24/7 gym (Anytime Fitness), a dance studio, a mortgage loans company and a software company. Vehicular access is provided from two driveways off Victoria Road. This driveway wraps around the north eastern, south eastern and south western perimeters of the site. The existing building is setback 14.5m from Victoria Road and 8m from the rear boundary. Due to the slope of the site the driveway is elevated along the side and rear boundaries. Photographs 1 to 3 demonstrate the existing building and vehicular ramp.



Photograph 1. View of the subject site as viewed from Victoria Road.



Photograph 2. View of the driveway along the south east side boundary.



Photograph 3. Rear of the subject site demonstrating the elevated driveway and the vegetation on the adjoining sites.

The site forms part of the Gladesville Town Centre and is currently undergoing a transition from low density commercial uses to higher density mixed use development.

Adjoining the site to the north west is 428-434 Victoria Road. This property contains a row of 2 storey shop top developments as illustrated in Photograph 4. Development consent LDA2015/0389 was granted by City of Ryde on 10<sup>th</sup> February 2016 for a mixed use development containing 1 commercial tenancy, 3 home offices and 40 residential units. Figure 2 includes a photomontage of this development as viewed from Victoria Road.



Photograph 4. 428-434 Victoria Road adjoins the site to the north west.



Figure 2. Photomontage of the approved development mixed use development at 428-434 Victoria Road, Gladesville. This building is six storeys as viewed from Victoria Road.

Adjoining the site to the south east is 398 Victoria Road. A two storey commercial building is located on this site as demonstrated in Photograph 5.



Photograph 5. Adjoining development to the south east.

The south western boundary of the site adjoins 5 residential allotments, each containing a detached dwelling house. These sites are zoned Low Density Residential under RLEP 2014. Photographs 6 to 9 demonstrate these properties.



Photograph 6. Adjoining residential properties at 27 to 29 Farm Street.



Photograph 7. 25 Farm Street.





Photograph 8. 21 to 25 Farm Street.



Photograph 9. 19 Farm Street.

The developments to the north east of the site on the opposite side of Victoria Road consist of a variety of uses and demonstrate the transition that the Gladesville area is currently undergoing. There is currently a 6 storey mixed use development with

retail on the ground floor and residential apartments above at 1-9 Monash Road and 407-417 Victoria Road. Other uses consist of a McDonalds restaurant and a self-storage commercial building.



Photograph 10. Recent construction of a mixed use development under the current planning controls. 1-9 Monash Road and 407-417 Victoria Road is opposite the subject site on Victoria Road.



Photograph 11. Older style development opposite the site on Victoria Road.

#### **4. PROPOSAL**

The development seeks to demolish the existing commercial/light industrial building on the site to facilitate the construction of a part 6/part 7 storey mixed use development comprising 2 commercial tenancies, 102 residential apartments and basement car parking for 133 vehicles.

The two commercial tenancies will be located on the street level fronting Victoria Road with the residential apartments located on basement 1 and 2 and in the five storeys above the street level.

The mix of residential apartments will comprise 29 x studio, 42 x 1 bedroom, 17 x 2 bedroom and 14 x 3 bedroom.

The development has proposed communal landscape space at the rear of the site as well as on the roof of the building.

The development proposes two vehicular access points from Victoria Road to the building. One is located on the eastern boundary and will provide access to the car parking. The other access is located on the western end of the development and will provide truck access to the loading zone.

Two pedestrian accesses are proposed from Victoria Road.

#### **5. BACKGROUND**

The development application was submitted on 7 June 2016.

Following lodgement of the Development Application, the RMS advised that they objected to the vehicular access to the site. This was originally proposed from the western end of the site which would interfere with the signalised intersection of Monash Road and Victoria Road. The applicant presented sketch plans to the RMS in late July 2016 which proposed that the car park access be relocated to the eastern boundary and the truck access retained at the western boundary.

Formal amended plans that addressed the vehicular access to the site were submitted to Council on 5 September 2016. These plans were sent to RMS and renotified from 6 October 2016 until 26 October 2016.

A letter was sent to the applicant on 20 October 2016 in respect to the outstanding planning matters. This included:

- Concerns with the height of the building;

- Various DCP variations;
- Traffic issues;
- Waste issues; and
- ADG variations.

RMS requested additional information on 2 November 2016 in regard to the swept path diagrams and a copy of an agreement between the property owner and Council that the garbage collection will occur outside of the morning and afternoon peaks.

Amended plans and additional supporting information were submitted to Council on 19 December 2016. These plans proposed the following changes:

- The terraces and balconies on basement 2 and basement 1 have been setback to comply with the 9m rear setback control.
- An apartment on basement 2 has been deleted due to the introduction of the 1m step in the building design.
- The colonnade has been deleted and the ground floor is setback the required 2 metres. The planter boxes and stairs have been deleted. The step in the building has ensured that the ground floor is consistent with Victoria Road.
- The western portion of the building on levels 1 to 4 have been reduced to ensure that it adjoins the approved setback of the adjoining building.
- The layout of the apartments on levels 1 to 4 have been amended.
- The southern portion of the building on level 5 has been reduced by 2.8m to 5m and the size of the balconies enlarged.

These plans were renotified and are the plans subject to this report.

A briefing with the Sydney North Planning Panel occurred on 22<sup>nd</sup> February 2017.

## **6. PLANNING ASSESSMENT**

### **6.1 State Environmental Planning Policy (State and Regional Development) 2011**

As the proposed development has a Capital Investment Value of \$24,714,789, the development application is required to be determined by the Sydney North Planning Panel.

### **6.2 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, Council must consider if the land is contaminated. If it is contaminated, is it suitable for the proposed use and

if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The applicant has provided a Detailed Site Investigation Report which has concluded that the site can be made suitable for the proposed development. Appropriate conditions of consent have been imposed to ensure that this remediation work occurs. (See condition numbers 78 to 80 and 82 to 84).

### **6.3 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 (No 724657M\_03) which provides the development with a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. (See condition numbers 3, 50 and 149).

### **6.4 State Environmental Planning Policy (Infrastructure) 2007**

#### **Clause 101 – Development with frontage to a Classified Road**

Clause 101 applies to the development as the site has a frontage to Victoria Road. The consent authority must not grant consent to a development unless it is satisfied with certain criteria.

The first criteria require that where practicable, vehicular access to the land is to be provided by a road other than a classified road. Vehicular access is proposed from Victoria Road as there is no other option. RMS has raised no objections to the revised access arrangements.

The second criteria requires that the safety, efficiency and ongoing operation of the classified road is not adversely affected by the development as a result of the design of the vehicular access to the land, the emission of smoke or dust from the development, or the nature, volume or frequency of vehicles using the classified road to gain access to the land. RMS have suggested appropriate conditions of consent to ensure that the ongoing operation of Victoria Road will not be affected. (See condition numbers 60, 118 and 119).

#### **Clause 102 Impact of Road Noise or Vibration on Non-road Development**

Clause 102 applies to any residential building that is located on land adjacent to the road corridor for any road that has an annual average daily traffic volume of more than 40,000 vehicles. The consent authority is required to take into consideration the interim guideline “Development near Rail Corridors and Busy Roads”. In addition, the development must achieve appropriate noise levels within the building.

As the development adjoins Victoria Road, the applicant has submitted an Acoustic Report which addresses these requirements. This acoustic report has identified that the development will achieve the required noise levels by the provision of

appropriately glazed windows and doors. Conditions of consent will be imposed to ensure compliance with this report. (See condition numbers 55, 56 and 172).

#### **Clause 104 – Traffic Generating Development**

The development is identified within Schedule 3 of this SEPP and in accordance with Clause 104 was referred to the Roads and Maritime Services (RMS) for comment. RMS has reviewed the submitted documentation and raised no objection to the application subject to conditions of consent that would be required on any approval. (See condition numbers 59 to 61, 89 to 90, 118 to 119).

### **6.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

This policy aims to improve the design quality of residential flat development in NSW. It recognises that the design quality of residential flat developments is of significance for the State due to the economic, environmental, cultural and social benefits of high quality design.

The 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
- The Apartment Design Guide.

#### Urban Design Review Panel

Council's Urban Design Review Panel reviewed the preliminary proposal on 26 July 2016. The following comments were provided by the Panel.

#### ***Context and Neighbourhood Character***

*The site is located on the southwestern side of Victoria Road in the commercial strip north of Gladesville town centre. Retail and commercial enterprises dominate ground floor street frontages. It has good access to multiple frequent bus services and Gladesville shopping centre. As such it is appropriate for redevelopment as medium density apartments with at-grade retail.*

*The site is flanked on the north by shops and to the south by commercial premises, both 2 storeys. To the rear, it overlooks the rear yards of detached dwellings with frontage to Farm Street.*

*The applicant has submitted a drawing which shows how the isolated site adjoining the subject site and on the corner of The Avenue could be developed in the future.*

*There was discussion about the location of vehicle entries and RMS restrictions. Whichever solution results, the Panel strongly encourages that driveway width is minimised and active retail frontage is maximised. In the current scheme active frontages are limited by vehicle access, egress, services and the sub station.*

**Comment:** Since the UDRP meeting, the plans have been amended slightly. The plans still provide the two vehicular entries, pedestrian entries and the servicing

requirements along the Victoria Road frontage. 72% of the Victoria Road frontage will be active with two commercial premises and the two pedestrian entries. The driveway widths have also been restricted to 6 metres.

### **Built Form and Scale**

*The general approach to the placement of the building on the site and the massing is supported.*

*This is a large building and the scale of the project requires skilful design. The reduction of the perceived scale through heavy modelling and articulation of the building mass as it faces the residential neighbours to the south is commended by the Panel. The handling of the Victoria Road presentation is less convincing. Refer to “aesthetics” below.*

*The proposal exceeds the LEP maximum height limit for the site. The Panel’s view is that this may be acceptable, but only if there are no material impacts, such as overshadowing on neighbouring properties. Upon receipt of shadow diagrams, the Panel has examined the impact of the height exceedance on the neighbours to the south. As expected, the proposal causes total overshadowing of the neighbours’ rear yards (and probably north facades) at 9.00am. At midday, sunlight is beginning to reach the rear yards and sun access increases as the afternoon progresses.*

*It is difficult to determine which elements towards the top of the proposed building cause the most significant impacts. The shadow diagrams include a note which says “Proposed Shadow Greater than Shadow from Compliant Mass.” However, reading the diagrams in conjunction with the sections seems to show that the most extreme parts of the overshadowing result not from the portions of the building which exceed the height plane, but rather from the terraces of the top floor units (Level 5 floor slab, Units 501 and 508). If this is correct, these terraces could be cut back to reduce the overshadowing of the neighbours.*

*In any event, the Panel is willing to accept minor penetrations of the height plane if adjustments are made to reduce overshadowing of the neighbours. Any shadow impacts resulting from the proposal exceeding the LEP height limit are not acceptable.*

**Comment:** The current plans have resulted in a reduction of the 5<sup>th</sup> level along the southern portion of the building. This portion of the building has been reduced by 2.8m to 5m. This ensures that this portion of the building complies with the 19m height control as well as reducing the extent of overshadowing to the adjoining residential properties. There are however, still breaches to the height control. These breaches are restricted to the provision of the rooftop communal areas. This has been discussed in much greater detail further in the report. That part of the building which breaches the height control does not contribute to additional overshadowing that would affect the amenity of the adjoining residential properties.

### **Density**

*It is understood that the proposal complies with the maximum permitted FSR. Notwithstanding the modest height overage noted above, the proposed massing strategy (building bulk towards Victoria Road and away from the rear, nil side*

setbacks) demonstrates that the permitted density can be accommodated on the site satisfactorily.

**Comment:** Noted.

### **Landscape**

*The Panel notes the generous provision of communal open space at ground level and on the rooftop, which gives residents a choice of markedly different open space opportunities. The location of the ground level space above deep soil which significantly exceeds the area of deep soil required in the ADG is also commended. The Panel encourages more tree planting of significant scale to take advantage of the deep soil and contribute to the existing pattern of mid-block planting. This planting would assist in mitigating the scale of transition to the rear.*

**Comment:** The landscape plan has proposed the use of two types of palms within the rear setback area as well as other plantings. Concern is raised that the palms will not provide appropriate dense screening and would not contribute to mitigating the scale of transition to the rear. A condition of consent will be imposed to require the replacement of these palms with other screen plantings. (See condition 1b). This will ensure the objectives of the Panel are achieved.

### **Amenity**

*It appears that the only access to the “commercial terrace” at street level is via the residential lobbies. This is not considered desirable. It is not clear how useful the terrace might be to commercial tenants, however if it is to be dedicated to them separate access should be provided.*

**Comment:** Access to the commercial terrace is provided directly from the commercial unit as well as the residential lobby. To prevent the use of the terrace by residents, a condition of consent will be imposed to requiring the deletion of the door from the residential lobby. (See condition 54).

*The Panel is concerned about the internal amenity of studio apartments 106, 107, 108, 116, 117 and above. Balcony depths are too shallow and it is not clear how the deeper part of the balconies for units 106 to 108 can be furnished. It appears that the amount of light received by the habitable space behind the balconies is significantly restricted by the fixed blades and landscaping shown on the drawings. Of further concern is the sleeping area in each unit, which is too enclosed and may not receive sufficient light and air, particularly noting the extent of balcony overhead from the unit above.*

**Comment:** The Panel raised concerns about the internal amenity of various apartments. The apartments in question are all studio apartments with a minimum size of 35.33m<sup>2</sup>. These sizes meet the minimum internal areas as required by the ADG. To improve light and air to the sleeping area of these apartments, the applicant has amended the plans to delete part of a wall and replace the wall with high level glass louvers. This is demonstrated on Figure 3.



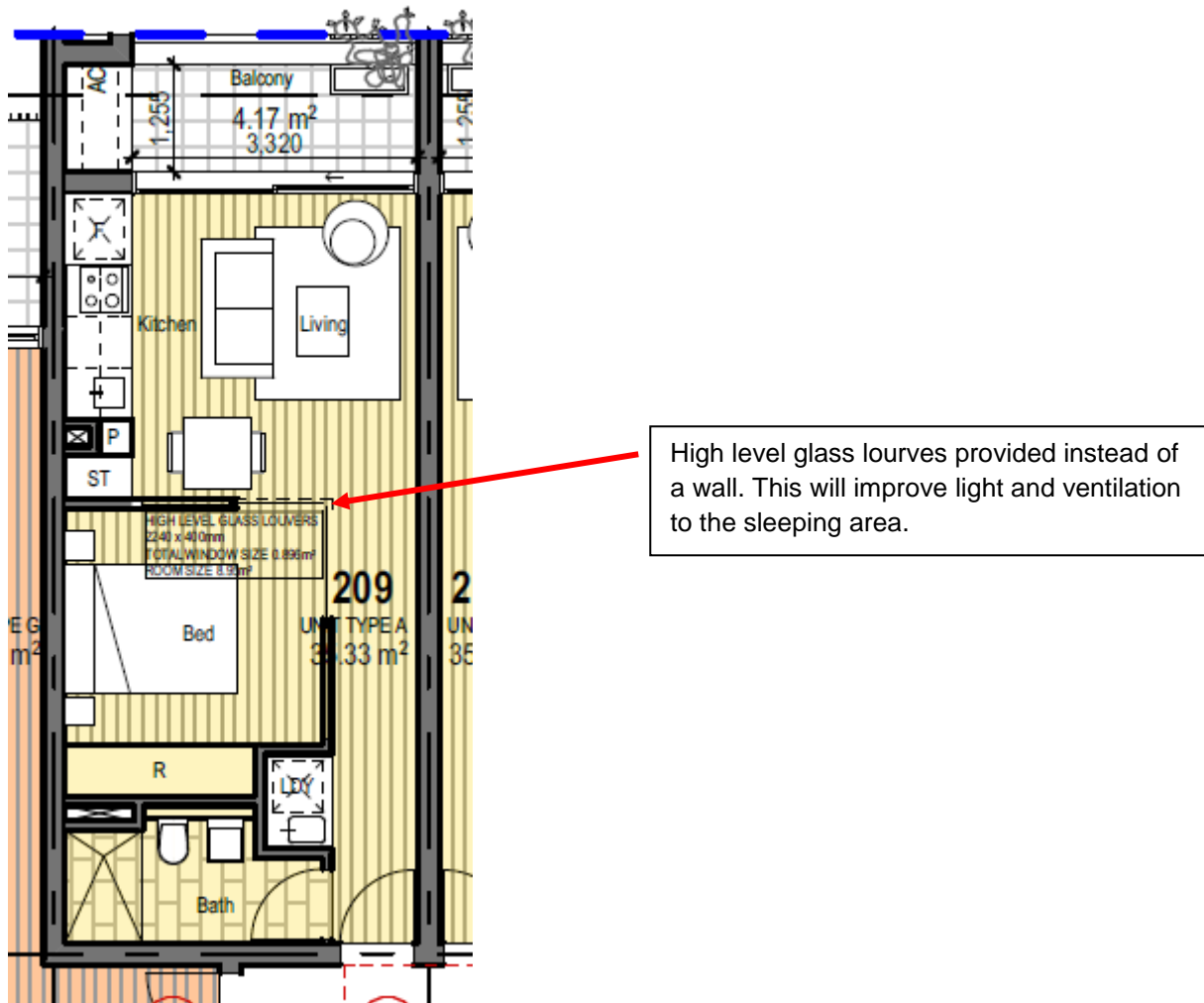
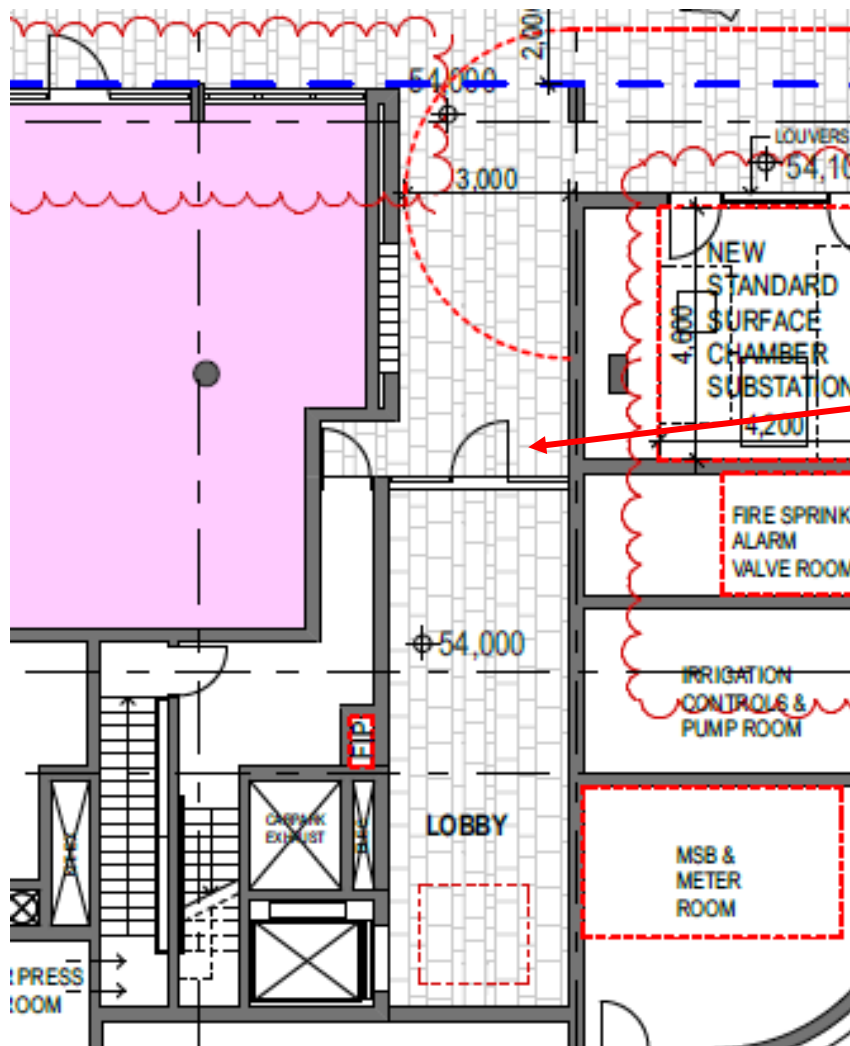


Figure 3. To improve the light and air to the sleeping areas in the studio apartments, high level glass louvers have been provided.

### Safety

*Residential entries are deeply recessed and may create a space of concealment.*

**Comment:** The following figure demonstrates the residential entry lobby to the building. The entry lobby has a width of 3m but is setback 7m from the front of the building. Due to the need to provide the exit from the fire stairs, it is not possible to reduce this recess. No objections were raised by NSW Police to the development. To reduce the risks of concealment, a condition of consent is proposed to ensure that this space is adequately lit at all times. (See condition 53).



Residential entry lobby has been setback 7m from the front of the building.

Figure 4. The entry to the residential lobby is setback 7m from the frontage of the building. This space will be required to be adequately lit at all times to prevent concealment opportunities.

**Aesthetics**

*The Panel believes that the Victoria Road elevation requires further development to reduce the perceived scale of the building and provide greater visual variety. Requirements related to road noise mitigation under SEPP Infrastructure may also influence the design outcome.*

**Comment:** The building height has been reduced by the introduction of a 1m step in the building. This has ensured that the public domain along Victoria Road as well as the aesthetics of the building have been improved. This step, combined with articulation has ensured that the scale and massing of the Victoria Road frontage is acceptable.

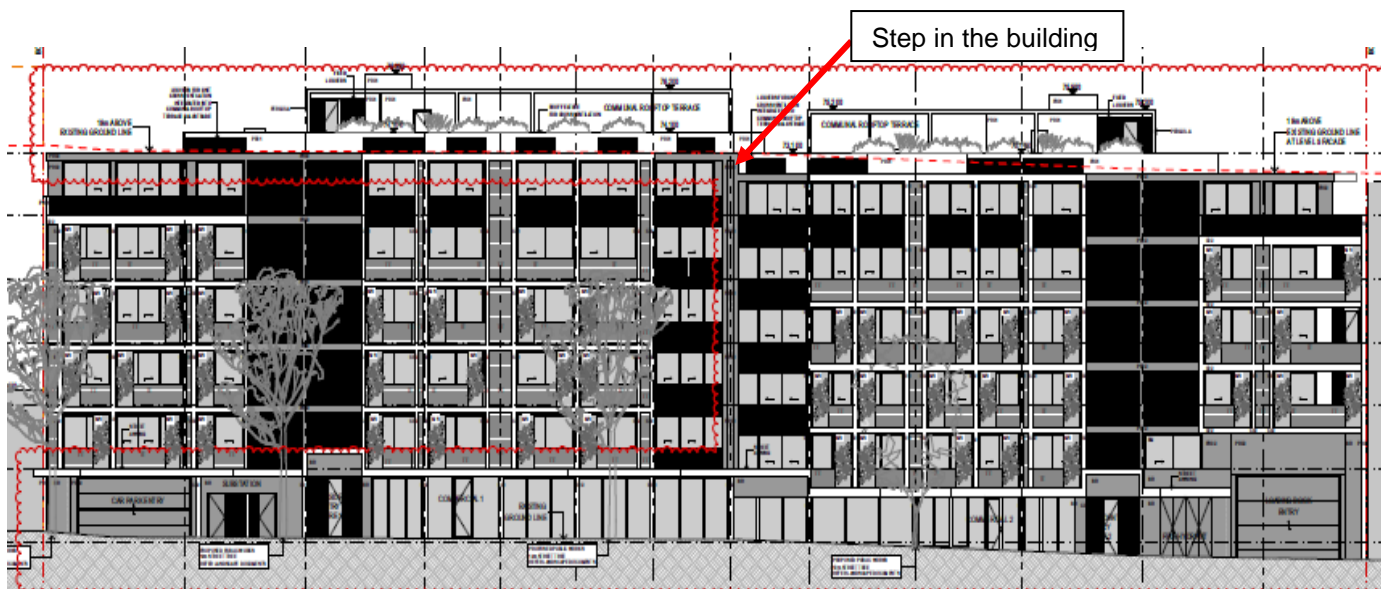


Figure 5. Victoria Road elevation. The amended plans have introduced a step in the building. This not only ensures compliance with the height control but it also reduces the scale and massing of the building.

### SEPP 65 Design Quality Principles

There are nine design quality principles identified within SEPP 65. The following table provides an assessment of the proposed residential flat building (RFB) against the ten design principles of the SEPP.

Planning Principle	Comment
<p><b>Context &amp; Neighbourhood Character</b>            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.            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.            Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposed design is considered to respond suitably to its context within the B6 zone and the desired future character for the precinct as identified in Part 4.6 of DCP 2014 – Gladesville Town Centre and Victoria Road Corridor. The desired future character for this precinct through the B6 zoning is to incorporate higher density residential land uses as part of mixed use developments with commercial / retail development provided on the ground floor to promote businesses along main roads. The development will achieve this desired character as well as provide an improved public domain. The development will be consistent with the current regeneration of new mixed use apartment buildings within the immediate Victoria Road and Monash Road streetscapes.</p> <p>The development also responds suitably to the low density R2 zone to the rear and is consistent with the DCP setback controls in this regard.</p>
<p><b>Built Form &amp; Scale</b>            Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the</p>	<p>The scale in terms of height is consistent with the 19m building height control identified in LEP2014 as measured from the Victoria Road frontage and the development will not adversely impact the character of the streetscape.</p>

<b>Planning Principle</b>	<b>Comment</b>
<p>building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The development does result in breaches to the height control. These breaches are restricted to the rooftop level which provides a communal open space area. These breaches are generally set back from the Victoria Road frontage as well as the rear boundary.</p> <p>The built form of the development is significantly modulated and responds to relevant controls in DCP2014 and will contribute positively to the existing and emerging character of the surrounding streetscape. It will also be consistent in terms of massing and scale with desired future character of the precinct.</p> <p>The proposed built form is also considered to be acceptable given that the development achieves suitable compliance with the objectives contained in the ADG.</p> <p>Notably, Council's UDRP was supportive of the building's placement and massing.</p>
<p><b>Density</b>            Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. 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 2.3:1 and conforms to the desired density and scale of development for this location. The site's density is also considered appropriate given its proximity to public transport and Gladesville Town Centre.</p> <p>The proposed design achieves a high level of amenity for residents and suitably complies with the ADG objectives in this regard.</p>
<p><b>Sustainability</b>            Good design combines positive environmental, social and economic outcomes. 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>The applicant has provided a BASIX Certificate which indicates that the buildings will meet the energy and water use targets set by the BASIX SEPP.</p> <p>A Waste Management Plan has been submitted and is considered acceptable by Council's City Works and Infrastructure Directorate.</p>
<p><b>Landscape</b>            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.            Good landscape design enhances the</p>	<p>The site provides approximately 25.2% (823.36m<sup>2</sup>) of landscaped area. This space is located at the rear of the site. In addition to this space, landscaping has also been included on the roof of the building.</p> <p>The proposed landscaping will allow for a screen located along the rear boundary and will assist in improving the aesthetics of the building, particularly when viewed from adjacent properties and Farm Street to the rear.</p>

Planning Principle	Comment
<p>development's environmental 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>Given the location, size and context of the site, the proposed landscape outcome is considered reasonable and acceptable for SEPP 65/ADG purposes.</p>
<p><b>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 wellbeing. 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>All apartments are larger than the minimum apartment size recommended under the RFDC and are well proportioned to accommodate various furniture layouts over their life span. The proposal will achieve adequate levels of natural ventilation and solar access. Adequate privacy measures are proposed to ensure that there will be minimal opportunities for overlooking between units.</p> <p>Storage is provided to all dwellings, both internally and in the basement parking levels. In addition, all units are provided with sufficient indoor and outdoor living spaces.</p> <p>All levels within the buildings are accessible from lifts as well as each building being accessible from the street.</p>
<p><b>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 visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposal makes a positive contribution to the street with respect to safety and security. The ground floor has been setback 2m from the front boundary which will enable the widening of Victoria Road for pedestrians. This will not only enhance their safety but also improve the amenity along Victoria Road. Passive surveillance over the public domain areas will be possible from the residential apartments. The development also provides secure access points to the site and car park entries.</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. 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 development will include the following housing mix:</p> <ul style="list-style-type: none"> <li>• 29x studio apartments (28%);</li> <li>• 42 x 1 bedroom apartments (41%);</li> <li>• 17 x 2 bedroom apartments (17%); and</li> <li>• 14 x 3 bedroom apartments (14%).</li> </ul> <p>The proposed range of apartments provides a suitable mix of housing in response to current housing demand and responds to the need for economic housing choice within an area with good public transport access, social and commercial facilities.</p> <p>Adaptable units are also proposed.</p>

Planning Principle	Comment
<p><b>Aesthetics</b> 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. 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 building facades are strongly articulated with the use of balconies, terraces and screening. The development presents as a contemporary design which is compatible with the other buildings within the locality.</p>

### Apartment Design Guide

The SEPP also requires the Consent Authority to take into consideration the requirements of the Apartment Design Guide with regard to the proposed residential flat building (RFB). The following table addresses the relevant matters.

Apartment Design Guide Requirement	Proposal	Complies
<b>Part 2 Development Controls</b>		
<p><b>Building Depth</b> Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	<p>The building depth ranges from 16.9m to 27.65m. Greater depths are permitted where it can be demonstrated that layouts will receive acceptable amenity with room and apartment depths. The development has incorporated significant building articulation by the use of balconies and indents on the Victoria Road and rear elevations. As demonstrated further in the table, the development will provide satisfactory daylight and natural ventilation. No objection is raised to the building depth.</p>	Yes
<p><b>Building Separation</b> Minimum separation distances for buildings are: <i>up to 4 storeys should be:</i> -12m between habitable rooms / balconies -9m between habitable / balconies and non-habitable rooms -6m between non-habitable rooms.  <i>Five to eight storeys (approx 25m):</i> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms</p>	<p>The development provides zero setbacks to the side boundaries as this form of development is envisaged by the DCP controls and is appropriate for the site.</p> <p>The ADG recommends that at a boundary between a change in zone from apartment buildings to a lower density area, the building setback from the boundary should be increased by 3 metres. This is applicable to this site.</p> <p>Applying half the minimum separation distance plus the additional 3m results in a required setback to the boundary of 9m for the lower 4 floors and 12m for the 5<sup>th</sup> level and above. The development has proposed a minimum setback of 9m for the lower 2 levels and the planter box on the street level. For level 1 and above a minimum rear setback of 12.5m is proposed and this increases to a maximum of 23.2m. The variation in the rear setback ensures that adequate sunlight access is provided to the adjoining residential properties. The</p>	Yes

	development complies with the required rear building separation distances.	
<b>Street Setbacks</b> Determine street setback controls relative to the desired streetscape and building forms.	The development complies with the required front setback control of 2m and 4 m for the top level.	Yes
<b>Side and Rear Setbacks</b> Related to the height of the building and are important tools for achieving amenity for new developments and buildings on adjacent sites.	The development is consistent with the objectives of the DCP for side and rear setbacks.	Yes
<b>Part 3 Siting the development Design criteria/guidance</b>		
<b>3B Orientation</b> Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.	The building layout has been orientated to face Victoria Road and the rear boundary. The orientation allows the building to maximise solar access (balanced against noise impacts from Victoria Road and desirable views to the south) whilst minimising overshadowing to the adjoining Farm Street properties.	Yes
<b>3C Public domain interface</b> Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	The amended development has significantly improved the transition between private and public open domain. By providing a 2m setback adjacent to Victoria Road, the amenity of the public domain will be improved. The development also incorporates active frontages by the provision of the commercial tenancies and entrance to the building. The applicant has also confirmed that the fire hydrant located adjacent to the western vehicular entry can be setback 1m from the frontage of the façade. This will improve the public domain interface of the building. To improve the appearances of the driveways, it is intended to extend the paving to be used in the setback adjacent to Victoria Road to the roller door.	Yes
<b>3D Communal &amp; public open space</b> Provide communal open space to enhance amenity and opportunities for landscaping & communal activities. 1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.	Communal open space has been provided at the rear of the site and on the roof terrace. The ground floor communal open space is equivalent to 823.36m <sup>2</sup> and the roof terrace 417.69m <sup>2</sup> . This equates to 38% of the site area. The majority of the ground floor communal open space is deep soil planting.  Due to the orientation of the site the communal open space at the rear will be overshadowed at mid winter. However the roof top communal open space will receive adequate solar access throughout the year. This will ensure that the future occupants are provided with adequate outdoor recreation opportunities.	Yes
<b>3E Deep Soil Zone</b> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water	A total of 556.23m <sup>2</sup> of deep soil area is proposed which equates to 17% of the site area. This area also exceeds the required minimum dimensions of 3m.	Yes

<p>and air quality.</p> <p>1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.</p>														
<p><b>3F Visual Privacy</b> 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> <table border="1" data-bbox="193 533 730 757"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms &amp; balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>The development has provided the appropriate separation distances between neighbouring properties. As originally proposed all balustrades to the south of the building were intended to be clear glass. To assist in maintaining privacy with the adjoining residential properties the applicant has proposed to modify the balustrades to opaque sand blasted glass for finished level balconies up to 500mm and clear glass to those 500mm to 1000mm high. This arrangement will ensure that residents sitting either on the balcony or inside the apartment will not be able to look down into the adjoining properties.</p> <p>Due to the articulation provided in the rear elevation of the building there is potential for overlooking within the development. To prevent this, windows will be either screened or high level windows.</p> <p>To ensure the balustrading and window treatments are provided, appropriate conditions have been included. (See condition 1c, d and e).</p>	<p>Yes</p>
Building Height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m(4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<p><b>3G Pedestrian Access &amp; entries</b> Pedestrian Access, entries and pathways are accessible and easy to identify.</p>	<p>The development proposes two pedestrian entries to the building from Victoria Road. These entries are 3m wide and will be easily identifiable as well as accessible.</p>	<p>Yes</p>												
<p><b>3H Vehicle Access.</b> Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>The development has proposed two 6m wide vehicle entries from Victoria Road. One access is located along the eastern side boundary and the other is on the western side boundary. The access on the western side boundary is for service vehicles only. This arrangement has occurred following input from RMS who requested that the main driveway be provided at the easternmost part of the site. Both access points will provide for adequate sight distances to Victoria Road. Given that the site has a frontage of over 76m to Victoria Road, the two access points are acceptable and will result in minimal conflict with pedestrians or other vehicles.</p>	<p>Yes</p>												
<p><b>3J Parking Provisions.</b> <b>Car parking:</b> For development on sites that are within 800m of a railway station, the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council’s car parking requirement, whichever is less. <b>Bicycle Parking</b> Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>The site is not within 800m of a railway station. Accordingly, Council’s DCP 2014 car parking requirements apply. The proposal is compliant with Council’s DCP requirements.</p> <p>14 spaces are required for bicycle parking under Council’s DCP. The development complies with this requirement.</p> <p>The DCP does not propose any requirements for motorbikes or scooter</p>	<p>Yes</p>												



	parking. However the development has proposed 8 motorcycle parking spaces. This is consistent with the ADG requirements.	
<b>Part 4 Designing the building</b>		
<p><b>4A Solar &amp; daylight access</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. No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter. Design should incorporate shading and glare control, particularly for warmer months</p>	<p>A total of 70% of the apartments will receive 2 hours of direct sunlight between 9am and 3pm midwinter.</p> <p>28% of the apartments will receive no sunlight. The ADG does however allow for variations to this requirement. In this instance the site is a south facing sloping site and there are significant views towards the south. In these circumstances the variation is considered to be acceptable.</p> <p>The BASIX Certificate is included with the application demonstrating that the proposal achieves required thermal comfort levels. Materials and finishes which incorporate shading and glare control measures including external louvres and awnings are proposed.</p>	Yes
<p><b>4B 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.</p>	<p>60% of the apartments will be cross ventilated.</p>	Yes
<p><b>4C Ceiling Heights</b> Ceiling height achieves sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights.</p>	<p>The ground floor has proposed 3.6m between floors. This will allow for a 3.3m ceiling height. Each residential level has proposed 3.1m between floors which will accommodate 2.7m ceiling heights.</p> <p>The first floor has proposed a floor to ceiling height of 2.7m rather than 3.3m. Given that Council's DCP requirements have assumed that this floor will always be used as residential, no objection is raised.</p>	Yes
<p><b>4D Apartment size and layout</b> Apartments are required to have the following minimum internal areas with one bathroom:</p> <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> <li>• 4 bedroom = 102m<sup>2</sup>.</li> </ul> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Habitable room depths are limited to a</p>	<p>All of the apartments either comply or exceed the minimum requirements.</p>	Yes

<p>maximum of 2.5 x the ceiling height. In open plan where the living, dining and kitchen are combined, there is to be a maximum depth of 8m from a window.</p> <p>Master bedrooms – minimum area 10m<sup>2</sup> Excluding wardrobe spaces.</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>																				
<p><b>4E Private Open Space and balconies</b> All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="215 683 735 884"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min.depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> <tr> <td>Ground or podium</td> <td>15m<sup>2</sup></td> <td>3m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min.depth	Studio apartments	4m <sup>2</sup>	N/A	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m	Ground or podium	15m <sup>2</sup>	3m	<p>All of the balconies exceed the minimum requirements.</p> <p>There are 5 ground floor apartments located at the rear of the site. These apartments have been provided with a balcony rather than a private open space area of 15m<sup>2</sup>. One of these balconies exceeds the 15m<sup>2</sup>. Two of the apartments have provided an area greater than 15m<sup>2</sup> but in two areas rather than in a single area. The final two apartments have balconies with an area of 9.92m<sup>2</sup>. Although this does not meet the requirements of the ADG, the proposal is acceptable. These apartments are located at the rear of the site and will not contribute to the streetscape and the size of their private open space still exceeds the ADG requirements.</p>	<p>Yes</p>
Dwelling type	Minimum area	Min.depth																		
Studio apartments	4m <sup>2</sup>	N/A																		
1 bedroom	8m <sup>2</sup>	2m																		
2 bedroom	10m <sup>2</sup>	2m																		
3+ bedroom	12m <sup>2</sup>	2.4m																		
Ground or podium	15m <sup>2</sup>	3m																		
<p><b>4F Common circulation and spaces.</b> The maximum number of apartments off a circulation core on a single level is 8. Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of the corridor.</p>	<p>The development proposes a maximum of either 9 or 10 apartments to be accessed from the circulation space. The ADG specifies that where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation space. The development complies with this requirement.</p>	<p>Yes</p>																		
<p><b>4G Storage</b> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table border="1" data-bbox="193 1545 727 1706"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom apt</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom apt</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage size volume	Studio	4m <sup>3</sup>	1 bedroom apt	6m <sup>3</sup>	2 bedroom apt	8m <sup>3</sup>	3 + bedroom apt	10m <sup>3</sup>	<p>All of the apartments provide adequate storage.</p>	<p>Yes</p>								
Dwelling type	Storage size volume																			
Studio	4m <sup>3</sup>																			
1 bedroom apt	6m <sup>3</sup>																			
2 bedroom apt	8m <sup>3</sup>																			
3 + bedroom apt	10m <sup>3</sup>																			
<p><b>4H Acoustic privacy</b> Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments. Plant rooms, services and communal open space and the like to be located at least 3m</p>	<p>Appropriate acoustic privacy will be provided for each apartment.</p>	<p>Yes</p>																		

away from the bedrooms. Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.		
<b>4K Apartment mix</b> A range of apartment types with different number of bedrooms (1 bed, 2 bed, 3 bed etc) should be provided.	The development has incorporated a range of apartment types and sizes. The development has proposed 29 studios, 42 x 1 bedroom apartments, 17 x 2 bedroom apartments and 14 x 3 bedroom apartments.	Yes
<b>4M Facades</b> Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents. Building facades are expressed by the façade.	The introduction of the step in the Victoria Road frontage and the provision of balconies and the use of different materials will ensure that the development provides appropriate visual interest. The façade of the building also differentiates between the two uses within the development.	Yes
<b>4N Roof design</b> Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use the roof space for residential accommodation and open space are maximised. Roof design incorporates sustainability features.	The development has incorporated open space on the roof which will provide outdoor recreation amenity for the occupants of the building.  The development has proposed a simply flat roof which is integrated with the overall development.	Yes
<b>4O Landscape design</b> Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	The landscape design aims to provide recreational opportunities as well as being attractive for the residents and visitors. The landscape will enhance the streetscape as well as contribute to the amenity of the occupants.	Yes
<b>4P Planting on structures</b> Appropriate soil profiles are provided.	The development will comply with the minimum soil depth as specified in the ADG.	Yes
<b>4Q Universal design</b> Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.	The development complies with these requirements.	Yes
<b>4U Energy efficiency</b> Development incorporates passive environmental design measures – solar design, natural ventilation etc.	The development complies with these requirements.	Yes

## **6.6 Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

This Plan 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.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.

## **6.7 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 site is zoned '*B6 Enterprise Corridor*' under the provisions of the LEP 2014. The proposed mixed use development is permitted in this zoning.

Clause 2.3 requires that 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 Enterprise Corridor 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 proposal complies with the above objectives. The site is located on a main road with high levels of bus services. The development will respond appropriately to the desired future character of the surrounding precinct by introducing a mixed use building consisting of residential and commercial/retail use. The massing and scale of the development is appropriate in terms of the transitioning future built environment and the built form will not impact adversely on the character of the area.

### **Clause 4.3 Height of buildings**

The Height of Buildings Map as detailed in Figure 5 specifies that the maximum height of any building on the site is not to exceed 19m for the main portion of the site and 12m for the rear 9m portion of the site.

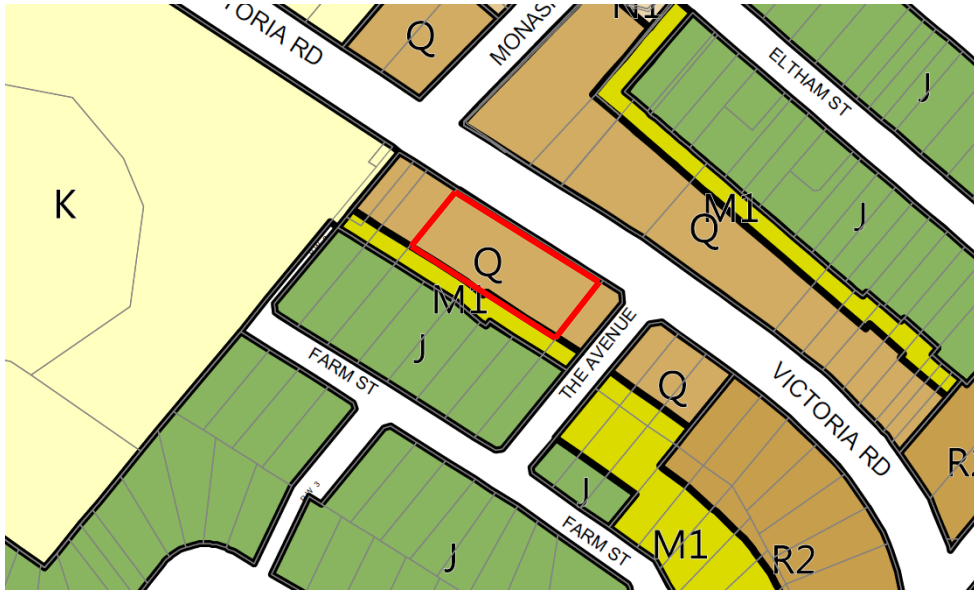


Figure 6. Extract from the Height of Building Maps. M1 = 12m; Q = 19m. The site is shown in red.

The existing ground level of the site has been derived from an interpolation across the site with reference to the unbuilt upon portions plus the adjoining ground levels. This approach has disregarded the excavated soil levels and the elevated ramp which is a consequence of the construction of the building currently standing upon the site.

The development does not propose any building within the 12m height zone that occurs for the rear 9m wide portion of the site.

The development results in breaches to the 19m height control to accommodate the communal open space elements provided on the roof of the building. This includes planter beds, pergola, lift and stair access. Figures 6 and 7 demonstrate the typical sections through the building and illustrate the height control. The maximum breach which occurs for the lift, stair and plant rooms is equivalent to 3.88m above the 19m control. The maximum breach for the planter beds is equivalent to 0.4m above the 19m height control.

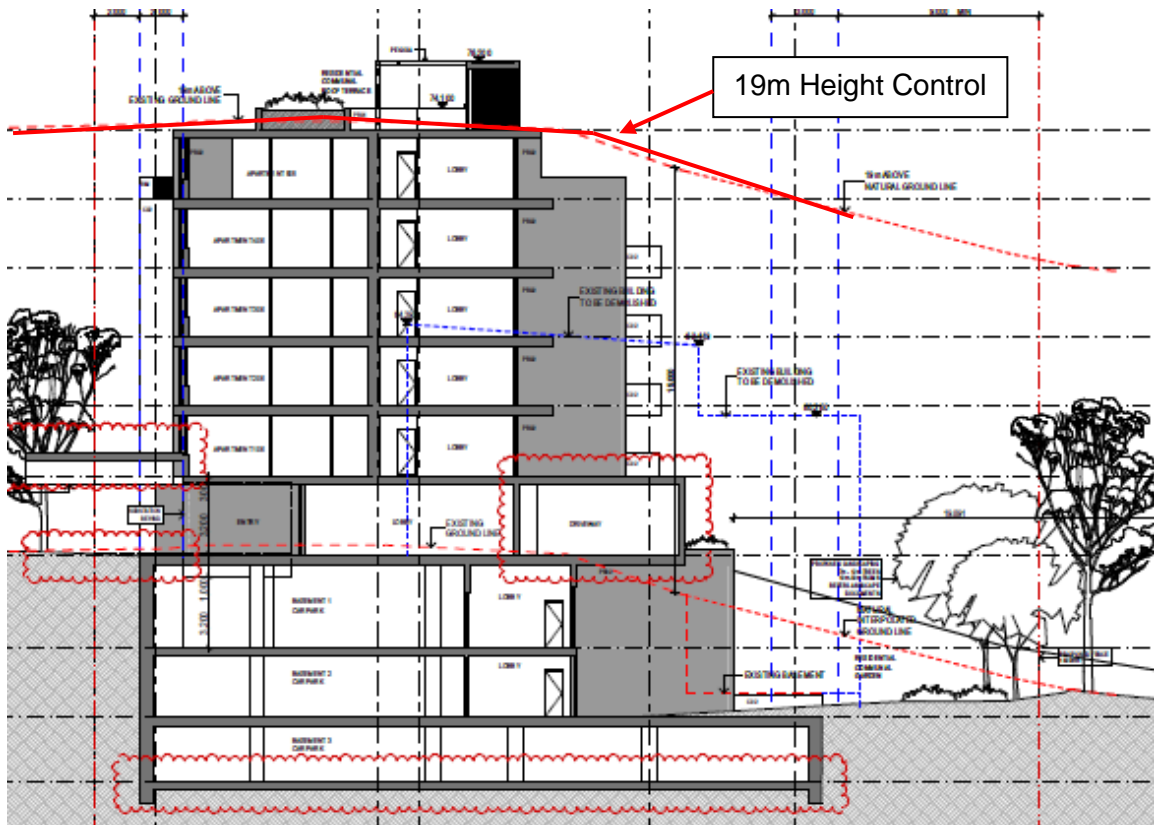


Figure 7. Section AA of the building demonstrating the breach to the 19m height control. Section AA is taken through the residential lobby on the eastern end of the building.

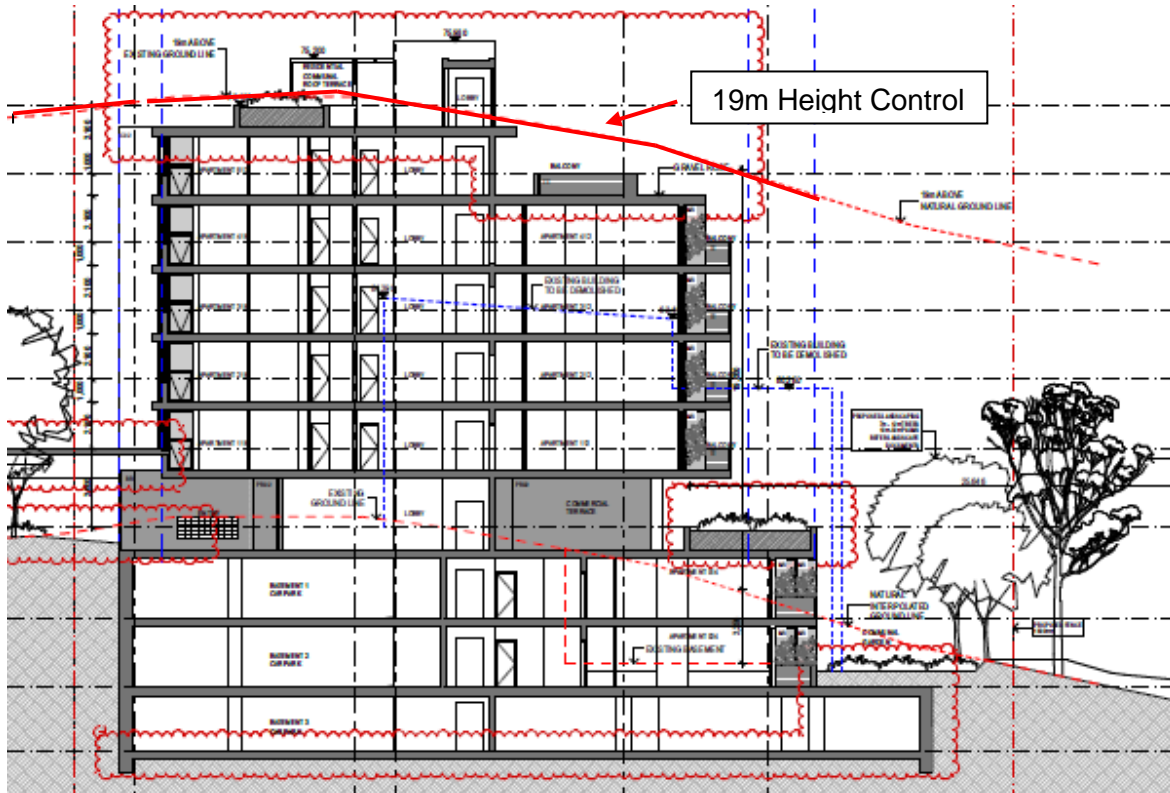


Figure 8. Section DD of the building demonstrating the breach to the 19m height control. Section DD is taken through the residential lobby on the western end of the building.

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 as is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

**1. Written request provided by the applicant.**

The applicant has provided a written request seeking to justify the variation to the development standard contained in clause 4.3. A copy of this document has been attached to this report as Annexure 2.

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

The applicant has provided the following justification for the proposed variations:

*"The proposed variation to the LEP maximum height standard is considered reasonable and appropriate given that it is not associated with any adverse external amenity impacts, beyond that of a building with a compliant height.*

*The amended development now complies with the LEP height standard when viewed from Victoria Road. This also improves the relationship of the approved built form to the north-east.*

*Given the recessed location and siting of the proposed communal rooftop area and associated lift core and staircase, it is considered that there will be no additional adverse streetscape amenity impacts in terms of overshadowing, privacy or loss of views or outlook would arise as a result of the non-compliance.*

*It is considered that the proposed design of the building, including the compact nature of the building envelope and positioning of the bulk and scale at the upper*

*levels, rather than at the lower levels, accommodates for the increased and articulated rear setback, well beyond that required by the ADG.*

*Such design outcome results in high quality apartments that take advantage of the views whilst also being compliant with solar access, in addition to providing for greater separation distances between the subject site and lower density residential uses to the south west. It is considered that the proposed development therefore provides a better planning outcome than an otherwise compliant building envelope.*

*Overall, it is considered that the high degree of compliance and lack of external amenity impacts to neighbouring properties is confirmation that the proposed additional height is supportable by way of this Clause 4.6 Variation. Furthermore, it is considered that the additional height will not be responsible for any greater impacts than that which is contemplated by the LEP and DCP controls and will not result in any additional bulk or scale impacts beyond that of a complying development.*

*The recessed and articulated impacts associated with the proposed height in regard to view loss, shadows and privacy further underlines the reasonableness of the height variation in this instance.*

#### *The variation allows for a better planning outcome*

*It is considered that the variation provides for a better planning outcome for and from the proposed development as it allows for equitable access to a rooftop communal area which achieves solar access, unlike the passive planted communal area at the rear. The site's orientation and the significant slope in the land limit the ability to achieve a compliant degree of solar access within the rear portion. In contrast, the rooftop location of the communal open space achieves abundant solar access and excellent views to the south whilst its isolated location from neighbouring dwellings and recessed form avoids the potential for adverse visual and acoustic impacts. As such, the location of the communal area is considered to be a better outcome than if provided in the rear setback area where active communal areas would have greater potential for adverse visual and acoustic impacts both within and adjacent to the development.*

*The shadow diagrams also demonstrate that more than 2 hours of solar access to the internal living areas and rear yards of the dwellings is retained which is considered to be an exceptional result given the topographical difference between the site and dwellings to the south combined with the scale of development anticipated on the subject site.*

*The high level of articulation at the rear of the built form which provides for substantially greater separation distance than required minimises the degree of*



*shadowing to a greater extent than a compliant development height with a continuous 12 metre setback, as required by the ADG.*

*The above points are considered to provide sufficient evidence to demonstrate that the development standard is unreasonable and unnecessary in the circumstances of the site and the proposed development, whilst also demonstrating that the height achieves a better planning outcome for and from the development.”*

The above justification is considered valid and the height of the proposed building is generally considered consistent with LEP 2014 with the exception of the breaches occurring on the roof of the building as a result of providing communal open space. The applicant has demonstrated that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case.

### **3. Environmental grounds to justifying contravening the development standard.**

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

*“The additional height is not responsible for any greater environmental impacts than a proposal with a compliant height. Given the lack of overshadowing, view and privacy impacts, there is no sound planning justification to reduce the proposed height.*

*It is also reiterated that there are no view impacts associated with the additional height, nor are there any adverse or unreasonable privacy impacts generated by the additional height.*

*The revitalisation of the subject site, the positive streetscape outcomes, the provision of a high quality and active frontage and the exceptional internal and external amenity outcomes associated with the proposed development is confirmation that there are sufficient environmental grounds to support the additional height.”*

As detailed previously, the proposed development is considered to relate appropriately to the height and form of desired character for the area and to the surrounding streetscape. Due to the upper level setbacks at the rear and overall building design, articulation and materials, it is considered that the proposed height non-compliances will not result in a building of unacceptable bulk and scale. It is further pertinent to note in this regard that the proposed height non-compliances do not provide for additional FSR and instead are considered to allow for the reasonable orderly and economic use of land given the specific circumstances of the site.

The above grounds are considered well founded and relevant to the specific nature and context of the proposed form of development. Despite the breaches of the control, there are sufficient environmental planning grounds in this instance to justify contravening the development standard to the degree proposed.

#### **4. Consistent with the zone objectives and objectives of the development standard.**

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

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

The proposed development complies with the 19m height control at the street frontage. Breaches of the height control occur as the site falls away to the south. Accordingly, the appearance of the development as viewed from the Victoria Road street front will be entirely compatible and in proportion with the desired character of nearby development as reflected by the LEP2014 planning controls.

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

The UDRP considered the breaches to the height control and the Panel were of the view that breaches may be acceptable where there are no material impacts such as overshadowing on neighbouring properties.

The applicant has provided shadow diagrams for hourly intervals from 9.00am to 3.00pm in midwinter. These diagrams demonstrate the shadow from the development as well as the additional shadow cast by that part of the development that exceeds the height control.

Due to the slope of the site the development does result in overshadowing to the adjoining residential properties. It is not until 12 noon that the adjoining properties will receive solar access to their rear yards and the rear of the dwellings. At this time the additional shadow cast by that part of the building that breaches the height control will affect a small portion of The Avenue. The diagrams demonstrate that overshadowing impacts from the non-compliant elements are minimal and would not impact on the amenity of the adjoining residential properties. (This matter has been further addressed in Section 7 of the report).

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

The site is located on Victoria Road in close proximity to Gladesville Town Centre. It is therefore well located with regard to key bus routes and is considered to constitute a sustainable form of development.

*(d) to minimise the impact of development on the amenity of surrounding properties.*  
As per the consideration of objective b) above, the proposal is acceptable with regard to overshadowing.

With regard to privacy, the elements in breach of the height control will not result in any privacy impacts to the neighbouring properties. The roof terrace will be setback 23.5m from the rear boundary. This distance is considered sufficient to ensure that the adjoining residential properties maintain adequate privacy.

In terms of visual impact, appropriate setback distances are proposed and the built form is appropriately designed to reduce any adverse visual impact with significant articulation provided to the upper level of the building. This assists in reducing the bulk of the building as well as adding visual interest.

Accordingly, the proposed height non-compliances will not adversely impact the amenity of surrounding properties.

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

The site is located on an important road frontage. The proposed development includes two commercial/retail tenancies on the ground floor which will assist in the activation of the Victoria Road frontage. Overall the proposal suitably emphasises the road frontage and will have no adverse impact on the road corridor.

## **5. Concurrence of the Director General.**

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

## **Conclusion**

The proposed building is visually acceptable and the impacts arising from the proposed minor height breaches are not material.

The variations to the height control of LEP 2014 are therefore considered acceptable in the circumstances and the development will still satisfy the objectives of the control. Despite the non-compliance with the height control, the development satisfies the criteria outlined in clause 4.6 and the variation is acceptable and can be supported.

#### **Clause 4.4 Floor space ratio**

The Floor Space Ratio Map specifies a maximum floor space ratio (FSR) of 2.3:1 for the site. This equates to a gross floor area of approximately 7,504.9m<sup>2</sup>. The proposed development, as amended, has a gross floor area of approximately 7454.43m<sup>2</sup> and an FSR of 2.28:1. As such the proposal complies with the FSR control.

#### **Clause 5.9 Preservation of Trees and Vegetation**

The subject site contains a total of ten trees. Nine of these trees are located within an existing boundary planter bed adjacent to the front boundary. These trees consist of eight Brush Box and one Blueberry Ash. These trees range in height from 10 to 12 metres with canopy spread of 4 to 7 metres. These trees have been affected by pruning for the power lines along Victoria Road. The final tree is a Tallowood that is located in the rear western corner of the site. This tree is approximately 20 metres high.

All of the trees along the front of the site will be removed and the tree at the rear will be retained. While the trees at the front of the site do provide screening to the existing building on the site (see photograph 1), it is not possible to retain these trees with the current design. Street trees will be required within the public domain which will also assist in screening the new development. Conditions of consent will be imposed to ensure that the tree at the rear of the site will be retained and protected during construction. (See conditions 109, 110, 112 and 115).

The adjoining residential properties also contain several trees adjacent to the rear boundary. An Arborist Report has been submitted which confirms that the proposed development will not impact these trees. Council's Consultant Landscape Architect has agreed with the findings of this report. Conditions of consent will be imposed to ensure these trees are protected. (See conditions 109, 110, 112 and 115).

#### **Clause 5.10 Heritage Conservation**

The site does not contain any heritage items nor is it located in a Heritage Conservation Area. The site is however in the vicinity of the 'Great North Road' (Victoria Road) which is an item of heritage significance listed on Schedule 5 of the RLEP 2014.

No objections are raised by Council's Heritage Officer in respect of the development. This is because the heritage significance of the Great North Road for this section of the road, is embodied within its historical road alignment in plan form rather than the physical attributes of fabric of the roadway. It is possible that archaeological resources may be present along the Great North Road, and a precautionary condition of consent will be imposed in this regard. (See condition number 117).

### **Clause 6.1 Acid Sulphate Soils**

The site is not affected by acid sulphate soils.

### **Clause 6.2 Earthworks**

Development consent is required for the earthworks associated with the development. Before granting consent for earthworks the consent authority must consider the following matters:

- The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality.
- The effect of the proposed development on the likely future use or redevelopment of the land.
- The quality of the fill or the soil to be excavated, or both.
- The effect of the proposed development on the existing and likely amenity of adjoining properties.
- The source of any fill material and the destination of any excavated material.
- The likelihood of disturbing relics.
- Proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The proposed development includes the erection of the building in addition to the earthworks. All of these matters have been addressed in the body of this report and the development is considered to be satisfactory in respect of this clause.

### **Clause 6.7 Ground floor development on land in Zone B6**

Part (1) of clause 6.7 states that the objective of the clause is to restrict certain development at street level for buildings in the B6 zone.

Part (2) of the clause states:

*Development consent must not be granted for development on the ground floor of a building within Zone B6 Enterprise Corridor if the development would result in any part of the ground floor not being used for business or employment activities, other than any part of that floor used for the purposes of:*

*(a) lobbies for any commercial, residential, serviced apartment or hotel component of the development, or*

*(b) access for fire services, or*

*(c) vehicular access.*

The control restricts the ground floor to be used substantially for business or employment activities. There is no definition of ground floor in the RLEP 2014. However it is clear from the objectives of the clause that the control is intended to

restrict the development on street level to business or employment activities. The development has complied with the objective of the development.

Despite this, due to the levels of the site it is apparent that there are two separate 'ground levels', one at the Victoria Road frontage and one at the rear of the site. This clause is a development standard and the applicant has provided a Clause 4.6 variation.

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 as it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

**1. Written request provided by the applicant.**

The applicant has provided a written request seeking to justify the variation to the development standard contained in clause 6.7. A copy of this document has been attached to this report as Annexure 3.

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

The applicant has provided the following justification for the proposed variations:

*"It is clear from the objective of the standard that it is intended that commercial uses be provided along Victoria Road for street activation and to contribute to the viability of the street level commercial/retail uses along Victoria Road.*

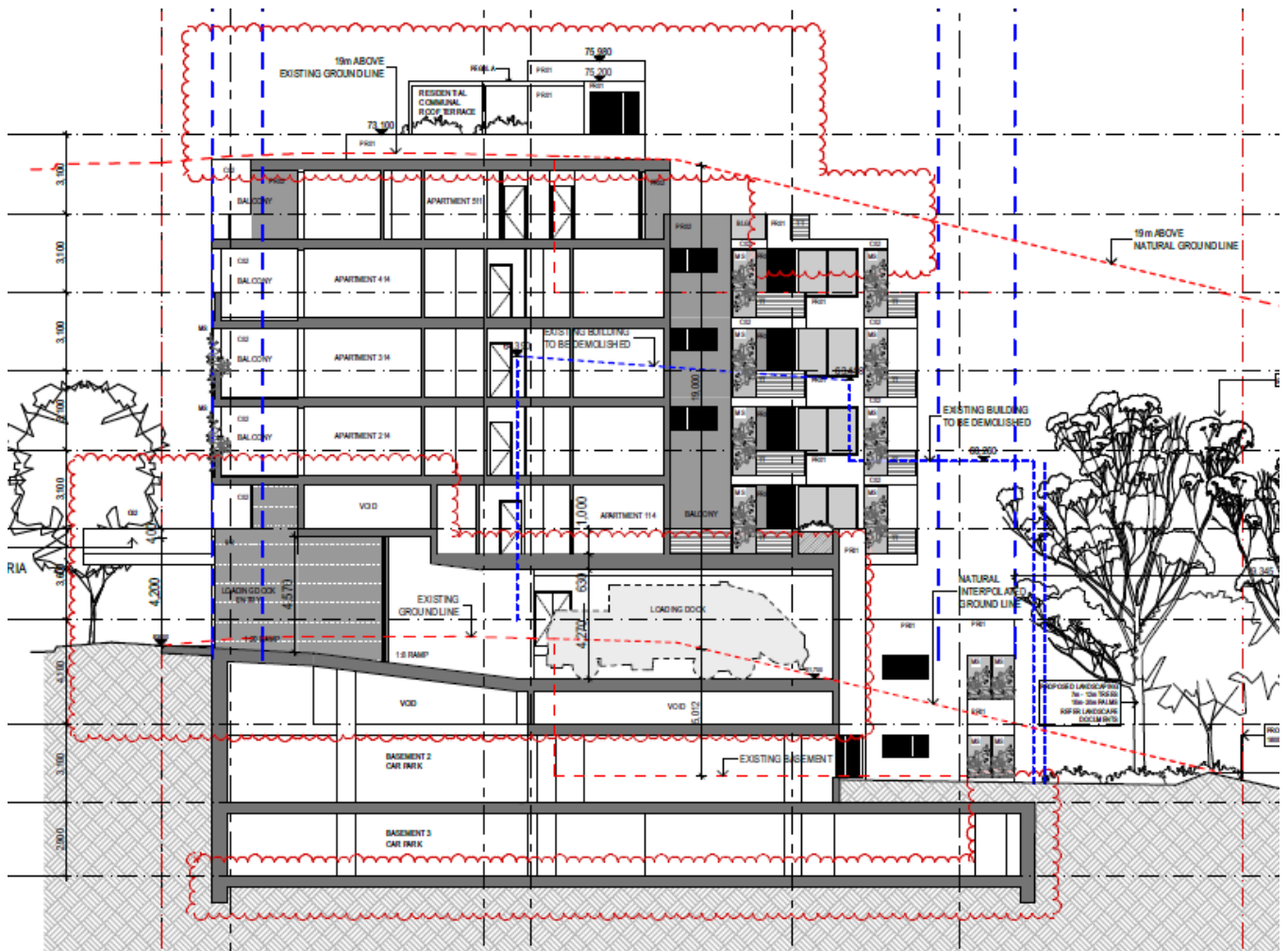


Figure 9. Extract from the Applicant's Clause 4.6 Variation demonstration Section EE from the Architectural Plans.

*The section excerpt above demonstrates that the residential interrelationship with the dwellings addressed to Farm Street is more appropriate than if they were commercial. The adjacency of residential dwellings at the lower end of the site minimises potential acoustic impacts with commercial properties. The provision of residential properties at the base of the site at the rear also avoids potential acoustic impacts to the residential units above.*

*The proposal satisfies the objectives by restricting all uses at street level fronting Victoria Road to commercial uses and for lobbies and access to residential uses above and below."*

The above justification is considered valid. The applicant has demonstrated that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case.

### **3. Environmental grounds to justifying contravening the development standard.**

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

*“The residential use of the ground floor at the rear of the site minimises adverse visual and acoustic impacts from potential conflicting uses (ie non-residential adjacent to residential uses).*

*Internally, there are also no factors which would demonstrate that the proposed variation is unreasonable or unnecessary in the circumstances given that the amenity of the proposed development far outperforms the typical amenity criteria outlined above.*

*The variation creates no adverse shadow, privacy or view impacts. Therefore, it is considered that there are sufficient environmental grounds to support the proposal.”*

The development as proposed will allow for the orderly and economic use of the land given the circumstances involved. In this instance there are considered to be sufficient environmental planning grounds to justify the variation.

### **4. Consistent with the zone objectives and objectives of the development standard.**

The zone objectives have already been identified in an earlier section of the report. As previously concluded, the development complies with the objectives of the zone.

The objective of Clause 6.7 is to restrict certain development at street level for buildings in the B6 zone. In this instance the ground floor is intended to be used for business or employment activities which would add to the economic viability of the Gladesville Town Centre and Victoria Road corridor precinct. The RLEP does not define the terms “street level” or “ground floor”. The development proposes 2 commercial tenancies which will be capable of supporting a range of business or office uses. These spaces are at street level which is consistent with the zone objective.

#### **Concurrence of the Director General.**

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

#### **Conclusion**

The development clearly satisfies the objective of Clause 6.7 as well as the zone objectives. As proposed the development will allow for the orderly and economic use of the land. Despite the non-compliance with the control, the development satisfies



the criteria outlined in clause 4.6 and the variation is acceptable and can be supported.

Ryde DCP 2014:

**Part 4.6 Gladesville Town Centre and Victoria Road Corridor**

The following sections are applicable for this part of the DCP.

Control	Comment	Compliance
<b>2.0 Vision</b>		
<p><b>2.2.1 Vision Statement</b></p> <p>The site is located within two precincts - the Monash Road Precinct and the North Gladesville Precinct.</p> <p>This vision statement for the Monash Road Precinct is to maintain its local retail role, whilst gaining additional retail, commercial and residential development. The precinct's heritage items and main street retail character are to be protected and enhanced with narrow frontage shopfronts and built forms that relate to the scale and character of existing buildings. The precinct will provide local shopping within a more cohesive built form and an improved public domain.</p> <p>The vision statement for the North Gladesville Precinct is to be transformed from a visually cluttered commercial strip into a cohesive built form corridor of mixed retail, commercial and residential uses. The existing poorly defined spaces and visual clutter will be replaced with buildings which address the road with major façades. Large canopy street trees will be planted in building setbacks, and footpaths widened, to create a landscaped setting leading to the town centre precinct.</p>	<p>The proposed development is consistent with the vision statements for both precincts. Both precincts require the retention of retail/commercial spaces as well as permitting residential uses. In addition, both precincts aim to enhance the public domain spaces. This development is for a mixed use development that will provide commercial/retail uses on the ground floor and residential apartments on the lower ground floors as well as the upper floors. The public domain will be improved by the ground floor being setback 2m and the space being upgraded in accordance with Council's Public Domain Technical Manual. The improved public domain will enhance the pedestrian environment.</p>	<p>Yes</p>
<b>3.1 – Built Form</b>		
<b>3.1.1 Built Form Heights</b>		

<b>Control</b>	<b>Comment</b>	<b>Compliance</b>
Buildings must comply with the maximum heights described in LEP 2014.	As detailed previously in this report, the DA does not fully comply with the 19m maximum height standards applying to the site under RLEP 2014. The non-compliances are considered minor and the development will satisfy the objectives of the control.	No - Acceptable
Floor to ceiling heights must be a minimum of 2.7m for residential uses.	All residential levels will have a 2.7m floor to ceiling height.	Yes
Ground floor levels are to have a floor to floor height of a minimum of 3.6m.	The floor to floor height of the ground floor fronting Victoria Road complies with the 3.6m control.	Yes
<b>3.1.2 Active Street frontages</b> Provide ground level active uses where indicated on the map. Active uses are required along the length of the Victoria Road frontage.	Active uses are provided along the Victoria Road street frontage (commercial). The development proposes services to be located along the Victoria Road frontage. To reduce the dominance of these features, they have been setback 1m from the commercial façade. This will improve the visual appearance of these features.	Yes
Active uses consist of community and civic facilities, recreation and leisure facilities, shops, commercial premises, residential uses that do not occupy more than 20% of the street frontage.	Commercial uses satisfy the requirement to provide an active frontage. The two residential lobbies do not occupy more than 20% of the frontage.	Yes
Where required, active uses must comprise the street frontage for a depth of at least 10m.	The commercial tenancies range in depth from 8.5m to 9.7m from the front façade. The tenancies are nevertheless considered useable and viable.	No - Acceptable
Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.	Vehicular access to the site is provided from Victoria Road as there is no alternative for this site. The access arrangements have been supported by the RMS.	Yes
Security grills can be incorporated to ground floor shops. Blank roller shutter doors are not permitted.	This may be imposed as a condition of consent (see condition 12).	Yes
<b>3.1.3 Buildings Abutting the Street Alignment</b> Provide continuous street frontages with buildings built to the	The site is not within a key site	Yes

<b>Control</b>	<b>Comment</b>	<b>Compliance</b>
street boundary in the Gladesville Town Centre precinct and in Monash Road precinct except as shown in the key site diagrams.	diagram. The development has provided a continuous street frontage. The ground floor has been setback 2m from Victoria Road which will allow for a more generous paved area along Victoria Road. The upper levels have also been setback 2m in accordance with the DCP requirements.	
<p><b>3.1.4 Setbacks</b></p> <p>Setbacks in accordance with Setback Requirements Table and Key Sites diagram. If there is a discrepancy, the key site plans shall prevail.</p>	<p>The development is required to provide a 2m setback along the ground floor adjacent to Victoria Road. The intent of this control is to provide generous paved areas adjacent to Victoria Road. The development complies with the requirement.</p> <p>The upper levels are also required to be setback 2m however the top most level must be setback 4m. The development complies with this requirement. The building has proposed balconies within the 4m setback however this is envisaged by the DCP.</p>	Yes
<p><b>3.1.5 Rear Setbacks and Residential Amenity</b></p> <p>Provide a 9m ground level setback at the rear of sites fronting Victoria Road in the North Gladesville and Monash Road Precincts except where adjoining Gerard Lane and as shown in the Key Site Diagrams.</p>	The development has been setback a minimum of 9m from the rear boundary.	Yes
Provide 12 metre separation above ground floor between residential buildings.	Anything above the ground floor is to provide a 12m separation between residential buildings. Basement 1 and the street elevation have been setback a minimum of 9m from the rear boundary. When combined with the setback of the dwellings that adjoin the rear boundary, the development exceeds the required 12m building separation distances. Level 1 and above have been setback a minimum of 12.6m from the rear boundary. The	Yes

Control	Comment	Compliance
	development complies with this DCP requirement.	
Buildings fronting Victoria Road may build to the side boundary for a depth of 20m measured from the street frontage. A side setback is then required to achieve 12m separation between proposed and potential residential land uses.	The development does not comply with the 20m building depth measured from Victoria Road. The non-compliance is in respect to street level of the development. The development has proposed a 24m setback. This breach is the same breach that Council approved for the proposed development on the adjoining site at 428-434 Victoria Road. The breach is unlikely to impact the amenity of 398 Victoria Road as this site already contains a building with a zero setback in the vicinity of the proposed setback. The upper levels of the building fully comply with the 12m separation requirement.	No - acceptable
Predominantly residential activities should be located adjoining low density residential areas including at the rear. If this is not practicable, activities that do not produce negative impacts in terms of noise, light, sound and odour are encouraged.	The development complies with this requirement. The commercial tenancies are restricted to along the Victoria Road frontage. These are setback significantly from the rear boundary. The lower ground floors have proposed two levels of residential apartments which is consistent with the DCP requirement.	Yes
<p><b>3.1.7 Awnings</b></p> <p>Provide awnings over footpaths for ground level building frontages as shown on relevant map.</p> <ul style="list-style-type: none"> <li>• Awning height is to be generally a minimum of 3m from the pavement and setback 600mm from the kerb edge. The heights of adjoining awnings should be considered.</li> <li>• Design awnings to protect pedestrians from sun and rain. Glazed awnings will not be permitted where awnings are required unless it can be demonstrated that: <ul style="list-style-type: none"> <li>- Cleaning and maintenance regime will be established; and</li> <li>- Solar protection (shade) can</li> </ul> </li> </ul>	<p>Awnings are proposed along the Victoria Road retail frontage. The awning has been designed to step up over the entries to the residential apartments. This design adds visual interest as well as assisting in emphasising the residential entries to the building.</p> <p>The awning height complies with the minimum 3m height requirement with the exception of one area in the vicinity of where the building steps. From the plans this part of the awning is only 2.2m high. This height will not be sufficient to ensure acceptable amenity for pedestrians. A condition of consent will be imposed to require the height to be</p>	<p>Yes</p> <p>No - conditioned to comply</p>

Control	Comment	Compliance
<p>be achieved; and</p> <ul style="list-style-type: none"> <li>- Lighting will be installed to the underside of the awning that will light the footpath</li> <li>• Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety for pedestrians at night.</li> </ul>	<p>a minimum of 3m above the footpath and that appropriate lighting be provided along Victoria Road. (See condition 77).</p> <p>The awning has been designed using insitu cast concrete.</p> <p>Lighting will be provided to the underside of the awnings.</p>	<p>Yes</p> <p>Yes</p>
<b>3.2 – Access</b>		
<p><b>3.2.1 Minimum Street Frontage / Site Amalgamation</b></p> <p>Any development within the North and South Gladesville Precincts is to have a minimum 40m frontage to Victoria Road and one driveway crossing maximum unless it can be demonstrated that access may be achieved from the local road network.</p>	<p>The development has proposed two 6m wide vehicle entries from Victoria Road. One access is located along the eastern side boundary and the other is on the western side boundary. The access on the western side boundary is for service vehicle only. This arrangement has occurred following input from RMS who requested that the main driveway be provided at the easternmost part of the site. Both access points will provide for adequate sight distances to Victoria Road. Given that the site has a frontage of over 76m to Victoria Road, the two access points are acceptable and will result in minimal conflict with pedestrians or other vehicles. Council's UDRP did not raise any issues with the two access points.</p>	<p>No - acceptable</p>
<p><b>3.2.2 Vehicular Access</b></p> <p>Provide vehicular access from the local roads network in preference to Victoria Road.</p> <p>This will require development of public laneways within the rear setback of most sites in the North Gladesville and Monash Road Precincts in particular.</p>	<p>This part of the site was not identified as requiring a public laneway. Accordingly, there is no alternative but for access to be provided from Victoria Road.</p>	<p>Yes</p>
<p><b>3.2.3 Parking</b></p> <p>Provide publicly accessible parking to support retail, entertainment and commercial land uses, church and educational institutions as shown</p>	<p>The subject site is not identified as a site that is required to provide publicly accessible parking.</p>	<p>N/A</p>

Control	Comment	Compliance
on the Parking Control Drawing (Figure 4.6.12), to Council's satisfaction.		
<b>3.3 Public Domain</b>		
<p><b>3.3.1 Pedestrian Connections</b> Provide street furniture, lighting and generous paved areas along the main pedestrian routes within the retail and commercial core with clear direct sightlines and direct linkages.</p>	The provision of the 2m setback along Victoria Road will ensure that the development will provide generous paved areas for pedestrians. A condition of consent will be imposed to ensure that this area and the public domain is upgraded to reflect Council's Public Domain Technical Manual. (See condition number 63 and 64).	Yes
<p><b>3.3.3 Landscape Character</b> Create a consistent planting theme with a number of species to ensure that the planting provides a visual coherence, Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.60) and in accordance with the Ryde Public Domain Technical Manual and Relevant Street Tree Master Plans. Select Trees based on the scale of buildings, width of the street, aspect and environmental parameters such as soil type.</p>	The Landscape Character Control Drawing includes a requirement for large scale street trees to be provided on Victoria Road. The submitted landscape plans include the planting of 4 new street trees across the frontage consistent with Council's Street Tree Master Plan. Condition 63(b) pertains specifically to the proposed street trees.	Yes
<p><b>3.3.4 Urban elements</b> Provide paving, seats, benches and bins in accordance with the Ryde Public Domain Technical Manual. Provide seating and shelter (awnings or bus shelter) at all bus stops. Seating shall be in accordance with the Ryde Public Domain Technical Manual. Provide new street lighting to primary and secondary streets as selected by Council and underground power cables. Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.</p>	In accordance with the provisions within the DCP, condition 63 is recommended requiring compliance with the Ryde Public Domain Technical Manual and the provisions of this section of the RDCP 2014.	Yes – conditioned to comply

Control	Comment	Compliance
<p><b>3.6 Victoria Road Section</b></p> <p>The site is located partly within the Monash Road Precinct and the North Gladesville Precinct. There are no specific controls in respect to the Monash Road Precinct. The following controls are applicable for the North Gladesville Precinct:</p> <ul style="list-style-type: none"> <li>• Set back buildings 2 metres to provide a continuous paved surface typically 5.5 m wide both sides of Victoria Road.</li> <li>• Provide continuous paving for the full footpath width in accordance with the Ryde Public Domain Technical Manual.</li> <li>• Provide street furniture in accordance with Ryde Public Domain Technical Manual.</li> <li>• Powerlines are to be underground in locations specified by Council.</li> <li>• Incorporate street tree planting of species to be approved by Council.</li> </ul>	<p>The development has provided the required 2m setback to the ground floor for the entire street elevation.</p> <p>This area will be paved in accordance with the Public Domain Technical Manual.</p> <p>Street furniture will be conditioned. (See condition number 63).</p> <p>Undergrounding will be conditioned. (See condition number 63).</p> <p>Street trees will be conditioned. (See condition number 63).</p>	<p>Yes</p>

## Part 7.2 Waste Minimisation and Management

As the development involves the demolition and construction of buildings, the applicant submitted a Waste Management Plan (WMP) which has been reviewed by Council's Waste Management Co-ordinator and Environment Health Officer and is considered satisfactory.

Appropriate conditions of consent will be imposed to ensure that the waste materials will be disposed of satisfactorily. (See condition numbers 31 to 34, 36 and 121).

This DCP also requires that development provide appropriate and separate space for the storage of residential and commercial wastes. The development complies with these requirements and no objections have been raised by Council's Waste Management Co-ordinator or Environment Health Officer.

In terms of waste collection, the design will allow for waste collection vehicles to access the waste collection area and then to manoeuvre within the site and exit in a forward direction. Conditions with regard to ongoing waste management are included as conditions 163 to 165.

### **Part 8.1 of DCP 2014 – Construction Activities**

The main construction issues relevant to this proposal will be managing water quality by preventing soil erosion, the management of construction traffic and parking of builder's vehicles, construction noise, dust and the like. Many of these issues can be addressed via appropriate conditions of consent. (See condition numbers 17 to 19, 72 to 75, 91, 92, 123 to 129, 157 to 162).

### **Part 8.2 of DCP 2014 – Stormwater Management**

Council's Senior Development Engineer has reviewed the proposed development and advised that the stormwater design complies with the requirements of Part 8.2 of DCP 2014.

### **Part 9.2 of DCP 2014 – Access for People with Disabilities**

The DCP requires that the residential flat buildings must provide an accessible path of travel to all units as well as the provision of 11 adaptable apartments. The applicant has provided a report from an Access Consultant. This report has made recommendations which are to be developed in the ongoing design development and should be confirmed prior to the construction certificate stage. A condition of consent will be imposed to ensure that prior to the issue of a Construction Certificate, a report demonstrating compliance with the BCA is provided by a qualified Access Consultant. (See condition number 46). The development has provided 11 adaptable apartments which satisfies Council's requirements.

### **Part 9.3 Car Parking**

Council's DCP requires the following carparking requirements:

#### Residential Development - High Density (Residential Flat Buildings)

- 0.6 to 1 space / one bedroom dwelling
- 0.9 to 1.2 spaces / two bedroom dwelling
- 1.4 to 1.6 spaces / three bedroom dwelling
- 1 visitor space / 5 dwellings

#### Commercial/Retail Premises

- 1 space / 40m<sup>2</sup> GFA office or
- 1 space / 25m<sup>2</sup> GFA retail.

The development, as amended will contain a total of 102 units comprising:

- 29 x studio apartments
- 42 x one Bedroom
- 17 x two Bedroom
- 14 x three bedroom

In addition, two commercial tenancies with a total floorspace of **350.75m<sup>2</sup>** are proposed. As these spaces could potentially be used for retail which requires a higher car parking rate, car parking has been based on a retail use.



On the basis of the above DCP rates, the proposed development requires off-street car parking to be provided as follows:

	Lower Limit	Upper Limit
One bedroom and studio units	42.6	71
Two bedroom units	15.3	20.4
Three bedroom units	19.6	22.4
Visitors' spaces 1 / 5 units	20.4	20.4
<b>Total Residential</b>	<b>98</b>	<b>135</b>
Retail	14	14
<b>Total Parking</b>	<b>112</b>	<b>149</b>

The revised plans provide a total of **133** car parking spaces, which is below the maximum.

The applicant has proposed to allocate 11 spaces for commercial/retail use rather than Council's DCP requirement of 14 spaces. This is not considered to be an issue given that these spaces are all located with the residential visitor spaces and that there will be sufficient spaces available for both visitors and tenants of the building

The DCP also requires that *in every new building, where the floor space exceeds 600m<sup>2</sup> GFA (except for dwelling houses and multi-unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.*"

Based on the above, 14 bicycle spaces are required to be provided. 14 bicycle spaces have been provided, along with motor cycle parking. This is considered satisfactory. Condition 187 also includes a requirement for a minimum of 14 bicycle spaces to be provided.

### **6.9 Section 94 Development Contributions Plan 2007 (Amendment 2010)**

Development Contributions Plan – 2007 (2010 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density / floor area. The contributions that are payable with respect to the increased floor area are based on the following figures being inside Macquarie Park:

<b>Contribution Plan</b>	<b>Contributions</b>	<b>Total</b>
Community and Cultural Facilities	\$272,876.22	
Open Space and Recreation Facilities	\$637,044.53	
Civic and Urban Improvements	\$239,091.24	
Roads and Traffic Management	\$32,715.51	

Facilities		
Cycleways	\$20,373.33	
Stormwater Management Facilities	\$63,047.24	
Plan Administration	\$5,493.02	
<b>Grand Total</b>		<b>\$1,270,641.08</b>

Notes:

- The December 2016 rates have been applied to the development.

Condition 38 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter. This condition has required the Section 94 Contribution to be paid prior to the issue of any Construction Certificate for the buildings.

## **7. 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 are discussed below.

### **Overshadowing**

The proposed development will result in overshadowing to the adjacent residential properties that face Farm Street. This shadow cannot be avoided given the orientation and topography of the site as well as the planning controls that are applicable to the site.

The applicant has provided shadow diagrams which demonstrate the overshadowing during mid-winter and the equinox. These shadow diagrams also demonstrate the additional shadow from that part of the development which exceeds the height control. These diagrams have been attached to the report. (See Annexure 4).

At 9.00am mid-winter, the rear of the adjoining residential properties will be completely overshadowed. The proposed shadow from that part of the building which breaches the height control will fall onto the roof of two of the residential dwellings.

It is not until around 11.30am mid-winter that the residential properties will begin to get sunlight. By this time the shadow from that part of the building which breaches the height control falls over The Avenue rather than an adjoining property. The rear yards will achieve at least 2 hours solar access during mid-winter.

At 9.00am during the equinox shadow will affect all of the rear yard of 25 and 27 Farm Street and a maximum of two thirds of the rear yards of 21 and 23 Farm Street. By 10.00am the shadow is restricted to the rear yards of 21 and 25 Farm Street. By 11.00am, these properties will not be affected by overshadowing from the proposed development.

The development will result in overshadowing to the adjoining properties however the extent of overshadowing is reasonable given the zoning of the property and the maximum height control. The residential properties will receive solar access from 11.30am onwards in mid-winter.

### Site Amalgamation

The locality surrounding the site is undergoing a process of transition to high density development. As a result of this development the only property along Victoria Road between The Avenue and the laneway adjacent to 434 Victoria Road that will not have been redeveloped is 398 Victoria Road. This parcel of land has an area of 531.8m<sup>2</sup>. During the prelodgement process the applicant was requested to consider amalgamation with 398 Victoria Road as this could potentially result in a better development outcome and ensure that 398 Victoria Road is not potentially isolated.



Figure 10. Relationship of 398 Victoria Road to the subject site. Source: Statement of Environmental Effects.

There are no objectives or controls in the RLEP or RDCP in relation to site amalgamation and site isolation. Consideration has however been given to the Planning Principles for site isolation, established by the NSW Land and Environment Court in proceedings of *Melissa Grech vs Auburn Council [2004] NSWLEC 40*. The three planning principles to consider are:

- 1. Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*
- 2. Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.*
- 3. Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s79C of the Environmental Planning and Assessment Act 1979.*

The applicant has provided information which demonstrates that negotiations with the owner of 398 Victoria Road commenced at least 3 months prior to the lodgement of this DA. It should also be noted that the previous owner of the subject site had also unsuccessfully attempted to negotiate the purchase of 398 Victoria Road.

The applicant has provided details of all offers to purchase 398 Victoria Road which also included an independent valuation prepared in April 2016. This valued the land at \$1,650,000 and a final offer of \$3,000,000 was also made in April 2016. This offer was declined on 13 May 2016.

The information provided in the Statement of Environmental Effects demonstrates that substantial negotiations had occurred and that these negotiations were reasonable.

Another planning principle was added to the site isolation issue by the Land and Environment Court in *Cornerstone Property Group Pty Ltd vs Warringah Council [2004] NSWLEC 189*. This principle was:

4. *Can orderly and economic use and development of the separate site be achieved if amalgamation is not feasible?*

The applicant has submitted a design concept for 398 Victoria Road. This demonstrates that the property can be redeveloped in accordance with the RLEP and RDCP controls as well as SEPP 65. This will still allow for the orderly and economic use and development of 398 Victoria Road.

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

The site is considered suitable for the proposed development for the reasons outlined below.

The site is not affected by any overland flow or other natural constraint.

The site is zoned B6 Enterprise Corridor under RLEP 2014, which permits the development of residential flat buildings and commercial premises. Accordingly, the proposed development is considered suitable with respect to land use permissibility.

The development predominantly complies with the planning controls identified under the various planning instruments.

## **9. THE PUBLIC INTEREST**

The development is considered to be in the public interest as it is consistent with the desired future character of the area.

## **10. REFERRALS**

### **External Referrals**

#### **Roads and Maritime Services**

No objection has been raised to the development application subject to appropriate conditions of consent. (See condition numbers 13, 58 to 61, 89, 90, 118, 119).

#### **Internal Referrals:**

##### **Senior Development Engineer**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 17 to 19, 72 to 75, 95, 123 to 129, 157 to 162).

##### **Environmental Health Officer**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 20 to 26, 31 to 34, 36 to 37, 79 to 84, 131 to 133, 174).

### **Heritage Officer**

No objections were raised to the proposed development subject to one condition of consent. (See condition number 117).

### **Senior Coordinator Asset Networks**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 27, 63 to 68, 120, 154 to 162).

### **Waste**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 69 to 71, 163 to 165, 175 to 178).

### **Consultant Landscape Architect**

No objections subject to appropriate conditions of consent. (See condition numbers 109 to 115).

### **Traffic Engineer**

No objections subject to appropriate conditions of consent. (See condition numbers 35, 62, 152 to 153).

### **Consultant Geotechnical Engineer**

No objections subject to appropriate conditions of consent. (See condition numbers 44, 116).

## **11 PUBLIC NOTIFICATION AND SUBMISSIONS**

The proposed development was originally notified and advertised in accordance with Development Control Plan 2014 – Part 2.1, Notification of Development Applications. The application was advertised on 22 June 2016 in the *Northern District Times*. Notification of the proposal was from 20 June 2016 until 13 July 2016. During this period, 4 submissions were received.

As a result of Council receiving the amended plans that changed the vehicular access to the site, these plans were renotified from 6 October 2016 until 26 October 2016. A total of 3 submissions were received during the second notification period.

The current set of amended plans was renotified from 20 December 2016 until 17 January 2017. During this final notification period, 2 submissions were received.

The issues raised in all of the submissions have been discussed below.

- *Out of character with the area. The apartments opposite the site are 5 storeys and adjoining the development is 5 storeys to the Victoria Road frontage. 7 storeys to the rear is not in character.*

**Comment:** Photograph 10 demonstrates the development on opposite side of Victoria Road. This building is 6 storeys in height with the upper floor being pop up bedrooms. The approved development which adjoins this development is also 6 floors with the upper level being setback 4 metres from Victoria Road. (See Figure 2). From Victoria Road the current development is also 6 storeys with the upper level being setback 4 metres. The height of the building along the Victoria Road frontage complies with the maximum permitted height control.

To the rear of the site the development will appear as 7 storeys. This is due to the slope of the site. This part of the development complies with the maximum permitted height control. The development has been designed to ensure that the rear of the building complies with the DCP requirements and this building is consistent with the desired future character of the locality.

- *Concerned that the planning controls do not allow for apartments on the site.*

**Comment:** The site is zoned B6 Enterprise Corridor. Residential uses are a permitted use in the zoning but only as part of a mixed use development, which is proposed.

- *Exceeds the height control.*

**Comment:** The maximum building height for the site is 19m with a 12m zone extending across the rear 9m portion of the site. The development results in breaches to the 19m height control to accommodate the communal open space elements provided on the roof of the building. This includes planter beds, pergola, lift and stair access. The breach ranges from 0.4m to a maximum of 3.88m.

The applicant has submitted a detailed Clause 4.6 variation which addressed the impacts of the height non-compliances. Council's UDRP also addressed the height non-compliance and advised that it was acceptable subject to no material impacts such as overshadowing on neighbouring properties. The applicant has provided detailed shadow diagrams which demonstrate that the overshadowing impacts from the non-compliant elements are minimal and would not impact on the amenity of the adjoining residential properties. Also the additional height will not be readily noticeable from Victoria Road.

The non-compliance in the height control will result in the amenity of the future occupants being improved due to the provision of the landscaping on the roof.

As there are minimal impacts from the breach, no objection is raised to the height of the building.

- *Exceeds the FSR controls.*

**Comment:** The Floor Space Ratio Map specifies a maximum floor space ratio (FSR) of 2.3:1 for the site. This equates to a gross floor area of approximately 7,504.9m<sup>2</sup>. The proposed development, as amended, has a gross floor area of approximately 7454.43m<sup>2</sup> and an FSR of 2.28:1. As such the proposal complies with the FSR control.

- *Blocks views from apartments on the other side of Victoria Road.*

**Comment:** Currently the apartments on the upper levels on the northern side of Victoria Road would have an outlook over the existing building. Given the zoning of the subject site and the planning controls that permit a 6 storey building along Victoria Road with zero setbacks it would be an unrealistic expectation for any of these apartments to expect any outlook to be retained.

- *Building is too long along Victoria Road. It should be broken down into multiple buildings and better articulation added to the front setbacks. This would allow the NE breezes reaching Farm Street. The development should provide a minimum 6m separation on grids 5-6 above RL 65 to help assist in relieving the dominant overbearing mass.*

**Comment:** The intent of the planning controls is to facilitate the revitalisation of the Gladesville Town Centre as a vibrant, attractive and safe urban environment with a diverse mix of land uses. The DCP provides built form development controls including building heights, building alignments, building setbacks and active street frontages. As proposed the development complies with the intent of these requirements. These requirements do not intend for the development to be broken into multiple buildings or to add further articulation to the front setbacks. The development has provided significant articulation at the rear of the site to assist the massing as viewed from the properties in Farm Street.

- *Overshadowing.*

The development will result in overshadowing to the rear of the adjoining properties that adjoin Farm Street. During mid-winter it is not until 11.30 that the rear yards start to receive solar access. Sunlight will be available for the rest of the afternoon. Despite being affected by overshadowing, these properties will receive at least 2 hours of sunshine in mid-winter.

- *Proposal extends beyond the approval for 428A -434 Victoria Road in respect to the side setbacks.*



**Comment:** This issue was raised in respect to the original and first set of amended plans. The current plans have reduced the massing of the building and ensures that the setbacks are the same as the building approved on the adjoining site.

- *Concerns that the ground floor is raised 700mm above ground level and planter boxes provided in the Victoria Road setback.*

**Comment:** This issue was raised in respect to the original and first set of amended plans. These plans provided a colonnade arrangement for the ground floor resulting in the façade of the ground floor being setback 4m from Victoria Road. This resulted in a planter box and stairs being provided within the 2m setback. The current design has significantly improved the relationship of the development to the public domain in Victoria Road. The colonnade has been deleted and the ground floor setback 2m from Victoria Road. The building has been stepped by 1m to ensure that the street level is consistent with Victoria Road and the planter box has been deleted. As proposed the development will provide an active frontage as well as a streetscape consistent with the Council's requirements as well as being consistent with the adjoining development.

- *Concerned about the commercial terrace on the boundary with the R2 zoned land.*

**Comment:** There is a commercial terrace of approximately 100m<sup>2</sup> provided on the street level. Due to the difficult access to this space it is unlikely that this area will be used as an extension to the 2 commercial tenancies. It is more likely to be used as a staff amenities area. Adjacent to this terrace is a planter box that has a width of 5.6m. The planter box will prevent any overlooking to the adjoining R2 zoned properties. To prevent any acoustic issues from the terrace affecting the adjoining R2 zone, a condition of consent will be imposed to ensure that this space is only used between the hours 8am to 6pm 7 days a week. (See condition 144).

- *Lack of car parking.*

**Comment:** In accordance with Council's DCP requirements for car parking, the development is required to provide a minimum of 112 car parking spaces and a maximum of 149 car parking spaces for the proposed development. A total of 133 spaces is proposed. As this is within Council's minimum and maximum range, no objection is raised to the development in terms of car parking numbers.

- *Development will tower over the residential properties.*

**Comment:** The development has complied with the required setbacks and height controls applicable for the rear of the site. This issue was considered by the Council's UDRP who made the following comment "*This is a large building and the scale of the project requires skilful design. The reduction of the perceived scale*

through heavy modelling and articulation of the building mass as it faces the residential neighbours to the south is commended by the Panel.”

- That part of the building that extends beyond Grid E are excessive in height and should only be 12m in height. This would then comply with the DCP.

**Comment:** The following diagram demonstrates the area referred to in the submission.

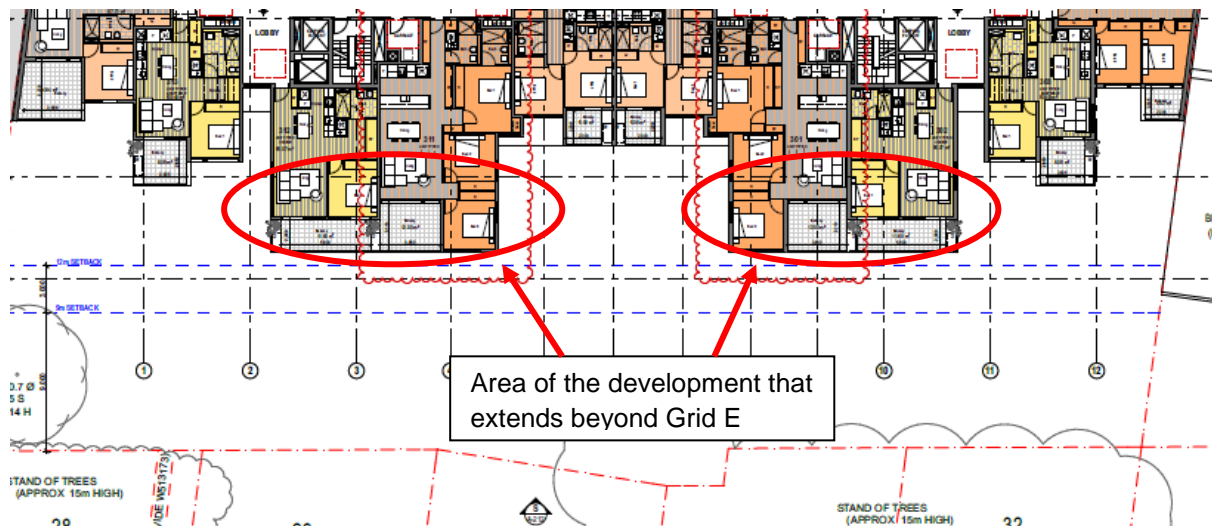


Figure 11. Area of the development that extends beyond Grid E.

The DCP requires a 9m ground level setback at the rear of the site. The development has complied with this control in respect to the two lower residential levels (basements 1 and 2). The upper residential levels beyond Grid E have been setback a minimum of 12.5m. That part of the building which is setback 12.5m is permitted to have a building height of 19m. This part of the building also complies with the height control.

- All balconies facing south should not have glass balustrades and fixed sliding screens should be provided.

**Comment:** It should be noted that the development complies with the building separation requirements under the ADG. Despite compliance the issue of privacy has been further discussed with the applicant. The applicant has advised that these apartments will all receive views towards the south and was concerned about losing these views from a sitting position if obscure or opaque balustrading was used. The applicant has proposed that the lower half of the balustrade be opaque glass and the upper half be clear glass. This will still enable the views to be obtained from a sitting position while preventing any overlooking to the adjoining properties. This is considered an acceptable solution and condition 1(c) has been amended to ensure this change is reflected on the Construction Certificate plans.

## **12 CONCLUSION**

This report considers an application for the construction of a mixed use development containing commercial and residential uses at 400-426 Victoria Road, Gladesville.

The site is zoned B6 Enterprise Corridor under RLEP 2014 and the development results in two variations to the development standards contained in RLEP 2014. The first variation is in respect to the overall height of the building. The non-compliance is due to the access to the communal open space as well as the planter beds. In the past Council has allowed similar variations as these facilities are well setback from the Victoria Road elevation and will not contribute to further overshadowing to adjoining properties. The second variation is in respect to the use of the ground floor. RLEP requires that the ground floor use is restricted to commercial or retail activities. In this instance due to the slope of the site there are actually two ground floors, one being adjacent to Victoria Road and the other being the lower ground floor at the rear of the site. As the lower ground floor incorporates residential uses, there is a non-compliance with this control. In both instances the applicant has provided a Clause 4.6 variation which can be supported.

A minor variation has been identified in respect to the number of apartments that receive no sunlight as identified in the Residential Flat Design Code. This variation can be supported as the apartments will receive significant views towards the south.

The development also fails to comply with the requirements in respect to the depth of commercial tenancies, the setback to the side boundary on the ground level and the provision of two driveway crossings as identified in Part 4.6 Gladesville Town Centre and Victoria Road Corridor of RDCP 2014. These variations are all minor and are acceptable on planning grounds.

The development is recommended for approval subject to appropriate conditions of consent provided in Attachment 1 of this report.

## **13 RECOMMENDATION**

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

- A. That the Sydney North Planning Panel grant consent to development application LDA2016/0258 for the construction of a mixed use development at 400-426 Victoria Road, Gladesville subject to the conditions of consent in Attachment 1 of this report.
- B. That the persons who made submissions be advised of this decision.
- C. That a copy of the development consent be forwarded to RMS.

**Report prepared by:**

Sandra Bailey  
Senior Coordinator Major Development

**Report approved by:**

Vince Galletto  
Acting Manager Assessment

Liz Coad  
Acting Director – City Planning and Development