

# Sydney North Planning Panel

<b>Panel No</b>	<b>2017SNH070</b>
<b>DA Number</b>	LDA2016/0337
<b>Local Government Area</b>	City of Ryde
<b>Proposed Development</b>	Demolition of existing building and construction of a part 4 & part 7 storey mixed use development comprising 47 residential apartments, ground floor commercial tenancies and parking for 85 cars in 3 basement levels.
<b>Street Address</b>	363 Victoria Road and 2A Westminster Road, Gladesville
<b>Applicant</b>	Mackenzie Architects International Pty Limited
<b>Owner</b>	Advanced Visual Pty Ltd as Trustee for the AV Property Unit Trust
<b>Number of Submissions</b>	<p><u>Notification 1</u> 17 August 2017 to 28 September 2017 (extended):</p> <ul style="list-style-type: none"> <li>32 submissions received objecting to the proposal.</li> </ul> <p><u>Notification 2</u> 21 March 2017 to 5 April 2017 (amended plans):</p> <ul style="list-style-type: none"> <li>6 submissions received objecting to the proposal.</li> </ul> <p><u>Notification 3</u> 5 May 2017 to 7 June 2017 (amended plans):</p> <ul style="list-style-type: none"> <li>7 submissions received objecting to the proposal.</li> </ul>
<b>Regional Development Criteria</b> (Schedule 4A of the Act)	<p>The applicant has requested that the application be dealt with by the panel as it has not been determined within 120 days after lodgement of application.</p> <p>Cost of works: \$12,803,955.</p>
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979;</li> <li>Environmental Planning and Assessment Regulation 2000;</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;</li> <li>State Environmental Planning Policy (Infrastructure) 2007;</li> <li>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;</li> <li>Deemed SEPP - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</li> <li>Ryde Local Environmental Plan 2014;</li> <li>Ryde Development Control Plan 2014; and</li> <li>Section 94 Contribution Plan.</li> </ul>
<b>List all documents submitted with</b>	<p>Attachment 1: Conditions of Consent.</p> <p>Attachment 2: Clause 4.6 variation (Building Height).</p> <p>Attachment 3: Shadow Diagrams.</p>

<b>this report for the panel's consideration</b>	Attachment 4: Chronological list demonstrating planning controls and consultation undertaken by Council.
<b>Recommendation</b>	Approval, subject to conditions
<b>Report by</b>	Adrian Melo, Architectus
<b>Report date</b>	11 November 2017

<b>Summary of s79C matters</b>	
Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b>	
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 summarized, in the Executive Summary of the assessment report?	Yes
<b>Clause 4.6 Exceptions to development standards</b>	
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?	Yes - Clause 4.3 Height of Buildings
<b>Special Infrastructure Contributions</b>	
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
<b>Conditions</b>	Yes – the applicant has reviewed the conditions.

## 1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of a mixed use development located at 363 Victoria Road and 2A Westminster Road, Gladesville.

### The proposal

The development proposes the demolition of existing buildings and construction of a part 4 & part 7 storey mixed use development comprising:

- 533m<sup>2</sup> ground floor commercial space;
- 47 residential apartments; and
- 85 parking spaces.

### Referral Responses

#### Environmental Health

Clause 7 of State Environmental Planning Policy No. 55 Remediation of Land requires the consent authority to consider if the land is contaminated and if it is contaminated, is it suitable for the proposed development. The application is accompanied by a Site Contamination Report prepared by Aargus Pty Ltd. The report identified that the site will be suitable for the proposed mixed use development subject to development of a remedial action plan in accordance with the EPA Guidelines and removal of contaminated soil from the site in accordance with the EPA 2014. Council's Environmental Health Officer has reviewed the proposal and has imposed conditions requiring the site to be remediated to the extent necessary for the use and a copy of the site validation report to be submitted to Council. See **Conditions 53 to 57**.

#### Heritage

Council's Heritage Officer has reviewed the proposal due to its proximity to adjoining locally listed heritage items and the Our Lady Queen of Peace Catholic Church. While the latter is not identified as a Heritage Item, it has been recognised in the 2010 Heritage Study as having architectural and historical value. The referral's assessment identifies that the application is acceptable on heritage grounds subject to the imposition of consent. See **Condition 31**.

#### Traffic

The application has been reviewed by Council's Traffic Department and several issues were identified including non-compliances with relevant Australian Standards and inadequate access for loading and unloading. Following this review, an amended application was provided by the applicant. Council engaged Bitzios Consulting to undertake an independent review of the proposal which identified issues relating to the driveway crossover / access ramp, parking layout and internal circulation. Note: No concerns were raised with regard to traffic impact/generation as the increase in traffic was minimal. A further amended application was submitted to Council which was reviewed by Council's Traffic Department. This third review identified that the application was acceptable subject to conditions of consent which

have been incorporated into the recommended conditions. See Conditions **78, 117, 123 & 124**.

## **Public Exhibition**

The application was placed on public notification multiple times due to amendments of the proposal during assessment:

- 17 August 2016 to 7 September 2016 (extended to 28 September 2016). First notification period for the original set of plans.

A total of 32 submissions objecting to the proposal were received during this period.

- 21 March 2017 to 5 April 2017. Re- notification of amended plans received 23 February 2017.

A total of six (6) submissions objecting to the amended proposal were received during this period.

- 5 May 2017 to 7 June 2017. Re- notified after further amendments made – plans received 4 May 2017.

A total of seven (7) submissions objecting to the amended proposal were received during this period.

The issues of objection raised in the submissions are summarised as:

- Insufficient consultation as part of the development of the proposed controls for the centre;
- Damage to adjoining and adjacent properties during construction (including potential hazardous materials)
- Privacy and overlooking;
- Location of car park entrance and loss of amenity;
- Traffic and parking and impact on surrounding road network;
- Not in keeping with the character of the area and surrounding heritage;
- Exceedance of building height;
- Overshadowing of adjoining school and surrounding areas;
- Insufficient notification of adjoining residents;
- The design of the building is not of a high quality and may pose fire risk;
- Alignment of public laneway / vehicular access;
- Pedestrian and safety of children attending adjacent school;
- Site amalgamation should occur;
- Insufficient deep soil areas and communal open space; and
- Insufficient setbacks are proposed.

These issues are examined in detail in Section 10 of the report.

## **Compliance**

The development complies with the permissible land uses under the B4 Mixed Use and B6 Enterprise Corridor zones, and the floor space control under the Ryde Local Environmental Plan. However, the proposal exceeds the permitted building height of 800mm in the south-western portion of the development and 1,355mm in the north-eastern. A variation under Clause 4.6 of the LEP is supported and is discussed in detail later in the report.

The development also does not comply with the planning requirements in respect to ground level minimum floor height, building depth of active uses and setbacks. These non-compliances are considered to be acceptable on planning grounds and have been discussed in the body of the report.

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern.

Consequently this report concludes that this development proposal is sound in terms of design, function and relationship with its neighbours. This report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**.

## **2. APPLICATION DETAILS**

**Applicant:** Mackenzie Architects International Pty Limited.

**Owner:** Advanced Visual Pty Ltd as Trustee for the AV Property Unit Trust.

**Estimated value of works:** \$12,803,955.

**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 AND CONTEXT**

The site, known as 363 Victoria Road and 2A Westminster Road, Gladesville, comprises three land parcels (being Lot 15 DP 264285; Lot C DP 408409; and Lot 2 DP 515535) and currently accommodates a one and two storey commercial building occupied by a single tenant.

The site is generally rectangular in shape and has an area of 1,650m<sup>2</sup>.

The site is bounded by Victoria Road to the southwest, Westminster Road to the southeast, commercial/industrial land to the northwest and a two storey residential dwelling to the northeast. Opposite the site along Westminster Road is the 'Our Lady Queen of Peace Church' and 'Our Lady Queen of Peace Catholic Primary School'.



**Figure 1: Aerial view of the site with existing commercial/industrial buildings.**  
**Source: Nearthmap**

Located approximately 8km north west of the Sydney CBD, the site is in close proximity to a range of services and facilities along Victoria Road in Gladesville.

Bus services to the CBD, Ryde and Macquarie Park can be accessed from stops located in close proximity along Victoria Road. The subject site is within the Gladesville Town Centre and Victoria Road Corridor with the land to the northwest likely to be redeveloped for residential flats in the future.

The site is located partly within the B4 Mixed Use zone and partly within the B6 Enterprise Corridor zone under the Ryde Local Environmental Plan 2014.

Figure 2 below shows the site (outlined in red) in its zoning context (purple indicates the B4 Mixed Use zone and light blue indicates that B6 Enterprise Corridor zone:

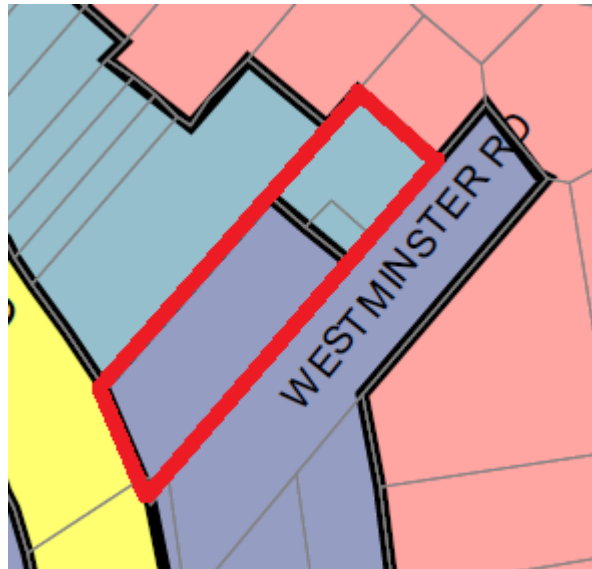


Figure 2 – Zoning of the site.

#### 4. THE PROPOSAL

The applicant originally sought approval for the demolition of existing buildings and construction of a part 4 & part 7 storey mixed use development comprising:

- 430.22m<sup>2</sup> ground floor commercial space;
- 51 residential apartments; and
- 67 parking spaces.

##### Amended proposal

In response to issues raised by the UDRP at its meeting on 6 September 2016 and by Council in its letter dated 12 October 2016, amended plans were submitted to Council on 27 February 2017.

The amendments included:

- 533m<sup>2</sup> ground floor commercial space;
- 47 residential apartments; and
- 85 parking spaces.

Figures 3 and 4 below show the proposed development in 3D and elevation form.





**Figure 3: Proposed development as viewed from the intersection of Victoria Road and Westminster Road.**



**Figure 4: South elevation of proposal from Westminster Road.**

## 5. BACKGROUND

The following provides a chronological sequence of events:

### 15 July 2015

Prior to the lodgement of the application, pre-lodgement meeting with the City of Ryde Urban Design Review Panel (UDRP) was held on 15 July 2015. The proposal then comprised a 7 storey mixed use development containing 49 units.

Key issues raised by the UDRP included the following:

- It does not relate to its immediate surrounds, in particular the reliance on hard stand parking and relationship to Eltham Street and Westminster Road;
- It results in significant numbers of south facing units with no other aspects;
- It exceeds the maximum building height by approximately 3 storeys (panel identified that some relaxation of the planning controls could be appropriate);



- It does not allow for sufficient setback from Westminster Road as required by the RDCP 2014;
- The proposed commercial tenancies do not respond to the existing street levels;
- Excessive amount of basement car parking;
- Reliance on only one lift is not considered acceptable;
- Insufficient Communal Open Space is provided;
- Insufficient lifts are provided for the number of units;
- The proposal will result in a U-shaped building which will result in a poor light and air access for future residents; and
- The massing of the scheme will need to be significantly revised and presented to the panel for further review.
- The proponents should consider amalgamation with adjoining properties to achieve an improved outcome for the site.

## **21 July 2016**

The application was lodged with Council on 21 July 2016.

## **17 August 2016**

### *Public Exhibition No. 1*

The application was advertised in the Northern District Times on 17 August 2016 to 7 September 2016 and adjoining property owners were notified of the application. Following concerns raised against the range of the notification, the exhibition period was extended to 28 September 2016.

A total of 32 submissions were received objecting to the proposal during this period.

## **6 September 2016**

### *Referral to the UDRP*

The application was referred to the UDRP on 6 September 2016 where the Panel raised the following concerns:

- The building relies on a U-shaped building form that could result in a future light-well issue and has habitable rooms dependent on this as the only outlook, light and air. The U-shaped form is not supported by the Panel as it compromises the redevelopment opportunities for the adjacent site and creates amenity impacts for the proposal itself. The panel considers that the leg of the U to the north be deleted and that a minimum setback of 6m is to be provided for any building form along the long side boundary.
- Commercial suites are shown below the street level of Victoria Road. The Panel has concerns about relative levels of commercial use. Some commercial tenancies rely on retaining walls which separate the entries from the footpath, which is a poor outcome. Tenancies should seek to achieve a direct relationship to the street.
- Large extent of blank wall to the street at the eastern end of Westminster Road.

- Impact of the vehicle access is a concern given its proposed width and exposure with no mitigating built form to reduce its acoustic impacts.
- The definition of the built form exacerbates the bulk and massing of the proposal such that it presents as a very long form with little articulation and variety.
- Floor to floor height is not compliant with the ADG which requires 3.1m.
- Setbacks should be considered on the 4th and 5th levels on the north-western portion of the development.
- Information regarding compliance with solar access and cross ventilation have not been provided or demonstrated.
- The Panel questioned the treatment and usability of the communal open space (COS). The Panel outlined that the spaces appeared to be located in areas “left over after the planning.” The location of COS in the undercroft on the ground level is not acceptable. The interface of the COS with the adjoining development and its allowable height is unlikely to result in a useable space with long term solar access. The panel considers that a more useable COS could be provided on level 2 if the driveway was covered and moved away from the side boundary.
- Amenity issues: the proposal includes internalised studies that are capable of enclosure for bedrooms. There are privacy issues evident between apartments and balconies on the internal corners of the development. Apartments depend on the future ‘light well’ as their only source of outlook and amenity for bedrooms and balconies are provided looking into this space. Amenity issues in relation to the location and treatment of the driveway and the adjacent residential dwelling to Eltham Street. The driveway should be encapsulated into the building form and should not create acoustic and visual impacts to adjacent lots and the street, also a 3m setback from the neighbouring property would allow for deep soil buffer planting.
- The open driveway also creates potential safety issues for the street and for concealment.
- The architectural treatment is overly horizontal in its expression. This exacerbates the building length. The wrapping of the building also seems overly reliant on painted render. The panel considers that the use of more natural materials and greater verticality, responding to the previous fine grain subdivision pattern of the area would improve the aesthetics of the scheme. Materials and proportions used in the church could inform the expression of this proposal as well.

As such, the Panel considered that the proposed development required substantial redesign and should take into consideration the issues and suggestions made by the Panel.

**12 October 2016**

A letter was issued to the applicant on 12 October 2016 enclosing the comments provide by the UDRP and requesting further amendments to the proposal.

### **27 February 2017**

In response to issues raised by the UDRP at its meeting on 6 September 2016 and by Council in its letter dated 12 October 2016, amended plans were submitted to Council on 27 February 2017.

The amendments included:

- 533m<sup>2</sup> ground floor commercial space;
- 47 residential apartments; and
- 85 parking spaces.

### **21 March 2017**

#### *Public Exhibition No. 2*

Following receipt of amended plans on 27 February 2017 (see separate commentary below), the proposal was renotified between 21 March 2017 to 5 April 2017.

A total of six (6) submissions were received objecting to the proposal during this period.

### **4 May 2017**

Additional information clarifying questions raised by the community during Public Exhibition No. 1, was submitted to Council on 4 May 2017.

### **5 May 2017**

#### *Public Exhibition No. 3*

Following concerns raised by residents about the quality of the documentation provided and additional information received on 4 May 2017, the proposal was renotified from 5 May 2017 to 7 June 2017.

A total of seven (7) submissions were received objecting to the proposal during this period.

### **15 November 2017**

The following further information was received on 15 November 2017 in response to Council's request on 24 October 2017:

- Revised Clause 4.6 variation seeking amendments to the maximum permissible building height;
- A revised BASIX certificate in support of the updated plans;

- Solar Access diagrams demonstrating the hours of sunlight access for the amended proposal development;
- Updated Materials and Finishes schedule for the revised proposal; and
- Design Verification Statement for the revised proposal.

## **6. APPLICABLE PLANNING CONTROLS**

The following planning instruments, policies and controls are relevant to the development:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- Deemed SEPP - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014;
- Ryde Development Control Plan 2014; and
- Section 94 Contribution Plan.

## **7. PLANNING ASSESSMENT**

### **7.1 Environmental Planning and Assessment Act 1979**

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

### **7.2 Environmental Planning and Assessment Regulation 2000**

This application satisfies Clause 50(1)(a) of the Regulation as it is accompanied by the necessary documentation for development seeking consent for a mixed use development and associated car parking, including:

- A Design Statement from a qualified designer;
- An explanation of the design in terms of the Design Quality Principles set out in Part 2 of *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development*;
- BASIX Certificate; and
- Required drawings and montages.

### **7.3 State Environmental Planning Policy No 55 – Remediation of Land**

The requirements of the SEPP apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

The application is accompanied by a Site Contamination Report prepared by Aargus Pty Ltd. The report concludes that the site will be suitable for the development subject to development of a Remedial Action Plan (RAP) in accordance with the EPA Guidelines and removal of contaminated soil from the site in accordance with the EPA 2014.

Accordingly **Conditions 53 to 57** has been imposed and it is considered the site is suitable for the proposed use in accordance with the provisions of SEPP 55.

#### **7.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

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 (Certificate no: 732591M\_02, 31 October 2017) which confirms that the development will achieve a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. **See Conditions 4, 89 and 125.**

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

The SEPP applies to the subject site given its location adjacent to a classified road, being Victoria Road. The following provisions of the SEPP are applicable to this application:

##### Clause 101 - Development with frontage to a classified road

The site will has a frontage to Victoria Road. The proposal does not provide for vehicular access from Victoria Road with all vehicular access from Westminster Road. The proposal was referred to Roads & Maritime Services (RMS) who granted concurrence subject to Conditions. **See Conditions 7, 8, 102 & 103.**

Vehicular access is from Westminster Roads which is not a classified road. Council's Traffic Engineer and Development Engineer have not raised any objections to the proposed access and have advised that the proposal is considered satisfactory in terms of traffic impact.

A Noise Impact Assessment has been submitted with the application. The assessment measured external noise impacts and operational noise emission. The report concludes that, subject to the acoustic recommendations made in the report, will meet the required noise reduction levels as required in Clause 101(2)(c) and Clause 102 of the SEPP.

The recommendations contained in the report have been imposed as a condition (see **Conditions 2 & 50**).

##### Clause 102 - Impact of road noise or vibration on non-road development

Victoria Road is a State Classified Road and an Acoustic Report has been submitted as part of the Development Application.

As detailed above, this report has concluded that the development will comply with the requirements of the SEPP. See comments above and **Conditions 2 & 50**.

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

This amended proposal has been assessed against the following matters relevant to the SEPP for consideration:

- The Design Quality Principles; and
- The NSW Apartment Design Guide (ADG) guidelines.

### Design Quality Principles

The following table provides an assessment of the amended proposal against the Design Quality Principles:

Design Quality Principle	Comment
<b>Context and neighbourhood character</b>	
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The development responds to the desired future character of the precinct under Part 4.6 Gladesville Town Centre &amp; Victoria Road Corridor of Ryde DCP 2014.</p> <p>The proposal is seen to generally comply with the evolving character of Gladesville.</p> <p>Proposed design responds to the business and mixed use zoning applicable to the site, incorporating higher residential density with commercial components provided on the ground floor to promote an active front with businesses along street frontages.</p> <p>The proposal is likely to be the first of several DAs within the subject block that may redevelop given the changing character of Gladesville from retail/commercial to a 'mixed use' town centre. The proposal has provided an appropriate response to the northern boundary of the site allowing for the future development to adequately respond to the renewing context of the area.</p> <p>Whilst the proposal adjoins low density residential dwellings, it is noted that the RLEP 2014 envisages a future for the subject sites above and beyond the current density. The proposal provides an adequate response to this context through setbacks, landscaping, and orientation of habitable spaces.</p>
<b>Built form and scale</b>	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building</p>	<p>The proposal responds to the current planning controls notwithstanding minor non-compliances with building height. These planning controls will apply to future development along the Gladesville Town Centre and Victoria Road Corridor.</p> <p>These planning controls will dictate the future scale bulk and massing through application of heights, FSR and other</p>



Design Quality Principle	Comment
<p>alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>associated controls. Consistent application of these controls across the Gladesville Town Centre and Victoria Road Corridor will ensure consistency in built form and scale for all future developments, establishing a future character of the area to which this development responds.</p> <p>This is evidenced through the high level consideration of future building envelopes for the properties to the north of the subject site. Although the proposal does depart from some built form controls (setbacks, height and building separation), these non-compliances are considered acceptable on a merits basis as detailed within this report. These are primarily due to the corner nature of the site and that it acts as a transitional site from setbacks along Westminster Rd to those on Victoria Rd.</p> <p>The subject building is a perimeter block which frames both Victoria Rd and Westminster Rd. At street level through this use of awnings and building materials, the base of the building is defined. The building also includes vertical windows aligned to break the façade to Westminster Rd and enhance the presentation of the building.</p>
<b>Density</b>	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposal achieves an acceptable density for the site as evidenced by compliance with the maximum FSR control, sufficient solar access and acceptable levels of parking for the site.</p> <p>Prior to the changes to the Gladesville Town Centre, several studies were undertaken to ensure that the resultant degree of density across the centre could be supported. Critically, this included a Traffic Impact Study for the Gladesville &amp; Victoria Road Corridor and a Cultural Infrastructure Framework. The Traffic Impact Study has since been updated to respond to significant proposed development envisaged as part of the Gladesville Town Centre and Victoria Road Corridor.</p> <p>The Cultural Infrastructure Framework considered and planned for the level of development within the capacity of the current control and by 2031 for a new multipurpose community space This will be funded by S94 contributions, which will apply to the development.</p> <p>The proposal seeks to consolidate density as envisaged by Council in an area well serviced by public transport, with good access to jobs both in the immediate surrounds and other areas of Sydney. The site also has connections to good community facilities which are to be augmented by Section 94 Contributions to support the increased density.</p>
<b>Sustainability</b>	

Design Quality Principle	Comment
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposal delivers a high number of units with acceptable levels of solar access and cross ventilation.</p> <p>The proposal is accompanied by a BASIX Certificate, achieving the required energy and water efficiency targets under SEPP (BASIX) 2004.</p>
<b>Landscape</b>	
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental 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>The proposal includes communal landscaped open space on the roof of the building and at the ground floor.</p> <p>Vegetation screening along shared boundaries will ensure that interfaces to adjoining properties will be adequately resolved.</p> <p>The landscape design has been reviewed by Council's Consultant Landscape Architects and identified as being acceptable and sufficiently detailed to ensure a high quality outcome.</p>
<b>Amenity</b>	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees</p>	<p>The design and orientation of the units is considered to result in an acceptable level of amenity for future occupants of the building, given the configuration of the site and surrounds.</p> <p>This is achieved through appropriately sized units and ensuring an acceptable level of cross ventilation and solar access.</p> <p>Although the site adjoins Victoria Road, an acoustic assessment has determined the proposal is acceptable with regards to noise impacts from the road.</p>

Design Quality Principle	Comment
of mobility.	
<b>Safety</b>	
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposal generally complies with CPTED principles. The amended scheme integrates opportunities for active fronts along Victoria Road and Westminster Road, facilitating natural surveillance of the public domain by minimising blank walls and limiting concealed corners. It is noted that a degree of passive surveillance is also achieved for the publically accessible areas.</p> <p>It is anticipated that subject to appropriate conditions, areas will be well lit and subject to regular maintenance.</p>
<b>Housing diversity and social interaction</b>	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The amended proposal comprises 47 apartments and provides for the following mix:</p> <ul style="list-style-type: none"> <li>• 22 x one bedroom units (47%)</li> <li>• 18 x two bedroom units (38%)</li> <li>• 7 x three bedroom apartments (15%)</li> </ul> <p>It is considered the proposed apartment mix is suitable to reach a wide demographic and living needs.</p>
<b>Aesthetics</b>	
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proposal achieves good proportions and utilises a range of different materials and finishes.</p> <p>The use of materials responds to the surrounding context, in particular the nearby church Our Lady of Peace at 341-351 Victoria Road, Gladesville.</p>

## Apartment Design Guide (ADG)

The following table provides an assessment of the proposal against the matters in the ADG:

Apartment Design Guide	Considerations	Consistent
<b>Part 2 Developing the controls</b>		
<b>2C Building Height</b>		
<p><b>Aims</b> Building height controls ensure development responds to the desired future scale and character of the street and local area.</p> <p>Building height controls consider the height of existing buildings that are unlikely to change (for example a heritage item or strata subdivided building).</p> <p>Adequate daylight and solar access is facilitated to apartments, common open space, adjoining properties and the public domain.</p> <p>Changes in landform are accommodated Building height controls promote articulated roof design and roof top communal open spaces, where appropriate.</p>	<p>The proposal exceeds the maximum height of 22m and 12m under the RLEP 2014, for part of the building located at 363 Victoria Road.</p> <p>The proposal exceeds the 22m height limit by a maximum of 608mm and the 12m height limit by a maximum of 1,355mm.</p>	<p><b>No</b> Clause 4.6 submitted and the variation can be supported. See full discussion in this report.</p>
<b>2D Floor Space Ratio</b>		
<p><b>Aims</b> Ensure that development aligns with the optimum capacity of the site and the desired density of the local area.</p> <p>Provide opportunities for building articulation and creativity within a building envelope by carefully setting the allowable floor space.</p> <p><b>Considerations</b> Where both residential and non-residential uses such as retail or commercial offices are permitted, develop FSR controls for each use. Commercial and retail generally fill 80-85% of their envelope. Allow for services, circulation, car park and loading requirements.</p> <p>Consider opportunities to achieve public benefits such as community facilities and public domain improvements, such as new streets, through-site links and open spaces In noisy or hostile environments, the impacts of external noise and pollution may require enclosing of balconies (e.g. wintergardens). When setting FSR controls in these situations, consider providing additional area to compensate for the enclosing of balconies</p>	<p>The proposal achieves a total FSR of 2.51:1, and complies with the maximum permissible FSR on the site.</p>	<p>Yes</p>
<b>2E Building Depth</b>		
<p><b>Considerations</b> Use a range of appropriate maximum apartment depths of 12 to 18m from glass</p>	<p>The development achieves a maximum building depth of between 9.0m to 11.5m.</p>	<p>Yes</p>

Apartment Design Guide	Considerations	Consistent
<p>line to glass line.</p> <p>For mixed use buildings, align building depth to the likely future uses.</p> <p>Where greater depths are proposed, demonstrate that indicative layouts can achieve acceptable amenity with room and apartment depths. This may require significant building articulation and increased perimeter wall length</p>		
<b>2F Building Separation</b>		
<p><b>Considerations</b></p> <p>Minimum separation distances for buildings are:</p> <p><i>Up to four storeys (approx. 12m):</i></p> <ul style="list-style-type: none"> <li>– 12m between habitable rooms/balconies</li> <li>– 9m between habitable and non-habitable rooms</li> <li>– 6m between non-habitable rooms</li> </ul> <p><i>Five to eight storeys (approx. 25m):</i></p> <ul style="list-style-type: none"> <li>– 18m between habitable rooms/balconies</li> <li>– 12m between habitable and non-habitable rooms</li> <li>– 9m between non-habitable rooms</li> </ul>	<p>Up to 4 storeys:</p> <ul style="list-style-type: none"> <li>– between 6.0m and 7.3m to the north-western boundary for balconies and habitable rooms;</li> <li>– 12m from the north-eastern boundary for balconies.</li> </ul> <p>5 to 8 Storeys:</p> <ul style="list-style-type: none"> <li>– 6.0m to 7.0m to the north-western boundary for balconies and habitable rooms.</li> <li>– 26.5m from north-eastern boundary for balcony/habitable rooms.</li> </ul> <p>The development does not comply for Units 39, 40, 43 at Level 5 and for Unit 46 (kitchen window) at Level 6.</p> <p>In this regard, it is considered appropriate to impose a condition requiring privacy screens to be installed to the north-west facing balconies of Units 39 and 40, to the side facing windows of Unit 43 and to the kitchen window of Unit 46. See <b>Condition 1(e)</b>.</p>	<p><b>No</b></p> <p>Supported subject to condition</p>
<b>2G Street Setbacks</b>		
<p><b>Considerations</b></p> <p>Determine street setback controls relative to the desired streetscape and building forms, for example:</p> <ul style="list-style-type: none"> <li>– define a future streetscape with the front building line</li> <li>– match existing development</li> <li>– step back from special buildings</li> <li>– in centres the street setback may need to be consistent to reinforce the street edge</li> <li>– consider articulation zones accommodating balconies, landscaping etc. within the street setback</li> <li>– use a setback range where the desired character is for variation within overall</li> </ul>	<p>Generally, a 2.0m setback is provided from street boundary in accordance with the setback table with the following exceptions:</p> <ul style="list-style-type: none"> <li>• Minor protrusions of balconies into the street setback areas along Westminster Road;</li> <li>• The balcony at the corner of Victoria Road and Westminster Road;</li> <li>• The proposal does not provide a 4m setback at level 4 and above along Victoria Road as the proposal results in a 4m setback for approximately half the frontage with a continuous street frontage height along Westminster Street. This has been</li> </ul>	<p><b>No</b></p> <p>Supported</p>

Apartment Design Guide	Considerations	Consistent
<p>consistency, or where subdivision is at an angle to the street</p> <p>Align street setbacks with building use. For example in mixed use buildings a zero street setback is appropriate</p> <p>In conjunction with height controls, consider secondary upper level setbacks to:</p> <ul style="list-style-type: none"> <li>– reinforce the desired scale of buildings at the street frontage</li> <li>– minimise overshadowing of the street and other buildings</li> </ul> <p>To improve passive surveillance, promote setbacks which ensure a person on a balcony or at a window can easily see the street</p>	<p>conditioned to comply. See <b>Condition 1(a)</b>.</p> <p>The proposed non-compliances are generally considered acceptable as it is considered a reasonable street address to Westminster and Victoria Road. The proposed built form allows for some articulation and modulation. It should be noted that the sites orientation and width is somewhat limited.</p>	
<b>2H Side and rear setbacks</b>		
<p><b>Considerations</b></p> <p>Test side and rear setbacks with the requirements for:</p> <ul style="list-style-type: none"> <li>– building separation and visual privacy</li> <li>– communal and private open space</li> <li>– deep soil zone requirements</li> </ul>	<p>The proposal allows for a side and rear boundary setback (i.e, the north-west and north-east respectively) ranging between 6.0m – 26.5m. This allows for sufficient separation between buildings subject to condition to address privacy from Units 39, 40, 43 &amp; 46.</p>	Yes
<b>Part 3 Siting the development</b>		
<b>3B Orientation</b>		
<p><b>Objective</b></p> <p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter</p>	<p>The narrowness of the site presents a design challenge in orientating the building appropriately.</p> <p>The proposal includes units orientated towards Westminster Street and to the side and rear boundary in order to maximise access to sunlight where possible.</p> <p>The proposal seeks to minimise overshadowing to adjoining developments as much as is possible within the constraints of the current planning controls.</p>	Yes
<b>3C Public domain interface</b>		
<p><b>Objective</b></p> <p>Transition between private &amp; public domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and enhanced</p>	<p>The development offers an active edge at public domain level through the provision of commercial spaces with floor to ceiling glazing.</p> <p>Access to the building is provided through two principal entries, one at each street frontage. Separate individual entries are provided for commercial tenancies fronting Westminster Road.</p>	Yes



Apartment Design Guide	Considerations	Consistent
	The proposal will also result in upgraded public domain along Victoria Road and Westminster Road.	
<b>3D Communal &amp; public open space</b>		
<p><b>Objective</b> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting. Communal open space is designed to maximise safety.</p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</p> <p><b>Design Criteria</b> Provide communal open space to enhance amenity and opportunities for landscaping &amp; communal activities.</p> <ol style="list-style-type: none"> <li>1) Provide communal open space with an area equal to 25% of site</li> <li>2) Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June</li> </ol>	<p>Communal open space has been provided on site in the form of several communal rooftop terraces and communal open space at ground floor level along its northern boundary.</p> <p>Approximately 26% (432m<sup>2</sup>) of the site is provided as communal space across three (3) separate areas.</p> <p>Given the variable heights and locations of the communal open space areas at Levels 4 and 6, a minimum of 59% (257m<sup>2</sup>) useable area of communal open space will receive direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June.</p>	Yes
<b>3E Deep Soil Zone</b>		
<p><b>Objective</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 and air quality.</p> <p><b>Design Criteria</b> Deep soil zones are to meet the following minimum requirements:</p> <ul style="list-style-type: none"> <li>– A minimum of 7 per cent of total site area should be deep soil zone.</li> <li>– Site areas between 650m<sup>2</sup> – 1,500m<sup>2</sup> are to have minimum dimensions of 3m.</li> </ul>	<p>The development provides an 83m<sup>2</sup> deep soil zone at the northern edge of the site (between the driveway and the boundary. This equates to 5% of the site area.</p> <p>However, the proposal is located within a dense urban environment and is of a size and configuration that makes it difficult to adequately ensure that the sufficient deep soil is provided.</p> <p>As such, given the constraints of the site, its location and the level of density imagined on the site by the current planning controls, the proposal is considered acceptable in this respect. It should be noted that a landscaping plan has been submitted which provides soft landscaping around the perimeter of the site.</p>	No Supported
<b>3F Visual Privacy</b>		
<p><b>Objective</b> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of</p>	<p><i>Up to 4 storeys:</i></p> <ul style="list-style-type: none"> <li>– between 6m and 7.3m to the north-western boundary for balconies</li> </ul>	No Supported subject to condition

Apartment Design Guide			Considerations	Consistent
<p>external and internal visual privacy.</p> <p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p> <p><b>Design Criteria</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>			<p>and habitable rooms;</p> <ul style="list-style-type: none"><li>– 12m from the north-eastern boundary for balconies.</li></ul> <p><i>5 to 8 Storeys:</i></p> <ul style="list-style-type: none"><li>– 6.0m to 7.3m to the north-western boundary for balcony and habitable room</li><li>– 26.5m from the north-eastern boundary for balconies/habitable rooms.</li></ul> <p>The development does not comply for Units 39, 40, 43 at Level 5 and for Unit 46 (kitchen window) at Level 6.</p> <p>In this regard, it is considered appropriate to impose a condition requiring privacy screens to be installed to the north-west facing balconies of Units 39 and 40, to the side facing windows of Unit 43 and to the kitchen window of Unit 46. See <b>Condition 1(e)</b>.</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		
Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.				
<b>3G Pedestrian Access &amp; entries</b>				
<p><b>Objective</b> Building entries and pedestrian access connects to and addresses the public domain.</p> <p>Access, entries and pathways are accessible and easy to identify Large sites provide pedestrian links for access to streets and connection to destinations</p>			<p>Clear pedestrian access to the residential levels is offered via two principal entries, one at each street frontage.</p> <p>Separate individual entries are proposed for each of the commercial tenancies.</p>	Yes
<b>3H Vehicle Access</b>				
<p><b>Objective</b> Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p>			<p>Vehicular access to the basement car park is located on Westminster Road.</p> <p>This is in accordance with the RDCP 2014 requirements and maximises opportunities for a continuous active front to Victoria Road.</p>	Yes
<b>3J Bicycle and car parking</b>				
<p><b>Objective</b> Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Car park design and access is safe and secure.</p>			<p>The site is located within the B4 Mixed Use zone. The RMS car parking rates and Council’s car parking rates are the same. See comments to RDCP table – 9.3: Parking controls.</p> <p>The proposal achieves compliance with the requirements of Council’s DCP subject to conditions.</p>	Yes

Apartment Design Guide	Considerations	Consistent
<p>Visual and environmental impacts of underground car parking are minimised.</p> <p><b>Design criteria</b> For development in the following locations:</p> <ul style="list-style-type: none"> <li>– On sites that are within 800 metres of a railway station; or</li> <li>– Within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>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. The car parking needs for a development must be provided off street</p>		
<b>Part 4 Designing the building</b>		
<b>4A Solar &amp; daylight access</b>		
<p><b>Objective</b> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space Daylight access is maximised where sunlight is limited.</p> <p>Design incorporates shading and glare control, particularly for warmer months.</p> <p><b>Design criteria</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</li> </ul>	<p>Of the proposed total of 47 units, 28 (60%) achieve 2 hours of solar access between the hours of 9am – 3pm.</p> <p>Whilst this is below the recommended design criteria, it is considered that this primarily the function of the orientation of the site. The proposed built form responds to the site constraints amongst a wide range of different considerations and the resulting outcome is considered acceptable.</p> <p>In particular it is noted that the built form reinforces the street frontages of the site. The units which do not receive the required solar access are those which do not have access to the northern facades of the building as a result of the shared lobby / corridor spaces which are required to provide access to all units. The only alternative response would be to locate the corridor on the street frontages which are considered to be a poorer outcome.</p> <p>A maximum of 6 apartments (12.8%) receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p><b>No</b> See comment</p> <p>Yes</p>
<b>4B Natural ventilation</b>		

Apartment Design Guide		Considerations	Consistent
<p><b>Objective</b> All habitable rooms are naturally ventilated The layout and design of single aspect apartments maximises natural ventilation The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</p> <p><b>Design criteria</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>The development provides a good capacity for cross ventilation given several dual aspect apartments at levels 1 to 5 and a maximum apartment depth of between 9.0m to 11.5m.</p> <p>From a review of the plans, a total of 24 of the units will achieve cross ventilation, equating to 59.57% of units (rounded to 60%)</p>	Yes
4C Ceiling Heights			
<p><b>Objective</b> Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.</p> <p>Ceiling heights contribute to the flexibility of building use over the life of the building.</p> <p><b>Design criteria</b> The following is required as a minimum:</p>		<p>A floor to floor height of 3m has been nominated with a slab width of 200mm for levels 1 – 6.</p> <p>For the ground floor, 3.4 metres has been nominated. It is not considered appropriate for the proposal to achieve a minimum of 3.3 for the first floor due to the location of the subject site and that it already exceeds the maximum building height. It is considered unlikely that the proposal will ever result in adaptive reuse of the first floor for non-residential uses.</p>	Yes, Subject to condition
Min ceiling height for apartment & mixed use buildings		A condition of consent is imposed to ensure that the proposal achieves compliance with the minimum floor to floor heights required under the ADGs. See <b>Condition 52</b> .	
Habitable rooms	2.7m (3.1m floor to floor)		
Non Habitable	2.4m		
Mixed used zone	3.3m for ground & 1 <sup>st</sup> floor to promote future flexibility of use.		
4D Apartment size and layout			
<p><b>Objective</b> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p>Environmental performance of the apartment is maximised Apartment layouts are designed to accommodate a variety of household activities and needs.</p> <p><b>Design criteria</b> Apartments are required to have the following minimum internal areas with one bathroom:</p>		<p>The unit sizes comply with the required minimums.</p>	Yes

Apartment Design Guide			Considerations	Consistent												
<ul style="list-style-type: none"><li>– 1 bedroom = 50m<sup>2</sup>;</li><li>– 2 bedroom = 70m<sup>2</sup>;</li><li>– 3 bedroom = 90m<sup>2</sup>;</li></ul> <p>Additional bathrooms increase the minimum internal area by 5m<sup>2</sup>.</p> <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. Daylight and air may not be borrowed from other rooms.</p>																
4E Private Open Space and balconies																
<p><b>Objective</b></p> <p>Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p>Primary private open space and balconies are appropriately located off living rooms, dining rooms or kitchens to extend the living space and to enhance liveability for residents.</p> <p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p> <p>Private open space and balcony design maximises safety.</p> <p><b>Design Criteria</b></p> <p>All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></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></table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.</p>			Dwelling type	Minimum area	Minimum depth	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m	<p>All balconies are directly accessible from the living area of each unit and generally meet minimum size requirements with the exception of the following minor non-compliances.</p> <ul style="list-style-type: none"><li>• Unit 07 (2 bedroom) – 9.87m<sup>2</sup></li><li>• Unit 16 (2 bedroom) – 9.87m<sup>2</sup></li><li>• Unit 25 (2 bedroom) – 9.87m<sup>2</sup></li><li>• Unit 28 (2 bedroom) – 9.61m<sup>2</sup></li><li>• Unit 36 (2 bedroom) – 9.61m<sup>2</sup></li></ul> <p>All of the above units achieve a minimum depth of 2.0m with exception to Units 28 and 36 which include an angled section. However, these angled sections have depths which exceed the 1.0m minimum which is counted as contributing towards the balcony area.</p> <p>The proposed variations are relatively minor with the balconies sufficient in size to allow for an outdoor table setting, accordingly the variations are considered acceptable.</p>	<p><b>No</b></p> <p>Supported</p>
Dwelling type	Minimum area	Minimum depth														
1 bedroom	8m <sup>2</sup>	2m														
2 bedroom	10m <sup>2</sup>	2m														
3+ bedroom	12m <sup>2</sup>	2.4m														
4F Common circulation and spaces																
<p><b>Objective</b></p> <p>Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>Common circulation spaces promote safety</p>			<p>Common circulation spaces have been designed to provide good internal amenity at ground level and all upper levels. Internal corridors have generally been well designed with access to natural light and ventilation.</p>	<p>Yes</p>												

Apartment Design Guide		Considerations	Consistent
and provide for social interaction between residents.  <b>Design Criteria</b> The maximum number of apartments off a circulation core on a single level is 8. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.		Two circulation cores have been incorporated to service the eastern and western section of the building, with an average of between 4 – 5 units serviced per core.	
4G Storage			
<b>Objective</b> Adequate, well designed storage is to be provided for each apartment.  Additional storage is conveniently located, accessible and nominated for individual apartments.  <b>Design Criteria</b> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:		All units are provided with storage areas either in accordance or exceeding the requirements. Critically, the proposal provides in excess of requirements for most units within the basement areas, with most units achieving the minimum amounts within the units, with the exception of the units below:  <ul style="list-style-type: none"><li>• Unit 02 – 3.14m<sup>2</sup></li><li>• Unit 09 – 4.2m<sup>2</sup></li><li>• Unit 10 – 3.14m<sup>2</sup></li><li>• Unit 18 – 4.2m<sup>2</sup></li><li>• Unit 19 – 3.14m<sup>2</sup></li><li>• Unit 27 – 4.2m<sup>2</sup></li></ul> However each of these units are provided in excess of the minimum within the basement areas and as such are generally considered acceptable in light of the minor deficits.	No Supported
Dwelling type	Storage size volume		
1 bedroom apartment	6m <sup>3</sup>		
2 bedroom apartment	8m <sup>3</sup>		
3+ bedroom apartment	10m <sup>3</sup>		
At least 50% of the required storage is to be located within the apartment.			
4H Acoustic privacy			
<b>Objective</b> Noise transfer is minimised through the siting of buildings and building layout.  Noise impacts are mitigated within apartments through layout and acoustic treatments.		An Acoustic Assessment Report has been prepared by Acoustic Logic. The report recommends design solutions for windows and doors to minimise any noise intrusions from surrounding trafficable roads and adjacent school.  Noise transfers are to be minimised by incorporating the design and material recommendations as specified under the acoustics report. The proposal will be subject to conditions to ensure compliance is achieved in accordance with acoustic recommendations at construction stage. See <b>Conditions 2 &amp; 50.</b>	Yes Subject to conditions
4J Noise and pollution			
<b>Objective</b> In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.  Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are		Building is sited along Victoria Road to its west and Westminster Road to its east. The primary school located adjacent to the subject site is also identified as a potential noise contributor.  The Acoustic report provided with this application assesses noise impacts and	Yes, subject to condition



Apartment Design Guide	Considerations	Consistent
used to mitigate noise transmission	<p>proposes alternative design/material solutions to maximise noise attenuation and ensure compliance with Australian acoustic standards.</p> <p>The recommendations made under this report will be subject to conditions to ensure compliance at construction stage. See <b>Condition 50</b>.</p>	
<b>4K Apartment mix</b>		
<p><b>Objective</b> A range of apartment types and sizes is provided to cater for different household types now and into the future .</p> <p>The apartment mix is distributed to suitable locations within the building</p>	<p>The amended proposal comprises the following mix:</p> <ul style="list-style-type: none"> <li>– 22 x one bedroom units (46.8%)</li> <li>– 18 x two bedroom units (38.3%)</li> <li>– 7 x three bedroom apartments (14.9%)</li> </ul> <p>This mix is considered appropriate.</p>	Yes
<b>4M Façade</b>		
<p><b>Objective</b> Building facades provide visual interest along the street while respecting the character of the local area.</p> <p>Building functions are expressed by the facade</p>	<p>The proposed façade is generally well articulated and provides for a range of materials, creating visual interest along the street.</p>	Yes
<b>4N Roof design</b>		
<p><b>Objective</b> Roof treatments are integrated into the building design and positively respond to the street.</p> <p>Opportunities to use roof space for residential accommodation and open space are maximised.</p> <p>Roof design incorporates sustainability features.</p>	<p>A flat roof design is considered by the proposal and is integrated with the overall building design.</p>	Yes
<b>4O Landscape design</b>		
<p><b>Objective</b> Landscape design is viable and sustainable Landscape design contributes to the streetscape and amenity</p>	<p>The proposed landscape design enhances the amenity of the streetscape. Planting is used to maximise the amenity by providing a soft edge treatment to the building design at ground level.</p> <p>A landscape plan has been provided and details the proposed landscape strategy for ground level and upper roof top levels.</p>	Yes
<b>4P Planting on structures</b>		

Apartment Design Guide	Considerations	Consistent
<b>Objective</b> Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance.  Planting on structures contributes to the quality and amenity of communal and public open spaces	The proposal includes three upper level roof top gardens, one at level three and two separate terrace gardens at level five.  These spaces are designed to contribute to serve as the building's communal open space.	Yes
<b>4Q Universal design</b>		
<b>Objective</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 Apartment layouts are flexible and accommodate a range of lifestyle needs	The project architect has submitted design verification statement against the ADG which has identified Core Design Elements	Yes
<b>4S Mixed use</b>		
<b>Objective</b> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.  Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	Commercial tenancies have been provided at ground level to activate the public domain space.	Yes
<b>4T Awnings and signage</b>		
<b>Objective</b> Awnings are well located and complement and integrate with the building design. Signage responds to the context and desired streetscape character	No approval is sought for Signage at this stage, and it will need to be subject to further assessment. This has been addressed via a condition of consent.  The proposed awning is considered to be integrated into the design of the building.	Yes
<b>4U Energy efficiency</b>		
<b>Objective</b> Development incorporates passive environmental design.  Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.  Adequate natural ventilation minimises the need for mechanical ventilation	Energy efficient measures have passed BASIX assessment.	Yes
<b>4V Water management and conservation</b>		
<b>Objective</b> Potable water use is minimised Urban stormwater is treated on site before being discharged to receiving waters	Water management measures have passed BASIX assessment (Target 40).	Yes
<b>4W Waste management</b>		

Apartment Design Guide	Considerations	Consistent
<b>Objective</b> Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.  Domestic waste is minimised by providing safe and convenient source separation and recycling	Waste room is provided adjacent to lift on Basement Level 1. Route to the waste room is brief and enclosed from car pathways.	Yes
<b>4X Building maintenance</b>		
<b>Objective</b> Building design detail provides protection from weathering Systems and access enable ease of maintenance Material selection reduces ongoing maintenance costs	Building maintenance will be achieved subject to conditions and required provisions relating to body corporates.	Yes

## 7.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The SEPP applies to the whole of the Ryde local government area and is a deemed State Environmental Planning Policy.

It has come about from recognition of the importance of protecting and enhancing the Sydney Harbour. It adds a strategic approach to planning for development within the catchment and balances this with maintaining a sustainable and accessible environment.

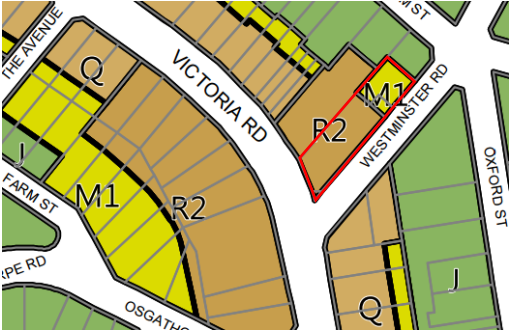
The site lies within the Sydney Harbour hydrological catchment of and is subject to this planning instrument. It is however noted that the site does not lie within or near the foreshore or waterway. Nor will any loss of amenity of the harbour arise from the proposed development.

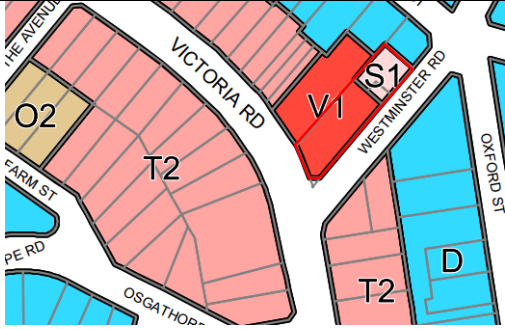
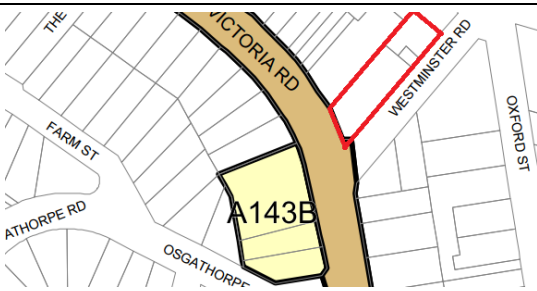
It is therefore considered that the proposed development satisfy the objectives and requirements of this instrument.

## 7.8 Ryde Local Environmental Plan 2014 (RLEP 2014)

The following table provides an assessment of the proposal against the provisions of Ryde LEP 2014:

Applicable Clauses	Comment	Compliance
<b>2.2 Zoning</b>		
The applicable zoning is part B4 Mixed Use and part B6 Enterprise Corridor. <i>The objectives of B4 Mixed Use zone are as follows:</i> <ul style="list-style-type: none"> <li>To provide a mixture of compatible land uses;</li> <li>To integrate suitable business, office, residential, retail and other development in accessible locations so as to</li> </ul>	The proposal is seen to generally comply with the objectives of the applicable zoning in that it proposes a mixed use development with upper level residential use and a commercial ground floor level.  Shop top housing is a permissible land use both under B4 Mixed Use and B6 Enterprise Corridor.	Yes

<p><i>maximise public transport patronage and encourage walking and cycling;</i></p> <ul style="list-style-type: none"> <li><i>To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities; and,</i></li> <li><i>To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor</i></li> </ul> <p><i>The objectives of the B6 Enterprise Corridor zone are as follows:</i></p> <ul style="list-style-type: none"> <li><i>To promote businesses along main roads and to encourage a mix of compatible uses;</i></li> <li><i>To provide a range of employment uses (including business, office, retail and light industrial uses);</i></li> <li><i>To maintain the economic strength of centres by limiting retailing activity;</i></li> <li><i>To provide for residential uses, but only as part of a mixed use development; and,</i></li> <li><i>To promote sustainable development, including public transport use, living and working environments.</i></li> </ul>		
<b>4.3 Height of buildings</b>		
<p>A maximum building height of <b>22 metres</b> applies to the south-western portion of the site, and a maximum of <b>12 metres</b> applies to the north-eastern portion.</p> 	<p>Two maximum building height controls apply to the subject site.</p> <p>The proposal breaches the maximum height controls set under the RLEP 2014. The south-western portion of the development exceeds the maximum 22m height limit by a maximum of 800mm and the 12m height limit by a maximum of 1.355m.</p> <p>See further comments under Clause 4.6 Exceptions to development standards.</p>	<p><b>No</b></p> <p>Clause 4.6 submitted and can be supported by Council. See full discussion on page 32.</p>
<b>4.4 Floor space ratio</b>		
<p>A maximum FSR of <b>3.0:1</b> applies to south-western portion of the site and a maximum of <b>1.5:1</b> applies to the north-eastern portion of the site.</p>	<p>The development provides the following:</p> <ul style="list-style-type: none"> <li>Lot 15 has a FSR of 3.0:1</li> <li>Lot 2 has a FSR of 1.5:1</li> </ul>	<p>Yes</p>

		
<b>4.6 Exceptions to development standards</b>		
<p>The objectives of this clause are as follows:</p> <ol style="list-style-type: none"> <li>to provide an appropriate degree of flexibility in applying certain development standards to particular development,</li> <li>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</li> </ol>	<p>The proposal breaches the maximum height controls by 800mm in the western portion of the site, and 1.355m in the eastern portion.</p> <p>The resulting additional height will have minimal visual and shadow impacts on neighbouring properties, and overall the proposal is generally consistent with the objectives of the zones.</p>	<p>Yes, see comment</p>
<b>5.10 Heritage conservation</b>		
 <p>The objectives of this clause are as follows:</p> <ol style="list-style-type: none"> <li>to conserve the environmental heritage of Ryde</li> <li>to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views</li> <li>to conserve archaeological sites</li> <li>to conserve Aboriginal objects and Aboriginal places of heritage significance</li> </ol>	<p>The site is not identified as a heritage item but is located fronting Victoria Road, an item of local significance under the RLEP 2014. A heritage impact statement is provided with the proposal that identifies minimal heritage impact. Given that the proposal is located within the bounds of the subject site at 363 Victoria Road and does not obstruct the views of Victoria Road, the proposal is seen to have acceptable impact. This is seen to be an acceptable outcome given the recent renewal of development of Victoria Road to mixed use developments</p> <p>334 and 336 Victoria Road, located opposite the subject site, across Victoria Road is listed as an archaeologically significant site. Given the site is listed for its archaeological potential, the proposal is seen to have minimal or no impacts on the site.</p>	<p>Yes</p>
<b>6.2 Earthworks</b>		
<p>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>Earthworks will be managed in accordance with standard conditions.</p>	<p>Yes Subject to conditions</p>
<b>6.4 Stormwater management</b>		

<p>The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p> <p>This clause applies to all land in residential, business and industrial zones.</p>	<p>The proposal has been reviewed by Council's Development Engineers and is considered acceptable with regards to the requirements of this clause.</p>	<p>Yes</p>
<b>6.6 Environmental sustainability</b>		
<p>The objective of this clause is to ensure that development on land in a business or industrial zone embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design</p>	<p>Whilst a part of the proposal is located within the B6 Enterprise Corridor zone, residential uses are permitted within this zone.</p>	<p>N/A</p>
<b>6.4 Stormwater management</b>		
<p>The objective of this clause is to ensure that development on land in a business or industrial zone embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design</p>	<p>Whilst a part of the proposal is located within the B6 Enterprise Corridor zone, residential uses are permitted within this zone.</p>	<p>N/A</p>
<b>6.7 Ground Floor development on land in Zone B6.</b>		
<p>The objective of this clause is to restrict certain development at the street level for buildings in Zone B6 Enterprise Corridor.</p> <p>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:</p> <ul style="list-style-type: none"> <li>a) lobbies for any commercial, residential, serviced apartment or hotel component of the development, or</li> <li>b) access for fire services, or</li> <li>c) vehicular access.</li> </ul>	<p>The ground floor component of the development which is located within the B6 Enterprise Corridor zone includes a commercial premises, access for fire stairs and a driveway ramp only.</p>	<p>Yes</p>

### Clause 4.3 Height of Buildings

The Height of Buildings Map specifies the maximum heights of any building on the site must not exceed 22m on the south-western portion of the site, and 12m on the north-eastern portion of the site.

Building height is defined in this planning instrument as meaning *“the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”*

Figure 5 below illustrates the 22m and 12m height planes, and extent of non-compliance.



**Figure 5: Height plane plan**

Accordingly, the proposed development does not comply with the maximum height of building applying to the site under Clause 4.3. However, a Clause 4.6 request to vary the standard has been provided which is considered below.

The proposal exceeds the 22m height limit by a maximum of 608mm and the 12m height limit by a maximum of 1.355mm.

### **Clause 4.6 Exceptions to development standards**

The applicant has provided a written request seeking to justify the variation to the development standard contained in Clause 4.3. A revised Clause 4.6 statement accompanied the amended plans dated 26 October 2017. The Statement reviews the extent of the height non-compliance:

- 1.355m within the 12m building height limit; and
- 608mm within the 22m height limit.

With regards to Clause 4.6(4)(b), it is noted that Council may assume the Director-Generals concurrence for exceptions to development standards under Circular PS 08-003 issued on 9 May 2008.

Of relevance in considering Clause 4.6 are the following judgements of the Land and Environment Court:

- Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46
- Wehbe v Pittwater Council [2007] NSWLEC 827
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1')
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2')
- Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3')

These decisions identify the following key questions which need to be considered for Clause 4.6 Variations which have been addressed below.

## 1. "Is the planning control in question a development standard?"

The proposal seeks to vary the Maximum Building Height permitted under the RLEP 2014 which is considered to be a development standard. The definition of a development standard is provided by the Environmental Planning and Assessment Act 1979 and is replicated below.

***development standards*** means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- b) the proportion or percentage of the area of a site which a building or work may occupy,*
- c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- d) the cubic content or floor space of a building,*
- e) the intensity or density of the use of any land, building or work,*
- f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- h) the volume, nature and type of traffic generated by the development,*
- i) road patterns,*
- j) drainage,*
- k) the carrying out of earthworks,*
- l) the effects of development on patterns of wind, sunlight, daylight or shadows,*



- m) the provision of services, facilities and amenities demanded by development,*
- n) the emission of pollution and means for its prevention or control or mitigation, and*
- o) such other matters as may be prescribed.*

The Maximum Building Height is considered a development standard as it seeks to limit and control scale and height of buildings as identified in (c) above.

## **2. "What is the underlying objective or purpose of the development standard?"**

The objectives Clause 4.3 Building Height are considered below.

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

### Comment

The proposal has considered guidance from the UDRP and supporting controls of the RDCP 2014. It is considered to keep with the desired future character of the area, as the wider Gladesville Corridor is currently undergoing significant urban renewal. Although the proposal will be significantly greater in height from immediately adjoining buildings, these buildings are either heritage items or likely to be redeveloped in the near future as a result of the current planning controls. Whilst it is noted that the area of greater non-compliance is in the transitional fringe of Gladesville Town Centre, the proposed setback of 12m provides sufficient separation between the two to ameliorate the impacts of the proposed non-compliance.

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

### Comment

Generally, the proposal is considered to achieve compliance with the requirements of this objective as the proposed non-compliance allows for a stepped building form from 7 storeys to 4 storeys. The proposed building will generally improve the appearance of the areas as it will result in the significant redevelopment of the site. This allows for an improved transition to the maximum building height of the adjoining area of 9.5m.

As illustrated in the overshadowing diagrams, the additional overshadowing from the variation is minimal and will not adversely impact on any adjoining properties. The adjoining property to the north – 44 Eltham Street will have minimal overshadowing impact from the proposed development. The property opposite, (the primary school) will not be overshadowed until later in the afternoon, at 3pm with the overshadowing from the variation being relatively minor.

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

### Comment

The building is well-sited along Victoria Road in proximity to frequent bus services. It has been discussed that the building has achieved urban design principles that encourage sustainable transport and pedestrian activity.

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

#### Comment

It has been discussed that the proposal is acceptable with regard to overshadowing and impacts on the streetscape. This is primarily due to the recessed areas of non-compliance and that the primary areas of non-compliance are located along the northern boundary of the site, limiting the total extent of overshadowing impacts.

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

#### Comment

The site is sited along the Victoria Road and Westminster Road. The proposal will emphasise the road corridor through allowing the future redevelopment of the site. The areas of non-compliance are located such that they do not result in significant additional height located outside of the road corridor.

### **3. "Is compliance with the development standard consistent with the aims of the Policy and in particular does compliance with the development standard tend to hinder the obtainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act?"**

The proposal is permissible within the B4 Mixed Use zoning and the B6 Enterprise Corridor zoning and achieves compliance with the objectives of the zones as identified within the assessment of the proposal against the RLEP 2014. Critically, the proposed height non-compliance does not affect the proposals achieving of the objectives.

With regards to objectives 5(a)(i) and (ii) of the EP&A Act 1979, the proposal ensures fulfilment of these objectives as:

- The redevelopment of the site, notwithstanding the minor non-compliance, ensures that the proposal achieves proper management and development of cities through promoting social and economic welfare of the community and a better environment;
- The proposal, including the proposed non-compliance, supports promotion and co-ordination of the orderly and economic use and development of land. This is as the proposal has been designed with due regard to the sites surrounding context and the desired future character established by the RLEP and supporting RDCP 2014.

It should be noted that the objectives of the act are carried out through the assessment of Development Applications against a framework established by the relevant planning controls. As detailed within this assessment report the proposal, despite not achieving strict adherence to all controls, is considered acceptable on a

merits basis due to the nature of the site and the anticipated desired future character of the area.

#### **4. "Is compliance unreasonable and unnecessary in the circumstances?"**

Key justifications provided by the applicant for the proposed variations are below:

- *'.....the parts of the building which exceed the 22m height limit are limited to small portions of the roof and lift overruns at the uppermost floor level and are essentially a consequence of the slope of the land away from Victoria Road. The noncompliant portion of the building allows continuity in the overall building height from the higher levels at the Victoria Road boundary and provides an appropriate top of the building.*
- *Similarly, the part of the building which exceeds the 12m height limit is limited to the parapet surrounding the communal open space area at the northern end of the Fourth Level. The parapet provides an 'edge' and top to the northern end of the building, above the residential apartments. The parapet does not significantly add to the extent of the shadows cast by this element of the building.*
- *It is considered that the building height and density as proposed is sustainable and appropriate given that the site is located within an identified urban renewal investigation corridor in the NSW Government's recently released A Plan for Growing Sydney, and is in close proximity to public transport (buses) and the facilities and services available in the Gladesville Town Centre.*
- *The proposal seeks to provide additional residential accommodation in proximity to public transport, shops and services, which is considered to be a desirable planning outcome.*
- *As illustrated in the Shadow Diagrams provided (Figures 7,8 & 9), although there will be a minor increase in the extent of overshadowing due to the non-compliant height, the proposed building height will not cause unacceptable overshadowing or a loss of sky exposure to the adjoining properties or surrounding public domain.*
- *Despite a small portion of the building exceeding the height of buildings principal development standard, the overall bulk and scale of the building is considered to be acceptable in terms of the streetscape character and built form and the relationship of the building to the adjoining development and is commensurate with the anticipated future 'built environment' and desired character of the area;*
- *The visual impact when the building is viewed from the surrounding streets will be negligible;*
- *No substantive public benefit would be realised by maintaining the development standard.*
- *Reducing the height of the building to strictly comply with the 22m and 12m height limits would not alter the overall design approach or outcome for the site and would not realise a substantial improvement to the relationship between the site, the adjoining buildings and the surrounding area.*
- *The proposed building represents a high quality urban form. The architectural detailing and proposed materials and finishes will realise a building of distinction that will make a significant contribution to the quality of the urban streetscape character and appearance. Further, the internal amenity for residents will be of a high standard, with the levels of solar access and natural*

*ventilation exceeding the design criteria under the Apartment Design Guide; and*

- *Despite exceeding the statutory maximum building heights, the proposed redevelopment of the site will facilitate the orderly and economic redevelopment of the site for the purposes of a residential flat building development that will positively contribute to the achievement of the vision and strategic objectives of A Plan for Growing Sydney and Ryde Local Environmental Plan 2014.*

It is noted that the applicants Clause 4.6 statement incorrectly states that the proposal complies with the solar access requirements of the ADG, however this is considered acceptable for the reasons detailed within this report.

Compliance with the standard is considered to be unreasonable and unnecessary on the basis that compliance with the maximum height limit would not necessarily result in an improved outcome.

Additionally, the proposal does not have unreasonable impacts on surrounding properties as:

- The areas of non-compliance are primarily limited to a minor parapet and lift overrun along the western 22m area of the site;
- The non-compliance in the 12m area is unlikely to have significant impact on adjacent and adjoining properties as evidence in the shadow diagrams.
- The recessed nature of the lift overruns in the western areas of the site are unlikely to be visible from the public domain and as such, will not have an impact on the streetscape or other areas.
- The proposed non-compliance does not result in an exceedance in FSR;
- The proposal allows for sufficient separation to adjoining and adjacent developments to ensure that impacts of bulk and scale are reduced by the proposed non-compliance; and
- The majority of the additional overshadowing falls on road areas, parking areas or roof tops.

## **5. "Are there sufficient environmental planning grounds to justify contravening the Development Standard?"**

In considering environmental planning grounds, the applicant has identified the following:

- *Despite exceeding the height of buildings principal development standard, the overall bulk and scale of the building is considered to be acceptable in terms of the streetscape character and built form and the relationship of the building to the adjoining (anticipated) development;*
- *Despite the non-compliant heights, the locations of the height exceedances are such that they do not result in any unreasonable impacts on adjoining sites in terms of overshadowing or visual or aural privacy; and*
- *The non-compliant heights do not translate to a wholesale departure by reading as an extra storey or significant additional bulk. As such, the non-compliances do not substantially add to the overall bulk and scale of the building and do not cast an unreasonable degree of shadows over the adjoining properties. The*

*Shadow Diagrams provided at Appendix A provide a comparison of the shadows cast by a compliant building versus the proposed scheme. This illustrates that although the shadows cast by the building (as proposed) over the grounds of Our Lady Queen of Peace Church and Primary School between midday and 3pm in mid-winter, the additional shadows are minor and will have a negligible additional impact. It is also noted that in December, the shadows do not impact upon the Church or school properties.*

Additionally, the proposal does not have unreasonable impacts on surrounding properties as:

- The areas of non-compliance are primarily limited to a minor parapet and lift overrun along the western 22m area of the site;
- The non-compliance in the 12m area is unlikely to have significant impact on adjacent and adjoining properties;
- The recessed nature of the lift overruns in the western areas of the site are unlikely to be visible from the public domain and as such, will not have an impact on the streetscape or other areas.
- The proposed non-compliance does not result in an exceedance in FSR;
- The proposal allows for sufficient separation to adjoining and adjacent developments to ensure that impacts of bulk and scale are reduced by the proposed non-compliance; and
- The proposal complies with the objectives of the zone and the building height development standard.

#### **6. “Is the objection well founded?”**

As detailed in above sections the proposed variation has been considered acceptable due to minimal environmental impacts on adjoining and adjacent properties and that to ensure compliance would likely result in a poorer outcome for the site. This would then result in a worse outcome for the surrounds due to the sites prominent location on a corner and its importance in establishing the streetscape.

#### **7. “Would non-compliance raise any matter of significance for State or Regional planning?”**

Due to the modest scale of the development and the proposed non-compliance, the proposal is not considered to raise any matters of significance for State or Regional planning. Importantly this does not establish any precedents as the non-compliance has been considered acceptable in the merits of the specific circumstances of the site.

#### **8. “Is there a public benefit of maintaining the Development Standard?”**

The non-compliances are considered to be minor and in locations which do not adversely impact upon surrounding development.

The strict compliance of the Development Standard would not improve the function of the development, its appearance and or visual impact when viewed from private and public domains.

Maintaining the development standard would not provide any additional public benefit than what is proposed by the development (being the provision of housing, convenient local commercial facilities and employment).

## Conclusion

The proposal is considered to generally satisfactory with regards to the objectives of the building height controls and the B4 Mixed Use zone and the B6 Enterprise Corridor Zone and as such, the proposed variation is supported.

## 7.9 Any proposed instrument (Draft LEP, Planning Proposal)

None applicable.

## 7.10 City of Ryde Development Control Plan 2014 (RDCP 2014)

The subject site is located at 363 Victoria Road and 2A Westminster Road, Gladesville, which forms a part of the Gladesville Town Centre and Victorian Road Corridor Precinct. Under the Ryde DCP 2014, development within the precinct is subject to site specific controls provided under *Part 4.6 Gladesville Town Centre and Victoria Road Corridor* of the plan.

The following table provides an assessment of the proposal against the provisions of Part 4.6 of the Ryde DCP 2014.

Control	Comment	Compliance
<b>PART 4 URBAN CENTRES</b>		
<b>4.6 GLADESVILLE TOWN CENTRE AND VICTORIA ROAD CORRIDOR</b>		
<b>2.0 Vision</b>		
<b>2.2.2 Vision Statement – North Gladesville Precinct</b> The precinct will:		
– Be transformed from a visually cluttered commercial strip into a cohesive built form corridor of mixed retail, commercial and residential uses;	The proposal is in seen to be accordance with the envisaged mixed use character for North Gladesville precinct, Victoria Road and its surrounds.	Yes
– Existing poorly defined spaces and visual clutter will be replaced with buildings which address the road with major façades	The proposal is seen to offer an improved response to Victoria Road by replacing existing commercial premises with a mixed-use commercial-residential development. Commercial frontages are proposed at ground level to offer an active interface at street level.	Yes
– Large canopy street trees will be planted in building setbacks, and footpaths widened, to create a landscaped setting leading to the town centre precinct	The proposal has a 2-metre setback from the site's boundary along Victoria Road. The landscape plans details street tree planting at ground level along its Victoria Road and Westminster Road frontages.	Yes
<b>3.1 – Built Form</b>		
<b>3.1.1 Built Form Heights</b>		

Buildings must comply with the maximum heights described in the Ryde Local Environmental Plan 2014 (LEP).	Under the RLEP 2014, the subject site straddles two largely varying building height controls.  The proposal breaches the maximum height controls set under the RLEP 2014. The south-western portion of the development exceeds the maximum height limit by 608mm, while the north-eastern portion of the proposal exceeds the maximum height limit by 1.355m.	<b>No</b> Supported
Floor to ceiling height must be a minimum of 2.7 m for residential uses.	The proposal has a floor to floor height of 3 metres, and has a minimum floor to ceiling height of 2.8 metres for residential uses	Yes
Floor to floor height at ground level in all mixed use developments is to be a minimum of 3.6 m.	A floor to floor height of 3.4 and 3.6 metres is provided at ground floor.  This has been considered acceptable due to the stepped nature of the proposal to resolve the ground floor public domain response.	<b>No</b> Supported
<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 street frontages through the provision of commercial/retail uses at ground level are included in the proposal. Active commercial frontages are provided along Victoria Road and Westminster Road	Yes
Active uses contribute to personal safety in the public domain and comprise: i. Community and civic facilities; ii. Recreation and leisure facilities; iii. Shops; iv. Commercial premises; v. Residential uses, particularly entries and foyers, however, these must not occupy more than 20% of the total length of each street frontage.	Two separate residential entries are proposed at the Victoria Road frontage and Westminster Road frontage.  The residential entry points along Westminster Road and Victoria Road occupy less than 20% of the site's street frontage.	Yes
Where required, active uses must comprise the street frontages for a depth of at least 10 m.	The commercial tenancies at ground floor provides room depths ranging from 7.4 metres to 9.1 metres along Westminster Road and approximately 12 to 17 metres along Victoria Road.  Where the tenancies do not meet the maximum depth of 10m, they achieve sufficient width to ensure that the proposed commercial tenancies are functional and able to be adequately used.	<b>No</b> Supported
Vehicle access points may be permitted where Active Street Frontage is required if there are no practicable alternatives	The proposed vehicle access point is along Westminster Road, a secondary local road.	Yes
Ground floor shop fronts may	These matters be enforced and addressed	Yes

incorporate security grills provided these ensure light falls onto the footpath and that the interior of the shop is visible. Blank roller-shutter doors are not permitted.	through conditions of consent. See <b>Condition 9</b> .	Subject to condition
Serviced apartments, hotels and motels shall not have apartments at the ground level. Locate retail, restaurants and / or other active uses at the ground level.	No residential uses are proposed at ground level. All retail and active uses are proposed at ground level.	Yes
<b>3.1.3 Buildings Abutting the Street Alignment</b>		
Provide continuous street frontages with buildings built to the street boundary in the Gladesville Town Centre and in Monash Road Precincts except as shown in the Key Sites Diagrams (Refer to Figure 4.6.06).	The street frontages of the subject site are not identified on the map.	N/A
Ground level architectural features, such as recessed doors and windows, are permitted to a maximum of 400 mm from the street boundary to design out concealment opportunities and promote personal safety and security.	The proposed residential entries exceed a maximum depth of 400mm. <b>Condition 1 (c)</b> has been imposed requiring deletion of the vertical slats in front of building thereby removing opportunities for concealment.	<b>No</b> Supported subject to condition
<b>3.1.4 Setbacks</b>		
Setbacks shall be in accordance with the following Table and Figures 4.6.07 and 4.6.08. If there is a discrepancy, the key site plans shall prevail. The 'Setbacks Requirements' Table requires a 2m setback to Victoria Road for all levels up to Level 3, and a 4m setback for Level 4 and above. All levels of buildings in side streets must be setback a minimum 2 m	<p>The proposal does not provide a 2 metre setback in the following areas:</p> <ul style="list-style-type: none"> <li>Minor protrusions of balconies into the street setback areas along Westminster Road;</li> <li>Corner balcony at the corner of Victoria Road and Westminster Road;</li> <li>The required 4m setback at level 4 and above for the full frontage of Victoria Road (current proposal only provides 2m at Level 4).</li> </ul> <p>The proposed non-compliances are generally considered acceptable as it results in an improved built form through:</p> <ul style="list-style-type: none"> <li>Achieving articulation and modulation of the Westminster Road setback as a transitional edge (encroachments are no greater than a metre).</li> <li>The variation to Victoria Road frontage allows for a resolved corner treatment which will reinforce the future development of Victoria Road as a corridor, through balancing the transition of a straight 2m setback to Westminster to a 4m setback along Victoria Road.</li> <li>Creates a transitional edge for future buildings to the north which</li> </ul>	<b>No</b> Supported



	<p>will be required to have a 4m setback.</p> <p>However, it is noted that the proposal fails to provide a 4m setback at Level 4 and has been conditioned accordingly, requiring an amendment to provide this at Level 4. See <b>Condition 1(a)</b>.</p>	
<b>3.1.5 Rear Setbacks and Residential Amenity</b>		
Provide 9 m ground level setback generally at the rear of sites fronting Victoria Road in the North Gladesville and Monash Road Precincts	The subject site is located with a primary frontage to Westminster Road and secondary frontage to Victoria Road. A setback ranging from 12 – 26.5 metre setback from the rear boundary is incorporated through the provision of a two lane driveway as well as landscaping at the north-eastern portion of the site.	Yes
Provide 12 m separation minimum above the ground floor between residential buildings (including existing residential buildings on adjacent sites).	The proposal provides a 12 metre setback above ground level from the rear boundary.	Yes
Buildings fronting Victoria Road may build to the side boundary for a depth of 20 m measured from the street frontage. A side setback is then required to achieve 12 m separation between proposed and potential residential land uses.	The proposal has nil setback from its north-western side boundary for approximately 16 metres. The proposal achieves a 6-7 metre setback for the remaining portion of the development complying with this requirement.	Yes
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.	<p>The site's rear boundary adjoins low density residential area. The proposal locates a vehicle access way to the rear of the site. The vehicle access is best located along Westminster Road.</p> <p>The proposal considers deep soil plantings along the rear boundary to ameliorate any potential noise or visual impacts</p>	Yes
<b>3.1.6 Conservation Area Built form Design Guidelines</b>	The site is not located within the Heritage Conservation Areas.	N/A
<b>3.1.7 Awning</b>		
Provide awnings over footpaths for ground level building frontages where shown on the Awnings Control Drawing below (Figure 4.6.11).	<p>The proposal complies with the Awnings Control Drawing (Figure 4.6.11) which requires a continuous awning to be provided along Victoria Road.</p> <p>The proposal also includes awnings that largely extends across the length of the development fronting Westminster Road. This offers additional weather protection through to the pedestrian entry at the southern frontage.</p>	Yes
Awning height is to be generally a minimum of 3 m from the pavement and setback 600 mm from the kerb edge. The heights of adjoining awnings should be considered (refer to Figure 4.6.17 and Figure 4.6.18).	Awning heights are greater than 3 metres above the pavement, however do not extend to within 600mm of the kerb edge. A condition of consent has been imposed accordingly. See <b>Condition 1(d)</b> .	Yes Subject to condition

<b>3.2 Access</b>		
<b>3.2.1 Minimum Street Frontage / Site Amalgamation</b>		
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>The subject site occupies a corner lot which offers a significant frontage to Westminster Road, approximately 80.225 metres, but a limited frontage to Victoria Road, being 18.765 metres.</p> <p>Given that vehicle access is provided via the secondary street (or local road) at Westminster Road, non-compliance is considered acceptable</p>	<b>No</b> Supported
<b>3.2.2 Vehicular Access</b>		
Provide vehicular access from the local roads network in preference to Victoria Road.	The vehicle ingress/egress point for the building is located on Westminster Road along the north-eastern edge of the subject site.	Yes
Where a new lane is proposed to extend an existing lane, the new lane must be designed to seamlessly connect to the existing lane. The new lane may be required to be wider than the existing to Council's satisfaction to ensure adequate sightlines and safety to take into account the cumulative traffic demand in relation to the development capacity of the area, vehicular types and other relevant matters.	Figure 4.6.21 of the RDCP 2014 identifies the location of new lane ways. The proposed new lane way which connects to a recent development at 1-9 Monash road does not extend to the subject site and ends at 365-369 Victoria Road.	N/A
<b>3.2.3 Parking</b>		
Provide publicly accessible parking to support retail, entertainment and commercial land uses, church and educational institutions as shown on the Parking Control Drawing (Figure 4.6.12) below, to Council's satisfaction.	<p>In accordance with the Parking Control Drawing (Figure 4.6.12), the site is not required to provide public parking.</p> <p>However, the proposal does provide 22 commercial / retail spaces in the car park basement levels.</p>	N/A
The quantity of publicly accessible parking within the Town Centre Precinct shall equal or exceed existing public parking.	The subject site does not fall under the Town Centre Precinct area.	N/A
<b>3.3 Public Domain</b>		
<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 sight lines and direct linkages.	<p>The site is not identified as a contributory site under the Pedestrian connections control drawing.</p> <p>Given that the proposed building is setback 2 metres from the street boundary, the proposal does not detract or obstruct views or sightlines to Victoria Road or the main Town Centre Precinct, south of the subject site. The site is located directly adjacent to a bus stop.</p>	Yes

	Street tree planting is provided along both Westminster Road and Victoria Road, and is enforced via conditions of consent. See <b>Condition 58</b> .	
Provide pedestrian through-site connections and public domain parks, squares and plaza's in accordance with the Pedestrian Connections Control Drawing (Figure 4.6.13) and the Public Domain Control Drawing (Figure 4.6.14).	The site is not identified as a contributory item to public domain/pedestrian connectivity map.	N/A
<b>3.3.2 Public Domain Framework</b>		
<ul style="list-style-type: none"> <li>– Increase the quantum and diversity of public space in the heart of the town centre, by: (i) redevelopment of the City of Ryde car park site on Pittwater Road, to include a public square (refer to Section 4.3.5); and (ii) street closure at Meriton Street and Wharf Road to create a new public square away from Victoria Road (refer to Section 4.3.9).</li> <li>– Create vehicular and/pedestrian connections through major development sites (see Public Domain Controls in Section 4.0 for specific sites).</li> </ul>	The subject site does not fall under the Town Centre Precinct Area, nor does the site have to provide any public domain elements as outlined on Figure 4.6.14.	N/A
<b>3.3.3 Landscape Character</b>		
<ul style="list-style-type: none"> <li>– Create a consistent planting theme with a number of species to ensure that the planting gives a visual coherence. Build on the palette of existing species in streets;</li> <li>– Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.6.15) and in accordance with the Ryde Public Domain Technical Manual and relevant street tree master plans;</li> <li>– Select street trees based on the scale of buildings, width of the street, aspect, and on environmental parameters such as soil type;</li> </ul>	<p>The proposal details landscape opportunities that are generally in line with the envisaged landscape character for the area.</p> <p><b>Condition 58</b> has been imposed for street trees planting.</p>	Yes Subject to condition.
<b>3.3.4 Urban elements</b>		
<ul style="list-style-type: none"> <li>– Provide paving, seats, benches and bins as selected by Council in accordance with the Ryde Public Domain Technical Manual;</li> <li>– Provide seating and shelter</li> </ul>	<p>These matters including public domain specifications are subject to conditions should the proposal be recommended for approval.</p> <p>It should be noted that the bus stop adjacent to the subject site already provides</p>	Yes Subject to conditions

<p>(awnings or bus shelter) at all bus stops, and provide seating at community facilities and drop off points. Seating shall be in accordance with Ryde Public Domain Technical Manual;</p> <ul style="list-style-type: none"> <li>– Provide new street lighting to primary and secondary streets as selected by Council and underground power cables;</li> <li>– Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety to Council satisfaction.</li> </ul>	<p>a covered bus shelter for commuters. See <b>Conditions 58 &amp; 100.</b></p>	
<b>3.3.6 Victoria Road Section</b>		
<p>Set back buildings 2 metres to provide a continuous paved surface typically 5.5 m wide both sides of Victoria Road.</p>	<p>The building is setback 2 metres from street boundary along Victoria Road. However a review of the development by Council's Senior Co-ordinator Engineering identified that:</p> <p><i>'there is an abrupt level difference between the proposed ground floor retail tenancies along Victoria Road and the existing footpath levels. This will warrant a fence or barrier, reducing the effectiveness of the required setback. This issue will require alteration of floor levels and / or pedestrian entries and therefore will warrant revised plans.'</i></p> <p>However, the proposal provides no clear demarcation between private and public domain and therefore the 400mm level difference presents a public safety risk. It is condition that the external surfaces are to be flush with the footpath and the stairway is to be relocated internally, within retail tenancy 4. See <b>Condition 1(b).</b></p>	<p>Yes Subject to condition.</p>
<p>Provide continuous paving for the full footpath width in accordance with the Ryde Public Domain Technical Manual.</p>	<p>Subject to conditions of consent, footpath and pavement treatments are required to comply with Council specifications. See <b>Conditions 58 &amp; 59.</b></p>	<p>Yes Subject to conditions</p>
<p>Provide street furniture in accordance with Ryde Public Domain Technical Manual including:</p> <ul style="list-style-type: none"> <li>– provide seats and bins at 200 m intervals and at bus stops, OR a minimum one per block, if required by Council;</li> <li>– provide new street lighting, staggered at 40 m intervals on both sides of street; or to Council satisfaction.</li> <li>– provide lighting to the underside</li> </ul>	<p>Provisions of street furniture and other amenities will be required to comply with Council's technical manual specifications. See <b>Condition 58.</b></p>	<p>Yes Subject to condition.</p>

<p>of awnings for the safety and security of pedestrians.</p> <ul style="list-style-type: none"> <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>		
<b>4.0 Key Sites</b>		
<b>4.1 Key Sites Introduction</b>		
Future design and development proposals for Key Sites are to be reviewed by a Design Review Panel to ensure design quality in design proposals.	The subject site is not identified as a key site under the RDCP 2014.	N/A
<b>PART 7: ENVIRONMENT</b>		
<b>7.1 Energy Smart, Water Wise</b>	<p>This DCP relates to achieving sustainable development and new developments are required to comply with the minimum energy performance standard.</p> <p>An energy efficiency report has been submitted with this proposal in accordance with the requirements of Council's DCP in relation to the commercial tenancies. The proposal is also subject to a BASIX Certificate.</p>	Yes
<b>7.2 Waste Minimisation and Management</b>	A Waste Management Plan has been provided with the proposal. The proposal is seen to generally comply with Council's waste management requirements, subject to conditions of consent. The detailed design of the waste storage location, including use specific waste generation is to comply with the requirements of Schedule 4, Part 7.2 of the RDCP 2014.	Yes
<b>PART 8: ENGINEERING</b>		
<b>8.2 Stormwater and Floodplain Management</b>	<p>The proposal has been considered by Council's Development Engineer.</p> <p>The traffic and stormwater management components of the proposal have been reviewed and considered that they are acceptable with regards to these parts, subject to conditions of consent.</p>	Yes
<b>8.3 Driveways</b>	The DCP sets out the standards and minimum requirements for vehicular access / egress to and from off street parking areas. The proposal is seen to be generally comply with the DCP requirements set out in this part, subject to any conditions of consent.	Yes
<b>PART 9: OTHER PROVISIONS</b>		
<b>9.2 Access for People with Disabilities</b>		
This DCP requires that for residential development it is necessary to	Five (5) residential units (5 x 1 bedroom apartments – 10.6% of total apartments)	Yes

provide an accessible path of travel from the street to and through the front door to all units on each level of the building. Also 10% of the units are to be adaptable units in terms of AS4299.	are designed to comply with adaptable housing design standards. Six (6) accessible parking spaces are provided across the three (3) levels of basement car parking. See Conditions <b>70 (b)</b> , <b>83 &amp; 84</b> .	Subject to conditions
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### 9.3 Parking Controls

The following table outlines the required and proposed car parking for the development:

Activity	Required	Provided	Compliance
<u>Residential</u>			
1 Bedroom (22)	13.2 to 22	85	Yes
2 Bedroom (18)	16.2 to 21.6		
3 Bedroom (7)	9.8 to 11.2		
<b>Sub Total</b>	39.2 (40) to 54.8 (55)		
Visitors	9.4 (10)	85	Yes
Retail – 533m <sup>2</sup>	21.3 (22)		
<b>Total</b>	<b>72 to 87</b>	<b>85</b>	<b>Yes</b>

The DCP states 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, 9 bicycle spaces are required to be provided. The proposal provides for 9 bicycle spaces and 5 motorcycle spaces for residents and visitors. This is considered satisfactory. **Condition 155** also includes a requirement for a minimum of 9 bicycle spaces to be provided.

The BCA requires that 10% of the total residential spaces are to be provided as disabled spaces. As such, 5 disabled spaces are required for the residential dwellings.

With 5 of the units as adaptable in accordance with the minimum 10% requirement, these 5 disabled spaces will be allocated to these units. **Conditions 70 (b) & 84** have been imposed requiring 5 adaptable units each with an allocated disabled parking space.

The proposed number of car parking spaces is under the maximum permitted in the DCP therefore the proposal complies with the car parking control.

**Condition 155** has been imposed requiring the allocation of the car spaces.

## Section 94 Development Contributions Plan 2007

Development Contributions Plan – 2007 (Interim Update (2014)) 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.

Included in the recommendation is a condition requiring payment of the relevant contribution prior the issue of any Construction Certificate. See **Condition 45**.

The proposal is for:

- 47 dwellings comprising of residential apartment mix of 22 x 1 bedroom, 18 x 2 bedroom and 7 x 3 bedroom apartments and 533m<sup>2</sup> of commercial floor space on the ground floor.

The required contributions have been calculated as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$148,109.74
Open Space & Recreation Facilities	\$311,094.12
Civic & Urban Improvements	\$140,374.23
Roads & Traffic Management Facilities	\$19,304.73
Cycleways	\$11,963.12
Stormwater Management Facilities	\$35,387.66
Plan Administration	\$3,224.60
The total contribution is	<b>\$669,458.20</b>

## 8 LIKELY IMPACTS OF THE DEVELOPMENT

All relevant issues regarding environmental impacts of the development have been discussed in this report (see sections ADG, RLEP 2014 and RDCP 2014). However, the following issues require further specific comment:

### Safety

In assessing this development application Council must have regard for the “*Crime Prevention Guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979*” issued by the Department of Planning in April 2001. These include 4 key areas for assessment:

1. Surveillance
2. Access Control
3. Territorial Reinforcement
4. Space Management

Generally, the proposed development is capable of addressing each of the above criteria in an acceptable manner and **Conditions 143 to 152** are recommended in this regard.

## 9 REFERRAL RESPONSES

### **Heritage**

The application was referred to Council's Heritage Officer due to its proximity to adjoining locally listed heritage items.

A referral has been received which identifies that the application is acceptable subject to conditions of consent. These conditions have been incorporated into the recommended conditions.

Following the amended plans being received by Council a further referral was made to the Heritage Officer who confirmed no further conditions required and the proposal was still considered acceptable on heritage grounds.

Specifically, the heritage referral consider the impacts of the proposal on the Our Lady Queen of Peace Catholic Church. Whilst this building is not identified as a

Heritage Item, it has been recognised in the 2010 Heritage Study as having architectural and historical value.

The heritage referral identified that the proposal does not have any material impacts to the church building the proposed building will have a satisfactory visual relationship to the heritage item and is of a quality that will provide a contemporary built form backdrop that will be visually differentiated from the geometry and language of the church.

One condition was recommended which refers to, if any, Aboriginal cultural heritage or historical cultural fabric or deposits identified. See **Condition 31**.

#### **Development Engineer**

The application has been reviewed by Council's Senior Co-ordinator Engineering Services and has been considered acceptable subject to conditions.

These conditions have been incorporated into the recommended conditions. See **Conditions 15, 17, 28, 65, 67 to 73, 109, 113 to 117, 119 to 122 & 136**,

#### **City Works & Infrastructure (Traffic)**

The application has been reviewed by Council's Traffic Department and several issues were identified including non-compliances with relevant Australian Standards and inadequate access for loading and unloading.

Following this review, an amended application was provided by the applicant. Council engaged Bitzios Consulting to undertake an independent review of the proposal which identified that although the traffic impact of the application was small, (in context of the wider existing volumes) there were still outstanding issues relating to the driveway crossover / access ramp, parking layout and internal circulation.

A further amended application was submitted to Council which was reviewed by Council's Traffic Department.

This third review identified that the application was acceptable subject to conditions of consent which have been incorporated into the recommended conditions. See **Conditions 34, 78, 98, 107, 117, 123 & 124**.

#### **City Works & Infrastructure (Public Domain)**

The application has been reviewed by Council's Public Domain Unit and has been considered acceptable subject to conditions.

These conditions have been incorporated into the recommended conditions. See **Condition 58**.

#### **Waste**

The initial application lodged was reviewed by Council's Waste Unit and several issues were identified including inadequate access for waste vehicles and inappropriately sized waste facilities.



Following this review an amended application was lodged with Council. This application has been reviewed and has been considered acceptable subject to conditions.

These conditions have been incorporated into the recommended conditions. See **Conditions 38, 39, 41, 92, 135, 153, 158, 159, 163 & 164.**

### **Environmental Health**

The application was referred to Council's Environmental and health section who determined that the application is satisfactory, subject to conditions of consent.

These conditions have been incorporated into the recommended conditions. **Conditions 19 to 27, 42, 43, 53 to 57, 156, 157, 160, 162, 165 & 166.**

### **NSW Police**

The referral stated that the proposal did not adequately address safety and security issues.

The proposal is suggested to implement conditions of consent to satisfy these concerns. These related to the installation of CCTV, lighting, signage, external finishes and creation of a maintenance policy, and security access controls and fittings.

These conditions have been incorporated into the recommended conditions. See **Conditions 143 to 152.**

### **Roads and Maritime Services**

No objections were raised and concurrence given subject to Council's approval and conditions of consent.

Conditions related to the provision of stormwater and excavation details, as well as driveway standards and rules for management of the construction process were recommended.

These conditions have been incorporated into the recommended conditions. See **Conditions 7, 8, 102 & 103.**

### **Consultant Landscape Architects**

An assessment of the landscape plan was carried out by Creative Planning Solutions Pty Limited on behalf of City of Ryde.

No objections were raised, subject to conditions which have been incorporated into the recommended conditions of consent. See **Conditions 77, 138 & 154.**

## **10 PUBLIC NOTIFICATION AND SUBMISSIONS**

In accordance with DCP 2014 Part 2.1 Notice of Development Applications, owners of surrounding properties were given notice of the application. The application was publicly exhibited:

The application was advertised in the Northern District Times on 17 August 2016 to 7 September 2016 and adjoining property owners were notified of the application.

#### Notification 1

Following concerns raised against the range of the notification, the exhibition period was extended to 28 September 2016.

A total of 32 submissions received objecting to the proposal during this period.

#### Notification 2

Following receipt of revised plans, the proposal was re-notified 21 March 2017 to 5 April 2017.

A total of six (6) submissions received objecting to the proposal during this period.

#### Notification 3

Following concerns raised by residents about the documentation provided and amended plans received on 5 May 2017, the proposal was re-notified from 5 May 2017 to 7 June 2017.

A total of seven (7) submissions objecting to the amended proposal were received during this period.

The issues of objection raised in the submissions are summarised as:

- **Insufficient consultation as part of the development of the proposed controls for the centre;**
- **Damage to adjoining and adjacent properties during construction (including potential hazardous materials)**
- **Privacy and overlooking;**
- **Location of car park entrance and loss of amenity;**
- **Traffic and Parking and impact on surrounding road network;**
- **Bunnings Gladesville Traffic and Parking Study;**
- **Resident parking schemes;**
- **Not in keeping with the character of the area and surrounding heritage;**
- **Exceedance of building height;**
- **Overshadowing of adjoining school and surrounding areas;**
- **Insufficient notification of adjoining residents;**
- **The design of the building is not of a high quality and may pose fire risk;**
- **Alignment of public laneway / vehicular access;**
- **Pedestrian and safety of children attending adjacent school;**
- **Site amalgamation;**
- **Insufficient deep soil areas and communal open space; and**
- **Insufficient setbacks are proposed.**

These issues are examined in detail as follows:

- **Insufficient consultation as part of the development of the proposed controls for the centre**

#### Comment

Several submissions raised concerns about the initial consultation process which resulted in the current planning controls which apply to the subject site. Council has undertaken due process in the finalisation of the current planning controls which have been effectively applied to several developments along the Gladesville Town Centre and Victoria Road Corridor.

Attachment 4 of this report includes a chronological list demonstrating planning controls and consultation undertaken by Council.

- **Damage to adjoining and adjacent properties during construction (including potential hazardous materials)**

Comment

Whilst these concerns are acknowledged, subject to appropriate conditions of consent and standard practices the risk of exposure from hazardous materials can be effectively managed as can risks to adjoining properties. The submitted documentation has been considered by both Councils Environmental Health Officers and Engineers and been considered acceptable subject to conditions.

- **Privacy and overlooking**

Comment

The proposal has been designed to respond to the site constraints and minimise overlooking of adjoining properties through orientation and setbacks where appropriate.

It is understood there are several concerns that there will be significant loss of privacy of the adjoining school. Notwithstanding that the proposal is permitted on the subject site it does not unduly impact the surrounding properties in a manner which would be reasonably considering the setbacks provided.

Figure 6 below shows the separation distances between the development and school boundary and playground area.



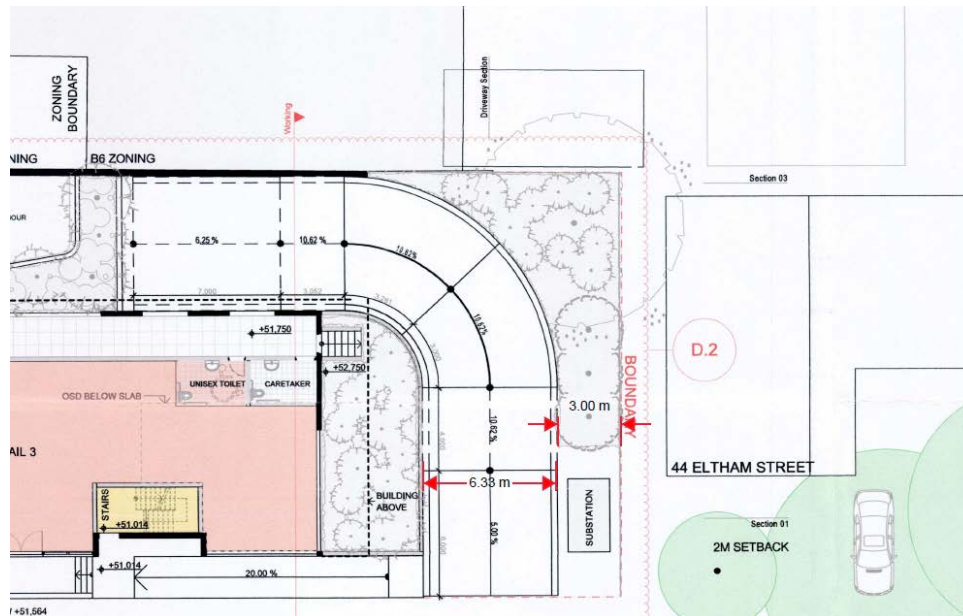
**Figure 6: Setback of the development from the property boundary of the subject site to the property boundary and playground area of the neighbouring school.**

- **Location of car park entrance and loss of amenity**

Comment

The proposed location of the car park is the most appropriate location on the subject site and has been setback to ensure minimal loss of amenity for adjoining residents and traffic safety (given the corner location of the site to Victoria Road). The proposal is also subject to conditions relating to acoustic performance which will ensure that minimum impacts on adjoining properties are achieved.

Figure 7 below shows the location of the proposed driveway to the nearest neighbouring residential property. It is noted that the driveway is setback 3.0m from the property boundary with the setback areas accommodating vegetation to mitigate visual and acoustic impact.



- **Traffic and Parking and impact on surrounding road network**

Comment

Council's Traffic Engineer has advised that:

*“Traffic generation for the proposed development (i.e. 47 residential units and 533m<sup>2</sup> commercial/retail area) is expected to be around 24 vehicle trips per peak hour. The existing commercial uses would generate about 16 vehicle trips per peak hour. Therefore, the net increase in traffic is expected to be less than 10 additional vehicle trips per hour, which is considered negligible on the road network.*

*The proposed development requires provision of 72 to 87 car parking spaces including 22 retail spaces (assuming that commercial component will be mainly used as retail spaces). The proposal consists of 84 car parking spaces in total, which complies with Council's DCP."*

Council also engaged an independent traffic consultant (Bitzios Consulting) to undertake a review of the proposal. The review, identified that the traffic impact of the application was small, (in context of the wider existing volumes).

The proposal complies with the car parking requirements for the site, accordingly the proposal is not considered to have such an adverse traffic impact as to warrant refusal of the application.

- **Bunnings Gladesville Traffic and Parking Study**

Comment

A submission raised concerns regarding the cumulative impacts on traffic and parking as a result of existing and future developments within the local area.



The submission queries the outcome of Item 4(c) of the Council resolution from the meeting of 28 April 2015 which states:

*“Item 4, (c):*

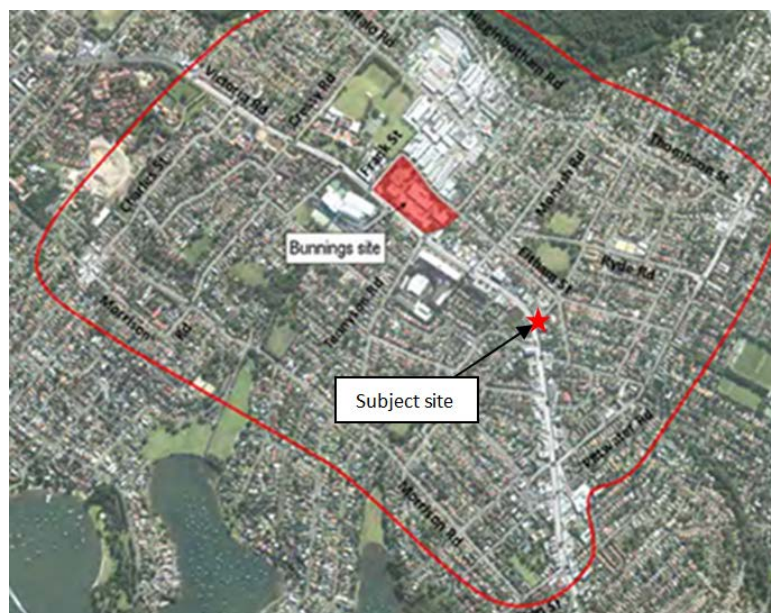
- x. Detailed study into the traffic and parking impacts be undertaken for any proposed rezoning that includes land use changes and increased densities for sites adjoining Tennyson Road. The aforementioned traffic and parking impact study is to be modelled on the Bunnings Gladesville Traffic and Parking Impact Study in terms of its scope and deliverables. (at no cost to Council – developer funded).*
- xi. An additional traffic and parking study, as detailed in part (x) above, be undertaken for the area bounded by Pittwater Road to Monash Road and Ryde Road to Victoria Road. (at no cost to Council – developer funded). Council Meeting Page 7 Minutes of the Council Meeting No. 7/15, dated 28 April 2015.”*

Council's Traffic Engineer advises that Items 4 (c)x and (c)xi of the Council resolution at the 28 April 2015 Council meeting were addressed.

Bunnings Gladesville Traffic and Parking Study, version 004, dated 22 June 2015 included traffic impact of the following developments on Tennyson Road:

- Planning proposal for 2-12 Tennyson Road, which includes rezoning from light industrial (IN2) to mixed use (B4) zone.
- Child care centre at 486-488 Tennyson Road.

Figure 8 below shows the study area of the Bunnings Gladesville Traffic and Parking Study (outlined in red).



**Figure 8: Study area of the Bunnings Gladesville Traffic and Parking Study.**

As shown in the map above, the study area included the area bounded by Pittwater Road to Monash Road and Ryde Road to Victoria Road.

In addition, Bunnings Gladesville Traffic and Parking Study also included traffic impact of a mixed use development at 1-9 Monash Road (i.e. ALDI store and retail tenancies) and 297-307 Victoria Road (i.e. conversion of commercial uses to residential units). These two sites are within the area defined in Items 4 (c)xi of the Council resolution at the 28 April 2015 Council meeting.

The Bunnings Gladesville Traffic and Parking Study identified the following mitigation measures:

	Preferred Network Element	Responsibility	Reasoning	Staging
1	College Street closure separating the industrial complex and residential complex	Bunnings Site	To stop Bunnings traffic accessing the site via Orient-College-Frank	(*) Stage 1 of Bunnings Site development
2	Cressy Road widened to two lanes to allow double right turn into Victoria Road	Bunnings Site	A consequential impact of Item 1	(*) Stage 1 of Bunnings Site development
3	Proposed Bunnings access point at Tennyson Road	Bunnings Site	Required for primary access	(*) Stage 1 of Bunnings Site development
4	New signalised intersection at Monash/College/Eltham	Future Development	Due to local development growth	As development occurs
5	Eltham Street one-way eastbound between Aldi and commercial development	Future Development	Due to local development growth	As development occurs
6	No parking on Monash Road (eastern side) south of Eltham Street during all peaks	Future Development	Due to local development growth	As development occurs
7	Introduce signalised (non-filtered) right turn into Westminster Road from Victoria Road	Future Development	Due to local development growth	As development occurs
8	Ban right turn into Jordan Street from Victoria Road during PM peak	Future Development	Due to local development growth	As development occurs
9	New roundabout at Buffalo Road / Monash Road intersection	City of Ryde	Cumulative impact, existing issues and safety concerns	Subject to CoR programing
10	LATM measures in Orient Street	City of Ryde	Cumulative impact, existing issues and speed management	Subject to CoR programing
11	Speed management scheme in Higginbotham/Thompson corridor	City of Ryde	Cumulative impact, existing issues and speed management	Subject to CoR programing

(\*) Prior to issue of any "staged" or "interim" occupational certificate.

However, as stated above, the net increase in traffic due to the proposed development (LDA2016/337) is expected to less than 10 additional vehicle trips per hour, which is considered negligible on the road network.

### Resident parking schemes

The same submission requests that Council investigate the introduction of a residential parking scheme for those existing dwelling houses within the R2 Low Density Residential zone, to the exclusion of residential flat buildings.

Councils can only install these with the support of RMS (through the Traffic Committee), in accordance with RMS's statutory rules, which limits the number of permits to:

- a maximum of two (or in extreme circumstances, three) permits per residence, less any off-street parking, and

- ensure the number of permits issued is not more than the number of parking spaces available.

This makes Resident Parking Schemes unsuitable for many parts of the City of Ryde, especially where:

- properties have more than one off-street parking space, and/or
- the number of on-street parking spaces cannot support the number of permits that would be issued.

City of Ryde is currently giving priority to reviewing the Permit Parking Policy, to bring it in line with RMS requirements.

Regarding this particular request to introduce a Resident Parking Scheme in R2 Low Density Residential zone in Gladesville, residential properties in this area generally have two or more off-street parking spaces. The introduction of a Resident Parking Scheme would result in most of the properties in this area being ineligible for parking permits and the scheme not being fit for purpose. When residents in other streets are made aware of these restrictions on permit allocations, they have not been in favour of the changes. Although more permits have previously been issued, regardless of off-street parking, this practice is currently being assessed as part of the Policy review.

#### No Stopping signs

With respect to the installation of 'No Stopping' signs, Council's Traffic Department have advised that they will investigate whether there is a need for installation of NO STOPPING signs at Oxford Street and Percy Street intersection.

#### Vehicle speed on Oxford Street

The submission also notes that turning out of Percy Street on to Oxford Street is dangerous at any time of day, due to the low visibility as a result of cars that park very close to the corner and also due to the speed to which cars are travelling along Oxford Street in both directions.

In regards to vehicle speeds on Oxford Street, a speed survey can be conducted in February 2018 after school re-opens, however the installation of any local area traffic calming device is generally not favoured by residents and hence, generally not supported by Council.

However, it should be noted that traffic and parking implications on Percy Street and Oxford Street due to the proposed development (LDA2016/337) would be negligible.

- **Not in keeping with the character of the area and surrounding heritage**

#### Comment

The proposal generally conforms to the anticipated outcomes of the RLEP 2014 and supporting RDCP 2014 with the exception of minor non-compliances which have been considered acceptable on a merits basis. These documents defined the future character of the area which is undergoing transition and capture Council and the wider communities expectations for what is acceptable on the subject site. It is also



noted that the proposal has been considered by Council's Heritage Officer who determined that the proposal is acceptable on heritage grounds.

- **Exceedance of building height**

Comment

The proposed non-compliance with the maximum building height is considered acceptable on a merits basis as detailed within this report. Critically the minor areas of non-compliance are unlikely to have significant impacts on surrounding properties and as such are considered acceptable.

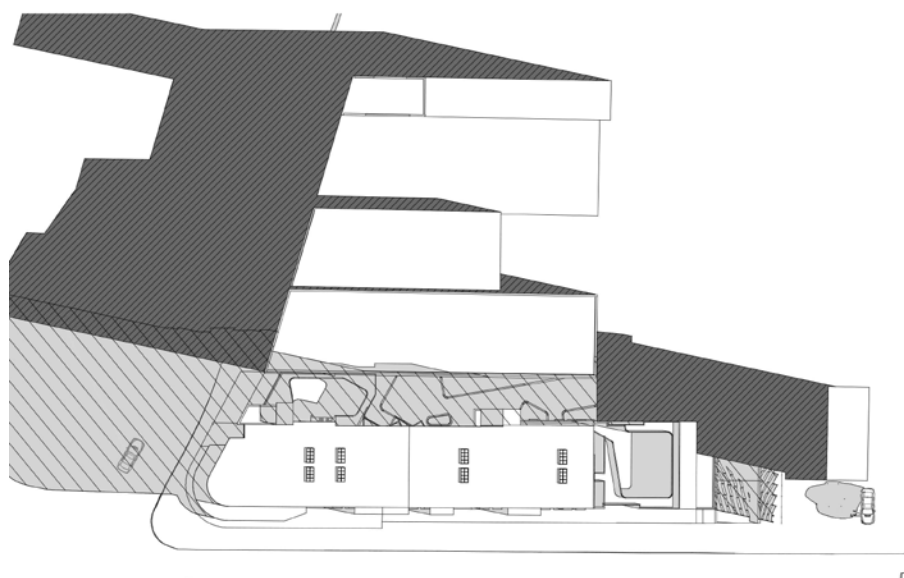
- **Overshadowing of adjoining school and surrounding areas**

Comment

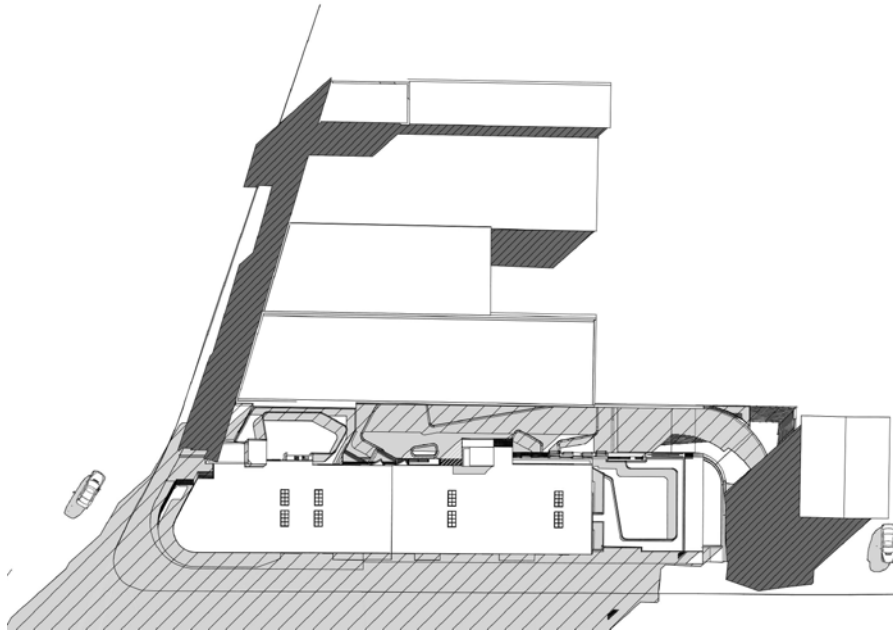
The southern corner location of the site in relation to the neighbouring residential properties to the north and to the school to the east results in minimal overshadowing of adjoining properties, given the permitted building heights over the subject site.

As shown in Figures 9 to 14 below, shadows are predominantly cast over the roadways from morning to mid-afternoon then over the western part of the school at 3.00pm at mid-winter (this is largely avoided at the equinox).

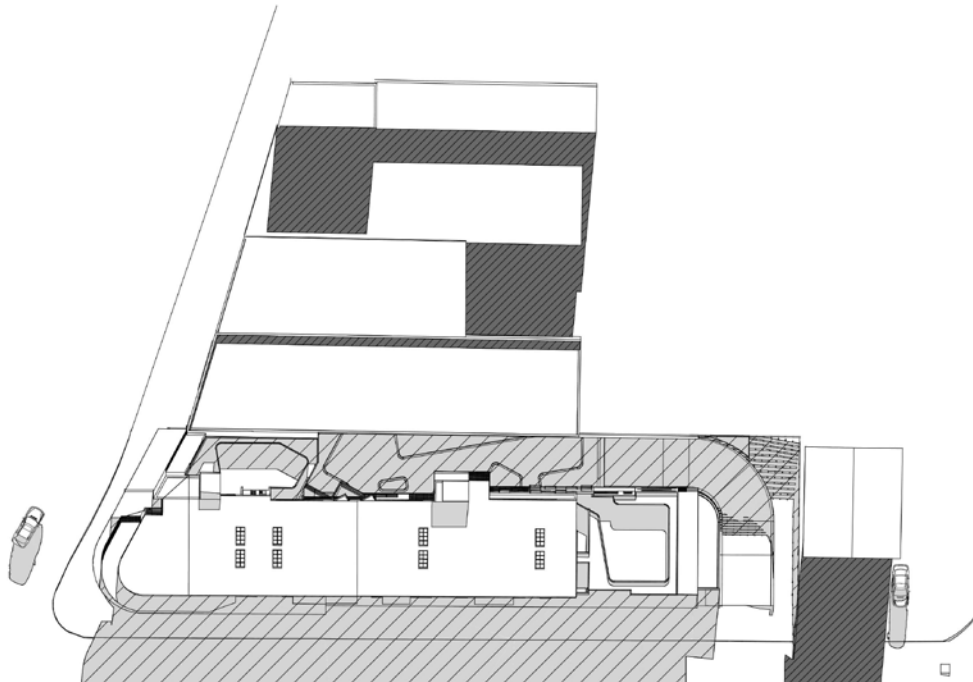
Figures 9, 10 & 11 below shows the extent of overshadowing cast by the development (the light hashed area denotes the proposed shadow) at mid-winter.



**Figure 9: Shadows cast at 9.00am on 21 June.**

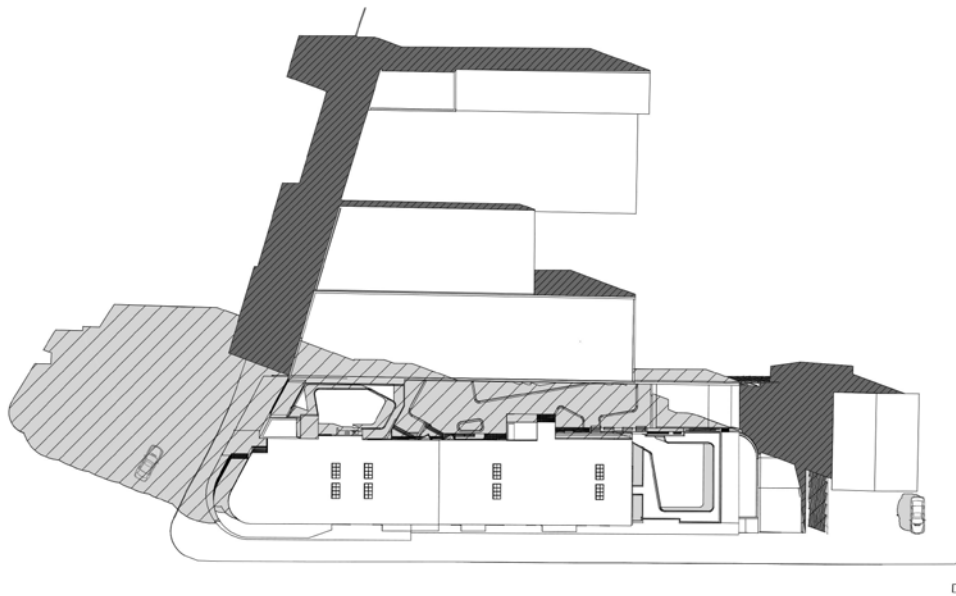


**Figure 10: Shadows cast at Noon on 21 June.**

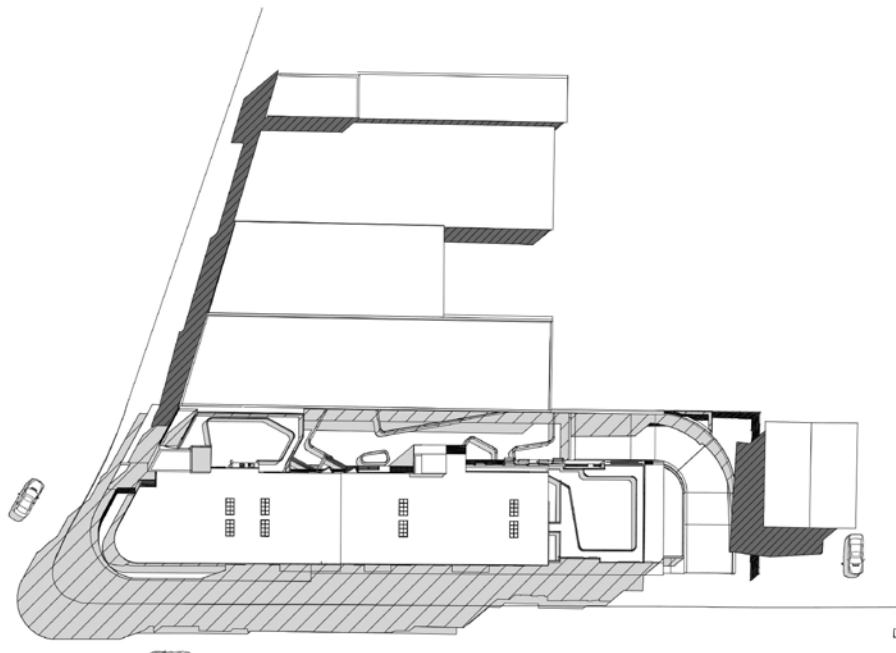


**Figure 11: Shadows cast at 3.00pm on 21 June.**

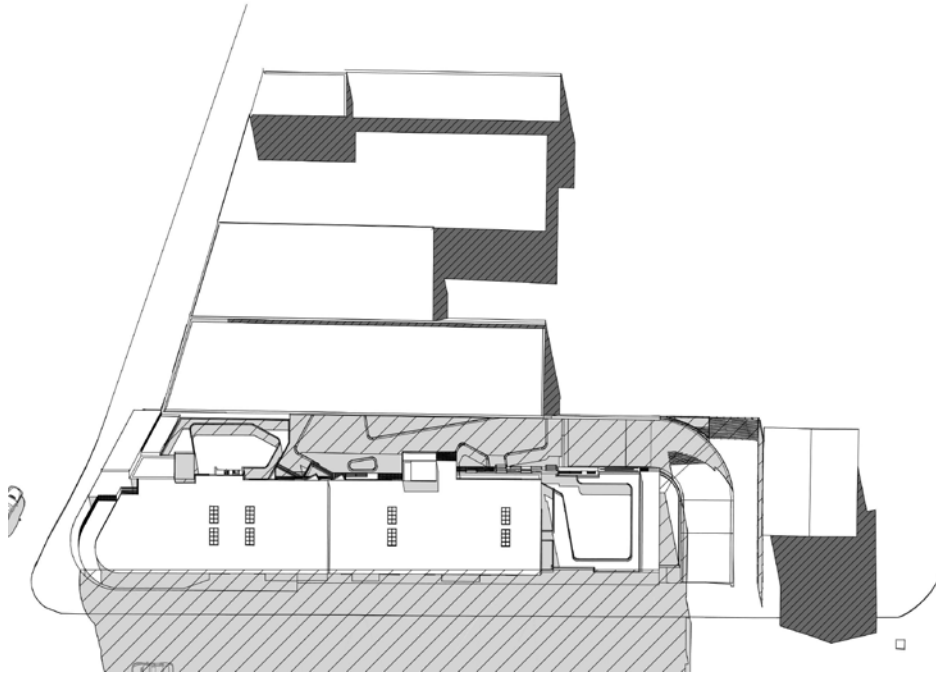
Figures 12, 13 & 14 below shows the extent of overshadowing cast by the development (the light hashed area denotes the proposed shadow) at the March equinox.



**Figure 12: Shadows cast at 9.00am on 21 March.**



**Figure 13: Shadows cast at Noon on 21 March.**



**Figure 14: Shadows cast at 3.00pm on 21 March.**

- **Insufficient notification of adjoining residents**

Comment

The application was publicly exhibited in accordance with the requirements of the RDCP 2014.

The application was advertised in the Northern District Times on 17 August 2016 to 7 September 2016 and adjoining property owners were notified of the application on the following three separate occasions:

Notification 1 (17 August 2017 to 28 September 2017))

Letters were sent to 270 occupiers.

Notification 2 (21 March 2017 to 5 April 2017)

Letters were sent to 32 objectors only.

Notification 3 (5 May 2017 to 7 June 2017)

Letters were sent to 267 occupiers.

- **The design of the building is not of a high quality and may pose fire risk**

Comment

The proposal has been prepared by a qualified architect, reviewed by Councils UDRP and is considered to be of an acceptable quality. It is also noted that the proposal will be subject to conditions requiring compliance with the BCA and relevant Australian Standards ensuring that the proposal is acceptable.

- **Alignment of public laneway / vehicular access**

### Comment

It is noted that several submissions objected to the proposal on the basis that it does not deliver the laneway envisaged by Councils RDCP 2014. In this respect a review of the RDCP 2014 did not identify any requirements for laneways on the subject site. In particular it is noted that Figure 4.6.21 of Part 4.6 of the RDCP 2014 identifies that a laneway terminates at 365-369 Victoria Road Gladesville.

Figure 11 below show the site in relation to the future laneway (hashed) as envisaged in Figure 4.6.21 of Part 4.6 of the RDCP 2014.



**Figure 11: Location of the laneway (shown hashed) relative to the subject site (shown in red).**

- **Pedestrian and safety of children attending adjacent school**

### Comment

The proposal has been reviewed by Council and an independent traffic consultant and a Demolition Traffic Management Plan (DTMP) and Construction Traffic Management Plan (CTMP) are required to be submitted to Council for approval. **Conditions 34 and 78**, the DTMP & CTMP will help ensure safe and efficient movement of vehicles and pedestrians onto, off and around the site, minimising disruptions/impacts and maintain a safe environment for vehicular and pedestrian traffic external to the site.

The DTMP & CTMP will specify *“due to the proximity of the site adjacent to Our Lady Queen of Peace Catholic Primary School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays)”*.

- **Site amalgamation**

### Comment

Several submissions received raised concerns that the subject site should be amalgamated with adjoining sites. In this respect, the RDCP 2014 identifies a

minimum frontage of 40m for sites along Victoria Road (Section 3.2.1) unless it can be demonstrated that the access may be achieved from the local network. This has been evidenced by the proposal. Critically, the proposal has evidenced that the subject site is capable of being developed in accordance with the requirements of the RDCP 2014 and RLEP 2014, with minor non-compliances which have been considered acceptable.

- **Insufficient deep soil areas and communal open space**

Comment

Although the proposal does not deliver the required Deep Soil Areas, this has been considered acceptable due to the configuration of the site and the urban nature of the context within which it exists. Communal open space has been provided on the roof, in accordance with the requirements of the ADG.

- **Insufficient setbacks are proposed**

Comment

As detailed within this report, although the proposal results in some minor non-compliances with the required setbacks, these non-compliances are considered acceptable as it achieves an improved outcome for the site. In particular it is noted that it results in a built form which responds to the corner nature of the site and creates an effective transition to future anticipated built envisaged by the RLEP 2014 and RDCP 2014.

## **11 SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The proposal has adequately responded to the existing site constraints and the applicable planning controls. Generally the proposal has demonstrated that the site can be developed in accordance with the planning framework determined by the Environmental Planning and Assessment Act 1979.

## **12 THE PUBLIC INTEREST**

Although a non-compliance with the height control is sought, the submitted Clause 4.6 variation request is supported as detailed previously in this report. The proposed building will be compatible with the desired scale and form of development in the surrounding area, is generally consistent with the applicable controls and will provide suitable amenity for future occupiers.

Overall and having regard to the assessment contained in this report, it is considered that approval of the development is in the public interest.

## **13 CONCLUSION**

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal, as amended, is suitable for the site and is in the public interest.

It is recommended that the application be approved.

## **14 RECOMMENDATION**

That LDA No.2016/0337 at 363 Victoria Road and 2A Westminster Road, Gladesville be approved subject to the conditions in the attached draft consent.