

City of Ryde Local Planning Panel Report

DA Number	MOD2023/0010
Site Address & Ward	8 Western Crescent, Gladesville Lot 1 DP 1242260 East Ward
Zoning	B4 Mixed Use
Proposal (as amended)	Section 4.55(1A) modification to LDA2021/0300 seeking to satisfy conditions of consent and modifications including a reconfiguration of unit mix, additional car parking spaces, provision of privacy/sunscreens to some units, new service cabinets and a minor realignment of an external wall
Property Owner	Gladesville RSL and Community Club Limited
Applicant	Thomas Zarimis
Report Author	Shannon Butler – Senior Town Planner
Lodgement Date	18 January 2023
Notification - No. of Submissions	Fifteen (15) submissions received in objection and one submission received in support.
Cost of Works	\$17,986,549.00 (no change from originally approved development)
Reason for Referral to LPP	Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection. <i>Schedule 1, Part 2 of Local Planning Panels Direction</i>

Recommendation	Approval
Attachments	<p>Attachment 1: Recommended Modified Conditions of Consent</p> <p>Attachment 2: Apartment Design Guide (ADG) Compliance Table</p> <p>Attachment 3: Modified Architectural Plans</p> <p>Attachment 4: Originally Approved Architectural Plans</p>

1. EXECUTIVE SUMMARY

This report considers a Section 4.55(1A) modification application pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act) on land at 8 Western Crescent, Gladesville, which is legally described as Lot 1 DP 1242260.

The subject Section 4.55(1A) modification application (MOD2023/0010) was lodged on 18 January 2023 and seeks to modify the unit mix (with a reduction from 32 to 29 apartments), provide four additional car parking spaces, provide additional privacy measures/sunscreens to some apartments, provide additional service cabinets and the minor realignment of an external wall. Some of the modifications are proposed in response to conditions in the original Development Consent.

On 4 August 2022 Development Consent No. LDA2021/0300 was granted by the Ryde Local Planning Panel for the construction of a nine storey mixed use development comprising 32 residential units, a ground floor community facility floorspace and four basement car parking levels on the subject site. The works approved under this consent have not been commenced to date, however the partial demolition of the existing building, excavation and shoring works have been undertaken under Development Consent No. LDA2016/0058.

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel for determination as it constitutes contentious development, having received in excess of ten (10) submissions objecting to the modification application.

The modification application was notified between 7 February 2023 and 27 February 2023. Fifteen (15) submissions were received objecting to the application and one submission was received in support. A review of the submissions indicates that none of the concerns raised, relate to the proposed modifications and instead relate to the original scheme and its determination. Concerns raised in the submissions related to the fact that there has been no view loss study conducted, concern that the development is inconsistent with developments located on Victoria Road, concern that there is a lack of supporting infrastructure to support the influx of new residents, concern that the development will contribute to traffic and congestion, concern that the partial demolition of the Jordan Hall building occurred under the pretense that the future development was to accommodate over 50's, concern that there is inadequate car parking in the locality, it is unclear how the development aligns with the Gladesville

Masterplan and concerns in relation to impacts on surrounding properties during the construction phase.

On 22 February 2023 a request for additional information letter was sent to the applicant advising that the parking assessment found four surplus car parking spaces beyond the Ryde DCP requirements and that these surplus spaces are required to be counted as contributing to the gross floor area (GFA) of the building. GFA calculation plans were requested. It was also requested that the plans be amended to designate all car parking spaces on Level P1 as community facility parking.

The applicant submitted additional information on 28 February 2023 which included amended basement plans and GFA calculation plans. The applicant deleted one of the proposed visitor parking spaces and converted the area into additional storage for the residential units.

Having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act*, it is recommended Development Application No. MOD2023/0010 be granted consent.

2. THE SITE & LOCALITY



Figure 1 Aerial photograph of the site and locality

The subject site is legally described as Lot 1 DP 1242260 and is known as 8 Western Crescent, Gladesville. The site has an area of 1024.4m². The site is located on the south-eastern corner of Western Crescent and Ross Street with a frontage also to Coulter Street. The site has a width of 27.735m and a depth of 37.035m. The site is adjoined to the south east by City of Ryde's at-grade car parking area. The current site

configuration was formed by a Lot consolidation dated 22 February 2018 (the site was formerly known as Nos. 6-8 Western Crescent).

Demolition, excavation and shoring works have been completed on the site under Development Consent No. LDA2016/0058 (**Figure 2**). The works approved under this consent include the retention of the Western Crescent façade of the existing building on the site (previously known as Jordan Hall). The approval granted consent for part of the central portico of the Jordan Hall façade to be temporarily removed during construction. This is to be reconstructed under the approval issued for LDA2021/0300.

The site has a gradual slope from the north-west corner to the south-east corner of approximately 5.5m.



Figure 2 – View of site from Coulter Street depicting excavation and shoring works being undertaken and the rear of the existing Western Crescent facade

The surrounding locality is characterised by a mix of existing development comprising residential flat buildings on the opposite side of Coulter Street (**Figure 3**), single dwellings on the opposite side of Ross Street (**Figure 4**), a residential flat building and place of worship on the opposite side of Western Crescent (**Figure 5**) and an at-grade car parking area and Gladesville RSL Club to the south-east of the site.



Figure 3 – View of streetscape on opposite side of Coulter Street characterised by three storey apartment buildings



Figure 4 – View of streetscape of opposite side of Ross Street, characterised by a mix of single and two storey dwellings



Figure 5 – View of streetscape of Western Crescent characterised by a residential flat building and place of worship (to the right).



Figure 6 – View of site from at-grade car parking area to the south-east of the site

3.0 THE PROPOSAL

The application seeks to modify Development Consent No. LDA2021/0300 which was granted by the Ryde Local Planning Panel on 4 August 2022 for the

construction of a nine storey mixed use development comprising 32 residential units, ground floor community facility floorspace and four basement car parking levels.

The proposal seeks to amend the approved unit mix, provide additional car parking spaces, provide additional privacy measures / sunscreens to some residential apartments, new service cabinets and the minor realignment of an external wall.

The following table provides an overview of the proposed modifications:

Component	Approved	Proposed	Comment
Maximum building height	30.86m	30.86m	No change
Gross floor area (GFA)	4,404.5m ²	4,397.9m ²	6.6m ² reduction
Floor space ratio	4.30:1	4.29:1	Minor reduction
Residential units	32 units	29 units	3 unit reduction
Unit mix	22x2 bedroom and 10x3/4 bedroom	13x2 bedroom and 16x3/4 bedroom	Minor change in unit mix
Community facility floorspace	680m ²	680m ²	No change
Residential car parking spaces	42 spaces	45 spaces	3 additional parking spaces

The following table provides a breakdown of the proposed modifications based on the respective levels:

Level	Proposed Modification	Reason
Level P4	a) Three additional car parking spaces. b) Parking spaces and storage areas reallocated and redistributed based on amended layout.	The modifications are as a result of design development which resulted to changes to the apartment/dwelling mix.
Level P2	a) Provision of electric vehicle charging points for all seven residential visitor parking spaces. b) One of the visitor parking spaces has been deleted and replaced with storage for one of the residential units given that the amended unit mix proposed would have resulted in that visitor space being surplus to Council's parking requirements.	The modification is to satisfy Condition No. 1(d) of the original consent.
Level 1	a) Provision of vertically proportioned screening to bedroom 1 (Unit 101) within the opening towards the south-west.	The modification is proposed to satisfy Condition No. 1(a) of the original consent.
Level 2	a) Internal reconfigurations to provide two x 3-bedroom units (previously three x 2-bedroom units). Including minor realignment (brought in from boundary) of western corner due to internal amendments. b) Provision of vertically proportioned screening to Bedroom 3 (previously Bedroom	The modifications are as a result of design development and the input of property specialists to provide a more suitable apartment mix for the market demand of Gladesville.

	<p>1) (Unit 201) within the opening towards the south-west (Coulter Street).</p> <p>c) Adjustable sunscreens provided to west facing balcony of Unit 202 (previously 203).</p> <p>d) New service cabinet within approved service room.</p>	<p>The modifications are also proposed to satisfy Conditions 1(a) and 1(c) of the original consent.</p>
Level 3	<p>a) Internal reconfigurations to provide two x 3-bedroom units (previously three x 2-bedroom units). Including minor realignment (brought in from boundary) of western corner due to internal amendments.</p> <p>b) Provision of vertically proportioned screening to Bedroom 3 (previously Bedroom 1) (Unit 301) within the opening towards the south-west (Coulter Street).</p> <p>c) Adjustable sunscreens provided to west facing balcony of Unit 302 (previously 303).</p> <p>d) New service cabinet within approved service room.</p>	<p>The modifications are as a result of design development and the input of property specialists to provide a more suitable apartment mix for the market demand of Gladesville.</p> <p>The modifications are also proposed to satisfy Conditions 1(a) and 1(c) of the original consent.</p>
Level 4	<p>a) Internal reconfigurations to provide two x 3-bedroom units (previously three x 2-bedroom units). Including minor realignment (brought in from boundary) of western corner due to internal amendments.</p> <p>b) Provision of vertically proportioned screening to Bedroom 3 (previously Bedroom 1) (Unit 401) within the opening towards the south-west (Coulter Street).</p> <p>c) Adjustable sunscreens provided to west facing balcony of Unit 402 (previously 403).</p> <p>d) New service cabinet within approved service room.</p>	<p>The modifications are as a result of design development and the input of property specialists to provide a more suitable apartment mix for the market demand of Gladesville.</p> <p>The modifications are also proposed to satisfy Conditions 1(a) and 1(c) of the original consent.</p>
Level 5	<p>a) Provision of vertically proportioned screening to Bedroom 1 (Unit 501) within the opening towards the south-west (Coulter Street).</p> <p>b) Minor realignment (brought in from boundary) to south-west corner of external wall in order to match external walls of levels below.</p>	<p>The modifications are to satisfy Condition No. 1(a) of the original consent.</p> <p>The minor modifications are to improve the appearance of the overall development to align with the external south west wall of lower level apartments.</p>
Level 6	<p>a) Provision of vertically proportioned screening to Bedroom 1 (Unit 601) within the opening towards the south-west (Coulter Street).</p> <p>b) Minor realignment (brought in from boundary) to south-west corner of external wall in order to match external walls of levels below.</p>	<p>The modifications are to satisfy Condition No. 1(a) of the original consent.</p> <p>The minor modifications are to improve the appearance of the overall development to align with the external south</p>

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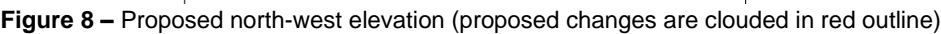
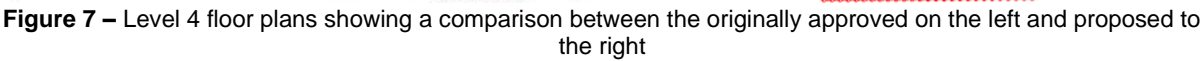




Figure 9 – Proposed south-east elevation (proposed changes are clouded in red outline)

The applicant has requested the amendment of Condition Nos. 1 and 145 to reflect the above modifications.

Condition Nos.1 and 145 are currently as follows:

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

Document Description	Date	Plan No/Reference
Site Plan	09/07/2021	2728, 01 - Innovate Architects
P3 & P4 Residential Parking Plan	24/03/2022	2728, 02 – Innovate Architects
P1 & P2 Residential Parking Plan	24/03/2022	2728, 03 – Innovate Architects
Ground Floor + Level 1 Floor Plans	03/02/2022	2728, 04 – Innovate Architects
Level 2 + Level 3 Residential Floor Plans	03/02/2022	2728, 05 – Innovate Architects
Level 4 + Level 5 Residential Floor Plans	03/02/2022	2728, 06 – Innovate Architects
Level 6 + Level 7 Residential Floor Plans	03/02/2022	2728, 07 – Innovate Architects
Level 8 Floor Plans	03/02/2022	2728, 08 – Innovate Architects
North West Elevation (Ross Street)	03/02/2022	2728, 10 – Innovate Architects
South East Elevation	03/02/2022	2728, 11 – Innovate Architects
North East Elevation	03/02/2022	2728, 12 – Innovate Architects
South West Elevation	03/02/2022	2728, 13 – Innovate Architects
Section A-A	03/02/2022	2728, 14 – Innovate Architects
Section B & C	03/02/2022	2728, 15 – Innovate Architects
Section D-D	03/02/2022	2728, 16 – Innovate Architects
Section E-E	03/02/2022	2728, 17 – Innovate Architects
Section F-F	03/02/2022	2728, 18 – Innovate Architects
Cover Sheet (Landscaping Plans)	28/01/2022	L-01 C – Site Design Studios
Public Domain Sheet 1	28/01/2022	L-02.1 C – Site Design Studios
Public Domain Sheet 2	28/01/2022	L-02.2 C – Site Design Studios
Level 1 Sheet 1	28/01/2022	L-03.1 C – Site Design Studios
Level 1 Sheet 2	28/01/2022	L-03.2C – Site Design Studios
Level 7	28/01/2022	L-04C – Site Design Studios
Planting Details	28/01/2022	L-05C – Site Design Studios
Plant Schedule	28/01/2022	L-06C – Site Design Studios
Notes	28/01/2022	L08C – Site Design Studios

Concept Stormwater Layout Drawing – Basement Level 4	28/06/2021	SW010 A1 – Mance Arraj
Concept Stormwater Layout Drawing – Basement 1 & 2 Level	02/02/2022	SW020 A1 – Mance Arraj
Plan of OSD Tank and Section Details	02/02/2022	SW021 A1 – Mance Arraj
Operational Waste Management Plan	February 2022	Waste Audit
Demolition and Construction Waste Management Plan	July 2021	Waste Audit
Revised DA Acoustic Assessment	01/07/2021	Acoustic Logic

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- The windows associated with Bedroom 1 windows for Units 101, 201, 301, 401, 501 and 601 shall be amended to have a vertically proportioned screening arrangement which orientates the opening towards the south-west (Coulter Street).
- Any air conditioner units are to be located on the roof, service room or appropriately enclosed and noise attenuated if located on balconies.
- Adjustable sunscreens are to be provided to the west facing windows and balconies in units 203, 303 and 403 in order to better satisfy the glare and thermal comfort outcomes of the Apartment Design Guide (ADG).
- At a minimum, all residential visitor parking spaces on Level P2 are to be provided with electric vehicle charging points.

The Development must be carried out in accordance with the amended plans approved under this condition.

(Reason: To ensure the development is carried out in accordance with the determination).

145. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;

- A range of 36 to 43 residential spaces
- 7 visitor spaces
- 17 community facility spaces

Two (2) parking spaces shall be marked as a visitor accessible parking space with a designated shared area adjoining.

(Reason: To ensure the development maintains the capacity and allocation of parking spaces on the site.)

The conditions are sought to be amended as follows (amended elements in red text):

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

Document Description	Date	Plan No/Reference
Site Plan	16/12/2022	2728, 01 - Innovate Architects (Issue B)
P3 & P4 Residential Parking Plan	16/12/2022	2728, 02 – Innovate Architects (Issue C)
P1 & P2 Residential Parking Plan	28/02/2023	2728, 03 – Innovate Architects (Issue E)
Ground Floor + Level 1 Floor Plans	16/12/2022	2728, 04 – Innovate Architects (Issue C)
Level 2 + Level 3 Residential Floor Plans	16/12/2022	2728, 05 – Innovate Architects (Issue D)
Level 4 + Level 5 Residential Floor Plans	16/12/2022	2728, 06 – Innovate Architects (Issue D)
Level 6 + Level 7 Residential Floor Plans	16/12/2022	2728, 07 – Innovate Architects (Issue C)
Level 8 Floor Plan	16/12/2022	2728, 08 – Innovate Architects (Issue C)
North West Elevation (Ross Street)	16/12/2022	2728, 10 – Innovate Architects (Issue C)
South East Elevation	16/12/2022	2728, 11 – Innovate Architects (Issue C)

North East Elevation	16/12/2022	2728, 12 – Innovate Architects (Issue C)
South West Elevation	16/12/2022	2728, 13 – Innovate Architects (Issue C)
Section A-A	16/12/2022	2728, 14 – Innovate Architects (Issue C)
Section B & C	16/12/2022	2728, 15 – Innovate Architects (Issue C)
Section D-D	16/12/2022	2728, 16 – Innovate Architects (Issue C)
Section E-E	16/12/2022	2728, 17 – Innovate Architects (Issue C)
Section F-F	16/12/2022	2728, 18 – Innovate Architects (Issue C)
Cover Sheet (Landscaping Plans)	28/01/2022	L-01 C – Site Design Studios
Public Domain Sheet 1	28/01/2022	L-02.1 C – Site Design Studios
Public Domain Sheet 2	28/01/2022	L-02.2 C – Site Design Studios
Level 1 Sheet 1	28/01/2022	L-03.1 C – Site Design Studios
Level 1 Sheet 2	28/01/2022	L-03.2C – Site Design Studios
Level 7	28/01/2022	L-04C – Site Design Studios
Planting Details	28/01/2022	L-05C – Site Design Studios
Plant Schedule	28/01/2022	L-06C – Site Design Studios
Notes	28/01/2022	L08C – Site Design Studios
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Revised DA Acoustic Assessment	01/07/2021	Acoustic Logic

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- e) ~~The windows associated with Bedroom 1 windows for Units 101, 201, 301, 401, 501 and 601 shall be amended to have a vertically proportioned screening arrangement which orientates the opening towards the south-west (Coulter Street).~~
- f) Any air conditioner units are to be located on the roof, service room or appropriately enclosed and noise attenuated if located on balconies.
- g) ~~Adjustable sunscreens are to be provided to the west facing windows and balconies in units 203, 303 and 403 in order to better satisfy the glare and thermal comfort outcomes of the Apartment Design Guide (ADG).~~
- h) ~~At a minimum, all residential visitor parking spaces on Level P2 are to be provided with electric vehicle charging points.~~

The Development must be carried out in accordance with the amended plans approved under this condition.

(Reason: To ensure the development is carried out in accordance with the determination).

145. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;

- A range of 36 to ~~43~~ 45 residential spaces
- ~~7~~ 6 visitor spaces
- 17 community facility spaces

Two (2) parking spaces shall be marked as a visitor accessible parking space with a designated shared area adjoining.

(Reason: To ensure the development maintains the capacity and allocation of parking spaces on the site.)

4.0 HISTORY

4.1 Site History


27 July 2017

Deferred commencement consent No. LDA2016/0058 was granted by the Sydney North Planning Panel for the partial demolition of existing buildings and the construction of a ten storey mixed use development comprising 34 residential apartments, 98 car parking spaces and new facilities for the Gladesville RSL youth centre.

The approved development included the retention of the Western Crescent façade of the Jordan Hall building which is a contributory heritage item.



Figure 10 – Western Crescent elevation of development approved under LDA2016/0058

	 <p>Figure 11 – Ross Street elevation of development approved under LDA2016/0058</p> <p>This consent has been relied upon by the applicant for the partial demolition of the Jordan Hall building, excavation for the basement and shoring works.</p>
22 February 2018	Consolidation of Lots 2-3 in DP 1821 was undertaken which created the subject lot being Lot 1 DP 2422260. The site was formerly known as 6-8 Western Crescent and is now known as 8 Western Crescent.
16 July 2018	A letter was sent to Council by the applicant requesting a 12 month extension to the lapsing period of the deferred commencement condition in accordance with Section 4.54 of the Environmental Planning and Assessment Act 1979.
26 July 2018	A response letter was provided to the applicant by Council granting a 12 month extension to satisfy the deferred commencement condition in accordance with Section 4.54 of the Environmental Planning and Assessment Act 1979.
31 May 2019	Modification Application MOD2018/0179 pursuant to Section 4.55(1A) was granted consent to amend Condition No. 1 of Development Consent No. LDA2016/0058 to allow the temporary removal and reinstatement of the portico of the Western Crescent heritage façade.
14 June 2019	Development Consent LDA2016/0058 became operational.
10 November 2020	Development Application No. LDA2020/0388 was lodged with Council seeking consent to amend Development Consent No. LDA2016/0058 under Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979 as follows:

	<ul style="list-style-type: none"> - Deletion of basement levels 4 and 5, - Removal of the approved youth centre and change the ground floor and mezzanine use to a 'community facility', - Revision of the internal apartment layouts, amending the total number of apartments from 34 to 33, and reducing total parking spaces from 98 car spaces to 56, - The overall height of the development remain at 10 storeys. <p>The applicant subsequently requested the withdrawal of this application on 5 March 2021 due to the time likely to be taken to resolve a number of design issues identified by Council staff.</p>
27 May 2021	Construction Certificate PCA2021/143 (Ref: CC15-1206-01) was issued by Steve Watson and Partners (Sydney) Pty Ltd for bulk excavation and piling/shoring works approved under LDA2016/0058.
4 August 2022	<p>Development Consent No. LDA2021/0300 was granted by the Ryde Local Planning Panel for the construction of a nine storey mixed use development comprising 32 residential units, a ground floor community facility floorspace and four basement car parking levels.</p> <p>This consent included the construction of the basement floor slabs and walls as Development Consent No. LDA2016/0058 had been relied upon for the partial demolition of the Jordan Hall building, excavation and shoring works which had been undertaken at the time of granting Development Consent No. LDA2021/0300.</p>

4.2 Application History

18 January 2023	Subject Section 4.55 application lodged with Council.
7 February 2023 to 27 February 2023	Subject Section 4.55 application notified in accordance with the Ryde Community Participation Plan. As a result, a total of 15 submissions were received in objection and one submissions was received in support.
22 February 2023	A request for additional information letter was sent to the applicant advising that the parking assessment found that there was a four car parking space surplus beyond the Ryde DCP requirements and that these surplus spaces are required to be counted as contributing to the gross floor area (GFA) of the building. GFA calculation plans were requested. It was also requested that the plans be amended to designate all car parking spaces on Level P1 as community facility parking.
28 February 2023	Additional information was submitted by the applicant in response to Council's letter including amended basement floor plans (deleting one of the visitor parking spaces and converting the area into storage for one of the residential units) and GFA calculation plans.

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4 PLANNING ASSESSMENT

Section 4.55 of Environmental Planning and Assessment Act

The application has been lodged under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. Section 4.55(1A) outlines that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modification is considered to be of minimal environmental impacts. There is no change to the approved building envelope and the proposal maintains the originally approved building height, with a 6.6m² reduction in gross floor area. There is a reduction in the number of apartments proposed from 32 to 29 and an increase in the number of three bedroom apartments from 10 to 16. Whilst this may result in a subtle increase in the number of vehicle trips to and from the site, there are three additional car parking spaces proposed within the originally approved basement footprint to cater for any increased parking demand. The proposal does not introduce any new windows and does not create any additional areas that would permit greater overlooking of any adjoining properties.

The proposed modification results in the development being substantially the same development for which consent was originally granted. The proposal maintains the originally approved mixed-use typology and the approved ground floor community facility and associated gross floor area will remain in accordance with that originally approved. The approved built form with regard to height and setbacks is not proposed to be modified. The total gross floor area is proposed to be reduced by 6.6m² which is considered to be a minor reduction. The additional three car parking spaces are proposed to be provided within the existing basement footprint, requiring no additional excavation on the site. The modified proposal does not impact the

originally approved integration of the Jordan Hall façade on Western Crescent and retains the streetscape character.

The application has been notified in accordance with the Ryde Community Participation Plan and 15 unique submissions were received in objection and one submission was received in support. These submissions are considered in detail later in this report.

Accordingly, the proposal is considered to satisfy the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

4.1 State Environmental Planning Instruments

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

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) promotes better apartment design across NSW. This is achieved by establishing a consistent approach to the design and assessment of apartments. SEPP 65 and the accompanying Apartment Design Guide (ADG) apply to the proposed development.

The proposed modifications do not alter the consistency of the originally approved development with the Design Quality Principles under SEPP 65. The development will continue to provide a positive contribution to the locality in terms of its design quality, and result in enhanced internal and external amenity. The modifications will similarly improve housing diversity in the area to adhere to market demand within Gladesville.

Attachment No. 2 outlines the compliance of the modified proposal with the Apartment Design Guide (ADG).

Other relevant State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy Resilience and Hazards SEPP 2021		
Chapter 4 – Remediation of Land		
<p>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>The aims are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>The site preparation works including partial demolition and excavation were undertaken under Development Consent No. LDA2016/0058. As part of the assessment of that application the applicant provided a preliminary environmental site assessment which concluded that there is likely to be a low risk of contamination and that the site is likely to be suitable for the proposed development.</p> <p>As part of the assessment of the original application, Council's Environmental Health Officer reviewed the assessment and agreed with the findings. Appropriate</p>	Yes

	conditions of consent were imposed in the original consent to address the matter. These conditions will remain unaltered as a result of this modification application.	
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.	<p>A revised BASIX Certificate has been prepared (No. 697061M_06 dated 16 December 2022) which provides the development with a satisfactory target rating.</p> <p>It is recommended that Condition Nos. 4 and 106 be amended to reflect the revised Certificate.</p>	Yes
State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021		
Chapter 6 Water Catchments		
This Plan applies to the whole of the Ryde Local Government Area as the LGA is within the Sydney Harbour Catchment. Division 2 of Part 6.2 of this SEPP identifies controls on development in respect of water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management.	The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of Ryde DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.	Yes

5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)

Under the provisions of Ryde LEP 2014, the subject site is zoned B4 Mixed Use and the proposal is most accurately defined as a mixed use development as follows:

Mixed use development means a building or place comprising 2 or more different land uses.

The building contains the following two land uses:

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Community facility means a building or place—

(a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Development for the purpose of a mixed use development, residential flat building and community facility are permissible with consent within the B4 Mixed Use zone. The proposal does not seek to alter any of the originally approved landuses.

The relevant objectives for the B4 Mixed Use zone are as follows:

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

The proposal provides for two land uses that are compatible with the surrounding locality and are in an accessible location which is located nearby bus routes on Victoria Road and allows for walking and cycling. Accordingly, the modified proposal is considered satisfactory with regard to the objectives of the B4 Mixed Use zone.

Clause	Proposal	Compliance
4.3(2) Height of Buildings		
33m	The maximum height of the modified scheme remains as originally approved, being 30.86m.	Yes
4.4(2) Floor Space Ratio		
4.3:1 (4,404.92m ²) Site area: (1,024.4m ²)	<p>Building Components</p> <ul style="list-style-type: none"> - 3 surplus parking spaces: 38.9m² - Ground floor: 756.5m² - Level 1: 452.2m² - Level 2: 486.3m² - Level 3: 486.3m² - Level 4: 486.3m² - Level 5: 498m² - Level 6: 498m² - Level 7: 371.3m² - Level 8: 324.1m² <p>TOTAL: 4,397.9m²</p> <p>The total GFA of 4,397.9m² results in an FSR of 4.29:1.</p> <p>This is a 6.6m² reduction to the originally approved GFA and includes the three</p>	Yes

Clause	Proposal	Compliance
	surplus residential unit car parking spaces proposed.	
5.10 Heritage Conservation		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,</p> <p>(c) To conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p>	<p>The site is in the vicinity of the Tyrell Street Gladesville Heritage Conservation Area (C8) and the Gladesville Shopping Centre Heritage Conservation Area (C5), both heritage conservation areas of local significance listed in RLEP. The three buildings within the Tyrell Street HCA which are in the vicinity of the subject site, being Nos. 9, 9A and 11 Ross Street, which are all single storey dwellings, are identified in the Part 5 of the Ryde DCP 2014 as respectively being Highly contributory (No. 9), and Contributory (Nos. 9A and 11), to the HCA.</p> <p>The rear of Heritage item No. 138 (Gladesville Public School) is located at the south-western corner of the intersection of Coulter Street and Linsley Street. While some distance from the subject site, this heritage item, and particularly a 1920 school building, is visible across the carparking area from the subject site.</p> <p>The original application was considered by Council's Heritage consultant who raised no objection to the proposal based on the impacts on the surrounding heritage items. The modified proposal does not result in any additional impact on the nearby heritage items.</p>	Yes
6.2 Earthworks		
<p>(1) 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>The applicant is seeking to rely on Development Consent No. LDA2016/0058 for the excavation and shoring works and these works have been carried out. The original application sought consent for the construction of the basement walls and floor slabs only and did not include any earthworks. This situation is unaltered by this modification application.</p>	Yes
6.4 Stormwater Management		
<p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and</p>	<p>The originally approved stormwater management system for the development discharges to a proposed kerb inlet pit within the Ross Street</p>	Yes

Clause	Proposal	Compliance
on adjoining properties, native bushland and receiving waters.	frontage and connects to the existing public inground drainage system. The approved development also incorporates an on-site detention system which complies with Council's requirements. This situation is unaltered by this modification application.	
6.6 Environmental Sustainability		
<p>(1) 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>(2) Development consent must not be granted to development on land in a business or industrial zone if the development is 1,500 square metres in gross floor area or greater unless the consent authority is satisfied that the development has regard to the following—</p> <p>(a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage,</p> <p>(b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,</p> <p>(c) indoor environmental quality, including daylight provision, glare control, increased outside air rates, thermal comfort,</p> <p>(d) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,</p> <p>(e) emissions reduction, including reduced flow to sewer and light pollution,</p> <p>(f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces,</p>	<p>Given that the site is zoned B4 Mixed Use and the development has a GFA exceeding 1,500m², this Clause is relevant.</p> <p>An assessment against the relevant criteria is presented as under:</p> <p>The BASIX Certificate requires an alternative water supply system for all common areas.</p> <p>The BASIX Certificate outlines requirements for the use of a number of features to reduce the reliance on mains power.</p> <p>The units all receive suitable levels of daylight and cross ventilation. Thermal comfort is required to be catered for as dictated by the BASIX Certificate.</p> <p>The applicant has outlined the use of recycled content in the concrete to be used.</p> <p>The basement provides bicycle parking facilities.</p> <p>The site does not contain any suitable topsoil and does not contain any contamination.</p>	Yes

Clause	Proposal	Compliance
(g) land use and ecology, including reduced topsoil removal and contaminated land reclamation.		

5.3 Draft Environmental Planning Instruments

There are no relevant draft Environmental Planning Instruments for consideration.

5.4 Development Control Plans

Ryde Development Control Plan 2014 (RDCP 2014)

The proposal is subject to the provisions of the following parts of Ryde Development Control Plan 2014 (RDCP):

- Part 4.6: Gladesville Town Centre and Victoria Road Corridor
- Part 7.2: Waste Minimisation and Management;
- Part 8.2: Stormwater & Floodplain Management;
- Part 8.3: Driveways;
- Part 9.2: Access for People with Disabilities
- Part 9.3: Parking Controls

With regard to Parts 7.2, 8.2, 8.3 and 9.2 of the RDCP 2014, noting the advice from various technical departments within Council and the consideration of issues previously in this report, the proposal is considered satisfactory in relation to the controls contained in these Parts.

Part 4.6 – Gladesville Town Centre and Victoria Road Corridor

The proposal is subject to the requirements of Part 4.6 – Gladesville Town Centre and Victoria Road Corridor of RDCP 2014.

The provisions of RDCP 2014 have been considered in this assessment and it is concluded that the proposed is consistent with the aims and objectives of RDCP 2014. The original assessment supported variations to the DCP in relation to Active Street Frontages, Buildings Abutting the Street Alignment, Conservation Area and Built Form Guidelines, Provision of Awnings, Footpath Widths and a departure from the Block 18 Built Form Plan in relation to building heights. The proposed modifications do not result in any further non-compliances with the DCP and are considered satisfactory in relation to DCP compliance.

Part 9.3 – Parking Controls

The following parking rates are applicable to residential development under RDCP - Part 9.3 – Parking Controls.

- *0.6 to 1 space per one bedroom dwelling;*
- *0.9 to 1.2 spaces per two bedroom dwelling;*
- *1.4 to 1.6 spaces per three bedroom dwelling; and*

- 1 visitor space per 5 dwellings.

The modified development has been considered against Part 9.3 – Parking Controls as follows:

Apartment Type	Minimum	Max	Provided	Compliance
1 bedroom (0)	-	-	45 resident spaces	Yes
2 bedroom (13)	11.7	15.6		
3 bedroom and over (16)	22.4	25.6		
Sub-total	34.1 (35)	41.2 (42)	45 spaces	Yes
Visitor	5.8 (6)	5.8 (6)	6 visitor spaces	Yes
Community Facility (considered as office floorspace)	17	17	17	Yes
Total	58 spaces	65 spaces	68 spaces (surplus of three spaces)	Yes

As noted in the table above, there are three car parking spaces proposed beyond the maximum rate required for the building based on the revised unit mix. It is noted that Part 9.3 of the DCP contains the following relevant objectives:

1. *To minimise traffic congestion and ensure adequate traffic safety and management.*
3. *To minimise car dependency for commuting and recreational transport use, and to promote alternative means of transport - public transport, bicycling, and walking.*

The applicant has justified the car parking surplus as being a positive benefit for the development given that it will provide additional opportunity for on-site parking, reducing the likelihood of on-street parking by residents with no additional excavation on site.

The applicant has submitted a Traffic Report Addendum which notes that from a traffic perspective, the number of apartments has dropped from 32 to 29, therefore the modification should result in a reduction of flow. Nonetheless, it has been investigated that even if all three of the additional parking spaces generated one vehicle trip per hour, it would only result in an additional three trips. The addendum concludes that this is an insignificant change and would not register a noticeable difference in any traffic modelling software.

A further point to note is that the proposed units have generous floor areas compared with the ADG minimum required as demonstrated by the table below:

ADG minimum required floor area	Proposed size range based on number of bedrooms
2 bedroom: 70m ²	81m ² to 104m ²
3 bedroom: 90m ²	104m ² to 134m ²
4 bedroom: 102m ²	174m ²

The table above demonstrates that the proposed apartment floor areas exceed the ADG minimums by at least 11m² and up to 72m². These exceedances are likely to result in a higher rate of car ownership per unit than would regularly be the case. The applicant has advised that the apartments have been designed to meet the growing market demand in Gladesville.

Given that there is a surplus of three resident car parking spaces above Council's DCP requirements, these three surplus car parking spaces have been counted as Gross Floor Area (GFA) in accordance with the GFA definition within Ryde Local Environmental Plan 2014. The proposed modification, with the inclusion of the 3 surplus parking spaces, results in a slight reduction of GFA.

The development is unlikely to create a precedent with other developments incorporating car parking greater than the DCP rates. This is due to the combination of the car parking which is in excess of the DCP requirement being incorporated into the GFA calculation and the significantly larger size of the apartments in comparison to the ADG requirements.

As a result of the above considerations, the proposed car parking surplus is considered satisfactory for the subject development.

5.5 Planning Agreements OR Draft Planning Agreements

There are no planning agreements or draft planning agreements for this development.

5.6 City of Ryde Section 7.11 Development Contributions Plan 2020

Council's current Section 7.11 Development Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal (as sought to be modified). The contribution that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$169,235.68
Open Space & Recreation Facilities	\$291,415.82
Transport & Traffic Facilities	\$89,463.86
Plan Administration	\$8,251.86
The total contribution is	\$558,367.22

As a result of the amended Section 7.11 figure, it is recommended that Condition No. 26 be amended to reflect the revised amount.

5.7 Any matters prescribed by the regulations

Environmental Planning and Assessment Regulation 2000

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others. Standard conditions are recommended relating to compliance with BCA and AS.

6.0 The likely impacts of the development

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. All relevant issues regarding environmental impacts of the development are discussed within this report.

7.0 Suitability of the site for the development

The site is zoned B4 Mixed Use. The assessment has demonstrated the proposal is consistent with the statutory requirements and policy controls. The assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining properties or the streetscape. The proposal is an appropriate development and this has been demonstrated in this report. The proposal is considered to be suitable for the site.

8.0 The Public Interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

9.0 Submissions

In accordance with the Ryde Community Participation Plan the proposal was notified to owners of surrounding properties between 7 February 2023 to 27 February 2023. During the notification period, 15 unique submissions were received objecting to the proposal and one submission in support.

All concerns raised have been addressed below:

There has been no view study conducted on how the proposed development will impact residents from certain neighbouring properties.

Comment: The subject application does not include any modifications that will result in increased view loss impacts for any surrounding properties, therefore, the view loss impacts of the approved development cannot be revisited as part of the assessment

of this modification application. It is noted that the assessment report for the original Development Application considered the view loss impacts of the development on the residential flat building at 13 Jordan Street following concerns being raised by two residents of that building.

The proposed development is not consistent with Victoria Road developments and is creating a precedent for high rises to be built away from Victoria Road.

Comment: The subject site forms part of the Block 18 Key Site under the Ryde Development Control Plan 2014 – Part 4.6 – Gladesville Town Centre and Victoria Road Corridor which envisages a building height of up to eight storeys. Nonetheless, it is noted that the development was approved by the Ryde Local Planning Panel in August 2022 and the proposal seeks to modify the consent that was granted with no increase in height proposed beyond the originally approved height.

There is no supporting infrastructure to cater for the influx of new residents.

Comment: The original application was assessed by Council's Senior Development Engineer and City Works team and was considered satisfactory in relation to the provision of services to the site and the impacts on surrounding infrastructure and services. The subject application does not include any modifications that will increase the demand on infrastructure beyond that of the originally approved development.

The development will contribute to the traffic and congestion in the locality and is being built beside a highly congested T-intersection. The intersection is located near a primary school and off a main road with heavy traffic during peak hours.

Comment: The subject application seeks to amend the unit mix of the development which will result in a reduction of nine, two bedroom units and an increase of six, three and four bedroom units. It is expected that this altered unit mix will result in a similar impact to the originally approved development on traffic.

Council's Traffic Engineer advised as follows as part of the assessment of the original application:

Based on a development yield of 32 dwellings and 680m² of commercial office space, the proposed development could generate between 14 – 18 vehicle trips to and from the site during peak hour periods. Such a minor increase level of traffic activity is not expected alter the current operational performance of the surrounding road network to any significant extent. Notwithstanding this, it is noted that the scale and nature of the subject proposal does not represent an intensification of land use compared with the previous approval (LDA2016/0058).

The demolition of the majority of the Jordan Hall building occurred under the pretense that it was to accommodate the over 50's.

Comment: The previous Development Application for the site (which was relied upon for the partial demolition of the Jordan Hall building), approved in 2016, contained a youth centre on the ground floor, however, the residential units were not approved as senior's living accommodation as claimed in the submission. Rather they were approved as conventional residential apartments.

There is inadequate parking in the area which often results in people parking illegally.

Comment: This existing parking situation is acknowledged, however, it is noted that based on the proposed unit mix and community facility floorspace, under Council's car parking controls, the development is required to be provided with a minimum of 58 car parking spaces and a maximum of 65 car parking spaces. There are 68 car parking spaces proposed, being a surplus of three car parking spaces beyond Council's maximum requirement. Given this surplus, it is anticipated that the proposed development will not exacerbate the existing car parking shortage in the locality.

It is unclear how the development aligns with the Gladesville Masterplan (around Massey Street) and the current community consultation that is taking place.

Comment: The Gladesville Masterplan relates to the portion of Gladesville located within the Hunter's Hill Local Government Area (LGA) and has no relevance to the remainder of Gladesville which is located in the Ryde LGA. The future development intent for the portion of Gladesville located within the Ryde LGA is set out in the Ryde Development Control Plan 2014 – Part 4.6 – Gladesville Town Centre and Victoria Road Corridor. The development is consistent with the intent of this document.

Concern is raised in relation to the construction impacts including noise, dust and parking of construction vehicles.

Comment: Conditions were imposed in the original consent in relation to the preparation of a Construction Noise Management Plan, an Erosion and Sediment Control Plan (including details and procedures for dust control) and a Construction Pedestrian and Traffic Management Plan. These conditions of consent remain unchanged by the subject modification application and the documents are required to be prepared prior to the issue of a Construction Certificate.

10.0 Referrals

Senior Development Engineer

The modification application was referred to Council's Senior Development Engineer who raised no objections subject to the recommended amendment of **Condition No. 145** to reflect the revised car parking numbers.

There are no modifications proposed that necessitate referral of the application to any other internal departments.

11.0 Conclusion

After consideration of the application against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is not contrary to the public interest. Therefore, it is recommended that the application be approved for the following reasons:

- The proposal is considered satisfactory in relation to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.
- The proposal is consistent with the objectives for B4 zoned land.
- The proposal complies with the development standards.
- The proposal is generally compliant with the requirements of Ryde Development Control Plan 2014.
- The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape.
- The proposal is not contrary to the public interest.

12.0 Recommendation

- A. THAT the Ryde Local Planning Panel, as the consent authority, grant consent to Modification Application No. MOD2023/0010 to modify the unit mix, provision of additional car parking spaces, provision of privacy/sunscreens to some apartments, new service cabinets, minor realignment of an external wall and to satisfy conditions of consent on land at 8 Western Crescent, Gladesville subject to the draft conditions contained in Attachment 1.
- B. THAT the objectors are advised of the decision.

Report prepared by:

Shannon Butler
Senior Town Planner

Report approved by:

Sohail Faridy
Senior Coordinator Development Assessment

Sandra Bailey
Executive Manager City Development

ATTACHMENTS

1. Recommended Modified Conditions of Consent

2. Apartment Design Guidelines (ADG) – Table of Compliance
3. Modified Architectural Plans
4. Originally Approved Architectural Plans