

Exhibition and Assessment Report

Gladesville Planning Proposal (Key Site)

August 2018

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INTRODUCTION

This report addresses the *Gladesville 'Key Site' Planning Proposal* which was exhibited from 21 February until 20 March 2018.

In addition to exhibition, a public information session was held on 27 February 2018.

This report has five sections:

1. CONTEXT

A description of the subject site together with a brief overview of the *Planning Proposal* pre- and post-gateway.

2. EXHIBITION

Summary and analysis of the main issues raised by submissions during the exhibition period.

Includes an independent assessment of the Applicant's exhibited Traffic Impact Assessment (TIA dated November 2017).

3. DELIBERATIONS

Summarises the key considerations discussed in section two of this report. Also discusses the merits of the exhibited *Planning Proposal*, including a review of strategic merit in relation to the Greater Sydney Region Plan, the North District Plan, and the NSW Future Transport Strategy 2056.

4. CONCLUSION

5. RECOMMENDATION

A recommendation is provided for Council's review.

Council's resolution together with this report will be forwarded to the Department of Planning and Environment (the Department). The Department is the determining authority for the *Planning Proposal*.

In order to simplify the exchange of information, the format of this report generally follows the format of post-exhibition reports used by the Department.

1. CONTEXT

1.1. The Key Site

The *Key Site* is located approximately 8km north west from Sydney's Central Business District in the suburb of Gladesville. The *Key Site* is adjacent to the rear of a row of shops that front onto Victoria Road, a busy arterial road connecting Parramatta to the city. Victoria Road is also the boundary between the council areas of Hunters Hill and The City of Ryde.

The *Key Site* has an area of approximately 10,800sqm, comprises 10 allotments, and is bounded by Massey Street to the north, Cowell Street to the south, Flagstaff Street to the east and the Victoria Road shops to the west.

The *Key Site* and the adjoining row of shops are zoned B4 Mixed Business. Directly to the east of the *Key Site*, the land zoning is R3 Medium Density Residential.

Predominant height and floor space controls for the *Key Site* are 34m and 2.7:1. However, a small rectangular block adjoining Massey Street at the north of the *Key Site*, has a height and floor space control of 26m and 2.3:1 (refer to Figure 1 Locality)

Vehicular access to the majority of Victoria Road properties west of the *Key Site* is provided off Cowell Street via right-of-ways (RoW) which cross the *Key Site*. A separate, smaller RoW provides vehicle access from Massey Street to the rear of four properties which face Victoria Road near Massey Street.

Also, there are a number of pedestrian links which connect the *Key Site* to Victoria Road.

The *Key Site* falls relatively steeply from Massey Street in the north to Cowell Street in the south.

The Victoria Road shops adjacent to the *Key Site* are predominantly two storeys high and form part of “*Heritage Conservation Area No. 3 Gladesville*” under *Hunters Hill Local Environmental Plan 2012*. The *Key Site* also includes a locally-listed heritage item: a single storey timber cottage located at 10 Cowell Street Gladesville (I514).

Currently the *Key Site* is dominated by an ageing, internally-focussed mall development which accommodates 3000sqm of retail space, including a Coles supermarket. Both pedestrian and vehicle access to the mall is compromised, and the mall’s contribution to the urban environment of Gladesville is poor.

Chapter 4.4 (Gladesville Village Centre) of the Council’s Development Control Plan was adopted in November 2015. This chapter describes the area as having “*minimal public domain; footpaths are narrow with no space for community socialisation or outdoor trading, and there is no dedicated public open space*”. This chapter identifies the subject land as a ‘*Key Site*’ and highlights the *Key Site*’s potential to revitalise this area by establishing a “*commercial and community heart for the village centre*”.

The *Key Site* which is subject of this *Planning Proposal* is outlined in red below.

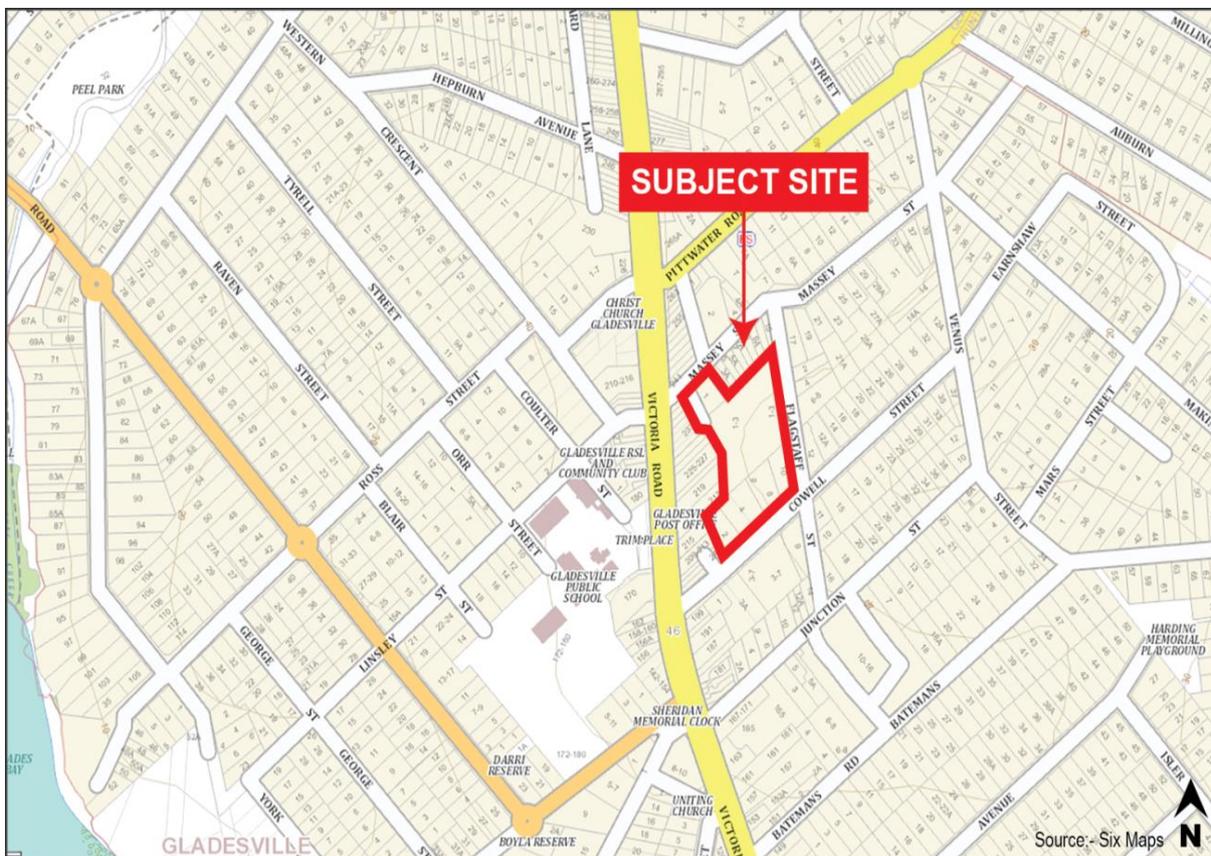


Figure 1 Locality

The land included in the Gladesville *Key Site* is detailed below.

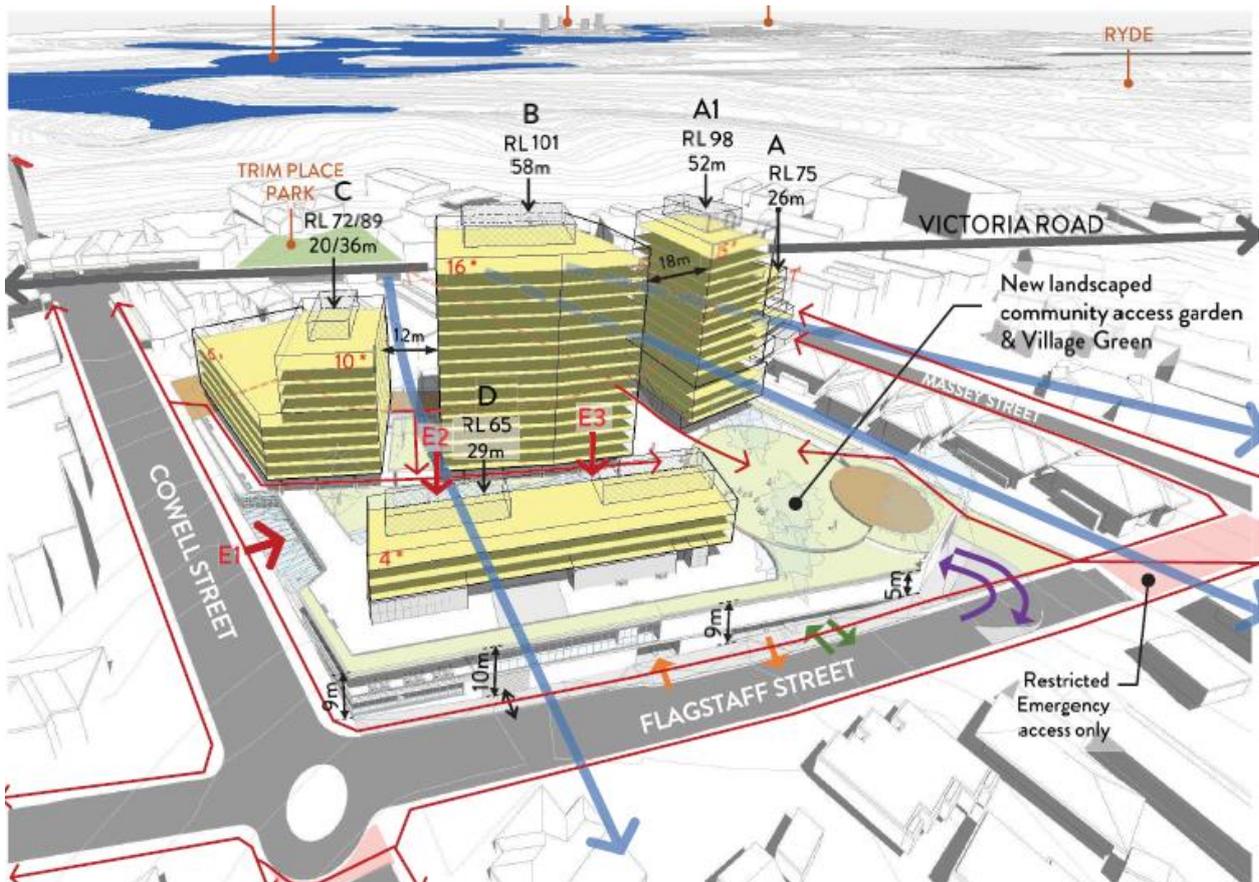
Site Description	
Property Address	Lot / DP
1 Massey Street, Gladesville	Lot 101 DP 1005097
1C Massey Street, Gladesville	Lot 1 DP 420791
1A Massey Street, Gladesville	Lot 1 DP 858147
1 – 3 Flagstaff Street, Gladesville 1B Massey Street, Gladesville	SP 60903
10 Cowell Street, Gladesville	Lot 1 DP 952446
8 Cowell Street, Gladesville	SP 4051
6 Cowell Street, Gladesville	Lot 38 DP 979222
4 Cowell Street, Gladesville	Lot 37 DP 979222
2 Cowell Street, Gladesville	Lot 36 DP 336297
Part of 215 Victoria Road, Gladesville	Lot 1 DP336297

1.2. Original Planning Proposal

In late 2015 GSV Developments Pty Ltd, as owners of the *Key Site*, lodged a planning proposal to increase the height and floor space ratio controls that currently apply.

Existing controls under <i>HHLEP 2012</i>	The applicant's proposed controls
FSR – 2.3:1 and 2.7:1	FSR 3.4:1
Height – 26m and 34m	Approximately 20m to 58 m

The requested increases were described by the Applicant's *Planning Proposal* and supported by the indicative design (shown below) prepared by Robertson + Marks Architects.



On 29 March 2016, Council resolved not to support the *Planning Proposal* based upon conclusions and recommendations presented in a report by Architectus, the independent consultant which had been engaged by Council to assess the *Planning Proposal*.

1.3. The Department's Gateway Determination

On 15 April 2016, in response to Council's refusal, the Applicant lodged the same Planning Proposal with the Department of Planning and Environment (the Department) and requested a pre-gateway review.

On 16 January 2017, the Department provided the outcome of their pre-gateway review and a favourable *Gateway Determination* was issued. Gateway enables exhibition of a planning proposal subject to the gateway conditions being satisfied.

The relevant determination included conditions addressing issues the Department considered critical for ensuring future development would contribute to revitalisation of the Gladesville commercial area (refer attachment No. 1). The following matters were addressed in the Department's conditions:

- Location and quantity of open space: conditions 1(a) and (b);
- Design excellence: condition 1(c);
- Conservation of the heritage item at 10 Cowell Street: condition 1(d);
- Retention of employment lands: condition 1(e);
- Revised Traffic Impact Assessment (TIA): condition 1(f); and
- Consistency with the draft North District Plan: condition 1(g).

It should be noted that the Department's *Gateway Determination* did not specify any requirement to alter height or FSR maps in the *Hunters Hill LEP 2012*. Instead, condition 1(c) of the *Determination* provided for a bonus clause to be added to the current LEP:

'Include a plain English explanation for a clause that will retain the existing building height and floor space ratio and provide additional floor space ratio up to 3.4:1 and building height if the development exhibits design excellence. The additional building height is to be determined by the requirement of keeping Trim Place in sunlight and the building at 3-7 Cowell Street free of shadow for three hours between 9am and 3pm at midwinter;'

Significantly, condition 1(c) altered the nature of the original *Planning Proposal* as it linked the potential for extra height and FSR to the future quality of a development application.

Although floor space ratio was capped at 3.4:1, no height limit was specified in the gateway conditions with height being solely controlled by floor space and solar access constraints.

The *Gateway Determination* specified that, prior to community consultation; the *Planning Proposal* needed to be altered to address the gateway conditions and then returned to the Department for further review and approval prior to public exhibition.

Following the *Gateway Determination*, Council accepted the role as Relevant Planning Authority.

1.4. Post-gateway Planning Proposal

On 28 June 2017, the Applicant lodged a post-gateway *Planning Proposal* comprising a 23-page written document which was accompanied by a revised Traffic Impact Assessment (TIA dated June 2017). Council referred the TIA (dated June 2017) to their independent traffic consultant, McLaren Traffic Engineering who provided a response in September 2017.

The post-gateway *Planning Proposal* varied significantly from the original *Planning Proposal*:

- The post-gateway proposal was not illustrated by an architectural concept;
- Potential for commercial floor space was reduced by 2,500sqm;
- Residential potential was increased by 30 units;
- The publicly-accessible open space appeared substantially reduced (5000sqm to 600sqm).
- The post-gateway *Planning Proposal* did not include a Voluntary Planning Agreement.

Council discussed the *Gateway Determination* and the post-gateway *Planning Proposal* with the Department, and raised concerns about the form of the proposal and the difficulty of translating the gateway conditions into clauses/controls which could be incorporated into a local environmental plan (LEP).

After discussion with the Department, it was decided to proceed to exhibition in order to measure public opinion regarding the post-gateway *Planning Proposal*.

Prior to exhibition, the Department advised the Applicant and Council of the following requirements:

- The Applicant was required to provide a revision of their post-gateway Traffic Impact Assessment (dated June 2017) in order to address concerns that had been raised by McLaren Traffic Engineering in their September 2017 assessment.

- The design excellence clause was required to specify the minimum percentage of commercial floor area which was required for any future redevelopment of the *Key Site*.
- Council was required to draft the intent of clauses relating to open space and design excellence to satisfy gateway conditions 1 (a), (b) and (c).
- Council was required to identify potential sites for relocation of the heritage-listed cottage at 10 Cowell Street, which currently forms part of the *Key Site*. The purpose of this was to evaluate the public's response to the notion of relocation of the cottage.

Council prepared the following document which formed Part A of exhibition materials:

- An Explanatory Note including two draft clauses: 6.11 Special Provisions Clause (Open Space) and 6.12 Design Excellence.

The applicant provided Parts B and C of the exhibition documentation:

- Justification for the *Planning Proposal*; and
- A further revised Traffic Impact Assessment (dated November 2017).

Parts A, B and C comprised the *Planning Proposal* exhibition documents and were provided to the Department for review. In January 2018, the Department approved the documents for exhibition.

2. EXHIBITION

2.1. Administration

The *Planning Proposal* (Parts A, B & C as described above) was publicly exhibited from 21 February until 20 March 2018.

A public information session was held on 27 February 2018.

The public exhibition and information session were advertised in '*The Weekly Times*':

- Two weeks prior to the exhibition period;
- One week prior to the exhibition period;
- During the exhibition period.

Council also mailed out or hand-delivered approximately 1,700 letters notifying surrounding property owners and business owners about the exhibition of the *Planning Proposal*.

All documentation associated with the exhibition of the *Planning Proposal* was made available for the duration of the consultation period on Council's website and at Council's Administration Centre.

2.2. Summary of Submissions

In response to exhibition of the *Planning Proposal* a total of 130 submissions were received. This number has been revised down from 132 as 2 emails included in the initial count were responses to questions regarding technical advice.

Total submissions	130
Public submissions	124
Government Agency Submissions	6

Issues raised by general public	Number	% of public submissions
Traffic, parking and access	106	85%
Floor Space/Height (related to amenity concerns: e.g. traffic, visual, privacy, solar impacts)	88	71%
Heritage	63	51%
Infrastructure capability (e.g. schools, bus capacity, parks)	70	56%
Support Design Excellence clause provided no increase in floor space	51	41%
Support Open Space clause provided no increase in floor space	53	43%
No support for any aspect of the Planning Proposal	25	20%
Request for cumulative Traffic Impact Assessment (TIA)	51	41%
Request for a Master Plan	19	15%
Proforma submissions (no alterations)	18	15%

2.3. Submissions by Public Authorities

As required by the *Gateway* conditions, relevant public authorities were notified about the exhibition of the *Planning Proposal*. The following agencies were notified and formal submissions were received from the six agencies underlined:

- Roads and Maritime Services
- Transport for NSW
- Office of Environment and Heritage
- NSW Heritage Council
- Sydney Water
- Energy Australia
- Ministry for Health
- Department of Education
- City of Ryde Council

The Department of Education and Sydney Water both stated that existing infrastructure had capacity to accommodate any increase in demand arising from the *Planning Proposal*.

The Office of Environment expressed the requirement for use of native plants in landscaping of the *Key Site*, and requested amendment of the design excellence clause to reflect this requirement. They also advised of potential to encounter Aboriginal artefacts during redevelopment of the *Key Site*. Council is aware of that potential, and would address details during the assessment of future development applications.

Transport for NSW, NSW Roads and Maritime Services and the Heritage Council all raised concerns in relation to the *Planning Proposal*. Their concerns are discussed in the next section of this report.

2.4. Main issues raised by submissions

Seven key topics were addressed by submissions that were received from the public, government agencies, and / or from the Applicant (via their consultant Don Fox Planning), together with Council’s independent traffic consultant McLaren Traffic Engineering:

- Traffic;
- Floor space;
- Height;
- Heritage;
- Design excellence;
- Open space;
- Master planning.

A copy of all submissions are included under a separate cover (refer attachment No. 8). Addresses have been redacted.

2.4.1 Traffic

The split of land uses proposed in the exhibited TIA dated November 2017 is different to the original *Planning Proposal*.

These differences have a significant bearing upon impact analysis because commercial uses typically generate more traffic than residential uses.

	Pre-gateway	Post-gateway
Number of Residential Units	250	280
Residential floor space	25,550	28,000
Commercial Floor Space	1900	0
Retail Floor Space	9300	8700
On-site parking Spaces (existing 239)	892	892

Public Submissions

In 85% of the public submissions traffic generation, congestion and access were raised as concerns. The following collation of comments attempts to address the scope of issues raised by submissions:

- Currently, Victoria Road is highly congested, buses along Victoria Road are often at capacity, and there are long queues. The *Planning Proposal* will aggravate these situations.

- There have been a large number of apartment buildings constructed along Victoria Road between Top Ryde and the Anzac Bridge. Cars using local streets have increased noise and pollution for residents. Buses can't keep to a timetable due to traffic congestion.
- Cars are already using the residential streets in Gladesville as rat runs to move between Macquarie Park and the City or Parramatta.
- An existing residential complex with access from Batemans Road and Junction Street has needed to close main gates to discourage rat-runs through the complex.
- The *Planning Proposal* increases underground parking from 239 to 892.
- Prince Edward Street has become a rat-run for vehicles heading to the *Key Site* and the Macquarie Park Business Precinct.
- The TIA did not address the capacity of the bus service or active transport options.
- The TIA does not appear to adequately model the existing network as the base case.
- The TIA proposes closing Cowell Street, which would direct traffic into Junction Street with the following consequences:
 - Traffic management strategies proposed by the exhibited TIA would not ameliorate traffic issues: Junction Street is significantly narrower than Cowell Street, and increasing traffic in Junction Street will be dangerous because the fall of the road does not provide safe sight lines from driveways and pedestrian footpaths.
 - Junction Street is effectively a one-way street due to the on-street parking along the southern side of the street: on garbage collection days, the street can come to a standstill, and cars have to reverse long distances to make way for the collection trucks.
 - Figure 46 in the TIA (dated November 2017) shows that weekend flows in Junction Street would increase from 33 vph to 339 vph, yet the TIA shows a right turn ban at Junction Street which would reduce the flow to 46 vph: this is incorrect as the right turn ban does not apply at the weekends (refer page 76 of the TIA dated November 2017)
 - The intersection of Venus and Junction Street is unsafe, and the intersection of Junction Street and Victoria Road is difficult to navigate: cars turning out of Junction Street force cars and buses along Victoria Road to stop.
- The TIA has not adequately addressed impacts of the *Planning Proposal* upon residential amenity.
- A cumulative Traffic Impact Analysis is required to address traffic management for the whole suburb, and that analysis must be informed by the increased population that would arise from reaching development potential along Victoria Road.

State Agencies' Submissions

NSW Roads and Maritime Services (RMS) reviewed the exhibited *Planning Proposal* and TIA (dated November 2017). RMS required that a number of matters be addressed before the *Planning Proposal* progressed any further (refer attachment No. 2).

The RMS submission included the following comments:

- A traffic study supporting a planning proposal should assess a worst-case scenario. The TIA is based on a split of land uses that lowers traffic generation rates (i.e. high residential to low commercial land use split).
- The adopted traffic generated rates used are based on sites where journey to work using public transport is considerably higher than Gladesville.
- A growth rate of 0.5% per annum has been assumed on Victoria Road to 2026. The growth rate is more likely to be in the order of 0.8% per annum on Victoria Road.
- Cycle times used for traffic lights at Victoria Road/Pittwater Road and Victoria Road/Cowell Street throughout the model are neither current nor correct: intersections should be modelled at the existing cycle times (130 second cycle).
- It is noted that 180 seconds cycle time is proposed to be used in the scenarios, however RMS would not support such an extensive cycle time on major corridors.
- Only one hour peaks during the AM and PM have been modelled: at least two-hour peak periods should be modelled.
- No details have been provided regarding modelling methodology: assignment type, traffic demand and profile, strategic traffic forecasting, mode choice, assumptions etc.
- No performance measures for buses have been provided: average delay and queue length.
- The development traffic would currently “result in a deterioration of the performance of Victoria Road / Pittwater Road intersection from Level of Service (LoS) D to LoS E in the morning peak.”

Note:

Traffic engineers grade the operation of an intersection using Level of Service (LoS) A to F, with A being the best LoS and F being the worst.

LoS is a qualitative measure used to describe the potential for delay during traffic operation as perceived by motorists.

The LoS are described in the Guide to Traffic Management Part 3 Traffic Studies and Analysis (Austroads 2009).

LoS ratings of E and F are commonly considered unacceptable. At these levels minor disturbances within the traffic stream have the potential to cause break-down of the system as it is operating at or close to capacity.

- For 2026 (scenario six) “*the queue length for the right hand turn movement from Victoria Road to Cowell Street is approximately 106m and 68m for the morning and afternoon peak periods respectively.*” Consequently, queuing would extend beyond the proposed 55m turning bay during peak. RMS stated that queuing has the potential to:

“block one of two through northbound lanes along Victoria Road and restrict traffic to a single lane. There is also the potential for left turning vehicles from the nearby Meriton Street that wish to turn right into Cowell Street to be blocked and therefore adversely impact on the operations at this intersection. The proposed development would likely cause extensive queuing along Victoria Road and has the potential to impact the road network performance and bus operation on Victoria Road and the surrounding road network.”

Transport for NSW (TfNSW) has reviewed the exhibited *Planning Proposal* and, similar to RMS, has concluded that:

“Traffic demand generated by the proposal would likely impact on the regional transport network and services in particular traffic and bus operation along Victoria Road – a key transit corridor”

TfNSW also stated that the traffic generation rates have been underestimated and that additional information is required in the TIA. (refer attachment No. 3)

TfNSW requested that the matters they raised be addressed prior to the planning proposal progressing any further.

McLaren Traffic Engineering

Council commissioned McLaren Traffic Engineering (McLaren) to provide an independent review of the exhibited TIA dated November 2017 (refer attachment No. 4).

This was the fourth time McLaren had been asked to review a further amended version of the TIA submitted with the planning proposal. Consequently, their comments were relatively brief and focussed upon issues such as inaccurate data which had been identified previously.

McLaren noted differences between the count volumes for traffic in Scenario One and the modelled volumes at intersections during the weekend peak.

“The counts for the intersection of Victoria Road/Cowell Street indicate 73 right turn movements from Victoria Road south during the weekend peak while the modelled volume for the same manoeuvre is just 34 vehicles. This difference in values is seen in most directions and across all of the modelled intersections for the weekend peak.

Additionally, McLaren stated there was *“no clear indication of specific turning movement numbers for each intersection within the report meaning volumes cannot be confirmed.”*

McLaren also noted that *“on page 41, the report states that the intersection of Victoria Road / Pittwater Road / Jordan Street during the existing PM peak is operating at LoS D”.*

McLaren concluded that *“inspection of the SIDRA outputs indicates that the intersection is operating at a LoS E with a queue length of 614m southbound in Victoria Road”.*

Council Comment

The planning proposal has the potential to result in a significant increase in permissible floor space which will generate additional traffic. To evaluate traffic impacts the following information was considered:

1. The proposal’s consistency with State Strategic Transport Plans
2. Expert’s advice regarding traffic impacts & the quality of the Applicant’s exhibited TIA
3. Effectiveness of proposed traffic management strategies given the conditions of the local road network

Consistency with State Strategic Transport Plans

Prior to March 2018, the *NSW Long Term Transport Master Plan* was the relevant strategic document.

That document referenced 46 strategic movement corridors in Sydney, and identified six corridors which experience high constraints or traffic congestion - including Parramatta to Sydney via Victoria Road. At page 83, the plan stated that the Victoria Road corridor:

“is one of the most congested road corridors in Sydney with average speeds below 20km/hour between Hunter’s Hill and Rozelle”

At pages 101 and 103, the Plan also stated:

“congestion occurs mainly during the morning and evening peaks hours when people are commuting to and from work. The M2, M4 and M5 are all operating at capacity during the morning peak. Other key bottlenecks – such as Victoria Road, Spit Bridge and the Harbour Bridge are at capacity.”

The Plan identified improvements to bus services along Victoria Road and stated that over the long term (10 to 20 years), *Bus Rapid Transit* (BRT) would be investigated for the Victoria Road corridor (refer page 153).

Recently, the *NSW Long Term Transport Masterplan* was superseded by the *Future Transport Strategy 2056*. The new document has identified Victoria Road as an important ‘city-serving corridor’. Public transport infrastructure upgrades are planned for Victoria Road within the next 10 years, but specific details of what these upgrades entail have not been provided. Importantly, the potential for BRT is no longer referenced.

The Applicant’s Traffic Impact Assessment (TIA dated November 2017) is a significant element of the exhibited *Planning Proposal*. However, neither the exhibited TIA nor past TIAs have addressed the existing state of traffic congestion along Victoria Road.

RMS, Transport NSW and McLaren have concluded that the *Planning Proposal* would result in unacceptable impacts for two intersections along Victoria Road; with queuing reducing Victoria Road to one lane during peak times which would impede bus services and adversely impact the local road network.

Although the Applicant has relied upon the Victoria Road bus services as justification for their proposed increase in floor space, their exhibited TIA (dated November 2017) does not provide any analysis of existing or future bus capacities, wait times, or potential impacts upon bus services.

This failure is significant, given the likely future importance of public transport along Victoria Road, as no road capacity upgrades are currently planned for this arterial route over the next 20+ years. (refer pages 102-109 of *NSW Future Transport Strategy 2056*)

Consequently, any planning proposal that would significantly increase traffic along Victoria Road without a comprehensive consideration of existing and future bus services cannot be considered consistent with the State’s current Strategic Transport Plans.

Expert Advice

RMS together with TfNSW and McLaren Traffic Engineering have concluded that the *Planning Proposal* would also have significant adverse impacts for traffic and bus flows along Victoria Road and also would compromise the local road network (refer pages 10 & 11 of this report).

Additionally, RMS, TfNSW and McLaren Traffic Engineering all raised issues with the quality of the exhibited TIA. With all three groups identifying that the document underestimates traffic impacts and includes flawed assumptions.

Effectiveness of Traffic Management Strategies given conditions of Local Road Network

Several traffic management measures are proposed by the TIA dated November 2017:

- The partial closure of Flagstaff Street;
- Closure of Cowell Street at Flagstaff Street;
- Increase in the current 42m right hand turn bay in Victoria Road northbound at Cowell Street to 55m (note that RMS refers to the existing bay as having a length of 50m);
- Introduction of a right turn ban from Junction Street into Flagstaff Street during the weekday commuter peak periods.

The proposed management measures are questioned for the following reasons:

- Closure of Cowell Street - which is approximately 12-13 m wide - would significantly increase traffic in Junction Street - a narrow street (approximately 8m wide) with on-street parking along one kerb that further-limits capacity of this carriageway.
- Proposed traffic management strategies would on the weekend, reduce traffic on east Cowell Street to 32 vehicles per hour (vph) while traffic on Junction Street would rise to 339 vph:
 - Existing levels of traffic in the weekend AM peak period are 131 vph on east Cowell Street and 33 vph along Junction Street (refer figure 46 on page 75 of the exhibited TIA dated November 2017);
 - Redirecting cars from a broader street to a significantly-narrower street where houses are built close to the road is neither logical nor desirable - particularly when projected traffic along Junction Street would exceed RMS environmental goal for local roads of 300vph;
 - However, despite this outcome and the lack of rigorous analysis regarding existing and future residential amenity, the TIA dated November 2017 concluded that proposed traffic management strategies would achieve “an acceptable outcome for the community” (page 120).

In conclusion, and upon the grounds of traffic impact alone, there is no justification for the Applicant’s proposed increase in floor space:

- The applicant has relied upon the Victoria Road bus services as justification for their proposed increase in floor space but has not provided any analysis of existing or future bus capacities or their proposal’s impact on bus traffic. This failure is significant, given the future importance of public transport along Victoria Road as no road capacity upgrades are planned for this congested arterial route in the next 20+ years. Therefore, the proposal in its current form cannot be considered consistent with state strategic transport plans.
- Victoria Road is one of the six most-congested strategic movement corridors in Sydney. RMS, TfNSW and the council’s independent traffic consultant, have identified that the additional traffic generated by the proposal would have untenable impacts upon this road, trunk bus services and the local road network.

- The TIA dated November 2017 is the fourth traffic assessment which has been submitted to justify the *Planning Proposal*, and notwithstanding continuing requests for more-rigorous analysis, independent traffic experts have identified the document has significantly underestimated traffic generation rates, continues to present inaccurate information and does not provide sufficient information for the proper assessment of likely impacts.
- Traffic management strategies recommended by the TIA dated November 2017 do not satisfactorily ameliorate impacts along Victoria Road, and have not addressed the constraints of the local road network:
 - The proposal to redirect cars from Cowell Street into a Junction Street which is a substantially narrower street is neither logical nor desirable - particularly when projected traffic along Junction Street would exceed RMS environmental goal for local roads of 300vph;
 - The existing and likely future levels of residential amenity for properties that face onto Junction Street have not been addressed.

2.4.2. Floor Space

In relation to the proposal to increase the existing predominant floor space from 2.7:1 to 3.4:1, the following comments were received from the public (in addition to comments regarding floor space which related directly to traffic impacts):

- The *Key Site* already has a very generous height and floor space control, which is by far the highest in the entire municipality.
- Gladesville has no infrastructure in place for all the increased residential development. This development proposes more residential but where is the increased community infrastructure?
- The proposed floor space and height would dwarf all neighbouring residential buildings which are one and two storeys.
- The visual impact on the horizon would be awful.
- Gross over-development of the *Key Site*.
- Other developments in the area have had to comply with density controls, so why not this one? A much taller, larger building would not transition satisfactorily to surrounding 5-storey commercial buildings that are permitted along Victoria Road, and would create an undesirable precedent.
- The proposal would cause massive overshadowing and privacy issues.
- No business case has been submitted by the developer in order to justify the request for amendment of the current LEP.
- Solar access to surrounding properties needs to be properly analysed prior to accepting the proposal.

Council Comment

For Victoria Road properties which adjoin the *Key Site*, maximum permissible FSR is 2.5:1 and the permissible maximum height is 19m. Land directly to the east of the *Key Site*, is zoned R3 Medium Density Residential and has FSR controls of 0.9:1 and 0.75:1, with maximum permissible heights of 11m and 8.5m (respectively).

Along the western side of Victoria Road, properties which are located within the City of Ryde have FSRs of 2.7:1 and permissible maximum heights vary from 19m to 22m.

Considered within this context, the *Key Site's* existing controls are relatively generous: FSR's are 2:3:1 at the *Key Site's* northern end and 2.7:1 for the balance of the *Key Site*, while the corresponding permissible maximum heights are 26m and 34m.

The subject planning proposal would provide the potential to further increase the existing floor space and therefore it must be justified and grounds provided as to why an increase in floor space will result in a better planning outcome for the area. However, the applicant's justification for increasing the floor space to 3.4:1 has always been considered weak.

In 2016, the original planning proposal was evaluated by the independent consultant Architectus, who recommended refusal in their report to Council (Ordinary Council Meeting 29 March 2016):

"Whilst Architectus considers variation to the height, and potentially to density could be supported on the Key Site, it is considered the Planning Proposal in its current form does not appropriately justify the need for additional density and height. The Planning Proposal currently lacks a quantifiable framework which clearly demonstrates the value of the proposed uplift against the value of proposed community benefits that would result from the realisation of a development consistent with the Planning Proposal. Any future development on the Key Site which exceeds the current planning controls will need to be justified and demonstrably result in a better outcome for the Key Site than what is currently permitted, and should exhibit design excellence." (emphasis added for this report)

Justification for an increase in floor space has now become even more tenuous because benefits which were elements of the original proposal have been deleted by the post-gateway or exhibited *Planning Proposal*:

- The *Voluntary Planning Agreement* has been withdrawn;
- The 5000sqm of publicly-accessible open space at or near ground level appears to have been substantially reduced to 600sqm (refer attachment No. 5).

Furthermore, RMS and TfNSW together with the Council's independent traffic consultant have identified significant and undesirable traffic impacts which relate directly to the proposed increase in FSR, and which would compromise trunk bus routes, together with general traffic flows along Victoria Road as well as through the local road network.

2.4.3. Height

Gateway conditions did not specify a fixed height control, but recommended that height should be determined by the 3.4:1 floor space control together with the capability to maintain solar access to Trim Place and apartments at 3-7 Cowell Street.

The public raised the following key points about height in their submissions:

- A height restriction is required and this should be the original height restriction.
- Approval based on design excellence is far too subjective.
- An increase in height will increase overshadowing and privacy issues.
- Taller buildings will not transition successfully to surrounding 5-6 storey height limit along Victoria Road.
- Large tall buildings will be out of character with surrounds and dwarf the residential buildings to the east of the site.

- An increase in open space and a design excellence clause cannot mitigate the negative impacts of additional development.
- Any increase in height will block my apartments iconic Sydney Harbour Bridge and city skyline views.

A number of residents specified that if the existing floor space control was maintained, some variation to height limits could be explored in order to achieve the optimal configuration of open space and buildings upon the *Key Site*.

Council Comment

Upon any large site, the configurations of buildings and separations between buildings (i.e. open spaces) have a critical bearing upon overshadowing and privacy which are fundamental considerations for residential amenity.

Building forms and landscaped spaces around and between buildings also have a direct bearing upon scale transitions between a site and the surroundings.

In 2013, prior to the *Planning Proposal*, the Applicant lodged a Development Application for the *Key Site* which generally complied with the current planning controls for FSR and maximum height of 34m. However, that development proposal generated fierce community opposition due to a very poor standard of design which was demonstrated by:

- Building forms that were repetitive, uniform and blocky;
- Significant overshadowing of neighbours and open spaces within the development;
- Undesirable visual impacts, which resulted in a very poor scale transition to neighbouring areas.

The model of the 2013 Development Application (DA) is illustrated below. The DA was withdrawn in mid-2014.



The model demonstrates how fixed height controls upon large sites can inhibit a designer's ability to modulate or vary building forms in order to create vital skylines and streetscapes, and also to provide the highest possible levels of solar access.

If the *Key Site's* existing FSRs were maintained (2.3:1 and 2.7:1) but flexibility was offered in relation to height, designers could explore a variety of forms and arrangements for buildings and open spaces to achieve attractive streetscapes and appropriate scale transitions to surrounding areas. Variation of building forms and open spaces also provides for the most-effective management of overshadowing and privacy.

Consequently, the 2013 development application provides a cautionary note in relation to maintaining the current height control: although there is a strong case to maintain existing FSR, flexibility in relation to the current height control has the potential to deliver superior design quality. This conclusion was acknowledged by a number of resident submissions in relation to the exhibited *Planning Proposal*.

Although the Applicant has not presented a compelling case for additional height, varying the height across the site to respond to site constraints and surrounds could be managed effectively by a new LEP provision which would require the preparation of a site-specific Development Control Plan in addition to the application of design excellence standards. Collectively, the recommended new provisions would ensure the rigour of analysis demanded by a complex *Key Site*. The benefits of requiring a site-specific Development Control Plan (DCP) are discussed in further detail in the section of this report relating to Design Excellence.

2.4.4. Heritage

The *Key Site* is affected by heritage considerations: the adjacent Victoria Road retail strip is identified as Hunters Hill Conservation Area No. 3, and there is a heritage-listed cottage (1514) located on the *Key Site* (10 Cowell Street, Gladesville).

Heritage considerations were raised by condition 1(d) of the Department's *Gateway Determination* for the *Planning Proposal*:

"Reference relocation of the heritage item at 10 Cowell Street to a site owned by Council".

In order to satisfy this condition and to canvas public responses, Council's exhibition documentation nominated three parks or reserves as possible locations for the cottage which could be relocated and reused as a café or restaurant. Because no suitable open spaces were available in the suburb of Gladesville, the nominated locations were at Huntleys Point, Hunters Hill and Woolwich.

Public Submissions

In relation to possible relocation and reuse of the cottage, the following responses were provided by the public:

The cottage must remain insitu (22.5% of public submissions)

- The cottage provides history and domestic scale both important features that could be well integrated into a master plan for Gladesville.
- The notion that our parks and reserves can become dumping grounds for developers unwanted buildings due to heritage restrictions sets a dangerous precedent.
- The design excellence clause should be extended to require the architectural integration of the cottage in its current location.
- All the options put forward for relocation of the cottage are in valuable open space.

The cottage may be relocated but only to a location within the immediate vicinity of the *Key Site* (34% of public submissions).

- Many residents said the preference was for it to be retained on site but that if it had to be moved the maximum distance it could be moved was 100m, and that it must remain in Gladesville.
- One resident pointed out that options for relocation were to open space only, and that a non-heritage house or commercial property in Gladesville near the *Key Site* could be purchased and the cottage relocated to that property.

A small number of submissions expressed the opinion that relocation of the cottage within the Hunters Hill LGA would be acceptable. (9.6% of public submissions)

In addition, a number of submissions questioned how a development with a floor space of 3.4:1 and no fixed height limit, would transition successfully to the adjacent Gladesville Heritage Conservation Area that comprises the Victoria Road shops.

Heritage Council Submission

The original *Planning Proposal* was submitted in October 2015, and refused by Council in March 2016 prior to the cottage being listed as an item of local heritage-I514 (formal listing of the cottage occurred in mid-2016). Consequently, the Planning Proposal was lodged with a Statement of Heritage Impact (SoHI) prepared by the consultants Heritage 21, rather than a comprehensive Heritage Impact Study/management document.

In relation to the exhibited *Planning Proposal*, and following formal listing of the cottage, the NSW Heritage Council has recommended the following:

- A Heritage Impact Study (HIS) should provide an assessment of potential heritage impacts resulting from the proposed amendments to the HHLEP 2012 and future developments, together with recommendations as to how impacts could be managed to ensure ongoing conservation and future management of the listed items.
- The HIS should also assess impacts of potential relocation of the heritage item (I514) in terms of the item's heritage significance which includes its original setting, appropriate curtilage, and the existing streetscape views.
- Council should consider alternative options that do not involve relocation of the heritage item, but that would incorporate the building in a design option for the site.

Council Comment

The SoHI which was submitted with the original *Planning Proposal* in 2015 specified at page 22:

“The building at 10 Cowell Street has historical and aesthetic significance. It provides evidence of the residential development on the site of the original Doody and Benson Grants in the early twentieth century when the simple timber cottage was built. It has retained its corrugated steel roof, wrap around verandah and internal pressed metal ceilings and wall cladding. It is considered rare locally and is representative of vernacular timber cottages in the Edwardian era.”

“*The Gladesville Shops Heritage Assessment and Conservation Guidelines*” prepared by Paul Davies Pty Ltd 2004 contain the following reference to the cottage:

“The house at No. 10 Cowell Street is significant in demonstrating a phase in the evolution of residential development in Gladesville.”

This documentation identifies that the heritage significance of the cottage at 10 Cowell Street, is derived from the fact that it shows a phase in Gladesville's residential development.

Consequently, in terms of conserving significance, the most ideal outcome would be to retain the cottage upon the *Key Site* so that the public may appreciate its place in the history of Gladesville and may view its Art Nouveau interiors.

Such an outcome would be consistent with comments provided by the Heritage Council, and the Ministerial 117 Direction 2.3 Heritage Conservation which specifies that “*planning proposals must contain provisions that facilitate the conservation of items*”.

To date, there has been no comprehensive exploration of conservation options for the cottage. The applicant maintains that heritage considerations should be assessed at development application stage. However, the increase in floor space which is sought by the exhibited *Planning Proposal* would most-likely restrict conservation options that are available for the cottage.

In considering the impact of a development with a floor space of 3.4:1 (as sought by the *Planning Proposal*) the SoHI stated at page 28:

“In relation to 10 Cowell Street, the development would generate a negative impact due to the close proximity of the development site to it and the difference in heights and materiality. It is therefore recommended to remove 10 Cowell Street from its present location and either reinterpret its pressed metal materials or relocate it on to the podium level of the new development.”

The cottage is located at the low end of the *Key Site* and, as noted by the 2015 SoHI, mass and scale of any development with a FSR of 3.4:1 would visually-overwhelm the cottage and negatively-impact its heritage values.

Consequently, a detailed exploration of conservation options for the cottage is required to evaluate an appropriate floor space ratio control (FSR). In the absence of such information, an informed decision about impacts on the significance of the cottage simply cannot be reached.

Also, as pointed out by a number of submissions, any increase in the FSR would likely compromise the desired transition between development upon the *Key Site* and the Gladesville Conservation Area which adjoins the *Key Site's* western boundary.

2.4.5. Design Excellence

In response to the proposed design excellence clause, the following public comments were received:

- Approval based on design excellence is far too subjective.
- The existing FSR should be retained and the design excellence clause applied.
- Upon *Key Sites*, design excellence should be the expectation.
- Design excellence should be embedded into all proposals for central community areas.
- Design excellence cannot mitigate the detrimental impacts of traffic.
- Concern regarding the quality of the standards that will be applied for design excellence: one submission suggested that if a panel was appointed to assess design excellence, it must include community representatives.
- Design excellence provisions will not be enough to ensure a good outcome. This is a once in a life time opportunity to redesign the social and commercial hub for the residents of Gladesville.

In addition, a number of public submissions expressed very strong opposition to any increase in FSR as a bonus for design excellence and included the comment:

“when good design is proposed as a bargaining chip for increased densities it implies that bad design is acceptable provided that the arithmetic control boxes have been ticked.”

Office of Environment & Heritage

- Design excellence clause to be amended to include a requirement for native planting to be used in landscaping of the *Key Site*.

Don Fox Planning (on behalf of the Applicant)

- Design excellence clause should only apply if the *Key Site* is developed as a consolidated site and the proposed development exceeds the current controls.
- The exhibited design excellence clause is overly prescriptive and does not follow the format of the design excellence clause 6.12(4) of Parramatta LEP 2011 as recommended at Gateway.
- The minimum commercial floor area requirement in the design excellence clause is arbitrary and commercial floor area is not a defined term.
- Clause 4.6 variations should apply to development standards other than the FSR and height.
- The requirement for the height of the proposal to transition to its surrounds removes the ability for designers to locate height to minimise overshadowing and visual impacts.

Council Comment

Design excellence clauses are used to promote innovative, sensitive and interesting design solutions for sites that are complicated, large and / or strategically-important.

Typically, design excellence clauses include the requirement for a design competition prior to the lodgement of any development application. Bonus floor space and height are offered in order to offset expenses and delays that result from the need to hold a competition.

In relation to the exhibited *Planning Proposal*, the Gateway conditions offered bonus floor space and height if design excellence was achieved. However, a requirement for a design competition was not specified at Gateway.

Public submissions have questioned the logic and benefits of bonus FSR and height as rewards for good design. Nevertheless, public submissions have acknowledged the importance of design excellence for properties such as this *Key Site*: 41% of submissions stated support for a design excellence clause provided it did not allow for bonus floor space.

Don Fox Planning, pointed out that the exhibited design excellence clause is overly-detailed when compared to the existing design excellence provisions of other councils such as the City of Sydney and Parramatta.

Upon further consideration, it appears that the exhibited design excellence provision has attempted to regulate or resolve matters that should properly be confirmed prior to any development application.

Typically, design excellence provisions apply to planning and assessment of detailed development proposals - either pre-DA concepts or final development applications. Although design excellence provisions add to the rigour of development assessment, they cannot necessarily resolve complicated design constraints such as apply to the *Key Site*; changes in topography, heritage issues, a network of rights of way, the need to demonstrate compatibility with scale and character of surrounding development.

Following a succession of planning investigations and proposals for this *Key Site*, it is evident that future redevelopment must be guided by the rigorous analysis of constraints prior to submission of any DA.

This conclusion is reinforced by provisions of *City of Sydney LEP 2012* which require the preparation of site-specific Development Control Plans (DCPs) for sites that are larger than 5,000sqm, or in situations where proposed building height would be taller than 25m. The requirement of that LEP to prepare site-specific DCPs, is in addition to design excellence provisions, and collectively the provisions ensure a logical foundation for creative design solutions which must demonstrate excellence.

Due to evident complexities of the *Key Site*, its size of 10,800sqm, and strategic importance to Gladesville, a two-step process similar to City of Sydney provisions is both logical and desirable. The recommended two-step process would ensure comprehensive site analysis, and would satisfy recently-published state government documents that emphasise the importance of “place-based” outcomes which are linked to in-depth site analysis and good design:

- *Better Placed*: Government Architects Office, New South Wales (May 2017)
- *North District Plan*: Greater Sydney Commission (March 2018).

If site-specific DCP provisions were added to the current LEP, provisions of the exhibited design excellence and open space clauses could be simplified as suggested by Don Fox Planning. A site-specific DCP would deal with a desirable split of land uses between commercial and residential, most-appropriate locations for open spaces, and would resolve heritage conservation issues. Also, a site-specific DCP would be based upon detailed impact analysis which would determine the most-appropriate height planes for the site.

The site-specific DCP provisions and design excellence provisions in the *City of Sydney LEP 2012* and *Parramatta LEP 2011* offer an appropriate guide for Hunters Hill (refer attachment No. 6).

As requested by the Office of Environment and Heritage the design excellence clause will be amended to include a requirement for native landscaping to be used.

2.4.6. Open Space

The public’s response to the draft open space clause, included the following:

- Support for the open space clause as long as it was not connected to additional floor space (42.7%).
- No support for the open space clause as there has been no indication of use. Open space needs to be connected to make it functional and shading needs to be considered.
- Open space cannot mitigate the detrimental impacts of the additional development that is proposed.
- Development in the precinct is far outstripping services. There is excessive traffic and a lack of community open space and green streetscapes.

- The majority of open space must be within the same location rather than dispersed to provide tangible benefit to community and residents.
- The *Planning Proposal* will allow the buildings to double in size so the green space should double in size.
- Council should prioritise the development of a precinct landscape plan.
- Open space provisions need to be informed by a master plan.

Don Fox Planning (on behalf of the Applicant)

- Open space requirements should be predicated on all of the *Key Site* being developed. If a minor development application (e.g. change of use) is lodged it should not activate the open space requirements.
- Application of clause 4.6 (variation to development standards) should apply to the open space requirements.
- “Open space” is preferred to the use of the term “recreation space”.
- The draft clause uses prescriptive design criteria such as “highly visible/easily accessible” which is not suited to an LEP clause.
- The Draft 6.11 – Special Provision Clause (open space) oversteps its jurisdiction in its requirements for the second open space area on the site. This space is required to be 25% of the *Key Site* area with 75% of this space provided as one consolidated area. Don Fox Planning states that Council’s 75% consolidated area control is more restrictive than those in the Apartment Design Guide and therefore inconsistent with Gateway condition (b).
- The *Key Site* area is 10,800sqm. If all the open space requirements specified in the relevant DCP and draft planning proposal were added together only 5,300sqm of developable land would be left and this will lower development potential to less than achievable under current controls.

Council Comment

In 2005, consultants Annand Alcock prepared the *Gladesville Town Centre and Victoria Road Master Plan*. That document responded to the lack of available open space in the Gladesville Commercial area, and identified the need for a ‘town square’ upon the *Key Site*.

In 2014/15, Council carried out the “*Future Gladesville*” project to understand the community’s aspirations for a developing and changing Gladesville. A total of 780 people participated in the project including the applicant’s representatives. From this project, Council learned that the community strongly wanted a “*Future Gladesville*” to be green, social and engaged. The *Future Gladesville* work was translated into Development Control Plan (DCP) requirements which included a requirement for at least two separate open spaces to be provided upon the *Key Site*, with one of those spaces adjacent to Cowell Street. Furthermore, the North District Plan, identifies that Gladesville is lacking in open space.

Given the importance of open space in relation to successful revitalisation of the Gladesville Village Centre, the current *Planning Proposal* provides a valuable opportunity to specify the amount of open space that must be provided by future re-development.

There is however, some merit to Don Fox Planning’s comments that the exhibited “*draft open space clause*” is overly prescriptive. Both locations and characteristics of required open space(s) would be determined more-effectively by a site-specific DCP, and detailed evaluation of design quality would be ensured by a design excellence clause. Collectively, this alternative approach would provide reasonable flexibility for designers to determine best locations and types of open spaces based upon detailed analysis of solar access, pedestrian linkages and location of active frontages. If a site-specific DCP clause were added to the current LEP, the requirement for ‘75% consolidated area’ could be removed from the exhibited open space clause, and wording of the exhibited clause could be simplified to avoid subjective and design focussed terminology.

Don Fox Planning has argued that the draft open space clause in conjunction with current DCP controls would demand open space of 5,500sqm at or near ground level, and would reduce development potential and floor area to less than 2.7:1 which currently is permissible. However, this concern is contradicted by simple modelling commissioned by Council, together with the January 2016 *Planning Proposal* which provided 5,000sqm of open space at or near ground level and buildings with a gross floor area equivalent to 3.4:1.

Consequently, it is considered appropriate that the exhibited draft clause should retain the open space areas that were specified at Gateway, together with the requirement that the open space should be provided at or near ground level.

Although Don Fox Planning prefers ‘open space’ to the term ‘recreation space’ which was applied in the exhibited clause, ‘recreation space’ was the term nominated for use by Parliamentary Counsel.

2.4.7. Master Planning

The majority of Victoria Road properties to the west of the *Key Site* have vehicle access from the rear via Right-of-Ways (RoWs) that cross the *Key Site*. The current RoWs do not provide a direct link from Cowell Street through to Massey Street.

A requirement of the current DCP is that existing RoWs should be consolidated along the full length of the *Key Site*’s western boundary in order to create a ‘share-way’ that allows vehicle access to Victoria Road properties as well as providing a service connection between Cowell and Massey Streets.

Planning controls for the shop properties along Victoria Road that adjoin the *Key Site* include an FSR of 2.5:1 and maximum permissible height of 19m or 5 to 6 storeys. Earlier this year Council received three development applications for shop-top housing for the properties along Victoria Road. For all three applications vehicle access will be via the share-way mentioned in the preceding paragraph. Details of the development applications are summarised below. These applications were exhibited at approximately the same time as the *Planning Proposal*.

Address	Numbers of commercial suites and apartments	Car spaces	Storeys
233-235 Victoria Road Gladesville (existing BWS)	3 commercial 24 dwellings	44	6
223-227 Victoria Road Gladesville (existing Gladesville Arcade)	10 commercial 30 dwellings	66	6
219-221 Victoria Road Gladesville (existing Commonwealth Bank)	4 commercial 14 dwellings	33	5

Many public submissions received during the exhibition of the *Planning Proposal* raised concerns regarding adequacy of access to the properties above and the need for master planning. The principal issues raised by the public were:

- Linkages between the *Key Site* and developments on Victoria Road should be carefully planned.
- If the Victoria Road properties are allowed unplanned access onto the shareway, this will result in a mess of ingress and egress ramps to each development: the share-way as envisaged by the original master plan was meant to be a pedestrian only laneway with shops and cafes.
- If the current DAs along Victoria Road go ahead, it will be the end of any chance of achieving reasonable and responsible development of the *Key Site*.
- Cumulative impacts are a concern: our recommendation is that comprehensive impact assessment be completed as part of a broader master plan before any amendments to the LEP are considered.
- This is a *Key Site* and, until a master plan is in place for the whole of the *Key Site*, there can be no proper consideration given to any proposal to change the planning controls.
- A master plan should assess the cumulative impacts of all developments in the precinct on the drainage system within the sub-catchment especially given its history of flooding.
- There is a lack of a cohesive plan with regard to surrounding developments: the *Planning Proposal* does not provide any consideration for future retail, commercial and housing along Victoria Road.
- Development needs to be delayed until there is clarification of planning principles for the *Key Site* and the whole area bounded by Victoria Road, Massey Street, Flagstaff Street and Cowell Street.

Council Comment

On 12 March 2018, and in response to concerns regarding the share-way which were highlighted by recent DAs as well as matters which were raised during exhibition of the *Planning Proposal*, the Council resolved to prepare a master plan for the area which comprises the *Key Site* and the Victoria Road shops. (Resolution No. 54/18 refer attachment No. 7).

It is clear the exhibited *Planning Proposal* and the recent Victoria Road DAs, have highlighted matters which would benefit from further review; in particular, requirements for site amalgamations to minimise garage openings onto the share-way. The need for further review of current controls has also been highlighted by the planning proposal which has been submitted for the property at 2 Massey Street, Gladesville.

Recent changes to the *Environmental Planning and Assessment Act* (the Act) have added two new layers to the hierarchy of development controls:

- District Plans, and
- Local Strategic Planning Statements (LSPS) – which have particular relevance to the need for further master planning of the Gladesville Village Centre.

Councils must prepare LSPS by July 2019, and the Greater Sydney Commission (GSC) has specified that LSPS are to provide the following:

- The 20-year vision for land use in the local area;
- The special characteristics which contribute to local identity;
- Shared community values to be maintained and enhanced;

- How growth and change will be managed into the future.

According to the GSC, a LSPS will provide more focus and detail for areas that are changing – for example, the Gladesville Village Centre. The effects of LSPS are similar to master plans as they will guide necessary amendments to current LEPs and DCPs.

There is an opportunity to review controls which apply to the Gladesville Village Centre and possibly the adjoining R3 Medium Density residential zone as the first stage of Council's required LSPS. Topics for review could include measures that would encourage a walkable and attractive commercial centre providing a haven from Victoria Road traffic; for example pedestrian linkages, car-parking requirements, access, traffic flows and site amalgamations. Such work would complement the preparation of a site-specific DCP for the *Key Site*.

3 DELIBERATIONS

3.1. Summary of Key Considerations

The table below summarises the elements of the exhibited *Planning Proposal* and the key considerations discussed in the previous section of this report.

Increase in floor space ratio to 3.4:1	
<u>Traffic</u>	
1.	<p>The applicant has relied upon the Victoria Road bus services as justification for their proposed increase in floor space but has not provided any analysis of existing or future bus capacities or their proposal's impact on bus traffic.</p> <p>This failure is significant, given the future importance of public transport along Victoria Road as no road capacity upgrades are planned for this congested arterial route in the next 20+ years. Therefore, the proposal in its current form cannot be considered consistent with state strategic transport plans.</p>
2.	<p>Victoria Road is one of the six most-congested strategic movement corridors in Sydney. RMS, Transport for NSW and the council's independent traffic consultant, have identified that the additional traffic generated by the proposal would have untenable impacts upon this road, trunk bus services and the local road network.</p>
3.	<p>The exhibited Traffic Impact Assessment (TIA dated November 2017) is the fourth TIA which has been submitted to justify the <i>Planning Proposal</i>, and notwithstanding continuing requests for more-rigorous analysis, independent traffic experts have identified the document significantly underestimates traffic generation rates, continues to present inaccurate information and flawed assumptions, and does not provide sufficient information for the proper assessment of likely impacts.</p>
4.	<p>The traffic management strategies recommended by the TIA (dated November 2017) do not satisfactorily ameliorate impacts along Victoria Road, and have not addressed the constraints of the local road network:</p> <ul style="list-style-type: none"> • The proposal to redirect cars from Cowell Street into a Junction Street which is a substantially narrower street is neither logical nor desirable - particularly when projected traffic along Junction Street would exceed RMS environmental goal for local roads of 300vph; • The existing and likely future levels of residential amenity for properties in Junction Street has not been addressed.
<u>Heritage</u>	
1.	<p>Additional floor space and options for on-site conservation of the heritage-listed cottage at 10 Cowell Street (I514) are inextricably linked.</p>

2. There has been no comprehensive exploration of conservation options for the cottage and, as the Heritage Council has stated, a Heritage Impact Study (HIS) is required to fully evaluate impacts of the proposed additional floor space. A comprehensive HIS is essential to demonstrate consistency with the s117 Direction 2.3 Heritage Conservation.
3. Additionally, increased floor space is likely to compromise the scale-transition between the *Key Site* and the adjacent Gladesville Heritage Conservation Area which comprises shop-buildings facing Victoria Road.

Justification

1. The existing floor space ratio for the *Key Site* is generous considering surrounding sites, including those in the City of Ryde.
2. There are no community benefits which can be ascribed solely to an increase in floor space.
3. Increased floor space will have negative outcomes in terms of traffic congestion and heritage.
4. Increased floor space would increase the height, scale and density of building forms, and consequently would be likely to increase overshadowing and visual impacts.

Increase in building height

1. The 2013 Development Application (DA) for the *Key Site* substantially complied with the existing floor space and building height controls (26m & 34m). This application proposed to repeat near-identical, poorly articulated residential building forms above a bulky podium, with the overall development displaying insufficient regard to streetscape, overshadowing and privacy impacts.
2. The 2013 DA demonstrated how a fixed height control of 34m applying across a large site area can inhibit a designer's ability to modulate or vary building forms to create interesting streetscapes and skylines and to minimise overshadowing and privacy impacts.
3. If the existing floor space control is retained providing flexibility in relation to the current height controls has the potential to deliver superior design quality. If heights are determined through an impact analysis this would enable a designer to explore a variety of forms and arrangements for buildings which minimise visual impacts, optimise open space layout and provide the most-effective management of overshadowing and privacy.
4. A number of submissions stated that if no increase in floor space is provided, there could be grounds for flexibility in relation to building height in order to secure optimal design solutions.
5. Providing for varying heights across the site which respond to site constraints and surrounds could be managed effectively by requiring a site-specific Development Control Plan be prepared for the *Key Site*.

Design excellence clause

1. The subject site is identified by local controls as a *Key Site*: it covers a substantial area of 10,800sqm, and is critical to successful revitalisation of Gladesville Village.
2. For such a significant site, many submissions stated that design excellence should be a basic expectation and should not be rewarded by bonus floor space or height.
3. The *Key Site* has many constraints, including heritage. Design excellence provisions apply at the Development Application (DA) stage and alone are considered insufficient for such a large, complex and significant site. Rigorous analysis of site constraints and strategic design options need to occur prior to DA.

4. A requirement for a site-specific DCP, in addition to the application of design excellence provisions would put in place the framework needed to facilitate the rigorous site and design analysis demanded by a complex *Key Site*.
5. The requirement for preparation of a site-specific DCP would enable simplification of the exhibited draft Design Excellence and Open Space clauses as suggested by Don Fox Planning. A number of prescriptive elements in the draft design excellence and open space clauses could be eliminated, and more-appropriate design solutions investigated through a site-specific DCP (for example, the required balance of commercial and residential land uses).
6. Recent publications by state agencies have emphasised the need for 'place-based planning' and correctly state that "*good design outcomes result from good processes*" (p27 *Better Placed*, NSW Government Architects Office, May 2017). The requirement for a site-specific DCP in addition to Design Excellence provisions, would be consistent with these recent publications.
7. The City of Sydney LEP 2012 requires the preparation of site-specific DCPs for sites larger than 5,000sqm, or where proposed building heights would be greater than 25m. This requirement for a site-specific DCP, is in addition to the application of design excellence provisions.
8. Council's site-specific DCP clause and Design Excellence clauses could be modelled upon existing clauses in City of Sydney and Parramatta LEPs.
9. As required by the Office of Environment & Heritage the design excellence clause is to include a requirement that native plants be used in landscaping of the *Key Site*.

Open space clause

1. The 2005 Master plan for Gladesville identified the need for a "town square" to be provided upon the *Key Site* and Council's "Future Gladesville" project identified the need for "green" open space in Gladesville. Furthermore, the North District Plan identifies there is a lack of open space in the Gladesville commercial area.
2. Don Fox Planning argued that exhibited "*draft open space clause*" was too prescriptive, especially the requirement for 75% of the second open space to be provided as one consolidated space.
3. A number of submissions suggested that more analysis was required before characteristics of the open space (such as the 75% control) could be specified by planning controls.
4. A site-specific DCP would involve detailed analysis of best locations, sizes and configurations for open space with regard to issues such as visibility, accessibility and solar access. The requirement to prepare a site-specific DCP would allow for simplification of the draft open space clause as prescriptive terminology could be removed as well as the 75% consolidated open space control.
5. While the exhibited draft open space clause can be simplified, given the criticality of open space in Gladesville it is considered the minimum area requirements specified in the clause should be retained, as well as the requirement that the open spaces should be provided at or near ground level.

Master planning

1. Recent applications for shop-top housing developments adjacent to the subject *Key Site*, have identified the need for further planning of vehicle and pedestrian access around the *Key Site*.
2. On 12 March 2018, Council resolved to prepare a master plan for the Gladesville area (Resolution No. 54/18 refer attachment No. 7).

3. Recent changes to the Act require councils to review LEPs and prepare a Local Strategic Planning Statement (LSPS) by the end of 2019. Work required to prepare a LSPS is similar to that required for a master plan, and would inform necessary amendments to Council's LEP and DCP.
4. Review of the controls that apply to the Gladesville Village centre could be included in the first stage of work undertaken to prepare the LSPS. This work could look at the car parking and site amalgamation requirements in Gladesville.
5. Together the LSPS work and a site-specific DCP requirement for the *Key Site* would provide a strong framework for achieving the analysis required to deliver positive design outcomes in the Gladesville Village Centre.

3.2. Assessment

Any increase of current FSR which applies to the *Key Site* is not warranted:

1. Due to estimated traffic impacts and unresolved heritage issues;
2. The design quality consequences which include:
 - Likely visual impacts in relation to streetscape quality and degree of compatibility with surrounding development (including the adjacent heritage conservation area);
 - Likely overshadowing of residences and open spaces within and around the *Key Site*;
 - Privacy within and around the *Key Site*, and;
3. Finally, and perhaps most-significantly, because the exhibited *Planning Proposal* does not provide or nominate tangible public benefits which might justify the additional floor space.

There are a number of matters which have **not** been adequately evaluated during the *Planning Proposal* process:

- optimal height planes that would minimise visual, privacy and overshadowing impacts, as well as maximising the potential to provide well located, sunny, accessible and sizeable open spaces;
- the most-appropriate mix of land-uses: commercial, residential and / or community facilities;
- conservation options for the heritage-listed cottage upon the *Key Site*;
- potential to accommodate varied setbacks and separations between building forms;
- desirable locations for open space and pedestrian links between the *Key Site* and surrounding streets or developments;
- most-effective locations for access to carparks and loading bays.

The *Key Site* is aptly-named because redevelopment of this site is critical to remodel the Gladesville Village Centre in order to create an attractive and walkable local centre.

Noting the multitude of unresolved issues which apply to this *Key Site* as well as recent government publications which stress the importance of good processes in order to deliver positive place-based planning outcomes; there is a strong argument, that the exhibited *Planning Proposal* should be amended in order to put in place the framework needed to facilitate the rigorous site and design analysis which has been lacking to date.

If council proceeds with an amended Planning Proposal and it is accepted by the Department then the recommended two-step assessment framework for the *Key Site* has the potential to be in place by the end of this year as the Planning Proposal is at the determination stage.

Accordingly, under section 3.35 of the Act the following amendments to the exhibited *Planning Proposal* are recommended:

1. The bonus floor space and height provisions are to be removed from the Design Excellence clause. No change to the existing floor space control is warranted.
2. The exhibited design excellence and open space clauses are to be retained and simplified:
 - The amended design excellence clause should not include bonuses for height or floor space.
 - The amended open space clause should require that a minimum amount of open space is provided at or near ground level, but the requirement relating to 75% of the second area being consolidated as one space, is to be deleted. Detailed characteristics of the open space will be determined through a site-specific DCP.
 - The simplified clauses would, in part, respond to technical concerns which were raised by Don Fox Planning (on behalf of the Applicant).
 - The simplified clauses would eliminate potential conflicts between state policies and local controls.
 - A requirement for native plants to be included in the landscaping of the Key Site is to be included in the design excellence clause.
 - The amended clauses would be consistent with Gateway conditions 1(a) and 1(b).
3. A new clause to be included which requires the preparation of a site-specific DCP before any development consent may be granted:
 - In conjunction with a design excellence clause, this additional provision would impose a two-stage process of analysis and design which would fully-evaluate solutions to the *Key Site's* complicated constraints in order to provide appropriate foundations for well-considered development proposals.
 - Primary tasks for the site-specific DCP would be to investigate and define appropriate limits for building height.
 - Secondary tasks would be to investigate and define design solutions for (among other matters) heritage, commercial vs residential split, open space, pedestrian links and vehicle access.
 - Most-importantly, the new clause would provide flexibility to deliver effective outcomes and the highest-possible standards of design quality.
4. Clause 4.3, (Height of buildings) in Council's LEP shall be amended to permit buildings upon the Gladesville site which are taller than the permissible maximum subject to conformity of a proposed development with detailed height controls which are provided by a site-specific DCP for the *Key Site* which has been adopted by Council.

Clauses in City of Sydney and / or Parramatta LEPs require the preparation of site-specific DCPs, and specify considerations in relation to design excellence (refer Attachment No. 6). These established clauses can be used to guide the preparation of clauses for Hunters Hill.

As discussed previously in this report, the requirement to prepare a site-specific DCP would allow simplification of the exhibited design excellence and open space clauses, and when combined with the work required for a Local Strategic Planning Statement would address community expectations for additional master planning in the Gladesville Village Centre.

A decision to proceed with an amendment of the exhibited *Planning Proposal* does not require preparation of the exact wording of the additional and amended clauses. Council has been advised by the Department that only the scope and intent of proposed LEP clauses are required at this time.

Upon receipt of Council's resolution in response to this report, the Department would undertake further assessment before advising next steps in relation to the *Planning Proposal*.

3.3. Review of Strategic Merit

For any planning proposal to receive a favourable Gateway Determination, and in order for a proposal to proceed to completion, strategic merit must be demonstrated. Demonstration of strategic merit requires the consideration of relevant local and state strategic planning documents. The state strategic planning documents have been replaced recently requiring a review of the proposal's consistency with the new state strategic plans.

At the time of Gateway assessment, relevant state strategic planning documents were:

- A Plan for Growing Sydney;
- Draft North District Plan; and
- NSW Long Term Transport Plan.

On 18 March 2018, these documents were replaced by:

- A Metropolis of Three Cities - Greater Sydney Region Plan;
- North District Plan; and
- Future Transport Strategy 2056.

In relation to assessment of strategic merit, the Department will refer to the latter documents for its final determination of the subject *Planning Proposal*.

Under the previous regional plan A Plan for Growing Sydney, the Gladesville Village Centre was part of an 'urban renewal investigation corridor'. Under the current regional plan, Victoria Road is identified as a 'city-serving transport corridor', and the Gladesville Village Centre is identified as a 'local centre'. The North District Plan emphasises the importance of place-based planning for local centres, and notes heritage as a significant element of local identity which contributes to 'great places'. On page 51 of the North District Plan, five actions are nominated and reinforce the imperative of 'place-based planning' in order to revitalise and renew local centres. Open spaces are seen as central to design organisation, together with adaptive re-use and interpretation of heritage, seen as necessary to maintain or improve distinctive 'local places'.

The recent state strategic plans represent a shift in thinking for the Gladesville Village Centre – which is no longer considered solely as part of a corridor which is targeted for an increase in housing supply.

Collectively, the new state strategic documents recognise Gladesville as a local centre where well-planned growth can create an attractive, walkable community hub with a distinctive character that is influenced by landscaping and open spaces, social infrastructure, retention of heritage, and a finely-grained architecture for street frontages.

Recommended amendments to the exhibited *Planning Proposal* including the requirement to prepare a site-specific DCP, would contribute directly to more rigorous site and design analysis and therefore 'place-based planning' which is advocated by the North District Plan.

On this basis, recommended amendments to the exhibited *Planning Proposal* would make it consistent with the relevant state strategic plans, and consequently it is considered the amended *Planning Proposal* demonstrates strategic merit.

4. CONCLUSION

4.1. Amended Planning Proposal

Based upon submissions received in relation to the exhibited *Planning Proposal* and further research, the exhibited *Planning Proposal* **cannot** be supported in its current form. The proposed increase in floor space is unacceptable for the following reasons:

- Roads and Maritime Services, together with NSW Transport and McLaren Traffic Engineering, have identified that the proposed increase in floor space would have untenable consequences for Victoria Road traffic, trunk bus services and the local road network.
- The proposed increase in floor space and the potential traffic impacts make the proposal inconsistent with the Future Transport Strategy 2056.
- The proposed increase in floor space has the potential to compromise heritage conservation outcomes in relation to the heritage-listed cottage upon the *Key Site*, and would most-likely compromise the desired scale transition between the *Key Site* and the neighbouring Heritage Conservation Area.
- The Heritage Council has confirmed that comprehensive exploration of impacts of an increase in floor space is required through the preparation of a Heritage Impact Study. Without this required assessment any proposal including an increase in floor space would not be consistent with Ministerial 117 Direction 2.3 Heritage Conservation.
- The Applicant has not provided satisfactory justification for the proposed increase in floor space. There are no community benefits which can be ascribed to the increase.

Although the exhibited *Planning Proposal* is not supported, an amended *Planning Proposal* offers distinct benefits which cannot be achieved without amendments to the current LEP. Consequently, a 'status quo' or 'no amendment' option is not recommended.

An effective 'place-based' framework for redevelopment would be achieved by an amended *Planning Proposal* which incorporates requirements for a site-specific DCP and simplified design excellence and open space clauses (with the reference to bonus height and floor space removed from the design excellence clause). A further benefit of proceeding with an amended *Planning Proposal* is that this two-step assessment framework has the potential to apply to the *Key Site* by the end of the year as the *Planning Proposal* is at determination stage.

According to advice which was provided by the Department, the precise wording of amended and additional LEP clauses may be determined in the future following input from council's lawyers and Parliamentary Counsel. The Department's advice indicates that only the scope and intent of an amended *Planning Proposal* need to be established at present.

Assessment of the proposed amended *Planning Proposal* against the recently released state strategic plans has demonstrated that the amended *Planning Proposal* has strategic merit.

The completion date for the *Planning Proposal* was 31 July 2018. However, due to the release of the new suite of state strategic plans in March 2018, the Department has confirmed a three-month extension.

4.2. Master planning

Recent changes to the Act require all councils to review LEPs and prepare Local Strategic Planning Statements (LSPS).

This requirement has direct relevance to the Gladesville Village Centre. Essential elements of a LSPS are similar to a master plan and therefore, the requirements for a LSPS and a site-specific DCP for the *Key Site* would effectively address Council's recent resolution to prepare a master plan for the Gladesville precinct.

Preparation of a master plan / LSPS would underpin further potential amendments to the current LEP, and would provide a strategic framework for preparation of a site-specific DCP for the *Key Site*. The preparation of a LSPS would be done in consultation with City of Ryde and specific requirements for the Gladesville Village Centre as a whole would be addressed such as car parking requirements, pedestrian linkages and the need for site amalgamations in order to minimise garage openings facing lanes or share-ways.

There will be further reports to Council in relation to the preparation of LSPS once Council officers have completed a series of technical workshops that are currently being convened by the Department.

5 RECOMMENDATION

The following recommendations reflect the preceding discussions and conclusions in this report.

1. That Council refuse to support the exhibited *Planning Proposal* in its current form.
2. That Council support an amended *Planning Proposal* which includes the following details:
 - a. There shall be no changes to LEP maps in relation to the height and floor space controls which currently apply to the *Key Site*;
 - b. A special clause shall be added to the exhibited *Planning Proposal* which shall require the preparation of a site-specific DCP for the Gladesville *Key Site* before any development consent may be granted in relation to the whole of that land;
 - c. The special clause that requires preparation of a site-specific DCP for the Gladesville *Key Site* shall be modelled upon clause 7.20 of the *City of Sydney LEP 2012*, and the site-specific DCP shall provide detailed controls in relation to the following matters (which shall be in addition to any other matters that are specified by clause 7.20 of SLEP 2012):
 - height and articulation of building forms;
 - amount and location of publicly-accessible open spaces;
 - commercial and residential floor space provisions;
 - heritage conservation
 - locations for pedestrian links between the *Key Site* and surrounding streets or developments;

- locations for access to carparks and loading bays.
- d. Clause 4.3, of the Hunters Hill LEP 2012 (Height of Buildings) shall be amended to permit buildings upon the Gladesville site which are taller than the permissible maximum subject to conformity of a proposed development with detailed height controls which are provided by a site-specific DCP for the *Key Site* which has been approved and adopted by Council.
- e. That the exhibited Design Excellence clause shall be amended as follows:
- generally, the amended clause shall be modelled upon sub-clauses 6.12(1) to 6.12(4) of *Parramatta LEP 2011*; and
 - no bonus height or floor space shall be provided for any development proposal which demonstrates design excellence; and
 - maximum building heights shall be determined by the site-specific DCP; and
 - the requirement for a percentage of commercial floor area shall be deleted, and that requirement shall be a consideration for the site-specific DCP.
 - Native landscaping will be required for landscaping of the *Key Site*.
- f. That the exhibited Open Space clause shall be amended as follows:
- the minimum area of publicly-accessible recreation space shall be 25% of the *Key Site's* area plus 600m²; and
 - publicly-accessible recreation space shall be provided at ground level or near ground level; and
 - detailed locations and configurations for publicly-accessible recreation space shall be determined by the site-specific DCP; and
 - the requirement to provide 75% of the second recreation space as one consolidated area shall be deleted.
3. That the NSW Department of Planning and Environment shall be notified of the Council's resolutions in relation to the exhibited *Planning Proposal* for the Gladesville *Key Site*.

Attachments:

1. Gateway Determination
2. NSW Roads and Maritime Services: Submission
3. Transport for NSW: Submission
4. McLaren Traffic Engineering Comments: Independent Traffic Expert
5. Comparison: provision of publicly-accessible open space January 2016 vs February 2018
6. Examples of site-specific DCP and Design Excellence Clauses from City of Sydney & Parramatta LEPs.
7. Council resolution No. 54/18 regarding the preparation of a Gladesville Master Plan
8. All submissions received regarding the *Planning Proposal*