
ITEM NO	:	4.3
SUBJECT	:	PROPOSED AMENDMENT TO FLAGSTAFF STREET SETBACK CONTROLS - CONSOLIDATED DCP 2013 CHAPTER 4.4 GLADESVILLE VILLAGE CENTRE
CSP THEME	:	A RANGE OF HOUSING TYPES, THAT MEET POPULATION DEMANDS
DELIVERY PLAN STRATEGY	:	ENSURE THAT NEW DWELLINGS MEET THE CHARACTER OF HUNTERS HILL AND ADDRESS STATE PLANNING POLICIES
REPORTING OFFICER	:	PHILIPPA HAYES

Ref: 227764

INTRODUCTION

At Council's ordinary meeting held on 25 August 2014, a resolution was made to exhibit a proposed amendment to Clause 6 (Key Site – Building Lines & Setbacks) of Chapter 4.4 "Gladesville Village Centre" -Consolidated Development Control Plan (DCP) 2013. Clause 6 was to be amended by adding an objective and changing the related numerical setback control:

1. The following objective was to be added:
 - (e) ensure adequate landscaping, deep soil planting, pedestrian amenity and buffering between Key Site and surrounding residential areas.
2. The numerical control of a zero setback requirement to Flagstaff Street depicted by Figure 4.5 was to be altered by adding the following wording.
 - (a) 4 metre setback from the Flagstaff Street boundary alignment.

Simply adding text to the diagram would have resulted in a conflict with the actual diagram. Therefore the diagram was altered to show a building setback and the wording added "Lowest 2 storeys + basements: Deep soil setback 4 m"

The amended Clause 6 (text and diagram – refer attachment No.1) was placed on public exhibition from 29 October to 26 November 2014. This report discusses the results of the exhibition period and the implications of the proposed amendment to Clause 6 (Key Site – Building Lines & Setbacks).

REPORT

The submissions received as a result of the exhibition period all focussed on the proposed 4 metre numerical setback control and did not specifically address the proposed objective.

However, the wording used in the submissions supporting the setback reiterated the wording of the objective. All those in support of the 4 metre setback wanted to see more landscaping, improved pedestrian amenity and buffering between the Key Site and surrounding residential area.

All the submissions received during the exhibition period are attached to this report and provided below is a table summarising the number of submissions/objections received, followed by a discussion of their contents.

Submissions	Comment
32	Form letter submissions supporting the proposed amendments to Clause 6
19	Individual submissions supporting the proposed amendments to Clause 6
1	Objection to the proposed amendment to Clause 6
1	Objection to the webpage set up by the Gladesville Community Action Group allowing visitors to click on a link and send a form letter submission to Council supporting the proposed amendment to Clause 6 (attachment No. 4)

Submissions Supporting the Proposed Setback Amendment

The wording of the form letter submissions supporting the proposed setback amendment stated:

Re Proposed amendments to Gladesville Shopping Village site setbacks

I am writing to express my support for the proposed amendments to the planning controls, to reinstate setbacks for the Gladesville Shopping Village site. I agree with the proposed 4 metre wide setback for buildings on Flagstaff Street, Gladesville, allowing for deep soil planting.

I believe this will go some way to softening the interface between any proposed future development, and the adjoining residential area. This will help to achieve the aspirations of the LEP and DCP, that development be sympathetic to the existing streetscape and neighbourhood.

I urge all Councillors to support this important amendment following the exhibition period.

The comments included in the form letter were reinforced by the individual letters/emails many of which were only two or three sentences long (see attachment No. 2). These submissions reiterated the following themes in support of a 4 metre landscaped setback along Flagstaff Street.

The proposed setback will:

- ensure a safer and more pleasant environment for pedestrians along Flagstaff Street
- soften the impact of any proposed development on adjoining residential areas
- improve vehicular safety entering and exiting the GSV site off Flagstaff Street
- Improve aesthetics and soften any building proposed for the GSV site.

Additionally the Ryde – Hunters Hill Flora and Fauna Preservation Society stated that “the proposed setback could assist with overland stormwater flows from the GSV site and reduce flooding into nearby streets.” The Gladesville Community Action Group in their submission stated that while they supported the amendment to the Flagstaff street setback they would also welcome the reinstatement of the controls in the ‘pre-Newbold’ DCP of 2010.

Submission Objecting to Proposed Setback Amendment

DFP Planning Consultants provided an objection to the proposed setback amendment for the Key Site on behalf of GSV the prospective developers of the site (refer attachment No. 3). The focus of DFP's submission was not the additional objective proposed by the amendment but rather the 4 metre setback. DFP's objection to the 4 metre setback covered the following points:

- Council's independent consultant Architectus provided advice to council stating:

“Architectus does not recommend providing a ground level setback to Cowell and Flagstaff St for a future development on the Gladesville Shopping Centre site. Any revision to the Cowell/Flagstaff Street setback control would need to be considered in context of a holistic review of the Gladesville town centre controls, which take into consideration any changes to desired pedestrian movement, built form, streetscape and the hierarchy of streets within the town centre. Even then, Architectus considers ground level setbacks would prove to be unjustified.”
- The current DCP controls already require activation along the boundary of the Key Site to Flagstaff Street.
- A setback along Flagstaff Street will not provide any significant benefit to pedestrians as they can use the eastern side of Flagstaff Street which has an existing footpath. Additionally Flagstaff Street is not a main pedestrian route. The main pedestrian routes are along Cowell Street or Massey and the potential redevelopment of the Gladesville Shopping Village is unlikely to provide a main retail entrance off Flagstaff Street.
- The setback proposes a significant loss of site area (in the order of 380sqm) which in turn equates to a potential loss of gross floor area of 864sqm (based on the maximum FSR of 2.7:1). The DCP amendment shows that the 4 metre setback is to extend down to basement levels in order to allow for deep soil planting. This has a significant impact on the potential floor plate of a basement for car parking, loading and other ancillary uses. This is a significant impost on the site for public benefit.
- A 4 metre deep soil setback is not necessary to achieve the objective of a landscape buffer between the key site and surrounding residential areas. It is possible to have planting on top of a structure that can still achieve a landscape setting without the need for a 4 metre setback to extend to basement levels. A soil depth of 600mm is sufficient to accommodate trees of a height to perform the function of a landscape screen and pedestrian amenity.

Discussion of Proposed Amendments - Objective and Numerical Setback

The height and floor space controls in Council's current Local Environmental Plan (LEP) 2012 allow land in the Gladesville Commercial Area (B4 – Mixed Use zoning) to be developed to a density in stark contrast to the surrounding residential areas. This is particularly true for the land known as the Key Site bounded by Flagstaff and Cowell Streets. A major driver behind these higher density controls was the State Government's policy to increase housing stock on arterial transport routes such as Victoria Road. The strong, ongoing commitment of the State Government to this policy is evidenced in their recently released Sydney Metropolitan Strategy – Growing Sydney.

In 2014 Council employed the consultancy Place Partners to engage with community on both sides of Victoria Road to discuss the changing nature of the Gladesville Commercial area and to establish the community's priorities and aspirations for a "Future Gladesville". This work is currently being used to inform a revision of Chapter 4.4 of the Consolidated DCP 2013 - Gladesville Village Centre.

There were 770 people who actively engaged in the "Future Gladesville" project and their top five words for the way they would like to be able to describe the Gladesville Village Centre were:

Green – vegetation and sustainability

Exciting – lots of people, diversity of things to do/places to go

Informal – Opportunistic meetings and interactions

European – Outdoor activities, pedestrian friendly

Traditional – Respecting the local history and heritage

The proposed objective "to ensure adequate landscaping, deep soil planting, pedestrian amenity and buffering between the Key Site and surrounding areas" reflects the aspirations expressed by those that participated in the "Future Gladesville" engagement work. As the proposed objective complements the work currently being undertaken by Place Partners, it is considered reasonable to pursue the objective as an amendment to the current Consolidated DCP 2013.

Conversely, pursuing the 4 metre numerical deep soil setback control for Flagstaff Street is not considered acceptable and reasonable, hence cannot be supported. The proposed setback control as exhibited requires any proposed building on the Key Site to be setback above and below ground 4 metres the length of the Flagstaff site boundary. It is considered that such a setback control will actively hinder rather than assist the objective proposed in conjunction with the numerical control. The background behind this reasoning is discussed below:

- Inserting a specific control into the DCP that requires a 4 metre deep soil landscaped setback along Flagstaff Street, de-emphasises the need for landscaping and deep soil planting elsewhere on the Key Site. The Flagstaff street boundary is arguably the least critical of the sites boundaries in terms of pedestrian amenity and yet the 4 metre setback control elevates its importance and will weaken the ability of assessment officers to require setbacks and planting in areas where the greatest pedestrian flows are expected (Cowell Street, Massey Lane and Massey Street)
- Recently the prospective developer (GSV) of the Key Site undertook preliminary community consultation to discuss concept plans prior to a new development application being lodged with Council. The concept plans showed that GSV now intends to make Flagstaff Street the main vehicular entrance point into the site (this includes truck service points). On the concept plans the proposed building was setback approximately 3.5 metres off Flagstaff Street to allow for truck turning circles and while landscaping was shown in the setback the landscaping was broken up by large vehicular entry and exit bays into the site. This demonstrates that numeric controls must be applied with caution as they often do not achieve the desired outcome. With vehicles potentially entering and exiting the site along Flagstaff Street the well landscaped and safe pedestrian path that may have been envisaged will not be achieved.

- Adding a numeric control into a DCP in the absence of supporting analysis means the implications of the change cannot be fully understood. As Don Fox Planning stated in their objection letter a 4 metre setback control results in a loss of site area (in the order of 380sqm) which in turn equates to a potential loss of gross floor area of 864sqm (based on the maximum FSR of 2.7:1). This in turn equates to approximately 17 one bedroom apartments (one bedroom apartment, minimum size 50sqm – refer part 3 Residential Flat Design Code). In addition to this as the proposed control requires all basement structure to setback by 4 metres off the site boundary, the underground car parking and loading facilities are affected.
- The consultancy Place Partners has recently submitted to Council their first draft of the revised Chapter 4.4 Gladesville Village Centre of the Consolidated DCP 2013. While at the time of writing this report a full review of the draft was not possible, it is clear Place Partners Urban Design advisor, in considering overall public amenity, placed more importance on the treatment of Cowell Street and Massey Lane, rather than Flagstaff Street. Additionally, Place Partners rather than being overly prescriptive in their approach have used strong objectives, coupled with images to encourage desired outcomes. As discussed at the recent Councillor workshop the guide vs the Bible approach in writing controls is the preferred option as numerical controls are no guarantee of good design and often act as an impediment to innovative and thoughtful design solutions.

CONCLUSION

It is recommended that Council amend the current Consolidated DCP 2013 Chapter 4.4 Gladesville Village Centre (Clause 6 – Key Site) to include the objective shown below.

- (e) ensure adequate landscaping, deep soil planting, pedestrian amenity and buffering between Key Site and surrounding residential areas.

However, it is not recommended Council pursue the addition of the 4 metre setback control to Flagstaff Street, as it is considered this will hinder rather than assist the objective Council is pursuing.

If Council resolves to adopt the amended objective, Place Partners will be advised to include this objective in their proposed draft revision of Chapter 4.4 Gladesville Village Centre.

FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report.

ENVIRONMENTAL IMPACT ASSESSMENT

There is no direct environmental impact on Council arising from Council consideration of this matter.

SOCIAL IMPACT ASSESSMENT

There is no direct social impact on Council arising from Council consideration of this matter.

RISK ASSESSMENT

There are risks associated with consideration of this matter. As discussed in a previous staff report addressing this matter (28 July 2014), amending numerical development controls without undertaking the background analysis required to support the changes may have unforeseen negative impacts and weakens the integrity of all the controls that apply to the Key Site/Block 21.

HUNTERS HILL 2030

This matter relates to ensuring that a range of dwelling types that meet population demand are provided in the Municipality. All new housing must be compatible with the character of Hunters Hill and address State Policies.

RECOMMENDATION

1. That the report be received and noted.
2. That Clause 6 (Key Site – Building Lines & Setbacks) of Chapter 4.4 “Gladesville Village Centre” -Consolidated Development Control Plan (DCP) 2013 be amended to include the following objective.

(e) *ensure adequate landscaping, deep soil planting, pedestrian amenity and buffering between Key Site and surrounding residential areas.*

ATTACHMENTS

1. Proposed Amendment to Clause 6 (text and diagram) placed on exhibition
2. Example of standard submission supporting the increase in setback
3. Individual submission letters supporting the increase in a setback
4. Objection letter from DFP Planning
5. Objection letter from GSV Developments PTY LTD