

Item 2
3 Porter Street & 105 Church Street, Ryde - LDA2021/0296
Alterations to existing basement and change of use of a plant room to a local distribution premises

Report prepared by: Tyson Ek-Moller - Consultant Planner

 Report approved by: Kimberley Kavwenje - Senior Coordinator Development Assessment
 Sandra Bailey - Manager Development Assessment
 Liz Coad - Director City Planning and Environment

**City of Ryde
Local Planning Panel Report**

DA Number	LDA2021/0296
Site Address	3 Porter Street, Ryde NSW 2112 105 Church Street, Ryde NSW 2112 SP 100700
Zoning	B4 Mixed Use zone
Proposal (as amended)	Alterations to existing basement and change of use of a plant room to a local distribution premises
Property Owners	HLWZ Developments Pty Ltd
Applicant	Eun Seo, Eun Seo Architects Pty Ltd
Report Author	Tyson Ek-Moller, Consultant Planner
Lodgement Date	30 August 2021
Notification No. of Submissions	<p>Eight (8) submissions received objecting to the proposed development during the first notification period.</p> <p>One (1) submissions received objecting to the proposed development during the second notification period.</p> <p>During the third notification period, six (6) submissions received objecting to the development during the third notification period.</p>
Cost of Works	\$252,005.00

<p>Reason for Referral to LPP</p>	<p>Departure from development standards – contravention of the floor space ratio development standard by more than 10% - <i>Schedule 1, Part 3 of Local Planning Panels Direction</i></p> <p>Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection - <i>Schedule 1, Part 2 of Local Planning Panels Direction</i></p>
<p>Recommendation</p>	<p>Approval</p>
<p>Attachments Note that Legal advice is privileged & confidential</p>	<p>Attachment 1 – Draft Conditions of consent</p> <p>Attachment 2 - DCP Compliance Table</p> <p>Attachment 3 – Clause 4.6 written variation request</p> <p>Attachment 4 – Architectural plans</p> <p>Attachment 5 – Legal advice provided by applicant</p>

1. Executive Summary

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on land at 3 Porter Street, Ryde, which is legally described as SP 100700.

The subject development application (LDA2021/0296) seeks consent for alterations to an existing basement level and a change of use of a plant room to a local distribution premises.

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel for determination for two reasons. The development proposes a departure from a development standard in excess of 10%. The proposal seeks a 20.8% variation to the floor space ratio (FSR) development standard. Such a variation is a result of the change of use of the plant room and associated use of four (4) additional parking spaces above the requirement. The development does not result in any external changes to the building. The existing building was approved pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) where the development received the bonus floor space above what is permitted under the Ryde Local Environmental Plan 2014 (RLEP 2014). The current application is assessed pursuant to the provisions of RLEP 2014.

A written variation request pursuant to clause 4.6 of RLEP 2014 has been submitted, and the proposed variation is supported.

This application is also reported as being a contentious development. The DA has received in excess of ten (10) submissions objecting to the development.

The Development Application was notified between 30 August and 20 September 2021. Eight (8) submissions were received, objecting to the proposal. Concerns raised in the submissions

related to traffic and parking impacts, amenity impacts from construction works. The application was notified to the residential properties within the building between 24 November and 15 December 2021. One (1) submission objecting to the proposal was received. During the assessment of the DA, the use was changed from a commercial premise to a local distribution premises. Accordingly, the application was re-notified between 30 May and 18 June 2022. In response, six (6) submissions were received objecting to the development. No additional issues were raised in these submissions.

Aside from the aforementioned FSR variation and technical DCP non-compliances relating to commercial floor to ceiling levels and the lack of a site analysis plan being submitted, the proposal is otherwise consistent with the standards, controls, and associated objectives of RLEP 2014 and Ryde Development Control Plan 2014 (RDCP 2014).

The subject site is considered to be suitable for the proposal, which is also considered to be in the public interest. For such reasons, the subject application is recommended for approval.

2. The Site & Locality

The subject site is a single allotment; due to the site having two street frontages, it has addresses of 3 Porter Street, Ryde and 105 Church Street, Ryde and has a legal description of Strata Plan 100700.

The northwest frontage adjoins Porter Street and the southeast frontage adjoins Church Street. Both side boundaries adjoin multi-unit residential allotments. The site has an area of 3,281.1m² and contains a gentle north-to-south fall towards Church Street. As a result of that fall, the southeast elevation of Basement Level 1 is exposed to the Church Street frontage.



Figure 1: An aerial photo of the subject site (denoted by red boundaries) and surrounding sites.
Source: Nearmap, 3 April 2022



Figure 2: A photo of the subject site as viewed from within the Porter Street road reserve.
Source: CPS, 27 April 2022



Figure 3: A streetscape photo of the site as viewed from the southeast side of Church Street. The part of the site that is the subject of **figure 4** and **figure 5** is denoted by the red border within the lower right of the image.
Source: CPS, 27 April 2022



Figure 4: A photo taken adjacent to the main pedestrian access point from Church Street looking towards the northeast side boundary. This image shows the base of the northeast-most corner of the Church Street frontage, which is also the only external frontage of the proposed development. The location from which **Figure 5** was taken is located on the upper right side of the image.

Source: CPS, 27 April 2022

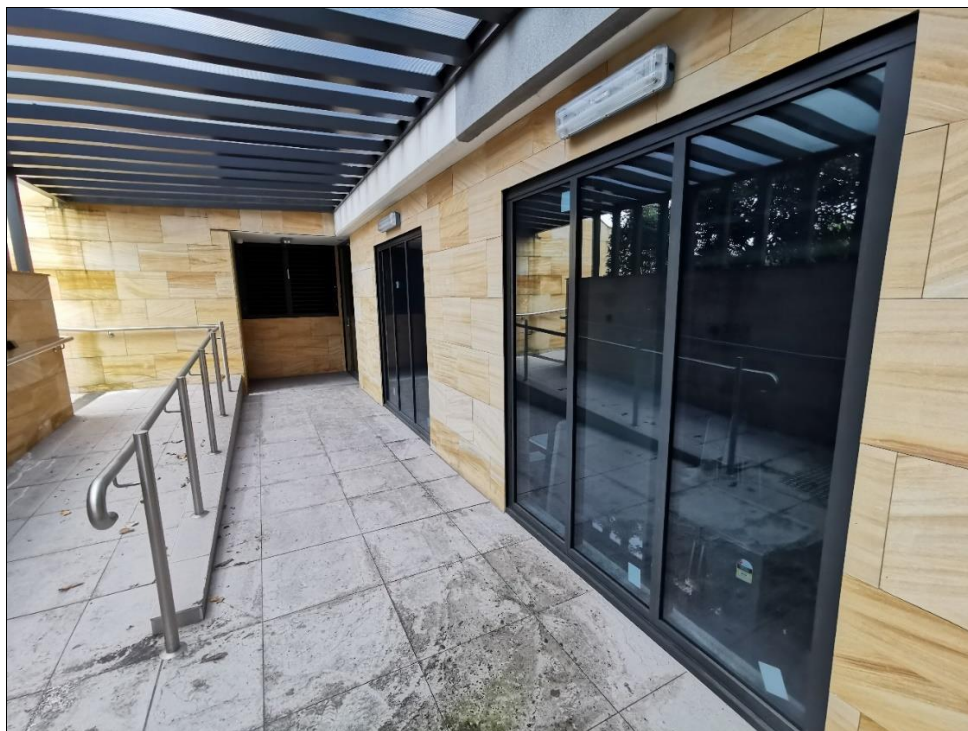


Figure 5: A photo taken adjacent to the northeast side boundary looking southwest. This image shows the base of the northeast-most corner of the Church Street frontage. The location from which **Figure 4** was taken is located on the left side of the image.

Source: CPS, 27 April 2022

Development on the site consists of two residential flat buildings in addition to three basement levels containing car parking and building plant facilities, as approved by Development Consent no. LDA2015/0406 (as modified). The two buildings are separated by a large communal area within the centre of the site; the building on the southeast side of this space (i.e. the building addressing Church Street) is an eight-storey structure (**Figure 3**), while the building on the northwest side of the communal area (the building addressing Porter Street) contains six residential levels in addition to a rooftop level containing communal open space areas and associated access arrangements (**Figure 2**). Areas within both road frontages are landscaped. The part of the site containing the proposed development is currently vacant being used as storage. (**Figure 6**).

Sites adjoining both side boundaries and on the northwest side of Church Street more generally (between Ryde Wharf and Junction Street) contains predominantly high-density residential development that consist of large six-to-seven storey residential flat buildings with some ground floor commercial premises. Development on sites on the southeast (i.e. opposite) side of Church Street and further to the northeast and northwest (on the northeast side of Junction Street and northwest side of Belmore Street) consists predominantly of low-density residential development, such as dwellings houses, semi-detached dual occupancies and isolated multi-dwelling housing developments. Notable exceptions to the aforementioned development types include a large Council operations centre and a school (Meadowbank Public School), which are located approximately 120 metres northwest of the subject site.



Figure 6: A photo of the approved plant area that is the subject of this application. For reference, the office areas are to be located within the centre and lower left of the image, the storage/commercial area is to be located within the centre/upper-right side of the image and the proposed daily delivery loading area is to be located within the upper left side of the image.

Source: CPS, 27 April 2022

3. The Proposal (as amended)

The proposed development includes a change of use of a plant room within Basement Level 1 to a local distribution premises. The area of the site which is the subject of the proposal was formerly approved as a plant area. The plant is no longer required due to:

- The deletion of water storage tanks for firefighting requirements (which submitted information by the applicant's engineer indicates was undertaken as a result of Sydney Water works within the local area), and
- Changes to the pump room layout and the relocation/redesign of onsite plant equipment (e.g. hot water services, air conditioning condensers, placement of the OSD tank within the front setback, etc.).

This part of the site has subsequently been left vacant and as indicated by **Figure 6**, is currently being used for the storage of miscellaneous items. The applicant has therefore proposed the change of use, as submitted information indicates that the affected area will not be used for existing or future mechanical services.

The proposed change of use also includes building works to facilitate an internal fitout for the proposed use. The fitout includes a storage room with an area of 150.4m² and dedicated toilet facilities (including an accessible toilet) towards the rear of the proposed tenancy, offices at the front of the proposed tenancy and a dedicated loading bay for smaller daily deliveries (with part of this area to also act as a waste storage area).

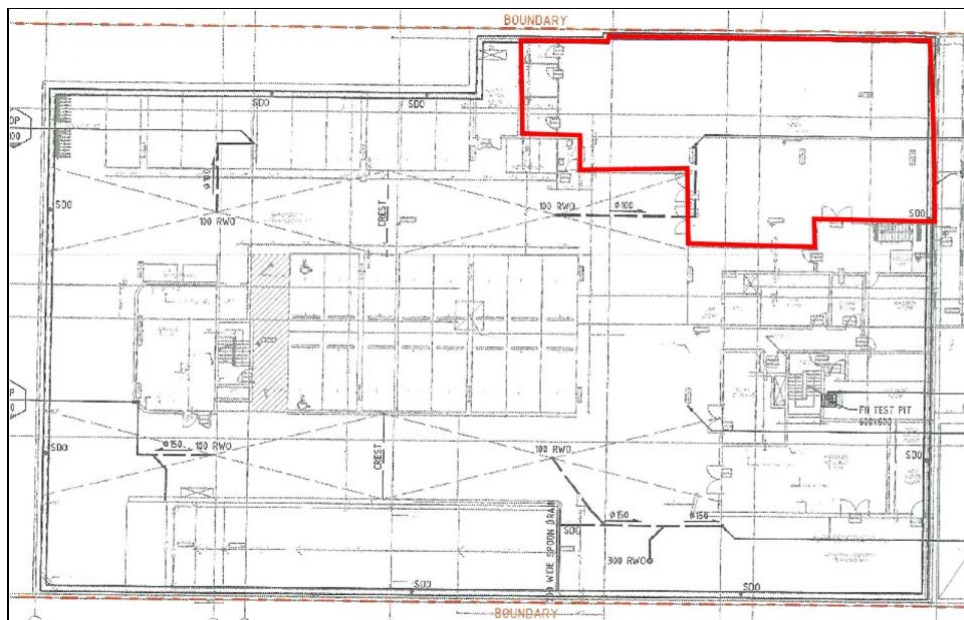


Figure 7: An extract of the basement level one plans approved by Section 4.55(1A) Modification Application no. MOD2018/0202; the area outlined by the red border denotes the area (excluding car parking) that is the subject of this DA. Source: Sparks + Partners, 9 July 2018, modified by CPS

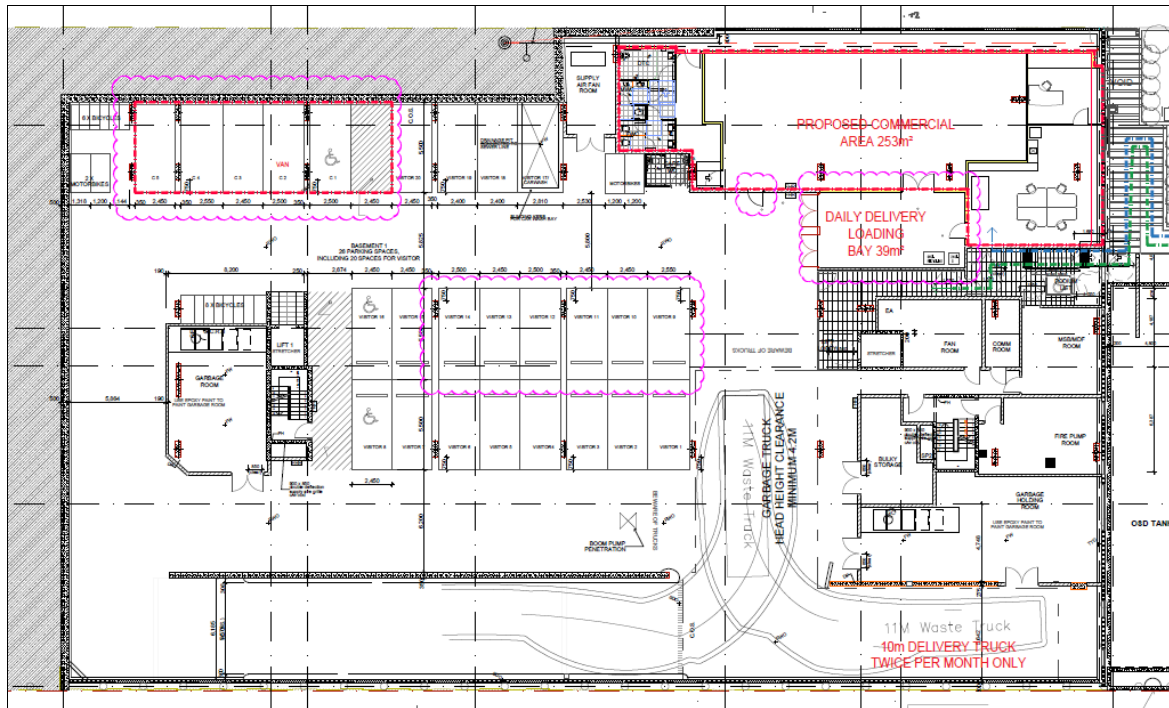


Figure 8: An extract of the proposed site plan, which shows both the proposed development and allocated car parking in relation to the site. **Note:** Pink shading within the centre of the extract denotes where allocated parking was originally to be situated utilising visitor parking; amendments have relocated such parking to the top left additional residential spaces of the site (denoted by the red dashed line and pink shading).
 Source: Eun Seo Architects Pty Ltd, 21 July 2022

Five (5) residential car parking spaces (including one (1) accessible space) within Basement Level 1 are to be allocated to the proposed use. The spaces to be allocated come from an oversupply of residential parking and are owned by the applicant.

A maximum of four (4) staff (plus one (1) subcontracted truck driver) will be on the site at any one time. As an online shopping business, visitors and/or customers will not attend the site. Orders will be received and shipped daily, utilising vans that will park within the proposed daily delivery bay. It is proposed for larger trucks to undertake twice-monthly deliveries; these will utilise a shared delivery bay within the southern-most corner of Basement Level 1. Onsite manufacturing is not proposed.

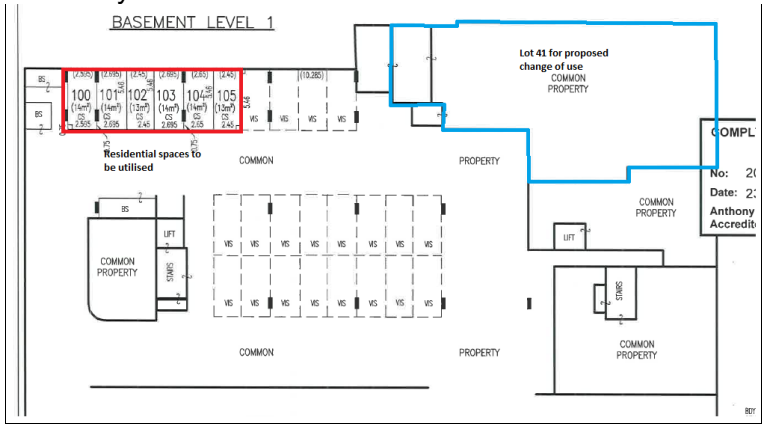
The proposed hours of operation are 8:30am to 5:00pm, Monday to Friday.

Aside from a new louvred vent on the southeast elevation (required for ventilation purposes), external building works and signage are not proposed.

4. History

4.1 Site history:

14 March 2016	<p>Development Application no. LDA2015/0406 approved by the Joint Regional Planning Panel (JRPP) for the demolition of existing buildings and construction of two residential flat buildings. Building A will be 6 storeys facing Porter Street and Building B will be 8 storeys facing Church Street. The development will comprise of 106 apartments and 135 car parking spaces over two and a half basement levels. The application is submitted under <i>State Environmental Planning Policy - Affordable Rental Housing 2009</i>.</p> <p>As part of this determination, Condition 4 formed part of the consent which states:</p> <p>4. <i>Affordable housing restriction- SEPP Affordable Rental Housing.</i> <i>No less than 32% of the gross floor area (2433.9m²) and nominated on Cover Sheet, dated 28 January 2016 Issue B, of the approved development must be dedicated as Affordable Housing within the meaning of State Environmental Planning Policy (Affordable Rental Housing) (AHSEPP) 2009.</i></p> <p>(a) <i>The following must be complied with for 10 years from the date of the issue of the occupation certificate for the approved development:</i></p> <p>(i) <i>the apartments that comprise of 32% of the gross floor area of the approved development identified to be used for the purposes of affordable housing must be used for the purposes of affordable housing, and</i></p> <p>(ii) <i>all accommodation that is used for affordable housing must be managed by a registered community housing provider.</i></p> <p>(b) <i>A registered surveyor shall confirm in writing that the nominated affordable rental component comprise no less than 32% of the gross floor area of the approved development, and</i></p> <p>(c) <i>A restriction must be registered, before the date of the issue of any occupation certificate for the development, against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u>, that will ensure that the requirements of paragraph (a) are met.</i></p> <p><i>If the proposal is to be strata subdivided, upon registration of a strata plan, the restriction may be placed on the title of each strata allotment for which the apartment is</i></p>
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	<p><i>nominated as affordable housing in lieu of the restriction applying to the overall development site.</i></p> <p>The subject application results in an increased GFA, however it does not contravene the development's consistency with this conditional requirement. This is discussed in detail under Clause 4.4.</p>
12 December 2017	Section 4.55(1A) Modification Application no. MOD2017/0197 approved. The modifications include enlargement of Basement Level 3, changes to the layout of the basements and provision of a ramp to Church Street.
10 August 2018	Section 4.55(1A) Modification Application no. MOD2018/0156 approved. The modifications include the provision of a lift overrun on both buildings and increasing the height of building A by 450mm.
13 December 2018	Section 4.55(1A) Modification Application no. MOD2018/0202 approved. The modifications include a 40mm movement of building A to provide an easement, deletion of high windows and louvres to Building A, the deletion of a planter box to court yard facade, the provision of privacy screens to levels 4 & 5, deletion of glass louvres and provision of a metal screen, changes to external materials and relocation of an Onsite Stormwater Detention (OSD) tank.
16 December 2019	Section 4.55(1A) Modification Application no. MOD2019/0184 approved. The modifications proposed modifications to the timing of public domain works for the occupation certificate.
23 November 2019	<p>Complying Development Certificate CDP2019/689 (reference Strata Certificate 319/2019) for strata subdivision creating 105 lots was issued by A Allen Consulting Surveyors Pty Ltd. The strata plan identified car parking spaces 100 – 105 as being owned by HM Allen & Co.</p>  <p>Figure 9: An extract of the strata plan, which shows both the proposed development in Lot 41 shown in blue and allocated car parking marked in red in relation to the site.</p> <p>Source: Complying Development Certificate No 2019/132 Date 23/11/2019 issued by Anthony Allen Accredited Certifier</p>
29 November 2019	Subdivision Certificate 5979 to subdivide the subject property into 2 lots to carry out road widening was issued by Council.

10 August 2020	A change in by-laws AQ776174G on strata plan SP10070 was registered that enables exclusive use of common property Basement Area (Lot 41). The common property in the north eastern corner where the proposed change of use is positioned is identified as Lot 41 (shown in blue on Figure 9).
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4.2 Application history:

30 August 2021	Subject development application lodged.
29 November 2021	A request for additional information sent to the applicant. The requested information sought is summarised as follows: <ul style="list-style-type: none"> • Characterisation of the development. • Amendments to the written variation request. • Amendments required to address DCP controls. • Amendments required to address energy and water consumption controls. • Additional information regarding parking and deliveries. • Additional information to address impacts on existing development.
1 December 2021	A request for further information was raised with the applicant concerning: <ul style="list-style-type: none"> • Clarification was sought as to whether the proposed business use will be subject to customer traffic or members of the public attending the facility. If this is the case, details are to be provided on how customers are to access the parking spaces given the garage is restricted access due to the security door. • The proposal nominates an allocation of 5 existing parking spaces. The Traffic report does not clarify the current allocation of these spaces or impact and the SEE states that 5 of the existing residential visitor spaces will be allocated. The allocation of the 5 visitor spaces is not supported as it would be contrary to the original development approval. • The estimated parking demand has been based only on the office space and does not include the storage area. Subject to clarification on the operation of the proposed use, the DCP Part 9.3 also incorporate rates for industrial / warehouse use and therefore this should be applied if applicable.
3 February 2022	Amended and additional information was submitted by the applicant to Council. The development application was amended to be a change of use to a local distribution premises.
25 March 2022	A request for additional information sent to the applicant. The requested information sought is summarised as follows: <ul style="list-style-type: none"> • Amendments to the written variation request.

	<ul style="list-style-type: none"> • Amendments to the proposed parking arrangement as the proposal included a shortfall and a minimum five (5) spaces were required. • Further details regarding likely service vehicle movements and the size of service vehicles.
7 April 2022	Amended and additional information was submitted by the applicant to Council. The amended plans proposed reliance upon five (5) visitor parking spaces (Figure 8) for use with the proposed development.
11 May 2022	Meeting held with the applicant and planning consultant to address consent conditions associated with LDA2015/0406.
2 June 2022	Amended and additional information was submitted by the applicant to Council including a revised Clause 4.6 and legal advice regarding the implications between LDA2015/0406 and the proposed development.
27 June 2022	The applicant was requested to provide owners consent for the use of the visitor parking spaces as part of the subject application.
22 July 2022	The applicant submits amended plans which seek to rely upon excess residential spaces (Lot 100 – 105), strata plan and details of the ownership of the residential spaces to be relied upon for car parking associated with the change of use.

5. Planning Assessment

5.1 Environmental Planning and Assessment Act

Objects of EP&A Act

Section 1.3 of the EP & A Act contains the following relevant objects:

1.3 Objects of Act (cf previous s 5)

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The proposal achieves the objectives. Both the proposed development and use promotes the orderly and economic use of the site, promotes appropriate design and amenity of the built environment in addition to the health and wellbeing of occupants both within the site and the surrounding area. The proposal is therefore consistent with relevant objects of the Act.

5.2 State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy Resilience and Hazards SEPP 2021		
Chapter 4 Remediation of land		
<p>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>The aims are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>With regard to Chapter 4 (Remediation of Land), clause 4.6(1) requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.</p> <p>The subject site has been used for residential purposes for an extended period of time. Further, the determination of Development Consent no. LDA2014/0570 found that there was no significant contamination risk and that the site was suitable for residential development. As an internal change of use, the proposal will also not include any ground disturbance and subsequent potential for contamination. As such, further site investigations are not warranted in this case.</p>	<p>Yes</p>
SEPP No. 65 - Design Quality of Residential Apartment Development		
<p>This Policy aims to improve the design quality of residential flat development in NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing 'good design'.</p>	<p>With regard to clause 4(1), whilst the proposal seeks works to a residential flat building captured by clause 4(1)(b) and 4(1)(c), the works do not consist of any of the following forms of development listed within clause 4(1)(a):</p> <ul style="list-style-type: none"> (i) the erection of a new building, (ii) the substantial redevelopment or the substantial refurbishment of an existing building, and 	<p>Yes</p>

	<p>(iii) the conversion of an existing building.</p> <p>Given that the proposal will not substantially alter the layout of Basement Level B1 and will not result in changes to the exterior of the building, the objectives of the SEPP and associated provisions within the Apartment Design Guide (ADG) provisions of the Apartment Design Guide will not be offended by the proposal, in particular Parts 3J (bicycle and car parking), 4H (Acoustic Privacy) and 4S (Mixed Use).</p>	
<p>State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021</p>		
<p>Chapter 10 Sydney Harbour Catchment</p>		
<p>This Plan applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.</p>	<p>Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.</p>	<p>Yes</p>
<p>State Environmental Planning Policy Transport and Infrastructure SEPP 2021</p>		
<p>Chapter 2 Infrastructure</p>		
<p>Division 17 Roads and road infrastructure corridors Subdivision 2 Development in or adjacent to road corridors and road reservations</p>		
<p>The objectives for Development with a frontage to classified road Clause 2.118(1) are as follows:</p> <ul style="list-style-type: none"> (a) to ensure that new development does not comprise the effective and ongoing operation and function of classified roads, and (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. 	<p>Existing vehicular access arrangements to the site via Porter Street will remain unchanged. The proposal will subsequently have no impacts on the adjoining classified road, and the provisions of clause 2.118 will therefore be satisfied.</p>	<p>Yes</p>

<p>Clause 2.119(1)(a) the impact of road noise or vibration on non road development as the proposal is for residential accommodation (dwelling).</p>	<p>Clause 2.119 does not apply to the site, as the proposed use is not one specified by cl. 2.119(1).</p>	<p>N/A</p>
<p>(1)This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— (a) new premises of the relevant size or capacity, or (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p>	<p>The scale of the proposal and associated traffic movements do not meet the threshold that would necessitate a referral to Transport for New South Wales (TfNSW) pursuant to clause 2.121 (Traffic-generating development) and Schedule 3 of the SEPP.</p>	<p>N/A</p>

Ryde Local Environmental Plan 2014 (RLEP 2014)

The subject site is located within a B4 Mixed Use zone under the provisions of the RLEP 2014. The proposed use is most appropriately defined as a ‘local distribution premises’ as follows:

***local distribution premises** means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.*

Note—

Local distribution premises are a type of warehouse or distribution centre—see the definition of that term in this Dictionary.

Local distribution premises are a permissible land use within the B4 zone under RLEP 2014.

The objectives of the B4 mixed use zone, and a planning response to each are as follows:

- *To provide a mixture of compatible land uses.*

The nature of the proposed use is considered to be practical for the site and the locality more broadly. The proposal is to be incorporated into a basement level of the building with minimal external changes, therefore the proposed works will have no impact upon the visual character of the area. Subject to conditions relating to ongoing operations, the proposed use will not adversely affect surrounding residences and their amenity. Further, the proposal includes the provision of sufficient parking, noting that the site is located within a highly accessible area with regards to public and active transport.

As the proposed change of use will not adversely affect local amenity or character and will not result in land-use conflict with the predominantly residential area, it is considered to be compatible within the locality.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
As considered within the assessment of objectives within cl. 4.4 of the RLEP 2014, the site is located within a highly accessible area with regards to public and active transport. While sufficient parking is to be provided, the location of the site will also promote access by employees to the site by alternative means (i.e. public transport, walking and/or cycling).
- *To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.*
The site is not located within Macquarie University. The objective is therefore not relevant to the proposal.
- *To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.*

The site is not located within the Macquarie Park corridor. The objective is therefore not relevant to the proposal.

The following table provides a summary of the key provisions that apply to the proposal:

Clause	Proposal	Compliance
4.3 Height of Buildings		
21.5 metres	No change; the proposed works are to be internalised.	N/A
4.4 Floor Space Ratio		
2:1 (6,562.2m ²)	Site area: 3,281.1m ² FSR approved by Development Consent no. LDA2015/0406 (as modified): 2.32:1 (7,606m ²) Required FSR 2:1 (6562.2m ²) Proposed FSR: 2.41:1 (7,927.16m ²) Refer to the assessment of the FSR variation below.	No
4.6 Exceptions to development standards		
(1) The objectives of this clause are as follows— (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,	The proposal has a FSR 2.41:1 and a variation of 20.8% sought to Clause 4.4(2). Refer to discussion below.	Yes

Clause	Proposal	Compliance
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.		
5.10 Heritage Conservation		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,</p> <p>(c) To conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p>	<p>The site does not contain a heritage item and is not within a heritage conservation area. The site is however in close proximity to a heritage item (Item no. 57 (“Crowle Home” (house)), 8 Junction Street Ryde, approximately 15 metres northwest of the subject site.</p> <p>The proposed works are to be internalised within Basement Level 1; the plant room that is to be changed by the use is also oriented towards the southeast frontage (i.e. on the road frontage that faces away from the heritage item). There will subsequently be no impact on the adjoining heritage item; this is also confirmed by the heritage advisor’s comments.</p> <p>As no excavation is proposed to occur, matters regarding indigenous heritage are not relevant to this proposal.</p>	<p>Yes</p>
6.1 Acid Sulfate Soils		
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is affected by Class 5 acid sulphate soils. No excavation and subsequent ground disturbance is proposed, therefore an acid sulfate soils management plan is not required.	Yes
6.4 Stormwater Management		
(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.	The proposed works will not affect existing stormwater runoff. No changes are proposed that will affect the layout or operation of previously approved onsite stormwater infrastructure.	Yes

Clause 4.4 Floor Space Ratio

The development contravenes Clause 4.4(2) of the RLEP 2014, which establishes a 2:1 FSR (6,562.2m²) upon the site. Development Consent LDA2015/0406 (as modified) approved the existing development on the site with an FSR of 2.32:1 (7,606m²) as it relied upon the FSR uplift available pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposal seeks to change the existing plant room (**Figure 10**) to a local distribution premises, most parts of the area affected by this proposal (previously excluded from the GFA calculations in accordance with the LEP definition for 'gross floor area') are required to be included as GFA. The total GFA and FSR of the site will subsequently be increased to 2.41:1 (7,92716m²).

The provisions of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) do not apply to this application, as pursuant to cl. 16(1) Division 16 (In-fill Affordable Housing) only applies to residential development. Although the existing building was approved as in-fill affordable housing and subsequently relied upon the associated FSR bonuses, as no residential development is proposed the 2:1 FSR standard imposed by cl. 4.4(2) of the LEP applies.

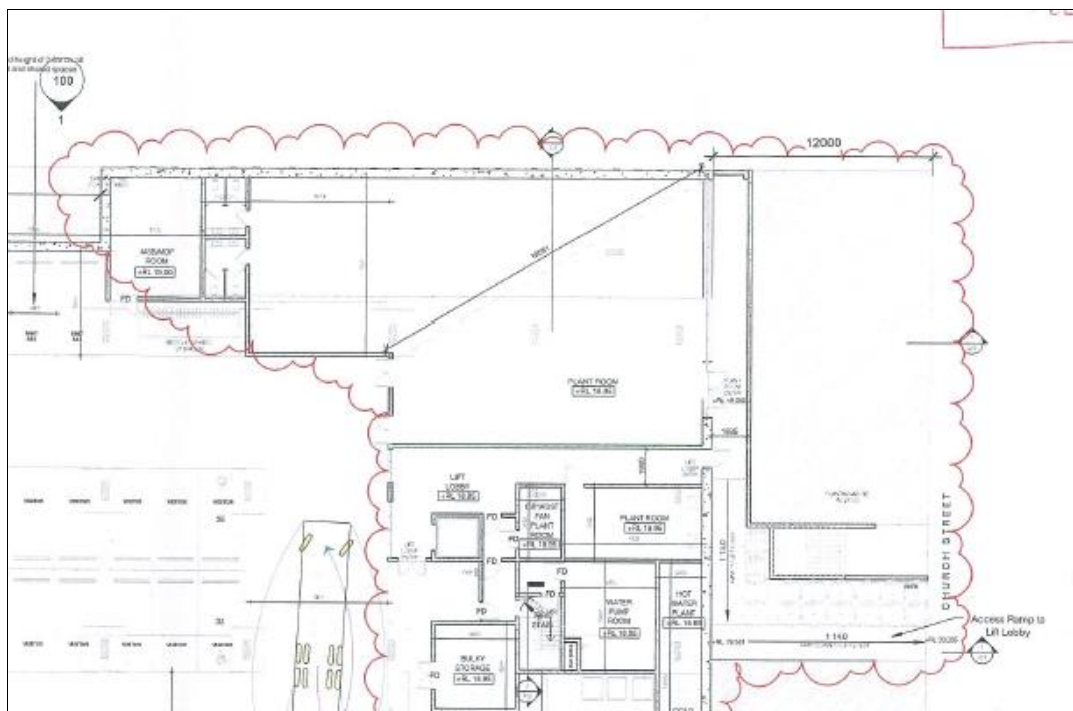


Figure 10 Approved basement level 1 under MOD2017/0197 which included the enlarged plant room proposed to be converted to local distribution premises

The proposed 2.41:1 FSR of the development constitutes a 20.8% technical variation to Clause 4.4(2) of the RLEP 2014. Consideration of the proposed FSR variation is contained within the assessment of Clause 4.6 of the RLEP 2014 below.

Consideration has been given to the implications the proposed development by increasing the GFA will have for the development consent LDA2015/0406. Specifically, Condition 4 requires the provision of floor space to be dedicated as affordable housing. Condition 4 states:

4. ***Affordable housing restriction- SEPP Affordable Rental Housing.*** No less than 32% of the gross floor area (2433.9m²) and nominated on Cover Sheet, dated 28

January 2016 Issue B, of the approved development must be dedicated as Affordable Housing within the meaning of State Environmental Planning Policy (Affordable Rental Housing) (AHSEPP) 2009.

- (a) The following must be complied with for 10 years from the date of the issue of the occupation certificate for the approved development:
 - (i) the apartments that comprise of 32% of the gross floor area of the approved development identified to be used for the purposes of affordable housing must be used for the purposes of affordable housing, and*
 - (ii) all accommodation that is used for affordable housing must be managed by a registered community housing provider.**
- (b) A registered surveyor shall confirm in writing that the nominated affordable rental component comprise no less than 32% of the gross floor area of the approved development, and*
- (c) A restriction must be registered, before the date of the issue of any occupation certificate for the development, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.*

If the proposal is to be strata subdivided, upon registration of a strata plan, the restriction may be placed on the title of each strata allotment for which the apartment is nominated as affordable housing in lieu of the restriction applying to the overall development site.

The subject application proposes to increase the total GFA/FSR of the site, however the 2,433.9m² GFA of affordable housing (as specified by condition 4) is to remain unaltered. The applicant has provided legal advice (**Attachment 5**) to confirm the proposal will not affect compliance with regard to the allocation of approved affordable housing on the site.

The requirements of development consent LDA2015/0406 have been satisfied as specified by the approved plans, and the subject application does not seek to change the plans approved by LDA2015/0406 nor the proportion/GFA of affordable housing as identified on those plans.

Clause 4.6 Exceptions to Development Standards

The development contravenes Clause 4.4(2) of RLEP 2014, which established a maximum FSR of 2:1 (a GFA of 6,562.2m²). The application proposes a GFA/FSR of 2.41:1 (7,927.16m²), and as such does not comply with the development standard.

Clause 4.6 of the RLEP 2014 provides flexibility in the application of planning controls by allowing Council to approve a development application that does not comply with a development standard where it can be demonstrated that flexibility in the particular circumstances achieve a better outcome for and from development.

Several key Land and Environment Court (NSW LEC) planning principles and judgements have refined the manner in which variations to development standards are required to be approached. The key findings and directions of each of these matters are outlined in the following discussion.

The decision of Justice Lloyd in *Winten v North Sydney Council* established the basis on which the former Department of Planning and Infrastructure's Guidelines for varying development standards was formulated.

These principles for assessment and determination of applications to vary development standards are relevant and include:

- Is the planning control in question a development standard?
- What is the underlying object or purpose of the standard?
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?
- Is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case?, and
- Is the objection well founded?

The decision of Justice Preston in *Wehbe V Pittwater [2007] NSW LEC 827* expanded on the above and established the five-part test to determine whether compliance with a development standard is unreasonable or unnecessary considering the following questions:

- Would the proposal, despite numerical non-compliance be consistent with the relevant environmental or planning objectives?
- Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard unnecessary?
- Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable?
- Has Council by its own actions, abandoned or destroyed the development standard, by granting consent that depart from the standard, making compliance with the development standard by others both unnecessary and unreasonable?
- Is the “*zoning of particular land*” unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary as it applied to that land? Consequently, compliance with that development standard is unnecessary and unreasonable.

In the matter of *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC*, it was found that an application under clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe V Pittwater [2007] NSW LEC 827* and demonstrate the following:

- Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP; and
- That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
- That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs.

The applicant has submitted a written Clause 4.6 request (prepared by ABC Planning, dated June 2022) to vary the development standard (**Attachment 3**). The submitted Clause 4.6 identifies a different breach, however this is a result of the defined use and inclusion of four (4) parking spaces within the calculation made by Council.

While the site is subject to a 2:1 FSR pursuant to clause 4.4(2) of the RLEP 2014, the lodgement and approval of Development Consent LDA2015/0406 (which approved the existing residential flat buildings and associated basement levels on the site) was undertaken pursuant to the provisions of the now repealed *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP), which enabled the development to be approved with an FSR of 2.32:1. Under that approval and subsequent modifications, the Basement Level 1 plant room that is the subject of this DA was excluded from FSR calculations, as that area did not constitute 'gross floor area', which for reference is defined by the RLEP 2014 as follows:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- (d) but excludes—
- (e) any area for common vertical circulation, such as lifts and stairs, and
- (f) any basement—
- (g) storage, and
- (h) vehicular access, loading areas, garbage and services, and
- (i) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (j) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (k) any space used for the loading or unloading of goods (including access to it), and
- (l) terraces and balconies with outer walls less than 1.4 metres high, and
- (m) voids above a floor at the level of a storey or storey above.

The approved plant room is excluded from the calculation of gross floor area, pursuant to (i) contained within the definition of gross floor area. The proposed change of use of the plant room to a local distribution premises (refer to **Figure 7** and **Figure 8**) will result in this area

being changed to a space that is not excluded from the definition of 'gross floor area'. Further, the proposal was submitted as a commercial change of use which required parking based 1 space per 40m². The development included reliance upon five (5) parking spaces in regard to this control requirement. The application however was subsequently amended to be defined as a local distribution premises in which the parking requirement is 1 space per 300m². The proposal therefore includes four (4) additional spaces for use which are not excluded by (j). This is a technical non compliance. While the application does not propose to increase the physical area of Basement Level 1, the proposal will result in a 4.8% increase to the total GFA, with the proposed FSR subsequently constituting a 20.8% technical variation to the FSR development standard prescribed by Clause 4.4(2) of the RLEP 2014.

An assessment of the relevant provisions of Clause 4.6 is as follows:

- Clause 4.6(3)(a) - Is compliance unreasonable or unnecessary in the circumstances of the case?
- Clause 4.6(3)(b) - Are there sufficient environmental planning grounds to justify the proposed contravention of the development standard?

The written request provides the reasons why compliance with the standard is unreasonable and/or unnecessary, with selected excerpts shown below:

Unreasonable and unnecessary

- *The proposed additional FSR is located wholly within the approved building envelope. The proposal will not alter the building envelope, i.e. the height and setbacks of the building. The bulk and scale of the development will therefore remain as approved.*
- *The proposed increase in FSR will not be discernible from the adjoining properties or the streetscape.*
- *The proposed premises will activate this area of the site and result in a more efficient use of the space.*
- *It is reiterated that the proposal will not change the existing built form on the site. Therefore the proposal will not result in any unreasonable amenity impacts to neighbouring properties in terms of overshadowing, visual bulk, privacy or views. The proposed premises will have minimal noise impacts, noting that the proposed hours of operation will be from 8.30am to 5.00pm Monday to Friday and that there will be no customers or visitors to the premises. Refer to the Acoustic Report prepared by Koikas submitted with this DA.*
- *Despite the non-compliance, the proposal achieves the objectives of the development standard and the zoning...*

Assessment Officer's Comments: The proposal will not alter the height, bulk and scale of the existing building, and that the increased FSR will be not be discernible from the surrounding. The proposal will not have any impacts on amenity in terms of visual impact (**Figure 3**), visual privacy, solar access or views. The proposal will activate a space within the site that would otherwise not be occupied by a habitable use. The increase in FSR is technical in nature.

The objectives of both the FSR standard and the B4 Mixed Use zone are met; refer to the assessment of environmental planning grounds below for an assessment of relevant objectives. As such, the applicant has demonstrated that the compliance with the development standard would be unreasonable and unnecessary.

Environmental planning grounds

The justification in the applicant's request and Assessment Officer's comments are below:

- *The proposed additional FSR is located wholly within the approved building envelope. The proposal will not alter the building envelope, i.e. the height and setbacks of the building. The bulk and scale of the development will therefore remain as approved.*
- *The proposed increase in FSR will not be discernible from the adjoining properties or the streetscape.*
- *The proposed premises will activate this area of the site and result in a more efficient use of the space.*
- *It is reiterated that the proposal will not change the existing built form on the site. Therefore the proposal will not result in any unreasonable amenity impacts to neighbouring properties in terms of overshadowing, visual bulk, privacy or views. The proposed premises will have minimal noise impacts, noting that the proposed hours of operation will be from 8.30am to 5.00pm Monday to Friday and that there will be no customers or visitors to the premises. Refer to the Acoustic Report prepared by Koikas submitted with this DA.*
- *Despite the building FSR non-compliance, the proposal achieves the objectives of the development standard and the B4 Mixed Use zone.*

Assessment Officer's Comments: The proposed use will be internalised within the existing development, with the only proposed external change relating to a louvre for ventilation purposes (**Figure 3**). The external appearance of the proposal will not be discernible from the public domain. The contravention of the standard is technical in nature with the building envelope remaining the same.

The proposed use of the space will result in a more efficient use of the site and better activation of the lower parts of the building. Further, no adverse impacts with regard to visual privacy, solar access, visual amenity and views will arise from the proposed variation to the FSR standard.

Despite the proposed FSR variation, the proposal is also capable of satisfying the objectives of both the B4 Mixed Use zone and clause 4.4 of the RLEP 2014, as is detailed within this planning assessment.

With regard to the above, there are sufficient environmental grounds to justify the proposed variation to the floor space ratio development standard.

Is the proposal in the public interest?

Pursuant to clause 4.6(4)(ii), a development will be in the public interest if it is consistent with the objectives of the development standard & also the zone objectives in which the particular development is carried out. This planning assessment has already considered the objectives of the B4 Mixed Use zone above, however for reference these are replicated as follows:

Objective	Planning response
To provide a mixture of compatible land uses	<p>The nature of the proposed use is considered to be practical for the site and the locality more broadly. The proposal is to be incorporated into a basement level of the building with minimal external changes, therefore the proposed works will have no impact upon the visual character of the area. Subject to conditions relating to ongoing operations, the proposed use will not adversely affect surrounding residences and their amenity. Further, the proposal includes the provision of sufficient parking, noting that the site is located within a highly accessible area with regards to public and active transport.</p> <p>As the proposed change of use will not adversely affect local amenity or character and will not result in land-use conflict with the predominantly residential area, it is considered to be compatible within the locality.</p>
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	As considered within the assessment of objectives within cl. 4.4 of the RLEP 2014, the site is located within a highly accessible area with regards to public and active transport. While sufficient parking is to be provided, the location of the site will also promote access by employees to the site by alternative means (i.e. public transport, walking and/or cycling).
To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.	The site is not located within Macquarie University. The objective is therefore not relevant to the proposal.
To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.	The site is not located within the Macquarie Park corridor. The objective is therefore not relevant to the proposal.

With regard to the above, the objectives of the B4 zone are satisfied by the proposal.

Further, the objectives of clause 4.4 and a response to each are as follows:

- (a) *to provide effective control over the bulk of future development,*

Planning Assessment: As the proposed use and associated works will be located entirely within the existing building envelope, the bulk and scale of the existing development will be

maintained. The proposal will therefore not offend the objective, which seeks to control the bulk and scale of future development within the surrounding locality and the LGA more broadly.

(b) *to allow appropriate levels of development for specific areas,*

Planning Assessment: The setbacks, height, bulk and scale of the existing development will not be affected by the proposal. The utilisation of a lower part of the building for the proposed use is also consistent with other development within the surrounding area, noting that some surrounding developments within the Meadowbank centre provide for commercial uses within the lowest levels of predominantly residential buildings. The proposed level of development is therefore considered to be appropriate within this area.

(c) *in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.*

Planning Assessment: The subject site is mapped by the RLEP 2014 as being located within a Centre, being the ‘Meadowbank Urban Village’ (**Figure 11**).

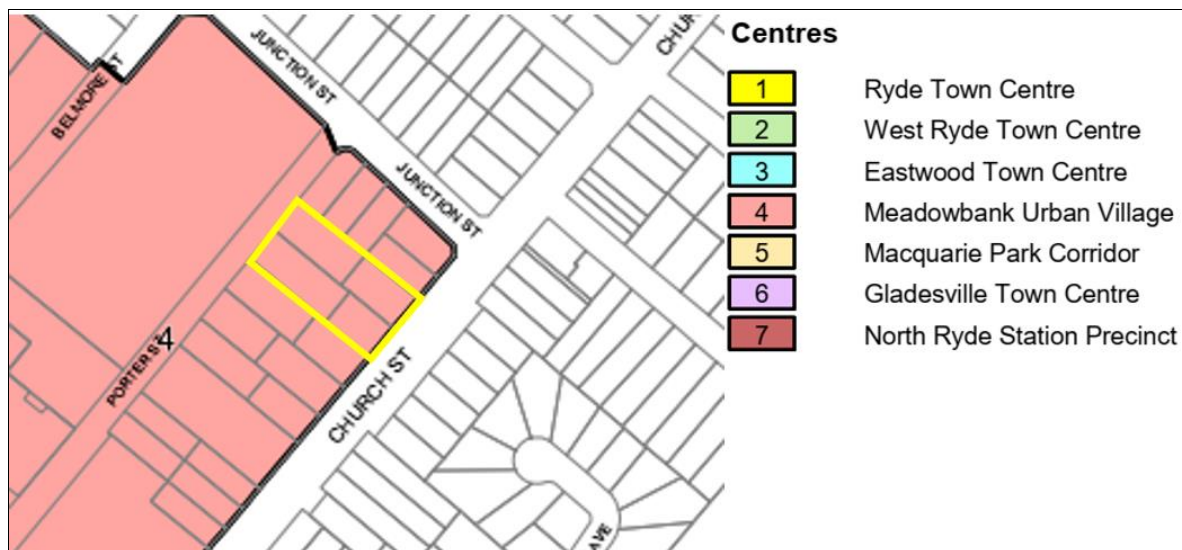


Figure 11: An extract of the RLEP 2014 Centres map. The subject site is outlined by the yellow border.
Source: legislation.nsw.gov.au, 2022

The location of the proposed use would be consolidated with existing high-density residential development, and is also located in close proximity to public transport services and infrastructure, which includes:

- Bus stops in close proximity to the site within Church and Belmore Streets that service high frequency routes including the 533, 410, 458 and 507 service,
- Meadowbank railway station, which (aside from being accessed by the aforementioned 507 bus route), is approximately a one kilometre walk from the site, and

- Meadowbank ferry wharf, which is approximately a 1.1 kilometre walk from the site.

By occupying an unutilised part of the site, the proposed business is capable of being consolidated with existing high-density residential development on the site. By being located in close proximity to public transport infrastructure, it is also consistent with the objective in that it is capable of enabling employee access via alternative and sustainable means.

Summary

The applicant has submitted a Clause 4.6 written request that seeks to justify contravention of the FSR development standard pursuant to Clause 4.4(2) of the RLEP 2014. Pursuant to Clause 4.6(3)(a) of RLEP 2014, the written request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. The written request has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard, as required by Clause 4.6(3)(b).

Pursuant to Clause 4.6(4)(a)(i) of RLEP 2014, the assessment has concluded that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and that the proposed development will not be contrary to the public interest because of consistency with the objectives of the FSR development standard and the B4 Mixed Use zone.

The concurrence of the Planning Secretary is not required. Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

Accordingly, the proposal variation is supported.

5.1 Draft Environmental Planning Instruments

There are no draft Environmental Planning Instruments that are relevant to this proposal.

5.2 Development Control Plans

Ryde Development Control Plan 2014 (RDCP 2014)

The proposal is subject to the provisions of the following parts of RDCP2014:

- Part 4.2 Shepard's Bay, Meadowbank
- Part 7.1 Energy Smart, Water Wise
- Part 7.2: Waste Minimisation and Management
- Part 9.3: Parking Controls

Relevant non-compliances identified in the compliance tables are assessed and discussed in more detail below.

A full assessment of Part 4.2, 9.2 and 9.3 has been included in **Attachment 2**. The following section details any variations to the DCP controls.

Part 4.2 – Shepard’s Bay, Meadowbank

Section 3.1 – Site Analysis

A site analysis plan has not been provided. While noncompliant, the provision of such a plan is not considered to be necessary given the context of the proposal (i.e. internal alterations within the basement area of a developed site to facilitate a commercial use with only minor external building works).

Further, the site’s context with regard to major considerations (such as nearby heritage items) is addressed elsewhere within submitted documents (the Statement of Environmental Effects); other considerations such as pedestrian and cycle connectivity are not fundamental to the proposal, while the future built form of the surrounding area is unlikely to significantly change in the medium-to-long term, noting that most surrounding sites within the precinct have been redeveloped.

The lack of a site analysis plan is therefore considered to be acceptable in this specific instance.

Section 4.1 Developments and the Public Domain - 4.1.1 Mixed-Use Development

Control ‘e’ encourages commercial uses at the level immediately above street level, including but not confined to, professional and commercial offices, services such as dry cleaners, newsagency, and leisure uses such as a gym, places of worship or meeting rooms.

The location of the proposed local distribution premises is within Basement Level 1; while this level is generally not above those of Church Street (and is therefore technically noncompliant), the existing levels above are already occupied by residential development (including affordable housing).

Due to the sloped topography of the site however, the southeast frontage of Basement Level 1 is located at a level that is close to that of Church Street. The nature of the use does not involve access by members of the public; unlike commercial uses like those referred to by the control (which generally require frontages at/above street level in order to both advertise their presence to passing traffic and enable access to such premises from the adjoining street), the proposed use therefore does not require a prominent frontage directly above the streetscape.

The proposed variation to the control is therefore considered to be acceptable and supportable on merit.

9.3 Carparking

The development application LDA2015/406 included 2.5 levels of basement parking and 132 parking spaces. The development included 99 residential apartments (25 x 1 bedroom, 60 x 2 bedroom and 5 x 3 bedroom). Part 9.3 of RDCP 2014 specifies the following rates for high density (residential flat buildings) for residential development:

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

The development required a minimum of 105 spaces and maximum of 136 spaces. The parking provided was compliant and within the upper limit of required parking. The development was required to provide 20 visitor parking spaces and provided for 112 residential spaces.

The development was redesigned under MOD2017/197 to include 3 levels of basement and provides for 3 additional parking spaces. The approved modification resulted in 115 residential spaces and 20 visitors, totally 135 car parking spaces which complied with the control requirement.

The approved Strata Certificate 319/2019 created 105 lots. The strata plan identified car parking spaces 100 – 105 not allocated to a specific residential apartment. These spaces are proposed to be utilised by the proposed local distribution premises. The building would comprise the following car parking allocation:

- 110 residential spaces
- 20 visitor parking space
- 5 spaces for local distribution premises
- Total 135 spaces.

The residential parking spaces exceed the minimum requirement of 105 spaces.

Part 9.3 of Council's Development Control Plan (DCP 2014) specifies 1 space per 300m² GFA for warehouse/distribution centre. The proposed commercial office GFA of 266.16m² requires a minimum of one (1) off-street car parking spaces. The proposed reassignment of five (5) resident spaces for use by the future occupants of the local distribution premises and complies with the parking requirement. The proposal originally required provision of parking on the basis of the development being lodged for a commercial change of use which requires one (1) space per 40m². The application was subsequently amended to be a local distribution premises in accordance with the land use definition and resulted in an excess parking allocation. Whilst this does not externally alter the basement layout, it does result in a technical non compliance with the FSR by definition of including excess parking. There is no merit concerns with the proposed arrangement and use of five (5) parking spaces for the premises.

5.3 Planning agreements or draft planning agreements

The application is not the subject of any planning agreements or draft planning agreements.

5.4 Section 7.12 Fixed Rate Levy (Section 7.12) Development Contributions Plan 2020

The Section 7.12 Development Contributions Plan 2020 (Fixed Rate Plan) commenced on 1 July 2020 and applies to non-residential development outside of Macquarie Park with a construction value of greater than \$350,000.

The proposed works are valued at \$252,005.00. Pursuant to Section 2.4 of the Development Contributions Plan, development contributions are therefore not warranted for this particular proposal.

5.5 Any matters prescribed by the regulations

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others.

The matters for consideration contained from clause 61 to clause 64 of *Environmental Planning and Assessment Regulation 2021* are of limited relevance to this application.

6. The Likely Impacts of the Development

Built impacts

Impacts on the built environment have already been discussed throughout this report. The works are to be mostly internalised within the existing residential development, with the only external change to the building being a louvre for an air intake at the front of Basement Level 1. Such works will not alter the existing setbacks, height, bulk, scale and external finishes of the building, and as such the proposal will not result in adverse nor unacceptable impacts that are inconsistent with surrounding high density residential development.

Natural impacts

Due to the lack of impact upon the built environment, works associated with the proposal will not give rise to adverse impacts on the natural environment and associated amenity (i.e. visual privacy, view loss and overshadowing). Subject to conditions, the proposed use will also not result in impacts (i.e. noise, vibration, excessive hours of operation, etc.) that will adversely affect residential amenity and the natural environment. As the works are to be internalised within the building footprint, the proposal will not adversely affect the natural environment (i.e. reduction of landscaped areas, tree removal, etc.).

Social and economic impacts

The proposal will enable the change of use of an underutilised part of the existing residential development. The proposal is therefore considered to be an efficient use of existing development and will provide for additional employment opportunities within the local area. Further, the proposal will not reduce the number of approved affordable dwellings on the site, the amenity of those dwellings nor the functionality of the site. The proposal will subsequently not give rise to adverse social and economic impacts.

7. Suitability of the Site for the Development

The site is zoned B4 Mixed Use. The proposal is for a change of use of a basement-level plant room to a local distribution premises within an existing residential flat building and associated works. The assessment has demonstrated the proposal is consistent with the statutory requirements and policy controls. The proposal results in an exceedance of the FSR development standard, however such a variation has been supported by a satisfactory Clause 4.6 written variation request. The assessment demonstrates the proposal will not result in any significant adverse impacts upon residences within the subject site and the surrounding area, nor the existing and desired future character of the surrounding area. The onsite parking facilities provided by the original development also enables the sufficient allocation of parking facilities to the proposed use. The proposal is an appropriate land use and form of development as demonstrated within this assessment report. The proposal is therefore considered to be suitable for the site.

8. The Public Interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the subject site, the surrounding area and the natural and built environments are minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal seeks a variation to cl. 4.4 of the RLEP 2014 and has been supported by a satisfactory Clause 4.6 written variation. The proposal will not result in any significant nor adverse impacts upon existing development on the subject site, adjoining properties or the surrounding area more broadly. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

9. Submissions

In accordance with the Ryde Community Participation Plan (CPP), the Development Application was notified between 30 August and 20 September 2021. Eight (8) submissions were received, objecting to the proposal. Concerns raised in the submissions related to traffic and parking impacts, amenity impacts from construction works. The application was notified to the residential properties within the building between 24 November and 15 December 2021. One (1) submission objecting to the proposal was received. The application was re-notified between 30 May and 18 June 2022. In response, six (6) submissions were received objecting to the development.

Paraphrased summaries of the objections raised within all submissions are provided below, followed by a comment from the assessing planner:

A. Traffic

- Vehicles (including large trucks) may cause an obstruction when turning onto Junction Street.
- Vehicles (including large trucks) turning left onto Church Street from Well Street may cause delays and a safety hazard.
- New development at 9 Porter Street may cause more traffic congestion.
- How would the development impact on the traffic condition of Porter Street which is used as the only path for residents to drive into the basement?
- There are many families in the area with young children. Having trucks go in and out of residential zones would not be safe. There is a primary school (with a school zone in effect at various times of the day) and two child care centres nearby, which would increase risks as parents drop off their kids for school during the weekdays. If there are trucks coming in and out of the site, the proposal will be dangerous for children, other passers-by, and cause traffic jams during weekday peak hours.
- Porter Street is a fairly narrow street with a couple of child cares. There is very heavy traffic on a regular weekday as people are dropping off their children and then moving on to Church Street or Victoria Road. Making this street and 3-5 a commercial site will only further impact the traffic and hence more problems for the locals.
- Swept path plans should be provided to demonstrate that large vehicles can manoeuvre in and out of the site.

Comment: The proposed truck movements will be limited to twice a month, and the timing of truck arrival will be arranged so that they do not conflict with peak times and waste collection times; this will be subject to conditional requirement. Daily dispatches will be undertaken using a commercial van. The application has been reviewed by Council's Development and Traffic Engineers, and no concern is raised regarding the small number of proposed truck movements. Given the small number of employees onsite, only a small number (five) of vehicles will enter and leave the site on a daily basis. As such, the small number of additional vehicle movements will not have a discernible impact upon the capacity of the local road network.

As the site is already designed to accommodate access, egress and onsite monitoring by Large Rigid Vehicles (i.e. garbage trucks), swept path diagrams are not considered to be necessary for this proposal.

With regard to safety concerns, the individual actions of persons operating vehicles within the public domain are not capable of being considered by this planning assessment.

B. Parking

- There is only two-hour parking in Porter Street.

- Postal workers and couriers distributing parcels cannot park as long as they need. This and Council staff stopping to book illegally parked vehicles causes inconvenience.
- The Statement of Environmental Effects (SEE) indicates that a 10m truck will come twice a month. Where this truck will park unload? A 4.2 metre height clearance means trucks probably will not fit down the driveway. Parking around Porter Street is at a premium and the corner of Porter and Junction has been notorious for jamming up, especially when construction was going on to build 3 Porter Street.
- Parking is also extremely limited as identified in submitted reports. Having a commercial office will not help with this problem.
- The proposed use will generate additional and regular use of the residential basement by large vehicles throughout the day. The existing B1 parking is regularly full and cannot accommodate additional parking.
- The five allocated parking spaces as shown in the plans are existing spaces that are currently being leased to tenants. This means a reduction in spaces for residents and visitors. Affected tenants will have to park elsewhere - most likely on the street (i.e. Porter Street) where there is little street parking and considerable conflict as currently exists with delivery drivers often parking in driveways and no stopping zones.
- A reallocation of car parking spaces will reduce visitor parking, which is not acceptable.
- Increasing the number of parked vehicles within Porter Street will result in increased driveway concealment, reducing visibility and increasing the risk of an accident.
- Notice was received of development happening on 3-5 Porter street, for a commercial space. Where are trucks expected to unload on a monthly basis?

Comment: The application proposes for five (5) off-street car parking spaces. The applicant has advised that:

- They own the five car parking spaces to be used for this proposal,
- The five spaces are not currently leased to tenants.

Daily dispatches are to be loaded within a dedicated loading bay within the proposed local distribution premises, and as such loading activities will not conflict with onsite parking and/or the use of basement parking facilities.

Twice monthly truck deliveries will utilise the shared truck bay on Basement Level 1, noting that such deliveries will be timed so as to prevent conflict with onsite waste collection activities. The submitted business operation plan indicates that the truck used will be a maximum 4.2 metres in height so as to fit into the basement.

As the dedicated onsite loading facilities are likely to remain unused when daily loading activities are not taking place, it is expected that any additional deliveries (i.e. post, couriers, etc.) to the site will be able to either use on-street parking facilities (noting that such activities are unlikely to take a significant amount of time) and/or use the distribution

premises' dedicated loading facilities. In the event of approval, conditions have been recommended that will require all deliveries and dispatches to be undertaken utilising dedicated loading facilities; conditions are also recommended requiring that all loading utilising the shared truck zone be undertaken in accordance with the submitted business operation plan. The proposed use of the site will therefore not result in conflict with resident parking.

Despite reductions to residential parking, residential parking rates will continue to comply with DCP requirements for high-density residential development. The original development was approved with an oversupply of parking, and the proposed residential allocation of 129 spaces will still be at the higher end of the 103.3-135.2 car parking spaces that are required for high-density residential development under the DCP. With regard to section 4.15(3A)(a) of the Act, Council cannot seek more onerous parking requirements where the relevant provisions of the DCP are satisfied.

The proposal will not alter parking nor driveway crossover points within Porter Street; commentary relating to parking and driveways within the road reserve is therefore not relevant to this proposal.

C. Conflict between delivery and onsite traffic

- Loading and unloading of goods may inconvenience residents needing to enter/leave the site during business hours.

Comment: The proposed truck movements will be limited to twice a month, and the timing of truck arrival will be arranged so that they do not conflict with peak times and waste collection times. Daily dispatches will be undertaken using a commercial van within a dedicated loading space; the submitted Plan of Management also indicates that such dispatches will be undertaken by 3:30pm. **Condition 77** is recommended that will both require utilisation of dedicated loading facilities and for deliveries to occur in accordance with the submitted Plan of Management. As such, there will be no conflict with peak times and the movement of residential vehicles. Further, as delivery vehicles will be utilising dedicated facilities, they will not block other vehicles entering and leaving the site.

D. Construction impacts on adjoining sites

- Will a dilapidation report be produced beforehand?
- How long are the construction works going to take after approval?
- Will the proposed development have construction works which may affect the structure of the building at 7 Porter Street, Ryde?

Comment: The submitted plans indicate that the proposed works will consist of a non-intrusive layout. The minor nature of the works are such that a dilapidation report is not recommended as part of the recommended consent conditions.

While the applicant has indicated that they anticipate fitout works to take two months, aside from the substantial commencement of works, there is no planning requirement that governs maximum construction timeframes.

E. Acoustic and pollution impacts

- Trucks will create air and noise pollution, which is detrimental to resident health.
- Having trucks going in and out of a highly residential zone does not seem like a good idea. It would create a large amount of noise pollution within the community. We have enough noise pollution from the Church Street side and do not need this on the Porter Street side.
- 3 Porter Street is located within a residential area with high density, and changing the basement of a residential building to a commercial storage that involves lots of small rigid trucks and even larger 10 metre trucks will result in noise pollution to the neighbourhood.

Comment: Submitted information includes a plan of management and an acoustic assessment; a review by Council's Environmental Health Officer has not identified any issues with these documents nor the proposal more generally, subject to recommended conditions. The limited number of truck movements that are proposed (and which are proposed to occur during business hours on weekdays) are not considered to have significant adverse impacts on local amenity, noting that the frequency of these vehicles will not be discernible from existing Large Rigid Vehicle (such as garbage trucks and buses) that already operate on the local road network. Amongst other requirements, the submitted acoustic report recommends that heavy vehicles are not left to idle while being unloaded, thereby minimising noise impacts.

F. Description and characterisation of the development, site and area

- The proposed use is not within character of the existing building. The development contains only residential dwellings with no other business premises besides the building manager's office.
- The locality is a residential area and not a commercial area. As Porter Street has a steady flow of traffic throughout the day, the idea of trucks turning and being given access to the units next to us is ludicrous.
- 3 Porter Street is located within a high-density residential area. Changing the basement of a residential building to a commercial storage that involves lots of small rigid trucks and even 10-metre large trucks will cause heavy sound pollution to the neighbourhood.

Comment: Existing development on the subject site consists solely of residential apartments. The site is however located within the B4 Mixed Use zone, which allows for certain commercial developments as prescribed by the RLEP 2014. The operation of such commercial developments is however subject to the assessment of documents demonstrating that the proposal will not adversely affect the predominantly residential character and amenity of the area. The assessment of such documents by this planning assessment and associated referrals considers that such information is satisfactory, and the development will not result in adverse nor unreasonable impacts upon the local environment and residential amenity.

G. Permissibility, description and characterisation of the site and area

- I do not understand how the council consider the proposal to be permissible.

Comment: The site is located within the B4 Mixed Use zone. 'Local distribution premises' (as defined by the RLEP 2014) is a land use that is permissible with consent within the zone.

H. Information regarding development

- How is the commercial premise going to be used?

Comment: The proposal and its associated operations are detailed within the proposal section of this report. To summarise however, it is intended for the site to be used for the storage, packing and distribution of goods. The use includes associated office space for order taking and processing and customer support. Customers are not proposed to come onto site to purchase or collect goods.

I. Operation of the site

- The SEE notes that the existing residential units are 32% (33 units) affordable housing. This is highly unlikely given property/rent prices that I have seen listed for units within this building. I believe this matter should be investigated and clarified further.

Comment: Development Consent no. LDA2014/0570 (as modified) approved residential development; as an affordable housing development proposed pursuant to the provisions of the now repealed *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP), 33 of the 99 dwellings were approved as affordable housing, meaning they are managed by a registered community housing provider for a period of at least 10 years. It is not known which dwellings the submission relates to, however concerns regarding whether the affordable dwellings are being used as such is not relevant to this planning assessment.

10. Referrals

City Works

The proposal was referred to Council's City Works team for comment. In a referral response dated 19 April 2022, the following comments were provided:

Traffic

Based on the site plan prepared by Eun Seo Architects P/L dated 4 April 2022 and the traffic & parking report prepared by Motion Traffic Engineers dated April 2022, it is understood that:

- *Five (5) car parking spaces are to be dedicated to the proposed development; and*
- *The height of the delivery trucks used for the proposed development are below the minimum clearance height within the basement parking area.*

The proposed operational arrangements have addressed the issues that have been previously raised by the Transport Department as part of the 1st and 2nd RFI.

Waste

Addition of a commercial unit in the basement does not affect the servicing of the domestic waste. A bin storage room has been provided separately.

Environmental Health Officer

The proposal was referred to Council's Environmental Health team for comment. In a referral response dated 10 May 2022, the following comments were provided:

DISCUSSION

Acoustics

An acoustic report has been prepared by 'Koikas Acoustics Pty Ltd, dated 7 April 2022'. It is understood that unattended noise monitoring was undertaken between 3-9 May 2017, along with attended monitoring at two locations on 2 May 2017 between 5:15-5:30pm and 3 May 2018 between 6:00-6:15pm. Whilst the noise readings are from 5 years ago, the acoustic environment does not appear to have changed significantly in this time to change the conclusions drawn in this report. The report discusses traffic, mechanical plant and operational noise intrusions.

Traffic noise intrusions have been considered for the proposed office space associated with the distribution business. An internal noise criterion of 50dB has been adopted for the proposed office in line with the AS2107-2016 recommendation of 50dB or below for retail spaces. The internal noise levels in the office space were calculated at 43dB and therefore fall within the internal noise criteria. Accordingly, no further mitigation measures are required.

Mechanical plant for the site is identified as a supply fan, outside fan and AC unit for the office spaces. The noise from mechanical plant has been assessed at 4 nearby sensitive receivers (refer to figure 3 below). The sound power levels of the plant equipment were assessed and calculated to comply with the Noise Policy for Industry (NPI) criteria at all nearby receivers subject to the implementation of the recommendations detailed under section 6.5.3 of the report.

The report also assesses the cumulative noise impact from the operation of the business on the nearby sensitive receivers, identified primarily as Unit B02 (directly above Basement 1) as well as all other units above. This assessment includes consideration of noise emissions from vehicle movements, loading and unloading activities, mechanical plant and bimonthly deliveries made by small rigid trucks with a sound power of 95dB. Whilst all noise sources have been identified, the cumulative sound power levels are not provided; although it's noted that the concrete slab separating the Unit B02 and basement 1 is approximately 415-500mm thick and has a weighted sound reduction index of Rw69. Given the insulation performance of the slab and the low risk activities propose by the business (no forklifts/large machinery/trading hours) it is unlikely that internal noise transfer will be an issue. Non-

standard condition to adopt a background +0 criteria for the receivers affected by an internal noise pathway during the day and inaudibility during night-time to be applied.

The insulation performance of the building, day time trading hours, delivery times being between 2-3pm and all other recommendation/mitigation measures provided in the report lead the EHU to believe the noise intrusion from use of the B1 carpark as a small scale distribution facility will not interfere unreasonably on the nearby sensitive receivers. The site is therefore suitable for the proposed use.

CONCLUSION

The proposal is considered SATISFACTORY subject to standard and non-standard conditions being applied.

Senior Development Engineer

The amended proposal was referred to Council's Senior Development Engineer for comment:

The previous Development Engineering review dated 22 June 2022 noted the applicant had elected to utilise the parking from the visitor spaces allocated for the residential component on site. As this would be contrary to the original planning approval related to the residential component, the applicant was advised that these were to be preserved and, in order to satisfy Council's parking controls, the parking would be required from the pool of residential parking spaces provided.

The applicant has now revised the application proposing to allocate 5 of the resident spaces for use by the proposed business, thereby preserving the level of visitor parking and addressing the remaining issue.

It is to be noted that the minimum parking level required by the proposal is only 3 spaces (as presented in the applicants Traffic Report) and therefore the provision of 5 spaces satisfies this requirement. Also, the proposed business conducts online trade only with all products shipped by courier from the site once a day. As such, no public customer parking is required.

Heritage

The proposal was externally referred to Council's Heritage Advisor for comment. In a response dated 1 September 2021, the following comments were provided:

DESCRIPTION OF SITE & CONTEXT

The site is located to the south-east of the heritage listed Crowle home (see details below). The recent development on the subject site is within a context of similar recent mixed-use multi-storey developments along the south-eastern side of Porter Street. There is a pedestrian/driveway with gates on the opposite side of Porter Street, but the Crowle home itself is not visible from Porter Street, due to recent development in the vicinity of the Crowle home.

HERITAGE STATUS & SIGNIFICANCE OF THE SITE

The subject site is not heritage listed and not within any heritage conservation area, however it is in the vicinity of the heritage listed “Crowle home” with the listing details of Crowle home and the heritage context of the site outlined in Figure 4 below.

Table 1: Heritage listing details for from LEP

Locality	Item name	Address	Property Description	Significance	Item no.
Ryde	“Crowle home” (house)	8 Junction Street	Lot 1 DP921633; Lot 11, DP 51349	Local	57

Heritage planning controls relating to the site are contained in Section 5.10 of the Ryde LEP 2014.

HERITAGE ASSESSMENT OF THE PROPOSAL

The proposed works are considered to have no adverse impact on the heritage significance of the heritage item in the vicinity.

11. Conclusion

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

- The proposal is consistent with the objectives for B4 zoned land.
- The proposal has been supported by a satisfactory Clause 4.6 written variation to Clause 4.4(2) which demonstrates compliance is both unreasonable and unnecessary and has provided sufficient environmental planning grounds to support the variation.
- The proposal will not result in any significant, adverse nor unreasonable impacts upon adjoining properties or the public domain.
- The proposal is not contrary to the public interest.

12. Recommendation

A. THAT the Ryde Local Planning Panel accepts that the Clause 4.6 written request to vary the floor space ratio development standard (Clause 4.4(2)) in the RLEP 2014 has adequately addressed the matters in subclause (4) and will be in the public interest as it is consistent with the objectives of the development standard within Clause 4.4 and the objectives of the B4 Mixed Use Zone of the RLEP 2014.

B. THAT the Ryde Local Planning Panel, as the consent authority, **approve** Development Application LDA2021/0296 for alterations to the existing basement and the change of use of a plant room to a local distribution premises at 3 Porter Street, Ryde, subject to the draft conditions contained within **Attachment 1**.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 RLEP 2014 and RDCP 2014 Tables of Compliance
- 3 Clause 4.6 Written Variation Request
- 4 Architectural Plans - subject to copyright provision
- 5 Legal advice submitted by the Applicant - CONFIDENTIAL

Report prepared by:

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Consultant Planner

Report approved by:

Kimberley Kavwenje
Senior Coordinator Development Assessment

Sandra Bailey
Manager Development Assessment

Liz Coad
Director City Planning and Environment

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

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

Document Description	Plan No./ Reference	Date
Cover Sheet	Eun Seo Architects, Drawing no. A-000, Rev. B	16.08.2021
GFA & FSR Calculation & Parking Space	Eun Seo Architects, Drawing no. A-001, Rev. C	21/07/2022
Site Plan	Eun Seo Architects, Drawing no. A-100, Rev. D	21/07/2022
Floor Plan	Eun Seo Architects, Drawing no. A101, Rev. B	24.01.2022
External Elevations	Eun Seo Architects, Drawing no. A-200, Rev. A	16.08.2021
Section A	Eun Seo Architects, Drawing no. A-201, Rev. A	16.08.2021
Mechanical Ventilation and Air Conditioning	Bruce Worthington, ref. MSK210809	---
Access Assessment Report	Building Code Clarity, Ref. J1019-Access-r2	17.08.2021
Acoustical Report	Koikas Acoustics, Ref. 3418R20211222Im3- 5PorterSt&105- 107ChurchStRyde_DAv2, Version V2	25.01.2022
BCA Compliance Assessment Report	Building Code Clarity, Ref. J1019-BCA-r3	25.01.2022
BCA Section J Deemed to Satisfy Compliance Report	Eco Certificates Pty Ltd, Ref. EC 4061-DTS	13.12.2021
Business Operation Plan	Eun Seo Architects, Rev. 02	02.12.2021
Operational Waste Management Plan	Waste Audit and Consultancy Services	August 2021
Traffic and Parking Impact	N216471A (Version 2A) prepared by Motion Traffic Engineers	April 2022

2. **Inconsistency between documents.** In the event of any inconsistencies between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Reason: To ensure that development is in accordance with the determination.

3. **Building Code of Australia** - All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: Statutory requirement.

4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Reason: To ensure the structural protection of adjoining properties.

5. **Signage – not approved** - Despite any notation on the plans, this consent does not authorise the erection of any signs or advertising structures. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".

Reason: To specifically identify no signage being approved as part of this consent.

6. **Security Grilles** - This consent does not authorise the erection of any security grilles\, shutters or the like on external windows on the southeast elevation of the building. Separate approval must be obtained for any such works.

Reason: To ensure security grilles are not constructed without consent.

7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties during the construction process.

8. **Illumination of public place** - Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Reason: To ensure the safety of the public.

9. **Development to be within site boundaries** - The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties.

Reason: To ensure works are within the site boundaries.

10. **Public space** - The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Reason: To ensure public spaces are unobstructed during construction.

11. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance

with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.

Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.

12. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

Reason: To ensure public services are maintained.

13. **Works on Public Roads** – Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under Sections 138 and 139 of the *Roads Act 1993*.

Reason: To ensure compliance with the requirements of *Roads Act 1993*.

14. **Public areas and restoration works** - Public areas must be maintained in a safe condition at all times. If required, restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 Part 8.5 *Public Civil Works*, to the satisfaction of Council. Council's standards and specifications are available on the Council website.

Reason: To ensure the protection of public during works.

15. **Compliance with Acoustic Report** - All control measures nominated in the Acoustic Report No. No. 3418R20211222lm3-5PorterSt&105-107ChurchStRyde_DAv4, dated 7 April 2022, prepared by Koikas Acoustics must be implemented.

Reason: To ensure the implementation of acoustic measures to protect surrounding amenity.

16. **Duty to Notify Pollution Incidents** - Council being the 'appropriate regulatory authority' must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.

Reason: To comply with the requirements of the Protection of the Environment Operations Act 1997.

17. **Sediment and Erosion Control measures** – Where required, erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure appropriate sediment protection is provided on site.

18. **Waste collection point for commercial waste** - The commercial waste must be collected from the loading dock located inside the building.

Reason: To ensure waste is collected from the loading dock to ensure there is no associated traffic impacts arising of the collection.

DEMOLITION

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

19. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

Reason: Statutory requirement.

20. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

Reason: To ensure appropriate management of waste.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency) the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

21. **Compliance with Australian Standards** - The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the relevant **Construction Certificate**.

Reason: To ensure compliance with the Australian Standards.

22. **Structural Certification** - The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the relevant **Construction Certificate**.

Reason: To ensure the structural integrity of the approved development

23. **Security deposit** - The Council must be provided with security for the purposes of section 4.17 of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**.

Reason: Statutory requirement.

24. **Fees** - The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
(a) Infrastructure Restoration and Administration Fee

Reason: Statutory requirement.

25. **Long Service Levy** - Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the relevant **Construction Certificate**.

Reason: Statutory requirement.

26. **Access for people with disabilities (commercial)**. Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building is provided. Consideration must be given to the means of dignified and equitable access. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Certifier prior to the issue of a Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

27. **Vehicle Access & Parking**. All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

Reason: To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.

28. **Mechanical Ventilation Details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**.

Such details must include:

- (a) Plans and specifications of the mechanical ventilation systems;
- (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
- (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of*

Australia and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications.

Reason: To ensure compliance with the relevant standards.

29. **Fresh air intake vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.

Reason: To ensure compliance with the relevant standards.

30. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.

Reason: To ensure compliance with the relevant standards.

31. **Water efficeicnt fixtures:** Where new or replacement fittings are required, where applicable are to include water efficient 4 star dual flush toilets, 4 star taps and 3 star urinals, bathroom and kitchen taps shall be fitted with aerators.

Reason: To ensure compliance with the relevant standards.

32. **Construction Noise Management Plan (demolition & construction)** - A construction noise management plan must be prepared by a suitably qualified and experienced noise expert in accordance with the noise management levels in EPA's Interim Construction Noise Guideline and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) hours of construction
- (b) Identification of nearby residences and other sensitive land uses.
- (c) Assessment of expected noise impacts.
- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers
- (e) include strategies that have been developed with the community for managing high noise generating works.
- (f) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.
- (g) include a complaints management system that would be implemented for the duration of the construction
- (h) include a program to monitor and report on the impacts and environmental performance of the development

Reason: To ensure the amenity of surrounding properties is protected during construction works.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

33. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Statutory requirement.

34. **Safety fencing** - The area that is subject to development must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

Reason: To ensure to site is safely secured.

35. **Work Zones and Permits.** Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

Reason: To ensure that appropriate measures have been made for the operation of the site during the construction phase.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

36. **Critical stage inspections** - The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A of the *Environmental Planning and Assessment Regulation 2000*. (Note: this condition does not relate to the staging of construction certificates or occupation certificates).

Reason: Statutory requirement.

37. **Construction materials** - All materials associated with construction must be retained within the site.

38. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

Reason: To protect the environment and the amenity of surrounding properties.

39. **Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

Reason: Statutory requirement.

40. **Site maintenance**

The applicant must ensure that:

- (a) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (b) the site is clear of waste and debris at the completion of the works.

Reason: To ensure the site is appropriately maintained.

41. **Work within public road** - At all times where work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

42. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals.

Reason: To prevent any nuisance or danger to health, safety or the environment.

43. **General requirements for liquid and solid waste** - Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2005* and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999). NSW EPA Waste Classification Guidelines

Reason: To prevent pollution of the environment.

44. **Hazardous/intractable waste disposal** - Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011

- (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

45. **Contaminated waste to licensed EPA landfill** - Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

46. **Waste data maintained** - A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives are met.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency) for matters other than those set out in clause 161 of the *Environmental Planning and Assessment Regulation 2000*, the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

47. **Fire safety matters** - At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Each year the Owners must send to the Council and the Fire and Rescue NSW an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement.

48. **Road opening permit – compliance document** - The submission of documentary evidence to Council of compliance with all matters that are required by any Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**).

Reason: Statutory requirement,

49. **Letterboxes and street/house numbering display.** Any letterbox is to be designed and constructed in accordance with Australia Post requirements and the house/unit numbering displayed shall be in accordance with the official property addressing allocated by Council's Land Information Section. Where a development contains multiple properties and directional signage has been installed, such signage is to be updated to include the local distribution premises where required. It is essential that all numbering signage throughout a development is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

Reason: To ensure ease of access in locating and identifying premises.

50. **Noise.** Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant is to certify that the development complies with the recommendations in the report entitled Noise Impact Assessment prepared by Acoustic Logic, Reference No. 20210175.1/1103A/R-/AZ, Revision 3 dated 15 September 2021.

Reason: To ensure the development is consistent with the approved acoustic report and recommendations to achieve acceptable acoustic outcome.

51. **Disabled Access.** Prior to occupation of the relevant stage of the development, a suitably qualified access consultant is to certify that the development complies with Australian Standard 1428 and the Building Code of Australia.

Reason: To ensure the development provides the required accessible access to the premises.

52. **Certification of Mechanical Ventilation Work** - Where any mechanical ventilation systems have been installed or altered, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

Reason: To ensure mechanical equipment complies with relevant standards.

53. **All works/methods/procedures/control measures** - Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:

- (a) Acoustic Report No. 3418R20211222Im3-5PorterSt&105-107ChurchStRyde_DAv4, dated 7 April 2022, prepared by Koikas Acoustics

Reason: To ensure the acoustic amenity of surrounding properties by the proposal being consistent with the approved acoustic measures.

54. **Noise Limits** - Noise generated at the premises must not exceed the noise limits specified in the Acoustic Report No. 3418R20211222Im3-5PorterSt&105-107ChurchStRyde_DAv4, dated 7 April 2022, prepared by Koikas Acoustics submitted with the development application.

Reason: To ensure the acoustic amenity of surrounding properties by the proposal being consistent with the approved acoustic measures.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

55. **Operational management plan** - The operation of the site is to be undertaken in accordance with the Business Operation Plan approved by this consent. If/where this document is inconsistent with the requirements of this consent, then the Business Operation Plan is to be amended to address any such inconsistency.

Reason: To ensure the management of the site is consistent with the approved development and conditional requirements of this consent.

56. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- No less than 3 parking spaces
 - None of the resident visitor spaces must be utilised to facilitate the parking demands of the use granted under this consent.

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

57. **Hours of operation** – Approved hours of operation are limited to 8:30am to 5:00pm, Monday to Friday. All deliveries and dispatches are to occur within these approved hours of operation.

Reason: To restrict the hours of operation to ensure that there is acceptable amenity to the surrounding locality.

58. **Number of employees** – A maximum of five (5) employees are to be on the site at any one time.

Reason: To ensure consistency with the approved development and associated traffic implications resulting from the use.

59. **No customer access** – Access to the site by customers is not permitted at any time.

60. **No retail sales** – No sales necessitating access to the site by customers is permitted at any time (i.e. all sales are to be online, postal and/or phone-based only).

Reason: To ensure consistency with the approved land use which does not include retail sales.

61. **No customer collection** – No onsite collection of products sold by the onsite business (including 'click and collect' type services) is permitted.

Reason: To ensure consistency with the approved land use which does not include customers attending the premises.

62. **Deliveries and dispatches** – All deliveries to, and dispatches from, the site are to utilise the approved loading bay and onsite shared truck bay (as prescribed by the approved Business Operation Plan). Delivery vehicles associated with the approved use are not to use resident spaces (including resident visitor spaces) at any time.

Reason: To ensure conflict between deliveries and the functioning of the basement car parking is not adversely impacted.

63. **Onsite manufacturing** – Onsite manufacture of products is not permitted by this consent.

Reason: To restrict manufacturing on site,

64. **Council may require acoustical consultant's report** – Upon receipt of a justified customer request, Council may require the submission of an acoustic report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.

Reason: To manage ongoing acoustic matters and ensure consistency with maintaining acoustic amenity of surrounding residential properties.

65. **Noise from mechanical equipment** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

Reason: To ensure mechanical equipment does not adversely affect the acoustic amenity of surrounding properties.

66. **Receivers affected by operational noise through internal pathways** - The noise emitted from the development, including vehicle movements, loading and unloading activities, mechanical plant and patron noise must not interfere unreasonably with the residential receivers of the building and must comply with the criteria of:

- (a) Background +5dB(A) between 7am-10pm; and
- (b) Be inaudible between 10pm-7am.

67. **Management of waste storage facilities** - All waste storage areas are to be maintained in a clean and tidy condition at all times.

68. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

Reason: To ensure waste is adequately stored within the premises.

69. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

Reason: To ensure waste is adequately stored within the premises.

70. **Storage of bins between collection periods** - Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure the ongoing management of waste storage areas.

Attachment 2 - Compliance Assessment

LDA No:	LDA2021/0296
Date Plans Rec'd	8 October 2021 (Amended February 2022)
Address:	3 Porter Street, Ryde
Proposal as lodged:	Change of use and alteration to basement level B1 to commercial premises
Amended Proposal	Alterations to existing basement and change of use of a plant room to a local distribution premises
Constraints Identified:	Class 5 Acid Sulphate Soils Heritage – In proximity to mapped local heritage item

COMPLIANCE CHECK

DCP 2014	Proposed	Compliance
Part 4.2 – Shepherd's Bay, Meadowbank		
2.0 Desired Character		
2.2 Desired Future Character		
<p>1. The vision for Shepherd's Bay, Meadowbank is to create a higher density transit-orientated neighbourhood, providing for a mix of residential and commercial/retail uses.</p> <p>2. Excellent transport infrastructure will provide a high level of access and mobility, ensuring efficient connections from the east to west and north to south.</p> <p>3. Shared zones and dedicated pedestrian and cycle ways will encourage walking and cycling whilst connecting green open spaces and transport nodes to create a high quality public domain for residents and visitors.</p> <p>4. New mixed use development will integrate with surrounding neighbourhoods and buildings, ensuring that the bulk and scale of new buildings is sensitive to the foreshore location and maximises the view potential towards the Parramatta River and surrounding regions.</p>	<p>The proposal is consistent with the desired character of the Shepard's Bay Area. The proposal will:</p> <ul style="list-style-type: none"> • Allow for a mix of residential and commercial activity, • Facilitate the concentration of commercial development on Church Street, • Locate the proposed use in close proximity to a range of public transport options (i.e. bus services and Meadowbank Station), • Be integrated within the area in a manner that does not affect building bulk and scale nor views of the surrounding area (both from private sites and the public domain), • Will have no adverse impact on streetscape appearance and character, and • Will allow for an increase in development density without adversely affecting local residential amenity. 	Yes

DCP 2014	Proposed	Compliance
<p>5. Commercial and retail development will be concentrated around Meadowbank Station and along Church Street, whilst residential development will dominate between these employment nodes.</p> <p>6. An improved public domain that provides an improved level of amenity that allows for higher densities across the area.</p>		
3.1 - Site Analysis		
<p>a. Must be submitted with any development application for building works;</p>	<p>A site analysis plan has not been provided. While noncompliant, the provision of such a plan is not considered to be necessary given the context of the proposal (i.e. Internal alterations within the basement area of a developed site to facilitate a commercial use without external building works).</p>	No
<p>b. Should address the performance criteria, design solutions and controls set out in this Part.</p> <p>Note: The level of detail will depend on the size of the proposed development, with minor work requiring less information.</p> <p>The level of detail should be clarified with Council's Environment and Planning Group;</p>	<p>As above.</p>	N/A
<p>c. Should indicate the relationship of the site/development to the following:</p>	<p>As above, also noting that:</p> <ul style="list-style-type: none"> The site's context with major considerations (such as nearby heritage items) is addressed elsewhere within submitted documents (e.g. 	N/A

DCP 2014	Proposed	Compliance
<ul style="list-style-type: none"> i. the public open spaces (or public domain) like parks, streets and verges; ii. its context including other buildings; iii. pedestrian and cycle connectivity, both along the edges and where appropriate through the site; iv. heritage items where applicable; and v. the future built form of the area and the precinct. 	<p>the Statement of Environmental Effects),</p> <ul style="list-style-type: none"> • As the site and adjoining sites are fully developed, pedestrian and cycle connectivity will not be altered, and • The future built form of the surrounding area is unlikely to significantly change in the medium-to-long term, noting that most surrounding sites within the precinct have been redeveloped. 	
<p>d. Should include plans, sketches, photographs and supporting written information; and</p>	<p>As above.</p>	<p>N/A</p>
<p>e. Must indicate how the analysis has influenced the proposed design.</p>	<p>As above, noting that the proposal is to occupy an existing basement area, and that a site analysis would have no influence on the placement of the proposed development.</p>	<p>N/A</p>
<p>4.0 - General Development Controls</p>		
<p>4.1 Developments and the Public Domain</p>		
<p>4.1.1 Mixed-Use Development</p>		
<p>Mixed-use development will comprise either:</p> <ul style="list-style-type: none"> a. a combination of medium and high density residential development with compatible employment related activity; or 	<p>The proposal will retain existing high-density residential development on existing residential. The proposed local distribution premises is to be an employment-related activity, the scale of which is considered to be compatible with the development context of the site.</p>	<p>Yes</p>
<ul style="list-style-type: none"> b. compatible employment related activities including: <ul style="list-style-type: none"> i. restaurants and cafés; ii. small scale retail establishments such as convenience stores and news agencies up to 2000m²; 	<p>The use is not one specified within the control, however the land use is one that was only introduced in late 2021 (i.e. the use was introduced after the controls within the DCP were established).</p>	<p>Yes</p>

DCP 2014	Proposed	Compliance
iii. small commercial offices and studios such as real estate agencies offices; iv. professional suites such as doctors suites; and v. home offices.	The scale and nature of the proposed use and its proposed presentation to the Church Street frontage (i.e. with the offices and staff facilities to be located at the front of the site, adjacent to the Church Street frontage) will present to the Church Street frontage in a manner that is consistent with that of a commercial office or studio.	
c. Home office accommodation is allowed throughout the area.	The proposal is not a home-office-type use.	N/A
d. Retail developments, restaurants and cafés are to be generally located at street level.	The proposed use does not constitute a retail or hospitality-type business.	N/A
e. Commercial uses are encouraged at the level immediately above street level, including but not confined to, professional and commercial offices, services such as dry cleaners, newsagency, and leisure uses such as a gym, places of worship or meeting rooms.	<p>The location of the proposed local distribution premises is within Basement Level 1. While the part of this level to contain the proposed use is not above that of Church Street (and is therefore technically noncompliant).</p> <p>It is not possible for existing levels above to accommodate the use, as they are already occupied by residential development.</p> <p>Further, due to the sloped topography of the site, this level (and the associated southeast frontage) is located at a level that is close to that of Church Street. The nature of the use does not involve access by members of the public, therefore a prominent frontage directly above the streetscape is not required in this instance.</p>	No
f. Ground floor apartments are to be of flexible design to		N/A

DCP 2014	Proposed	Compliance
facilitate change of use and ensure privacy for occupants.		
g. Where upper levels of development are used for either commercial or residential activity, the amenity of both uses must not conflict or be compromised by other uses in the development.	As demonstrated by submitted information (the recommendations of which will be subject to conditions in the event of approval), the nature of the proposed use and its associated operations (i.e. hours of operation, number of employees, etc.) will not adversely affect dwellings within levels above. The residential uses of upper levels will also not adversely affect the operations of the proposed use.	Yes
h. Private living spaces and communal or public spaces should be clearly identified and defined.	No changes are proposed in this regard.	N/A
i. Pedestrian entry to the residential control of mixed-use developments should be i. separated from entry to other land uses in the building(s); and ii. have a clear address and presentation to the street.	The existing development provides for a common entry/foyer from the Church Street Frontage to Basement Level 1. While an existing doorway from the common foyer is to be utilised to provide pedestrian access, separate access to the proposed use is to also be provided from the Basement Level 1 carpark area.	Yes
j. Active streetscapes will be encouraged by the use of outdoor restaurant seating, whether on private or public land. Refer to Council's Outdoor Dining Policy.	Not applicable.	N/A
k. New large scale warehousing is not appropriate in the area.	The proposal is not considered to constitute large-scale warehousing, with regard to: <ul style="list-style-type: none"> • The physical size of the proposed use, • The scale of the proposed operations (i.e. operating 	Yes

DCP 2014	Proposed	Compliance
	<p>hours, numbers of staff, vehicular movements, etc.), and</p> <ul style="list-style-type: none"> As assessed within the planning assessment report, the proposal satisfies the 'local distribution premises' land use definition. With regard to NSW Planning Circular PS 18-008, the creation of the 'local distribution premises' land use definition is to both "<i>...enable smaller scale distribution premises to be permitted and controlled...</i>" and to "<i>...allow councils to plan for smaller scale distribution centres which may be located in a wider range of zones, closer to centres.</i>" 	
<p>i. The Church Street frontage should be used for commercial uses with residential uses setback at 12m and fronting Porter Street.</p>	<p>Not applicable.</p>	<p>N/A</p>
<p>4.1.2 Public Domain, Access and Pedestrian/Cyclist Amenity</p>		
<p>a. The achievement of maximum heights and density is contingent on meeting the public domain provisions of this plan and all public domain items being provided by the proponent.</p>	<p>Not applicable.</p>	<p>N/A</p>
<p>b. New developments must be provided with a minimum of one barrier free access point to the main entry.</p>	<p>The main entry point will not be affected by the proposal, however a barrier free access point will be provided from the Church Street frontage.</p>	<p>Yes</p>
<p>c. Publicly accessible pedestrian and cycle ways must be provided through large sites.</p>	<p>Not applicable.</p>	<p>N/A</p>

DCP 2014	Proposed	Compliance
(even if not envisioned by this plan) (refer to Figure 4.2.03).		
d. New pedestrian and cycleway access points, gradients and linkages are to be designed to be fully accessible by all.	Not applicable.	N/A
e. New commercial development should provide facilities, including showers, bike lockers etc, to encourage walking and cycling to work – refer to Part 9.3 - Parking.	While shower facilities are not provided, there is sufficient space for bike storage within the site and bathroom space for employees to change if necessary.	Yes
f. New roads, shared ways, pedestrian and cycle paths shall be provided in accordance with Figure 4.2.03.		N/A
g. Constitution Road, Faraday Lane and Porter Street (see Figure 4.2.03, Figure 4.2.04, Figure 4.2.04a, Figure 4.2.04b, Figure 4.2.05, Figure 4.2.06 and Figure 4.2.07) are to be widened.		N/A
h. The design of new roads, shared ways footpaths and cycle paths shall be in accordance with Figure 4.2.03, Figure 4.2.04, Figure 4.2.04a, Figure 4.2.04b, Figure 4.2.05, Figure 4.2.06 and Figure 4.2.07.		N/A
i. Shared pedestrian links, cycle ways, public roads and lanes are to be of a high standard and treated in a way which indicates their shared status. The selection of paving, street furniture, lighting, bollards, signage and paving should compliment the existing upgrade works to Shepherds		N/A

DCP 2014	Proposed	Compliance
Bay (refer to the Ryde Public Domain Technical Manual).		
j. The design and location of vehicle access to developments should minimise conflicts between pedestrian and vehicles on footpaths, particularly along high volume pedestrian streets.	The existing vehicular access point to the site is to be retained. The likely traffic to be generated by the proposal (in particular heavy vehicles) will not be a significant increase over that already associated with the site, therefore the use will not significantly increase potential vehicular/pedestrian conflict (also noting that there are line markings at the vehicular entry point to the site alerting other carpark users to be aware of trucks).	Yes
k. Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.	The existing vehicular access point to the site (which also caters for delivery/waste vehicle access) is to be retained.	N/A
l. Wherever practicable, vehicle access is to be a single crossing, perpendicular to the kerb alignment.	As above.	N/A
m. Vehicle access ramps parallel to the street frontage will not be permitted.	As above.	N/A
n. Vehicle entries are to have high quality finishes to walls and ceiling as well as high standard detailing. No service ducts or pipes are to be visible from the street.	As above.	N/A
o. The ground floor of all development is to be flush with the street footpath for the predominant level of the street frontage and at the main entry to the building.	Existing ground floor levels will remain unchanged.	N/A

DCP 2014	Proposed	Compliance
p. Recesses for roller doors and fire escapes are to be wide and shallow to provide for personal security. Narrow, deep recesses are to be avoided.	Not proposed.	Yes
q. Pedestrian links must be a minimum width of 3.5 m, clear of buildings and open 24 hours a day. Pedestrian links identified in Figure 4.2.03 must be dedicated to Council.		N/A
r. Developments must be setback from the corner on blocks with poor site lines. The setback distance will be at the discretion of Council.		N/A
s. The Rothsay Avenue to Bowden Street pedestrian link must be a minimum width of 6m.		N/A
4.1.7 Safety		
a. Public spaces need to be designed to meet Crime Prevention Through Environmental Design (CPTED) principles (DUAP 2001).	Noted. Parts of the site that are already capable of being accessed by members of the public will not be altered, however the occupation of a part of the site that is presently unused will enable better active and passive surveillance of the public approach to the Basement Level 1 access point from Church Street.	Yes
b. Open sightlines and landscaping needs to be provided that allows for high levels of public surveillance by residents and visitors.	Existing external sightlines from the development are to be retained, noting that additional sightlines will be provided to the public approach to the Basement Level 1 access point from Church Street, as a result of an unused part of the site being occupied by the proposed use.	Yes

DCP 2014	Proposed	Compliance
<p>c. Lighting is to be provided to all pedestrian ways, building entries, corridors, laundries, lifts, stairwells, driveways and car parks to ensure a high level of safety and security for residents and visitors at night. Further, external lighting including street lighting if necessary (in accordance with pedestrian lighting AS1158 is to be provided which makes visible potential hiding spots at night.</p>	<p>External lighting is not proposed.</p>	<p>N/A</p>
<p>d. Entrances to public open spaces will need to encourage pedestrian use and establish clear sightlines to improve visual security</p>	<p>The existing layout of the entrance from the Church Street frontage to Basement Level 1 will remain unchanged. Visual security will however be improved through increased surveillance of this entry as a result of an unused part of the site being occupied by the proposed use.</p>	<p>Yes</p>
<p>e. The design of public domains must not result in dead ends or similar design outcomes.</p>	<p>The proposal will not alter the design of the public domain.</p>	<p>N/A</p>
<p>4.3 - Ecological Sustainability</p>		
<p>4.4.2. Noise and Vibration Attenuation</p>		
<p>Commercial and industrial</p>		
<p>a. Church Street has been identified as a commercial strip to provide a buffer between Church Street and residential uses along Porter Street.</p>	<p>Noted.</p>	<p>-</p>
<p>b. The use of a premises, and any plant, equipment and building services associated with a premises must not:</p> <p>i. create an offensive noise as defined by the <i>Protection of the Environment Operations Act 1997</i>; and</p>	<p>The proposal will not result in in adverse noise impacts on the locality.</p> <p>In response to concerns raised about potential acoustic disturbance of residences above, the applicant has submitted an acoustic</p>	<p>Yes</p>

DCP 2014	Proposed	Compliance
<p>ii. add significantly to the background noise experienced in a locality.</p>	<p>assessment (prepared by Koikas Acoustics, dated 25 January 2022). This application was also referred to Council's Environmental Health Officer (EHO) for comment. In summary, the EHO found that:</p> <p><i>"The insulation performance of the building, day time trading hours, delivery times being between 2-3pm and all other recommendation/mitigation measures provided in the report lead the EHU to believe the noise intrusion from use of the B1 carpark as a small scale distribution facility will not interfere unreasonably on the nearby sensitive receivers. The site is therefore suitable for the proposed use."</i></p> <p>Conditions have been recommended in the event of approval to ensure that the operational use of the site will not result in adverse acoustic impacts.</p>	
<p>c. At Council's discretion, if there is any doubt over whether these requirements can be achieved, a statement of compliance from a qualified acoustic consultant may be required.</p>	<p>As above (an acoustic assessment has been submitted and assessed).</p>	<p>Yes</p>
<p>d. Machinery and activities, including construction work, that are likely to generate offensive noise must be adequately sound-proofed in accordance with the <i>Protection of the Environment Operations Act 1997</i> prior to occupation of the premises.</p>	<p>As above.</p>	<p>Yes</p>

DCP 2014	Proposed	Compliance
e. Development must have regard to "Interim Guidelines for Development Near Busy Road and Rail Corridors" NSW Planning & Infrastructure.	Noted.	-
f. Where development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have acoustic insulation.	See above for comments regarding acoustic considerations. Recommendations have been made by the submitted acoustic assessment report regarding the design of plant equipment; the insulation performance of the slab is also such that internal noise transfer is also unlikely.	Yes
g. Loading and unloading facilities must not be located immediately adjacent to residential development.	The proposal seeks to utilise both the existing shared loading bay within Basement Level B1 and a segregated loading bay for smaller dispatches. The locations of these areas are not adjacent to residential development.	Yes
h. Retail premises must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places.		N/A
i. Air conditioning ducts shall not be situated adjacent to residential development.	Complies.	Yes
j. Where development is situated adjacent to residential development, working hours shall generally be restricted to 7 am to 6 pm Monday to Friday and 8 am to 1 pm on Saturday, and nil on Sundays or public holidays. Activities in operation outside these hours must	The proposed hours of operation are 8:30am to 5:00pm, Monday to Friday.	Yes

DCP 2014	Proposed	Compliance
demonstrate that there will be no detrimental impact to residential amenity.		
k. Driveways, access ramps, landscaping and public infrastructure are permissible within overland flow paths.	Not applicable.	N/A
4.4 Parking Access and Loading		
a. All new buildings are required to provide on-site loading and unloading facilities. Buildings on Church Street will be accessed from Porter Street. This is to be addressed in Staged development applications for these sites.	All vehicular access will continue to occur via the Porter Street driveway crossover.	Yes
b. Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction.	The proposal seeks to utilise existing and proposed facilities within Basement Level B1, which is located within the site. The design of the carpark already permits forward vehicular access and egress, noting that it is designed to cater for 11-metre-long waste recovery vehicles.	Yes
c. Loading docks that extend more than 7.5 metres into a building, mechanical ventilation might be required.	Not applicable. The proposed loading bay for smaller vehicles, whilst exceeding 7.5 metres in length, will be capable of being ventilated via doorways and proposed ventilation measures.	N/A
5.0 - Precinct Specific Development Controls		
5.4 Precinct 4 – Church Street		
a. New development in this precinct is to respond to, and consider views from, the Parramatta River.	The location and levels of the proposed change of use will have no impact on views.	Yes
b. Retain all existing mature trees that add to the high quality of the area.	Being internalised within Basement Level 1, the proposal will not affect	N/A

DCP 2014	Proposed	Compliance
	landscaped areas and associated trees.	
c. New commercial buildings in this precinct are to have a maximum depth from window to core of 12 metres to ensure adequate natural light and ventilation.	The proposal is not for a new commercial building.	N/A
d. For retail ground floor areas larger footprints are allowable. Retail development is to be limited to showrooms. Supermarkets are not permitted.	The site is not for a retail premises.	N/A
e. Development must take into account the hostile environment and accordingly provide acoustic treatment, such as high performance glazing/double-glazing, for buildings fronting Church Street.	To comply where required (noting that the use is not for residential purposes).	Yes
f. The building adjoining the southern boundary of Hayes Reserve should take advantage of the northerly aspect and provide visual surveillance of pedestrians utilising Hayes Reserve.		N/A
g. Due to the traffic volume on Church Street, vehicular access will be from Porter Street for buildings fronting Church Street.	All vehicular access will continue to occur via the existing Porter Street driveway crossover.	Yes
h. Low native shrubs should be provided within all setbacks with the selection of species discusses with Council.	Being internalised within Basement Level 1, the proposal will not affect landscaped areas and associated trees.	N/A
i. Low signage relating to the use of the building is	Signage is not proposed.	N/A

DCP 2014	Proposed	Compliance
permitted within the Church Street setback.		
j. Council seeks contributions from developers along Church Street for the upgrade of the public domain on the opposite side of the street.	Noted.	-
k. Residential development must be setback at least 12m from Church Street.	No change is proposed to existing building setbacks.	N/A
Part 7.1 - Energy Smart, Water Wise		
2.4 New Shops, Industrial and Commercial Premises (including those Contained in a Mixed-use Development).		
a. The total anticipated energy consumption for the base building is no greater than 450 Mega Joules/ annum/metre square [MJ/am ²] (commercial) and 900 Mega Joules/annum/metre square [MJ/am ²] (retail).	Noted.	-
b. Any hot water system/s installed as part of a development or as a replacement must consider the most efficient option available to minimise greenhouse gas emissions (see diagram below as a guide).	The applicant has advised that selection of any water systems will occur as part of the design development stage prior to the issue of a Construction Certificate, and will be undertaken in accordance with the submitted Section J report.	Yes
c. Any products installed as part of a development or as a replacement that are regulated for energy efficiency under the Australian Standards for Products and/or Minimum Energy Performance Standards (MEPS) must achieve a Minimum energy rating of 4.5 stars.	As above.	Yes
d. Water Efficient Fixtures: where new or replacement fittings are required, Shower heads shall	To be imposed as a condition of consent prior to the issue of a Construction Certificate	Yes

DCP 2014	Proposed	Compliance
<p>be at least 3 star rated water efficient 4 star dual flush toilets, 4 star taps (for all taps other than bath outlets and garden taps) and 3 star urinals, bathroom and kitchen taps shall be fitted with aerators; and water closets shall have a dual flush cistern.</p>	<p>(noting that this does not apply to shower heads, as none are proposed).</p>	
<p>e. The installation of energy efficient lighting, motion detectors and dimmers where appropriate are encouraged.</p>	<p>Noted.</p>	<p>-</p>
<p>f. Any products installed as part of a development or as a replacement that are regulated for water efficiency under Water Efficiency Labelling and Standards (WELS) Scheme must obtain a Minimum WELS rating of 4.5 stars. Products that carry a star water label and are regulated under WELS include clothes washing machines and dishwashers. The water star rating as well as date of purchase of the product should be visible on the product at all times. The Federal Governments WELS website has a comprehensive list of efficient appliances based on star ratings. http://www.waterrating.gov.au.</p>	<p>Noted.</p>	<p>-</p>
<p>Part 7.2 - Waste Minimisation & Management</p>		
<p>Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.</p>	<p>The applicant has submitted a Waste Management Plan (prepared by Waste Audit and Consultancy Services, dated August 2021) in accordance with Part 7.2 of DCP 2014.</p> <p>The WMP proposes the internal storage of waste within the proposed internalised</p>	<p>Yes</p>

DCP 2014	Proposed	Compliance
	<p>loading bay, and waste removal will be undertaken separately to existing residential waste collection utilising a private waste contractor; in the event of approval, a condition will be recommended that will require the use to comply with the requirements of the WMP.</p> <p>The use will therefore not affect existing and approved waste collection activities on the site.</p>	
Part 9.2 - Access for People with Disabilities		
<p>Accessible path required from the street to the front door, where the level of land permits.</p>	<p>Accessible paths of travel to the proposed local distribution premises are obtainable via existing accessible entrance paths (including appropriately-graded pathways and lifts).</p>	<p>Yes</p>
Part 9.3 – Parking Controls		
2.0 Parking Required in Respect of Specific Uses		
<p>Residential Development - High Density (Residential Flat Buildings)</p> <ul style="list-style-type: none"> • 0.6 to 1 space / one bedroom dwelling • 0.9 to 1.2 spaces / two bedroom dwelling • 1.4 to 1.6 spaces / three bedroom dwelling • 1 visitor space / 5 dwellings 	<p>Note: While the proposal will not alter the number of residences within the development, it will alter the number of residential spaces allocated for residential purposes. 135 spaces are currently provided; the rates below are based on a reduction of 6 spaces for the proposed use (noting that the reallocation of car parking is to include five spaces for parking and one space to provide a shared zone for the accessible space).</p> <p>Existing dwellings:</p> <ul style="list-style-type: none"> • 1 bedroom: 27 • 2 bedrooms: 67 • 3 bedrooms: 5 <p>Required parking:</p> <ul style="list-style-type: none"> • 1 bedroom: 16.2-27 	<p>Yes</p>

DCP 2014	Proposed	Compliance
	<ul style="list-style-type: none"> • 2 bedrooms: 60.3-80.4 • 3 bedrooms: 7-8 • Visitor: 19.8 (rounded to 20) • Total: 103.3-135.4 <p>Proposed number of residential/visitor spaces: 129</p>	
<p>Warehouse or Distribution Centre</p> <ul style="list-style-type: none"> • 1 space / 300 m² GFA 	<p>Proposed total floor area of premises: 266.1m²</p> <p>Required number of car parking spaces: 0.9 (rounded up to 1)</p> <p>Proposed number of car parking spaces: 5 (including 1 accessible space).</p>	Yes
<p>2.4 New Shops, Industrial and Commercial Premises (including those Contained in a Mixed-use Development).</p>		
<p>a. Where a development comprises two or more different land uses, parking provisions will be assessed as the sum of the requirements in s2.0 for each component of the mixed-use development. Calculations shall include an appropriate proportion of any common or administrative areas.</p>	Noted.	-
<p>b. Where the main usage periods for components of mixed-use development do not coincide, Council may consider a reduction in the required parking. In this case, the parking requirement will be based on whichever of the components generates the greatest parking requirement. The onus will be on the proponent to satisfy Council that the uses will not be operated concurrently.</p>	<p>As parking spaces for the proposed local distribution premises will be permanently allocated to that use, the proposal does not seek to share car parking spaces. Facilities for large truck deliveries are to be shared. Large truck movements are to be limited to twice per month; it is proposed that the loading bay management plan will be attained from the building's strata manager each month, so that delivery times can be</p>	N/A

DCP 2014	Proposed	Compliance
	arranged in order to prevent conflict with other vehicles (e.g. waste collection vehicles) using the loading facilitates.	



AMENDED CLAUSE 4.6 TO CLAUSE 4.4 OF RYDE LEP 2014
EXCEPTIONS TO DEVELOPMENT STANDARDS – **FSR VARIATION**

Alterations to existing basement and change of use of a plant room to a local distribution premises

3 Porter Street, Ryde

SUBMITTED TO
RYDE CITY COUNCIL

PREPARED BY
ABC PLANNING PTY LTD

June 2022

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Shop 4, 500 Elizabeth Street, SURRY HILLS NSW 2010 ■ ABN 99 090 382 488

RYDE LEP 2014 - CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS

This Clause 4.6 variation request has been prepared to accompany the development application for alterations to an existing basement and change of use of a plant room to a local distribution premises at 3 to 5 Porter Street and 105-107 Church Street, Ryde.

Clause 4.6 of the Ryde LEP 2014 allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards.

This Clause 4.6 variation request takes into account the relevant aspects of the Land and Environment Court judgement from *Initial Action Pty Ltd v Woollahra Council [2017] NSWLEC 1734*, as revised by the NSW Court of Appeal in *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*.

Clause 4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows:*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) *the concurrence of the Director-General has been obtained.*

(5) *In deciding whether to grant concurrence, the Director-General must consider:*

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Development Standard to be Varied

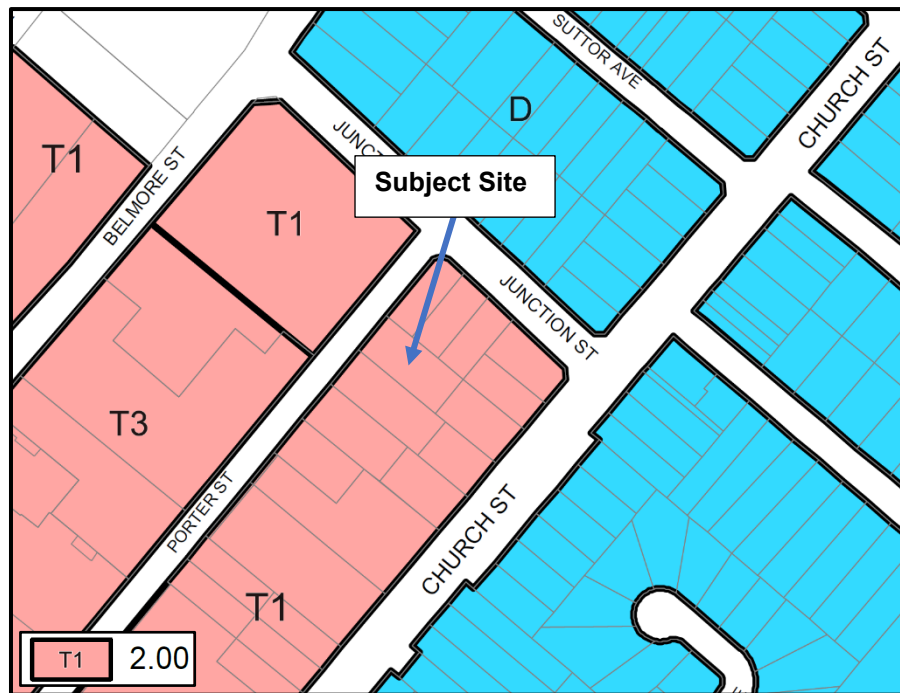


Figure 1: FSR Map

Clause 4.4 of Ryde LEP 2014 stipulates a FSR control of 2:1 for the subject site. The site has an area of 3,281.1sqm.

It is noted that the approved development (as modified) on the site benefitted from provisions within *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP) to obtain a greater FSR of 2.32:1. The subject DA is however not lodged pursuant to the provisions of the ARH SEPP, therefore the proposal is assessed in accordance with the FSR standard of 2:1 imposed by the RLEP 2014.

The proposed FSR is 2.39:1 (GFA: 7,859sqm), which does not comply with the FSR control of 2:1 (GFA: 6,562.2sqm), representing a variation of 19.76% (1,296.8sqm).

The proposal represents a 19.76% (1,296.8sqm) variation to the FSR development standard.

Justification for Contravention of the Development Standard

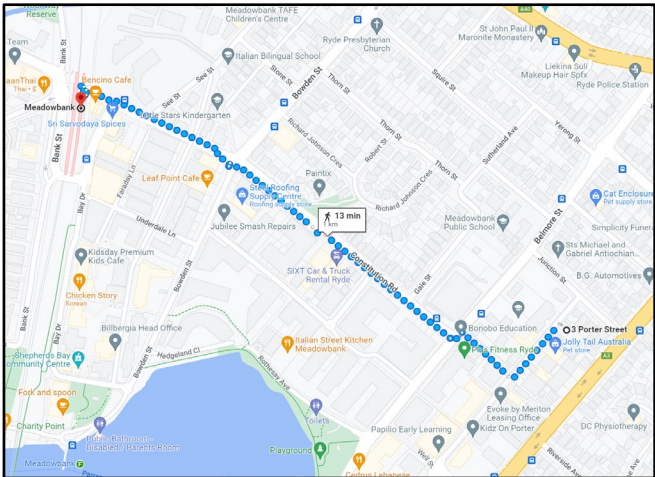
This written request is considered to justify the contravention of the development standard and addresses the matters required to be demonstrated by clause 4.6(3), of which there are two aspects. Both aspects are addressed below:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Assessment: It is considered that strict compliance with the development standard for FSR on the site is unreasonable and unnecessary in the circumstances for the following reasons:

- The extent of the proposed variation has been confirmed by Dentons law firm. Refer to accompanying letter from Dentons dated 27 May 2022.
- The existing approved FSR of 2.32:1 is not compliant. The proposal is only requesting an additional FSR of 0.07:1 above that approved (i.e. proposed FSR of 2.39:1).
- The proposed additional FSR is located wholly within the approved building envelope. The proposal will not alter the building envelope, i.e. the height and setbacks of the building. The bulk and scale of the development will therefore remain as approved.
- The proposed increase in FSR will not be discernible from the adjoining properties or the streetscape.
- The proposed premises will activate this area of the site and result in a more efficient use of the space.
- It is reiterated that the proposal will not change the existing built form on the site. Therefore there the proposal will not result in any unreasonable amenity impacts to neighbouring properties in terms of overshadowing, visual bulk, privacy or views. The proposed premises will have minimal noise impacts, noting that the proposed hours of operation will be from 8.30am to 5.00pm Monday to Friday and that there will be no customers or visitors to the premises. Refer to the Acoustic Report prepared by Koikas submitted with this DA.
- Despite the non-compliance, the proposal achieves the objectives of the development standard and the zoning, as demonstrated in the following table:

Consistency with the objectives of the FSR standard in the LEP	
Objectives	Assessment
<i>(a) to provide effective control over the bulk of future development,</i>	The proposed additional FSR is located wholly within the approved building envelope. The bulk and scale of the development will therefore remain as approved.
<i>(b) to allow appropriate levels of development for specific areas,</i>	As mentioned above, the proposed additional FSR is located wholly within the approved building envelope. The bulk and scale of the development will therefore remain as approved.

	<p>The proposed premises will activate this area of the site and result in a more efficient use of the space.</p>
<p>(c) in relation to land identified as a Centre on the Centres Map — to consolidate development and encourage sustainable development patterns around key public transport infrastructure.</p>	<p>The site is located in the Meadowbank Urban Village.</p> <p>This proposal includes alterations to the existing basement and change of use of the plant room in the north-eastern part of Basement 1 Level to a local distribution premises. Converting the redundant plant room to a distribution premises is considered to be a more sustainable use of the space.</p> <p>The proposal will result in a combination of high density residential development with a compatible employment related activity.</p> <p>The proposed premises will utilise the existing vehicle access and egress via Porter Street.</p> <p>Meadowbank Train Station is located 1km (13 minute walking distance) to the northwest of the subject site. Refer to the extract of the map below.</p>  <p>Figure 2: Meadowbank Train Station is located 1km (13 minute walking distance) to the northwest of the subject site (Source: Google Maps, 2022)</p> <p>The Traffic and Parking Impact Statement prepared by Motion Traffic Engineers states the following in regard to public transport:</p> <p><i>“The nearest bus stop to the proposed commercial development site is 190 metres away on northeast bound on Church Street and 280 metres away on northwest bound on Belmore Street. This bus stop is serviced by bus route 410,458, 533 and 507 which provide transport to the suburbs including Burwood, Strathfield, Olympic Park, Hurstville, and City Hyde Park. Figure 5a and 5b presents the bus route in relation to the site.</i></p>

Meadowbank Train Station is located 1,000 metres away from the development site which is frequently serviced by Sydney Trains T9 Northern Line Services.

Overall, the site has excellent access to public transport.”

Refer to the extracts below of the bus route maps provided in the Traffic and Parking Impact Statement prepared by Motion Traffic Engineers.

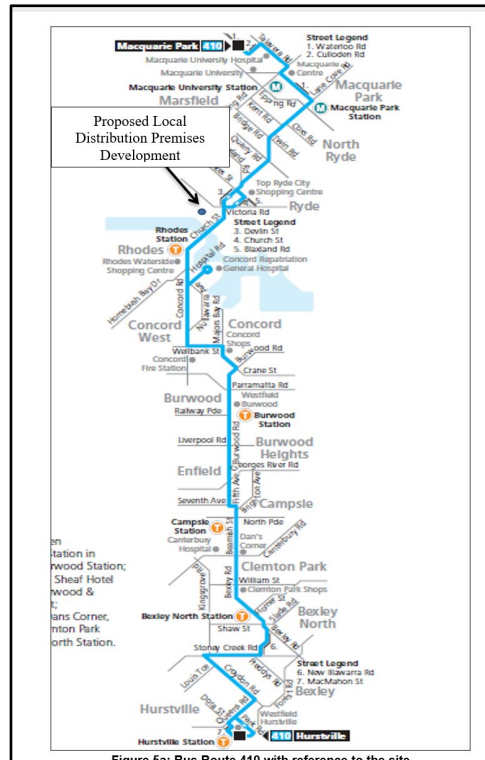


Figure 3: Bus Route 410 with reference to the subject site

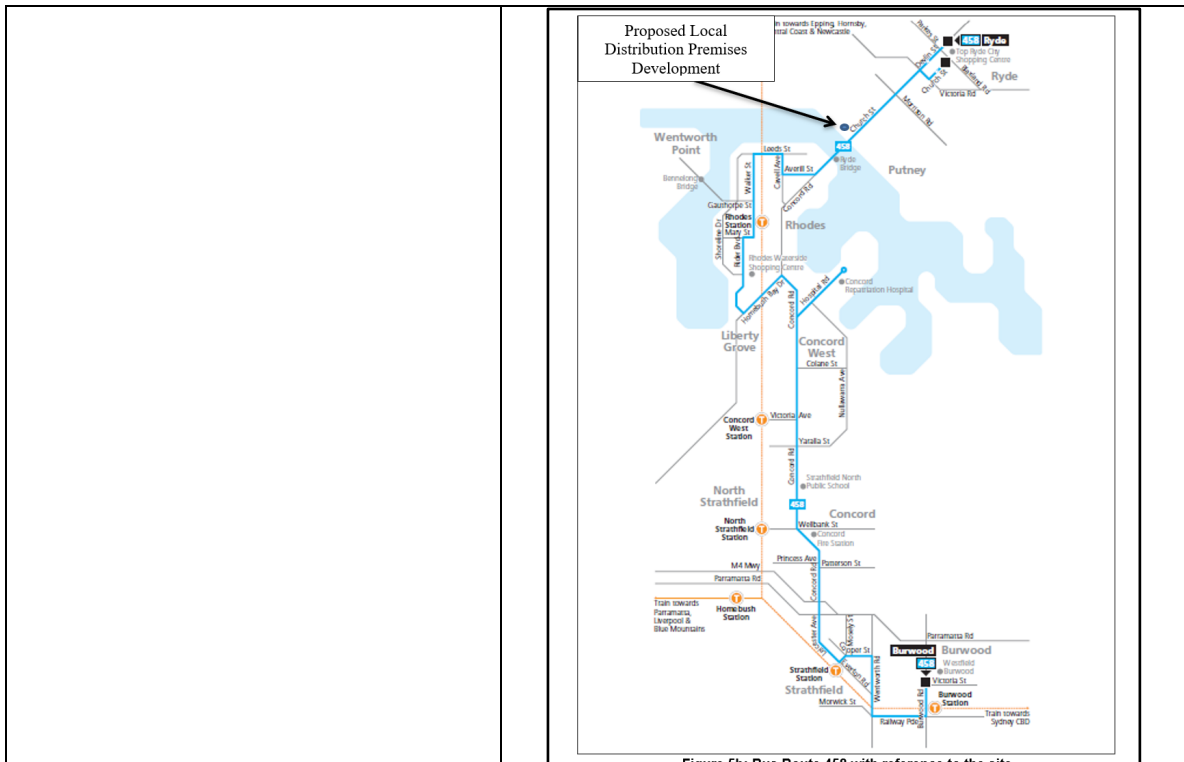


Figure 4: Bus Route 458 with reference to the subject site

Consistency with the objectives of the B4 Mixed Use	
Objectives	Assessment
<ul style="list-style-type: none"> To provide a mixture of compatible land uses. 	<p>The proposed works will result in a mixed use building comprising of commercial floor space on Basement 1 Level and residential units above. The proposal is permissible in the B4 Mixed Use zone under the Ryde LEP 2014 and satisfies the objectives of the B4 zone by providing a compatible land use.</p>
<ul style="list-style-type: none"> To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. 	<p>The subject site is located in an accessible location.</p> <p>As discussed above, Meadowbank Train Station is located 1km (13 minute walking distance) to the northwest of the subject site. Refer to the extract of the map above.</p> <p>The Traffic and Parking Impact Statement prepared by Motion Traffic Engineers states the following in regard to public transport:</p> <p><i>“The nearest bus stop to the proposed commercial development site is 190 metres away on northeast bound on Church Street and 280 metres away on northwest bound on Belmore Street. This bus stop is serviced by bus route 410,458, 533 and 507 which provide transport to the suburbs including Burwood, Strathfield, Olympic Park, Hurstville, and City Hyde Park. Figure 5a and 5b presents the bus route in relation to the site.</i></p>

	<p><i>Meadowbank Train Station is located 1,000 metres away from the development site which is frequently serviced by Sydney Trains T9 Northern Line Services.</i></p> <p><i>Overall, the site has excellent access to public transport.”</i></p> <p>Refer to the extracts above of the bus route maps provided in the Traffic and Parking Impact Statement prepared by Motion Traffic Engineers.</p> <p>The proposal will therefore result in a mixed use building within an accessible location that will maximise public transport patronage and encourage walking and cycling.</p>
<ul style="list-style-type: none"> <i>To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.</i> 	<p>Not applicable. The subject site is not located in close proximity to the Macquarie University.</p>
<ul style="list-style-type: none"> <i>To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.</i> 	<p>Not applicable. The subject site is not located in close proximity to the Macquarie University.</p>

Based on the above assessment, it is considered that strict compliance with the LEP FSR standard is unreasonable and unnecessary in this instance.

(b) that there are sufficient environmental planning grounds to justify contravening the development standard

Assessment: It is considered that there are sufficient environmental planning grounds to justify varying the FSR development standard, which include:

- The extent of the proposed variation has been confirmed by Dentons law firm. Refer to accompanying letter from Dentons dated 27 May 2022.
- The existing approved FSR of 2.32:1 is not compliant. The proposal is only requesting an additional FSR of 0.07:1 above that approved (i.e. proposed FSR of 2.39:1).
- The proposed additional FSR is located wholly within the approved building envelope. The proposal will not alter the building envelope, i.e. the height and setbacks of the building. The bulk and scale of the development will therefore remain as approved.
- The proposed increase in FSR will not be discernible from the adjoining properties or the streetscape.
- The proposed premises will activate this area of the site and result in a more efficient use of the space.
- It is reiterated that the proposal will not change the existing built form on the site. Therefore there the proposal will not result in any unreasonable amenity impacts to neighbouring properties in terms of overshadowing, visual bulk, privacy or views. The

proposed premises will have minimal noise impacts, noting that the proposed hours of operation will be from 8.30am to 5.00pm Monday to Friday and that there will be no customers or visitors to the premises. Refer to the Acoustic Report prepared by Koikas submitted with this DA.

- Despite the building FSR non-compliance, the proposal achieves the objectives of the development standard and the B4 Mixed Use zone.

On the above basis, it is considered that there are sufficient environmental grounds to permit the FSR variation in this instance.

Other Matters for Consideration

4(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Assessment: The above assessment demonstrates that the proposed FSR satisfies the objectives of the FSR standard and the B4 Mixed Use zone.

Furthermore, it is considered that the variation does not raise any matters of public interest as there are no public views or detrimental streetscape outcomes associated with the minor FSR variation.

Given that the proposal is consistent with the desired future character for the area nominated by the specific controls in the LEP and DCP, and that there are no adverse or unreasonable impacts to the broader community, it is considered that there are no public interest matters which would prevent a variation to the FSR control.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning

Assessment: The proposed FSR variation allows for the orderly and economic use of land as envisaged by the *Environmental Planning and Assessment Act, 1979*.

The proposed additional FSR is located wholly within the approved building envelope. The proposal will not alter the building envelope, i.e. the height and setbacks of the building. The bulk and scale of the development will therefore remain as approved.

The proposed FSR is therefore consistent with the State and Regional Policies, particularly urban consolidation principles which seek to provide additional densities near transport and established services.

(b) the public benefit of maintaining the development standard

Assessment: There is no public benefit in maintaining the FSR standard given the limited amenity impacts associated with the development and the positive streetscape outcome that would arise from the redevelopment of the subject site.

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Assessment: There are not considered to be any additional matters to consider beyond those discussed above

Generally as to concurrence, for the reasons outlined above – and particularly having regard to the site specific nature of this clause 4.6 variation request – there is nothing about this proposed FSR variation that raises any matter of significance for State or regional environmental planning, nor is there any broad public benefit in maintaining the development standard on this site. There are no other relevant matters requested to be taken into consideration before granting concurrence.

Conclusion

For reasons mentioned herein, this Clause 4.6 variation is forwarded in support of the development proposal at 3 Porter Street, Ryde and is requested to be looked upon favourably by the consent authority.

DEVELOPMENT APPLICATION CHANGE OF USE FROM PLANT ROOM TO LOCAL DISTRIBUTION PREMISES

PROJECT ADDRESS: 3 PORTER ST RYDE NSW 2112
PROPOSE SEMI ABOVE GROUND BASEMENT 1 PLANT ROOM ALTERED
TO LOCAL DISTRIBUTION PREMISES

DRAWINGS

NO.	DRAWING NAME	REVISION
A000	COVER SHEET	B
A001	GFA & PARKING SPACE	A
A100	SITE PLAN	B
A101	FLOOR PLAN	B
A200	ELEVATIONS	A
A201	SECTION A	A

GENERAL NOTES:

- THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL CONSULTANT'S DRAWINGS AND SPECIFICATION.
- ALL DIMENSIONS SHOWN SHALL BE VERIFIED BY BUILDER ON SITE.
- ALL DUCTS SIZE TO BE CONFIRMED BY SERVICES ENGINEER.
- ALL SERVICES REFER TO CONSULTANT AND ENGINEER'S DETAIL AND SPECIFICATION
- REFER TO CIVIL ENGINEER'S DRAWINGS FOR SURFACE WATER DRAINAGE DETAILS
- REFER TO CIVIL ENGINEER'S DRAWINGS FOR DRIVEWAY CROSSOVER AND COUNCIL'S FOOTPATH DETAIL.
- ALL WORK SHALL COMPLY WITH THE REQUIREMENT OF THE BUILDING CODE OF AUSTRALIA.
- SILT/ SEDIMENT CONTROL MEASURES TO BE IN PLACE PRIOR EXCAVATION OR CONSTRUCTION WORK.
- ALL EXIT DOORS AND DOORS IN THE PATH OF TRAVEL TO EXITS ARE TO BE CAPABLE OF BEING OPERATED AT ALL TIMES FROM THE SIDE FACING A PERSON SEEKING EGRESS FROM THE BUILDING WITH A SINGLE HANDED DOWNWARD ACTION OR PUSHING ACTION ON A SINGLE DEVICE WITHOUT THE USE OF A KEY AND LOCATED BETWEEN 900mm AND 1200mm ABOVE THE FLOOR LEVEL IN ACCORDANCE WITH CLAUSE D2.21 OF THE BUILDING CODE OF AUSTRALIA.
- FIRE INDICES OF MATERIALS, LININGS AND SURFACE FINISHES TO COMPLY WITH SPECIFICATION C1.10 OF THE BUILDING CODE OF AUSTRALIA.
- PORTABLE FIRE EXTINGUISHERS TO COMPLY WITH AS-2444. PROVIDE 2A40B(E) DRY CHEMICAL FIRE EXTINGUISHER ADJACENT TO EACH ELECTRICAL SWITCHBOARD, PLANT ROOM, KITCHEN AND TEA AREA.
- LIFT SHAFT TO BE AS1735.11 COMPLIANT WITH MINIMUM FRL OF -/60-.
- LIFT INDICATOR PANELS >35000MM² IN AREA, IN THE WALL OF THE LIFT SHAFT MUST BE BACK BY CONSTRUCTION HAVING AN FRL OF A MINIMUM -/60/30/
- LIFT IS TO BE SUITABLE DIMENSIONS TO ACCOMMODATE A STRETCHER
- DO NOT USE LIFT IF THERE IS FIRE SIGNAGE TO LIFT CALL BUTTONS
- LIFTS ARE TO HAVE SUITABLE FIRE SERVICE CONTROLS
- SMOKE ENCLOSING CONSTRUCTION TO ELECTRICAL DISTRIBUTION BOARDS
- ALL DOORS ACCESSING THE RESIDENTIAL UNITS WILL BE SELF-CLOSING
- THE BUILDING IS REQUIRED TO BE PROVIDED WITH
 1. AS.3786 COMPLIANT SMOKE DETECTION AND ALARM SYSTEM TO ALL RESIDENTIAL UNITS
 2. PUBLIC CORRIDORS ARE TO BE FITTED WITH AN AS.1670.1 COMPLIANT SMOKE DETECTION AND ALARM SYSTEM
 3. CAR PARK AREA IS TO BE SERVICED BY AN AS.1670.1 COMPLIANT SMOKE DETECTION AND ALARM SYSTEM
 4. CAR PARK EXHAUST SYSTEM WILL CONTINUE TO OPERATE IN THE EVENT OF A FIRE AS PER THE REQUIREMENTS OF BCA TABLE E2.2a AND THE RESPECTIVE PROVISIONS OF AS.1668.1
- EXIT SIGNS AND EMERGENCY LIGHTS TO COMPLY WITH AS-2293.1 (2005)
- FIRE HYDRANT & FIRE HOSE REEL INSTALLATIONS TO COMPLY WITH AS-2419 & AS-2441.
- FOR EXTERNAL LEVELS, STORMWATER DRAINAGE AND ALL GENERAL CIVIL DETAILS, REFER TO RELEVANT STRUCTURAL & CIVIL ENGINEER'S DETAILS
- WATERPROOFING TO WALLS AND FLOORS TO WET AREAS TO BE PROVIDED WHERE REQUIRED BY CLAUSE F1.7 IN ACCORDANCE WITH AS-3740.
- ALL GLAZING TO COMPLY WITH AS2047 AND AS1288 (2006)
- PROVIDE WEATHERPROOF SEALANT TO JOINTS BETWEEN UNDERSIDE OF CONCRETE SLAB AND BLOCKWALL, PROVIDE FIRE RATED SEALANT TO FIRE RATED AREAS.
- ALL EXTERNAL STEELWORK EXPOSED TO THE WEATHER SHALL BE HOT DIP GALVANISED UNLESS NOTED OTHERWISE.
- VERIFY ALL DIMENSIONS / SETOUT DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.
- GRADE FLOOR FINISHES TO FLOOR WASTE WHERE REQUIRED.
- MECHANICAL VENTILATION SYSTEM TO COMPLY WITH AS-1668.2 AND AS-3666. EXHAUST AIR OUTLETS NOT TO BE LOCATED CLOSER THAN 6m TO FRESH AIR INLETS.
- FOR ALL DRAINAGE PITS, FALLS ETC. REFER TO ENGR'S DETAILS.
- LINEMARK ALL CAR SPACES.
- NO SLIP NOSING TO STAY TO ALL STAIRS, TO COMPLY WITH AUSTRALIAN STANDARDS.
- ALL TILES OF WET AREAS TO BE NON SLIP TILES.
- SARKING TO HAVE A FLAMMABILITY INDEX OF NOTE GREATER THAN 5 AND TO COMPLY WITH AS/NZS 4200 PARTS 1 & 2 - 1994
- ALL FLEXIBLE DUCTING IS TO COMPLY WITH AS.4254
- METAL ROOFING IS TO COMPLY WITH AS.1562.1
- FIRE DOOR - DO NOT OBSTRUCT - DO NOT KEEP OPEN
- SIGNAGE TO DOORS TO FIRE ISOLATED STAIRS
- IF GROUND FLOOR LOBBY ENTRY DOORS CONSIST OF GLASS DOORS, SIDELIGHTS OR OTHER GLAZING THAT CAN BE MISTAKEN FOR AN OPENING/PATH OF TRAVEL, THEY ARE TO BE PROVIDED WITH TRANSOMS, CHAR RAIL, OR THE LIKE, OR MINIMUM 75MM WIDE STRIP FOR THE FULL WIDTH OF THE PANEL LOCATED 900 TO 1000MM ABOVE FLOOR LEVEL. THE STRIP IS TO BE OF A CONTRASTING COLOUR TO THE FLOOR/GROUND LEVEL WITHIN 2M OF THE GLAZING. NOTE THAT THIS MAY REQUIRE DIFFERENT COLOURS ON OPPOSING SIDE OF THE GLASS.
- FACILITIES ARE TO BE PROVIDED FOR THE CLEANING OF EXTERNAL WINDOWS IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT 2000
- EXTERNAL WINDOWS ARE TO BE AS.2047 COMPLIANT
- EXTERNAL DOORS ARE TO BE PROVIDED WITH WEATHER SEALS
- MISCELLANEOUS EXHAUST FANS ARE TO BE PROVIDED WITH SELF CLOSING DAMPERS
- AC CONDENSERS TO BE LOCATED IN BASEMENT AREA

THE BUILDING WORKS TO COMPLY WITH THE FOLLOWING PROVISIONS OF THE BCA:

- CLAUSE B1.4 - MATERIALS & FORMS OF CONSTRUCTION
- SPEC. C1.1 - FIRE RESISTING CONSTRUCTION
- SPEC.C1.10 - FIRE HAZARD PROPERTIES
- SPEC. C1.11 - PERFORMANCE OF EXTERNAL WALL IN A FIRE
- CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS
- CLAUSE C2.12 - SEPARATION OF EQUIPMENT
- CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM
- CLAUSE C3.4 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
- CLAUSE C3.8 - OPENINGS IN FIRE ISOLATES EXITS
- CLAUSE C3.15 - OPENINGS FOR SERVICE INSTALLATIONS
- SPEC. C3.15 - PENETRATION OF WALLS, FLOORS AND CEILINGS BY SERVICES
- CLAUSE D1.10 - DISCHARGE FROM EXITS
- CLAUSE D2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
- CLAUSE D2.13 - GOINGS AND RISERS
- CLAUSE D2.14 - LANDINGS
- CLAUSE D2.15 - THRESHOLDS
- CLAUSE D2.16 - BALUSTRADES
- CLAUSE D2.17 - HANDRAILS
- CLAUSES D2.21 - OPERATION OF LATCH
- CLAUSE D2.23 - SIGN ON DOORS
- CLAUSE D2.24 - PROTECTION OF OPENABLE WINDOWS
- CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS
- CLAUSE D3.3 - PARTS OF A BUILDING TO BE ACCESSIBLE
- CLAUSE D3.6 - IDENTIFICATION OF ACCESSIBLE FACILITIES, SERVICES AND FEATURES
- CLAUSE D3.8 - TACTILE INDICATORS
- CLAUSE E1.3 - FIRE HYDRANTS
- CLAUSE E1.4 - FIRE HOSE REEL
- CLAUSE E3.1 - LIFT INSTALLATIONS
- CLAUSE E3.6 - PASSENGER LIFT
- CLAUSE E3.7 - FIRE SERVICE CONTROLS
- CLAUSE F1.7 - WATERPROOFING OF WET AREAS
- CLAUSE F1.9/F1.10- DAMP PROOFING
- CLAUSE F2.5 - CONSTRUCTION OF SANITARY COMPARTMENTS
- PART F4 - LIGHTING AND VENTILATION
- CLAUSE F5.4 - SOUND INSULATION OF FLOORS
- CLAUSE F5.5 - SOUND INSULATION OF WALLS
- CLAUSE F5.6 - SOUND INSULATION OF SERVICES
- CLAUSE F5.7 - SOUND INSULATION OF PUMPS
- PART J5 - AIR-CONDITIONING AND VENTILATION SYSTEMS
- PART J6 - ARTIFICIAL LIGHTING & POWER

ALL DIMENSION ARE INDICATIVE. DIMENSION TO BE CHECK ON SITE.

DEVELOPMENT APPLICATION

REV.	DESCRIPTION	DATE	REV.	DESCRIPTION	DATE	Client	Architect	Address	North Point	Drawing Title	Scale	N/A	Date
A	ISSUED FOR DA SUBMISSION	16.08.2021				HLWZ DEVELOPMENT PTY LTD	EUN SEO ARCHITECTS PTY LTD ACN 651 607 224 eun.s@eunarchitects.com.au mobile +61 430 160 032 EUN KYUNG SEO REGISTERED ARCHITECT reg no.10563	SUITE 1/ 3-5 PORTER ST& 105-107 CHURCH ST RYDE		COVER SHEET			
											Drawn by E.S	Check by E.S	
											Drawing No. A-000	Revision B	
											Cad file path. Y:_LJ122 - 3-5 PORTER ST., KENT HU PROJECT		

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Do not scale drawings. Verify all dimension on site. Report any discrepancies in documents to Architect

PROPOSAL

PROPOSED AREA SUMMARY

ROOM NAME	AREA (m ²)
OFFICE	64m ²
STORAGE	150.4m ²
TOILET & HALL	37.6m ²
TOTAL AREA	253m ² (including partition wall)

GFA & FSR CALCULATION	
SITE AREA	3,281.1m ²
TOTAL DA APPROVED GFA	7,606.m ²
PROPOSED LOCAL DISTRIBUTION CENTRE GFA	253.m ²
TOTAL GFA	7,859.m ²
total FSR	2.39:1

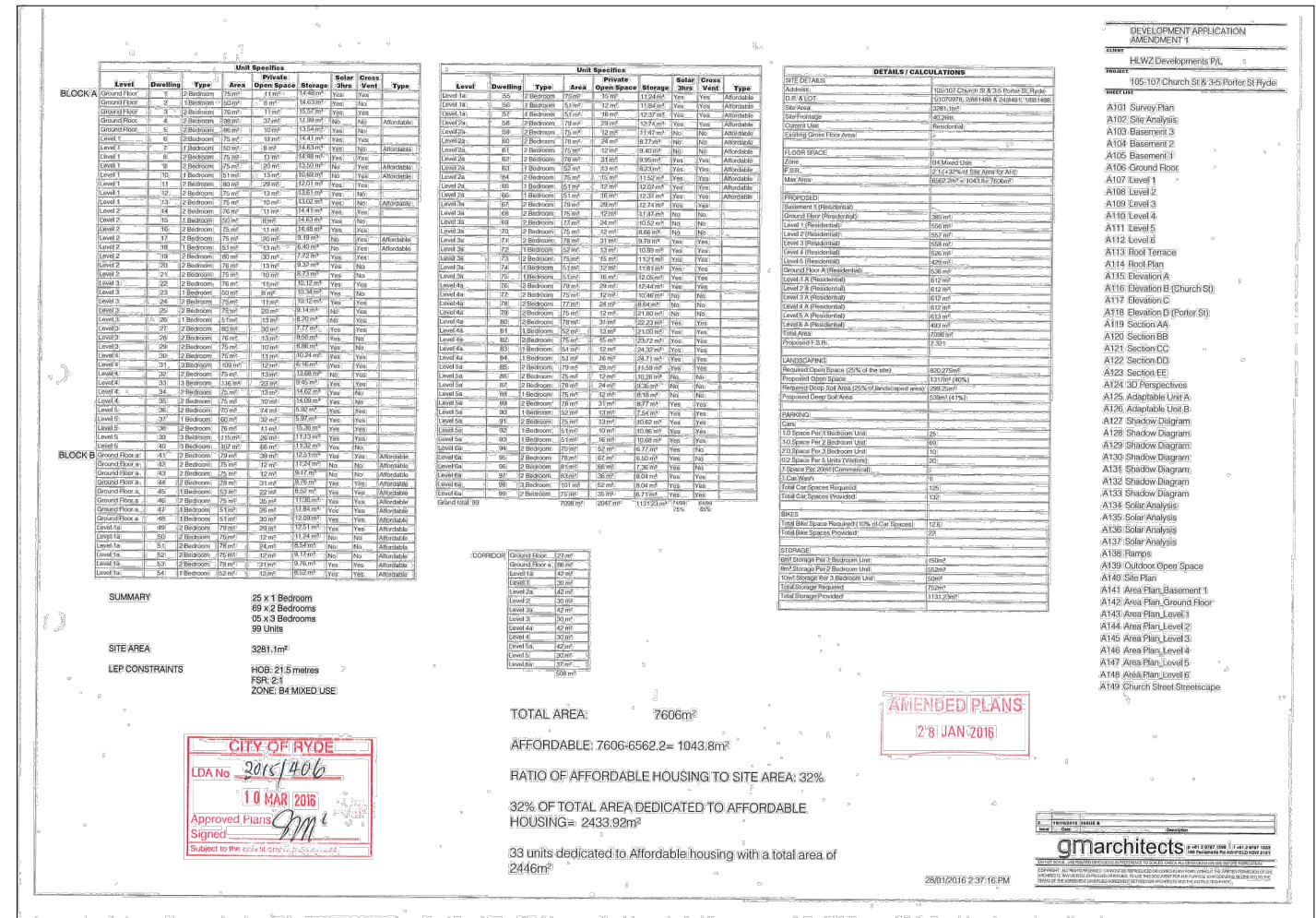
PARKING SPACE REQUIREMENT SUMMARY

PARKING REQUIRED SPACE	DRAWING NAME
DISTRIBUTION CENTRE	253m ²
DCP REQUIREMENT 1 SPACE / 300m ² for Distribution centre	0.5 SPACE REQUIRED
DCP REQUIREMENT 1 SPACE / 40m ² for office	1.6 SPACE REQUIRED
REQUIRED ACCESSIBLE	1
PROVIDED	5 (including 1 accessible) Change from spare parking space

category	DCP	number of unit	Minimum	Maximum	provided in DA	provided in S96	Proposed distribution
1 bed	0.6-1 space	25	15	25	25	25	unchanged
2 bed	0.9-1.2 space	69	62.1	82.8	69	80	74
3 bed	1.4-1.6 spaces	5	7	8	10	10	unchanged
visitors	1/ 5 dwelling		14	20	20	20	20
car wash bay				1	1	(including in visitor)	(including in visitor)
distribution centre	1 space/300m ²		1				5
Total Provided		99	99.1	135.8	132	135	134

*6 spaces are utilised to 5 parking space + 1 sharing zone

DA 2015_406 APPROVED GFA & PARKING SPACE



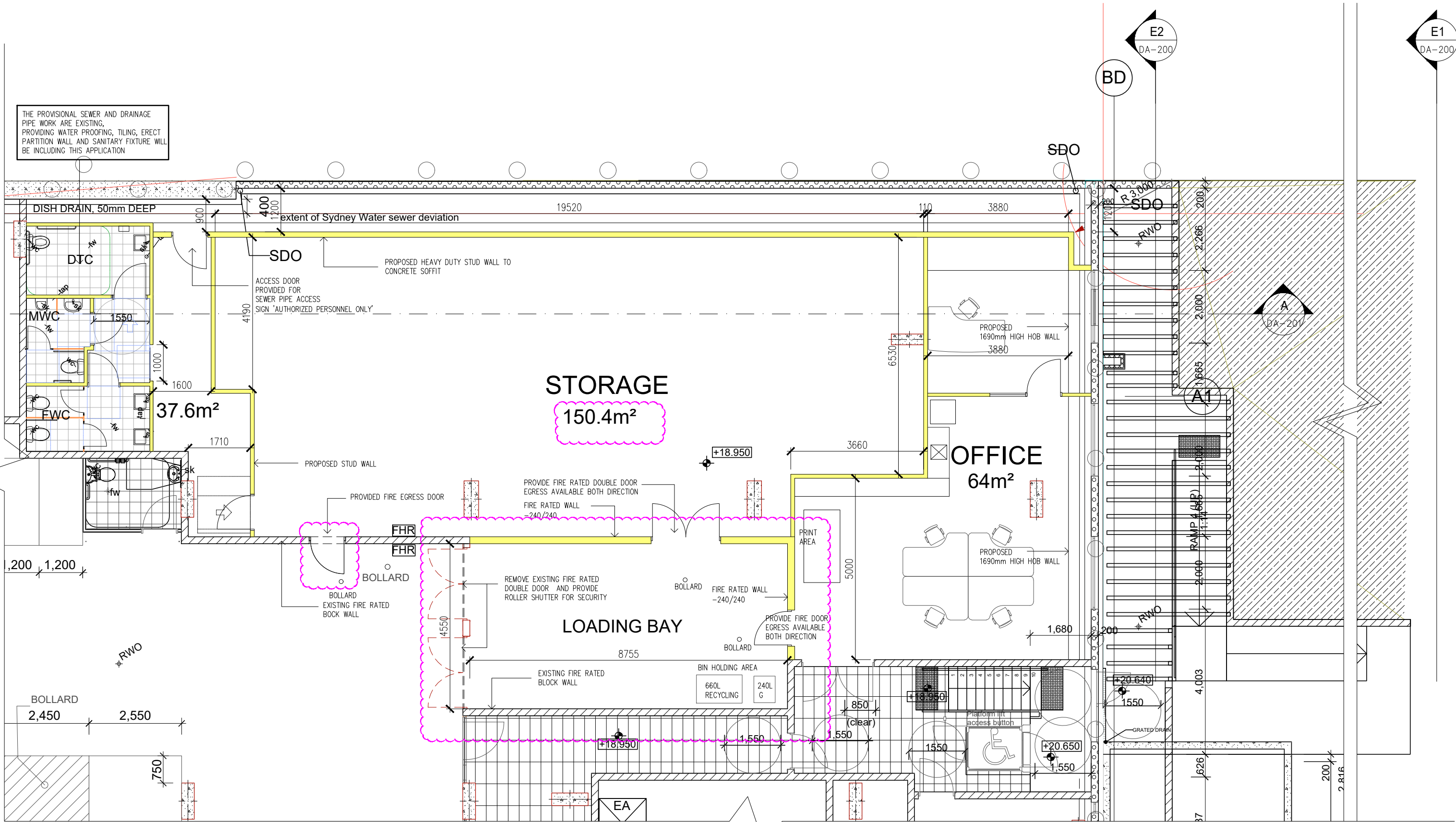
ALL DIMENSION ARE INDICATIVE. DIMENSION TO BE CHECK ON SITE.

DEVELOPMENT APPLICATION

REV.	DESCRIPTION	DATE	REV.	DESCRIPTION	DATE	Client	Architect	Address	North Point	Drawing Title	Scale	N/A	Date
P1	PRELIMINARY ISSUE FOR REVIEW	13/12/2021				HLWZ DEVELOPMENT PTY LTD	EUN SEO ARCHITECTS PTY LTD ACN 651 607 224 eun.s@eunarchitects.com.au mobile +61 430 160 032 EUN KYUNG SEO REGISTERED ARCHITECT reg no.10563	SUITE 1/ 3-5 PORTER ST & 105-107 CHURCH ST RYDE		GFA & FSR CALCULATION & PARKING SPACE	N/A		
P2	PRELIMINARY ISSUE FOR REVIEW	13/12/2021											
A	ISSUE FOR POST DA SUBMISSION	13/12/2021											
B	ISSUE FOR POST DA SUBMISSION_AMENDED	04/04/2022											
C	ISSUE FOR POST DA SUBMISSION_parking space table	21/07/2022											

Scale	N/A	Date
Drawn by	E.S	Check by E.S
Drawing No.	A-001	Revision C
Cad file path.	Y:_LJ122 - 3-5 PORTER ST - KENT HU PROJECT	

THE PROVISIONAL SEWER AND DRAINAGE PIPE WORK ARE EXISTING, PROVIDING WATER PROOFING, TILING, ERECT PARTITION WALL AND SANITARY FIXTURE WILL BE INCLUDING THIS APPLICATION



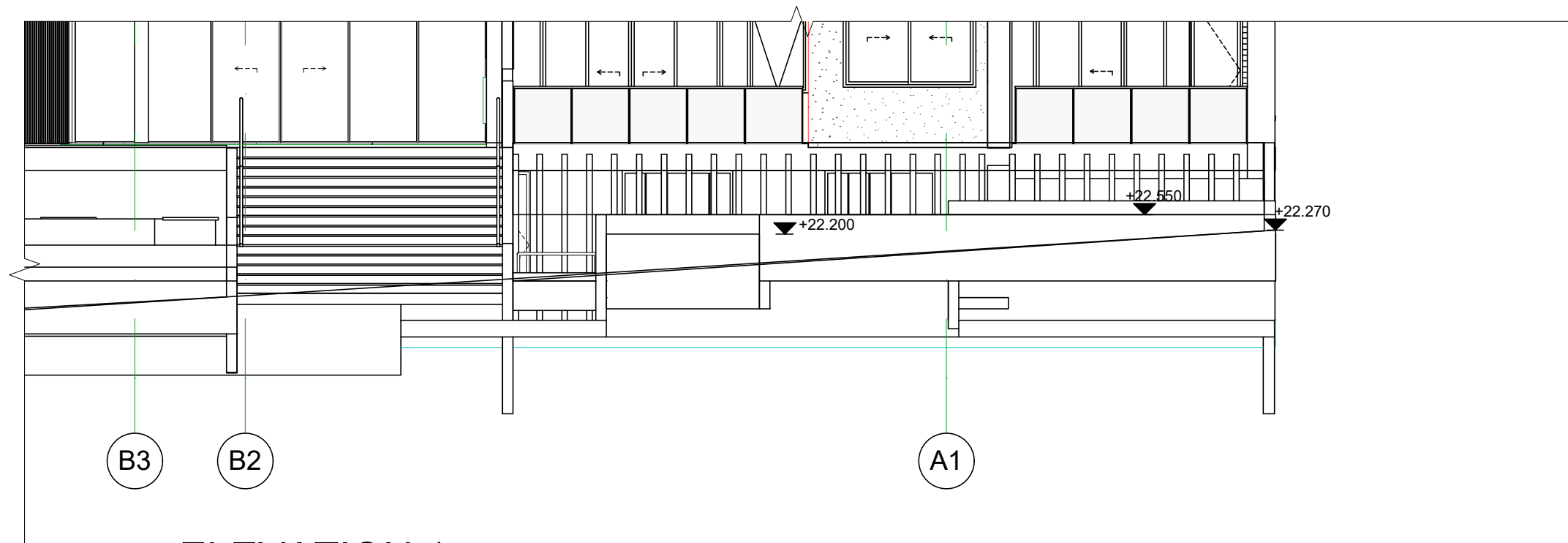
FLOOR PLAN

ALL DIMENSION ARE INDICATIVE. DIMENSION TO BE CHECK ON SITE.

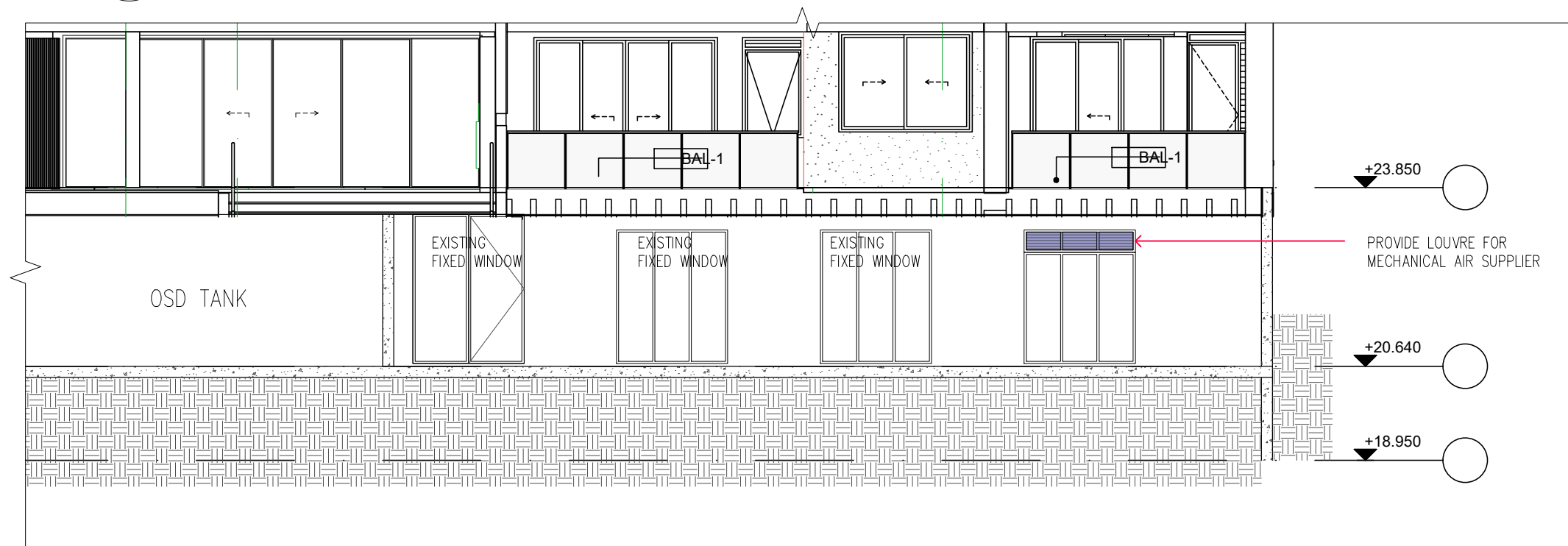
DEVELOPMENT APPLICATION

REV.	DESCRIPTION	DATE	REV.	DESCRIPTION	DATE	Client	Architect	Address	North Point	Drawing Title	Scale	Date
P1	ISSUED FOR CLIENT REVIEW	08.07.2021				HLWZ DEVELOPMENT PTY LTD	EUN SEO ARCHITECTS PTY LTD ACN 651 607 224 eun.s@eunarchitects.com.au mobile +61 430 160 032 EUN KYUNG SEO REGISTERED ARCHITECT reg no.10563	SUITE 1/ 3-5 PORTER ST & 105-107 CHURCH ST RYDE		FLOOR PLAN	1:50 @A1	
P2	ISSUED FOR COORDINATION	02.08.2021			Drawn by E.S						Check by E.S	
A	ISSUED FOR DA SUBMISSION	16.08.2021			Drawing No. A101						Revision B	
P3	ISSUED FOR COORDINATION	02.12.2021										
B	ISSUED FOR POST DA SUBMISSION	24.01.2022										

Cad file path:
Y:_LJ122 - 3-5 PORTER ST., KENT HU PROJECT



ELEVATION 1
REMAINED EXISTING ELEVATION FROM STREET VEIW



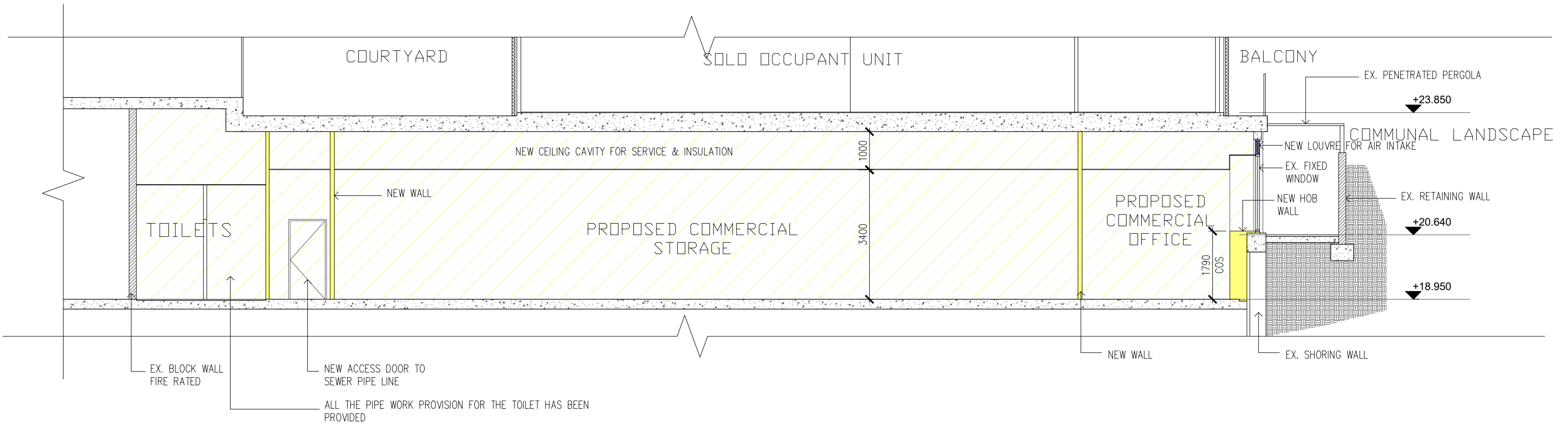
ELEVATION 2
ELEVATION FROM CORRIDOR

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DEVELOPMENT APPLICATION

REV.	DESCRIPTION	DATE	REV.	DESCRIPTION	DATE	Client	Architect	Address	North Point	Drawing Title	Scale	Date					
P1	ISSUED FOR COORDINATION	02.08.2021				HLWZ DEVELOPMENT PTY LTD	EUN SEO ARCHITECTS PTY LTD ACN 651 607 224 eun.s@eunarchitects.com.au mobile +61 430 160 032 EUN KYUNG SEO REGISTERED ARCHITECT reg no.10563	SUITE 1/ 3-5 PORTER ST & 105-107 CHURCH ST RYDE		EXTERNAL ELEVATIONS	1:50 @A1, 1:100@A3	Date					
A	ISSUED FOR DA SUBMISSION	16.08.2021															

Drawn by E.S Check by E.S
 Drawing No. **A-200** Revision **A**
 Cad file path.
 Y:\ LJ122 - 3-5 PORTER ST _ KENT HU PROJECT




SECTION A

 PROPOSED COMMERCIAL AREA

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DEVELOPMENT APPLICATION

REV.	DESCRIPTION	DATE	REV.	DESCRIPTION	DATE	Client	Architect	Address	North Point	Drawing Title	Scale	Date			
P1	ISSUED FOR COORDINATION	02.08.2021				HLWZ DEVELOPMENT PTY LTD	EUN SEO ARCHITECTS ACN 651 607 224 eun.s@eunarchitects.com.au mobile +61 430 140 032 EUN KYUNG SEO REGISTERED ARCHITECT reg no.10563	SUITE 1/ 3-5 PORTER ST & 105-107 CHURCH ST RYDE		SECTION A	1:50 @A1, 1:100@A3				
A	ISSUED FOR DA SUBMISSION	16.08.2021												Drawn by E.S	Check by E.S
															Drawing No. A-201
											Cad file path. Y:\ LJ122 - 3-5 PORTER ST _ KENT HU PROJECT				