

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-662
DA Number	MOD2025/0062
LGA	City of Ryde
Proposed Development	Section 4.55(2) modification to LDA2023/0245 for the construction of two residential flat buildings, 18 multi dwelling housing units and adaptive re-use of the existing boat shed building to contain residential units and commercial/retail tenancies. This application proposes a number internal and external design modifications.
Street Address	20 Waterview Street, Putney (Lot 100 DP1313826)
Applicant Owner	Applicant: PMAP Putney P/L Owner: PMAP Putney P/L
Date of DA lodgement	11 July 2025
Total number of unique submissions	No submissions received to modification application
Recommendation	Approval
Regionally Significant Development (Schedule 6 of the SEPP (Planning Systems) 2021)	General development that has an estimated development cost of \$30 million. Section 4.55(2) application which results in a variation to a development standard of more than 10%.
List of all relevant s4.15(1)(a) matters	• Environmental Planning and Assessment Act 1979 • Water Management Act 2000 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • Ryde Local Environmental Plan 2014 • Ryde Development Control Plan 2014 • Ryde Section 7.11 Development Contributions Plan 2020
List all documents submitted with this report for the Panel's consideration	Attachment 1: Proposed Architectural Plans Attachment 2: Approved Plans for Original DA (LDA2023/0245) Attachment 3: Recommended Conditions of Consent
Clause 4.6 requests	None
Summary of key submission issues	No submissions received.
Report prepared by	Shannon Butler – Senior Town Planner
Report date	24 September 2025

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the Assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Not applicable
Conditions Have draft conditions been provided to the applicant for comment?	Yes

2. EXECUTIVE SUMMARY

This report considers a modification application under Section 4.55(2) of the *Environmental Planning and Assessment Act (EP&A Act) 1979* on land at 20 Waterview Street, Putney, which is legally described as Lot 100 DP1313826. This application is classed as integrated development under the Water Management Act 2000 as the proposal results in amended plans being submitted and the construction of the basement will involve dewatering requiring referral to Water NSW.

The consent authority is the Sydney North Planning Panel under the EP&A Act 1979 as the estimated development cost exceeds \$30 million and the application is a Section 4.55(2) application which results in a variation to a development standard of more than 10%.

The original Development Application (LDA2023/0245) was approved by the Sydney North Planning Panel on 2 August 2024 for the Stage 2 detailed design of the land-based portion of the site in accordance with LDA2018/0223, including tree removal on the site, construction of commercial and residential premises, including 18x3 storey townhouses and 2x3 storey Residential Flat Buildings (RFB) and adaptive reuse of the boatshed building to contain 19 dwellings (67 residential units across the site) and four commercial/retail tenancies, basement car parking and associated landscaping work.

The subject modification application (MOD2025/0062) was lodged on 11 July 2025 and seeks to modify the originally approved development as follows:

- An increase in the floor-to-floor heights of the shed, RFBs, and selected townhouses to satisfy the minimum National Construction Code (NCC) and Apartment Design Guide (ADG) requirements that have been updated since the Stage 1 DA was submitted and approved.
- Amendments to the shape of the pergola on the RFBs.
- Amendments to the arrangement of the internal stairs within both RFB buildings.

- New 1.6m high powder coated privacy fences installed to the ground floor level RFB units.
- Addition of an internal lift in the townhouses fronting Waterview Street (T7-T12, T14-T16 and T18).
- Amendments to the landscaping levels of front yards of the townhouses.
- Relocation of mechanical air handling units (AHU) to the townhouse roofs.
- Addition of 12 solar panels to each of the townhouse roofs.
- Alterations to the wharf level and lower ground floor shed balcony, thereby increasing the finished floor level by 280mm from RL 2.05 to RL 2.33 to reflect coordinated interfacing with the existing marine structures.
- Addition of 11 bike racks to the east of the west townhouses, adjoining the driveway; and
- Relocation of the heritage totem from the Waterview Street frontage to adjacent to the main pedestrian entry off Waterview Street.

Community notification and advertisement

The application was notified and advertised as lodged in accordance with Part 2.1 of *Ryde Community Participation Plan*. No submissions were received during the assessment phase of the application.

Section 4.15 Assessment Summary

The subject application has been assessed against the relevant provisions of State Environmental Planning Policy (Sustainable Buildings) 2022, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021 and State Environmental Planning Policy (Housing) 2021 and does not alter the findings of the assessment of the original development application.

This application has been assessed against the requirements of the Ryde Local Environmental Plan 2014 and is considered satisfactory. The proposal results in additional variations to the height of buildings development standard. The following table summarises the additional variations:

	Townhouses	Residential Flat Buildings	Boat Shed
Maximum permitted building height	9.5 metres	11.5 metres	14 metres
Originally approved	9.5 metres	13.92 metres maximum or a 21% variation.	13.81 metres
Proposed	10 metres or a 5.3% variation	14.33 metres or a 26% variation.	13.86 metres
Result	Variation	Additional variation	Complies

As the additional building height variation is being sought via a Section 4.55 application, a formal Clause 4.6 request is not required. The building height variations are addressed in the body of the report and are considered satisfactory on merit.

The application has been assessed against the Sydney Harbour Foreshore and Waterways Area Development Control Plan and the Ryde Development Control Plan

2014 and does not alter the findings in the assessment of the original Development Application.

This application is recommended for approval subject to revised conditions outlined in **Attachment 3**.

3. APPLICATION DETAILS

Applicant & Owner: Applicant: PMAP Putney P/L

Owner: PMAP Putney P/L

Estimated Development Cost: \$105,299,000 (including GST)

Disclosures: No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

4. THE SITE AND LOCALITY

The land-based site is legally known as Lot 100 DP1313826 and is commonly known as No. 20 Waterview Street, Putney.

The land-based site is located on the northern foreshore of the Parramatta River and the south-western side of Waterview Street. The site is an irregular shaped parcel and has a combined area of 15,870m².

Construction works approved under the original development consent are currently underway and existing on the site currently is the frame of the former boatshed building and the trees required to be retained under the original consent. There is also a temporary sales office and associated car park on the Waterview Street frontage of the site.

The land-based site slopes from Waterview Street (north-east) to Parramatta River (south-west). From the north, the site slopes approximately 2m from the street alignment to the boatshed over a distance of 150m. At the southern end, the site falls approximately 8m at the street alignment to the southern corner over a distance of 150m.

Surrounding development is low density residential, comprising detached dwellings 1 and 2 storeys in height. Bennelong Park adjoins the site to the south-east and Settler's Park adjoins the site to the north-west.

Kissing Point Wharf is located to the south-east serviced by Sydney Ferries operating between Circular Quay and Parramatta. The site is located approximately 3.5km from Meadowbank Railway Station. The site is located 15km from Sydney CBD, 3km from Ryde Town Centre and 11km from Parramatta Regional Centre.



Figure 1 – Aerial photograph of subject site and surrounds

SITE HISTORY

The site has heritage significance due to its:

- Association with James Squire, an early settler of Ryde and pioneer of Australia's brewing industry, and the establishment of the first hops brewery in Australia.
- Potential to yield archaeological information about early brewing practices.
- Former use as the Lars Halvorsen Sons boat building operation, which is a recognised forerunner in the development of Sydney's marine industry.

Accordingly, the site is listed as State heritage item No. 68 “Naval Refit Centre” under Schedule 5 of SEPP (Biodiversity and Conservation) 2021 but is not listed on the State Heritage Register under the *Heritage Act 1977*. The site is also listed as local heritage item No. 327 and local archaeology site No. A346 “Former Squire’s Brewery and Halvorsen’s Boat Yard” under RLEP 2014. There are also several local heritage items and archaeological sites within proximity to the site including item No. 157 “Kissing Point Park (former boat slips)” at 24 Waterview Street.

5. THE PROPOSAL IN DETAIL

This Section 4.55(2) application seeks to modify Development Consent No. LDA2023/0245 as follows:

- An increase in the floor-to-floor heights of the shed, Residential Flat Buildings (RFBs), and selected townhouses to satisfy the minimum National Construction Code (NCC) and Apartment Design Guide (ADG) requirements that have been updated since the Stage 1 DA was submitted and approved, including:
 - Increase the height of the RFB lift overrun by 1.23m from RL 19.35 to a maximum RL 20.58;
 - Increase the height of the shed building by 0.05m from RL 16.00 to a maximum RL 16.05; and
 - Increase the height of the townhouses T.01 and T.02 by a maximum of 0.97m from RL 11.6 to RL 12.57 (T.02); and townhouses T.07, T.08 and T.09 by a maximum of 1.2m from RL 16.6 to a maximum RL 17.28 (T.09), as a result of the relocation of the mechanical air handling units (AHU);
- Amendments to the shape of the pergola on the RFBs.
- Amendments to the arrangement of the internal stairs within both RFB buildings.
- New 1.6m high powder coated privacy fences installed to the ground floor level RFB units.
- Addition of an internal lift in the townhouses fronting Waterview Street (T7-T12, T14-T16 and T18).
- Amendments to the landscaping levels of front yards of the townhouses. This also entails the proposed removal of Tree No.381.
- Relocation of air handling units (AHUs) to the townhouse roofs.
- Addition of 12 solar panels to each of the townhouse roofs.
- Alterations to the wharf level and lower ground floor shed balcony, thereby increasing the finished floor level by 280mm from RL 2.05 to RL 2.33 to reflect coordinated interfacing with the existing marine structures.
- Addition of 11 bike racks to the east of the west townhouses, adjoining the driveway; and
- Relocation of the heritage totem from the Waterview Street frontage to adjacent to the main pedestrian entry off Waterview Street.

In order to support the changes, the applicant requests the amendment of Condition No. 1 to reference the amended plans submitted with the application which supersede

the originally approved plans. Condition No. 6 is also required to be modified to refer to the updated General Terms of Approval issued by Water NSW.



Figure 2 – Amended site plan depicting proposed modifications in red clouding

6. HISTORY

5.1 Site History

The site and precinct have been subject to various approvals in recent years, which can be summarised in the following table:

Date	Application description
September 2013	A Planning Proposal was lodged with Council seeking additional permitted uses for the land-based portion of the site (including residential uses, business uses and marinas) under Schedule 1 of the <i>Ryde Local Environment Plan 2014</i> (RLEP 2014). It also sought to amend the maximum height and Floor Space Ratio (FSR) standards that applied to the site.
22 April 2016	Amendment No 7 to the RLEP 2014 was published which provided a maximum FSR of 0.83:1 and a variable height control ranging from 9.5m to

	14m. The amendment also included the following new provision under Schedule 1: <i>1) This clause applies to land at 20 Waterview Street, Putney, being Lot 1, DP 430647, Lot 1, DP 70489, Lot 2, DP 70488 and Lots 440–447, DP 15224.</i> <i>2) Development for the purposes of attached dwellings, business premises, food and drink premises, kiosks, marinas, multi dwelling housing, residential flat buildings and shops is permitted with development consent if:</i> <i>a) no more than 70 dwellings will be erected on the land to which this clause applies, and</i> <i>b) no more than 19 dwellings will be erected on the land identified as “Area 1” on the Key sites Map, and</i> <i>c) site-specific development control plan is prepared and provides for the retention of trees on Waterview Street, the impact on, and improvements to, the public domain, including the foreshore, and appropriate building setbacks from the foreshore.</i> In accordance with provision 2(c) of Schedule 1, a site-specific Development Control Plan (DCP) is required to unlock the additional uses at the site. The site is also identified as a Strategic Foreshore site in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (BC SEPP) and consequently requires a masterplan to be prepared for the site prior to the granting of development consent for any significant works. Section 4.23(2) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) states that a requirement for a DCP can be satisfied with the making and approval of a Concept DA. In other words, the requirements stated above can be satisfied through the making and approval of a Concept DA which contains the matters required to be included in any such DCP or masterplan.
23 March 2021	A Stage 1 Concept DA (LDA2018/0223) was approved by the Land and Environment Court (LEC) for the following development in concept form only: • The adaptive reuse of the existing boat shed for a mixed-use development including: - Marine related businesses and services. - Food and drink premises. - 19 residential apartments. • Establishment of building envelopes to accommodate up to 70 dwellings at the site (inclusive of the proposed within the boat shed), including: - 18 x 3-storey town houses fronting Waterview Street. - 2 x 3-storey residential apartment building containing 33 units with basement carparking. • At grade car parking comprising a minimum of 116 car spaces to be allocated to residential uses and 63 car spaces to be allocated for non-residential uses • Indicative landscape design. • Demolition of ancillary structures. Concurrent with the approval of LDA2018/0223, an Early Works DA (LDA2019/0172) was approved for a series of early works on the site

	including part demolition of the existing boat shed, demolition of ancillary structures, removal of trees and remediation works. A demolition plan for LDA2019/0172 is shown at Figure 8. At the time of writing this report, these works have not commenced.
3 May 2024	Development Consent No. LDA2023/0327 was granted by Council for the construction of a temporary display suite and associated car parking area along the Waterview Street frontage of the site. The consent permits the operation of the suite for an 18 month period following the issue of an Occupation Certificate.
18 July 2024	Section 4.56 modification application No. MOD2021/0201 was approved by Council which amended the Stage 1 consent to be consistent with what is proposed in the subject application in relation to the building heights and footprints of the residential flat buildings and in relation to the arrangement of the land uses within the boatshed building.
2 August 2024	Development Consent No. LDA2023/0245 was granted by the Sydney North Planning Panel for the construction of 18 townhouses on the Waterview Street frontage, two residential flat buildings and adaptive re-use of the boatshed building to contain 19 residential and retail/commercial tenancies.
22 October 2024	Construction and use of a 36 berth marina including an extension of the wharf deck and ancillary facilities. The marina is connected to the land-based development of the site.
11 March 2025	Section 4.55(1A) modification application No. MOD2025/0008 was approved by Council for tree Nos. 328 and 378 to be removed and replaced rather than relocated.
3 April 2025	Section 4.55(2) modification application No. MOD2025/0009 was approved by Council for amendments to the design and layout of the basement levels and ground floor to accommodate a necessary sewer diversion and the removal of Tree No. 388. This application did not involve any of the triggers requiring determination by the Sydney North Planning Panel.

5.2 Application History

Date	Event
11 July 2025	Subject Section 4.55(2) modification application lodged with Council.
14 July to 1 August 2025	Subject application notified in accordance with the Ryde Community Participation Plan. No submissions were received in response.
-	There were no requests for additional information during the assessment phase.

6 STATUTORY PROVISIONS

6.1 Environmental Planning and Assessment Act 1979 (The Act) - Section 4.55 Evaluation

Section 4.55(2) of the Act allows a consent authority to modify a development consent granted by it, if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

In considering the above:

- The proposed modification results in substantially the same development for which consent was originally granted. There are no changes proposed to the approved building footprints, number of units/tenancies, use of the buildings or units/tenancies or to the overall form of the development.
- The application was referred to Water NSW for concurrence and amended General Terms of Approval were granted on 21 July 2025. The application was not required to be re-referred to the Department of Planning and Environment – Water or to Viva Energy as the proposed modifications do not result in any implications on compliance with their requirements.
- The application was notified in accordance with the Ryde Community Participation Plan, and no submissions were received.

Section 4.55(3): Planning Assessment in accordance with Section 4.15(1) Matters for consideration

The modifications sought are considered against the relevant environmental planning instruments, proposed instruments and relevant parts of the DCP below in accordance with Section 4.15(1)(a)(i), (ii) and (iii). The development consent is not subject to a planning agreement (iia).

The proposal maintains consistency with the relevant regulations (iv).

6.2 Section 4.15 of the Environmental Planning and Assessment Act 1979

When determining a modification application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the Act.

Environmental planning instruments (s4.15(1)(a)(i))

The following Environmental Planning Instruments are relevant to this application:

6.2.1 State Environmental Planning Policy (Planning Systems) 2021

This SEPP categorises this proposal as a 'General Development over \$30 million' under Schedule 6 Regionally Significant Development. As the proposal is a Section 4.55 application for a Regionally Significant Development, which involves a variation to a development standard by more than 10%, it is to be determined by the Sydney North Planning Panel in accordance with section 4.7 of the Environmental Planning and Assessment Act 1979.

6.2.2 State Environmental Planning Policy (Sustainable Buildings) 2022

The originally approved development includes BASIX affected buildings and therefore required assessment against the provisions of this SEPP, including BASIX certification. BASIX Certificates were submitted with the Development Application in accordance with the provisions of this SEPP. The BASIX certificates demonstrated that the development complied with the relevant sustainability targets, and the plans showed relevant BASIX commitments as required. The proposed modifications do not necessitate the submission of new BASIX Certificates.

6.2.3 State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land

This SEPP aims to *'provide a State-wide planning approach to the remediation of contamination of land.'* Clause 4.6 of this SEPP requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

A remediation action plan (RAP) prepared by eiaustralia was submitted with the original development application and detailed previous site investigations that were carried out and previous remedial action plans prepared. This RAP follows on from a previous one that was revised by the Land and Environment Court and reviewed by a site auditor. It concluded that the site can be made suitable for the proposed use if remediated in accordance with the plan.

The proposed modifications do not alter the previous conclusions that were reached in the assessment of the original application in relation to contamination.

6.2.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of this SEPP provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. According to Council's Environmentally

Sensitive Areas map the site is not mapped as containing any vegetation of significance.

Chapter 6 Water Catchments:

Chapter 6 of the SEPP applies to all waterways within the Sydney Harbour Catchment and the land within its foreshores, and more generally all land within the catchment. This includes the site, which is located on the Parramatta River Foreshore. The site is mapped as being within the boundaries of the Sydney Harbour Foreshores and Waterways Area and is also identified as ADI Site, which is a mapped Strategic Foreshore Site.

This SEPP includes general provisions relating to the Sydney Harbour Catchment and more specific provisions with respect to the Foreshores and Waterways Area and Strategic Foreshore Sites. The modifications proposed do not alter the finding of the original assessment in relation to Chapter 6.

6.2.5 State Environmental Planning Policy (Housing) 2021

Schedule 7A, Section 8 of State Environmental Planning Policy (SEPP) (Housing) 2021 clarifies that Chapter 4 of the SEPP applies to an application to modify a development consent granted after the commencement date, if it relates to a development application made, but not determined, on or before the commencement date, being 14 December 2023. The original development application was lodged on 29 September 2023, therefore, Chapter 4 of the SEPP is applicable.

Clause 144 outlines that the chapter is applicable to development for the purpose of residential flat buildings or mixed use development with a residential accommodation component. The subject proposal comprises both of these components.

Clause 145 outlines in relation to referral to design review panels for modification applications that *if the statement by the qualified designer required to accompany the modification application under the Environmental Planning and Assessment Regulation 2021, section 102(1) does not verify that the qualified designer designed, or directed the design of, the original development, the consent authority must refer the modification application to the relevant design review panel for advice before determining the modification application.*

A Design Verification Statement was prepared by SJB Architects which outlines that *as required by Section 29(1) of the Environmental Planning and Assessment Regulation 2021 the design principles for residential apartment development set out in schedule 9 of State Environmental Planning Policy (Housing) 2021 and the objectives in Part 3 and Part 4 of the Apartment Design Guide have been achieved for the proposed development.* As a result, the subject application was not required to be referred to Council's Urban Design Review Panel.

6.3 Ryde Local Environmental Plan 2014 (RLEP)

Clause 2.3 - Zone Objectives

The site is zoned W4 Working Waterfront under the provisions of the Ryde Local Environmental Plan 2014. The proposed use of the site for the purpose of residential

flat buildings, multi-dwelling housing and commercial premises is permitted with consent in accordance with Schedule 1 (Additional Permitted Uses). Part 17 of Schedule 1 states the following:

- (1) *This clause applies to land at 20 Waterview Street, Putney, being Lot 1, DP 430647, Lot 1, DP 70489, Lot 2, DP 70488 and Lots 440–447, DP 15224.*
- (2) *Development for the purposes of attached dwellings, business premises, food and drink premises, kiosks, marinas, multi dwelling housing, residential flat buildings and shops is permitted with development consent if—*
 - (a) *no more than 70 dwellings will be erected on the land to which this clause applies, and*
 - (b) *no more than 19 dwellings will be erected on the land identified as “Area 1” on the Key Sites Map, and*
 - (c) *a site-specific development control plan is prepared and provides for the retention of trees on Waterview Street, the impact on, and improvements to, the public domain, including the foreshore, and appropriate building setbacks from the foreshore.*

The proposed modifications do not impact upon the permissibility of the approved development.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The development, as modified, continues to be permissible in this zone and is considered to maintain consistency with the objectives of the zone.

Part 4 – Principal Development Standards

Clause	Proposal	Compliance
4.3(2) Height of Buildings		
The subject site has a maximum height of building control of part 14m, part 11.5m and part 9.5m. 	A 5.3% variation (0.5m) to the maximum building height standard of 9.5 metres is sought as part of the proposed modifications to the townhouses, as well as a 26% variation (14.33m) to the maximum building height standard of 11.5m, as a result of the proposed increase in the RFB floor to floor heights in order to comply with the updated ADG and NCC provisions post the original approval. It should be noted that the approval under LDA2023/0245 included a variation to the RFB height. This involved a variation of up to 21% (13.92m) as a result of the lift overrun. As such, the variation proposed as a part of this modification is a 5% increase to the approved variation under LDA2023/0245.	Further variation proposed. See discussion under this table.
4.4(2) Floor Space Ratio		

Clause	Proposal	Compliance
0.83:1 (13,172.1m ²)	The proposal maintains the previously approved FSR of 0.79:1 which achieves compliance with the standard.	Yes

Parts 5 & 6 – Miscellaneous provisions and Additional local provisions

Clause	Proposal	Compliance
5.7 Development Below Mean High Water Mark		
(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.	All proposed works will all be undertaken above the mean high water mark.	Yes
5.10 Heritage Conservation		
The objectives of this clause are as follows— (a) to conserve the environmental heritage of Ryde, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Under RLEP 2014, the site is identified as local heritage item No. 327 and local archaeology site No. A346 “Former Squire’s Brewery and Halversen’s Boat Yard”. The site is listed as State heritage item No. 68 “Naval Refit Centre” under Schedule 5 of the BC SEPP but is not listed on the State Heritage Register under the <i>Heritage Act 1977</i>, hence the application does not require integrated referral to the NSW Department of Environment and Heritage. The proposed modifications do not impact upon the original heritage conclusions arrived upon in the original Development Application assessment.	Yes
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 subject site is mapped as being affected by Class 5 acid sulfate soils and the land is located within 500 metres of class 2 acid sulfate soils. As part of the original application, the applicant submitted an acid sulfate soils management plan, prepared by eiaustralia, dated 4 November 2020. This management plan was reviewed by Council’s Environmental Health Officer and was considered satisfactory subject to conditions imposed in the original consent. The conclusions of the assessment in the original application are not altered by the subject application.	Yes
6.5 Limited Development on Foreshore Area		
(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.	The subject site is not mapped as being subject to a Foreshore Building Line.	N/A

Clause 4.3 Height of Buildings

The proposed changes to the residential flat buildings, shed and townhouses marginally increase the maximum building heights in response to the updated National Construction Code (NCC) and Apartment Design Guide (ADG) provisions. The changes are outlined in the following table:

	Townhouses	Residential Flat Buildings	Boat Shed
Maximum permitted building height	9.5 metres	11.5 metres	14 metres
Originally approved	9.5 metres	13.92 metres maximum or a 21% variation.	13.81 metres
Proposed	10 metres or a 5.3% variation	14.33 metres or a 26% variation.	13.86 metres
Result	Variation	Additional variation	Complies

Figures 3 and 4 below depict the elements of the development originally approved encroaching over the maximum permitted building height and the elements now proposed to encroach:



Figure 3 – Building height plane depicting elements of originally approved development encroaching above the maximum height limits

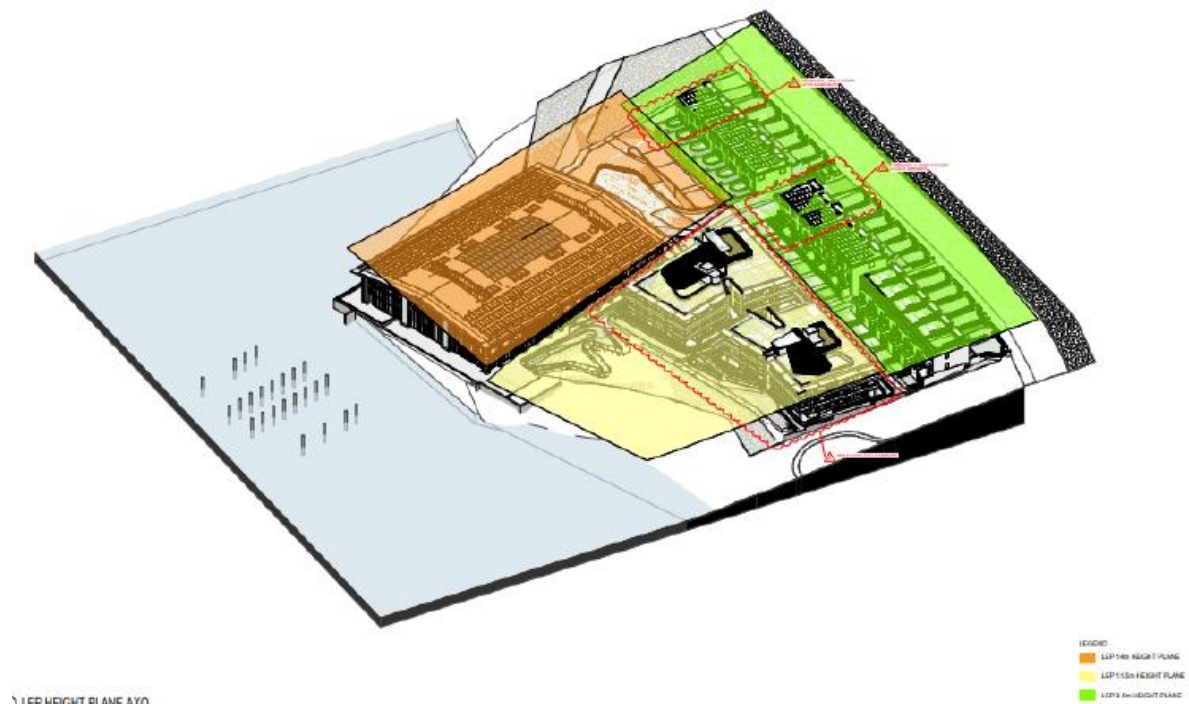


Figure 4 - Building height plane depicting elements of development now proposed to encroach above the maximum height limits

Townhouses

The maximum minor height exceedance of the western townhouses - T.01, T.02 is 10m or a 5.3% variation above the 9.5m building height development standard. This is the result of the uneven topography of the site and increase in floor to floor heights to meet compliant standards. A very minor height exceedance between from 9.9-10m, is also proposed for the mid-townhouses - T.07, T.08 and T.09 resulting in a 4.2-5.3% variation to the 9.5m maximum building height standard in order to accommodate for the amended floor to floor heights, and resultant from the sloping nature of the site.

The height exceedance is predominantly limited to the relocation of the mechanical air handling units (AHU's) on the townhouses. Importantly, the surface area of these units is small in respect to the maximum building height that results from their relocation. Importantly, it should be noted that the proposed lifts in T7-T12, T14-T16 and T18 will not result in a lift overrun. As such, the height exceedances of the townhouses are a result of the rearrangement of the mechanical AHU's on the townhouse roofs.

Residential Flat Buildings (RFBs)

The maximum height exceedance of the RFBs is 2.83m (26% variation) over the 11.5m building height development standard, resulting in a maximum building height of the RFBs of 14.33m. The proposed modifications to the height of the RFBs, will not result in any additional overshadowing or view impacts than originally approved.

Assessment

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* is an appropriate pathway to obtain the modification for a minor increase in building height.

As Clause 4.6 of Ryde LEP references the requirements for 'development consent' to be granted to a variation to a development standard (taken in case law to mean a DA), the proposed modification's exceedance of the LEP height control can be achieved without requiring a Clause 4.6 Variation request under Ryde LEP.

Nonetheless, in such instances case law on SEPP 1 (similar to Clause 4.6) has found that the development standard should form part of the general considerations under Section 4.15 of the EP&A Act. Therefore, a merit-based assessment of the height development standard, proposed variation and the relevant objectives is provided as follows.

The applicant has provided the following arguments as to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

The Clause 4.6 Variation Request submitted alongside the original application (LDA2023/0245) provided a comprehensive justification of the development's variation to the Ryde LEP 11.5m height plane. It is considered that the height for the proposed increase in floor-to-floor levels resulting in an exceedance to the 9.5m and 11.5m LEP height plane, is justified for similar reasons below:

- The exceedances are limited to roof elements of the townhouses and RFBs which are not of a bulk and scale capable of significantly increasing the overshadowing impacts of the proposal.*
- The proposed modification will not impact on the approved building separation with adjoining buildings. As such, the proposed built form relationships and intent is not eroded as a result of this application.*
- The site is not located around key public transport infrastructure. Notwithstanding, the modification continues to integrate several land uses including residential typologies of different densities. These uses are suitable to the site's public transport options. Minor departures from the height of buildings development standard for the townhouses and RFBs does not impact on this.*
- The site is not located adjacent an identified road corridor, however Waterview Street continues to be addressed by the approved townhouses fronting the streetscape.*
- The proposed minor height variations to the townhouses will not have any significant adverse amenity or visual impacts to the streetscape, neighbouring properties along Waterview Street, Settlers Park and Bennelong Park to the east and west, as well as the Parramatta River. Further to this, the existing tree frontage of the site will be maintained by protecting the existing trees and their root system and aid in concealing the proposed height exceedance of the selected townhouses and RFBs.*
- The proposed works will also not result in significant adverse impacts on view lines from surrounding developments, nor will they compromise the solar access and/or privacy of surrounding residential development to the north.*

Assessment Officer's Comments

It is considered that the applicant has adequately demonstrated that compliance with the development standard is unnecessary or unreasonable. The elements encroaching above the height limit are not of a bulk and scale which will result in

impacts and are limited to lift overruns, rooftop stair access and pergola structures. For the townhouses, the building height departures arise largely as a result of the topography and result in minimal impact.

The applicant has provided the following arguments as to why there are sufficient environmental planning grounds to justify contravening the development standard:

There are sufficient environmental planning grounds to justify the proposed building height in this specific instance, as described below:

- *The site has an uneven topography which falls from the south west towards the waterfront, with an additional cross fall in the north west and southeast boundaries. As such, this results in an irregular height plane across the site which avertedly results in the proposed townhouses and RFBs partially breaching the height plane which reflects the natural ground level.*
- *The building design responds to the sloping topography of the site from west to east by stepping the building to align with the natural varied ground levels. It is therefore considered that the height non-compliance is a technicality.*
- *The height exceedance is primarily the result of minor modifications to selected townhouses and RFBs which does not compromise the development's consistency with the scale, character and built form of the site's surrounds.*
- *The proposed modifications do not overshadow or otherwise affect the amenity of any neighbouring premises, nor do they result in any significant adverse visual impacts.*
- *The development as modified remains compliant with the maximum FSR for the site of 0.79:1, as approved in LDA2023/0245. As such, the height variation has not been driven by an overdevelopment of the site, but by the updated ADG and NCC provisions for floor-to-floor heights.*
- *The development objectives of the height standard are achieved.*

Assessment Officer's Comments

It is considered that the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard. The building height variations occur partially due to the topography of the site which falls from Waterview Street to the waterfront and there is an additional crossfall from east to west. The elements of the buildings encroaching above the height limit do not add to the bulk and scale of the development and are generally lightweight, ancillary elements. Any overshadowing generated by the encroaching elements falls within the subject site.

Conclusion

Based on the assessment provided by the applicant and on Council's assessment, the proposed building height variations are considered to be supportable on merit.

(i) Any proposed instrument (Draft SEPP, Planning Proposal)

There are no relevant proposed or draft instruments for consideration as part of the assessment.

(ii) Any development control plan

Sydney Harbour Foreshore and Waterways Development Control Plan

The Sydney Harbour Foreshore and Waterways Area Development Control Plan (Sydney Harbour DCP) compliments the BC SEPP and provides more detailed design parameters for development within the foreshore area of Sydney Harbour.

The Sydney Harbour DCP includes provisions and maps that describe the landscape character and ecological characteristics of sites around the harbour. **Figure 5** is an extract of the Sydney Harbour DCP's Ecological Communities and Landscape Characters Map. The Sydney Harbour DCP states that the below map was produced from aerial photographs and is somewhat generalised. According to the map, there are no aquatic ecological communities within the site, with the only ecological community that occurs on the land-based site being 'open forest', which is identified as being of 'high' value. This area will be protected by a 14m setback to Waterview Street. The subject application does not alter the conclusions reached in the original development application in relation to compliance with the DCP.



Figure 5 – Sydney Harbour Foreshores and Waterways Area DCP Map

Ryde Development Control Plan (RDCP) 2014

The original development application was assessed against the following Parts of the RDCP 2014:

- Part 7.2: Waste Minimisation and Management;
- Part 8.2: Stormwater & Floodplain Management;
- Part 8.3: Driveways;
- Part 9.2: Access for People with Disabilities; and
- Part 9.3: Parking Controls.

The subject modification does not alter the findings of the original assessment in relation to compliance with the RDCP.

City of Ryde Section 7.11 Development Contributions Plan 2020

The modification does not result in any changes to the number of residential units or unit mix approved in the original development application. As a result, there are no changes to the Section 7.11 contributions conditioned in the original consent.

It is noted that the development includes commercial floorspace, however, it is not possible for Council to charge a Section 7.11 and 7.12 contribution, therefore, only a Section 7.11 contribution was applicable in the original consent.

Housing Productivity Contribution (HPC)

The lodgement of the original development application predated the commencement of the HPC, hence, the HPC was not applicable to the originally approved development.

(iiia) Any planning agreement

No Planning Agreement is required or has been offered to be entered into with Council.

(iii) The regulations

Environmental Planning and Assessment Regulation 2021

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 proposal is consistent with the Regulation. Clause 69 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). These matters have been addressed via standard conditions of consent regarding compliance with the BCA and Australian Standards.

(c) The likely impacts of the development

Likely impacts have been discussed throughout this report and are considered to be minor in the context of the redevelopment of the site.

(d) Suitability of the site for the development

The land-based site is zoned W4 Working Waterfront under the provisions of the Ryde Local Environmental Plan 2014 and benefits from Stage 1 and 2 development consents for the redevelopment of the site. The modifications proposed in the subject application do not diminish the suitability of the site for the development.

(e) Any submissions made in accordance with this Act or the regulations

The application was notified as lodged in accordance with Part 2.1 of *Ryde Community Participation Plan* from 14 July until 1 August 2025. No submissions were received in response.

(f) The public interest

Having regard to the assessment against the relevant planning instruments, the development is considered to be acceptable as it delivers a suitable built form outcome.

On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

6. REFERRALS

External Referrals

Water NSW: The application was referred to Water NSW under the provisions of Section 91 of the Water Management Act 2000. Comments from Water NSW were provided dated 21 July 2025 granting amended General Terms of Approval (Condition 6).

Internal Referrals

Senior Development Engineer: Council's Senior Development Engineer reviewed the proposal and raised no objection and no amendments to the engineering related conditions of consent were required.

Heritage Officer: Council's Heritage Officer reviewed the proposal and raised no objection. The relocation of the heritage totem adjacent to the main pedestrian entry to the site is considered satisfactory.

Landscape Architect: Council's Landscape Architect reviewed the proposal and raised no objections subject to the amendment of Condition Nos. 74 and 97 to reflect the removal of Tree No. 381.

7. CONCLUSION

This modification application has been considered in accordance with the requirements of the EP&A Act and Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the likely impacts identified in this report, it is considered that the application can be supported, subject to conditions.

It is recommended that the application be approved for the following reasons:

- The proposed development is consistent with the objectives and development standards for land zoned W4 Working Waterfront.
- The proposal is considered to be substantially the same development as originally approved.
- This proposal positively contributes to the locality and fits sensitively into the streetscape.

- The proposal promotes and provides for improved public access to the waterfront and provides for a continuation of the public recreation land located to the east and west of the site.
- The proposed development does not create unreasonable environmental impact to existing adjoining development.
- The proposal is not contrary to the public interest.
- The site is considered to be suitable for the proposed development.

8. RECOMMENDATION

- A. That the Sydney North Planning Panel, as the consent authority, grant development consent to Section 4.55(2) Modification Application No. MOD2025/0062 for land at 20 Waterview Street, Putney subject to the draft conditions contained in **Attachment 3**.
- B. That Water NSW be advised of the decision via the NSW Planning Portal.

Report prepared by:

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Report approved by:

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ATTACHMENTS

Attachment 1: Proposed Architectural Plans
Attachment 2: Approved Plans for Original DA (LDA2023/0245)
Attachment 3: Recommended Conditions of Consent