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2240007

Wayne Rylands
CEO
City of Ryde Council
1 Pope Street
Ryde NSW 2112

Statement of Environmental Effects Development Application for Anytime Fitness tenancy operations

This Statement of Environmental Effects (SEE) has been prepared to accompany a development application (DA) pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) for operation of an Anytime Fitness tenancy within Building D of the Macquarie Exchange Site at 396 Lane Cove Road and 36-40 Waterloo Road, Macquarie Park (the site).

Specifically, this DA seeks consent for the subject tenancy known as “Retail Unit 7” within Building D to operate as a recreation facility (indoor) for Anytime Fitness with operating hours of 24 hours, 7 days a week.

This SEE describes the site, its environs, the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15(1) of the EP&A Act.

This SEE should be read in conjunction with the following:

- Operational Plan of Management (**Attachment A**);
- Acoustic Impact Assessment (**Attachment B**);
- Tenancy Floor Plan (**Attachment C**);
- Stamped Approved Ground Floor Plan – LDA-2019/0028 (**Attachment D**);
- Transport Statement (**Attachment E**); and
- Notification Plans (**Attachment F**).

1.0 Background

1.1 Macquarie Exchange Site

The Macquarie Exchange Site has an extensive planning history, which is summarised as follows:

- Concept Approval was first granted on 29 May 2012, granting consent for a building envelope for 4 separate buildings with heights ranging from 30-69.3m, a maximum GFA of 83,368m² and public domain works.
- The Detailed Building DA – LDA-2019/0028 was approved by the Sydney North Planning Panel on 31 December 2019 for the construction and use of four mixed-use buildings (known as A, B, C and D) in accordance with the Concept Plan. The development consent has been modified eight times.
- To date, only Building D in the western corner of the Macquarie Exchange Site has been constructed pursuant to the development consent to LDA 2019/0028.

The tenancy that is the subject of this SEE is known as “Retail Unit 7” and is located on the ground floor of Building D at the corner of Hyundai Drive and Coolinga Street.

1.2 Anytime Fitness

Anytime Fitness is an international fitness franchise which provides access to members 24 hours a day, 7 days a week. Whilst each premises is staffed during regular business hours, the Anytime Fitness model provides access to members outside these hours to fit exercise into their individual schedules at any time of the day. This includes safety and security measures which allow members to use the premises during unstaffed hours.

2.0 The Site and Surrounds

The site is located at 396 Lane Cove Road (also known as 32-46 Waterloo Road) and 2 Coolinga Street (also known as 1 Giffnock Avenue), Macquarie Park within the City of Ryde Council Local Government Area (LGA). The site is located within the heart of the Macquarie Park Corridor between the M2 Motorway and Epping Road. The site's locational context is shown at **Figure 1**.

The site is bounded by Waterloo Road and the Macquarie Park Railway Station Portal to the north, Coolinga Street to the west, and Giffnock Avenue to the south. The eastern boundary of the site partially fronts Lane Cove Road and the remainder abuts a commercial building occupied by Hyundai.

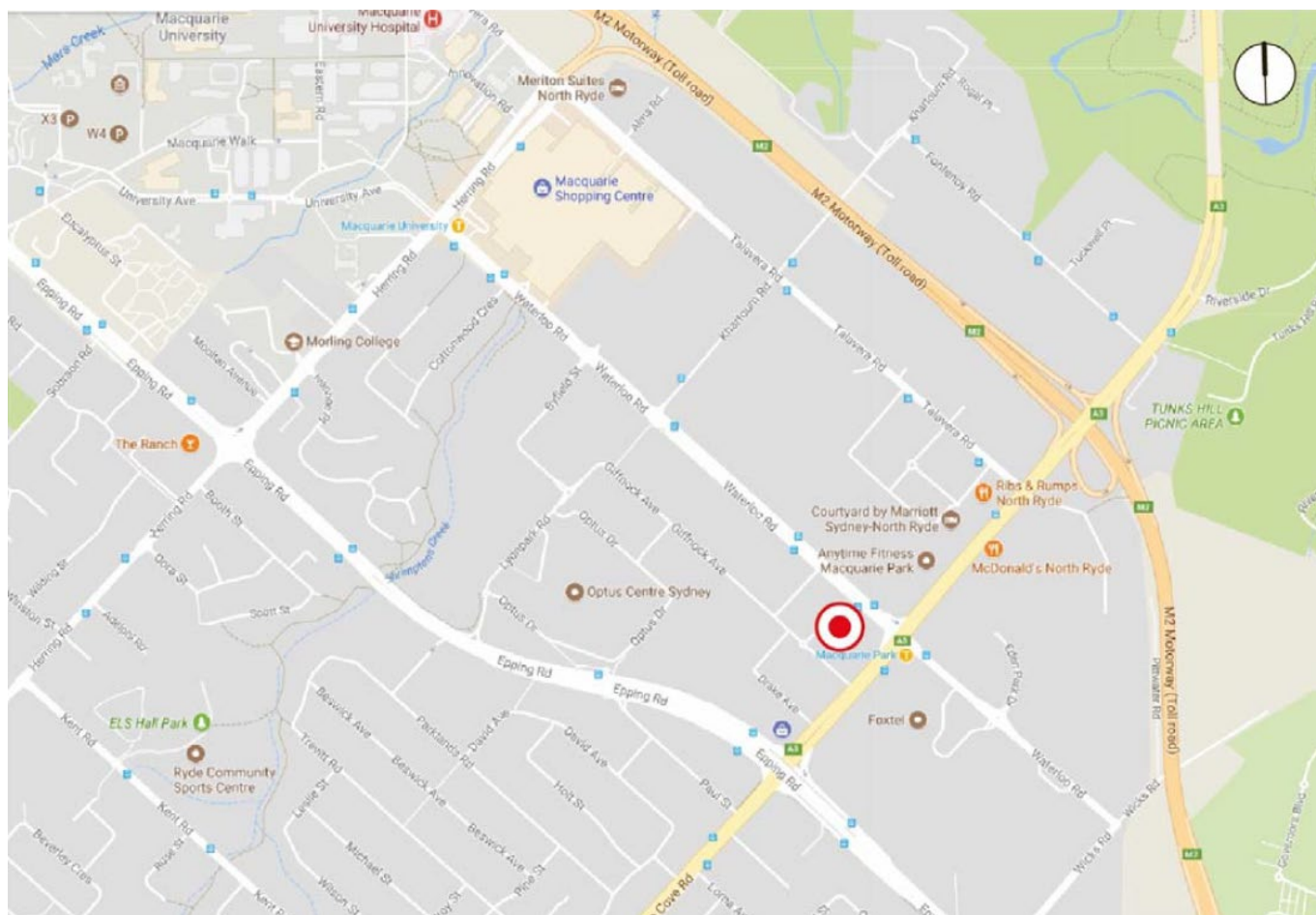


Figure 1 Site Context

Source: Google

Within the Macquarie Exchange Site, the subject tenancy known as “Retail Unit 7” is located in Building D of the approved development. The location of Retail Unit 7 is identified in **Figure 2** below.

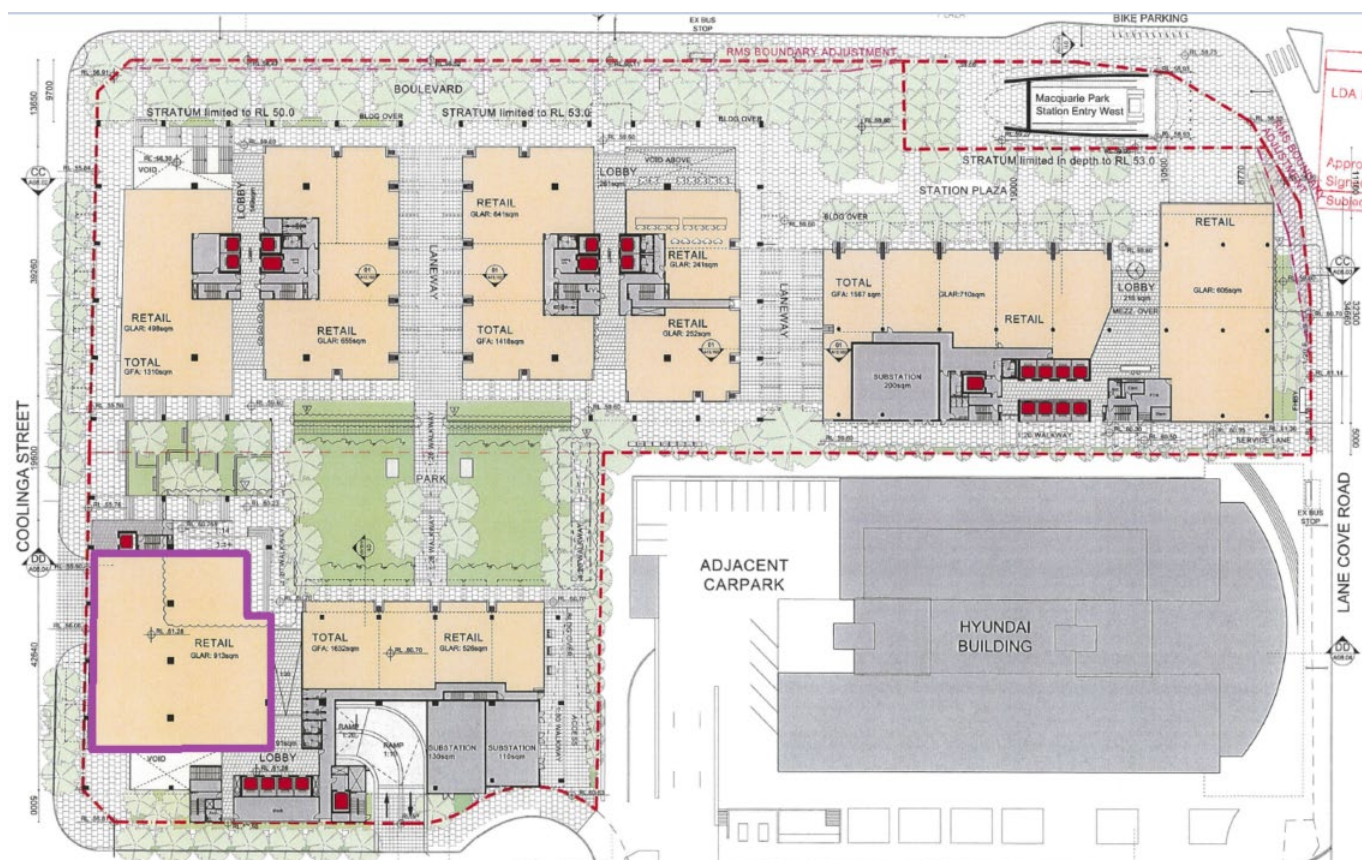


Figure 2 Approved Ground Floor Plan of the Macquarie Exchange Site (Retail Unit 7 identified in purple)

Source: Bates Smart

3.0 Proposed Development

Consent is sought for the operation of Retail Unit 7 as a recreation facility (indoor) with operating hours of 24 hours a day, 7 days a week in accordance with the Anytime Fitness business model. The existing Anytime Fitness Macquarie Park branch which is located across the road at Waterloo Business Park is intended to be closed down and relocated to the subject premises.

The proposed operations are accompanied by a Plan of Management (see **Attachment A**) to specify the health, safety, and security measures to be taken and the extent to which the gym will be staffed.

A tenancy floor plan is provided in **Attachment C** for indicative layout purposes only.

Two parking spaces in Basement Level 3 are to be allocated to Fitness First staff (see **Attachment E**).

Approval is not sought for any physical construction works relating to the tenancy, as the proposed fit out will be carried out through complying development pathway pursuant to Part 5 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

4.0 Section 4.15 Assessment

Under Section 4.15(1) of the *Environmental Planning & Assessment Act 1979* (EP&A Act), in determining a DA the consent authority must consider a range of matters relevant to the development. These include the provisions of environmental planning instruments; impacts of the built and natural environment; the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

This assessment includes only those matters under Section 4.15(1) that are relevant to the proposal. The planning issues associated with the proposed development are assessed below.

4.1 Section 4.15(1)(a)(i) – Environmental Planning Instruments

The proposed development is subject to the development standards in Ryde Local Environmental Plan 2014, as discussed below.

Table 1 Ryde LEP 2014

Provision	Compliance
Land Use	The site is zoned E2 Commercial Core, in which a recreation facility (indoor) is permissible with consent and is consistent with the objectives of the zone.
Clause 4.3 – Height of Buildings	The part of the site to which this DA applies is subject to a maximum building height of 30m. The proposal comprises no physical works and will not alter the approved building height for the Macquarie Exchange Site.
Clause 4.4 – Floor Space Ratio	The part of the site to which this DA applies is subject to a maximum FSR of 2:1. The proposal comprises no physical works and will not alter the approved FSR for the Macquarie Exchange Site.
Clause 5.10 – Heritage Conservation	The site is not identified as being a heritage item and is not within a heritage conservation area or in proximity of any heritage items.
Clause 6.1 – Acid Sulfate Soils	The site is not identified to contain acid sulfate soils.

4.2 Section 4.15(1)(a)(iii) – Development Control Plans

Section 2.3 in Part 9.3 of Ryde DCP 2014 requires a gymnasium/recreation facility (indoor) to meet a car parking rate of 1 – 1.5 spaces per 20m² of gross floor area (GFA).

As the proposed use of the tenancy comprises 793.3m² of GFA, this results in a requirement of 40 – 60 parking spaces.

For the operation of Fitness First, there are two parking spaces in the Basement Level 3 to be allocated to staff, and an additional 77 spaces available for members to book on a paid basis on Basement Level 2. The analysis carried out by Ason Group (see **Attachment E**) results in an anticipated parking demand of 10 spaces at any one time. As such, the provision of two staff parking spaces and 77 member parking spaces is compliant with the above DCP rate and is deemed adequate to meet the anticipated parking demand for the proposed use.

4.3 Section 4.15(1)(b) – Environmental Impacts

4.3.1 Traffic and Parking Impacts

A transport statement has been prepared by Ason Group (see **Attachment E**) which provides an assessment of the traffic and parking impacts of the proposed use of the tenancy. In this regard, the traffic generation arising from the proposal will be negligible because:

- Traffic generation will be distributed throughout the day, given the proposed 24-hour operations;
- The original DA for the development was assessed on the basis of a 'trips per parking space' rate, which reflects the constrained levels of parking expressly sought by Council;
- The RMS Guide to Traffic Generating Developments indicates that the proposed land use (i.e. gymnasium) has less traffic-generating intensity than a retail use:
 - Secondary Retail Shop: 4.6 vehicle trips per 100m² GFA during the evening (Thursday) peak hour
 - Gymnasium (CBD): 3 vehicle trips per 100m² GFA during the evening peak hour.
- The proposed Anytime Fitness branch is a relocation of the existing branch located across the road at Waterloo Business Park, which is intended to be closed down and relocated to the subject premises. The proposal will therefore not generate any additional traffic but rather just a diversion of the existing traffic flow to a nearby location.

4.3.2 Safety and Security Impacts

Any potential safety and security impacts can be appropriately mitigated through the adoption of the Plan of Management provided in **Attachment A**. Anytime Fitness is a well-established franchise with a systematic method for operating gyms through Australia that are accessible 24 hours a day, 7 days a week.

4.3.3 Acoustic Impacts

An acoustic impact assessment has been carried out by Acoustic Dynamics (see **Attachment B**). It provides an assessment of operational noise emissions resulting from the 24-hour operations of the tenancy as a gym. This assessment considered the predicted noise impacts at nearby sensitive receiver locations and the modelling is based on worst-case noise and operational scenarios.

A series of recommendations have been provided for the future management of operational noise mitigation, including:

- Adoption of a noise management plan;
- Installation of impact isolation flooring;
- Incorporation of springs into pin and plate loaded weights equipment; and
- Lagging treatment of exposed plumbing below the ceiling slab.

As a result, the adoption of the recommended mitigation measures will allow for the Anytime Fitness tenancy to operate 24 hours a day, 7 days a week, without giving rise to any unacceptable acoustic impacts on nearby receivers.

Furthermore, the existing Anytime Fitness Macquarie Park branch located across the road at Waterloo Business Park (soon to be closed) has successfully operated 24 hours a day, 7 days a week, for the last six years under a similar site context with no adverse environmental impacts.

4.4 Section 4.15(1)(c) – Suitability of the Site

The site is entirely suitable for the proposed land use as a recreation facility (indoor) to be operated as an Anytime Fitness gym.

The Concept Approval (MP09_0209) and the Detailed Building DA (LDA-2019/0028) anticipate this type of land use to occupy the ground floor tenancies, being consistent with a mixed use development which complements the surrounding residential and commercial uses.

As discussed in Section 4.3 above, the proposed use will not result in any unacceptable impacts from a safety, security, or acoustic perspective.

4.5 Section 4.15(1)(e) – Public Interest

The public interest is best serviced by the orderly and economic use and development of land for permissible purposes in a form which is cognisant of and does not unreasonably impact on surrounding land uses and which satisfies a market demand.

The existing Anytime Fitness branch located across the road in the Waterloo Business Park is soon to be closed, and therefore the proposed relocation to Retail Unit 7 in the Macquarie Exchange Site is intended to be the replacement branch to serve the local community.

The proposal is therefore in the public interest.

5.0 Conclusion

This SEE seeks development consent for the operation of Retail Unit 7 in Building D of the Macquarie Exchange Site as an Anytime Fitness branch, being a recreation facility (indoor), with operating hours of 24 hours a day, 7 days a week.

A detailed assessment of the proposal has been provided against the relevant matters for consideration under Section 4.15(1) of the EP&A Act. The development application is recommended for approval for the following reasons:

- The proposed development is consistent with the applicable planning controls applying to the site;
- The proposed development represents an opportunity to activate the ground plane of the Macquarie Exchange Site in the heart of the Macquarie Park Corridor;
- The proposed development does not result in any unreasonable environmental impacts, including acoustic impacts, to surrounding sites; and
- The proposed development is suitable for the site and is in the public interest.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'K Vogel'.

Kirsty Vogel

Principal

kvogel@ethosurban.com

0418506423