

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**UNIT 3, 4 & 5 No. 21 ORLANDO ROAD, CROMER**

**PROPOSED CHANGE OF USE TO PERMIT GYMNASIUM**

**PREPARED ON BEHALF OF  
MOD BOD**

**JANUARY 2024**

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## 1. INTRODUCTION

This application seeks approval for the change of use to permit an indoor gym upon land at Lot 1 in DP 1245996 which is known as **Unit 3, 4 & 5 No. 21 Orlando Road, Cromer**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

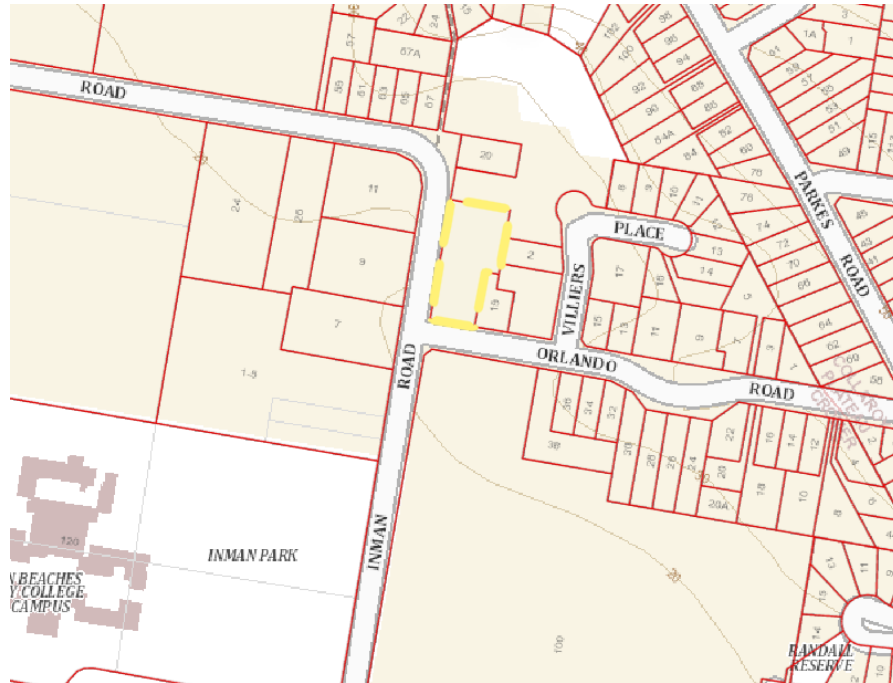
The following details and documents have been relied upon in the preparation of this document:

- Architectural Plans prepared by Peter Formosa and dated 15 December 2023.
- Noise Impact Assessment prepared by PWNA, Project No. 230642, Revision 1 and dated 15 January 2024.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

## 2. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 1 in DP 1245996 which is known as Unit 3, 4 & 5, No.21 Orlando Road, Cromer. The property is located at the northeast corner of the intersection of Orlando and Inman Roads. Units 3, 4 & 5 are located on the upper level and front Inman Road. The sites southern boundary has frontage to Orlando Road and the western boundary fronts Inman Road. The locality is depicted in the following map:



Site Location Map

The site currently comprises a two and part three storey concrete building. A concrete driveway is located adjacent to the eastern boundary and provides vehicular access from Orlando Road to the upper parking level and which is utilised by the subject units. A separate driveway from Inman Road provides access to the lower level parking areas.

The site is depicted in the following photographs:

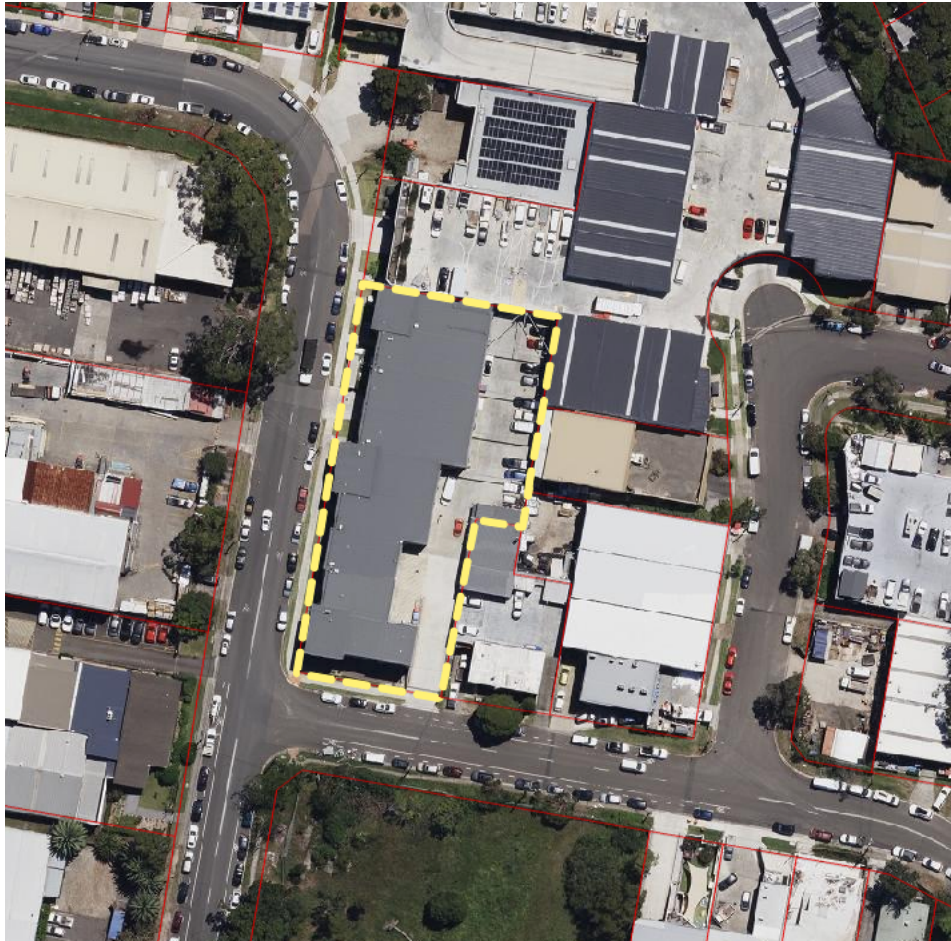


**View of Subject Site from corner of Inman and Orlando Roads**



**View of Existing Unit 3, 4 & 5**

The existing surrounding development comprises industrial uses with the nearest residential properties in excess of 100m from the site, to the east on Orlando Road. The existing surrounding development is depicted in the following aerial photograph:



**Aerial Photograph of Locality**

### **3. THE DEVELOPMENT PROPOSAL**

This proposal seeks approval for the use of the subject units for a gym. There are no building works proposed under this application. The proposal will provide for only minor business identification signage in accordance with Council's exempt development provisions.

The gym currently operates the following hours of operation:

Monday: 6:00am – 11:30am  
3:45pm – 6:45m

Tuesday: 6:00am – 7:30am  
9:30am – 11:30am  
3:45pm – 6:30pm

Wednesday: 6:00am – 11:30am  
3:45pm – 7:00pm

Thursday: 9:30am – 11:30pm  
3:45pm – 7:30pm

Friday: 6:00am – 11:30am  
3:45pm – 7pm

Saturday: 7:15am – 1:00pm

Sunday: No classes

The peak operating hours will occur outside traditional business hours and will take advantage of available on-street car parking. The proposal does not result in any increase in floor area of building.

Generally, there are no classes or activities between 11:30am to 3:45pm on weekdays (with Thursday being the exception).

There is no parking on site for customers with a specified parking officer assisting during the children's classes to assist with drop and pick up. A separate Management Plan is submitted with the application.

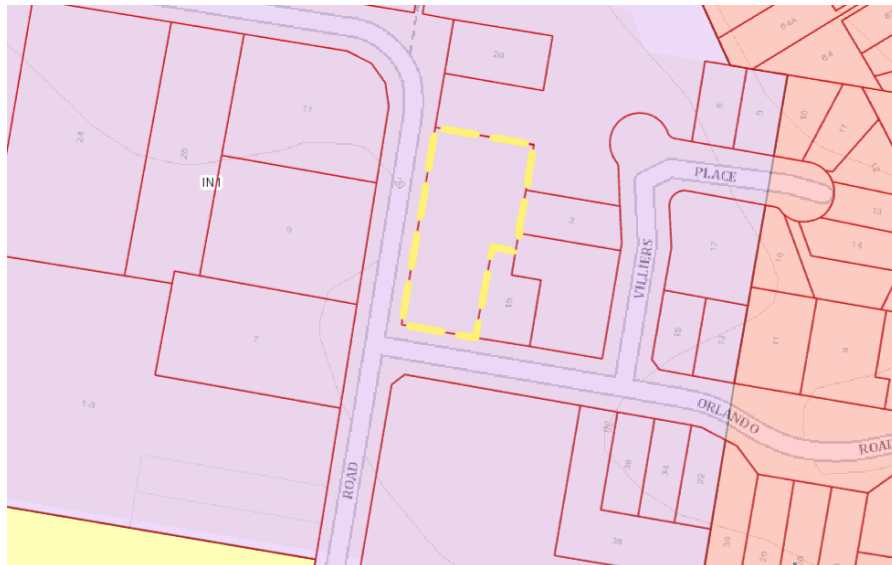


#### 4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Warringah Council.

##### 4.2 Warringah Local Environmental 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.



**Extract of Zoning Map**

The site is zoned E4 General Industrial. Development for the purposes of gym is an innominate use, being neither listed as prohibited or permissible. A gym is a *recreational facility (indoor)* which is defined as:

*recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.*

The following provisions of the LEP are relevant to the proposed development:



Clause	Development Standard	Proposal	Compliance
4.3 Height	11m	Less than 11m – no change to existing	Yes

The following clause also applies:

#### **Clause 6.2 – Earthworks**

The proposal seeks approval for a change of use only. The proposal does not provide for any earthworks. The proposal satisfies this clause.

#### **Clause 6.4 – Development on sloping land**

The site is noted within part Area A and part Area D on Council's Land Slip Map. As the proposal seeks approval for a change of use only, no further investigation is deemed necessary in this instance.

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

### **4.3 Warringah Development Control Plan 2011**

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011.

The following table provides a summary of the relevant controls of the DCP:

Clause	Requirement	Compliance
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Yes Existing vehicular crossing to be maintained.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1  Appendix 1 provides for a parking rate of 4.5 spaces per 100m <sup>2</sup> for a gym.	See discussion at end of table and separate management plan.
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	There is no change to stormwater. All stormwater will continue to drain to the existing system.
C9 – Waste Management	Waste storage area to be provided	Yes Existing waste storage areas retained and collection of waste will continue with existing arrangements.
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	Yes The proposal is for a fit out and use only. The site is well separated from the residential properties and the proposal will not result in any reduction in privacy.

Clause	Requirement	Compliance
		A Noise Assessment has been prepared and submitted with the application.
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	Not Applicable. The proposed works do not extend beyond the existing building envelope.
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes There is no exchange to external finishes. The proposal incorporates only business identification signage, which is exempt development.
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities.	Yes Existing facilities retained.
D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required.	Appropriate access is provided. It is noted that the applicant is not the owner of the property and therefore they are exempt from full compliance with the DDA.

Clause	Requirement	Compliance
D20 – Safety and Security	Buildings to enhance the security of the community.  Buildings are to provide for casual surveillance of the street.	Yes The unit is conveniently located at the front of the complex and provides good views of the driveway and property approach.
D21 – Provision and Location of Utility Services	Utility services to be provided.	Yes Existing facilities on site.
D23 - Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views or potentially hazardous road features or traffic control devices.	Yes The proposal provides for a business identification sign.
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	Not Applicable Works do not require the removal of any vegetation.
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
E4 – Wildlife Corridors	Not identified on map	Not Applicable
E5 – Native Vegetation	Not identified on map	Not Applicable
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Not Applicable
E10 – Landslip Risk	Identified on map as Area A & D	Yes No excavation or building works proposed. Application is for a change of use only.

Clause	Requirement	Compliance
E11 – Flood Prone Land	Not identified on map	Not Applicable

### **C3 Parking Facilities**

Council's DCP does not contain a parking provision rate in relation to a dance studio use and neither does the RMS Guidelines. Therefore parking provision is to be based on the specific nature of the development.

The proposed gym will provide lessons for a variety of strength, conditioning and gym classes. The activities follow a weekly timetable and is summarised below:

#### **Adult Strength classes:**

- 6:30-7:30am - Adult strength Classes - Mon/Tues/Wed/Fri
- 7:30-8:30am - Adult strength class - Saturday only
- 8:45-9:45am - Adult Strength Classes - Mon/Wed/ Fri
- 5:30-6:30pm - Adult Strength Classes - Mon/Tues/ Wed

#### **Pre-school gymnastics classes:**

- 9:30-11:30am Monday to Friday
- 11:30-12:15pm Thursday only
- 8:00-10:30am Saturday

#### **School Aged Kids gymnastics/gym classes:**

- 3:45-6:30pm Monday to Friday
- 3:45pm-7pm Thursday
- 8:15-1pm Saturday

As detailed in the table above, there are no classes between 11:30am and 3:45pm on weekdays.

The subject units have 7 allocated parking spaces and a drop off zone. Further, as the proposal is generally outside of the business hours of the other occupants of the building, there will be ample parking on site for staff.

ModBod has prepared a management plan (separate document) which provides for the following options of children's classes:

Drop off Options for Parents:

- Option 1 - Park on the street and walk up
- Option 2 - drive into the complex and turn straight into the turning bay (which is right at the beginning of the complex, and in front of our Unit 3 warehouse), and then drop their child off, before reversing back out and heading back to the street to either park or come back to pick up at the end of their child's class. Plenty of room to drop off, and not disrupt any other business.
- Our dedicated traffic controller will help get the kids out of the car, and take them to their class. They will also make sure cars do not park, and continue to move so traffic flow is smooth.

Pick Up Options for Parents

- All parents park on street and walk up to collect their children.

It is concluded on this basis that the proposed use will not result in any adverse parking implications particular as it is apparent that the former use on the site would have also been reliant on the available on-street parking to some extent.

There are no other provisions of the DCP that apply to the proposed development.

## **5. EP & A ACT - SECTION 79C**

### **The Provisions of any Environmental Planning Instruments**

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned E4 General Industrial under the provisions of the LEP. Fit out and a change of use to allow for a gym is permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

There are no other environmental planning instruments applying to the site.

### **The Likely Impacts of the Development**

It is considered that the fitout and change of use will not have any detrimental impact on the environment, social and economic status of the locality.

### **The Suitability of the Site for the Development**

The subject site is zoned E4 General Industrial and the proposed fitout and change of use to permit a gym in this zone is permissible with the consent of Council. The proposal does not provide for any physical works and will not result in the removal of any significant vegetation.

For these reasons it is considered that the site is suitable for the proposed development.

### **The Public Interest**

It is considered that the proposal is in the public interest in that it will provide for a gym within an existing building that is consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain.



## 6. CONCLUSION

This application seeks approval for the use of an existing premises for a gym. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed dwelling does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed change of use to provide a gym (indoor recreational facility) upon land at **Units 3,4 & 5 No. 21 Orlando Road, Cromer** is worthy of the consent of Council.

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