

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0105
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Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 1 DP 1245996, 14 Inman Road CROMER NSW 2099
Proposed Development:	Use of Premises as a Recreational Facility (Indoor)
Zoning:	Warringah LEP2011 - Land zoned E4 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Pipri Pty Ltd Thom Foolery Pty Ltd
Applicant:	Ben Wood

Application Lodged:	15/02/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Industrial
Notified:	22/02/2024 to 07/03/2024
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 0.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for use of the existing premises as a recreational facility (indoor), as follows:

- Classes with a maximum of 20 students.
- Hours of Operation:
 - Monday:
 - 6:00am to 11:30am
 - 3:45pm to 6:45pm
 - Tuesday:
 - 6:00am to 7:30am

- 9:30am to 11:30am
 - 3:45pm to 6:30pm
- Wednesday:
 - 6:00am to 11:30am
 - 3:45pm to 7:00pm
- Thursday:
 - 9:30am to 11:30am
 - 3:45pm to 7:30pm
- Friday:
 - 6:00am to 11:30am
 - 3:45pm to 7pm
- Saturday:
 - 7:15am to 1:00pm
- Sunday: Closed

The supporting Statement of Environmental Effects refers to no physical works being proposed, but also that signage is to support the proposed use. It is noted that the relevant units have been subject to some physical works occurring (including signage throughout 14 Inman Road and at the three units subject of this proposal), which would appear to require development consent. Given a development application cannot provide retrospective development consent, these works do not form part of this assessment and a deferred commencement condition requiring a Building Information Certificate for those works has been included in the recommendation of this report.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - C3 Parking Facilities
Warringah Development Control Plan - D3 Noise

SITE DESCRIPTION

Property Description:	Lot 1 DP 1245996 , 14 Inman Road CROMER NSW 2099
Detailed Site Description:	<p>The subject site consists of one allotment located on the eastern side of Inman Road, Cromer.</p> <p>The site is irregular in shape with frontages of 81.29 metres along Inman Road and 30.46 metres along Orlando Road. The site has a surveyed area of 2,956m².</p> <p>The site is located within the E4 General Industrial zone and accommodates a two-storey (plus mezzanine) industrial building. The building contains twelve units, with car parking on both the ground and first floor levels.</p> <p>Units 3, 4, and 5 (subject of this application) are located on the first floor of the building, accessible via a ramp located off Orlando Road.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by similar industrial development.</p>

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- DA2013/0708 for demolition of the existing industrial building and construction of a new industrial building was approved by Council on 15 October 2013.
- Pre-lodgement Meeting PLM2014/0022 was held on 2 April 2014 to discuss construction of an industrial building.
- DA2014/0577 for demolition works and construction of an industrial building was approved by Council on 29 October 2014.
- Mod2014/0106 for Modification of Development Consent DA2013/0708 was approved by Council on 29 October 2014.
- Mod2017/0152 for Modification of Development Consent DA2013/0708 was approved by Council on 7 August 2017.
- Mod2017/0153 for Modification of Development Consent DA2014/0577 was approved by Council on 7 August 2017.
- SC2018/0067 for consolidation of two lots in to one and creation of drainage easement was approved by Council on 1 August 2018.
- DA2020/1575 for strata subdivision of an existing industrial building was approved by Council on 3 March 2021.
- DA2021/1072 for use of premises as a recreational facility (indoor) was approved by Council on 22 September 2021.
- SC2022/0007 for strata subdivision of an existing industrial building was approved by Council on 31 January 2022.
- DA2022/0156 for Use of Premises as an a recreation facility (indoor) was withdrawn by the Applicant on 27 April 2022.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement</p>

Section 4.15 Matters for Consideration	Comments
	<p>of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. An operational plan of management was requested in April 2024 and sufficiently provided in May 2024.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 22/02/2024 to 07/03/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Steve Bordan	16 Parr Parade NARRAWEENA NSW 2099

The following issues were raised in the submissions:

- Clarification on the number of venues proposed.
- Query as to why consent is being sought now.
- Parents attending classes cause issues for surrounding land users, particularly with respect to traffic generation.

The above issues are addressed as follows:

Venue Numbers

The submissions queried whether the proposal is for three venues or one.

Comment:

The proposal is for use of three existing units for one recreational facility premises. The units are jointly internally accessible, creating one overall venue.

Consent

The submissions queried why consent is being sought now.

Comment:

It is understood the application has arisen following investigation of the alleged unauthorised use of the site.

Traffic Generation

The submissions raised concerns that parents of children attending classes cause 'havoc' and unreasonable traffic.

Comment:

Council's Traffic Engineer has reviewed the proposal and is supportive, subject to conditions of consent, including limitation of the maximum occupation for the use to 34 on weekdays before 4:30pm, and 42 at other times, and limitation of 7 staff at any one time.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Industrial)	<p>This application is for the proposed change of use to a gymnasium at Unit 3, 4 and 5 at 21 Orlando Road, Cromer (14 Inman Road).</p> <p>The gym currently operates Mon-Sat with the earliest opening time 6:00am.</p> <p>The area is zoned General Industrial and a Gym wouldn't be an unusual business activity in this area,</p> <p>An acoustic report has been prepared by Pulse White Noise Acoustic and recommendations provided.</p> <p>Environmental Health recommend approval subject to conditions.</p>
NECC (Development Engineering)	<p>The proposed development does not include any building works. Development Engineering raises no objections to the approval.</p>
Traffic Engineer	<p>This development application seeks approval for the change of use of Units 3, 4 & 5 of the site at 21 Orlando Road, Cromer to permit an indoor gym. An initial review of the application was undertaken where discrepancies in the stated operating hours and class times were noted in the submitted documents compared to information advertised on the gymnasium website. It was therefore requested that a Plan of Management be provided and any discrepancies be clarified. The Applicant has provided an updated Statement of Environmental Effects (SEE) and a Plan of Management which includes the Parking Management Plan and a Class Timetable showing specific details of the class times, staff and participants. The hours of operation have been amended under the Development Proposal section of the SoEE to reflect the class times however there are still some references and inconsistencies throughout the document which have not been updated. The Transport Network section has reviewed the proposal with respect to access, parking, and traffic generation impacting the road network; based on the revised hours of operation and information provided in the Plan of Management.</p> <p>Access and Parking</p>

Internal Referral Body	Comments
	<p>The development is located on the upper level of the site with the parking area accessed via the existing driveway located off Orlando Road. The gym has a combined GFA of 598sqm with a total of 6 allocated parking spaces for the Units. The Warringah DCP requirement for parking for a gym is 4.5 spaces per 100m² GFA. The development therefore requires 27 parking spaces to satisfy DCP requirements and the 7 spaces (not including the proposed drop-off zone) will represent a shortfall of 21 spaces.</p> <p>The Applicant has prepared a Parking Management Plan (PMP) to manage the parking demands and impacts on the site. Due to the limited parking spaces, customer parking is generally off-site on the surrounding local roads, with a few exceptions. Parking for adult classes are only permitted on weekdays in the early morning, where parking demand is lowest. These classes conclude by 7:30am before the majority of businesses are open and when there is also ample on-street parking nearby. Parking is also permitted for pre-school classes during weekdays only. Pre-school classes run between 9:30-11:30am Monday to Friday, with a 15-minute gap between. Classes are capped at 8 kids and a maximum of 2 classes to help with parking. A dedicated parking officer assists with parking, child safety and drop-off (in case parks are full and the parent needs to find a park on the road).</p> <p>School aged kids classes are held from 3:45pm onwards on weekdays afternoons and on Saturday morning. This is the peak period for parking and traffic generation. During this period the allocated parking spaces are used by staff only and all customer parking occurs off-site on the local roads. A dedicated parking officer does however manage drop-offs, with a designated dropoff/turning bay which allows a vehicle to safely turn in, drop-off the child and then continue to park on the street. This facility is for drop-offs only, and parents must park on the street for pickups and walk to the site to collect their child. Temporary fencing and bollards are setup by the parking officer to clearly mark the dropoff/turning bay and to provide separated areas for pedestrian access to the site. The system in place is similar to those used for School drop-offs, which School aged kids are familiar with. Parents are also provided information and reminders regarding the drop-offs and pickups through information sheets, emails etc. The submitted PMP provides a facility to allow drop-offs where it is not possible to provide the required parking spaces on-site.</p> <p>Traffic Generation</p> <p>The Applicant has not provided any assessment in terms of the existing and projected future traffic generation for the site. The RMS Guide to Traffic Generating Developments 2002 estimates 9 trips per 100m², for a gymnasium during the evening peak. The site (GFA 598m²) may be expected generate to generate 54 trips for the PM</p>

Internal Referral Body	Comments
	<p>peak hour. The traffic generation will affect the local road network due to the limited on-site parking, and therefore restrictions are required to minimise the impacts and ensure that traffic generated by the development can be managed under the proposed PMP. It should be noted that restrictions to the number of patrons were imposed for the approval of the adjacent Northern Beaches Jiu-Jitsu Academy, which operates from Unit 6 of the No.21 Orlando Road site.</p> <p>The submitted proposal is not acceptable in its current form. The development is located in the Cromer Industrial area where there is limited on-street parking during business hours and where availability only increases from 4:30pm onwards when some of the businesses close. The proposal can however be acceptable if the number of patrons in attendance at any one time is restricted to a maximum of 42, with no more than 7 staff present on site. Further restrictions would be required prior to 4:30pm Monday-Friday, where the maximum patrons is to be restricted to a maximum of 34.</p> <p>The proposal can only be supported subject to the recommended Conditions.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.

- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal did not require referral to Ausgrid.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1) (b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

The proposed development does not include any physical works. There are no principal development standards to address under Part 4 of the Warringah Local Environmental Plan 2011 in relation to this application.

Warringah Development Control Plan

Built Form Controls

The proposed development does not include any physical works. There are no built form controls to address under the Warringah Development Control Plan 2011 in relation to this application.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
D3 Noise	Yes	Yes

Detailed Assessment

C3 Parking Facilities

The development is considered against the underlying objectives of the control as follows:

To provide adequate off street carparking.

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Gymnasium	4.5 spaces per 100m ² of gross floor area	27 spaces (598m ² GFA)	6 spaces	Shortfall of 21 spaces
Total				

The proposed development relies on the six parking spaces currently associated with the three subject units, where 27 spaces are required by the control.

The proposal is supported by a Operational and Parking Plans of Management. The Plans detail how the parking spaces will be managed and are recommended to be adhered to during operation via conditions of consent.

The use relies on on-street parking to support the shortfall of on-site parking spaces. Patrons attending the adult classes generally drive to the site and park. These class times are outside of parking and traffic generation peaks, before other businesses in the area are in operation. Patrons attending the kids classes are generally dropped at the premises and collected at the end of the class. A dedicated parking officer assists with management of these vehicular movements.

The proposal and supporting documents have been reviewed by Council's Traffic Engineer, who is supportive, subject to conditions of consent, given the above factors.

To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.

Comment:

The proposed development does not include any new parking facilities, so does not add to the existing visual impact of the building.

To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.

Comment:

The subject parking area is set away from the street frontage, so does not dominate the street frontage, and is not visible from other public places.

D3 Noise

The development is considered against the underlying objectives of the control as follows:

To encourage innovative design solutions to improve the urban environment.

Comment:

Not applicable. The proposed development does not involve any physical works.

To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.

Comment:

The proposed development is supported by an acoustic report that details the noise emissions for operation of the site, and provides recommendations for management of those emissions. For example, the report recommends closure of windows and doors during class times, and limiting of the volume of music played within the venue.

The proposal and supporting acoustic report have been reviewed by Council's Environmental Health Officer. The Officer is supportive, subject to conditions of consent, including adherence to the acoustic report recommendations.

Given these factors, the proposed use of the site as an indoor recreational facility is acceptable and will be managed so as not to unreasonably diminish the surrounding amenity or unreasonably impose on occupants, users, or visitors.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result

in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2024/0105 for Use of Premises as a Recreational Facility (Indoor) on land at Lot 1 DP 1245996, 14 Inman Road, CROMER, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

DEFERRED COMMENCEMENT CONDITIONS

1. Building Information Certificate

The applicant must obtain a Building Information Certificate for any building works at Units 3, 4 and 5 at 14 Inman Road, Cromer that have been carried out without development consent before this consent can become operational.

Evidence required to satisfy these conditions must be submitted to Council (through the NSW Planning Portal) within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation.

Applicants must submit a request for operational consent to Council via the NSW Planning Portal and upload all relevant documentation. This can be completed through accessing the relevant

portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

GENERAL CONDITIONS

2. **Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
-	-	Sheet 1	Peter Formosa	15 December 2023
-	-	Sheet 2	Peter Formosa	15 December 2023
-	-	Sheet 3	Peter Formosa	15 December 2023
-	-	Sheet 4	Peter Formosa	15 December 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Gymnasium Noise Impact Assessment	1	Pulse White Noise Acoustics	15 January 2024
BCA Compliance Assessment P240057	1	BCA Vision	11 May 2024
Plan of Management	-	Applicant	Undated

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

3. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a recreation facility (indoor), in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

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.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. No Approval for Physical Works

No approval for physical works is granted under this development consent.

Reason: To ensure compliance with the relevant legislation.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

5. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to 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 Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and 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 under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

6. Allocated Parking Spaces (retail/commercial)

Parking allocated to this development must be clearly signposted and linemarked as being for the exclusive use of this development. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure parking availability.

7. Compliance with Plan of Management and Parking Management Plan

The requirements of the updated Plan of Management and Parking Management Plan is to be fully implemented in perpetuity from the issue of any Occupation Certificate.

Reason: To ensure that the parking and facilities are managed in an appropriate manner in perpetuity.

8. Building Code of Australia Upgrade requirements and Fire Safety Upgrade

The Building Code of Australia works and fire upgrading measures to upgrade the building as detailed and recommended in the Building Code of Australia Audit Report prepared by BCA Vision, dated 11/5/2024, report reference No. P240057 are to be considered as part of the

assessment of the Occupation Certificate. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, access and Fire safety for building occupant health and safety.

9. Revised Plan of Management and Parking Management Plan

The submitted Plan of Management and Parking Management Plan is required to be updated with the hours of operation and patron numbers specified in this consent. The amended Plan of Management and Parking Management Plan must be submitted to the satisfaction of the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure that the parking and facilities are managed appropriately.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

10. Management of Noise

All windows within the gym are to be fixed closed during operation and internal air conditioning provided.

All door openings are to include self-closing devices.

No playing of music or the like externally to the building.

Playing of music internally within the gym is to be set with noise levels of no greater than 75 dB(A) SPL @ 3m from any speaker.

All external access doors to include self-closing devices.

Reason: To ensure acoustic compliance in an operational situation.

11. Deliveries, waste and recycling collection hours

Deliveries, waste and recycling collection from the site is to be carried out between 6am and 10pm only to minimise noise.

Reason: To minimise noise to residential receivers.

12. Maximum Patron Numbers

The number of patrons in attendance at any one time on weekdays prior to 4:30pm is to be restricted to a maximum of 34.

The number of patrons in attendance at any one time outside of the above period is to be restricted to a maximum of 42.

No more than 7 staff are to be present on site.

Reason: Minimise parking impacts arising from the development.

13. Hours of Operation

The hours of operation are to be restricted to:

- Monday:
 - 6:00am to 11:30am
 - 3:45pm to 6:45pm
- Tuesday:
 - 6:00am to 7:30am
 - 9:30am to 11:30am
 - 3:45pm to 6:30pm
- Wednesday:
 - 6:00am to 11:30am
 - 3:45pm to 7:00pm
- Thursday:
 - 9:30am to 11:30am
 - 3:45pm to 7:30pm
- Friday:
 - 6:00am to 11:30am
 - 3:45pm to 7pm
- Saturday:
 - 7:15am to 1:00pm
- Sunday: Closed

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no customers shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

14. **Pedestrian Access**

Pedestrian access from the street to the entry of the proposed use is to be clearly defined, signposted, marked, visible and give direct access to the unit. The pedestrian access is to be appropriately lit during operational hours.

Reason: To ensure pedestrian safety

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Claire Ryan, Principal Planner

The application is determined on 25/06/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments