

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0053
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Responsible Officer:	Ryan Fehon
Land to be developed (Address):	Lot 1 SP 72120, 1 / 1 Skyline Place FRENCHS FOREST NSW 2086
Proposed Development:	Use of Premises as a recreational facility (indoor)
Zoning:	Warringah LEP2011 - Land zoned SP4 Enterprise
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Chapman Planning Pty Ltd

Application Lodged:	12/02/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	20/02/2025 to 06/03/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 12,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

This development application seeks consent for a *Recreation Facility (Indoor)* at 1/1 Skyline Place Frenchs Forest.

*Recreation Facility (indoor)* is defined as per the *Warringah Local Environmental Plan (LEP) 2011* 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."*

Recreation facilities (indoor) are permitted with consent in the SP4 Enterprise Land Use Zone of the *Warringah LEP 2011*.

The application proposes the following aspects as part of the change of use application:

- The formalized use of the site, allowing the use of an existing F45 Gym (Indoor Recreation Facility)
- The use of 23 existing car parking spaces - complying with Part C3 Parking Facilities (Appendix 1) of the WDCP 2011
- Waste management as per the Waste Management Plan prepared by Loka Consulting Engineers dated 07/11/2024
- The continued use of noise mitigation as per a Noise Impact Assessment completed by Environmental Monitoring Services dated 21/11/2024
- No structural works will be taken place on the premises
- An accessible facility that will continue its current operations without change

The gym has been in operation at the site since the 3rd July 2023. There have been no registered complaints found on Council's records involving noise, parking, operating hours or related concerns to a recreation facility (indoor).

## **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.

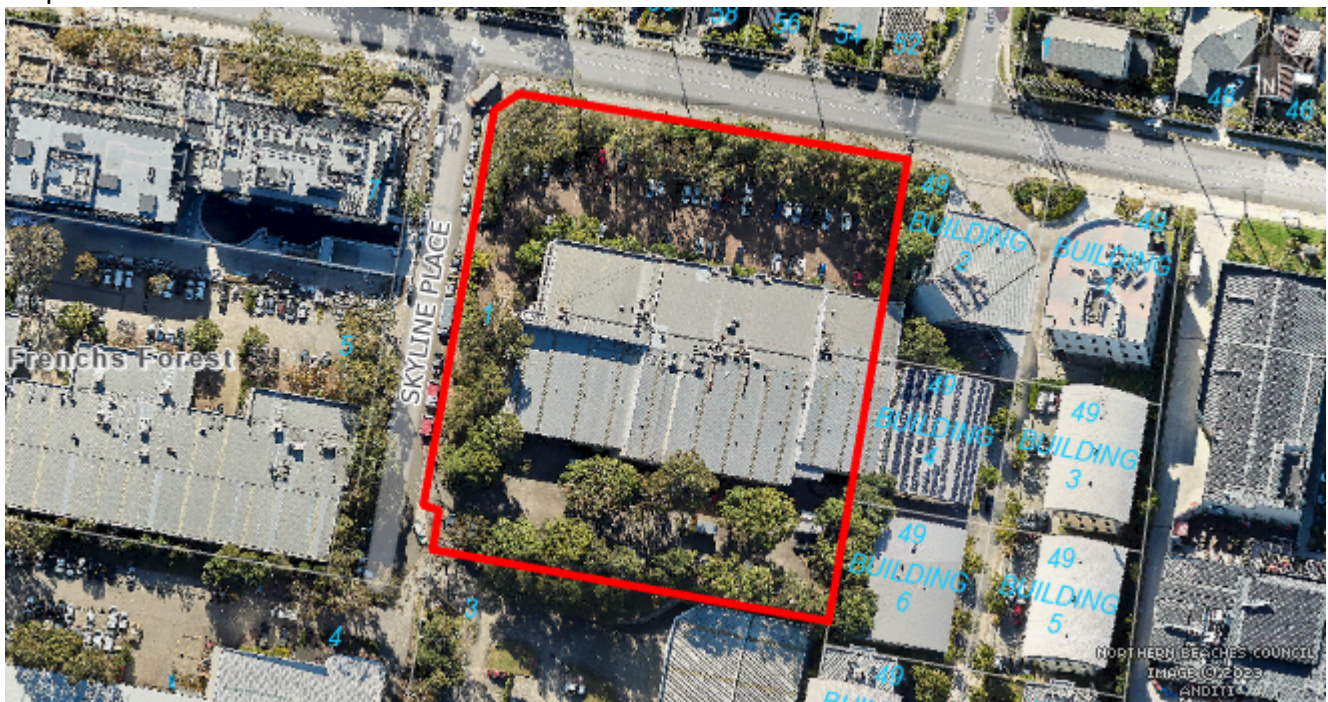
## **SUMMARY OF ASSESSMENT ISSUES**

Warringah Development Control Plan - C2 Traffic, Access and Safety  
Warringah Development Control Plan - C3 Parking Facilities  
Warringah Development Control Plan - C9 Waste Management  
Warringah Development Control Plan - D3 Noise  
Warringah Development Control Plan - D20 Safety and Security  
Warringah Development Control Plan - D23 Signs

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 SP 72120 , 1 / 1 Skyline Place FRENCHS FOREST NSW 2086
<b>Detailed Site Description:</b>	<p>The subject site is located in a large 2-3 storey commercial premises located on the eastern side of Skyline Place.</p> <p>The site is regular in shape with a frontage of 95m along Skyline Place and a depth of 101m. The individual unit has a surveyed area of 513m<sup>2</sup>.</p> <p>The site is located within the SP4 Enterprise zone and accommodates a large commercial/warehouse building and parking.</p> <p>The site is flat, containing some trees and vegetation to the northern, western and southern boundary.</p> <p>The site has vegetation mapped on the DPE Biodiversity Values Map - Edition 17, however this will not be affected by the Change of Use Application.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by other industrial premises to the east, west and south, and to the north across Frenchs Forest Road there are detached 1-2 storey residential homes.</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:

- **CDC2015/0076** - Ancillary development - Additional entrance to ground floor giving access to upper levels (Completed)

## 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&amp;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&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&amp;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&amp;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</p>



Section 4.15 Matters for Consideration	Comments
	<p>application.</p> <p><u>Clause 69</u> of the EP&amp;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&amp;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>
<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>	<p>(i) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification &amp; Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

## 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 20/02/2025 to 06/03/2025 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 of the application Council received no submissions.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at the Occupation Certificate stage.</p>
Environmental Health (Industrial)	<p><b>General Comments</b></p> <p>The proposal is supported by an acoustic report by an acoustic consultant as well as a plan of management. Appropriate conditions of consent will be recommended to ensure that recommendations as per the reports are implemented to mitigate any potential noise nuisance.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p>
Traffic Engineer	<p>The application is for conversion of unit1, level 2, 1 Skyline Place to a gymnasium.</p> <p>The floor area of the gym is 513m<sup>2</sup> which under the Warringah DCP would require 4.5 spaces per 100m<sup>2</sup> of GFA. i.e the gym would require 23 parking spaces. The Statement of Environmental Effects advises that there are 23 parking spaces allocated to the gym and the gym is therefore compliant in terms of parking space numbers.</p> <p>The Statement of Environmental Effects also advises that classes will be held seven days a week with a maximum operational capacity of 36 persons and 2 staff. As 8 of the parking spaces are in a tandem arrangement, four of the parking spaces (8,10, 12 &amp; 14) may be inaccessible if parked in by a vehicle in the row of spaces nearest the parking aisle. To minimise this issue two of the buried spaces will need to allocated for staff use. This will be conditioned. There is concern that the remaining two "buried" spaces may, at times, be inaccessible however a plan of management could address this issue by proposing strategies to ensure these spaces were utilised by attendees at the same gym classes and/or that arrangements were in place to allow for text messages or alerts to be sent to drivers blocking other vehicles from egressing. This will also be conditioned.</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)

Nil

### 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?	
zone objectives of the LEP?	Yes

### Principal Development Standards

No physical works are proposed, meaning no modification to the built form is taking place as a part of this application.

This application is for the use of the site only, with an existing facility already situated on site.

### Warringah Development Control Plan

### Built Form Controls

No physical works are proposed, meaning no modification to the built form is taking place as a part of this application.

This application is for the use of the site only, with an existing facility already situated on site.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes
D10 Building Colours and Materials	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D20 Safety and Security	Yes	Yes
D23 Signs	Yes	Yes

#### Detailed Assessment

### **C2 Traffic, Access and Safety**

Access to the premises for pedestrians is located from stairs on the western side of the building. This is already in use at the existing premises, and has not been deemed to be insufficient by Council's Building Assessment or Environmental Health teams.

Car access is located through a driveway situated on the western side of the lot, where there are sufficient parking spaces to the north of the lot.

### **C3 Parking Facilities**

There are 23 existing allocated car parking spaces to the gym facility. The facility has a maximum capacity of 36 patrons and 2 staff at any one time as per the Statement of Environmental Effects prepared by Chapman Planning Pty Ltd on 25/07/2024.

*Part H - Appendix 1 - Car Parking Requirements* of the Warringah Development Control Plan states:

- For gymnasiums - 4.5 car parking spaces are required for every 100sqm of gross floor area (GFA).

With 513sqm of total floor area and 314sqm of gymnasium floor area, the site requires 14-23 car parking spaces to be allocated. Hereby, the development complies with this clause.

### **C9 Waste Management**

Waste management will be conducted as per the Waste Management Plan prepared by *Loka Consulting Engineers* dated 07/11/2024.

### **D3 Noise**

A Noise Impact Assessment conducted by Environmental Monitoring Services (EMS) dated 21/11/2024 recommended actions in Section 7 for noise control which must be complied with as per the conditions attached to this application.

These recommendations include:

#### **7.1 Sound System Recommendations**



During the operational hours of the Level 1 commercial tenancy receiver below the gym the LAeq noise levels from the gym sound system shall not exceed an internal spatially averaged sound pressure level of **75 dB(A) LAeq** within the gymnasium. Sound Level Meter (SLM) measurements and the installation of a noise limiter may be needed to verify this level. The JBL Partybox 710 nor any subwoofer should not be used onsite.

## 7.2 Weight Dropping Recommendations

Table 6.5 shows that with the existing approximate 12mm rubber matting and Regupol samples the AAAC gymnasium and exercises facility guideline criteria was exceeded. However, a notable reduction is provided by the Regupol samples when compared with the 12mm rubber matting of 14 to 19 dB(A) for the drops from 450mm for the 9 kg and 20 kg weights and a reduction of 26 to 30 dB(A) for the 30 kg weight. EMS recommends that during the operational hours of the commercial tenancy receiver below the gym weights should be dropped in the dedicated weight dropping area marked out in Figure 4. This area should be fully covered by Regupol Sonusfit M 513 or M 517. Weights should never be dropped directly above the Level 1 board room during operational hours of the commercial receiver below. The AAS paper titled *Predicting impulsive noise emission and compliance with the AAAC gymnasium guideline criteria* (2024) by Sara McCafferty and Wilson Byrick from Pilteq Inc., Toronto Canada shows that the SPL measurements in a receiver room below the weight drops decrease by approximately 8, 13 and 17 dB(A) whilst moving away from the location directly below the drop by distances of 9, 17 and 26 metres respectively.

## 7.3 Mitigation and Noise Management Measures

EMS recommends the following management and noise management measures taken from the AAAC gymnasium and exercise facility guidelines to ensure that noise emissions do not exceed the Noise Criteria:

- The erection of signage advising patrons not to generate excessive noise when entering or egressing the premises, particularly in the parking lot and stairwell.
- The implementation of an appropriate management policy regarding the dropping of weights, including:
  - o Education and training of all gym staff, personal trainers and patrons/members, instructing how to place weights without dropping;
  - o Erection of clearly visible signage throughout the gym advising patrons/members that they must not drop weights or allow weights to drop on the floor, or use weights outside the designated weight areas; and
  - o Imposition of penalties (membership warnings, suspensions or lockout restrictions) on patrons/members identified dropping weights.
- The use of weights (dumbbells, barbell, kettlebells, plates and medicine balls) and pin/plate loaded machines is to be restricted to specific areas where appropriate impact isolating flooring has been installed;
- Include a condition of membership that management may reprimand a patron/member by way of fine, suspension or expulsion if they are found to repeatedly drop weights in a way contrary to that allowable;

- The Plan of Management for the facility should include a procedure to respond to any complaints. This should include recording and responding to all complaints. Discussions between the complainant and operator should be undertaken as quickly as possible, as cooperation can often resolve issues in a more timely manner. The records of complaints should include, as a minimum, the location of the complainant, the typical time of intrusion and nature of the complaint (noise/vibration/structureborne/impulsive). The operator should investigate possible sources of complaint, for example by conducting representative testing and measurements. Additional noise mitigation and management measures may be required to reduce and manage the disturbance.

## **D20 Safety and Security**

The floor layout is open and is able to maintain casual surveillance inside and outside of the premises.

The streetscape of Skyline Place and 1 Skyline Place is open and possesses various light sources to create a safe surrounding area.

## **D23 Signs**

The proposal does not include any additional signage or alterations to the exterior of the building or facade.

There is an existing small business identification sign above an entrance doorway on the Western side of the building (pictured below).



### **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 2024**

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**

THAT Council as the consent authority grant Development Consent to DA2025/0053 for Use of Premises as a recreational facility (indoor) on land at Lot 1 SP 72120, 1 / 1 Skyline Place, FRENCHS FOREST, subject to the conditions printed below:

## **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.

## GENERAL CONDITIONS

### 1. **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
DA00	A	Site Plan	PA Studio	18/07/2024
DA01	A	Level 2 Floor Plan	PA Studio	18/07/2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Noise Impact Assessment	-	Environmental Monitoring Services (EMS)	21/11/2024
Operational Waste Management Plan for 1 Skyline Place, Frenchs Forest, NSW	-	Loka Consulting Engineers	07/11/2024
Plan of Management - Recreation Facility (Indoor)	-	Chapman Planning Pty Ltd	25/07/2024

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.

### 2. **Acoustic Review**

Within 30 days from the operations commencing under the terms of this consent, an acoustic review of the findings and recommendations of acoustic report titled "noise Impact Assessment" by EMS reference REPORT NO EMS24 1972 dated 21/22/2024 and any additional requirements at OC acoustic review stage; shall be carried out on site (during a busy period of trading) and any necessary action to obtain acoustic compliance, shall be completed within a further 30 days of the assessment. The report associated with the compliance testing is to be furnished to Council for its records.

Reason: To ensure acoustic compliance in an operational situation.



## **BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

### **3. Acoustic Design Recommendations**

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within the acoustic report acoustic report titled "noise Impact Assessment" by EMS reference REPORT NO EMS24 1972 dated 21/22/2024 have been implemented / incorporated into the design of the premises.

Reason: To prevent noise nuisance by using mitigation measures in design.

### **4. Signage and Linemarking - Internal**

All parking spaces allocated to the gym are to be marked and signposted as such on site. Two "gym staff" spaces are to be marked in two of the buried spaces in tandem space pairs. A plan demonstrating appropriate signage and markings and a works as executed plan is to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: to ensure parking availability.

### **5. Operational Management Plan**

The Operational Plan of Management Plan (POM) is to be amended to include details for the management of the parking area. Including, but not limited to:

- Management of tandem car parking spaces.
- The location and content of staff and client parking space markings and signage.
- methods for altering clients, staff or other persons that have "parked in" other clients in the tandem spaces.
- location and content of signage to direct clients to the gym parking spaces.
- delivery times and methods of control to ensure deliveries do not occur at peak operational hours.
- Waste collection arrangements to ensure waste is collected outside of peak operational hours.

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

Reason: To ensure that the development operates with minimum disruption to the surrounding area.

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

### **6. Acoustic Requirements - On-going**

Compliance with the recommendations within the acoustic report titled "noise Impact Assessment" by EMS reference REPORT NO EMS24 1972 dated 21/22/2024 and any additional requirements at OC review stage.

Reason: To prevent a noise nuisance to any neighbouring residential receiver.

### **7. Site Occupancy**

That the number of (customers/visitors/guests/patrons) on the site at any one time be limited to 36.

Reason: To maximise potential for parking generated by the site to be contained on the site.

**8. No Signage Without Seperate Approval**

No signage is approved under this consent.

Any proposal to erect signage will require a separate Development Application, unless otherwise permitted under SEPP Exempt and Complying Codes.

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

**9. Plan Of Management**

The Plan of Management by Chapman Planning Pty Ltd dated 25 July 2024 is to be complied with on an ongoing basis at all times.

Reason: To mitigate potential noise impacts on nearby receivers

**10. Parking Enclosure**

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

**11. Stacked Parking Spaces**

Two of the buried spaces in Stacked/tandem parking space pairs are to be assigned to gym staff.

Reason: To minimize conflicts regarding parking areas.

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

**Signed**



**Ryan Fehon, Planner**

The application is determined on 27/03/2025, under the delegated authority of:



**Steven Findlay, Manager Development Assessments**