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**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR A CHANGE OF USE OF AN  
EXISTING PREMISES FOR THE PURPOSES OF A GYMNASIUM**

**LOCATED AT**

**14 INMAN ROAD, CROMER**

**FOR**

**NORTHERN BEACHES JIU JITSU ACADEMY**



**Prepared**  
**8 JUNE 2021**

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## CONTENTS

1.0	Introduction .....	3
2.0	Property Description .....	3
3.0	Site Description .....	3
4.0	Proposed Development .....	6
5.0	Zoning and Development Controls .....	7
5.1	State Environmental Planning Policy No. 55 – Remediation of Land.....	7
5.2	Warringah Local Environmental Plan 2011 .....	7
5.3	Warringah Development Control Plan .....	10
6.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979 .....	17
6.1	The provisions of any environmental planning instrument .....	17
6.2	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and.....	17
6.3	Any development control plan.....	17
6.4	Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.....	17
6.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), .....	17
6.6	The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality. ....	17
6.7	The suitability of the site for the development.....	18
6.8	Any submissions made in accordance with this Act or the regulations.....	18
6.9	The public interest.....	18
7.0	Conclusion.....	18

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## 1.0 Introduction

This Statement of Environmental Effects serves to detail the change of use of an existing premises for the purposes of a Gymnasium at 14 Inman Road, Cromer.

This statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

## 2.0 Property Description

The subject premises is situated within a light industrial unit and is known as **14 Inman Road**, being Pt. 9 within Deposited Plan 1245996 and is zoned IN1 General Industrial within the provisions of Warringah Local Environmental Plan 2011.

The site is noted within Area A on Council's Land Slip Risk Map.

## 3.0 Site Description

The subject property is located within a group of industrial units within a complex located on the eastern side of Inman Road, and is located within the wider industrial precinct in Cromer.

The subject site provides for at-grade parking forward of the existing building. The building has access to off-street parking comprising of 2 spaces. On-street parking available throughout the day on both Inman and Orlando Roads, including during class times from 4:00pm to 8:00pm.

The subject site has been previously used for light industrial purposes; however no formal consent can be located.

This application will seek to formalise the land use as a gymnasium, which as a recreational use, supplements the range of mixed industrial uses in the locality.

The peak operating hours of the proposed land use would occur outside of traditional business hours, which will seek to take advantage of the available unused on-street spaces which are not in use when other businesses are closed.

The surrounding units comprise a range of similar light industrial uses including 2 Gymnasiums.

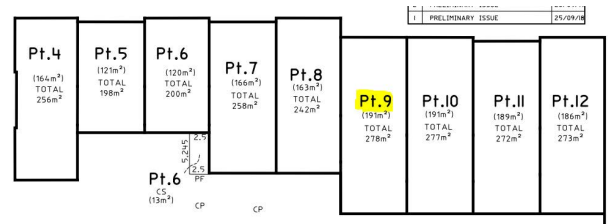
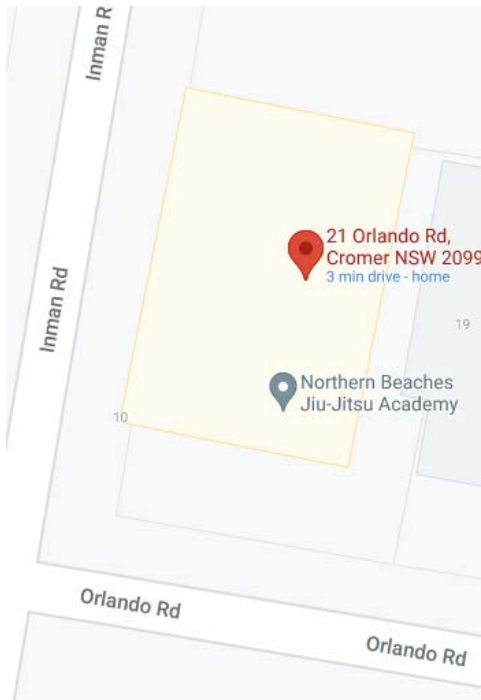


Fig 1: Location map



Fig 2: View of subject site, looking North



Fig 3: Aerial view of subject locality  
(Source: Google maps)

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#### **4.0 Proposed Development**

The proposal seeks consent for the use of the subject unit as a gymnasium, with no building works proposed under this application.

The main building façade will remain unchanged. The proposal will not involve the erection of any new signage structures, with minor business identification signage to be provided to replace existing signage and in will be installed in accordance with Council's exempt development provisions.

The current nature of the use is based on one-on-one and small group high performance specialist training, which allows for better regulation of patron numbers.

The proposal seeks consent for the following operating hours:

- Monday – Thursday: 4:00pm to 7:30pm
- Friday: 4:00pm to 8:00pm
- Saturday: 8:30am to 12:00pm
- Sunday: Closed

The peak operating hours of the proposed use will occur outside of traditional business hours (refer above), and therefore, take advantage of the available on-street car parking.

The proposal does not involve any increase in the floor space of the building.



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## 5.0 Zoning and Development Controls

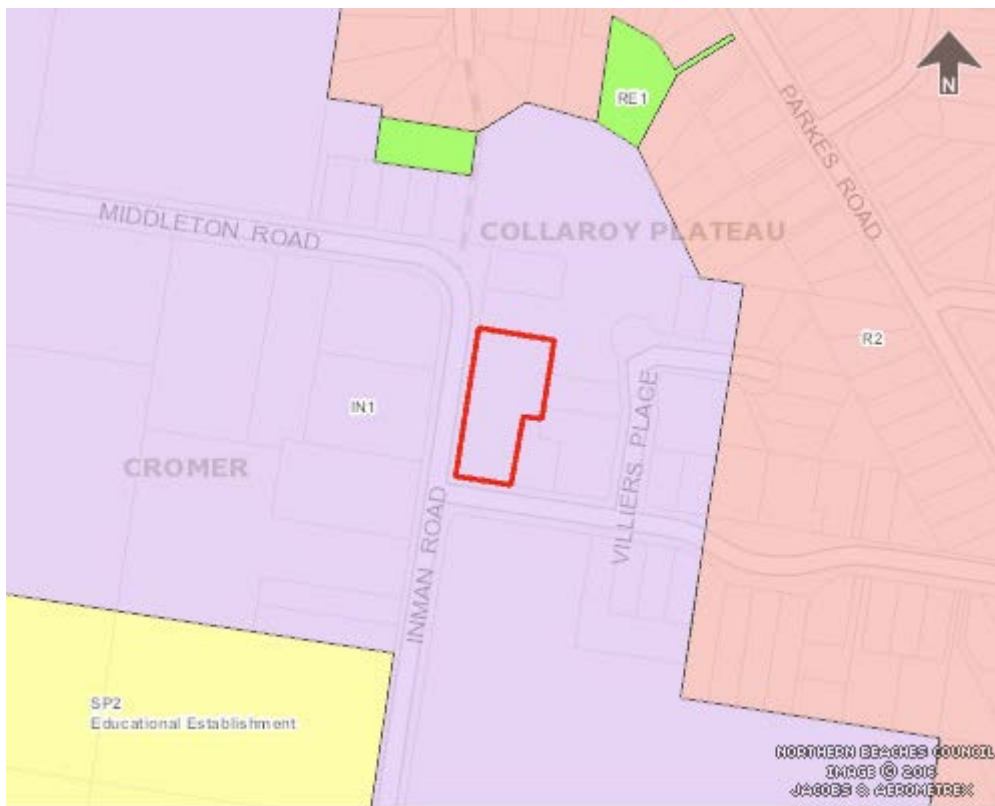
### 5.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the the site has remained undisturbed for a significant length of time and the proposal does not seek to alter the existing ground conditions it is considered that further investigation is not required at this stage.

### 5.2 Warringah Local Environmental Plan 2011

The land is zoned IN1 General Industrial under the provisions of the WLEP 2011.



**Fig 5: Warringah Local Environmental Plan 2011 Zoning Map (Source: NSW Government)**

The works are considered to be a “*recreation facility (indoor)*” as defined in the LEP.

As the Land Use table does not note the recreation facility (indoor) as being either permissible without consent under Item 2 or Prohibited under item 4, the use of the subject unit for a recreation facility (indoor) is permitted with the consent of Council.

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The development of and use of the land for recreational purposes is consistent with the zone objectives, which are noted as:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To enable a range of compatible community and leisure uses.*
- *To maintain the industrial character of the land in landscaped settings.*

It is considered that the proposed recreational use will be consistent with the desired future character of the surrounding locality for the following reasons (over):

- The proposal seeks consent to utilise an existing building as a recreation facility that can provide for a support service to the staff and occupants of the surrounding warehouse and industrial uses.
- The proposed use will enhance the employment and recreational opportunities and the range of services in the area.
- The proposal use of the unit will not reduce the amenity of any nearby properties.

**Clause 4.3** provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be (over):

***building height (or height of building)*** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The building height limit for development in this portion of Cromer is 11m. The proposal will not increase the overall height of the building and will comply with this maximum height control.

#### **Clause 5.5 – Development with the coastal zone**

The proposal is in keeping with the objectives of this clause, which seek to achieve:

- (a) *to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,*
- (b) *to implement the principles in the NSW Coastal Policy, and in particular to:*
  - (i) *protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and*



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- (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and*
  - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and*
  - (iv) recognise and accommodate coastal processes and climate change, and*
  - (v) protect amenity and scenic quality, and*
  - (vi) protect and preserve rock platforms, beach environments and beach amenity, and*
  - (vii) protect and preserve native coastal vegetation, and*
  - (viii) protect and preserve the marine environment, and*
  - (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
  - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and*
  - (xi) protect Aboriginal cultural places, values and customs, and*
  - (xii) protect and preserve items of heritage, archaeological or historical significance.*

As discussed, the proposed change of use to an existing industrial unit will not see any change to the existing structure.

#### **Clause 6.1 – Acid sulfate soils**

As no excavation is required, it is not anticipated that any acid sulfate soils will be encountered.

#### **Clause 6.2 – Earthworks**

The proposal will seek to provide for a change of use only, with no earthworks required.

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

The site is noted within Area A on Council's Land Slip Map. As the proposal seeks to provide for a change of use and minor internal alterations and additions, no further investigation is deemed necessary in this instance.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

### 5.3 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

Part B – Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 11m	No change to the overall height and form of the existing building	N/A
B2 – Number of storeys	The locality has a three storey height limit	No change to the existing building.	N/A
B3 - Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 5m. Setback 0.9m	As above.	N/A
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks			N/A
B6 – Merit assessment of Side Boundary Setbacks	Merit assessment of side setbacks	No change to existing side setbacks	N/A – remains unchanged
B7 – Front Boundary Setbacks	Ground and first floor Nil with second floor or up 5m	No change to existing front setback	N/A – remains unchanged
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	Merit assessment noted on map		N/A
B10 – Merit Assessment of rear boundary setbacks	Merit assessment noted on map	Proposal does not reduce existing rear setbacks.	N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A

Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	No change to existing driveway and layback. Car parking for the unit is provided for up to 2 cars at all times.	N/A
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	<p>Appendix 1 provides a parking rate of 4.5 spaces per 100m<sup>2</sup> for a gymnasium.</p> <p>Based on the usable gym floor area of approximately 100m<sup>2</sup>, 4.5 (5) spaces would be required.</p> <p>The proposed use has access to 2 car spaces, a shortfall of 3 spaces.</p> <p>Notwithstanding the shortfall and given the specialised training focus of the current gym operation, patron numbers are well regulated. The majority of patrons will visit during the later PM class periods (main peak period), and therefore outside of normal standard business hours. Outside of the class times, there will be a maximum of 2 people located within the gym.</p> <p>Any shortfall of parking is expected to be dealt with via ample on-street parking which</p>	Complies on merit

		<p>will be available between 4:00pm and 9:30pm.</p> <p>It is considered that there will not be any unacceptable traffic, parking or traffic related environmental implications resulting from the proposed change of use to the gymnasium facility.</p>	
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	The proposal does not require any physical change to the land and as such there will not be any change to the conditions surrounding the Council infrastructure. Stormwater from roofed areas will continue to be directed to street gutter.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	No excavation or site disturbance	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements		The works do not see any change to the building's footprint or form and will not adversely affect Council's infrastructure.	N/A
C7 – Excavation and Landfill	Site stability to be maintained		
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bin storage available within the unit	Yes

Part D – Design			
D1 – Landscaped Open Space and Bushland	No minimum landscaped open space requirement	The proposal will not see any changes to the existing landscaped open space.	N/A
D2 – Private Open Space	No applicable to proposed commercial use	N/A	N/A
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	No significant mechanical equipment required.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	No applicable to proposed use	N/A	N/A
D6 – Access to sunlight	No applicable to proposed use	N/A	N/A
D7 – Views	No applicable to proposed use	N/A	N/A
D8 – Privacy	No applicable to proposed use.  The proposal will not reduce the privacy of any residential properties.	N/A	N/A
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	Proposal does not alter the existing bulk and scale of the existing building.	Yes
D10 – Building Colours and materials		The proposal will not see any change to the existing building façade.	Yes

D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposal will not see any change to the existing roof form.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The proposal will not see any change to the existing building façade	Yes
D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street	No fencing proposed	N/A
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	No change to garbage storage areas or mail box	N/A
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	No fencing proposed	N/A
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	N/A	N/A
D17 – Tennis Courts	N/A		N/A
D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Existing access to be maintained	Yes
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A

D20 – Safety and Security	Buildings to enhance the security of the community.  Buildings are to provide for casual surveillance of the street.	The proposal will not reduce the security of the street area or the subject property. Casual surveillance of the immediate area surrounding the unit is available from within the unit.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	N/A	N/A
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 vehicles, pedestrians or potentially hazardous road features or traffic control devices.	As previously indicated, the proposal does not seek consent for the installation of any signage. Any new signage will be undertaken as part of a separate planning approval process.	Yes
<b>Part E – The Natural Environment</b>			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	N/A	N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 - Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A



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E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area A.	No change to existing site conditions. No further investigation is considered to be necessary in this instance.	Yes
E11 – Flood Prone Land	Not identified as flood prone.		N/A

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**6.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979**

**6.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

Clause 93 of the EPA Regulations 2000 requires the fire safety for the proposed use to be taken into account in any application for a change of use. This application is not a change of use that entails a change of classification under the Building Code of Australia therefore a fire safety statement under this clause is not strictly required.

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

**6.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

It is not considered that there are any draft environmental planning instruments applying to the site.

**6.3 Any development control plan**

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

**6.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

No matters of relevance are raised in regard to the proposed development.

**6.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),**

No matters of relevance are raised in regard to the proposed development.

**6.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.**

It is considered that the proposal, which seeks consent for the use of an existing premises as a recreational facility (indoor), will not unreasonably impact upon the amenity of adjoining

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properties or upon the character of the surrounding area is compatible with and will complement the character of the area.

The peak operation hours of the proposed use will occur outside of traditional business hours so there is no conflict with the existing traffic and parking arrangements within the immediate area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and DCP.

#### **6.7 The suitability of the site for the development**

The site is considered suitable for the proposed development.

The proposal will provide for the use of the unit as a recreational facility (indoor), which will not have a detrimental impact on the amenity of the adjoining properties or any detrimental impact on the streetscape.

#### **6.8 Any submissions made in accordance with this Act or the regulations**

This is matter for Council in the consideration of this proposal.

#### **6.9 The public interest**

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

#### **7.0 Conclusion**

The proposal seeks consent for the use of an existing premises for the purposes of a gymnasium, which is defined under the WLEP 2011 as "*recreational facility (indoor)*" which will not have a detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.