

# Statement of Environmental Effects

1103/4 Daydream Street  
Warriewood NSW 2102

**Development Application for:**

Continued use of the premises as a recreation facility (indoors) (Pilates studio)

*22 December 2022*

**Prepared by:** Grace Butcher at Council Approval Group

**Email:** [grace@councilapproval.com.au](mailto:grace@councilapproval.com.au)

**Phone:** 1300 008 138 Extension 6001

Created By:	GB
Checked By:	KW



# Contents

<b>1</b>	<b><i>Introduction.....</i></b>	<b><i>1</i></b>
<b>2</b>	<b><i>The Subject Site and Locality .....</i></b>	<b><i>2</i></b>
2.1	Description of site and surroundings .....	2
2.2	Summary environmental mapping constraints .....	3
2.3	Site zoning .....	4
2.4	Development history .....	4
<b>3</b>	<b><i>The Proposed Development .....</i></b>	<b><i>6</i></b>
3.1	Description of proposed development .....	6
3.2	Details of proposed development.....	7
<b>4</b>	<b><i>Environmental Assessment.....</i></b>	<b><i>9</i></b>
4.1	Relevant Legislation .....	9
4.2	State Environmental Planning Policies .....	9
4.3	Local Environmental Plan .....	9
4.4	Development Control Plan .....	13
4.5	Section 4.15 Considerations .....	19
<b>5</b>	<b><i>Summary and Conclusion .....</i></b>	<b><i>20</i></b>
5.1	Recommendation .....	20

## Appendix

Appendix A. Architectural Plan

Appendix B. BCA Assessment

# 1 Introduction

Council Approval Group has been engaged by Ms. Jen Smith to prepare and submit a Development Application for the continued use of the premises as a recreation facility (indoors) (Pilates studio) at 1103/4 Daydream Street, Warriewood. Once determined, this proposal will provide a compatible land use to assist in meeting the day to day physical and mental needs of workers and residents as well as provide for economic diversity and employment.

We thank Northern Beaches Council staff who have been of assistance during the formulation phase of this Development Application.

Specifically, this Statement of Environmental Effects (SoEE) includes:

- an analysis of the subject site and the surrounding locality;
- a description of the proposed development;
- an analysis of the proposal against the provisions of the *Pittwater Local Environmental Plan 2014* (LEP), relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with the requirements of the Environmental Planning and Assessment Act and Part 3 of the *Environmental Planning and Assessment Regulation 2021* for the purposes of

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the LEP. We are pleased to present this SoEE for continued use of the premises as a recreation facility (indoors) (Pilates studio) which, once approved, will provide a compatible land use to assist in meeting the day to day physical and mental needs of workers and residents as well as provide for economic diversity and employment.

## 2 The Subject Site and Locality

### 2.1 Description of site and surroundings

Details of the site are provided below. The site is located in the Northern Beaches Council area and is improved with a large commercial complex with a range of different land uses including Arcadia Pittwater Private Hospital. The subject unit is in Building 1 on ground floor and is approximately 107.64sqm. The location of the subject site is shown on the location and aerial maps at **Figures 1** and **2**. A Google Street image of the vehicular access to Building 1 is included at **Figure 3**.

A mix of land uses surround the site including warehouses, a place of public worship, commercial uses, swim schools and childcare centres.

Address	Title Details	Site Area	Site Frontage
4 Daydream Street, Warriewood NSW 2102	Lot CP, SP80638	11,638.45 sqm (approx.)	143.99 metres (approx.)

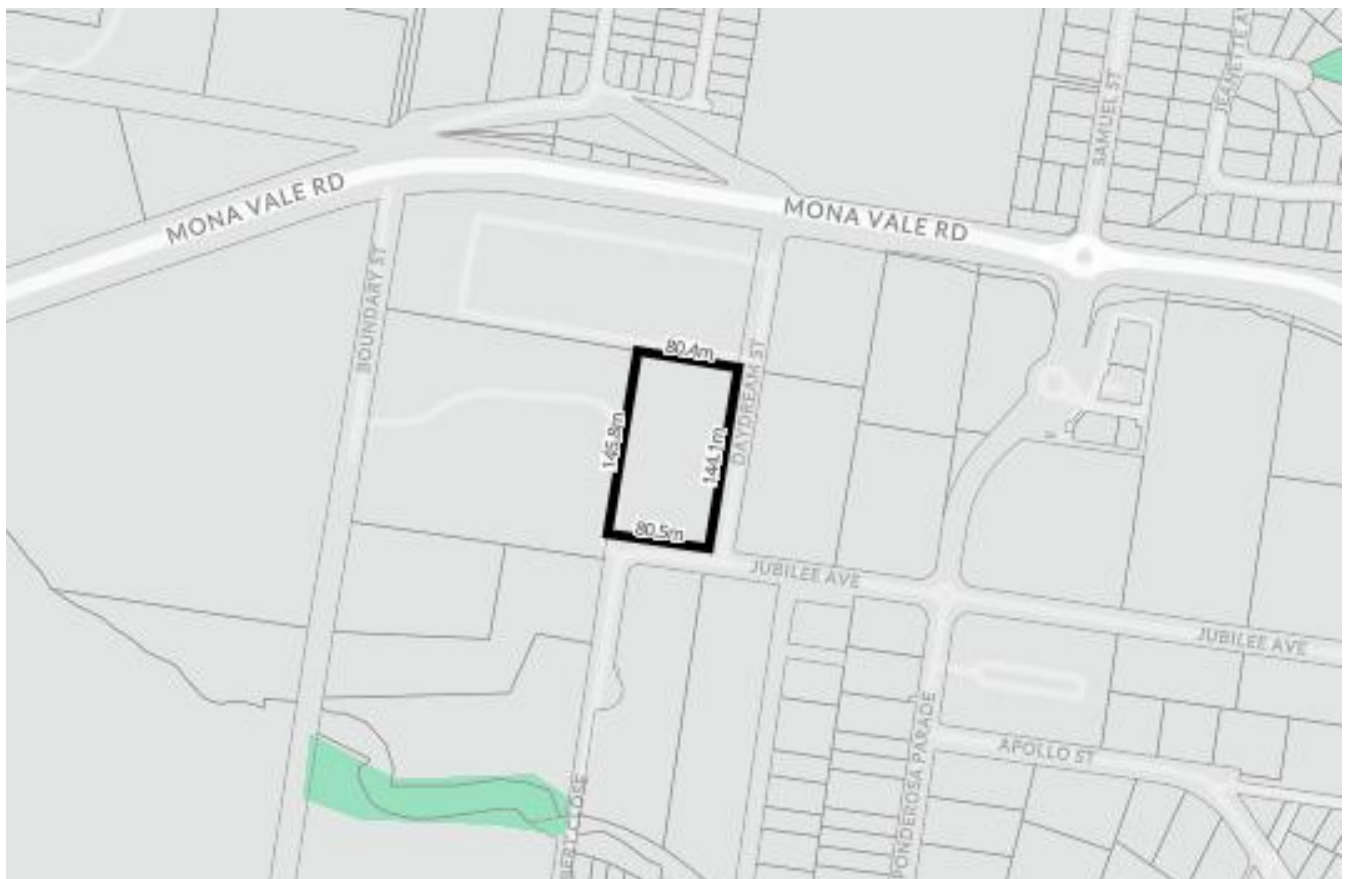


Figure 1: Site location (Source: EMC report)





Figure 2: Site aerial (Source: EMC report)



Figure 3: Google Street View – Vehicular access to Building 1

## 2.2 Summary environmental mapping constraints

In summary, the site is mapped with the following mapping constraints under the LEP:

- Floor Space Ratio: 1:1
- Building Height: 11 m
- Minimum Lot Size: 8,000 sq m

## 2.3 Site zoning

The site is zoned under the *Pittwater Local Environmental Plan 2014* (LEP) as Zone B7 - Business Park.

## 2.4 Development history

A search of Council's online database reveals the following:

Reference No.	Description of Works	Decision & Date of Decision
N0270/09	Erection of signage	Approved 12/08/2009
CC0473/10	Erection of signage	Approved 17/09/2010
N0180/07/S96/2	Section 4.55 (1a) Minor Environmental Impact - a Child Care Centre in the South western portion of the site occupying approximately half of Building 1. Modification proposed is to amend bushfire safety and construction standards.	Approved 11/10/2013
N0341/15	The construction, fit-out and use of a new private hospital, accommodating a maximum of 99 beds. The proposal relates solely to Building 3, being the partially constructed building at the northern end of the site. The proposal retains the partially constructed building, resulting in a 4-5 storey building, with 1-2 levels of basement parking below. Pittwater Council is the consent authority, and the Sydney East Joint Regional Planning Panel has the function of determining the application.	Approved 02/12/2015
CC0415/16	Fitout and use of a new private hospital accommodating a maximum of ninety nine (99) beds	Approved 25/11/2016
CC0406/16	(Demolition works only) Fitout and use of a new private hospital, accommodating a maximum of ninety nine (99) beds	Approved 12/11/2016
T0505/16	Tree/Bushland Works	Refused 01/12/2016
CC0056/17	The construction, fit-out and use of a new private hospital, accommodating a maximum of 99 beds. The proposal relates solely to Building 3, being the partially constructed building at the northern end of the site. The proposal retains the partially constructed building, resulting in a 4-5 storey building, with 1-2 levels of basement parking below. Pittwater Council is the consent authority, and the Sydney East Joint Regional Planning Panel has the function of determining the application.	Approved 06/03/2017
N0137/17	Business identification sign	Approved 08/06/2017
N0341/15/S96/2	Section 4.55 (1a) Minor Environmental Impact - Modification to consent N0341/15 for the construction, fit-out and use of a new private hospital, accommodating a maximum of 99 beds. The proposal relates solely to Building 3, being the partially constructed building at the northern end of the site. The proposal retains the partially constructed building, resulting in a 4-5 storey building, with 1-2 levels of basement parking below.	Approved 20/11/2017
CC0320/17	Private - Business identification sign	Approved 21/09/2017
CC0319/17	This certificate relates to the construction, fit-out and use of a new private hospital, accommodating a maximum of ninety-nine (99) beds. This construction certificate is to be read in conjunction with Construction Certificates J160204 dated 11 November 2016 and J160204A, 25 November 2016, J160204B, 15 February 2017 and J160204C dated 27 April 2017.	Approved 21/09/2017

Reference No.	Description of Works	Decision & Date of Decision
CC2018/0022	The construction, fit-out and use of a new private hospital, accommodating a maximum of 99 beds. The proposal relates solely to Building 3, being the partially constructed building at the northern end of the site. The proposal retains the partially constructed building, resulting in a 4-5 storey building, with 1-2 levels of basement parking below. Pittwater Council is the consent authority, and the Sydney East Joint Regional Planning Panel has the function of determining the application.	Approved 04/12/2017
IOC2018/0007	Interim OC by Private Certifier - The construction, fit-out and use of a new private hospital, accommodating a maximum of 99 beds. The proposal relates solely to Building 3, being the partially constructed building at the northern end of the site. The proposal retains the partially constructed building, resulting in a 4-5 storey building, with 1-2 levels of basement parking below. Pittwater Council is the consent authority, and the Sydney East Joint Regional Planning Panel has the function of determining the application.	Pending
FOC2018/0248	Final OC by Private Certifier - Business identification sign - 17/2764-1	Pending
DA2018/0974	Change of Use - Fitout and change of use to a health services facility. Specifically to provide gymnasium/physiotherapy support service.	Approved 12/07/2018
NOC2018/1744	Notification Of Commencement - Fitout and change of use to a health services facility. Specifically to provide gymnasium/physiotherapy support services 18/2949-1	Completed
CC2018/1434	Private - Fitout and change of use to a health services facility. Specifically to provide gymnasium/physiotherapy support services - 18/2949-1	Approved 07/09/2018
FOC2018/1699	Final OC by Private Certifier - Fitout and change of use to a health services facility. Specifically to provide gymnasium/physiotherapy support services - 18/2949-2	Completed
IOC2018/1003	Interim OC by Private Certifier - The construction, fit-out and use of a new private hospital, accommodating a maximum of 99 beds - excluding administration area to level 5 and compliance with development consent condition No. E6 - J160204A	Completed
CDC2019/0338	Strata subdivision - 17/CDC22/19	Approved 14/05/2019
TA2020/0782	Removal/Pruning of 3-5 Trees	Approved 19/10/2020



## 3 The Proposed Development

### 3.1 Description of proposed development

Ms. Smith is seeking to rectify an unauthorised use, for the use to continue, at unit 1103 as recreation facility (indoor). No compliance action has been taken to date and this rectification is occurring on a voluntary basis after identifying that the consent is required following the operation of her Pilates business for the past 4 years. Ms. Smith is selling her business and the potential buyer seeks to continue to operate the business, as proposed and outlined in this DA, from the premises.

No building works have been undertaken to date and no works are proposed. This DA simply seeks consent for the continued use of the premises as a recreation facility (indoors) (Pilates studio). Refer to **Figure 4** and **Figure 5** below.

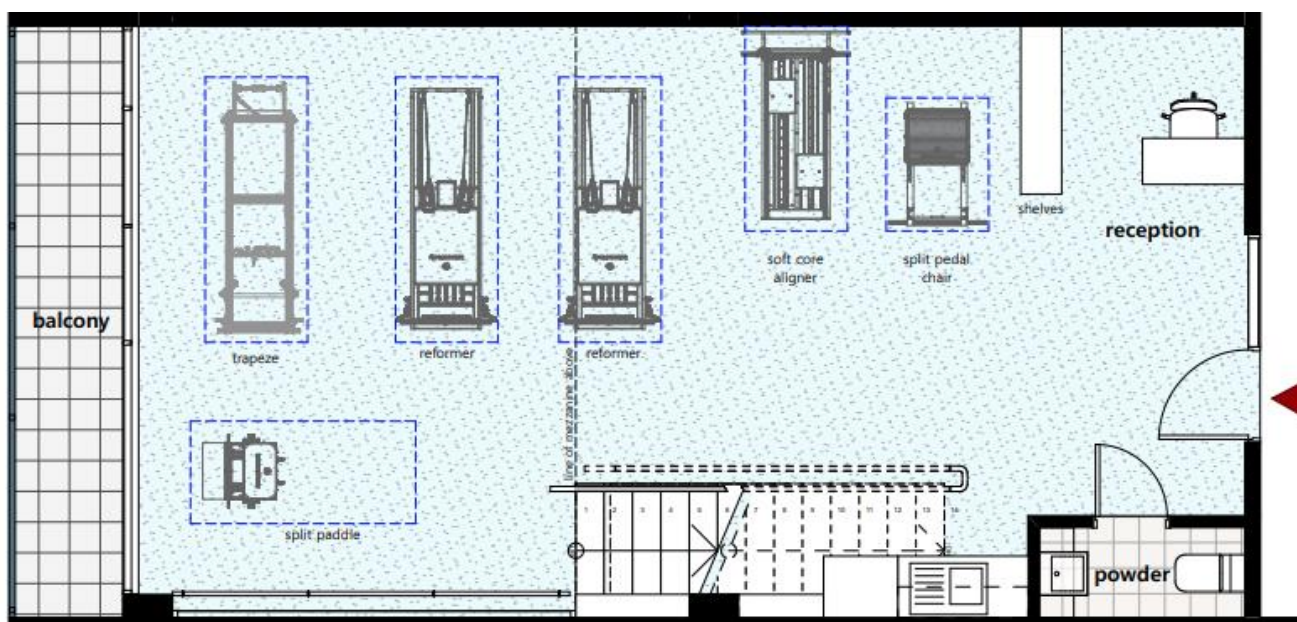


Figure 4 Existing and Proposed Ground Floor (Source: Council Approval Group)

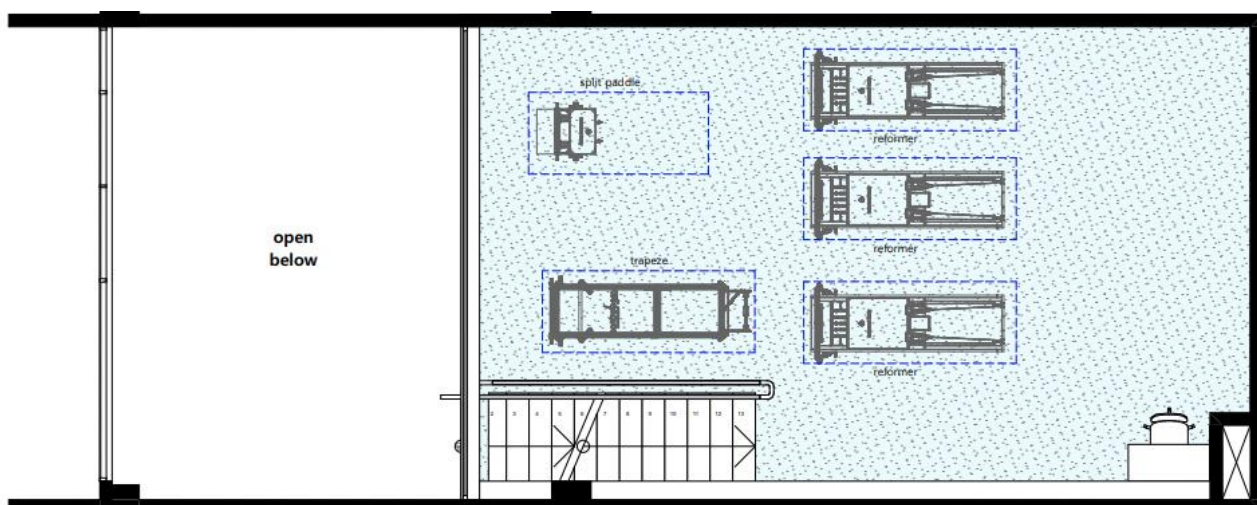


Figure 5 Existing and Proposed Mezzanine Level (Source: Council Approval Group)



## 3.2 Details of proposed development

### 3.2.1 Privacy, Views, Overshadowing, and Noise

No alterations or additions are proposed to the existing development; therefore, the built form will remain the same and no additional impacts will occur than that assessed, mitigated, and previously approved.

Noise generation from the proposed use will be minimal; background music will be played during classes however will remain at a low level, quiet enough for the instructor to speak over the music without a microphone. It is considered that there will be no acoustic impacts on neighbouring residential uses given that all classes are confined to indoors.

### 3.2.2 Trees and Vegetation

No trees or vegetation have been or are proposed to be impacted by the proposal.

### 3.2.3 Access and Traffic

Pedestrian and vehicular access are both provided separately to the site from Daydream Street. Pedestrians enter the site via Daydream Street, enter Building 1 at Ground Floor and access to the subject unit is provided on the same level. Basement parking (and parking for disabled persons) is provided onsite. An elevator is provided to access ground floor from the basement. An accessible bathroom is provided within the building accessed via the lift.

A BCA Assessment is provided at **Appendix B**. Contrasting (slip resistant) nosing strip is to be applied to the internal stairway of the subject unit leading from the lower level to the mezzanine in accordance with the recommendations of **Appendix B**.

Most of the existing clientele are people working in or already visiting the local area. The site is also located approximately 300m walking distance from bus stops located on Ponderosa Parade and 320m on Mona Vale Road.

It is not anticipated that the continued use of the premises for the applicable use will cause adverse traffic or parking impacts in light of the site's location, existing clientele trends and operating times and capacity as outlined in **Section 3.2.6** below.

### 3.2.4 Stormwater and Sewerage

The existing site stormwater and sewerage is sufficient for the proposed tenancy use.

### 3.2.5 Demolition and Construction Management

No demolition or construction is proposed under this DA.

### 3.2.6 Hours of Operation and Management Details

The proposed hours of operation are proposed as follows:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	8:00am	8:00am	7:00am	8:00am	7:00am	8:00am	Closed
Close	8:00pm	7:00pm	3:00pm	8:00pm	2:00pm	1:00pm	

It is proposed to have a minimum of 4x and a maximum of 8x 55-minute classes would be run per day, Monday-Saturday.

A minimum of 1 and a maximum of 5 people will attend each class. In any one day it is anticipated that there will be a maximum of 20 clients attend site throughout the entire day. However, this will not be everyday as some days will not hold as many classes as others.

A maximum of 2 staff members will be present from the premises at any one time. A maximum of 3 employees will be employed from the location.

### **3.2.7 Ongoing Waste Management**

Minimal waste is anticipated to be produced as a result of the desired use. 3x small waste bins will be provided in the tenancy for waste disposal as required, in the appropriate general waste, food waste or recycling bins. All waste will then be disposed of in the bins provided for the complex and collected during the arranged collection already in place.

## 4 Environmental Assessment

### 4.1 Relevant Legislation

#### 4.1.1 Rural Fires Act 1997

The site is mapped as being bushfire prone land thus this must be considered in any application. This DA pertains to the use of a premises that is already constructed, approved and exists. Further, the use of the premises is not considered a 'special fire protection purpose' pursuant to clause 100B(6) of the *Rural Fires Act*.

Therefore, per 100B of the *Rural Fires Act*, it is considered that a bushfire assessment report is not required for this DA for the consideration of a bush fire safety authority.

### 4.2 State Environmental Planning Policies

#### 4.2.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

##### Chapter 2 Vegetation in non-rural areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This Chapter applies to the Northern Beaches LGA and the B7 zone.

This DA seeks consent for the continued use of a premises. The proposed use is considered to have very low impact on trees and vegetation in proximity to the site. No work is proposed, and the premises exists and is contained entirely within a larger complex. As such, it is considered that the applicable provisions of this Chapter are satisfied.

#### 4.2.2 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

##### Part 2, Division 2, Subdivision 9 Internal signs

The client has erected internal window signage on the frosted glass next to the subject unit entry. No part of this signage can be seen from the street or outside the building. The signage is stuck to the glass and therefore it is considered that the signage is securely fixed and installed in accordance with clause 2.99(b).

As such, it is considered that this signage is considered exempt development however has been included in this SoEE for completeness.

#### 4.2.3 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the *State Environmental Planning Policy (Industry and Employment) 2021* pertains to advertising and signage, however, pursuant to clause 3.4(2) does not apply to signage that is exempt. As outlined in **Section 4.2.2** above signage has been erected as exempt development thus the *State Environmental Planning Policy (Industry and Employment) 2021* does not require further consideration.

### 4.3 Local Environmental Plan

#### 4.3.1 Pittwater Local Environmental Plan 2014

The *Pittwater Local Environmental Plan 2014* (LEP) applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

##### Zoning and Permissibility

Part 2 of LEP identifies that the subject site is zoned B7 - Business Park. The Land Use Table for the zone is as follows:

##### **2 Permitted without consent**

*Nil*

##### **3 Permitted with consent**

*Boat building and repair facilities; Centre-based child care facilities; Community facilities; Depots; Environmental protection works; Funeral homes; Garden centres; Hardware and building supplies; Horticulture; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Research stations; Respite day care centres; Restaurants or cafes; Roads; Service stations; Signage; Storage premises; Take away food and drink premises; Tank-based aquaculture; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Wholesale supplies*

##### **4 Prohibited**

*Pond-based aquaculture; Any other development not specified in item 2 or 3*

The subject Development Application to Council seeks approval for the continued use of the premises as a recreation facility (indoor). The proposal is permitted with the consent of Council.

The objectives of the B7 - Business Park zone are as follows:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To provide healthy, attractive, functional and safe business areas.*


It is considered that the proposal is consistent with these objectives, in that:

- The proposal provides a land use that assists in meeting the physical and mental needs of workers and residents;
- The proposal, once approved, will provide for employment opportunities; and
- The proposal contributes to a healthy, functional, and safe business area.

##### Other Relevant Clauses

LEP Clause / Provision	Statement of Compliance
<b>4.3 Height of buildings</b>	
<i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i>	<b><u>Complies</u></b> The maximum permitted height for the site is 11m. No works have been undertaken or are proposed that exceed this height.



LEP Clause / Provision	Statement of Compliance
<b>4.4 Floor space ratio</b>	
(2) <i>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i>	<b>Complies</b> The maximum permitted FSR for the site is 1:1. No works have been undertaken or are proposed to change the previously approved FSR.
<b>5.21 Flood planning</b>	
<p>(2) <i>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</i></p> <p>(a) <i>is compatible with the flood function and behaviour on the land, and</i></p> <p>(b) <i>will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p>(c) <i>will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i></p> <p>(d) <i>incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p>(e) <i>will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i></p> <p>(3) <i>In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</i></p> <p>(a) <i>the impact of the development on projected changes to flood behaviour as a result of climate change,</i></p> <p>(b) <i>the intended design and scale of buildings resulting from the development,</i></p> <p>(c) <i>whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i></p> <p>(d) <i>the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i></p> <p>(4) <i>A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</i></p> <p>(5) <i>In this clause—</i>  <i>Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.</i>  <i>flood planning area has the same meaning as it has in the Floodplain Development Manual.</i>  <i>Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.</i></p>	<p><b>N/A</b></p> <p>Council's online mapping is provided below showing land surrounding the subject site as being prone to flooding, however the subject site itself is not prone to flooding.</p> <p>Further, the subject tenancy is located in the building indicated with a red star. The road network surrounding this building is clear of any flooding.</p> <p>It is considered that flooding does not pose a threat to the desired use and is not applicable to the DA.</p> 
<b>7.1 Acid sulfate soils</b>	
<p>(2) <i>Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</i></p> <p><i>5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which</i></p>	<p><b>N/A</b></p> <p>The site is mapped as Class 5 however no works are proposed that trigger this clause.</p>

LEP Clause / Provision	Statement of Compliance
<p><i>the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i></p> <p><i>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</i></p>	
<b>7.6 Biodiversity</b>	
<p><i>(2) This clause applies to land identified as "Biodiversity" on the Biodiversity Map.</i></p> <p><i>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i></p> <p><i>(a) whether the development is likely to have—</i></p> <p><i>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i></p> <p><i>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></p> <p><i>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></p> <p><i>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</i></p> <p><i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p><i>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i></p> <p><i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></p> <p><i>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p>	<p><b><u>Complies</u></b></p> <p>The small portion of the site is mapped as containing biodiversity however no works are proposed or have been undertaken that trigger this clause or provides for potential impact to biodiversity mapped land.</p>
<b>7.7 Geotechnical hazards</b>	
<p><i>(2) This clause applies to land identified as "Geotechnical Hazard H1" and "Geotechnical Hazard H2" on the Geotechnical Hazard Map.</i></p> <p><i>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks—</i></p> <p><i>(a) site layout, including access,</i></p> <p><i>(b) the development's design and construction methods,</i></p> <p><i>(c) the amount of cut and fill that will be required for the development,</i></p> <p><i>(d) waste water management, stormwater and drainage across the land,</i></p> <p><i>(e) the geotechnical constraints of the site,</i></p> <p><i>(f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p><i>(4) Development consent must not be granted to development on land to which this clause applies unless—</i></p>	<p><b><u>Complies</u></b></p> <p>A small portion of the site is mapped as Geotechnical Hazard H1 however no works are proposed or have been undertaken that trigger this clause or provides for potential impact to the mapped land.</p>

LEP Clause / Provision	Statement of Compliance
<p>(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and</p> <p>(b) the consent authority is satisfied that—</p> <p>(i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or</p> <p>(ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or</p> <p>(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.</p>	
<b>7.10 Essential services</b>	
<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>	<p><b>Complies</b></p> <p>The site is already serviced by services essential for the development.</p>


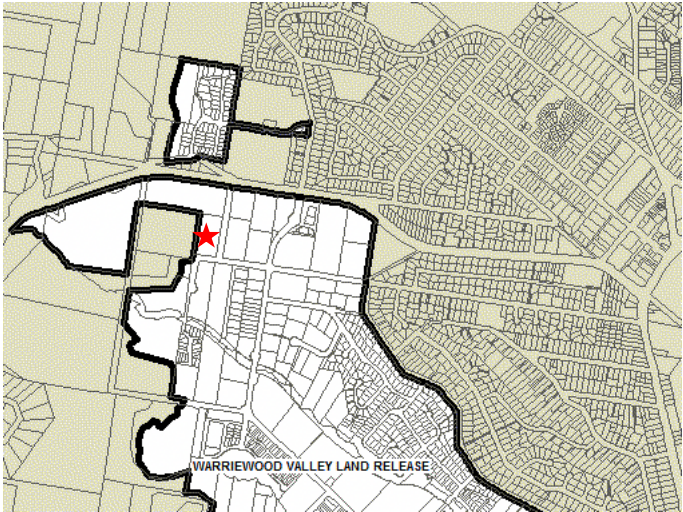
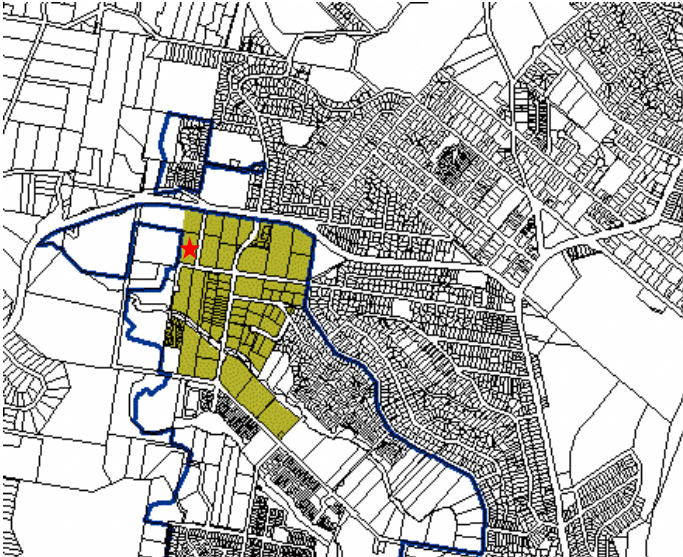
## 4.4 Development Control Plan

### 4.4.1 Pittwater Development Control Plan 2021

The Pittwater Development Control Plan 2021 (DCP) applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the DCP.

DCP Clause / Provision	Statement of Compliance
<b>Section A Shaping Development in Pittwater</b>	
<b>A4 Localities</b>	
<b>A4.16 Warriewood Valley Locality</b>	
<p>Warriewood Valley is situated at the base of the escarpment, known as Ingleside Chase Reserve, between Mona Vale and Warriewood (see map). It comprises of land known as "Stage 1 Release" and land identified as the Warriewood Valley Release Area.</p> <p>The Warriewood Valley Release Area, first identified in 1997 as a Release Area, comprises of 110 hectares including 32.68 hectares of industrial/commercial land and associated community facilities and infrastructure. Two recent reviews have been undertaken, firstly the Warriewood Valley Strategic Review 2012 and secondly the Warriewood Valley Strategic Review Addendum Report 2014. The Release Area now includes land within 400m of the Warriewood Sewerage Treatment Plant (known as Buffer Areas 1, 2 and 3) encompassing an area of approximately 190 hectares.</p> <p>Warriewood Valley Release Area is primarily a residential area expected to provide a total of 2,451 new dwellings (this figure includes the dwellings approved under the former Part 3A</p>	<p><b>Complies</b></p> <p>The continued use of the premises as a recreation facility (indoors) assists in meeting the this provision by:</p> <ul style="list-style-type: none"> <li>Contributing to the diverse mix of land uses by providing a recreational land use; a viable land use to community of today and in the future;</li> <li>Not altering the existing building height thus not impacting or adjusting the existing building height in relation to existing tree canopy's; and</li> <li>Not altering the existing built form, bulk or scale.</li> </ul> <p>It should be noted, that while the site is mapped as being within the Warriewood Valley Release area under the DCP (image 1 below), it is not mapped as being within the Warriewood Valley Release Area under the LEP (image 2 and image 3 below). As such, the DCP provisions have been considered below. The site is identified in red in each image.</p>










DCP Clause / Provision	Statement of Compliance
<p>legislation but does not include development in Stage 1 Release considered to be completed in 1997.). When completed, it is anticipated to accommodate 6,618 residents (based on an average household occupancy of 2.7 persons per household).</p> <p>Warriewood Valley Release Area continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area, and will include a mix of low to medium density housing, industrial/commercial development, open space and community services. The creekline corridors, roads and open space areas form the backbone of the new community, complemented with innovative water management systems, the natural environment, pedestrian/cycle path network, public transport, and recreation facilities.</p> <p>Stage 1 Release, has a residential component and a business/industrial component. The residential area is characterised by two storey residential attached dwellings with the area fully developed. The industrial/business area is defined by up to three storey large complexes that generally contain smaller units. The majority of the business/industrial zoned land has been developed with some smaller parcels still to be developed in the northern industrial area.</p> <p>The Warriewood Valley locality is characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.</p> <p>Warriewood Valley is affected by various hazards and contains heavily vegetated areas, threatened species, or areas of natural environmental significance, which are identified on various maps within the Pittwater LEP 2014.</p> <p>A number of identified heritage items are located in Warriewood Valley.</p>	 <p><b>Image 1</b></p>  <p><b>Image 2</b></p>  <p><b>Image 3</b></p>
<b>Section B General Controls</b>	
<b>B3 Hazard Controls</b>	
<b>B3.1 Landslip Hazard</b>	



DCP Clause / Provision	Statement of Compliance
<p><i>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</i></p> <p><i>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</i></p> <p><i>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</i></p>	<p><b><u>Complies</u></b></p> <p>A small portion of the site is mapped as Geotechnical Hazard H1 however no works are proposed or have been undertaken that trigger this clause or provides for potential impact to the mapped land.</p>
<b>B3.2 Bushfire Hazard</b>	
<p><i>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</i></p> <p><i>Development land to which this control applies must comply with the requirements of:</i></p> <p><i>Planning for Bushfire Protection (2006)</i></p> <p><i>Australian Standard AS 3959:2009 - Construction of a building in a bushfire-prone area</i></p>	<p><b><u>Complies</u></b></p> <p>It is considered that the continued use of the subject unit does not have an adverse impact on the protection of people, the natural environment or private and public infrastructure and assets in relation to bushfire threat.</p> <p>No works or building materials have been undertaken or alerted than that previously approved. The use and operation hours of the subject premises is predominately throughout the day and by a small number of people. As such, this provision is considered to be satisfied.</p>
<b>B3.11 Flood Prone Land</b>	
<p><i>1. Development must comply with the prescriptive controls set out in the Matrix below. Where a property is affected by more than one Flood Risk Precinct, or has varying Flood Life Hazard Category across it, the assessment must consider the controls relevant at each location on the property.</i></p> <p><i>2. Development on flood prone land requires the preparation of a Flood Management Report by a suitably qualified professional.</i></p>	<p><b><u>N/A</u></b></p> <p>Councils online mapping is provided below showing land surrounding the subject site as being prone to flooding, however the subject site itself is not prone to flooding.</p> <p>Further, the subject tenancy is located in Building 1. The road network surrounding this building is clear of any flooding.</p> <p>It is considered that flooding does not pose a threat to the desired use and is not applicable to the DA.</p>
<b><u>B4 Controls Relating to the Natural Environment</u></b>	
<b>B4.22 Preservation of Trees and Bushland Vegetation</b>	
<p><i>1. Authority to clear a tree or other vegetation is regulated in this plan in accordance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 i.e. 'Vegetation SEPP'. In particular, Part 2 of the Vegetation SEPP sets out the authority to clear vegetation and Part 3 provides for Council to declare under this DCP when a Vegetation Clearing Permit may be issued for clearing of vegetation.</i></p>	<p><b><u>Complies</u></b></p> <p>No clearing is proposed to, or has occurred, as a result of the proposal.</p>
<b><u>B6 Access and Parking</u></b>	
<b>B6.3 Off-Street Vehicle Parking Requirements</b>	
<p><i>Development not included in the above table</i></p> <p><i>The minimum number of vehicle parking requirements must be determined using the appropriate guidelines for parking generation and servicing facilities based on development type comparison based on the Roads and Maritime Services Guide to Traffic Generating Development or analysis drawn from surveyed data for similar development uses. Provision must be made within the development site for access and parking of all service vehicles servicing the site, visitor parking and parking for people with disabilities.</i></p>	<p><b><u>Complies</u></b></p> <p>No parking rates are provided in the 'Roads and Maritime Services Guide to Traffic Generating Development' for the applicable use. However, it is noted that the site benefits from 2x parking spots allocated to the premises and 25x visitor spots. Parking for people with disabilities is also provided onsite, with lift access provided. In light of the maximum operation capacity of the use, operation hours and class frequency, it is not believed that the proposed use will cause any parking impacts. It is considered that this clause is satisfied and no additional parking is required.</p>
<b><u>Section C Development Type Controls</u></b>	

DCP Clause / Provision	Statement of Compliance
<b>C5 Design Criteria for Other Development</b>	
<b>C5.2 Safety and Security</b>	
<p>There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:</p> <p>i. Surveillance</p> <p>Building design should allow visitors who approach the front door to be seen without the need to open the door.</p> <p>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</p> <p>Development design and design of the public domain is to minimise opportunities for concealment and avoid blind corners.</p> <p>Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage.</p> <p>Security lighting must meet Australian Standard AS 4282-1997: Control of the obtrusive effects of outdoor lighting.</p> <p>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.</p> <p>Where provided, public facilities (toilets, telephone etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.</p> <p>Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</p> <p>ii. Access</p> <p>Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</p> <p>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</p> <p>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</p> <p>The street number of the property is to be clearly identifiable.</p> <p>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</p> <p>iii. Territorial reinforcement</p> <p>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</p> <p>Blank walls along all public places (streets, open space etc) shall be minimised.</p> <p>Where a retail/commercial use and residential dwellings are provided in the same development separate entries are to be provided.</p> <p>iv. Space management</p> <p>Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial</p>	<p><b>Complies</b></p> <p>It is considered that the existing complex provides for effective CPTED principles in which the subject unit and the ongoing use benefits form. No change to the existing development is proposed.</p>

DCP Clause / Provision	Statement of Compliance
<p>reinforcement, space management ensures that space is appropriately utilised and well cared for.</p> <p>Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.</p> <p>A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.</p>	
<b>C5.5 Accessibility</b>	
<p>This clause applies to development that involves:</p> <p>A new building to which the general public has access;</p> <p>Major alterations and additions to an existing building to which the general public has access; and</p> <p>Alterations to the shopfront/entrance of an existing building to which the general public has access.</p>	<p><b><u>N/A</u></b></p> <p>While this provision does not apply to the proposal type, a BCA Assessment has been prepared and is located at <b>Appendix B</b>.</p>
<b>C5.7 Energy and Water Conservation</b>	
<p>Buildings shall be designed to be energy and water efficient.</p> <p>All new hot water systems must be either solar, heat pump or gas and must have a minimum rating of 3.5 stars.</p> <p>Water efficient appliances shall be used in all development (including AAA rated water efficient shower heads, water tap outlets and dual flush toilets).</p> <p>Windows are to be sized, located and shaded (by structures or vegetation) to reduce summer heat and allow entry of winter sun. Deep eaves are required to achieve this where appropriate, in addition to other horizontal shading devices, such as verandahs, pergolas, awnings, and external horizontal blinds.</p> <p>Buildings are to be designed to maximise ventilation in summer. This can be achieved by positioning openings (windows and doors) to prevailing summer winds to encourage cross ventilation, and the installation of fans, roof vents and high level windows.</p> <p>Buildings are to be constructed of materials which best minimise winter heat loss and summer heat gain. Insulation is a vital component of energy-efficient design in all climates and is to be incorporated, conforming with relevant Australian Standards.</p> <p>The species type, location and design of landscape planting are to assist in the conservation of energy.</p> <p>Solid fuel or wood burning appliances must comply with Australian Standard AS 4013-1999: Domestic solid fuel burning appliances – Method for determination of flue gas emissions or any subsequent amending standard.</p> <p>The installation of in-sink food waste disposers in any development is prohibited.</p>	<p><b><u>N/A</u></b></p> <p>No change to the existing development or systems is proposed.</p>
<b>C5.9 Signage</b>	
<p>Certain signage is permitted without Council consent, see Schedule 2 of Pittwater Local Environmental Plan 2014 and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.)</p>	<p><b><u>Complies</u></b></p> <p>Refer to <b>Section 4.2.2</b> above.</p>
<b><u>D16 Warriewood Valley Locality</u></b>	

DCP Clause / Provision	Statement of Compliance
<div><b>D16.1 Character as viewed from a public place</b></div> <div><b>Presentation to a public place</b><p>For the purpose of this control “public places” is considered to be areas within the public domain that are accessible to the general public, and may include roads and streets, the creekline corridor, parks and reserves.</p><p>The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements (such as roof forms, textures, materials, arrangement of windows, modulation, spatial separation, landscaping etc.) that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.</p><p>Building function is to be expressed by the facade. Any building facade and front setback to a public place must incorporate at least two of the following design features:</p><ul style="list-style-type: none"><li>pedestrian entry feature including a footpath;</li><li>awnings or other features over windows;</li><li>front entry feature or portico that highlights the location of the front door;</li><li>front feature balconies on upper floors; and</li><li>gables, dormer windows or the like that provide architectural interest to the roof form, visible from the street.</li></ul><p>Clear visual connection must be achieved between the public place and the front setback/front façade of the building.</p><p>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</p><p>The bulk and scale of buildings must be minimised.</p><p>Landscaping is to be integrated with the building design to screen and soften the visual impact of the built form. The height and scale of the landscaping in the setback area to the public place must be proportionate to the height and scale of the building.</p></div>	<div><b><u>Complies</u></b></div> <div>It is considered that the continuation of the use of the subject unit does not, and has not previously, impact the presentation of the overall complex to the public domain.</div>
<div><b>D16.13 Building colours and materials</b></div> <div>External colours and materials shall be natural tones such as green, brown and dark earthy colours, as shown below:</div> <div><div><div>Black ✓</div><div>Dark grey ✓</div><div>Dark green ✓</div></div><div><div>Dark brown ✓</div><div>Mid grey ✓</div><div>Green ✓</div></div><div><div>Brown ✓</div><div>Dark blue ✓</div></div></div> <div>White, light coloured, red or orange roofs and walls are not permitted.</div> <div><div><div>White ✗</div><div>Light blue ✗</div><div>Red ✗</div></div><div><div>Orange ✗</div><div>Light grey ✗</div><div>Beige ✗</div></div></div> <div>Finishes are to be of a low reflectivity.</div>	<div><b><u>Complies</u></b></div> <div>External colours, materials and finishes have not been altered, and are not proposed to be altered.</div>



DCP Clause / Provision	Statement of Compliance
Limited use of corporate colours may be permitted for non-residential development, and within Business Park and Light Industrial zoned land.	

## 4.5 Section 4.15 Considerations

### 4.5.1 Suitability of the site

The previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in terms of:

- The proposal is consistent with the existing development within the locality.
- The proposal is consistent with the objectives and development standards applying to the land.
- Overall the development is considered an appropriate usage of the site.

### 4.5.2 Public interest

The proposal is considered to accord with the wider public interest in that:

- It provides an appropriate use of the site;
- It will have a positive effect on the streetscape and immediate locality; and
- It is consistent with all relevant LEP aims and objectives

### 4.5.3 Section 4.15 of the Environmental Planning and Assessment Act, 1979

Matters for Consideration	Considered?
Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)?	Yes
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iia) – Has consideration been given to all relevant provisions of 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?	N/A
Section 4.15 (1) (a)(iv) – Have you considered all relevant provisions of the Regulations (to the extent that they are prescribed for the purposes of this paragraph)?	Yes
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality acceptable?	Yes
Section 4.15 (1) (c) – Is the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by Council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

## 5 Summary and Conclusion

Council Approval Group is pleased to submit this Statement of Environmental Effects and accompanying information for the continued use of the premises as a recreation facility (indoors) (Pilates studio) at 1103/4 Daydream Street, Warriewood.

This Statement of Environmental Effects for the proposed development has considered:

- The circumstances of the case;
- An analysis of the subject site and the surrounding locality;
- An analysis of the proposal against the provisions of the LEP, as well as relevant DCPS, SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- Section 9.1 Directions.

This report concludes that the proposal will substantially complement the objectives and vision of the Plan, Zone, and DCP in particular:

- The proposal provides a land use that assists in meeting the physical and mental needs of workers and residents;
- The proposal, once approved, will provide for employment opportunities; and
- The proposal contributes to a healthy, functional, and safe business area.

We are pleased to present this SoEE for the continued use of the premises as a recreation facility (indoors), which, once approved, will provide a compatible land use to assist in meeting the day to day physical and mental needs of workers and residents as well as provide for economic diversity and employment.

### 5.1 Recommendation

Under all the circumstances of the case, it is therefore recommended to Council for favourable consideration.

Appendix A. Architectural Plan

Appendix B. BCA Assessment