

Ph: (02) 9986 3362 Fax: (02) 9986 3364

Suite 1, 9 Narabang Way, Belrose 2089

PO Box 716 Turramurra 2074

Email: james@jameslovell.com.au

Web: www.jameslovell.com.au

23 April 2020

The General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 2095

Dear Sir/Madam,

**PROPOSED RECREATION FACILITY (INDOOR)
UNIT 6/128 OLD PITTWATER ROAD, BROOKVALE**

Introduction

This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application (DA) for the on-going use of an existing warehouse tenancy at Unit 6/128 Old Pittwater Road, Brookvale, for the purposes of a "*recreation facility (indoor)*".

The subject site is located on the western side of Old Pittwater Road, approximately 550 metres to the north-west of Condamine Street.

The site encompasses a total area of approximately 1.11 hectares, and is an irregular rectangle in shape, with a frontage of approximately 29 metres to Old Pittwater Road.

The site is occupied by a warehouse/light industrial complex consisting of multiple tenancies. The existing building generally occupies the eastern portion of the site, with the western portion of the site accommodating dense bushland.

The off-street car parking facilities extend along both sides of the vehicular access driveway, with the driveway continuing to additional off-street car parking facilities occupying a portion of the roof level.

Unit 6 is centrally located within the existing complex, and provides a floor area of approximately 570m². The tenancy includes the ground floor level and a partial first floor level.



Figure 1: Location of Unit 6

Proposed Development

The proposed development comprises the on-going use of the tenancy as a *“recreation facility (indoor)”*. The tenancy is currently occupied by *Gracie Barra Sydney*, and the DA is intended to regularise the on-going use.

Accordingly, the proposed development does not involve any physical works, and no changes are proposed to the existing operational characteristics.

Gracie Barra Sydney provides group martial arts training in the discipline of *Brazilian Jiu Jitsu*. The organisation’s website (gbsydney.com.au) provides the following description of its background, purpose and intent:

Gracie Barra Sydney was founded in 2002 by Professor Marcelo Rezende. Gracie Barra Sydney is recognised in the martial arts community for teaching the highest level of Brazilian Jiu Jitsu.

Our programs are specifically targeted to men, women and kids of all ages and skill levels.

We have become a strong reference point in physical education, character development & self defence.

We have a Class Program Structure that was developed by Master Carlos Gracie Jr, the son of founder of Brazilian Jiu-Jitsu, Grandmaster Carlos Gracie Sr.

Gracie Barra Sydney represents discipline, wellness, family, respect and so much more for anyone wanting to embrace the Jiu Jitsu lifestyle.

It doesn't matter if you are a person with no training background that wants to lose weight or learn self-defence, a busy business man looking for a stress relieving activity, a parent searching for an something to complement the education of your kids, or an experienced martial artist aiming for the further development of your fighting skills, come to the school.

When you come to our school you will experience a professional, clean & safe environment for the students & families that attend.

Gracie Barra Sydney provides a range a group training classes between 6.00am and 9.00pm, daily, with the majority of classes conducted during the afternoon/evening period between 3.45pm and 9.00pm.

The facility provides a range of training class sizes of approximately 12 – 20 students, with 2 – 3 instructors for each class (depending upon size).

Unit 6 has access to four (4) off-street car parking spaces in front of the tenancy, with approximately 40 visitor spaces available at the roof level for the majority of the peak training periods.

Finally, the existing facility generates a relatively small amount of waste (e.g. drink bottles and the like), and the waste is stored in bins located in front of the premises, and collected by commercial contractors as required.

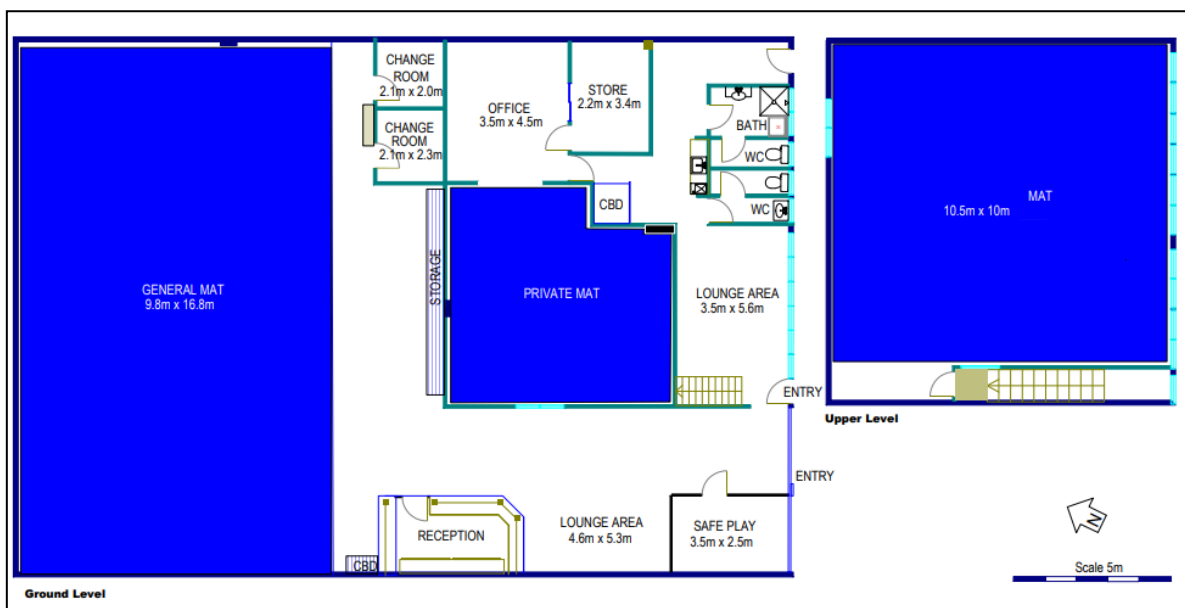


Figure 2: Layout of Unit 6

Section 4.15 Assessment

The heads of consideration incorporated in Section 4.15 of the *Environmental Planning and Assessment Act 1979* comprise:

- any environmental planning instrument;
- any proposed environmental planning instrument that is or has been the subject of public consultation and that has been notified to the consent authority;
- any development control plan;
- any planning agreement;
- any matters prescribed by the Regulation;
- the likely impacts of the development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality;
- the suitability of the site for the development;
- any submissions made in accordance with the Act or the Regulations; and
- the public interest.

Environmental Planning Instruments

The portion of the site occupied by the existing warehouse/light industrial complex is zoned IN1 – General Industrial pursuant to the Warringah Local Environmental Plan (LEP) 2011. The range of permissible uses in the zone include *“recreation facility (indoor)”*, defined in the Dictionary of the LEP as follows:

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

The existing *“building”* is used *“predominately for indoor recreation”*, and the facility is not an *“entertainment facility”*, a *“recreation facility (major)”*, or a *“registered club”*. Accordingly, the proposed use is properly characterised as a *“recreation facility (indoor)”*.

Clause 2.3 of the LEP requires the consent authority to have regard to the objectives for development in a zone when determining a DA in respect of land within the zone.

The relevant objectives of the zone are *“To encourage employment opportunities”*, and *“To enable a range of compatible community and leisure uses”*.

The proposed development is consistent with the relevant objectives of the zone on the basis that the employment opportunities will be maintained, and the facility provides a form of leisure/training for the existing clientele.

The proposed development does not involve any physical works, and no changes are proposed to the existing operational characteristics.

In the circumstances, the LEP does not incorporate any further controls of specific relevance to the proposed development.

Proposed Environmental Planning Instruments

There are no proposed environmental planning instruments of specific relevance to the proposed development.

Development Control Plans

The Warringah Development Control Plan (DCP) 2011 is generally intended to supplement the provisions of the Warringah LEP 2011, and provide more detailed provisions to guide development.

Again, the proposed development does not involve any physical works, and no changes are proposed to the existing operational characteristics.

In the circumstances, the relevant provisions of the DCP comprise the objectives and controls relating to Parking Facilities (Section C3 and Appendix 1), and the waste management provisions in Section D14 (Section C9 only applies to development that involves demolition and/or construction).

Section C3 – Parking Facilities specifies that:

Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide.

Appendix 1 of the DCP does not provide a specific off-street car parking provision for a "recreation facility (indoor)", however the off-street car parking requirement for a "gymnasium" is 4.5 spaces per 100m² GFA.

Unit 6 has a floor area of approximately 570m². Accordingly, the proposed facility (if it is deemed to be similar to a gymnasium) notionally generates an off-street car parking requirement of approximately 25 – 26 spaces.

Irrespective, the specific operational features of the facility are deemed to be a more appropriate basis upon which to determine the appropriate requirement for off-street car parking.

In that regard, the facility provides a range a group training classes extending between 6.00am and 9.00pm, with the majority of classes conducted during the afternoon/evening period between 3.45pm and 9.00pm.

The facility provides a range of class sizes of approximately 12 – 20 students, with 2 – 3 instructors for each class (depending upon size). In practice, the facility generates a maximum requirement for approximately 7 – 12 spaces (based on a car driver rate of 1 vehicle per 2 persons).

Unit 6 has access to four (4) off-street car parking spaces in front of the tenancy, with approximately 40 visitor spaces available at the roof level for the majority of the peak training periods.

In that regard, *complementary* use of parking spaces occurs when the peak parking demand of one component of a development does not coincide with the peak parking demand of another. In this case, the peak parking demand of the facility is predominately outside the peak parking demand of the other warehouse/light industrial uses on the site.

Accordingly, the operational experience of the existing facility has been that students and staff have always been able to locate an off-street car parking space either in front of Unit 6 (4 spaces), or within the visitor car parking area (approximately 40 spaces).

The Objectives of the car parking controls incorporated in the DCP are expressed as follows:

- *To provide adequate off-street carparking.*
- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public places.*
- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

The proposed development is consistent with the Objectives for the car parking controls on the basis that adequate off-street car parking is available, and no changes are proposed to the existing car parking facilities.

The Requirements for off-street car parking specify that:

Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:

- *the land use;*
- *the hours of operation;*
- *the availability of public transport;*
- *the availability of alternate car parking; and*
- *the need for parking facilities for courier vehicles, delivery/service vehicles and bicycles.*

Again, the operational experience of the existing facility has been that students and staff have always been able to locate an off-street car parking space either in front of Unit 6 (4 spaces), or within the visitor car parking area (approximately 40 spaces).

Section D14 specifies that site facilities, including garbage and recycling enclosures, are to be *"adequate and convenient for users and services and are to have minimal visual impact from public places"*.

Further, *"Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers"*.

The existing facility generates a relatively small amount of waste (e.g. drink bottles and the like), and the waste is stored in bins located in front of the premises, and collected by commercial contractors as required.

Planning Agreements

There are no planning agreements of relevance to the proposed development.

Impacts of the Development

Again, the proposed development does not involve any physical works, and no changes are proposed to the existing operational characteristics.

The operational experience of the existing facility has been that students and staff have always been able to locate an off-street car parking space either in front of Unit 6 (4 spaces), or within the visitor car parking area (approximately 40 spaces).

Further, the existing facility has been operating from Unit 6 without any known concerns raised by any other tenants or neighbours.

Suitability of the Site

The site is located within an established warehouse/industrial precinct which generally surrounds *Warringah Mall Shopping Centre* to the north and west. The precinct accommodates a mix of older and newer style warehouse/industrial buildings, accommodating a wide range of uses.

A portion of the site is identified as *Bush Fire Prone Land*, circumstances in which the DA is accompanied by a Bush Fire Assessment Report (*Bushfire Consultancy Australia*) which concludes that:

The report concludes that the proposed development is on designated bushfire prone land and the legislative requirements for development of bushfire prone areas are applicable. Although there are no bushfire specific construction requirements, this assessment has

shown the proposed development can comply with the aims and objectives of Planning for Bushfire Protection 2006.

This report has considered all of the elements of bushfire attack and provided the proposed development is constructed in accordance with the recommendations of section 9 of this report, it is my considered opinion that the development satisfies the Aims and Objectives of Planning for bushfire Protection 2006.

The site is well suited to accommodate the existing facility, the proposed development does not involve any physical works, and no changes are proposed to the existing operational characteristics.

Public Interest

The proposed development will serve the public interest by maintaining the existing employment opportunities, and providing a form of leisure/training for the existing clientele, without imposing any significant or adverse impacts on the amenity of any surrounding properties.

Conclusion

I trust this submission is of assistance, and should you require any further information or clarification please do not hesitate to contact the writer.

Yours Sincerely,



James Lovell
Director
James Lovell and Associates Pty Ltd