

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**TO ACCOMPANY A**

**DEVELOPMENT APPLICATION**

**FOR**

**PROPOSED CHANGE OF USE AND HOURS OF  
OPERATION FOR THE PURPOSES OF A GYM**

**AT**

**22-26 ROSEBERRY ST, BALGOWLAH**

**LOT 10 DP 1233834**



## **CONTENTS**

<b>1. INTRODUCTION</b>	<b>1</b>
1.1 Summary	1
1.2 Site Description	2
1.3 The Proposed Development	4
 <b>2. PLANNING INSTRUMENTS</b>	 <b>5</b>
2.1 Manly Local Environmental Plan 2013	5
2.2 Manly Development Environmental Plan 2013	6
 <b>3. LIKELY ENVIRONMENTAL, SOCIAL &amp; ECONOMIC IMPACTS.</b>	 <b>11</b>
 <b>4. CONCLUSION</b>	 <b>13</b>

## **1. INTRODUCTION**

### **1.1 Summary**

NSW Planners have been commissioned to prepare a Statement of Environmental Effects in relation to a Development Application seeking consent for proposed change of use and hours of operation of an existing tenancy for the purposes of a gym on land described as Lot 10 DP 1233834, 22-26 Roseberry St, Balgowlah (The site).

The proposed development is subject to assessment under Part 4 of the Environmental Planning & Assessment Act 1979 (EP&A Act). The following Statement of Environmental Effects will consider the potential environmental impacts of that development, having regard to the matters for consideration under Section 4.15(1) of the EP&A Act 1979.

This Statement of Environmental Effects also addresses relevant matters under the Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013. In the preparation of this SEE consideration has been given to the following documents:

- a) Plans of the proposed development prepared by Robert Harrison Architect dated 18.06.2019.
- b) Environmental Planning and Assessment Act 1979 ("EPAA 1979");
- c) Manly Local Environmental Plan 2014 ("LEP");
- d) Manly Development Control Plan 2013 ("DCP");
- e) Planning Principles of the NSW Land and Environment Court;

## 1.2 Site Description



The site comprises land described as Lot 10 DP 1233834, 22-26 Roseberry Street, Balgowlah. The site is located on the eastern side of Roseberry Street, approximately 150 metres south of the intersection between Kenneth Road and Roseberry Street.

The site is located within a main commercial precinct and the predominant surrounding land use consists of a variety of general retail and commercial enterprise. A site locality map is provided at Figure 1.1.1.

A public reserve used for recreational purposes adjoins the eastern (rear) boundary of the site.

The site is rectangular in shape and has a total area of approximately 3546m<sup>2</sup>.

The site is an existing 'disturbed site' and is clear of any significant vegetation. A variety of buildings used for retail and commercial purposes occupy the site.



Statement of Environmental Effects  
22-26 Roseberry St, Balgowlah



## **1.3 The Proposed Development**

The proposed development involves the change of use and hours of operation for the purposes of a gym (indoor recreational facility). The proposed gym will occupy the ground-floor of the existing building and will have a total floor area of approximately 172m<sup>2</sup>.

The proposed development is for a F45 fitness studio and the operations of the proposed development differ from a traditional gym in that it offers 45 minute exercise classes as opposed to solely providing access to heavy exercise equipment.

The estimated maximum occupation capacity associated with the proposed development is approximately twenty-seven (27) people. The gym is likely to employ two (2) trainers and the hours of operation will be:

- Monday- Friday: 5:00am – 8:00pm; and
- Saturday & Sunday: 6:00am – 2:00pm.

The internal fitout works incorporate the construction of 2 sanitary facilities/Change rooms and a number of exempt works such as the laying of rubber flooring.

External works will be limited to the installation of illuminated signage above the entry (4410mm x 540mm) and below the existing identification signage for Aldi (2155mm x 2000mm) on the western elevation and another illuminated sign on the northern elevation (2000mm x 2155mm).

The proposed development is shown on plans prepared *harrison* (Issue 1), dated 7 July 2019

## 2. PLANNING INSTRUMENTS

### 2.1 Manly Local Environmental Plan 2013

The site is located within the Northern Beaches Local Government Area and the provisions of the *Manly Local Environmental Plan 2013* (LEP) apply to the proposed development. The site is zoned 'B6 Enterprise Corridor' under the provisions of the LEP.

The proposed development is for the purposes of a gym, which is defined as a recreation facility (indoor) under the LEP. Recreation facilities (indoor) are permitted with the consent of Council in the B6 Zone.

Clause 2.3(2) of the LEP states Council must have regard to the objectives when determining a Development Application. The objectives of the B6 Zone are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*

Regarding the applicable zone objectives, the proposed development will contribute to the range of compatible land uses and will also provide employment opportunities to the area. The proposed development is consistent with the applicable objectives of the B6 Zone.

Table 2.1 below provides a summary of the relevant provisions of the LEP and outlines the relationship with the proposed development.

**Table 2.1 – LEP Compliance Summary**

<b>Clause</b>	<b>Control</b>	<b>Comment</b>
<b>4.3 Height of Buildings</b>	<11 metres	The development proposes no increase in the height of the existing building on the land.
<b>4.4 Floor Space Ratio</b>	1:1 maximum	The development proposes no increase in the floor area of the existing building on the land.
<b>6.1 Acid Sulfate Soils</b>	Class 4 Soils	The proposed development is for change of use and operating hours of an existing tenancy only and no earthworks on the site are proposed.

## **2.2 Manly Development Environmental Plan 2013**

The *Manly Development Control Plan 2013* (DCP) applies to all forms of development within the Balgowlah locality.

### **2.2.1 Part 3 - General Principles of Development**

Part 3 of the DCP provides general provisions for all development.

Table 2.2 details the applicable controls contained within Part 3 of the DCP and outlines the relationship with the proposed development.



**Table 2.2 – DCP Part 3 Compliance Summary**

<b>Part</b>	<b>Comment</b>
<b>3.1 Streetscape and Townscape</b>	<p>The proposed development involves change of use of an existing building on the land and no re-development of the site is proposed.</p> <p>The proposed development will have no significant adverse impacts on the existing streetscape of the locality.</p>
<b>3.2 Heritage Considerations</b>	<p>The site contains no heritage items, nor is it located within proximity to a registered Local or State Heritage Item.</p> <p>The site is not located within a heritage conservation area.</p> <p>There is not likely to be any significant adverse impacts on heritage significance relating to the proposal.</p>
<b>3.3 Landscaping</b>	<p>No new landscaping is proposed.</p> <p>The site benefits from existing landscaping and this will not be impacted by the proposal.</p>
<b>3.4 Amenity</b>	<p>The proposed development involves no additions to the bulk and scale of the existing building and there are not likely to be any significant impacts relating to overshadowing or restrictions on solar access.</p> <p>No significant changes to the internal portions of the existing building are proposed, such as increases in finished floor level, that are likely to cause overlooking or visual privacy issues.</p> <p>Noise emittance attributable to the proposed development is not likely to be at a level that is inconsistent with the receiving environment. It should be noted that existing indoor recreational facilities are located both on the site and within proximity to the site, however, there is not likely to</p>

	<p>be any significant cumulative noise impacts resulting from the proposed development. The proposed development differs from traditional operations of a gym in that it offers 45 minute exercise classes as opposed to providing access to heavy exercise equipment, the use of which have a significant noise generating capacity.</p> <p>Finally, the existing building is of masonry construction and the structure is likely to provide an element of noise attenuation.</p>
<b>3.5 Sustainability</b>	The proposed development is for use of a tenancy within an existing building which was only recently constructed. No significant alterations or additions to the existing building are proposed and it is assumed that all relevant elements of building sustainability were considered prior to approval/construction of the existing building.
<b>3.6 Accessibility</b>	The proposed development is use of a tenancy within an existing building which was only recently constructed. No significant alterations or additions to the existing building are proposed and it is assumed that all relevant elements relating to accessibility were considered prior to approval/construction of the existing building.
<b>3.7 Stormwater</b>	No additional impervious areas are proposed under this Development Application.
<b>3.8 Waste Management</b>	Operational waste management will remain unchanged.
<b>3.9 Mechanical Plant Equipment</b>	N/A
<b>3.10 Safety and Security</b>	No impacts on existing safety and security are likely to prevail.

	The proposed development will facilitate casual surveillance of the site and adjoining public domain.
--	---

### **2.2.2 Part 4 – Development Controls and Development Types**

Part 4 of the DCP provides general provisions for development within identified business centres. More specifically, Part 4.3 of the DCP contains controls relating to development in LEP Zone B6 Enterprise Corridor.

Table 2.3 details the applicable controls contained within Part 4.3 of the DCP and outlines their relationship to the proposed development.

**Table 2.3 – DCP Part 4.3 Compliance Summary**

<b>Control</b>	<b>Comment</b>
<b>4.3.2 FSR and Height</b>	The proposed development involves no additions to the existing bulk and scale of the building. No changes to existing Floor Space Ratio or Building Height will eventuate.
<b>4.3.3 Allotment Sizes</b>	No redevelopment of the site is proposed. The need for subdivision or consolidation of the site is not necessary in this particular case.
<b>4.3.4 Access, Loading and Parking</b>	Existing access and service loading arrangements will remain unchanged.  In relation to car parking, see Section 2.2.2.1 below.
<b>4.3.5 Setbacks</b>	Setbacks will remain unchanged.
<b>4.3.6 Drainage</b>	No additional impervious areas are proposed. Existing drainage arrangements will remain unchanged.

### **2.2.2.1 – Parking**

No additional car parking is proposed. The original development consent, in which the existing building subject of this Development Application was approved, was for a retail premise and it is assumed that the provision of car parking was sufficient. Therefore, existing car parking arrangements are deemed to be adequate for the proposed new use, which is not likely to generate any more traffic than the original use, in which the existing building was intended.

The need to provide additional on-site car parking beyond that already provided is not warranted due to the following:

- The proposed development is intended to service the employees and patrons of immediately surrounding existing commercial and retail development and existing residential precincts which are connected via an existing network of pedestrian pathways; and
- The site is conveniently located within proximity to several bus stops.

### 3. LIKELY ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACTS.

The proposed development benefits from existing site improvements including existing connection to essential infrastructure. Furthermore, the proposed development necessitates no significant alterations or additions to the existing building to accommodate the proposed development.

The development proposes a permissible use within an ideally located site, which is serviced by existing public transport routes and pedestrian pathways.

The proposed development will contribute to the employment opportunity within the area, with the surrounding community benefitting from the economic overflow that ensues. Approval of the development does not raise any issues contrary to the public interest

The potential environmental impacts of the proposed development are considered in Table 3.1 below.

**Table 3.1: Summary of Environmental Impacts**

Matter	Impact
<b>Waste Management</b>	Operational waste management will continue as existing.
<b>Bushfire</b>	The site is not bushfire prone
<b>Flooding</b>	The site is not flood prone.
<b>Contaminated Land</b>	The land within the site is not classed as 'contaminated land'.
<b>Flora &amp; Fauna</b>	The development proposal is on an existing disturbed site and there will be no significant impact on flora and fauna.
<b>Aboriginal Cultural Heritage</b>	No known items on or near the site. The site is "disturbed land".
<b>Environmental Heritage</b>	The subject site is not located in a Heritage Conservation Area and does not contain a Heritage Item.

**Statement of Environmental Effects**  
**22-26 Roseberry St, Balgowlah**

<b>Traffic</b>	There will be no impacts on traffic subsequent to the proposed development.
<b>Socio and Economic</b>	There will be positive social and economic impacts attributed to the proposed development.



## **4. CONCLUSION**

The site comprises land described as Lot 10 DP 1233834, 22-26 Roseberry Street, Balgowlah. The site is located on the eastern side of Roseberry Street, approximately 150 metres south of the intersection between Kenneth Road and Roseberry Street.

The site is located within a main commercial precinct and the predominant surrounding land use consists of a variety of general retail and commercial enterprise.

The proposed development involves the change of use and hours of operation of an existing tenancy for the purposes of a gym (indoor recreational facility). The proposed gym will occupy the ground-floor of the existing building and will have a total floor area of approximately 168m<sup>2</sup>.

The proposed development is for a F45 fitness studio and the operations of the proposed development differ from a traditional gym in that it offers 45 minute exercise classes as opposed to solely providing individual use and access to heavy exercise equipment.

The estimated maximum occupation associated with the proposed development is twenty-seven (27) people. The gym will employ two (2) trainers and the hours of operation will be:

- Monday- Friday: 5:00am – 8:00pm; and
- Saturday & Sunday: 6:00am – 2:00pm.

The proposal demonstrates compliance with the objectives of the B6 Zone, as provided by the *Manly Local Environmental Plan 2013*.

The proposal is compliant with the relevant controls contained within the *Manly Development Control Plan 2013*.

Noise emittance attributed to the proposed development is not likely to be at a level inconsistent with the receiving environment.

The proposed indoor recreational facility will service the employees and patrons of immediately surrounding existing commercial and retail development. In addition, the proposed development will service residential development located within proximity to the site and connected to the site via an existing network of pedestrian pathways and, therefore, the need to provide additional on-site car parking spaces is not required.

The proposed development will contribute to the employment opportunity within the area, with the surrounding community benefitting from the economic overflow that ensues. Approval of the development does not raise any issues contrary to the public interest.

As stipulated previously in this report, the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been satisfactorily addressed demonstrating the proposed development is compatible with the surrounding environment.

A handwritten signature in black ink, appearing to read 'DMG' with a long, sweeping underline.

**Dave Moody**  
**(BPlan UNSW)**  
**dave@nswplanners.com.au**  
**0438 965 050**