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STATEMENT OF ENVIRONMENTAL EFFECTS

*CHANGE OF USE – GYMNASIUM
- RECREATION FACILITY (INDOOR)-*

LOT 12 IN SP 39226

No. 12 16-22 CROSS STREET BROOKVALE

FOR

MR JAZZA ROBERTS

January 2020

CONTENTS

1.0	INTRODUCTION.....	3
2.0	PROPERTY DESCRIPTION.....	3
3.0	SITE DESCRIPTION.....	4
4.0	SURROUNDING DEVELOPMENT.....	8
5.0	PROPOSED DEVELOPMENT.....	10
6.0	RELEVANT STATUTORY CONTROLS.....	11
6.1	Warringah Local Environmental Plan 2011.....	11
6.2	Warringah Development Control Plan 2011.....	12
7.0	SECTION 4.15(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ..	13
7.1	The provisions of any environmental planning instrument.....	13
7.2	Any draft environmental planning instrument.....	13
7.3	Any development control plan.....	13
7.4	Any planning agreement that has been entered into under section 7.4.....	14
7.5	Any matter prescribed by the regulations.....	14
7.6	The likely impacts of that development.....	14
7.7	Suitability of the Site - Section 4.15(1)(c).....	14
7.8	Submissions made in accordance with this Act or the regulations.....	14
7.9	The Public Interest.....	14
8.0	CONCLUSION.....	15

1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared on behalf of Jazza Roberts in support of an application for development consent to change the use of the subject premises at **Unit 12 16-22 Cross Street Brookvale** to a gym. Under the Warringah Local Environmental Plan 2011 (LEP), the use is defined as a *Recreation Facility (Indoor)* which is a permissible use in the zone. The proposal includes the fit-out and use of the premises within a vacant tenancy. The tenancy is currently vacant.

The 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:-

- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

In addition to this report, the application is accompanied by the following supporting documents:-

- Architectural Drawings – Peter Formosa, Drawing 22A, dated 19 December 2019
- Acoustic Report – Rodney Stevens Acoustics Pty Ltd, Ref: 190629R0, Dated 20 December 2019

As a result of the assessment it is concluded that the application addresses the controls satisfactorily and that the granting of consent to the development application is justified.

2.0 PROPERTY DESCRIPTION

The subject allotment is described as **Unit 12 16-22 Cross Street Brookvale** being Lot 12 in SP 39226. Located within the Warringah Local Government Area, the site is zoned IN1 General Industrial under the Warringah Local Environmental Plan 2011.



Figure 1: Location and zoning map. The subject site is highlighted yellow.

The existing strata titles building has been in existence since the 1960's and is not heritage listed nor in a Heritage Conservation Area. The site is located on Landslide Risk Land, classified within Area A – Slope <5. However, this is not a matter of concern as this application is for a change of use to an existing building. There are no other known site constraints.

3.0 SITE DESCRIPTION

The subject site is located on the eastern side of Cross Street and is irregular in shape. The site is developed as a two storey industrial building comprising of 12 industrial units and rooftop parking. Vehicular access is available via Cross Street.

The subject tenancy comprises of Unit 12 which is located on the north-eastern side of building on the first level of the complex. It has a total area of approximately 499m², excluding the parking spaces. Eight (8) car parking spaces are designated to the unit on the rooftop parking area. The unit includes an office area, toilet and shower facilities. The unit is currently vacant. The previous use is unknown.

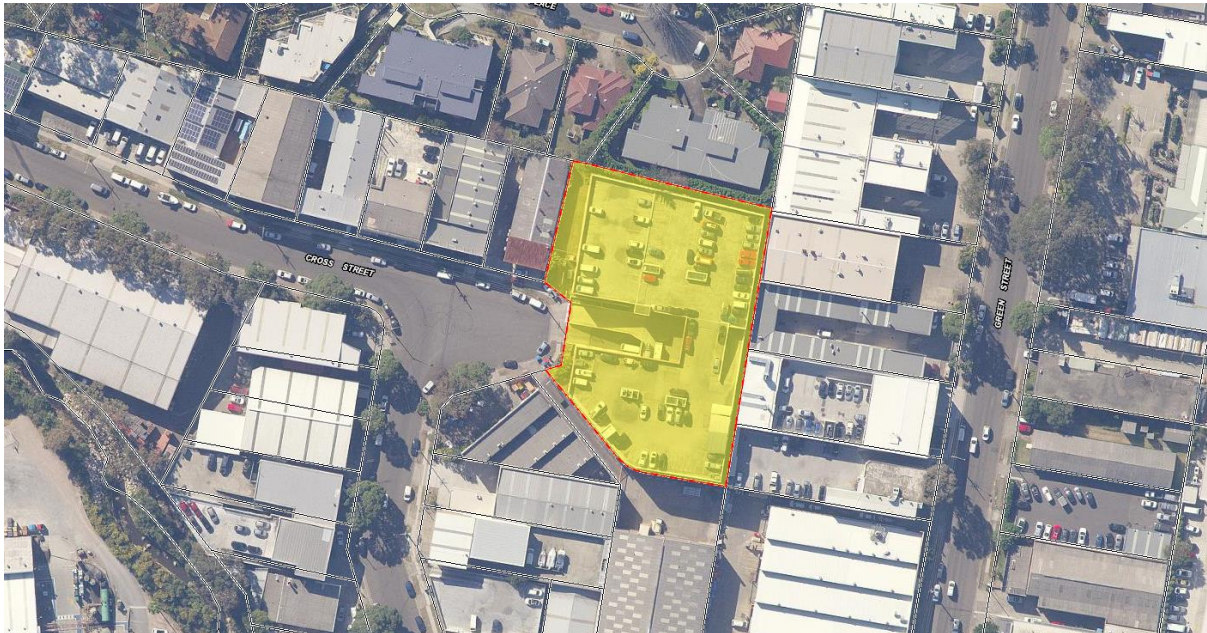


Figure 2: Aerial view of the subject site noting the local industrial/commercial context.



Figure 3: Oblique aerial view of Unit 12.

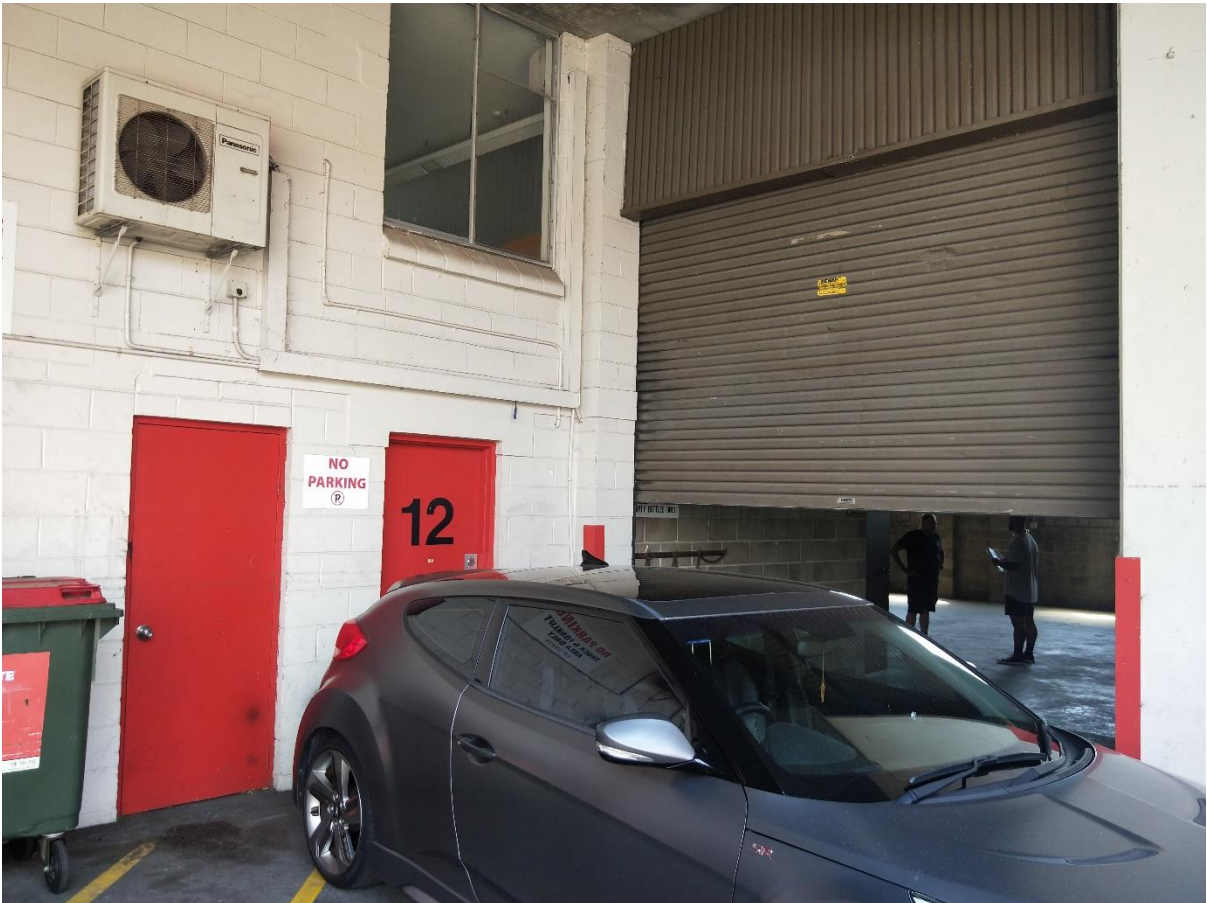


Figure 4: Photograph of the entrance to Unit 12.



Figure 5: Photograph of the office space within Unit 12.



Figure 6: Photograph of the toilet facilities within Unit 12.



Figure 7: Photograph of the ground floor of Unit 12.



Figure 8: Photograph of the parking spaces allocated for Unit 12 on the roof.

4.0 SURROUNDING DEVELOPMENT

Brookvale is a suburb of northern Sydney located 16 kilometres north-east of the Sydney central business district and is part of the local government areas of the Northern Beaches Council. Brookvale has a mix of residential, commercial and industrial developments.

The character of the locality of Cross Street is predominately industrial land use with the majority of surrounding developments being warehouses. Westfield Warringah Mall is located approximately 150m south of the subject site and supports a wide range of commercial and retail services. This application intends to serve the needs of the local resident and working communities by providing passive recreation facilities with a low environmental impact.

The adjoining sites to the north of the building are residential. It is because of this an acoustic report has been obtained and accompanies this application.



Figure 9: Photograph of the subject site when viewed from Cross Street.



Figure 10: Photograph of building adjacent to the subject site (14 Cross Street).



Figure 11: Photograph of building adjacent to the subject site (24 Cross Street).



Figure 12: Photograph of Westfield Warringah Mall when viewed from Cross Street, noting the local context of the area.

5.0 PROPOSED DEVELOPMENT

The development application seeks consent for the use of Unit 12 as a gymnasium. The use is defined as a *Recreation Facility (Indoor)* under the Warringah Local Environmental Plan 2011.

The application includes the necessary fitout and acoustic treatment required to enable the use of the premises for the intended purpose. No structural works are proposed. Minor works include the filling in of a door in the upper level office and new entry doors on the main level. The submitted acoustic report addresses the acoustic compliance issues that may arise out of the use of the tenancy as a gymnasium. The floor area of the tenancy is unchanged.

The following sections of this report provide a planning assessment against Council's Local Environmental Plan and Development Control Plan for the change of use.

Hours of Operation. Monday to Friday: 5AM – 8PM. Saturday and Sunday: 7AM – 12PM.

Staffing. Two (2) personal training staff will operate the business.

Parking. Eight (8) roof top parking spaces are allocated to the subject unit.

6.0 RELEVANT STATUTORY CONTROLS

In accordance with the Environmental Planning and Assessment Act 1979, the following assessment considers the proposal against the relevant planning instruments.

6.1 Warringah Local Environmental Plan 2011

The site is zoned IN1 General Industrial under the provisions of the Warringah Local Environmental Plan 2011. The proposed use falls under the definition of a *Recreation Facility (Indoor)* which is not a prohibited use in the zone.

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.

Zone Objectives

The objectives of the IN1 zone are:-

- 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.

The proposal is consistent with the zone objectives because the proposal provides employment opportunities and provides a service for the needs of people who live, work or visit the local area. The proposed gymnasium will occupy the whole of the unit, the previous use is unknown.

The below table provides an assessment against the relevant development standards contained within the LEP 2015.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011		
CONTROL	PROPOSED	COMPLIANCE
2.1 Land Uses Permissible uses in the IN1 General Industrial zone include (Recreation Facility (Indoor)).	The subject proposal is for the use of Unit 12 as a gymnasium. The development is permissible in the zone with the consent of council.	Complies

STATEMENT OF ENVIRONMENTAL EFFECTS

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

CONTROL	PROPOSED	COMPLIANCE
<p>4.3 Height of Buildings 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, being 11m.</p>	<p>The height of the building is unchanged by the proposal.</p>	<p>N/A</p>

6.2 Warringah Development Control Plan 2011

The Warringah Development Control Plan 2011 provides the relevant design guidelines for development within the Warringah local government area. The DCP 2011 does not provide specific development controls relating to specific uses such as gyms however there are generic sections of the DCP which may be applicable.

As the subject building is existing and there are no provisions of the DCP specifically applicable to the proposed use, any proposal must be assessed on its merits.

C3 Parking Facilities

Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses.

Appendix 1 Car Parking Requirements:
Gymnasium – 4.5 spaces per 100m² GFA

The subject unit has a total gross floor area of 499m², requiring a total of 22.5 parking spaces. This is not available to the subject site as it is within an existing building with allocated spaces per unit. The site provides for 8 spaces for Unit 12. There are also several additional spaces for visitors and on-street parking is available. It is to be expected that patrons may also use public transport which is in close proximity and frequent. Patrons on multi-purpose trips may also utilise the Westfield car park in close proximity. The availability of parking is considered to be sufficient to support the intended use.

C9 Waste Management

The proposed personal training studio will generate small amounts of office related waste which are catered for within the existing development through the provision of common disposal facilities. The development is for a change of use and minor fit out work to the existing unit. The application does not include any significant demolition or construction and therefore does not require a Waste Management Plan.

D3 Noise

The purpose of this control is to ensure that noise emissions do not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.

Uses such as gym have potential for acoustic impacts unless properly fitted out and managed. The submitted acoustic report by Rodney Stevens Acoustics assesses the potential acoustic impacts of the proposal and recommends appropriate precautionary mitigating measures to be implemented into

the fitout of the unit. The recommendations are provided in Part 5 of the acoustic report and are as follows:

In order to preserve acoustic amenity, the following measures are recommended to be incorporated within the Gym design:

- *All external doors to have self-closing mechanisms to allow for self-closing. All external doors to be full acoustic perimeter seals.*
- *Windows facing the residences are to have a minimum acoustic rating of Rw 30dB which could be in the form of 6.38mm laminate on acoustically sealed frames.*
- *The PA is to be used for background music only and to have a maximum output of 70dB at the centre of the room. There is to be no subwoofers in operation. All speakers are to face internally.*
- *Signs should also be posted at the exit doors reminding patrons to leave the premises in an orderly and quiet manner when leaving the Gym.*
- *Flooring is to be as follows:*
 - *Lifting platforms are 50mm thick on top of 8mm rubber*
 - *Aerobic flooring to be 8mm thick rubber*
- *Mechanical plant schedule is recommended to be reviewed at the CC stage. Any noise control measures to be reviewed at this stage.*

It is expected that Council will incorporate these mentioned recommendations into conditions of consent. The application may be approved with acceptable environmental acoustic impacts.

7.0 SECTION 4.15(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011 and the relevant supporting Council policies. 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.

The subject property is zoned IN1 General Industrial under the Warringah Local Environmental Plan 2011 and the proposed development is a permissible use within this zone.

7.2 Any draft environmental planning instrument

There are no draft environmental planning instruments that are relevant to the proposed development.

7.3 Any development control plan

The following development control plans have been considered in this application:-

- Warringah Development Control Plan 2011.

As previously mentioned, there are no specific provisions of the DCP applicable to change of use to a gymnasium. The DCP is generally concerned with providing design guidance for new development rather than changes of use.

The proposal includes an internal fitout and refurbishment suited for the proposed use. The proposal has been assessed for acoustic and parking compliance. Council may rely on these expert evaluations in its assessment of the application on merit in the absence of specific land use controls. In our opinion, there appears to be no reason why development consent cannot be granted.

7.4 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.

7.5 Any matter prescribed by the regulations

There are no additional matters called up by the Environmental Planning and Assessment Act Regulations that are immediately applicable to the development application for the use of the subject building in the manner proposed.

7.6 The likely impacts of that development

It is considered that the proposal, which seeks consent for the use of Unit 12 of the subject building for a gymnasium will not likely have any detrimental impacts on the site or surrounding properties sufficient to cause refusal of the application. The objectives of the relevant planning and building controls have been satisfied as demonstrated in the application. There are no external changes to the building affecting the streetscape.

The proposal will have an acceptable impact on the environment and the amenity currently enjoyed by the neighbouring commercial, industrial and residential properties.

7.7 Suitability of the Site - Section 4.15(1)(c)

It is considered the subject site is suitable as it is currently zoned as IN1 General Industrial under the Warringah Local Environment Plan 2011. The use of the subject tenancy as described in this application is permissible within this zoning.

The subject site does not exhibit any constraints preventing the granting of consent to the use of the subject tenancy as a gymnasium subject to implementation of measures recommended in the supporting acoustic report.

7.8 Submissions made in accordance with this Act or the regulations

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

7.9 The Public Interest

The proposal will not adversely impact upon the environment, the character of the locality or upon the amenity of adjoining properties and therefore approval of the application is considered to be in the public interest. The subject fit-out and the use of the premises as a gymnasium is appropriate in the locality.

8.0 CONCLUSION

The principle objective of the development is to permit the use of the subject premises at **Unit 12 16-22 Cross Street Brookvale** as a gymnasium (Recreation Facility (Indoor)). The use is consistent with the permissible land uses of the zone.

Subject to compliance with operational conditions that may be imposed by Council and the recommendations contained with the supporting expert reports, there is no reason that development consent to the proposed use should be withheld.

We therefore request the Council to issue development consent to the application under delegated authority.



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