
STATEMENT OF ENVIRONMENTAL EFFECTS

To accompany a Development Application

For the change of use to a gymnasium with
associated fit-out and signage

at No. 3 Minna Close, Belrose

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1.0 INTRODUCTION

This statement has been prepared to accompany a Development Application for the change of use to a gymnasium with associated fit-out and signage at No. 3 Minna Close, Belrose.

The purpose of this report is to describe the proposed change of use and review the relevant planning controls relating to the proposal. It provides an assessment of the proposal in light of the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

This report aims to demonstrate that the proposed change of use is appropriate within its context and within the framework of the relevant planning policies. This statement addresses issues arising from the proposal in light of the following planning controls:

- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011
- State Environmental Planning Policy (Industry and Employment) 2021
- Provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979

The assessment relies upon the following information:

- The subject land is zoned SP4 Enterprise and C2 Environmental Conservation under the Warringah Local Environmental Plan 2011
- The immediate context of the site and surrounding character

2.0 SITE & CONTEXT ANALYSIS

2.1 SUBJECT SITE DESCRIPTION

The subject site is located at No. 3 Minna Close, Belrose and is legally identified as Lot 501 within DP 875858. The subject tenancy is located on the ground floor and measures approximately 1,378m².

The subject site is located on the northern side of Minna Close with access from Mona Vale Road. Figure 01 illustrates the context of the site within the locality.

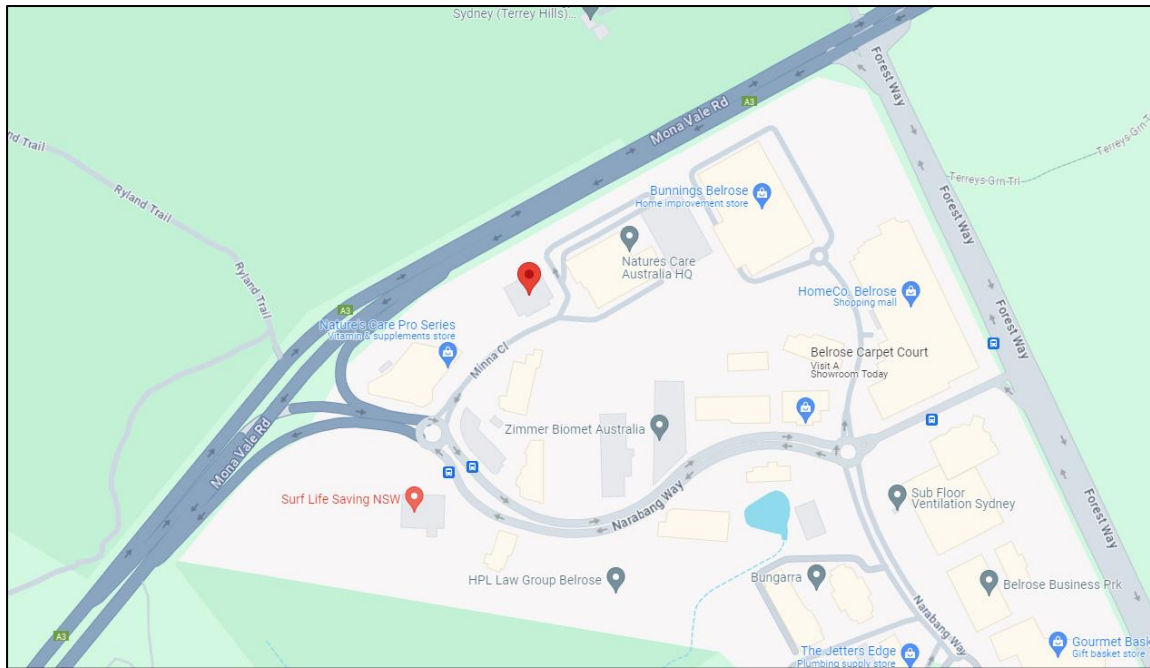


Figure 01: Map of site location (Google Maps, accessed 2024)

2.2 EXISTING BUILDING AND ASSOCIATED STRUCTURES

The subject site is occupied by a three storey commercial premises. The proposed gymnasium will be located on the ground floor.



Figure 02: Subject site at No. 3 Minna Close, Belrose (Google Maps, accessed 2024)

2.3 SURROUNDING AREA

Locality

The subject site is located within SP4 Enterprise and C2 Environmental Conservation zones under the Warringah Local Environmental Plan 2011. The site is located in Belrose, a suburb of Sydney located 19km north-east of the Sydney central business district. The site is located towards the northern periphery of Belrose within a predominantly conservational area.

The locality of Belrose is characterised by a diversity of land uses. The locality is bounded by Terrey Hills, Ingleside, Oxford Falls, Frenchs Forest, Davidson, St Ives, and Ku-ring-gai Chase.

Street pattern

The immediate area in which the subject site is located is defined by an inconsistent street pattern with a variety of lot sizes which have no predominant orientation. There is a network of footpaths accompanied by significant vegetation.

3.0 THE DEVELOPMENT PROPOSAL

3.1 OVERVIEW

This Development Application proposes the change of use of the tenancy to a gymnasium known as Plus Fitness, which will operate 24-hours, 7-days a week. Associated fit-out works and signage have also been proposed in this application.

The proposed gymnasium will not offer any group fitness classes, child-minding, pool facilities, steam rooms, sauna rooms, and the like. It is anticipated that a maximum of 50 patrons will be on site at any one time between the peak hours of 5:00pm to 8:00pm. There will be 2 staff members and 1 personal fitness trainer on site between 10:00am to 2:00pm and 3:00pm to 7:00pm Monday to Thursday, and 10:00am to 2:00pm Friday to Saturday. All other hours and days, including public holidays, will be unstaffed.

3.2 DESCRIPTION OF WORKS

This application proposes works as depicted on the architectural plans prepared by Archispectrum:

Internal:

- Reception

- 3 x offices
- Personal training office
- Cardio equipment area
- Strength/ plate-loaded equipment area
- Functional turf area
- Women's area
- Recovery room
- 3 x change rooms
- 3 x water closets
- 1 x bathroom
- 1 x ambulant water closet
- 1 x accessible bathroom
- Utility room

External:

- Sign 1: non-illuminated top hamper sign (3700mm x 720mm)
- Sign 2: non-illuminated window sign (500mm height)
- Sign 3: non-illuminated window sign (300mm height)
- Sign 4: non-illuminated window sign

4.0 EVALUATION PURSUANT TO PLANNING INSTRUMENTS

The application has taken into consideration relevant provisions of the Warringah Local Environmental Plan 2011, Warringah Development Control Plan 2011, and State Environmental Planning Policy (Industry and Employment) 2021.

4.1 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Part 2 Permitted or prohibited development

Clause 2.1 Land use zones

Zone SP4 Enterprise

1 Objectives of zone

- To provide for development and land uses that support enterprise and productivity.
- To provide healthy, attractive, functional and safe business areas.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.
- To create business environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide opportunities for new and emerging light industries.
- To restrict retail uses to ensure sufficient land is available for industrial and light industrial uses to meet future demands.

2 Permitted without consent

Nil

3 Permitted with consent

Boat building and repair facilities; Building identification signs; Business identification signs; Community facilities; Early education and care facilities; Educational establishments; Electricity

generating works; Environmental protection works; Flood mitigation works; Garden centres; Goods repair and reuse premises; Hardware and building supplies; Health services facilities; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Mortuaries; Neighbourhood shops; Office premises; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Self-storage units; Service stations; Sewerage systems; Signage; Take away food and drink premises; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems

4 Prohibited

Advertising structures; Home industries; Water storage facilities; Any other development not specified in item 2 or 3

Comment

The proposed gymnasium is classified as an indoor recreation facility which meets the objectives of the zone and is permitted with consent.

Zone C2 Environmental conservation

1 Objectives of zone

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To protect and enhance the quality and character of visually sensitive areas and preserve significant natural landforms in their natural state.*
- *To manage development in areas having steep sloping topography or that are subject to any potential landslip.*
- *To manage water quality in significant water catchment areas.*
- *To ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.*

2 Permitted without consent

Nil

3 Permitted with consent

Environmental protection works; Oyster aquaculture; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Comment

Gymnasiums and indoor recreation facilities are prohibited within the C2 zone, however it is noted that the building within which the proposal will be located is not situated within the portion of the site which is zoned C2 Environmental Conservation. The proposed gymnasium will be wholly located within the SP4 zone.

The proposed change in land use will not result in any damage to the ecological values of the zone, nor any natural landforms, and is therefore consistent with the objectives of the zone.

4.2 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

Part C Siting factors

Chapter C3 Parking facilities

Objectives

- 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 place.
- To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.

Requirements

4. 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 where relevant.
5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.
6. For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.
7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.

Use	Requirement
Gymnasium	4.5 spaces per 100m ² GFA

Comment

As the subject tenancy measures 1,378m², a minimum of 62 on-site car parking spaces are required. The subject site contains a total of 216 on-site car parking spaces, however only 37 of these spaces are allocated to the subject tenancy.

A traffic report has been prepared by Modus and submitted alongside this application.

Chapter C9 Waste management

Objectives

- To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).
- To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.
- To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.
- To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.
- To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
- To minimise any adverse environmental impacts associated with the storage and collection of waste.
- To discourage illegal dumping.

Requirements

1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

Comment

A waste management plan has been prepared by Archispectrum and submitted alongside this application.

Part D Design **Chapter D3 Noise**

Objectives

- To encourage innovative design solutions to improve the urban environment.
- To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.

Requirements

1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.
2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.
3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.
4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.
5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.

Comment

An acoustic report has been prepared by Acoustic Solutions and submitted alongside this application.

Chapter D18 Accessibility and adaptability

Objectives

- To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.
- To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.
- To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.

Requirements

1. The design is to achieve a barrier free environment with consideration given to the design of door handles and switches, entrances and corridors. Steep, rough and slippery surfaces, steps and stairs and narrow paths should be avoided.
2. There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings.
3. Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces.
4. Where there is a change of level from the footpath to commercial or industrial floor levels, ramps rather than steps should be incorporated.
5. There is to be effective signage and sufficient illumination for people with a disability.
6. Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard.

Comment

An access report has been prepared by Ai Consultancy and submitted alongside this application, with which the proposed gymnasium complies.

Chapter D23 Signs

Objectives

- To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.
- To achieve well designed and coordinated signage that uses high quality materials.
- To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.
- To ensure the provision of signs does not adversely impact on the amenity of residential properties.
- To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.

Requirements

1. Signs are to be sited and designed so that they do not adversely impact on the amenity of the streetscape and the surrounding locality. In particular, signs are not to dominate or obscure other signs or result in visual clutter.
2. Signs are to be compatible with the design, scale and architectural character of the building or site on which they are to be placed.
3. Signs on heritage items or on buildings in conservation areas should not by their size, design or colour, detract from the character or significant qualities of individual buildings, the immediate context or the wider streetscape context of the area.
4. Signs are not to obscure views of vehicles, pedestrians or potentially hazardous road features or reduce the safety of all users of any public road (including pedestrians and cyclists).
5. Signs should not be capable of being confused with, or reduce the effectiveness of, traffic control devices.
6. Signs are not to emit excessive glare or cause excessive reflection.
7. Signs should not obscure or compromise important views.
8. Signs displayed on dwellings are to be attached to the ground floor façade of the dwelling, unless the land is located on a main road or the dwelling is not visible from the street, in which case the sign may be attached to a front fence.
9. For Land in the RU4 zone with frontage to both Mona Vale Road and Myoora Road: Only small, non obtrusive and non illuminated signs that identify the use of a site are to be visible from Mona Vale Road. Signs that are designed of such size, height or visual appearance so as to attract passing trade are not considered appropriate and are discouraged. All signs are to be in keeping with the colour and textures of the natural landscape.
10. No more than one sign is to be located above the awning level for business uses.
11. Tenancy boards and the like are encouraged to be in the form of consolidated signs.
12. Signs shall meet the following criteria:

Sign	Criteria
Top hamper sign	Shall not extend beyond any building alignment or below the level of the head of the doorway or window within the building upon which it is attached; Shall not exceed 600mm in height; and Shall not have an advertising area greater than 5sqm.
Window sign	Must occupy less than 50% of the window area so as to not obstruct natural light; and Shall only be permitted on ground floor windows, below awning level or equivalent.

Comment

The proposed signage is an appropriate size for the scale of the building and will not obscure any views of vehicles nor emit any glare. All signs will be located at ground floor level.

The top hamper sign will not extend beyond the building alignment, nor below the head of the doorway to which it is attached. The sign will measure 720mm in height with an advertising area of 2.664m². Whilst the height of the sign is numerically non-compliant, it is noted that this is the existing height of the transom upon which the sign is located. Given the minimal size of the proposed advertising area, the non-compliant height is acceptable.

The proposed window signs will occupy 16.68% of the glazing on the subject building and will all be located at ground floor level.

4.3 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

Chapter 3 Advertising and signage Schedule 5 Assessment criteria

SCHEDULE 1 ASSESSMENT CRITERIA	
SECTION 1 CHARACTER OF THE AREA	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for the enterprise and environmental conservation areas, however the signage will maintain a dark blue background with white text, and a frosted translucent background with white text and dark blue accents which is compatible with nearby business identification signs.
SECTION 2 SPECIAL AREAS	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	There are no sensitive or heritage areas in the vicinity of the subject site. Regardless, the signage is not considered to detract from any amenity or visual quality as the contents will be minimal in design and neutral in colour.
SECTION 3 VIEWS AND VISTAS	
Does the proposal obscure or compromise important views?	No.
Does the proposal dominate the skyline and reduce the quality of vistas?	No. The signage will be located on the ground floor.
Does the proposal respect the viewing rights of other advertisers?	Yes.
SECTION 4 STREETSCAPE, SETTING OR LANDSCAPE	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes. The signs will maintain a dark blue background with white text, and a frosted translucent background with white text and dark blue accents which is compatible with nearby business identification signs.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A.
Does the proposal screen unsightliness?	N/A.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.
Does the proposal require ongoing vegetation management?	No.

SECTION 5 SITE AND BUILDING	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes.
Does the proposal respect important features of the site or building, or both?	Yes.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes.
SECTION 6 ASSOCIATED DEVICES AND LOGOS WITH ADVERTISEMENTS	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A.
SECTION 7 ILLUMINATION	
Would illumination result in unacceptable glare?	N/A.
Would illumination affect safety for pedestrians, vehicles or aircraft?	N/A.
Would illumination detract from the amenity of any residence or other form of accommodation?	N/A.
Can the intensity of the illumination be adjusted, if necessary?	N/A.
Is the illumination subject to a curfew?	N/A.
SECTION 8 SAFETY	
Would the proposal reduce the safety for any public road?	No.
Would the proposal reduce the safety for pedestrians or bicyclists?	No.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

5.0 COMPLIANCE TABLE

Planning Instrument	Clause	Compliance
Warringah Local Environmental Plan 2011	Clause 2.1 Land use zones – Zone SP4 Enterprise	
Warringah Local Environmental Plan 2011	Clause 2.1 Land use zones – Zone C2 Environmental conservation	
Warringah Development Control Plan 2011	Chapter C3 Parking facilities	Justification provided
Warringah Development Control Plan 2011	Chapter C9 Waste management	
Warringah Development Control Plan 2011	Chapter D3 Noise	
Warringah Development Control Plan 2011	Chapter D18 Accessibility and adaptability	

Warringah Development Control Plan 2011	Chapter D23 Signs	
State Environmental Planning Policy (Industry and Employment) 2021	Schedule 5 Assessment criteria	

6.0 CONCLUSION

The proposed change of use to a gymnasium with associated fit-out and signage at No. 3 Minna Close, Belrose is consistent with the objectives and relevant provisions of Northern Beaches Council's planning instruments.

From this statement it is concluded that the gymnasium will provide variety to the locality which is compatible with the existing and desired future character of the area surrounding the subject site. There are no additional impacts that can be attributed to the proposal that will adversely affect the amenity of neighbouring properties or deter from the streetscape.

In this regard the Council is requested to review the application favourably and grant the development consent.