

# PRESTIGE TOWN PLANNING

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## STATEMENT OF ENVIRONMENTAL EFFECTS

Anytime Fitness Manly

3 – 5 Pittwater Road

Manly, NSW, 2095

Lots A & B/-/DP962291

23 September 2024

Prepared for submission to Northern Beaches City Council  
by Prestige Town Planning Pty Ltd. on behalf of Anytime Fitness Manly.

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## Summary

This Statement of Environmental Effects was completed by Prestige Town Planning Pty Ltd on behalf of Anytime Fitness Manly. It forms part of the Development Application to internally expand the existing and established “Recreation Facility – Indoor” (24/7 Anytime Fitness Gymnasium) currently located on the Ground and First Floor Levels of the two storey commercially orientated building at 3 – 5 Pittwater Road, Manly, NSW, into an adjacent Ground Floor Level Tenancy. The subject proposal entails the technical change in land use of the existing Ground Floor Level Tenancy to a “Recreation Facility – Indoor” (24/7 Anytime Fitness Gymnasium) as to unify the land uses and includes internal fit-out for the proposed purpose and associated business identification signage.

The subject tenancy (to be expanded into) consists of a Gross Floor Area of 185m<sup>2</sup> whilst the existing gymnasium (on the first and ground floor levels) consists of 567m<sup>2</sup>, thus equating to a total GFA of 784m<sup>2</sup> after the proposed expansion. Please note that no additional GFA is proposed to be created by this application.

The subject property is further situated within a E1 – Local Centre land use zone pursuant to the Manly Local Environmental Plan (LEP) 2013 and is legally registered on Lots A & B of DP962291. Pedestrian access is provided via the Western footpath along Pittwater Road and due to the entirety of the allotment being occupied by the existing two (2) storey commercial orientated building structure, no vehicular access and/or on-site car parking opportunities exists or are proposed on the property. No physical alterations and/or additions are proposed to the existing building envelope (apart from the proposed business identification signage). Please see attached Architectural Drawings for reference.

This statement has been prepared to address the proposed development in accordance with the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan (LEP) 2013 and any other relevant planning instruments.

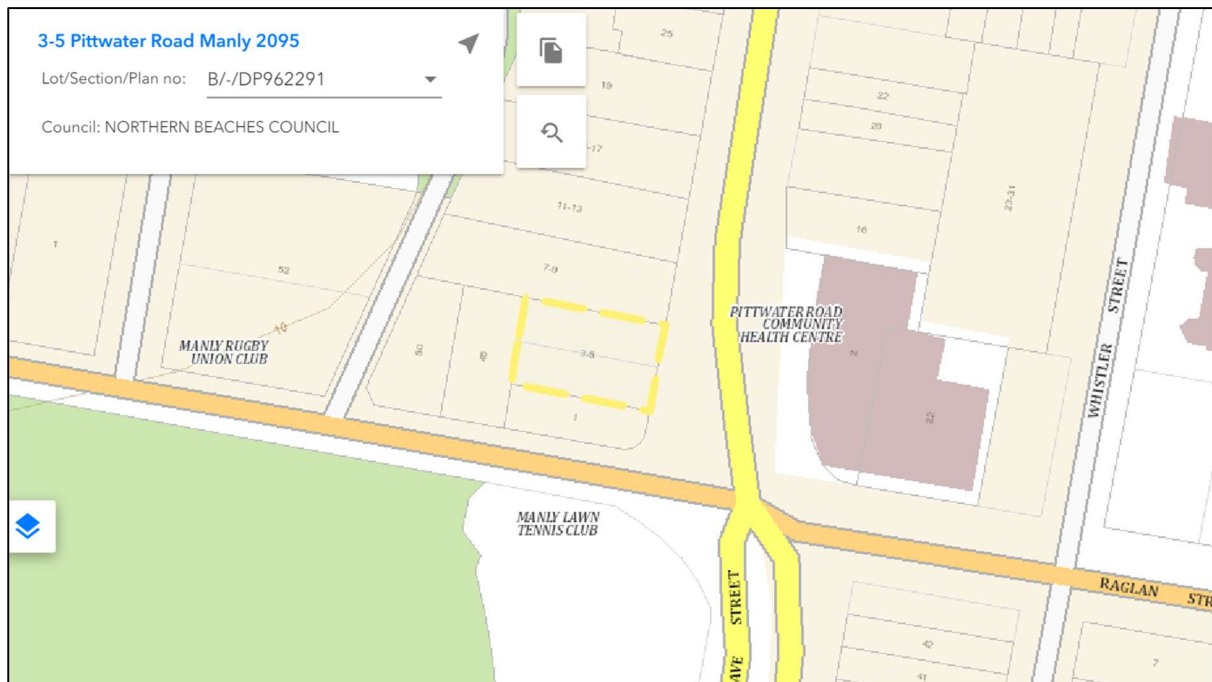
## Summary of Controls

Pursuant to the Manly Local Environmental Plan (LEP) 2013, the following controls apply to the subject property:

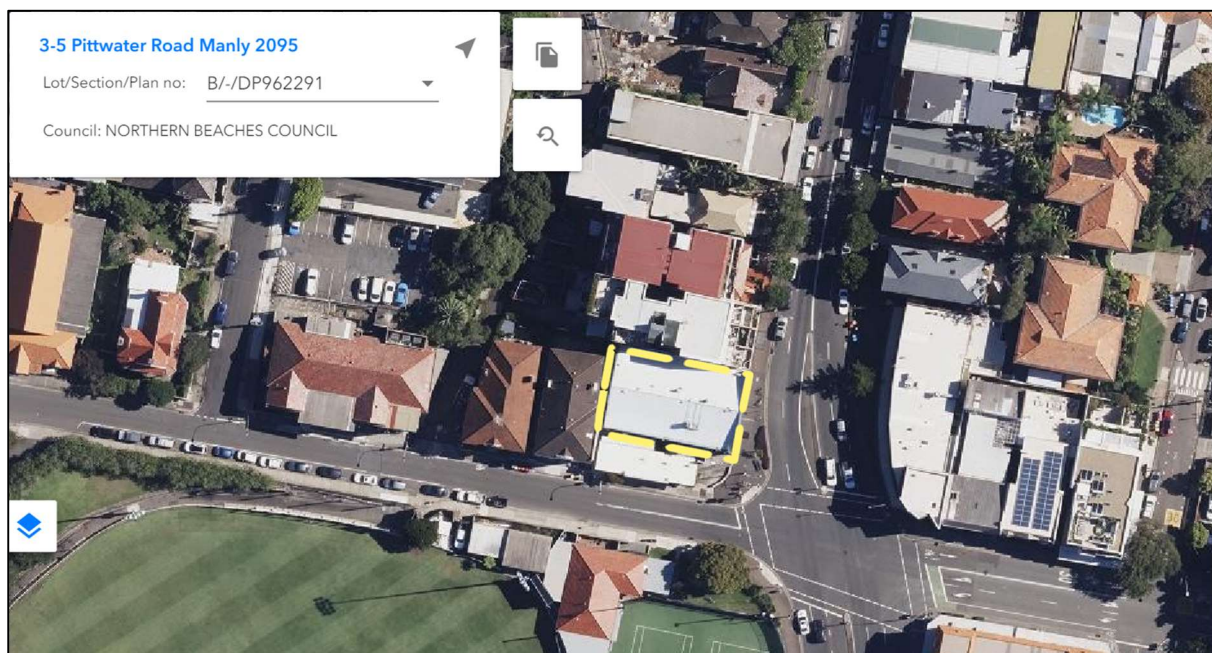
- |                            |   |
|----------------------------|---|
| • Land Zoning:             | E1 – Local Centre                               |
| • Height of Building:      | 15m   |
| • Floor Space Ratio:       | 2:1   |
| • Minimum Lot Size:        | N/A   |
| • Heritage:                | The Pittwater Road Conservation Area            |
| • Acid Sulfate Soils:      | Class 4   |
| • Active Street Frontages: | Active Street Frontages                         |
| • Key Sites:               | Gross Floor Area of certain Commercial Premises |

## The site

The site address relates to 3 – 5 Pittwater Road, Manly, NSW, 2095 which is legally registered as Lots A & B/-/DP962291. The property is situated on the Western side of Pittwater Road and within proximity of the Raglan Street intersection. The subject property is entirely occupied by a two (2) storey commercially orientated building and situated within an E1 – Local Centre Land Use Zone pursuant to the Manly Local Environmental Plan (LEP) 2013. Pedestrian access is provided via the Western footpath along Pittwater Road and due to the entirety of the allotment being occupied by the commercial building structure, no vehicular access and/or on-site car parking opportunities exists or are proposed on the property.



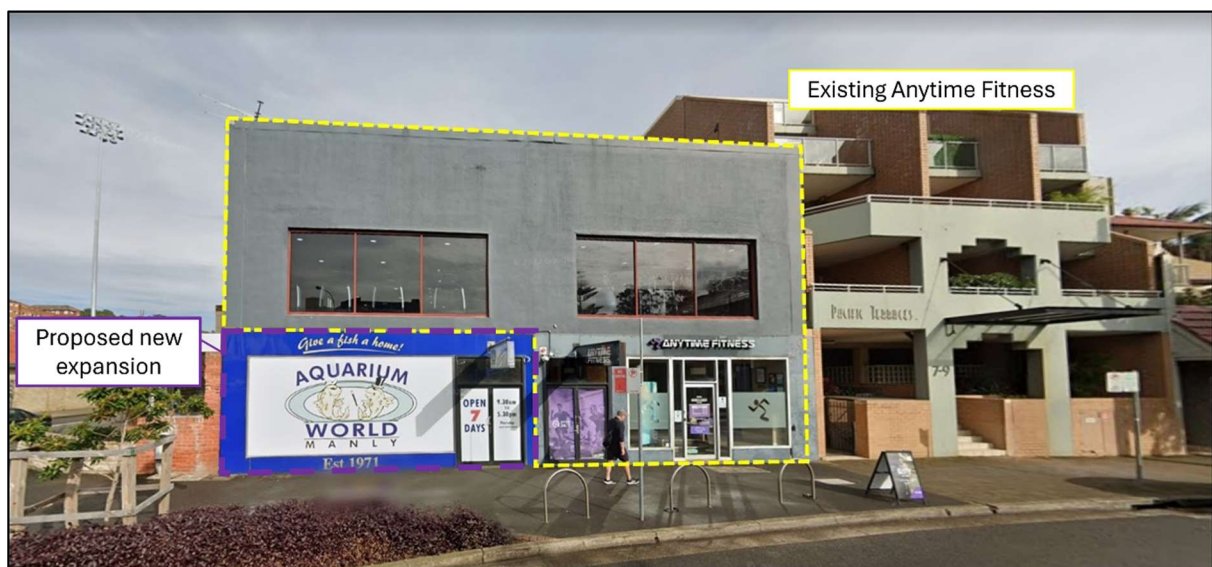
Locality Map – NSW ePlanning Spatial Viewer – Accessed August 2024



Locality Aerial – NSW ePlanning Spatial Viewer – Accessed August 2024



Site Plan – Provided by ArchiSpectrum – June 2024



View from Pittwater Road – Google Street View – Accessed June 2024 - Superimposed

The subject property is deemed a convenient and sustainable locality with adequate access to public transport amenities. The subject proposal is further considered an appropriate use of the site given the layout, locality, development consent history and successful operations at the premises since 2011 and would maintain a prominent and sustainable commercial orientated tenancy for an acceptable use.

## **Proposed Development**

It is important to note that this application relates only to the internal expansion of the existing and established Anytime Fitness Gymnasium into the adjoining Ground Floor Level Retail Tenancy and involves the change in land use of the subject tenancy to a 24-hour “Anytime Fitness” Gymnasium (Recreation Facility – Indoor) as to unify the land uses and includes internal fit-out for the proposed purpose, extended 24/7 hours of operation and associated business identification signage.

### **Proposed land use parameters:**

- Open 24hrs a day, 7 days a week, including all bank and public holidays.
- Maximum of 3 staff on site (gym manager, personal trainers or assistants depending on market demand) during staffed hours of 10:00am – 7:00pm Monday – Thursday; 10:00am – 4:00pm Friday; 10:00am – 2:00pm Saturday and Sunday unstaffed;
- Expected absolute maximum usage of thirty-five (35) persons at any one time during absolute highest peak hours and maximum average hourly usage of approx. 15 – 20, based on usage statistics for the existing Anytime Fitness Manly facility as well as numerous similar Anytime Fitness gymnasiums in NSW (please refer to **Annexure B**).

### **Proposed business identification signage:**

(Please refer to the attached elevation drawings for further details)

**Sign 1:** 1 x Internally LED Illuminated “Anytime Fitness” Wall Sign, to be 3700mm x 100mm in size and to be located on the first-floor level of the Southern Façade.

**Sign 2:** 1 x Internally LED Illuminated “Anytime Fitness” Wall Sign, to be 10,000mm x 1540mm in size and to be located on the first-floor level of the Eastern Façade.

**Sign 3:** The installation of transparent graphic vinyl artwork applied to the internal glazing surface of the exterior windows along the Eastern façade for privacy.

**Note:** The existing and previously approved projecting lightbox located on the Eastern façade and Internally Illuminated Top Hamper Sign on the Eastern façade is to remain.

### **Proposed Internal Building Works:**

- Replacement and renovation of existing internal wall and floor linings.
- The internal reconfiguration of the existing commercial gym fit out for the proposed purpose and expansion, including manager’s area, lobbies, cubbies for personal belongings, bathrooms, showers, change rooms and a fully accessible suite.
- Installation of various recommended acoustic abatement materials, flooring systems, finishes, joinery and gym equipment.
- Upgrading of the high-tech security, access and CCTV system.

## **Environmental Assessment**

The proposal has been assessed with regards to the relevant heads of consideration under *Section 4.15 of the Environmental Planning and Assessment Act 1979*.

“In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of—

- (i) any environmental planning instrument, and
- (ii) 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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
  - (iii(a)) 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, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- (v) (Repealed)

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.”

## State Environmental Planning Policies

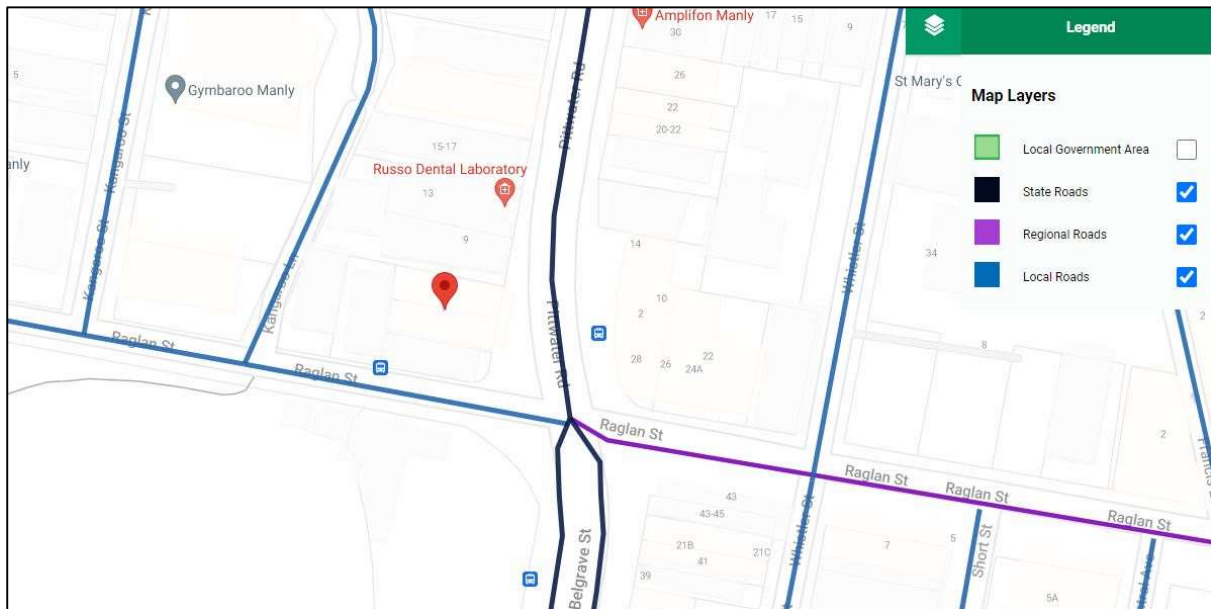
The following list indicates those State Environmental Planning Policies (SEPP) which applies to the land. It is however noted that only State Environmental Planning Policy (Industry and Employment) 2021 applies to the subject proposal. An assessment against the principles of 'Schedule 5 – Assessment Criteria' is included in **Annexure A** of this report.

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021: Excluded (pub. 21-10-2022)*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021: Land Application (pub. 2-12-2021)*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021: Subject Land (pub. 2-12-2021)*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application (pub. 12-12-2008)*
- *State Environmental Planning Policy (Housing) 2021: Land Application (pub. 26-11-2021)*
- *State Environmental Planning Policy (Industry and Employment) 2021: Land Application (pub. 2-12-2021)*
- *State Environmental Planning Policy (Planning Systems) 2021: Land Application (pub. 2-12- 2021)*
- *State Environmental Planning Policy (Primary Production) 2021: Land Application (pub. 2-12- 2021)*
- *State Environmental Planning Policy (Resilience and Hazards) 2021: Land Application (pub. 2-12-2021)*
- *State Environmental Planning Policy (Resources and Energy) 2021: Land Application (pub. 2- 12-2021)*
- *State Environmental Planning Policy (Sustainable Buildings) 2022: Land Application (pub. 29-8-2022)*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021: Land Application (pub. 2-12-2021)*



## Regional Environmental Planning Policies (REPP's)

It is noted that Pittwater Road (primary road frontage to the subject tenancy) is registered as a State Road pursuant to the Roads Act 1993 and requires to maintain a 1.5m Buffer around it. Since no changes and/or alterations are however proposed to the physical exterior envelope and/or footprint of the existing building (apart from signage), the subject proposal would have no impact on the required buffer and/or safe operation of the classified road whatsoever. No other REPP's are applicable to this application.

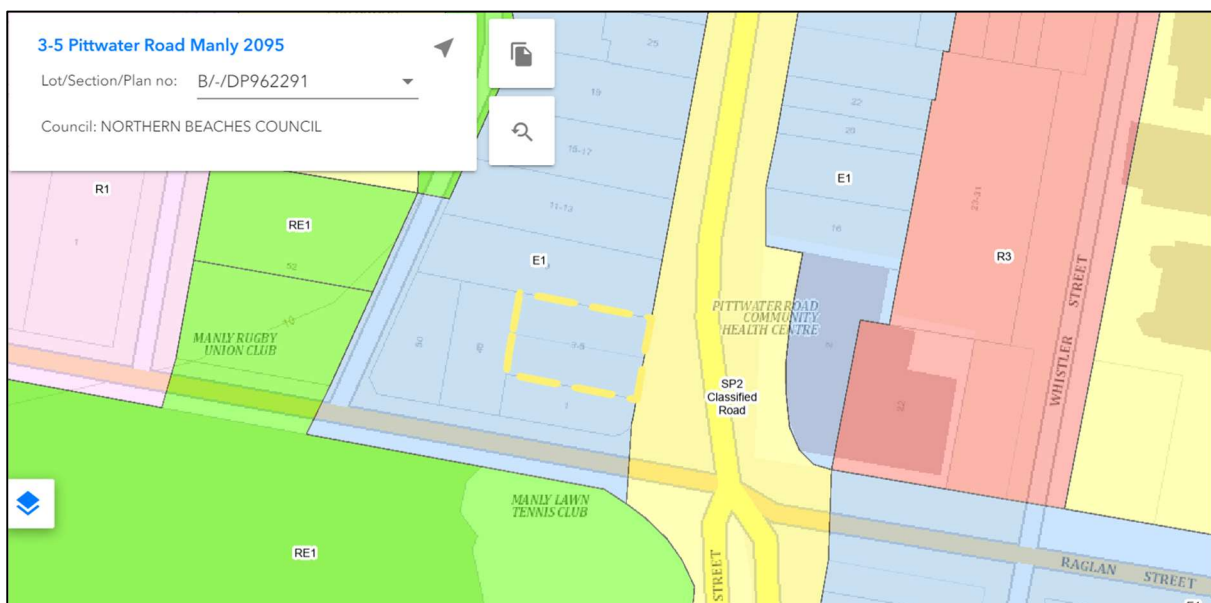


State and Regional Roads – Transport NSW – <https://roads-waterways.transport.nsw.gov.au/classification/map> – Accessed August 2024

## Manly Local Environmental Plan (LEP) 2013

### Zoning

The subject land is zoned E1 – Local Centre pursuant to the Manly 'LEP' 2013.



Zoning Map – Manly Local Environmental Plan (LEP) 2013 – NSW ePlanning Spatial Viewer – Accessed August 2024

## **E1– Local Centre Zone**

### **Objectives of zone**

- *To provide a range of retail, business, and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To minimise conflict between land uses in the zone and adjoining zones to ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

With reference to the prescribed objectives, the proposed internal expansion of the existing and established use of the subject premises as a 24-hour Anytime Fitness gymnasium (Recreation Facility - Indoor) adequately meets the prescribed intent and objectives of the E1 – Local Centre land use zone.

The proposal represents a perfectly suitable business service use which is to be expanded on the Ground Floor Level and which has been serving the daily health and fitness needs of the people living in, working in and visiting the locality for over a decade. The proposed land use would further utilise an existing tenancy of appropriate scale and character which had already integrated well with other surrounding land uses, while contributing to the overall vitality and viability of the local centre. The facility would continue to provide a service use that is highly desired by residents, local workers and visitors to the Manly and surrounding areas.

Anytime Fitness finds that when a facility is established in an area that is located in close proximity to other businesses, offices, commercial and retail areas, the local workforce and nearby residents make up a significant bulk of the membership base. Furthermore, due to the unique combination of the various uses of the E1 – Local Centre land use zone, the perfect opportunity arises to integrate the proposed land use with the surrounding 'support' uses, and it is therefore expected that the Anytime Fitness Manly facility would be able to continue to provide this crucial health and fitness service to the local workforce, surrounding businesses and nearby residents; many of whom are already Anytime Fitness members.

The above occurrence further encourages members to either walk, run, cycle, or make use of available public transport amenities instead of driving. Members are able to visit the local facility on their daily commute and therefore also maximises public transport patronage, while encouraging sustainable alternatives to private motor vehicle use.

In addition, the subject facility is considered to increase the probability of multi-purpose trips as Anytime Fitness members could combine the trip to the gym with carrying out other tasks such as commuting to and from work, shopping, and/or any other activities provided in the local centre. It is therefore considered that the subject proposal would continue to complement the surrounding land uses while providing local workers, visitors and residents with a flexible and convenient indoor recreation facility, while contributing positively to local investment, economic growth, diversity and high-quality amenity of the local centre. The extended operating hours further ensures convenience and accessibility to all members of the community, including shift workers, students and visitors, whilst contributing to an active and healthy lifestyle.

In addition to the above, the subject proposal would promote and encourage numerous employment opportunities for a number of persons over the time of its operation including the internal refurbishments, ongoing maintenance, security and day to day operations of the facility without any expense to the environment and/or local cultural heritage amenity.

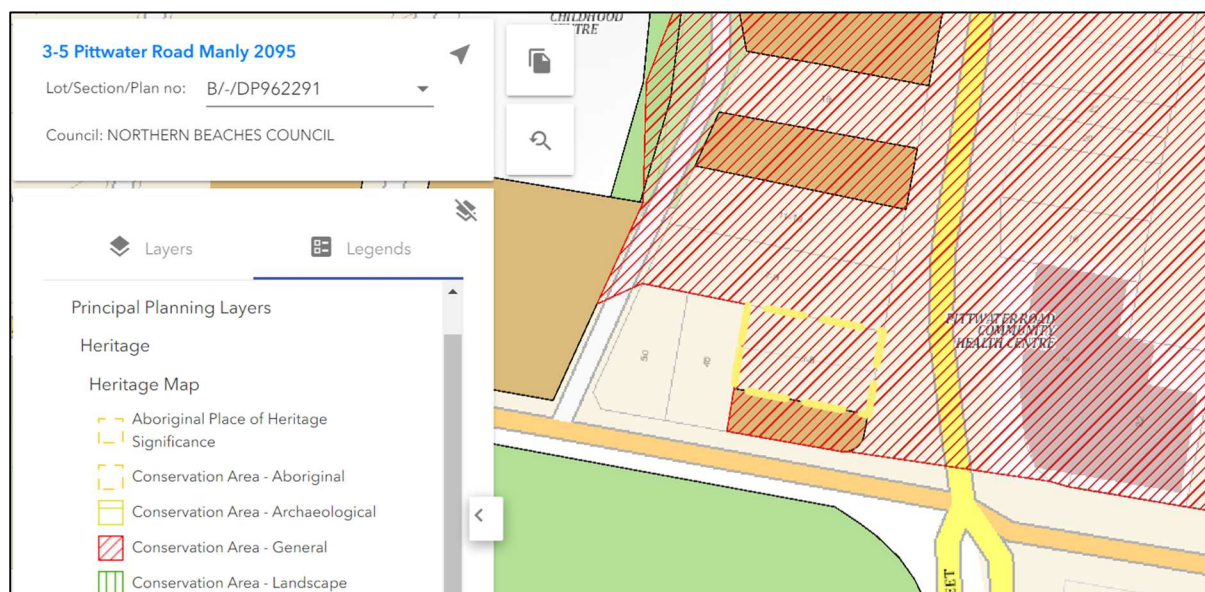
### Permissibility

In reference to the land use tables of the E1 – Local Centre land use zone under the Manly Local Environmental Plan (LEP) 2013, the use of the land for the purpose of a gymnasium (*Recreation facility – Indoor*); is permissible upon obtaining the relevant planning consent from the Northern Beaches Local City Council.

It is therefore considered that the subject proposal adequately meets and complies with all criteria in terms of land use zoning.

### Heritage Conservation

Reference is made to the heritage provisions of the Legislative Clause 5.10 of the Manly Local Environmental Plan (LEP) 2013 as the subject property is located within The Pittwater Road General/Local Heritage Conservation Area. The subject building itself is however not identified as containing any items of registered heritage amenity, albeit situated adjacent to Local Heritage Listed Item 196 known as the Baby Health Care Centre Building to the South.



Heritage Map – Manly Local Environmental Plan (LEP) 2013 – NSW ePlanning Spatial Viewer – Accessed August 2024

With the proposed works pertaining only to internal alterations however, which are not visible from the public domain (apart from the proposed business identification signage), the subject proposal is not expected to have any adverse and/or negative impact the heritage amenity of the local area. The subject proposal would not inhibit the continued conservation of the local heritage significance and would not have any additional negative impact to the scope of works and signage which had previously been approved for the site. Please refer to the attached Heritage Impact Statement (HIS) for further detail.

### Active Street Frontages

In accordance with Part 6, Subsection 6.11, Clause (3) of the Manly Local Environmental Plan (LEP) 2013, *“Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.”*

In addition, Part 6, Subsection 6.11, Clause (5) of the Manly LEP 2013 states that *“In this clause, a building has an **active street frontage** if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.”*

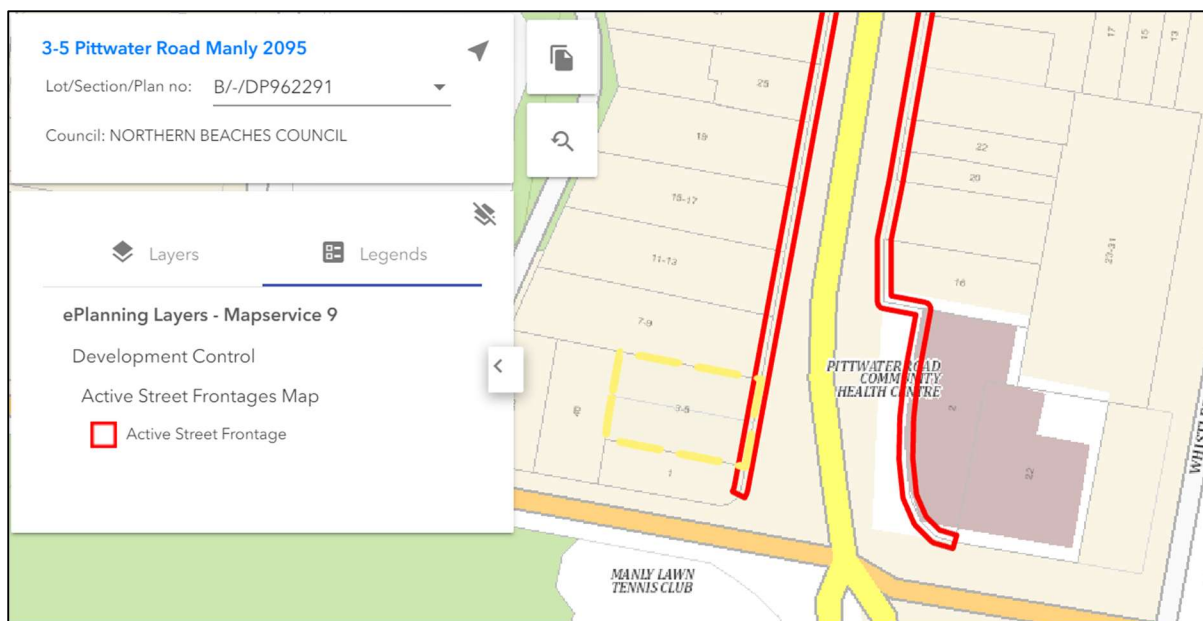
Contained within the ‘Dictionary’ of the Manly LEP 2013, the definition of a “Business Premises” is stated to be as follow:

*“business premises* means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.”

It is therefore regarded that due to the proposed operations including the provision of health and fitness services which is undertaken by occupied staff and conducted by a profession or trade directly to members of the public, it is noted that the use of the ground floor level premises is included within the definition of a “Business Premises”.



Active Street Frontages Map – Manly Local Environmental Plan (LEP) 2012 – NSW ePlanning Spatial Viewer – Accessed June 2024

## Manly Development Control Plan (DCP) 2013

It is important to note that this application relates only to the internal expansion of the existing Anytime Fitness Gymnasium into the adjoining ground floor level tenancy and the change in land use of the ground floor tenancy to a 24-hour “Anytime Fitness” Gymnasium (Recreation Facility – Indoor) and includes extended 24/7 hours of operation and associated business identification signage and internal fit out for the proposed purpose.

Since the proposal relates only to internal works within an existing building envelope (apart from the proposed and previously approved business identification signage), specifications on built form and site planning considerations with regard to the exterior envelope, such as building setting, heights, setbacks, views and vistas, soil management etc. are not reconsidered here.

### **Part 3 – General Principles of Development**

#### **3.1 – Streetscapes and Townscapes**

##### Streetscape

<u>Objective:</u>	<u>Complies?</u>	<u>Comments:</u>
To minimise any negative impact of walls, fences and carparking on the street frontage.	Y	No new walls, fences and/or carparking is proposed.
To ensure development generally viewed from the street complements the identified streetscape.	Y	The proposed development is considered to compliment the commercial orientated streetscape and is consistent with previous approvals for the site.
To encourage soft landscape alternatives when front fences and walls may not be appropriate.	N/A	No new walls and/or fences are proposed.

## Townscape

<u>Objective:</u>	<u>Complies?</u>	<u>Comments:</u>
To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape.	Y	No new parking provision is proposed.
To assist in maintaining the character of the locality.	Y	The proposed development is considered to maintain the commercial orientated character of the local centre locality and is consistent with previous approvals for the site.
To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres.	Y	The proposed development recognises the importance of pedestrian movements and townscape by providing a predominantly pedestrian orientated land use and a more relatable townscape.
To minimise negative visual impact, in particular at the arterial road entry points into the Council area and the former Manly Council area, as to promote townscape qualities.	Y	The proposed development contributes positively to the visual impact of the local commercially orientated centre and compliments the retail character of the locality.

### **3.3 – Landscaping**

Unaffected by the subject proposal.

### **3.4 – Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)**

#### **3.4.1 Sunlight Access and Overshadowing**

Unaffected by the subject proposal.

#### **3.4.2 Privacy and Security**

<u>Objective:</u>	<u>Complies?</u>	<u>Comments:</u>
<p>To minimise loss of privacy to adjacent and nearby development by:</p> <ul style="list-style-type: none"><li>• appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;</li><li>• mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.</li></ul>	Y	The proposed transparent window graphic vinyl had been incorporated specifically for the purposes of increased privacy for both members to the facility and the local community.

To increase privacy without compromising access to light and air. To balance outlook views from habitable rooms and private open space.	Y	The proposed transparent window graphic vinyl had been incorporated specifically for the purposes of increased privacy for both members to the facility and the local community without compromising access to light and air. No outlook views directly faces a habitable room and/or private open space.
To encourage awareness of neighbourhood security.	Y	<p>The proposed 24-hour operations and illuminated business identification signage rationalizes the streetscape and adds to the perception of safety in the area with increased lighting.</p> <p>The installation of the proposed signage would lift night-time safety perceptions and create a beacon of arrival and encourages awareness of neighbourhood security accordingly.</p>

### **3.4.2.3 – Acoustical Privacy (Noise Nuisance)**

This section should be read in conjunction with the Acoustic Report provided by Norrebro Design and dated 12 September 2024. Due to the proposed continuation of the previously approved 24/7 trading hours of operation, the subject proposal is assessed in terms of its potential to generate noise. The assessment is aimed at identifying any potential noise generation aspects and recommends appropriate noise abatement measures to mitigate potential impacts on surrounding land uses.

With the subject property however being situated within a E1 – Local Centre, and the subject facility being in successful and harmonious operation with surrounding land uses for over a decade, the subject proposal is considered to be entirely compatible with the general character of the area with regard to noise. The subject Anytime Fitness Manly facility is expected to continue to operate harmoniously with surrounding commercial and residential uses and with appropriate management controls already in place (see attached *Plan of Management*) and practiced by management on a daily basis, the facility would continue to cause no adverse and/or negative impact on any surrounding land uses. Appropriate noise abatement measures are further built into the design of the Anytime Fitness club brand which is low impact and scaled down compared to other more traditional gymnasiums.

These features include:

- There are no loud bass beats typically associated with most gymnasiums, rather, the proposed facility only features low volume background music playing throughout and which is set and locked by the manager in their office.
- All the cardiovascular equipment has individual television screens and members wear headphones to listen to the sound.

- All the equipment is designed for members to use individually and without the need for 'spotting', thus encouraging a controlled use.
- High impact acoustic rubber flooring is used under the free weights and functional training areas to absorb the potential impacts of vibrational noise.
- Night-time usage i.e. 12am-5am of Anytime Fitness clubs are very low. Typically, less than 1 member/ per hour which suggests the likelihood of groups of members entering together, a scenario much more likely to cause disturbance, not likely.
- Noise from ingress and egress of patrons during night-time is considered to be limited given that doors close automatically behind patrons and access is only granted to members outside of staffed hours.
- Members are made aware that the dropping of weights is strictly prohibited in all areas of the facility and members should refrain from performing any exercises that could potentially generate excessive noise.
- All windows are non-openable and fixed shut at all times, with air conditioning supplied to filter the air.

These methods and regulations are also set out and discussed in further detail in the attached *Plan of Management*.

In summary, the aspects of the proposed facility that could potentially impact land use amenity by means of noise have been identified and discussed. It is considered that Anytime Fitness noise emissions are controlled in a manner that would result in no undue or negative impact on the surrounding land uses and has proven to be capable of operating harmoniously with surrounding commercial and residential land uses within its current location, without causing undue disturbance to the local amenity.

### **3.6 – Accessibility**

This section should be read in conjunction with the attached BCA Report provided by Incode Solutions and dated 10 August 2024. Safe, convenient and non-discriminatory access into and throughout the existing facility has been considered and incorporated into the design as to accommodate all people.

Members with movement restrictions will have access via their unique key fob as well as a fully accessible bathroom suite situated within the proposed facility. Access to, and the use of these facilities would be unobstructed and compliant with the relevant requirements of the BCA and all patrons will have equal and non-discriminatory access to all services offered by the proposed facility.



### **3.7 – Stormwater Management**

Unaffected by the subject proposal.

### **3.8 – Waste Management**

There are no changes and/or significant increases in the requirement of waste management services caused by the subject proposal. Please refer to the attached *Plan of Management* for ongoing and operational waste management procedures. The waste generated by the subject facility is considered to be absolutely minimal when compared to the former use of the tenancy as a Retail Shop. Waste will continue to be managed by appropriate and registered private cleaning contractors and is to be removed from site on a daily basis in accordance with the *Waste Management Plan* attached. Appropriate waste collection bins and sanitising wipe stations are provided throughout the facility for the convenience of staff and members and is cleaned and emptied daily.

### **3.9 – Mechanical Plant Equipment**

Unaffected by the subject proposal.

### **3.10 – Safety and Security**

The subject proposal is deemed to contribute positively to the local environment by providing a safe and secure premises which minimises opportunities for criminal and/or anti-social behaviour. The subject facility has been designed in accordance with the 'CPTED' principles to maximise casual surveillance opportunities and cause no obscurities that could limit visibility. All entries and exits would remain clearly visible, completely unobstructed and easily identifiable from the public domain and other developments.

The proposed facility is further not considered to require any independent on-site security monitoring during and/or after the proposed staffed hours and all staff are required to commit to ensuring the safety and security of all patrons during all staffed hours. Staff members proactively monitors patrons as to identify any potential problematic behaviour and reminding patrons to behave in a courteous and respectful manner at all times. Should patrons be found to cause amenity disturbance through loud or obnoxious behaviour, staff would immediately refuse entry to the facility and ask them to leave the premises. If deemed necessary, the NSW Police will be notified and engaged as appropriate.

The existing design further ensures that all lobbies, stairwells, hallways and corridors always remain clearly visible and therefore enable greater passive surveillance. The subject facility also incorporates a state-of-the-art security system to maximise the safety of patrons and the community. The security system is a fully integrated system with onsite security features, including closed circuit television (CCTV) with 24-hour digital video recording, high resolution cameras positioned by the entrances and a number of other cameras strategically located in and around the proposed establishment as to ensure that supervision is maximised.

The coverage of these cameras is thorough both internally and externally and provides excellent surveillance of the premises for the safety of all patrons as well as the local community. All exterior areas in proximity to the building entrance and orientation will be adequately illuminated as to enable facial recognition of patrons and a clear path of travel to entrances and exits through the installation of the proposed business identification signage.

To enter the facility, a member is required to swipe a valid access key fob which triggers a release mechanism in the door. If another person enters at the same time an audible beeping alarm is triggered by a tailgate system which alerts members and management. The member will then exit the premises through the same doors via a free-exit mechanism. The exit mechanism will not prevent a member from leaving the premises in the event of a fire or other emergency.

Each user further has access to a personal emergency button on a lanyard that when utilised will result in the security monitoring company immediately contacting the police (and subsequently the manager) should an incident arise. Fixed emergency buttons are also located in appropriate locations inside the facility. A first aid-kit, "in case of emergency" signage with instructions, and an Automated External Defibrillator is located in appropriate locations throughout the facility.

These methods and regulations are also further elaborated on in the *Plan of Management* which has been attached herewith.

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

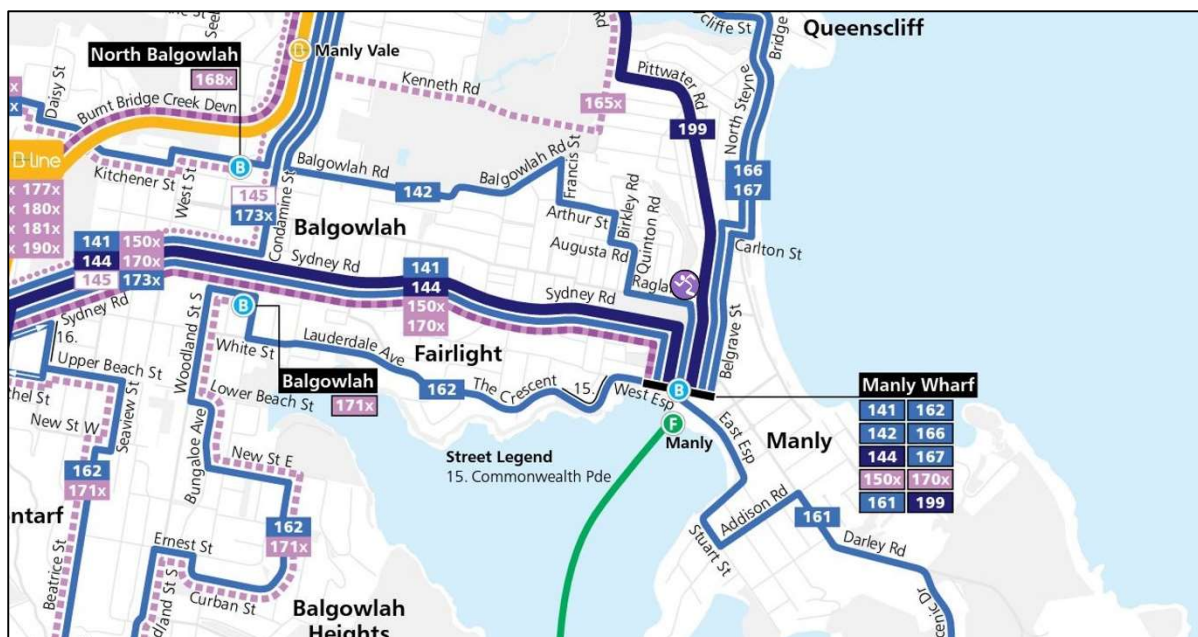
#### **4.2 – Development in Business Centres**

#### **4.2.4 Car Parking, Vehicular Access and Loading**

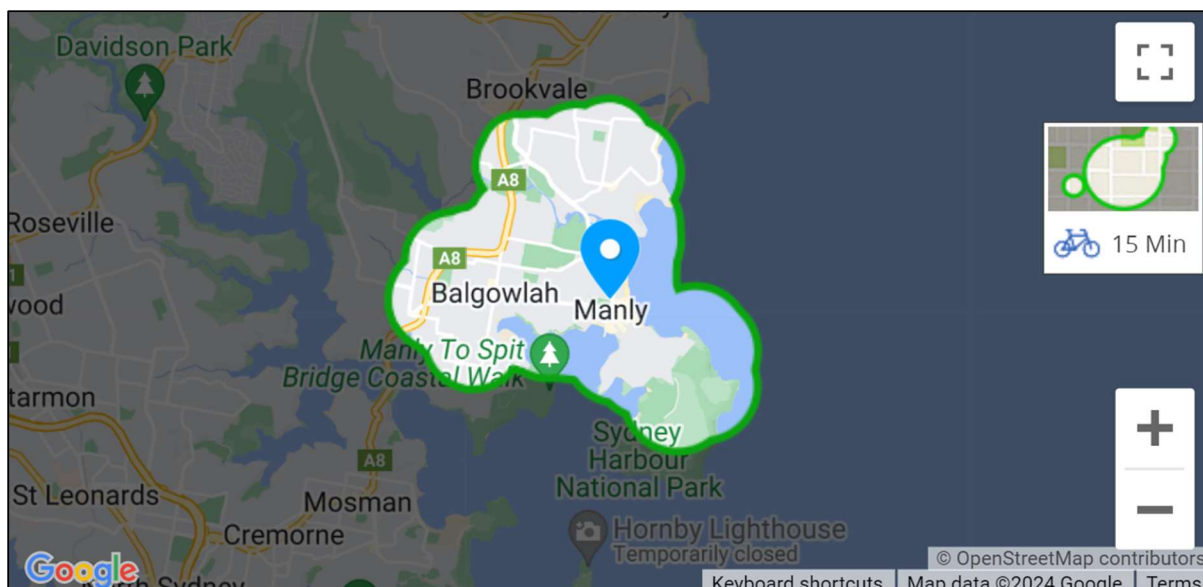
This section should be read in conjunction with the Traffic and Parking Impact Assessment Report provided by Auswide Consulting and dated 23 September 2024. It is to be pertinently noted that the intent of the subject proposal is not to serve as an intensification of operations at the premises but rather to improve the practical layout of the existing gymnasium as to benefit existing members. Carparking variations had further already been granted via DA214/2011 & DA157/2014 and Section 94 Contributions were imposed and paid accordingly.

The subject proposal therefore has no potential and/or capacity to generate any additional traffic or car parking impacts in the locality, since all operational parameters of the facility are to remain consistent. It is further to be considered that due to the subject allotment being entirely occupied by an existing building structure that is limited by physical size and layout, no vehicular access and/or new carparking spaces could be reasonably created without causing detrimental impacts on the local environmental heritage items within the vicinity. None are therefore proposed by this application.

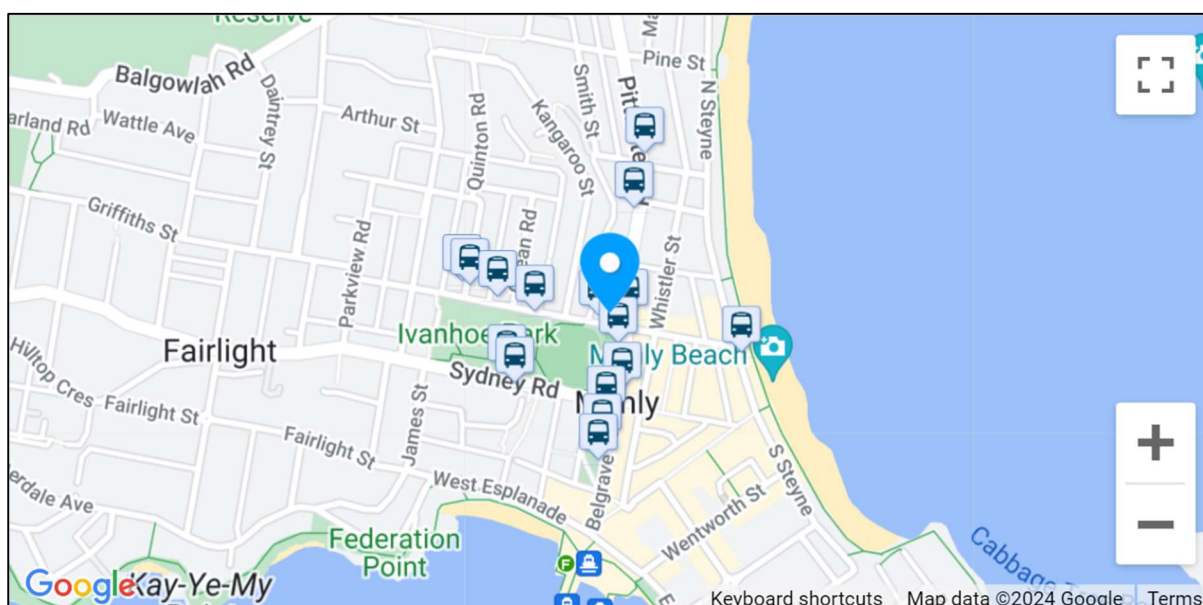
It is however noted that the subject property is located in an area that is exceedingly accessible, with sustainable and convenient access to a range of alternative transport modes than that of a private vehicle. The Manly Wharf is located a mere 500m/5-minute walk from the subject property and there are numerous bus routes operating within the area.



It is further considered that the subject property is situated within an area that is highly pedestrian friendly. According to 'walkscore.com' the subject premises achieves a "Walk Score" of 98 out of a possible 100, a score which is described as "Walker's Paradise" and that "Daily errands do not require a car". The following images depicts the typical distances which could be conveniently travelled to and from the subject property within a 15-minute travel timeframe by walking or cycling, as well as nearby bus stops within the local vicinity.



15-minute Traveling Distance by Cycling – Walkscore.com.au – Accessed August 2024



Nearby Bus Stops – Walkscore.com.au – Accessed June 2024

In addition, it should be noted that the Anytime Fitness brand features aspects that are designed to result in an extremely low impact on parking demand compared to other more traditional gymnasiums. This includes, open 24/7, its design as a local gym and its anticipated demand times.

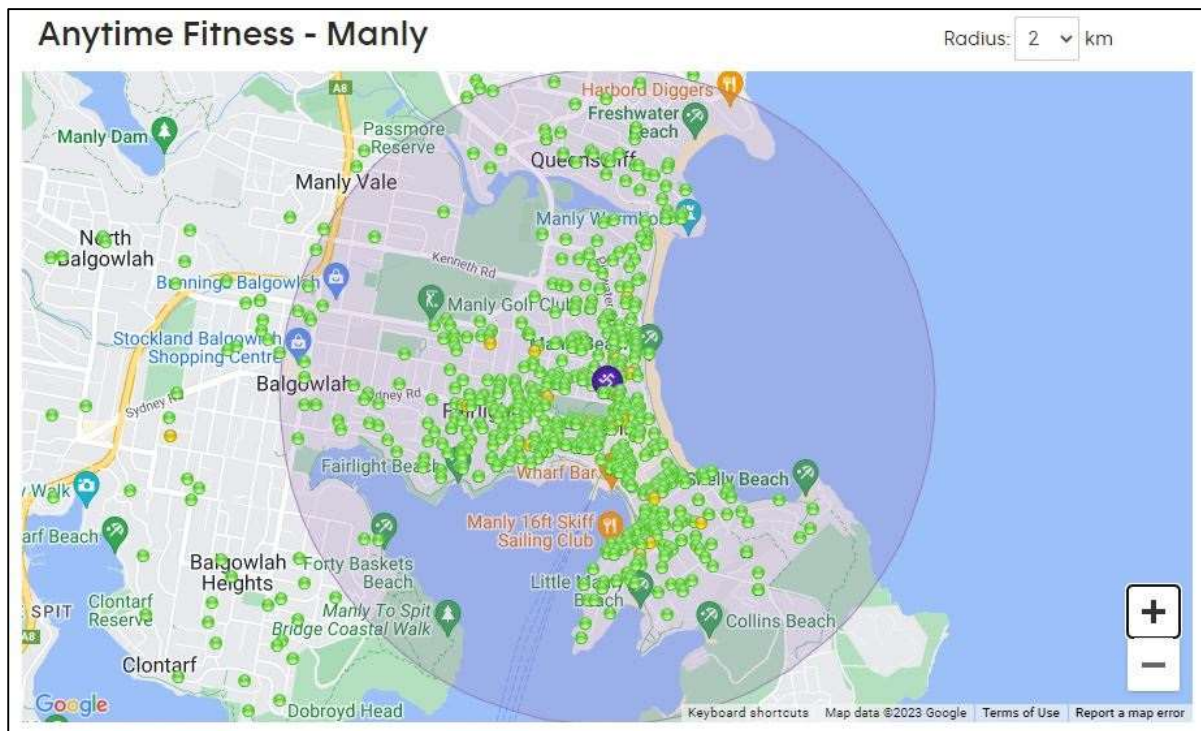
### 24/7 Hours of Operation

The extended trading hours of the proposed facility contributes to the lower demand for parking that is created in comparison to other gymnasiums of similar size and design. As the facility never closes the door to active members with a unique swipe card, members do not have to rush to access the facility before it closes, and do not have to wait in the morning for the facility to open. This creates a situation where members will access the facility at all hours as convenient to them and not only on the way to or from work like most gymnasiums operate, lessening the peak usage times during the typical rush hours.



## Local Gym

Members for the Anytime Fitness Manly gymnasium is noted to be sourced from the local commercial areas and surrounding residential uses. The typical proximity of the Anytime Fitness member base is within 2km of the site as Anytime Fitness features a vast network of facilities with nearly a facility in every suburb of the state. This enables members to either walk, run or cycle to the local facility without the need to drive. The following image demonstrates the relative approximation of existing Anytime Fitness Manly member base and indicates that the majority of members live within the 2km catchment area.



Map my Members Data Map – Anytime Fitness Dashboard – Accessed August 2024

## Peak Demand Times

It is further important to note that the commercial orientated land uses within the surrounding area are not typically at their peak demand during the same hours as the proposed Anytime Fitness facility. Demand for the Anytime Fitness premises is noted to have two typical peaks. The first in the morning between the hours of 4:00am – 7:00am and the second is an afternoon peak between 3:00pm – 6:00pm. These peaks, whilst statistically significant, will not be as intense as those witnessed at many other gymnasiums due to its 24-hour operation.

The neighbouring tenancies are not in peak operation and/or necessarily even open during the same time as the highest usage periods of the subject Anytime Fitness facility, which significantly lessens the overall demand for car parking within the vicinity. It is therefore considered that the subject proposal would have no additional, undue and/or adverse negative impact on traffic or car parking availability in the surrounding area.

#### **4.2.5.6 – Late Night Venues**

<u>Objective:</u>	<u>Complies?</u>	<u>Comments:</u>
<p>To achieve for Manly's entertainment precinct as a place of excellence in which all people can use and enjoy Manly's highly valued natural amenity qualities as a place:</p> <ul style="list-style-type: none"><li>• For leisure and entertainment</li><li>• In which late night venues can safely entertain and provide for the enjoyment of social and recreational pursuits;</li></ul> <p>Without disturbing the peace of the community in terms of safety and security.</p>	Y	<p>The subject facility had been open and operating with in-situ 24/7 hours of operation since 2011 with no ongoing complaints and/or issues being raised to date. The subject facility provides a safe and secure leisure premises that contributes to the high valued amenity qualities of Manly's local centre for the enjoyment of both social and recreational pursuits, without disturbing the peace of the local community.</p>
<p>To regulate the activities and design of late night venues to minimize late night disturbances to the public and promote Manly as a safe place for all the community late at night such that:</p> <ul style="list-style-type: none"><li>• Frontages to public spaces must be designed to minimize conflict between customers within the establishments and public using the public spaces;</li><li>• The applicant demonstrate that the premises will not detract from the safety and security of the Entertainments precinct and as a place which is acceptable for families; and</li><li>• Obligations of any current Accord are addressed in minimizing anti-social behaviour and adverse effects if excessive alcohol consumption.</li></ul>	Y	<p>The subject facility contributes positively to the local environment by providing a safe and secure premises which minimises opportunities for criminal and/or anti-social behaviour. The subject facility has been designed in accordance with the 'CPTED' principles to maximise casual surveillance opportunities and cause no obscurities that could limit visibility. All entries and exits would remain clearly visible, completely unobstructed and easily identifiable from the public domain and other developments. The facility does not allow for conflict between members within the facility and public using the public spaces and involves no consumption of alcohol.</p>

#### **4.4.3 – Signage**

The proposed signage installation is assessed against Part 4.4.3 – Signage of the Manly Development Control Plan (DCP) 2013 as well as the assessment criteria of Schedule 5 of the SEPP (Industry and Employment) 2021 attached in Annexure A.

##### Proposed business identification signage:

(Please refer to the attached elevation drawings for further details)

**Sign 1:** 1 x Internally LED Illuminated "Anytime Fitness" Wall Sign, to be 3700mm x 100mm in size and to be located on the first-floor level of the Southern Façade.

**Sign 2:** 1 x Internally LED Illuminated "Anytime Fitness" Wall Sign, to be 10,000mm x 1540mm in size and to be located on the first-floor level of the Eastern Façade.

**Sign 3:** The installation of transparent graphic vinyl artwork applied to the internal glazing surface of the exterior windows along the Eastern façade for privacy.

**Note:** The existing and previously approved projecting lightbox located on the Eastern façade and Internally Illuminated Top Hamper Sign on the Eastern façade is to remain.

The presence and type of proposed business identification signage is considered to be justified in these locations given that the proposed signage pertains only to the subject use, adheres to the relevant principles of the SEPP (Industry and Employment) 2021 policies, is situated within a commercially orientated setting of the E1 – Local Centre land use zone and adheres to the general design requirements of the DCP. The size and design of the signage is considered to be in scale, proportion and character with the host building, surrounding area and completely consistent with the signage components previously approved for the locality.

The proposed internally illuminated signage is vital for 24-hour business identification and provides a safe level of luminance for members accessing the facility at night. It would not cause unwarranted glare for pedestrians nor vehicles, with no flashing or moving images to be displayed and no red, green or amber colours to be utilised. In addition, it is considered that no residential properties would be adversely affected, given the siting and relationship. None of the proposed signage is to directly face a residential and/or accommodation orientated land use nor a Heritage significant item.

No unacceptable glare nor associated light spill will be created from the proposed illumination as it is to be internally illuminated by LED diode technology lights. This internal illumination will not be unacceptably bright and not create unacceptable glare nor light spill for surrounding properties, pedestrians, motor vehicles and/or cyclists. The signs would not be in close enough proximity to sensitive land uses to cause amenity disturbance through light spill and at the same time not be bright enough to have any adverse effects on safety.

With the illuminated signage proposed to be internally illuminated by LED diode technology, it features the very best in terms of longevity, energy efficiency, and consistency in high quality illumination. Since the proposed signage represent business identification for a 24-hour business, it is required to be illuminated 24 hours per day. This rationalizes the use of the site as a 24-hour premise in the streetscape and adds to the perception of safety in the area with increased lighting.

The installation of the proposed illuminated signage would lift night-time safety perceptions and create a beacon of arrival to patrons making use of the facility at unusual hours. Members would be safer with an illuminated sign at the main entrance which is exactly what the proposed signage is designed to provide.

The installation will further be done in such a manner as to ensure that no view corridors, vistas or view sheds are disturbed and has been designed to portray no 'unsightliness' as it will be installed in a manner that disguises all cabling and other potential visually inappropriate ancillary objects required. The installation will not require any overhead power lines and will therefore not be subject to any sagging or swaying of cables.

The proposal will also not dominate the skyline, as it is not to be installed above the existing height of the building nor above the existing level of the awning. Similarly, no sign proposed will detract from the quality of the vista and will not block views to any other signs in the area while being non-competitive to the surrounding commercial premises.

All signage proposed and installed will be kept and maintained to the satisfaction of the local authority.

#### Section 4.15 of the EP&A Act - Other potential impacts of the development

This section assesses the impact of the proposal in relation to the following aspects:

- Building Services
- Visual impact and context
- Flora and fauna values
- Soil erosion and landscaping provision
- Suitability of the site for development
- Social Impact
- Public Interest

##### Building Services

The site is already adequately served with energy, electricity, water, telephone, fire services and waste management. The owner and operator will further endeavour to consult where required with appropriate service providers as to ensure the uninterrupted and sustainable provision of the associated services.

##### Visual impact and context

The proposed development has been discussed in the Signage section and elaborated on within the attached Heritage Impact Statement. The subject proposal is considered to be entirely compatible with the existing commercial context and would cause no undue and/or negative visual impact within the area.

##### Flora and fauna values

Unaffected by the subject proposal.

##### Soil erosion and landscaping provision

Unaffected by the subject proposal.

##### Suitability of the site for Development

The proposed site for the Anytime Fitness Manly gymnasium is considered suitable given the following;



- The use of the site adequately meets the objectives of the E1 – Local Centre land use zone and adheres to the principles envisaged for the locality;
- The proposed land use is considered to complement surrounding uses and had been approved as such for over a decade;
- The size and layout of the premises is proven to be appropriate for the Anytime Fitness gymnasium concept;
- The site is located within an area that provides several convenient and sustainable transport opportunities.
- The site is already adequately equipped with all required services and the proposed development would not come at any additional cost to Council or the environment;
- The proposed facility makes good use of an otherwise vacant and prominent commercial tenancy.

#### **4.05 – Social Impact**

The subject proposal would enable the already well-established facility to continue to provide residents, local workers and visitors of all backgrounds, ethnicity and sex with an enhanced variety of choice in recreational services, while encouraging a healthy lifestyle and social interaction, at an affordable price with convenient usage times. It adds to the overall desired tenancy mix of the local area, making this area of Manly a more attractive experience for both the local community and all who visits.

The Anytime Fitness brand fully acknowledges and respects the different values and cultures of all sectors of society. It aims to provide a wholistic platform of inclusion and equity for all people of society, regardless of their differences. The local gymnasium provides a safe space with the opportunity for people from all walks of life to socially interact, attain a sense of belonging and inclusion and pursue a healthier and happier lifestyle.

With proper management systems and mitigation measures in place (see attached *Plan of Management*), it is considered that the proposal would have no undue negative impact on social amenity, but rather continue to promote the values of inclusion, public safety and equality. The proposed facility would therefore make a positive contribution to social development within the local society.

#### **Public interest**

It is considered that the subject proposal would continue to provide local residents, local workers and visitors with an enhanced variety of choice in recreational services, while encouraging a healthy lifestyle and social interaction at an affordable price with convenient usage times.

With proper management systems and mitigation measures in place (see attached *Plan of Management*), it is considered that the proposal would have no undue negative impact on any residential, commercial, retail or business land use with regards to safety, security, traffic, parking and or acoustic amenities.

## **Conclusion**

In summary, it is considered that this proposal represents an appropriate development for the site with a positive impact on the local area.

The proposal as submitted could be supported on the following grounds:

- It is both a permissible land use and consistent with the development objectives of the E1 – Local Centre land use zone, and consistent with previous approvals for the site;
- The proposal is considered acceptable in terms of *Environmental Planning and Assessment Act 1979*, *Manly Local Environmental Plan (LEP) 2013* and the *Manly Development Control Plan (DCP) 2013*.
- It makes appropriate use of a prominent, existing and well-established tenancy.
- Appropriate conditions may be imposed to ensure the development proceeds in accordance with Council requirements.

## **Annexure A – Schedule 5 of SEPP (Industry and Employment) 2021 Assessment**

The following is an assessment of the proposed signage against the assessment criteria of SEPP (Industry and Employment) 2021.

Please refer to attached signage and elevation drawings for reference.

### **Chapter 3, Part 3.1 – Aims and Objectives**

- “(1) This Chapter aims—*
- (a) to ensure that signage (including advertising)—*
  - (i) is compatible with the desired amenity and visual character of an area, and*
  - (ii) provides effective communication in suitable locations, and*
  - (iii) is of high quality design and finish, and*
  - (b) to regulate signage (but not content) under Part 4 of the Act, and*
  - (c) to provide time-limited consents for the display of certain advertisements, and*
  - (d) to regulate the display of advertisements in transport corridors, and*
  - (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*
- (2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.”*

In accordance with the prescribed Aims and Objectives under Chapter 3, Part 3.1 of SEPP (Industry and Employment) 2021, the proposed signage is considered entirely compatible with the desired amenity and visual character of the commercially oriented area and provides effective communication in suitable and previously utilised locations. The proposed signage is of both a high-quality design and utilises high quality materials and finishes and has no adverse and/or negative impacts on the adjacent transport corridor.

### **Chapter 3, Part 3.2, Division 2, Clause 3.11 – Matters for Consideration**

- “(1) A consent authority (other than in a case to which subsection (2) applies) must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires—*
- (a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
  - (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and*
  - (c) satisfies any other relevant requirements of this Chapter.”*

The proposed signage installation is consistent with the prescribed objectives as set out in Section 3.1(1)(a) of the SEPP (Industry and Employment) 2021 and has been assessed as compliant with the Assessment Criteria under Schedule 5 in terms of its impacts.

### **Schedule 5 – Assessment Criteria**

The following is an assessment of the proposed signage against the assessment criteria of Schedule 5 of SEPP (Industry and Employment) 2021.

Please refer to attached signage and elevation drawings for reference.

## **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?**

The proposed signage relates to high quality business identification signage and the installation of transparent window graphic vinyl. It would be similar in type, size and design to many of the signs utilised in the surrounding areas. It is therefore considered to be entirely compatible with the commercial character of the Local Centre area.

### **- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?**

Yes, the proposal is deemed to be entirely consistent with the theme of outdoor business identification signage in the local vicinity in terms of type, scale and design and would be similar to many signs in the surrounding Local Centre area.

## **2. Special Area**

### **- Does the proposal detract from the amenity or visual quality of any environmentally sensitive area, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?**

The proposed signage is to be located on an existing building with no environmentally sensitive or specific contributory heritage significance. The proposal would further have no impact on any natural conservation areas, waterways or rural landscapes and is not to be within close enough proximity to residential land uses to have a detrimental impact thereon whatsoever. It is expected that the proposed signage will not detract from the amenity of the streetscape nor the heritage amenity of any nearby developments.

## **3. Views and Vistas**

### **- Does the proposal obscure or compromise important views?**

The signage to be installed will be done in such a manner as to ensure that no view corridors, vistas or views are disturbed.

### **- Does the proposal dominate the skyline and reduce the quality of vistas**

No, the proposal does not dominate the skyline as none of the signage proposed is to be installed above the existing height of the building nor the awning. Similarly, no sign proposed will detract from the quality of the vista.

### **- Does the proposal respect the viewing right of other advertisers?**

The proposed signage does not block views to any other signs in the area. The signage is also non-competitive with surrounding commercially orientated premises.

#### **4. Streetscape, setting or landscape**

**- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?**

The subject proposal is to be located within a E1 – Local Centre land use zone and to be located on an existing tenancy, while making use of existing and previously approved signage opportunities. As such, the signage proposed is considered to be entirely consistent with the existing signage patterns in the surrounding area and is highly compatible with the streetscape as well as appropriate for the setting and associated land use.

**- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?**

The proposal will rationalise the streetscape and signal the existence of a 24-hour Anytime Fitness gymnasium through the installation of 24-hour internally LED illuminated signage to the premises. The signage will be of a high designed quality and installed in a high-quality manner. It is expected to contribute positively to the streetscape and will be in keeping with the signage precedents of the commercially orientated locality.

**- Does the proposal reduce clutter by rationalising and simplifying existing advertising?**

The signage will be of a high-quality business identification relating only to the proposed use without causing any unwanted clutter. The proposed signage would be utilising existing and previously approved signage opportunities and would therefore reduce further clutter.

**- Does the proposal screen unsightliness?**

Whilst the proposed signage has not been designed to screen 'unsightliness', no unsightliness will be created by the proposed signage. It will be installed in a manner that disguises cabling, and other potential visually inappropriate ancillary objects required.

**- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?**

No.

**- Does the proposal require ongoing vegetation management?**

No.

#### **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. The proposed design and size of the signage is considered to be in scale, proportion and character with the existing building and surrounding area as well as being consistent with existing signage precedents.

**- Does the proposal respect important features of the site or building or both?**

Yes, the proposed signage will not detract from any significant features of the site nor the building itself in any way.

**- Does the proposal show innovation and imagination in its relationship to the site or building, or both?**

Yes. The installation of the illuminated signage would lift night-time safety perceptions to the front entrance and create a beacon of arrival for patrons and therefore provide a safer and more relatable streetscape.

**6. Associated devices and logos with advertisements and advertising structures**

**- 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?**

No.

**7. Illumination**

**- Would illumination result in unacceptable glare?**

No. Unacceptable glare will not be created from the signage as the signs are to be internally illuminated by LED diode technology lights. This internal illumination will not be unacceptably bright and not create unacceptable glare for surrounding properties, pedestrians, motor vehicles and/or cyclists.

**- Would illumination affect safety for pedestrians, vehicles or aircraft?**

No. The signs will not be bright enough to have any negative effects on safety. The signs will also not be of colours that could add to transport movement confusions, with no use of red, green or amber. Only purple and white will be used.

**- Would illumination detract from the amenity of any residence or other form of accommodation?**

No. The proposed internally illuminated signs will not be within close enough proximity to residential land uses nor directly face any accommodation to cause adverse harm to amenity.

**- Can the intensity of the illumination be adjusted if necessary?**

As the signage is to be LED diode illuminated, the very best in terms of longevity, energy efficiency, and consistent high-quality illumination, adjustment of illumination will indeed be possible if required.

**- Is the illumination subject to a curfew?**

No. As the signs represent business identification for a 24-hour gymnasium, the signs are required to be illuminated 24 hours per day. This rationalises the use of the site as a 24-hour premise in the streetscape, as well as adding to the perception of safety in the area with increased lighting. Patrons making their way in and out of the gymnasium during late night hours would be safer with an illuminated sign at the entrance and would assist in locating the facility accordingly.

**8. Safety**

**- Would the proposal reduce the safety for any public road?**

No. The signs will not affect the safe use of surrounding roads in any way.

**- Would the proposal reduce the safety for pedestrians or bicyclists?**

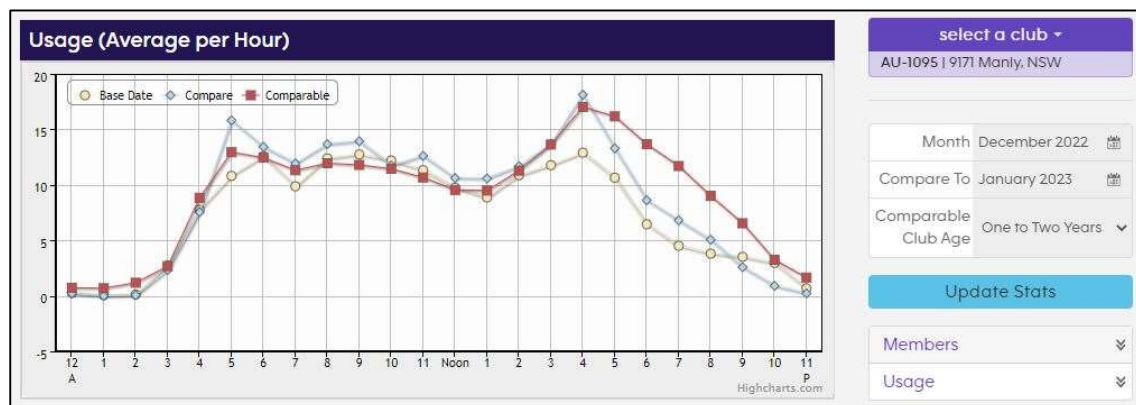
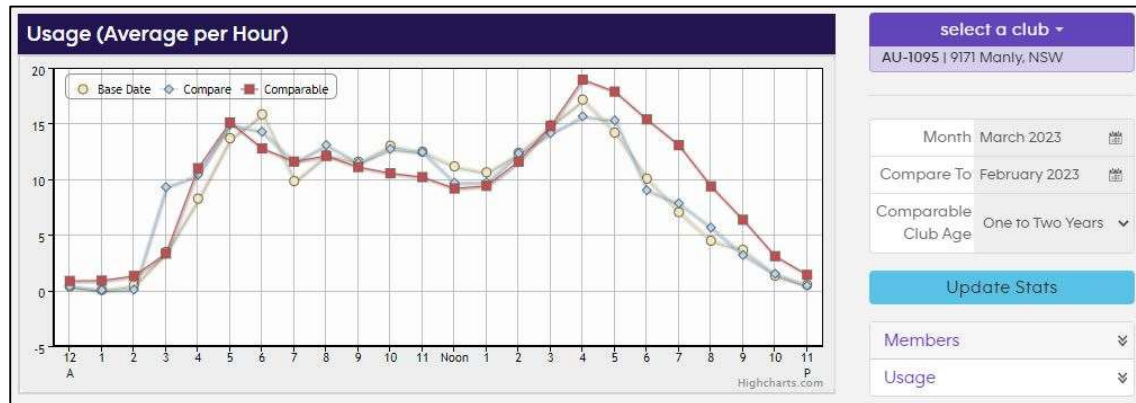
No. All signs have been designed in manner that will ensure they do not affect the safe pedestrian or cyclist use of surrounding roads.

**- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?**

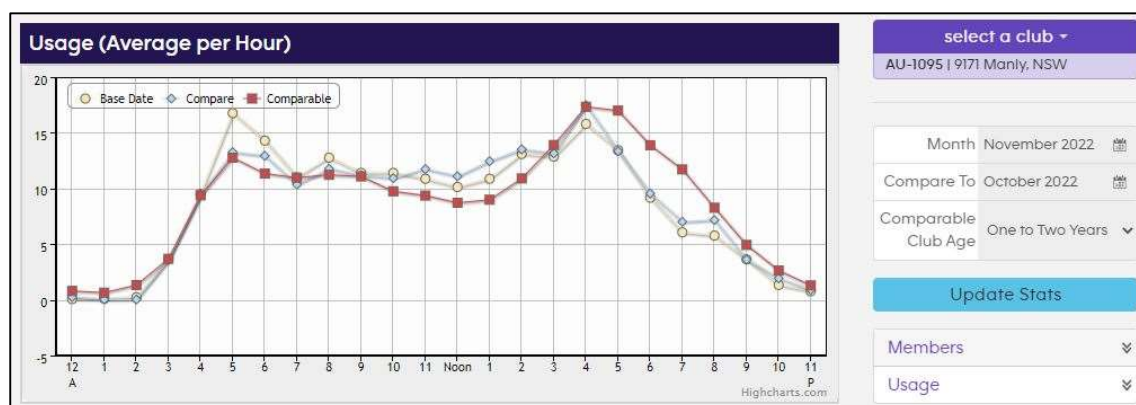
No. The signs will not reduce sightlines in the locality, nor will they impede any views.

## Annexure B – Anytime Fitness Usage Statistics

The following graphs show member usage at the current and existing Anytime Fitness Manly facility. It shows that the maximum average number of patrons is consistently below 20 during peak usage times.



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Additional statistics can be provided upon request.