

ROKOB AUER

PLANNING & ENVIRONMENT

Statement of Environmental Effects

File No: SEE16138-1

Date: 23 May 2015

Site

Lot 3 DP 807365

249 Queen Street St Marys

Proposal

Recreation Facility (Indoor)

Gymnasium for Fitness Classes

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Executive Summary

Site	Lot 3 DP 807365 249 Queen Street St Marys
Land Use Characterisation	Recreation Facility (indoor)
Permissibility	B4 Mixed Use Zone Permissible with development consent
State Environmental Planning Policies inconsistencies and non-compliances	None
LEP inconsistencies and non-compliances	None
DCP inconsistencies and non-compliances	C10.5 Car Parking D5.5 Parent Friendly Amenities
Key Information	Max Class Size: 20 Hours of Operation: Weekdays 5:00am to 8:30am and 5pm to 7:30pm Saturdays 6:00am to 10:30am Sundays and Public Holidays Closed Site Area: 760sqm Works for which consent is sought: No change to building footprint Partition walls to create new rooms New wet areas Installation of fixtures Business identification signage (replace existing) (not illuminated) Uses for which consent is sought: Recreation Facility (Indoor)
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The Site

The site is an existing

The Proposal

It is proposed to fit out and use the site for the purposes of a gymnasium for fitness classes.

The fit out includes:

- Partition walls to create new bathrooms.
- Installation of fixtures being lighting, televisions and gym equipment
- Business identification signage to replace existing as shown on the plans provided with the application

The proposed use involves use of the facility by classes of up to 20 people within the following opening hours:

Weekdays

5:00am to 8:30am and 5pm to 7:30pm

Saturdays

6:00am to 10:30am

Sundays and Public Holidays

Closed

It is also proposed to continue the use of the existing accessible toilet.

Relevant Planning Controls

Environmental Planning Instruments

State Environmental Planning Policy No 33—Hazardous and Offensive Development	
Clause No.	Comments
8	The proposal is not HOD or potentially HOD

State Environmental Planning Policy No 55 – Remediation of Land	
Clause No.	Comments
7(1)	The proposal is subject to this clause in that it is development. The proposal will not result in any new exposure path to contaminants if they are present. It is considered that the consent authority can therefore be satisfied that the site is fit for use in its current state.

State Environmental Planning Policy No 64 – Advertising and Signage		
Clause No.	Provisions	Comments
8 (a)	to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and	The proposed signage is a replacement of existing and will not reduce amenity or streetscape quality in the locality and is consistent with this provision.
	to ensure that signage (including advertising): (ii) provides effective communication in suitable locations, and	The locations of the proposed signs are suitably visible but are not obtrusive in the streetscape. This is considered to be consistent with the underlying objective of this provision.
	to ensure that signage (including advertising): (iii) is of high quality design and finish, and	The quality of the construction signs is to be to a high standard to ensure the good image of the facility and consistency with this provision. It is open to Council to impose conditions in this regard.
8(b)	1 Character of the area	The proposed signage is an improvement on the existing streetscape. As a precedent it would enhance the area's amenity and streetscape appeal.

		The locality does not have a particular theme for signage, though the proposed signs are located in logical positions on the existing building consistent with the DCP.
2	Special areas	The signage is not obtrusive as viewed from the Great Western Highway, nearby civic precinct or any other special area.
3	Views and vistas	The proposal does not obscure or compromise important views nor does it dominate the skyline or reduce the quality of vistas. It also respects the viewing rights of other businesses and advertisers.
4	Streetscape, setting or landscape	The proposal is appropriately located on the building and is consistent with these criteria.
5	Site and building	The proposal is appropriately located on the building and is consistent with these criteria.
6	Associated devices and logos with advertisements and advertising structures	Not relevant to this proposal.
7	Illumination	This sign will be consistent with these criteria.
8	Safety	There are no particular risks to safety attributable to the proposed signs.

Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River	
Clause No.	Comments
5 & 6	The proposal is unlikely to result in any regional impacts on the Hawkesbury Nepean River System and is consistent with this plan.

Penrith Local Environmental Plan, 2010		
Clause No.	Provisions	Comments
2.3	Permissibility	Recreation Facilities (Indoor) is a nominate use under item 3 of the B4 Mixed Use Zone. It is, therefore, permissible with consent.
	Zone objectives	I would suggest that the planning authority zoned this part of St Marys as B4 Mixed Use to maximise the range of uses that are permissible to stimulate the local economy and increase its competitiveness with the far larger Penrith CBD. This development is an appropriate use in this regard and is consistent with the particular objectives listed in the land use table.
4.3-4.6	Maximum Building Height and Floor Space Ratio	The proposed does not result in any new building or change to the external dimensions of the existing building. The subject development standards are not applicable to this application.
7.4	Consent authority to consider sustainability	The applicability of these provisions are limited in relation to this proposal because it is only a fit out of an existing building. It is considered, however, that the central location of the site and the buildings opportunities for ventilation are consistent with this provision.
7.7	Servicing	Adequate services are already available to this development within the existing building.

Development Control Plans

Penrith Development Control Plan 2014

Clause No.	Provision	Proposed	Compliance
B1.2	Principle 1: Provide a long term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality.	The proposal will not result in any adverse equity impacts and respects the individuality of the locality.	YES
	Principle 2: Achieve long term economic and social security.	The proposal will place a business use in a suitable zone and is therefore consistent with this principle.	YES
	Principle 3: Recognise the intrinsic value of biodiversity and natural ecosystems, and protect and restore them.	N/A	N/A
	Principle 4: Enable communities to minimise their ecological footprint.	N/A	N/A
	Principle 5: Build on the characteristics of ecosystems in the development and nurturing of healthy and sustainable cities.	N/A	N/A
	Principle 6: Recognise and build on the distinctive characteristics of cities, including their human and cultural values, history and natural systems.	No adverse impacts are anticipated from this development.	YES
	Principle 7: Empower people and foster participation.	N/A	N/A

Clause No.	Provision	Proposed	Compliance
	Principle 8: Expand and enable cooperative networks to work towards a common, sustainable future.	The assembling of groups for fitness classes is consistent with this principle.	YES
	Principle 9: Promote sustainable production and consumption, through appropriate use of environmentally sound technologies and effective demand management.	The site is ideally suited for this development and the development offers a sustainable product.	YES
	Principle 10: Enable continual improvement, based on accountability, transparency and good governance.	N/A	N/A
C1.1	Site analysis	These principles and objectives have been achieved in the selection of this site for this development.	YES
C1.2.1	Application of Certification System	This development does not meet the trigger in this clause.	N/A
C1.2.2-4	Built Form	No new buildings proposed.	N/A
C1.2.5	CPTED	The proposal provides adequate opportunities for casual surveillance and the internal floor plan does not contain any entrapment areas. The proposal is consistent with these provisions.	YES
C1.2.6	Accessibility	The proposal is to comply with the relevant standards of the Commonwealth. This will be a matter for the CC and OC.	YES

Clause No.	Provision	Proposed	Compliance
C5	Waste Management	Waste generation will be minimal and will be managed by licensed contractors.	YES
C8.2	Pedestrian Amenity	No new buildings proposed.	N/A
C9.1	General Requirements for Signs	The signage is consistent with figure C9.2 in the plan and with the provisions of SEPP 64.	YES
C9.4	Signs in Commercial, Mixed Use and Industrial Zones	The signage is consistent with figure C9.3 in the plan and with the provisions of SEPP 64.	YES
C10.5	Parking	There are no parking spaces on site. A variation to this control is required and a separate request for variation report is provided in this regard.	NO
C10.7	Bicycle Facilities	This development does not trigger the requirements of this clause.	N/A
D5.5	Parent Friendly Amenities	No such amenities are proposed. A separate request for variation report is provided in this regard.	NO

Impacts of the Proposal

Natural Environment	No adverse impacts are anticipated from the fit out of this existing building,
Built Environment	The proposed signage and façade treatment will not adversely impact the built environment.
Social Impacts	The provision of a fitness studio is considered to be a positive social contribution to the area.
Economic Impacts	The use of this commercially zoned site for a business undertaking is a positive economic outcome. No adverse impacts are anticipated on any business or industrial precinct.

Execution and Limitations

This report is prepared in good faith based on a review of relevant documentation and instruction from the proponents of the development. It is intended to be used by Council in assessing a development application.

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Request for Variation

File No: VAR16138-2

Date: 23 May 2015

Site

Lot 3 DP 807365
249 Queen Street St Marys

Proposal

Recreation Facility (Indoor), Gymnasium for Fitness Classes

The Control	The Proposal
Clause D5.5 of Penrith Development Control Plan, 2014 Parent Friendly Amenities This clause requires that all developments that are class 6 and 9 under the Building Code of Australia be provided with parent room style bathrooms. The particular requirements are described in great detail over 5 pages. For a development of this size change tables are the main requirement.	No change tables or parent rooms are proposed.

Basis of Request under the Planning Principle in *Whebe v Pittwater Council* (2007) NSWLEC 827

The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.

Justification

The subject control covers a broad range of development. It is my opinion that this development was never intended to be captured by the scope of the control. There is no provision for children at the proposed facility and this is entirely appropriate. To allow children in this type of facility would be an act of reckless indifference to their safety. The hazard posed by participants and by gym equipment could never be satisfactorily managed. The proposed facility is a place for adults to improve their fitness and physical health. The control is intended to ensure that development that will be used by children or parents with babies are suitably resourced with parent friendly amenities. This is not a development that will host children or babies.

Consider the extreme equivalent of a restricted premises. Such a use would be class 6 under the BCA and would be subject to the same requirement as this fitness studio. As is the case here, I would suggest that the type of facility is inherently not child appropriate and the control should not be applied.

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