

# SoEE for Section 4.55 Oberon Indoor Fitness Centre Enclosing Rear of Building

Revision	Date	Issued to	Issued by
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2.0	13/11/2023	Response to Submission	David Hull

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# 1 INTRODUCTION

This Statement of Environmental Effects has been prepared to describe the proposed modifications to the Oberon Indoor Fitness Centre, for which DA 10.2019.25.1. was approved in 2019. The development application was for the construction of an 840m<sup>2</sup> building to be used as an indoor and semi enclosed fitness centre at Lot: 23 DP: 1220101 being 9-21 Cunynghame Street, Oberon. This site forms part of Crown reserve 590077.

The existing facility includes a full modern indoor gymnasium, all required amenities and a semi enclosed space which can be used for other fitness type activities. This facility will complement the existing sporting/recreation use of the area without having an adverse impact on the surrounding natural and built environment.

The fitness centre operates between 6am to 10pm seven days a week. It is staffed between 6.00am - 9.00am and 3.00 pm - 8.00 pm. The other times members are able to access the facility with their security pass.

The proposal will also support the health goals within the Oberon LGA by providing a clean and modern facility for the use of all. The proposal will significantly improve the existing fitness facilities available within the Oberon area.

# 2 SITE DESCRIPTION



Figure 1 Existing building in the context of the site.

The land being affected by the proposed development is Lot: 23 DP: 1220101 being 9-21 Cunynghame Street, Oberon. This site forms part of Crown reserve 590077. The land is known as “Recreation” reserve.

The land is zoned as RE1 – Public Recreation and the allotment is approximately 1.24 hectares with a total size of 3.6ha which includes the existing swimming pool complex and sporting fields.

**Zone RE1 Public Recreation**

**1. Objectives of Zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational; settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The following extracts from the Oberon LEP 2013 (NSW), indicates that the proposed use is permitted with consent.

**3 Permitted with consent**

Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; **Community facilities**; Dwelling houses; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Food and drink premises; Function centres; Information and education facilities; Jetties; Kiosks; Markets; Places of public worship; Public administration buildings; **Recreation areas**; **Recreation facilities (indoor)**; Recreation facilities (major); **Recreation facilities (outdoor)**; Registered clubs; Sewerage systems; Signage; Waste or resource transfer stations; Water recreation structures; Water supply systems

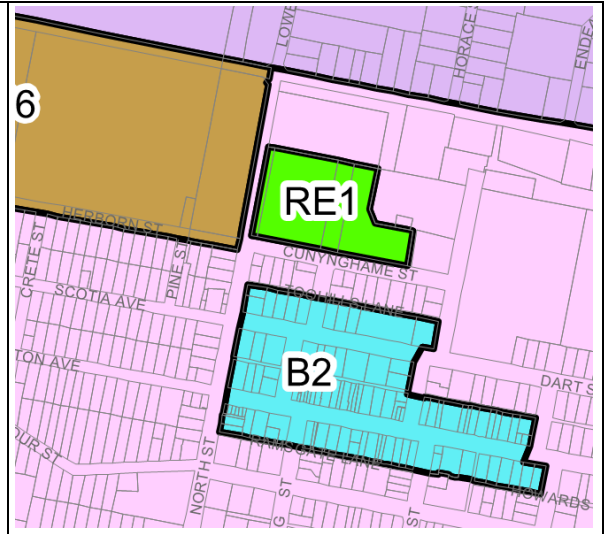


Figure 2 LEP Zone Map and Description

The Existing building is located on the western side of the existing swimming pool complex and is on generally level ground, with no site works proposed or required. The areas impacted are at the rear of the property and are not visible from the road, or neighbouring properties.



Figure 3, Street View of Gym and Pool facilities



*Figure 4 Gym facility showing connection to adjacent Football Field*

Further photos of the existing facility can be found in Appendix A.

### 3 PROPOSAL

The proposal is to enclose the rear section (370m<sup>2</sup>) of the existing building. The existing building is approximately 860m<sup>2</sup> in size, clad in Colourbond steel. The building is presently used as an indoor and semi enclosed fitness centre which will include a full modern indoor gymnasium with all required amenities. The proposed alterations will enhance the facilities operation, in particular during the winter season and will provide some indirect connection to the existing sporting/recreation facilities within the nearby area.

The modifications is to create a multi-purpose space to facilitate the continued existing use of the fitness centre allowing group classes and activities associated with the gymnasium, including but not limited to aerobic classes, yoga, group learning, health and allied health training activities,. The purpose for enclosing the existing space is to create an amenable environment all year round for the conduct of activities related to the gymnasium.

The relocation of the store-room to within the enclosed area allows for direct access to resources, while the existing store room within the gymnasium is to be converted to an office for allied health professionals to conduct services for those utilising the gymnasium.

The proposed works are set out in the attached drawings prepared by Brett Moulds Design and Drafting. These drawings include the following sheets and will be uploaded to the Planning Portal in support of the Section 4.55 Submission.

- DACC 01 Cover Page
- DACC 02 Site plan
- DACC 03 Floor Plan – Existing
- DACC 04 Floor Plan Proposed
- DACC 05 Floor Plan Detail
- DACC 06 Elevations
- DACC 07 Specification

## 4 PLANNING CONSIDERATIONS

The following is a review of the original Statement of Environmental Effects, which has reviewed the stated requirements. The outcome of the review is that there have been some enhancements, however there are no negative impacts due to the proposed development.

The primary change to the Planning considerations is that the site is now within the RE1 Zone and the proposed use is still permissible.

## 5 LEGAL IMPLICATIONS

### 5.1 Any Environmental Planning Instrument

*Consider SEPPs, REPs & LEPs. RELEVANT Provisions of LEP (eg permissibility, development standards, heritage listing, advertising requirements of another authority who administers a SEPP or REP).*

#### Local Environmental Plan (LEP)

The subject land is currently zoned RE1 – Public Recreation, the existing development and proposed changes are permissible as “Recreation facilities (indoor)” and are a permissible use under that zone and will be consistent with all requirements applicable for that use. The proposed changes are consistent with the existing permissible use.

### 5.2 Any Development Control Plan

Councils DCP 2001 applies to the proposed development. The applicable parts of the DCP are Part D Commercial and Industrial Development, Part F Vehicle Circulation and Parking and Part H Notification – Development Control. Compliance with the DCP provisions is addressed in detail below.

#### 5.2.1 Part D - Commercial and Industrial Development.

This is the only section on which this recreational facility can be classified and is most relevant.

##### **D.4.1 Building Setback**

*Provide a building setback minimum of 6 metres from the Street and 4.5 metres from any side street. This area is not in any circumstance to be utilised for car parking.*

The building is to be setback some 15m from the street frontage of Cunynghame Street, and therefore has complied with this requirement.

- No Proposed Impact

##### **D.4.2 Building Façade**

*The building facade should be designed to enhance the visual amenity of the area. The building designer will be required to give special consideration to the building facade and the site landscaping.*

Although the building is generally an industrial style portal building the façade has been altered to break up the frontage with the addition of an awning over the entry and use of windows and a variety of materials

to the finish. Given the above and the fact that the building is setback behind the existing playground, the visual impact on the local amenity is considered to be low impact on the visual amenity in the local area.

- No Proposed Impact

#### **D.4.3 Setback Area Use**

*Each development will be considered on its merits and having regard to the adjoining development and the development when considered within the existing streetscape.*

The setback is consistent with the setback of the swimming pool roof which is located on the eastern side of the proposed development.

- No Proposed Impact

#### **D.4.4 Parking**

*The development will be required to provide for car parking at the rear of the development site in accordance with Council's Parking Code.*

The site is not suitable for placing carparking at the rear, especially given the fact that it used as a public recreation area and any such parking would create a conflict in uses between vehicle and pedestrians.

- No Proposed Impact

#### **D.4.5 Access Driveways**

*The access driveways must be designed in accordance with appropriate Engineering Specifications at full cost to the Developer to Councils satisfaction. The access crossing over the footpath from the kerb of the road/street to the gateway of the development is to be concreted.*

Not applicable as no off-street parking is proposed.

- No Proposed Impact

#### **D.4.6 Site Access**

*The design of the driveways and manoeuvring areas are to be, wherever possible, accessible to rigid trucks for loading and unloading and will enable on site reversing movements for the **forwards direction entry and exit of all vehicles**, including the rigid trucks. Council will require turning circles to be detailed on the site plan. Council may consider a variation to this standard for minor commercial &/or industrial development that is not serviced by heavy vehicles.*

Not applicable as no off-street parking is proposed.

- No Proposed Impact

#### **D.4.7 Signs**

*The development will be required to ensure that no sign is projecting over the front boundary of the lot. Refer to State Environmental Planning Policy 64 – Advertising and Signage for the requirements for signage. The SEPP 64 provides for business and building identification signs.*

The only signage proposed at this time, will be located flush with the front of the building, as per the plans.

- No Proposed Impact



#### **D.4.8 Awnings**

*Council will require all commercial development in the Oberon Street to provide awnings over the adjacent footpath to provide weather protection for pedestrians.*

Not applicable.

- No Proposed Impact

#### **5.2.2 Part F Vehicle Circulation and Parking**

The required minimum number of spaces to be provided for a Gymnasium is 1 per 20m<sup>2</sup> thus, a total of 40 spaces would be required to comply with the Oberon Council DCP 2001. The modification to the consent does not increase the approved building footprint nor the occupation of the facility. As previously approved, there are no off-street spaces proposed as a result of the suite and potential land use conflict. It has been accepted that the existing street frontage has provision for street parking to occur on both sides of the road with the wide street providing adequate space for such. It is noted that there is also existing off-street parking available at the recreation reserve that directly adjoins this site and forms part of the exiting Crown Reserve, this has not been used within this assessment, but could feasibly be used to fulfil additional carparking requirements of the DCP should they be required.

It is estimated that the parking on Cunynghame Street would allow for a total of 79 cars, using the existing parallel and angle parking without interfering with the access or safety to existing properties along the street.

Given the above, the development is considered to have complied with the required car-parking provision of the DCP.

- No Proposed Negative Impact

## **6 LIKELY IMPACTS OF THE DEVELOPMENT**

**The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:**

### **6.1 Context and Setting**

The proposed development for the enclosure of the rear 370m<sup>2</sup> of the total 860m<sup>2</sup> building to be used as an indoor fitness centre which the site forms part of Crown reserve 590077 that is for the purposes of public recreation. This reserve currently has a semi enclosed swimming pool, indoor tennis facility, playground and sports field.

The proposed facility will include a full modern indoor gymnasium and all required amenities which can be used for other fitness type activities.

The site is located within an established public recreation precinct, with a residential area on the opposite side of the road. The design is generally of a bulk and scale that is appropriate in the context and setting of the surrounding built environment among the existing recreational buildings.

The design of the development will not result in any unreasonable impacts on privacy, noise generation or view loss.

- No Proposed Negative Impact

## 6.2 Access, transport and traffic

As detailed above the required minimum number of spaces have been provided byway of on-street parking meeting the Oberon Council DCP requirements. The increase in traffic as a result of this development is not anticipated to adversely impact the existing road network, with the local road network being adequate to handle the expected additional 40 cars per day using the facility.

- No Proposed Negative Impact

## 6.3 Public domain

The proposed development will not have a substantial impact on the public domain. Aside from the potential changes to traffic generation as discussed above, the development will be fully contained within the site and will not result in negative impacts on the public domain or unreasonable demands on public infrastructure.

- No Proposed Impact

## 6.4 Stormwater

A detailed design of the stormwater system to manage and dispose of stormwater runoff from the site that mitigates and prevents unnecessary impacts on neighbouring properties, will be provided prior to the issue of the CC, with all stormwater to be directed into the existing system within the road reserve at the front of the site.

It is proposed to install water tanks at the rear of the building, which will catch stormwater from the roof. This water will be stored and used for gardens and flushing of toilets.

- No Proposed Negative Impact

## 6.5 Utilities

The subject site is located within a recreational and urban environment with access to standard infrastructure services. No upgrades to infrastructure are required as a result of the development. Electrical and gas capacity was increased during the original stage of the development.

- No Proposed Impact

## 6.6 Heritage

The proposed development is not expected to impact on items of heritage. The subject site has been previously developed and is in an urban environment with no known heritage values.

- No Proposed Impact

## 6.7 Other land resources

The proposed development is within the existing building footprint and will not result in unreasonable impacts on other land resources.

- No Proposed Impact

## 6.8 Water

The development will be serviced by Council's reticulated water supply and wastewater (sewage) will be disposed of via Council's reticulated sewage system.

- No Proposed Impact

## 6.9 Soils

Minor earthworks to surface topsoil will be required for new footpaths only.

- No Proposed Impact

## 6.10 Air and microclimate

The proposed development will not result in negative impacts on the surrounding air and microclimate.

- No Proposed Impact

## 6.11 Flora and fauna

The site is largely devoid of vegetation and does not comprise significant habitat. The site is not in an identified conservation zone and the development does not increase the existing building footprint. As such there are no issues with the development and its impacts on flora and fauna.

- No Proposed Impact

## 6.12 Waste

The recreational facility is serviced by Council's regular waste collection services. During construction, works will be subject to Council's standard waste management requirements for construction sites will be implemented.

- No Proposed Impact

## 6.13 Energy

The proposed development will not result in substantial additional energy demands.

- No Proposed Impact

## 6.14 Noise and vibration

The development will not result in unreasonable increases in noise and vibration. Impacts during construction will be regulated by Council's standard requirements and the operational noise is to be controlled through managed hours of operation.

- No Proposed Impact

## 6.15 Natural hazards

There are no natural hazards expected to impact on the proposed development nor is the development expected to increase the risk of natural hazards in the locality.

- No Proposed Impact

## 6.16 Technological hazards

There are no technological hazards expected to impact on the proposed development nor is the development expected to increase the risk of technological hazards in the locality.

- No Proposed Impact

## 6.17 Safety, security and crime prevention

There are no issues with the safety and security of the design of the development. Appropriate security will be implemented to the facility to ensure deter any anti-social or illegal activities.

- No Proposed Impact

## 6.18 Social impacts in the locality

The proposal will enhance the provision of the existing fitness facility in the Oberon area. The changes will result in a net benefit to the community, especially given that they will be facility that can be used by the community to encourage a healthy lifestyle. The proposed development is considered appropriate for the site and will meet a need of the Oberon community.

- No Proposed Negative Impact

## 6.19 Economic impact in the locality

In general, a positive economic benefit to the community can be expected.

- No Proposed Negative Impact

## 6.20 Site design and internal design

The modified design of the facility if consistent with the other recreational building in the local area, with the increased setback and height retained to be similar with the other buildings on the adjoining land only complimenting the local area.

The proposed development is considered to meet the requirements of the standard and will be an appropriate design for the site.

- No Proposed Impact

## 6.21 Construction

No issues are expected during the construction of the proposed development. If approved, consent would be subject to standard regulatory requirements for construction activities. A Construction Certificate application if required will be submitted once Section 4.55 consent is issued.

- No Proposed Impact

## 6.22 Cumulative impacts

The modification to the Indoor fitness centre will result in an increase of traffic and users around the recreational precinct, however these are not expected to greatly interfere with the amenity of the local area.

- No Proposed Impact

## 6.23 Does the proposal fit in the locality?

The subject site is within the existing recreational precinct and is considered suitable for appropriately designed to suit the locality. As outlined above, the quality of the design of the development and its compatibility with the character of the desired built form of the Oberon township is considered suitable.

- No Proposed Impact

## 6.24 Are the site attributes conducive to development?

In general, the site is considered suitable for appropriately designed recreational development.

- No Proposed Impact

# 7 DEVELOPMENT ON CROWN LANDS

Section 2.23 of the *Crown Land Management Act 2016* (CLM Act) has introduced kinds of development where the Minister has taken to have given land owners consent on behalf of the Crown (deemed consent) for Crown Land Managers (CLMs) and holders of a lease or licence (Tenure Holders) to make a development application (DA) under Part 4 of the *Environmental Planning and Assessment Act 1979*.<sup>1</sup>

*Table 1 – Crown Lands Deemed Consent Provision Development Types*

Deemed consent provision	Development types	Response
<b>s2.23(2) (a)</b>	The repair, maintenance, restoration or renovation of an existing building on the land; as long as it does not; <ul style="list-style-type: none"> <li>(i) alter the footprint of the building by adding or removing more than one square metre (or any other area that may be prescribed by the regulations),</li> <li>(ii) alter the existing building height by adding or removing one or more storeys,</li> <li>(iii) involve excavation of the land</li> </ul>	Complies
<b>s2.23(2) (b)</b>	Erection, repair, maintenance or replacement of fencing	Complies
<b>s2.23(2) (c)</b>	The use of the land for any of the following purposes: <ul style="list-style-type: none"> <li>(i) a purpose for which the land may be used under the CLM Act,</li> <li>(ii) a purpose for which a lease or licence has been granted under the CLM Act,</li> </ul>	Complies

<sup>1</sup> Crown Land Manager Fact Sheet, NSW Department of Planning, Industry and Environment | DOC19 136746 - Deemed consent provision, Development types

Deemed consent provision	Development types	Response
<b>s2.23(2) (d)</b>	Erection, repair, maintenance or replacement of signage	Not in scope of proposal
<b>s2.23(2) (e)</b>	Erection, repair, maintenance or replacement of temporary structures	Not in scope of proposal
<b>s2.23(2) (f)</b>	Installation, repair, maintenance or replacement of services	Complies
<b>s2.23(2) (g)</b>	Erection, repair, maintenance or replacement of any of the following on the land: (i) a building or other structure on the land permitted under the lease, (ii) a toilet block, (iii) a structure for the protection of the environment	Complies
<b>s2.23(2) (h)</b>	The carrying out on the land of any other development of a kind prescribed by the regulations or permitted under a plan of management for the land.	Complies
<b>Works to be undertaken beyond specified above</b>		Nil

## 8 DISCUSSION AND CONCLUSIONS

The application is permissible in the RE1 Public Recreation Zone and is consistent with the aims and objectives of that zone. The Modification to the Development is recommended for a positive determination due to the lack of any negative impact on the amenity of the area combined with the benefit it will deliver to the Oberon Community.

## 9 Appendices

A Site Photos

## Appendix A - Site Photos



*Photo 1:Rear of Northeastern Elevation, showing space to be enclosed and proposed location of storm water tanks. Note dence planting on rear boundary.*



*Rear of Northeastern Photo 2: Rear of Northeastern elevation showing connection with pool and setback from street.*



*Photo 3: Rear of Northwestern elevation showing connection to adjacent football field.*





*Photo 4: Internal space to be enclosed*