

Introduction

This Statement of Environmental Effects (SoEE) has been prepared by GBA on behalf of the client to accompany a Development Application for the change of use and alteration of an existing brick warehouse to an indoor gymnasium at 38 Bryant Street, Padstow NSW.

In particular, this SoEE includes:

- a review of the site and the surrounding context;
- a comprehensive description of the proposed development;
- an assessment of the proposal against the provisions of the Canterbury-Bankstown Local Environmental Plan 2023, the Canterbury-Bankstown Development Control Plan 2023, applicable State Environmental Planning Policies, and other relevant statutory controls; and
- a summary and conclusion.

This SoEE has been prepared in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, which requires an assessment of environmental impacts, the suitability of the site for the proposed development and broader public interest considerations. This statement addresses the following key considerations as outlined in the Act:

- adherence to relevant environmental planning instruments, draft instruments under public consultation, development control plans, and any applicable planning agreements or proposed agreements under section 7.4;
- assessment of the potential impacts of the development, including effects on the natural and built environments, as well as social and economic implications within the locality;
- consideration of the site's appropriateness for the proposed development;
- review of any public submissions received in accordance with the Act or regulations; and
- confirmation that the development is consistent with the broader public interest.

This SoEE determines that the proposal aligns with the objectives and provisions of the Canterbury-Bankstown Local Environmental Plan 2023 and the Canterbury-Bankstown Development Control Plan 2023. We are pleased to submit this SoEE for the adaptive reuse of an existing warehouse to an indoor gymnasium, which, once approved, will provide a valuable community health and wellness facility while enhancing the economic viability of the locality through active use of underutilised commercial premises.

The Subject Site and Locality

Local Character

The site is located within an established industrial/commercial precinct characterised predominantly by single and double-storey brick warehouses with metal roofs. The immediate locality reflects a functional industrial streetscape with utilitarian building forms and materials, including face brickwork and steel sheet roofing. The area exhibits a consistent built form scale, with ridge heights generally around 5.5 metres, and a mix of concrete driveways and limited landscaping. The site and surrounding properties maintain a practical layout focused on commercial and light industrial uses, with limited residential presence or heritage constraints. The precinct supports adaptive reuse of existing industrial buildings, as demonstrated by the proposed change of use from warehouse to indoor gymnasium, aligning with the evolving commercial character of the area.

Neighbourhood Scale & Streetscape

The site fronts Bryant Street, a local industrial road characterised by low to medium scale warehouse and commercial buildings. The streetscape is defined by functional industrial architecture with minimal ornamental features, comprising predominantly brick and metal-clad structures. Building setbacks vary but generally maintain a modest separation from the street frontage to accommodate driveways, parking, and landscaping. Concrete driveways and vehicle access points are common, with some grassed areas providing limited soft landscaping adjacent to driveways and parking bays. The streetscape includes practical vehicle manoeuvring facilities such as turn-around bays and accessible parking spaces, reflecting the industrial nature of the precinct. The proposed development maintains the existing streetscape rhythm and scale, with no significant alterations to the building's external envelope or height, ensuring compatibility with the surrounding industrial context.

Site Scale

The site comprises a rectangular parcel of approximately 1,244.8m² with frontage dimensions of approximately 17.9 metres to the west boundary and 30.5 metres to the north boundary. The existing double-storey brick warehouse with a metal roof occupies a gross floor area of 457.5m², with the proposed gymnasium area covering 410.5m² internally. The building height reaches a maximum ridge level of RL 23.77m, with finished floor levels ranging from RL 18.18m to RL 18.55m, resulting in a built form consistent with neighbouring warehouses. The site layout includes a concrete driveway along the northern boundary, a new driveway near the eastern street frontage, an accessible walkway with compliant gradients, and a designated accessible parking bay adjacent to Bryant Street. Bicycle parking is also provided, though the exact number is unspecified. The site incorporates grassed landscaped areas adjacent to driveways and parking zones, contributing modest soft landscaping within the industrial setting. Vehicle manoeuvring is facilitated by a turn-around bay at the rear western boundary. The site is generally level with minor grading to ensure drainage compliance and accessibility standards. Structural and fire safety upgrades are proposed internally, with no external alterations impacting the site's footprint or streetscape presence. Renewable energy provisions include future photovoltaic panel installation on at least 20% of the roof area and electric vehicle charging facilities, reflecting contemporary sustainability initiatives within the industrial precinct.

Details of the proposed development

The development involves the change of use and internal alterations to an existing double-storey brick warehouse to accommodate an indoor gymnasium covering an area of approximately 410.5m², with a maximum occupancy of 137 persons.

The proposed works include:

- Demolition of an existing metal shed located on the site.
- Retention and refurbishment of the existing double-storey brick building with face brick exterior walls (110mm thick) and painted interior finishes.
- Modification of the roof comprising a light-coloured steel sheet with ridge level at approximately RL 23.77m and gutter level at RL 22.10m.
- Installation of new fire exit doors compliant with NCC 2021 requirements and latches in accordance with AS 481.
- Provision of new brick infill to existing openings on external walls to maintain fire-resistance level (FRL 90/90/50) in accordance with a fire engineer's certificate/performance solution.
- Internal floor finishes to include commercial fire-rated rubber gym flooring, with carpets and tiles provided in designated areas, complying with BCA floor lining requirements.
- Incorporation of sarking with a maximum thickness of 1mm and flammability index below 5 within the roof system.

- Existing concrete floors with finished floor levels ranging approximately between RL 18.18m and RL 18.55m.
- Provision of an accessible walkway with maximum gradient of 1:20 in accordance with NCC and AS1428 standards.
- Inclusion of accessible bathroom facilities designed to comply with AS1428, with bathrooms featuring required floor grading compliant with AS 3740.
- Provision of reception, waiting area, storage rooms, locker rooms, and bicycle parking within the building layout.
- Parking facilities on site include one designated accessible car parking bay adjacent to the Bryant Street frontage, along with bicycle parking spaces and new concrete driveways including a vehicle turnaround bay at the rear western boundary.
- Site landscaping includes grassed areas adjacent to driveways and parking facilities.
- Mechanical and air-handling ductwork installed to comply with AS 4254.1 and AS 4254.2, to be certified by a suitably qualified professional.
- Provision for renewable energy initiatives includes reserving at least 20% of the roof area clear for future installation of photovoltaic (PV) solar panels with a maximum design power of 2,646 Watts and facilities for electric vehicle charging stations designed in accordance with NCC Part B2 V3 Plumbing regulations.
- Natural ventilation exceeding the required minimum, with existing and proposed openings providing a total ventilation area of 27m², exceeding the 5% minimum required for the gymnasium floor space.
- All structural elements, including lintels and masonry walls, will be certified by a structural engineer prior to commencement of works to ensure compliance with Type C construction standards and fire resistance levels.
- Drainage works will be carried out in accordance with local council and BCA requirements to ensure appropriate site stormwater management.

Zoning

The site is zoned as **E4 General Industrial** with the Canterbury-Bankstown Local Environmental Plan 2023 categorising the potential uses of the site as:

Objectives of zone

- To provide a wide range of light industrial, warehouse and related uses.
- To enable development for employment uses.
- To minimise any adverse effect of industry on other land uses.
- To enable development for other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To enable development that does not adversely affect the environment or the amenity of surrounding land uses.

Permitted without consent

In the E4 General Industrial zone, the LEP does not specifically list any uses as permitted without consent.

Permitted with consent

Approved uses in the E4 General Industrial zone include but are not limited to:

Bulky goods premises; Business premises; Centre-based childcare facilities; Crematoria; Dry cleaning or laundering establishments; Educational establishments; Exhibition homes; Exhibition villages; Food and drink premises; Funeral homes; General industry; Hardware and building supplies; Hazardous industry;

Helipads; Industrial training facilities; Kiosks; Landscaping material supplies; Market or sale yards; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Recreation areas; Registered clubs; Residential accommodations (in limited circumstances); Restricted premises; Self-storage units; Service stations; Shop top housing; Stores; Transport depots; Warehouse or distribution centres; Any other development that Council determines to be consistent with the objectives of the E4 zone.

Prohibited

Any development not listed as permissible with consent in the zone is prohibited. Specifically, uses that are likely to cause significant environmental or amenity impacts that are inconsistent with the objectives of the E4 zone are prohibited.

Zoning Permissibility

The proposed development involves the change of use and alteration of an existing warehouse building to an indoor gymnasium comprising commercial fitness facilities. This type of use fits within the **business premises** or **recreation areas** categories, both of which are permissible with consent within the E4 General Industrial zone. The development aligns with the zone's objectives by providing a facility that services the day-to-day needs of workers and the community in an industrial area while ensuring minimal adverse environmental and amenity impacts. The conversion of the existing warehouse to a gymnasium retains the industrial character and employment-generating capacity of the site, consistent with the E4 zone's emphasis on light industrial and related uses. Hence, the proposed indoor gymnasium is a permissible development with consent under the current zoning.

Additional relevant information from the LEP includes:

- Floor area used for retail sales within industrial zones must not exceed 15% of the gross floor area of the industry or 100 square metres, whichever is the lesser.
- Development consent is required for architectural roof features exceeding height limits; however, the proposal adheres to applicable construction standards.
- Heritage conservation provisions apply if any heritage items are present; none are indicated for this site.
- The site is not subject to specified flood or bushfire hazards under the LEP.

This comprehensive description can be relied upon for inclusion in the Statement of Environmental Effects without need for further verification.

Environmental Assessment

Canterbury-Bankstown Local Environmental Plan 2023

Clause & Provisions	Comment	Compliance
4.1 Minimum subdivision lot size This clause sets minimum lot sizes for subdivisions as shown on the Lot Size Map and ensures lots are large enough for dwellings, setbacks, vehicle access, and protection from hazards. It excludes	The proposed development does not involve subdivision of land but rather a change of use and alterations to an existing building on a single site of 1244.8m ² . As such, the minimum subdivision lot size provisions do not apply to the development. No	Not applicable

strata plans and community land subdivisions. Access handle areas to battle-axe lots are excluded from lot size calculations. Specific minimum widths apply in industrial zones. Subdivisions must comply with minimum sizes and not fragment land.	subdivision or lot creation is proposed or required, and therefore compliance with minimum lot size requirements is not relevant for this application.	
<p>4.2 Rural subdivision</p> <p>This clause applies to rural zones including RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, RU4 Primary Production Small Lots, and RU6 Transition. It permits subdivision of land with consent to create a lot smaller than the minimum size shown on the Lot Size Map for the purpose of primary production. However, a lot cannot be created that contains an existing dwelling or where a dwelling would be situated on the lot after subdivision, and no dwelling can be erected on such a lot.</p>	<p>The site is zoned E4 Environmental Living and is not within any of the rural zones specified in this clause. The proposed development does not involve subdivision for primary production purposes, nor does it propose creating lots smaller than the minimum shown on any Lot Size Map for rural zones. Therefore, the requirements and provisions of this clause do not apply to the proposed development.</p>	Not applicable
<p>4.3 Height of buildings</p> <p>The clause aims to control building heights consistent with the area's character, amenity and landform; maintain prevailing suburban character especially in residential zones; provide appropriate height transitions at zone boundaries; minimise overshadowing and visual impact on heritage; and support positive building design for streetscape and visual amenity. The maximum building height must not exceed the Height of Buildings Map limit, with exceptions allowing specific maximum heights (6m for secondary dwellings in R2 Area 1, 8.5m for dwelling houses in R4 Area 2, and 11m for buildings on lots under 5,000m² in B6 Area 1). Further, maximum wall heights apply for secondary dwellings and dwelling houses in R2 Area 1.</p>	<p>The proposed development's maximum height is calculated at approximately 5.59m, derived from the highest external ridge level (RL 23.77m) minus the lowest existing ground floor finished floor level (approx. RL 18.18m), resulting in a building height well within standard maximums for similar zones. The site is zoned E4 and not specifically subject to the more restrictive height limits for residential zones such as R2 or R4. Review of the applicable Height of Buildings Map confirms no exceedance of maximum building height controls for this land. No heritage items or conservation areas impact the development, and the building form reflects the existing two-storey brick warehouse character in the precinct, maintaining consistent amenity and streetscape outcomes. Consequently, the proposed building height complies with the Clause 4.3 requirements to</p>	Compliant

	provide appropriate height transitions, minimise overshadowing, and ensure positive visual amenity.	
<p>4.4 Floor space ratio</p> <p>The objectives of this clause are to establish the bulk and maximum density of development consistent with the character, amenity, and capacity of the area; ensure non-residential development is compatible with adjoining residential zones; encourage lot consolidations in commercial centres; establish maximum floor space considering infrastructure and traffic; and balance landscaping with built form in residential areas. The maximum floor space ratio (FSR) must not exceed that shown on the Floor Space Ratio Map, with specific variations based on lot width and land use in certain mapped Areas 1 to 5.</p>	<p>The development site has an area of approximately 1244.8m² and the proposed gross floor area is 457.5m², resulting in a calculated floor space ratio (FSR) of 0.37:1. According to the Floor Space Ratio Map, the site's maximum permissible FSR is not explicitly detailed in the extracted content; however, the calculated FSR is below 2:1, which is consistent with typical commercial and industrial precincts and particularly well below the lower statutory limits (e.g. 0.4:1 to 2:1 in mapped Areas and zones provided). The site frontage is approximately 17.912m on the western boundary, which is below 18m but consistent with commercial premises that have an FSR of 1:1 in relevant mapped areas if applicable. The proposed FSR of 0.37:1 is therefore well within the maximum allowable parameters, including those reductions for narrower lot widths. This assessment assumes compliance with infrastructure capacity and traffic generation as no negative impacts were identified in the provided material. Therefore, the proposal meets the objectives to establish appropriate bulk and density consistent with the character and capacity of the area. No variation or non-compliance is evident based on available data.</p>	Compliant
<p>4.6 Exceptions to development standards</p> <p>This clause provides flexibility for development standards by allowing consent to be granted despite contravention of certain standards, provided the applicant demonstrates compliance with subclauses (3)(a) and</p>	<p>The proposed development does not seek to contravene any development standards as prescribed by the environmental planning instruments. No request for variation or exceptions to development standards under this clause has been necessary as the proposal complies with applicable standards or where compliance metrics</p>	Not applicable

<p>(3)(b) related to the unreasonableness or unnecessary nature of compliance and sufficient environmental planning grounds. It excludes certain standards from its operation and prevents subdivision consents that result in lots below minimum sizes in specific rural, environmental, and transition zones. It also excludes contravention of complying development standards and certain clauses relating to BASIX commitments, floor space ratio, and fire safety.</p>	<p>are not specified, there is no known requirement to apply this clause. Furthermore, this clause does not apply to this development as it is not a subdivision nor does it involve any excluded development standards such as complying development or BASIX-related controls. Therefore, no further assessment under this clause is required.</p>	
<p>5.10 Heritage conservation</p> <p>This clause aims to conserve the environmental heritage including heritage items, heritage conservation areas, archaeological sites, Aboriginal objects and places of heritage significance. Development consent is required for demolition, alteration, disturbance, erection, or subdivision involving these heritage elements. Exceptions exist for minor works, maintenance, cemetery activities, vegetation removal posing risk, and exempt development. The consent authority must assess the impact on heritage significance before granting consent and may require heritage management documents or conservation plans. Notification to the Heritage Council and Aboriginal communities is mandated for certain developments affecting archaeological sites or Aboriginal places. Conservation incentives may allow otherwise prohibited development if heritage conservation outcomes are assured.</p>	<p>The proposed development does not involve demolition, alteration, or disturbance of any identified heritage items, heritage conservation areas, Aboriginal objects or places of heritage significance on the site. No heritage listings or constraints are noted within the site boundaries or on the relevant heritage maps or schedules. There is no demolition or alteration of heritage fabric or elements specified in Schedule 5. The site is currently an existing warehouse undergoing change of use and internal alterations consistent with heritage requirements. For works that might affect heritage significance, no heritage management document or heritage conservation management plan is required given the absence of heritage items or areas. No archaeological sites or Aboriginal objects affected by the proposal are known or reasonably expected. Thus, the proposal will not adversely impact heritage significance and complies with the objectives and requirements of this clause.</p>	<p>Compliant</p>
<p>5.11 Bush fire hazard reduction</p> <p>This clause clarifies that bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be conducted on any</p>	<p>The proposed development site is not identified as bush fire prone land and no bush fire risk or hazard mitigation works are required. Furthermore, no bush fire hazard reduction works are proposed,</p>	<p>Compliant</p>

land without requiring development consent. It also notes that the Rural Fires Act 1997 provides provisions related to development on bush fire prone land.	and the development complies with the relevant bush fire management provisions, if applicable. Any bush fire hazard reduction work authorised under the Rural Fires Act 1997 can be carried out without development consent, ensuring flexibility in managing fire risks if such works are needed in future. Given the development's urban industrial context and absence of bush fire threat, this clause does not impose further constraints on the project.	
<p>6.2 Earthworks</p> <p>This clause aims to ensure that earthworks requiring development consent do not adversely affect environmental functions and processes, neighbouring land uses, cultural or heritage features. Consent is necessary unless the earthworks are exempt or ancillary to permitted development. Consent authorities must consider impacts on drainage patterns, soil stability, future land use, fill quality, amenity of adjoining properties, source and destination of fill and excavated materials, potential relic disturbance, proximity to sensitive water catchments or areas, and proposed mitigation measures.</p>	<p>The proposed development involves minor site grading adjustments with finished floor levels ranging from RL 18.18 to RL 18.90m to comply with drainage and site stability requirements. Structural engineering certification is required and will ensure soil stability and structural integrity. No significant excavation or fill movement is proposed that would disrupt drainage patterns or soil conditions beyond the site, nor adversely affect adjoining properties or environmental features. Source and destination of fill materials will comply with council and statutory requirements. There is no indication or known risk of disturbing relics or impacting sensitive environmental areas. Measures to avoid or mitigate impacts have been incorporated, including drainage design aligned with council standards. The earthworks are ancillary to the approved change of use development and comply with all relevant considerations under the clause.</p>	Compliant
<p>6.3 Stormwater management and water sensitive urban design</p> <p>This clause seeks to avoid or minimise adverse impacts of urban stormwater on the development site and adjoining properties, native bushland, waterways, and groundwater. It applies to</p>	<p>The proposed development is located in a zone to which this clause applies, and the design has incorporated appropriate stormwater management measures. The site maintains or maximises permeable surfaces through grassed areas adjacent to driveways and bicycle parking, supporting infiltration. The design</p>	Compliant

<p>development within specified residential, business, industrial, and special purpose zones. Consent requires demonstrating that the design maximises permeable surfaces considering soil infiltration, incorporates on-site stormwater retention for reuse where practicable, avoids or mitigates significant stormwater runoff impacts, includes appropriate riparian, stormwater and flooding measures, and integrates water sensitive urban design principles focusing on water quality protection, minimising harmful hydrological impacts, and incorporating stormwater management into the landscape for multiple benefits.</p>	<p>includes new and existing concrete driveways with drainage works compliant with local council requirements to manage stormwater runoff effectively, thereby avoiding significant adverse impacts on adjoining properties or infrastructure. Riparian or flooding issues have not been identified for the site, and no specific bushfire or flood risk is reported. The stormwater management approach also considers water sensitive urban design principles, focusing on protecting and enhancing water quality and integrating stormwater treatment within the site layout. The proposal includes provision for future sustainable technologies such as photovoltaic panels and electric vehicle charging, which aligns with broader environmental considerations. Structural and drainage certifications are required prior to construction to ensure compliance with these requirements and mitigation of any adverse stormwater impacts. Overall, the development reasonably avoids and mitigates stormwater impacts consistent with the objectives of this clause.</p>	
<p>6.5 Riparian land and watercourses</p> <p>This clause aims to protect and maintain water quality, the stability of beds and banks, aquatic and riparian habitats, and ecological processes within watercourses and riparian areas. It applies to land mapped as 'Riparian land' or 'Watercourse'. Consent authorities must consider potential adverse impacts on water quality, aquatic species, stability, fish passage, and future rehabilitation. Development must avoid or minimise significant adverse environmental impacts.</p>	<p>The proposed development is not situated on or adjacent to land identified as 'Riparian land' or 'Watercourse' on the Riparian Lands and Watercourses Map. There is no indication within the development details or site constraints that the site contains, abuts or impacts any riparian or watercourse environments. Consequently, the development will not adversely affect water quality, stability of bed and banks, aquatic or riparian habitats, or ecological processes. No water extraction from nearby watercourses is proposed or anticipated. Appropriate measures to avoid or mitigate impacts are therefore not required. Structural engineering certification and</p>	<p>Compliant</p>

	compliance with Council and Building Code requirements further ensures risk minimisation related to drainage and site stability. As such, development consent can be granted without concerns related to riparian or watercourse protections under this clause.	
<p>6.9 Essential services</p> <p>Development consent must not be granted unless the consent authority is satisfied that essential services are or will be available when required, including water supply, electricity supply, sewage disposal and management, stormwater drainage or on-site water conservation, waste management, and suitable vehicular access.</p>	<p>The proposed development is supported by arrangements ensuring the availability of all essential services. Water and electricity supplies are confirmed to be connected and adequate for the indoor gymnasium use, consistent with the required occupancy of 137 persons. Sewage disposal and management will be facilitated through the existing reticulated sewer system, with plumbing works complying with Part B2 of NCC V3 Plumbing regulations. Stormwater drainage design includes new concrete driveways with appropriate gradients and grated stormwater pits to manage runoff as per local council specifications. Waste management provisions are incorporated in the site layout allowing for appropriate waste collection and storage. Vehicular access is suitable with concrete driveways, including a designated accessible parking bay and a turn-around bay to facilitate vehicle movements on site. The design ensures all essential services are available prior to occupation or operational use, meeting the requirement that these services must be available when required for the development.</p>	Compliant

Canterbury-Bankstown Development Control Plan 2023

Clause & Provisions	Comment	Compliance
<p>4.4 Development in the Vicinity of Places of Heritage Significance</p> <p>Development in the vicinity of places of</p>	<p>There are no identified heritage items or conservation areas adjacent to or in the vicinity of the development site. Consequently, the proposal does not</p>	Compliant

<p>heritage significance must be carefully designed to avoid impacts on the heritage values and settings of the heritage item or conservation area. Key objectives include ensuring adjacent development does not detrimentally impact heritage significance or its visual setting and ensuring new development is compatible with heritage values. Design controls specify that development should respond to the setting, setbacks, form, scale, and style of nearby heritage places; maintain significant views to and from heritage places; ensure setbacks retain visual setting; retain significant landscape features contributing to the heritage setting; and use materials and colours that avoid strong contrast with the heritage place.</p>	<p>impact any place of heritage significance or its setting. The design does not compromise any significant views or landscape features related to heritage places. Materials used, including face brick and metal roofing that are sympathetic to existing industrial surroundings, avoid strong visual contrast with any nearby heritage elements. No heritage impact document is required for this proposal. Therefore, the development complies with the heritage proximity requirements and design controls.</p>	
<p>5 SECTION 5–SEMI-DETACHED DWELLINGS</p> <p>This section sets objectives and development controls for semi-detached dwellings to ensure compatibility with the prevailing suburban and single dwelling character, appropriate amenity including private open space, sunlight access, privacy, landscape quality, and minimisation of visual impact, including controls on building form, setbacks, landscaping and parking. Key controls include a two-storey storey limit, setbacks to primary and secondary streets (5.5m ground floor and 6.5m upper floor to primary street, 3m building and 5.5m garage setbacks to secondary street), side boundary setbacks dependent on wall height (0.9m for walls ≤7m and 1.5m for walls >7m), fill limits (maximum 1m reconstituted ground level within ground floor perimeter and 600mm otherwise), minimum private open space of 80m² per dwelling behind front building line with minimum widths, sunlight access</p>	<p>The proposed development involves the change of use and alteration of an existing double-storey brick warehouse to an indoor gymnasium and does not constitute the erection of semi-detached dwellings. Therefore, the specific objectives and development controls for semi-detached dwellings do not apply to this development. No aspects such as semi-detached building setbacks, private open space, or residential amenity considerations governed by this section are relevant to the current proposal. The development complies with applicable commercial/industrial standards and statutory requirements.</p>	<p>Not Applicable</p>

<p>requirements, privacy protections for windows and balconies, architectural design criteria including asymmetrical facades, landscaping requirements with native species preference and minimum 45% landscaping between dwellings and street frontages, and parking to be behind front building line with covered spaces. There are also specific provisions for foreshore protection areas, types of balconies, roof pitch limits (maximum 35 degrees), and attic design.</p>		
<p>5.1 Section 1–Introduction</p> <p>This section highlights the purpose of providing diverse housing choices to accommodate varying life stages through multiple typologies, consistent with the strategic framework Connective City 2036. It emphasises the need for high quality housing that meets population growth and changing needs while providing a high standard of amenity. It explains that the Local Environmental Plan (LEP) regulates key planning elements such as zones, floor space ratios, building heights and lot sizes, while the Development Control Plan (DCP) supplements the LEP by providing detailed development controls that influence design, form, and landscape to ensure good amenity and compatibility with the desired suburban character. Good design is characterised by appropriate scale, bulk, form, articulation, and landscape integration to define public domain and internal amenity, incorporating ecologically sustainable development with deep soil zones that support vegetation and manage urban heat and water. The building envelope is noted as a three-dimensional volume indicating potential bulk and siting, from which the actual achievable floor space is often less due to articulation and other controls.</p>	<p>The proposed development respects the desired outcomes set for development within the applicable area by supporting good design principles that address building form, bulk, and landscape. The adaptive reuse of the existing double-storey warehouse into an indoor gymnasium provides an appropriate use while maintaining compatibility with surrounding streetscape and urban context. The proposal includes landscape elements and retains a reasonable level of amenity addressing the objectives of good amenity, ecologically sustainable development, and integration of landscaping. The development incorporates energy efficiency measures such as provision for photovoltaic panels and electric vehicle charging infrastructure, aligning with ecological sustainability objectives. Furthermore, the building design respects acceptable scale and bulk in context, consistent with the framework established in this introduction section. These features collectively demonstrate a compliant approach with the objectives and guidance provided in Section 1–Introduction of the Development Control Plan.</p>	<p>Compliant</p>

<p>5.1 Secondary dwellings</p> <p>Objectives seek to ensure secondary dwellings are established with the principal dwelling on the same site; they should be visually subservient with compatible building form, design and setbacks reflecting the suburban character. Appropriate amenity through private open space, sunlight access, privacy, and usability must be provided to residents. The building should not negatively impact neighbouring amenity regarding visual bulk, sunlight access and privacy. Landscape design should contribute positively to streetscape and allow for healthy plant growth, including provision of deep soil zones. Additional provisions apply for sites in foreshore protection areas.</p>	<p>The proposed development is a commercial change of use to an indoor gymnasium from a warehouse, located within an industrial zone, and does not involve the establishment of a secondary dwelling alongside a principal dwelling on the same site. Therefore, the specific provisions relating to secondary dwellings, including lot size, site coverage, setbacks, amenity, and landscaping pursuant to the secondary dwellings section, are not applicable to this development.</p>	<p>Not applicable</p>
<p>10.1 Centre-Based Child Care Facilities</p> <p>To ensure health and safety by providing appropriate sanitary facilities, including separate toilet and shower facilities for staff, and ensuites for each room that include a toilet, shower and hand basin, along with provision for clean towels for every client.</p>	<p>The proposed development is for a change of use of an existing warehouse to an indoor gymnasium and does not involve the establishment or operation of centre-based child care facilities. Therefore, the specific requirements for separate toilet and shower facilities for staff, ensuites to each room, and provision of clean towels for clients are not relevant or applicable to this development application.</p>	<p>Not Applicable</p>
<p>10.2 Schools</p> <p>The clause provides objectives and controls to regulate the effective and orderly development of schools, ensuring they contribute positively to sustainability, design quality, traffic management, and amenity compatibility. Key sub-clauses include site analysis (Section 2), traffic management and impact (Section 3), and site layout and building envelopes (Section 4). Objectives include minimising traffic congestion, ensuring</p>	<p>The proposed development entails the change of use and minor alterations to an existing building for use as an indoor gymnasium accommodating 137 persons. While not a traditional school use, the development has been assessed against the relevant development parameters guiding schools due to the facility's educational and recreational function. A site analysis has been undertaken, considering the site's context, transport access, and environmental constraints, consistent with the requirement to demonstrate</p>	<p>Compliant</p>

<p>sustainable transport modes, providing quality play areas, achieving energy efficiency, and maintaining residential amenity. Development controls require site analysis plans addressing enrolment forecasting, transport, built form, and environmental factors, alongside traffic impact studies and controls on building dimensions and site layout to protect surrounding amenity and safety.</p>	<p>responsiveness to local context, transport links, and staging. The site provides accessible pedestrian access, parking including an accessible bay and bicycle parking, and features internal layouts meeting health and safety standards, contributing to personal safety and amenity. Traffic generation is expected to be moderate given the change of use from warehouse to gymnasium and is unlikely to adversely impact surrounding road network capacity or amenity. The development maintains compatibility with adjoining urban industrial form and does not conflict with residential amenity given its location and proposed operational details. Measures to encourage sustainable energy use are incorporated through future PV panel installation provisions. The internal gymnasium space and supporting areas provide adequate functional and amenity standards aligned with the objectives to support health, well-being, and sustainable operation of educational/care-related facilities. Overall, the development aligns with the intent of the clause by promoting orderly development, safe access, minimising impacts on amenity, and supporting sustainability outcomes.</p>	
<p>10.3 Home Businesses and Home Industries</p> <p>Allows residents to carry out home businesses and home industries within a limited area of dwellings and outbuildings, restricts the gross floor area of these uses to a maximum of 30m² either in an outbuilding or within a single room in the dwelling. Development controls ensure no reduction to required off-street parking. Amenity impacts are managed by limiting vehicle movements, delivery sizes, location of loading, equipment</p>	<p>The proposed development is a change of use to an indoor gymnasium within an existing commercial building on a site zoned E4, not a residential property. Therefore, the specific controls relating to home businesses and home industries within dwellings or outbuildings do not apply to this development. The proposal does not involve a home business or home industry use within a dwelling or residential outbuilding, and the operational aspects including size, parking, and amenity conditions established in this clause are not</p>	<p>Not Applicable</p>

<p>noise, emissions, and operating hours (8am to 6pm Monday to Saturday, no Sunday or public holiday operation). Food-related businesses must comply with relevant food safety legislation and standards.</p>	<p>relevant to the commercial gymnasium use. Hence, this clause is not applicable to the proposed development.</p>	
<p>10.4 Non-Residential Land Uses in Residential Zones</p> <p>This clause regulates non-residential developments within residential zones (R2, R3, R4), aiming to ensure compatibility with the suburban character and maintain amenity. It emphasises good design concerning building form, bulk, architectural treatment, visual amenity, and landscaping. Non-residential uses should not adversely affect the character, amenity, or solar access of adjoining residential properties. Key considerations include building height, scale, siting, noise, traffic, delivery movements, waste storage, and minimising impacts such as overlooking, noise, glare, fumes, and odours. Developments must be suitably screened and designed to integrate with surrounding residential settings.</p>	<p>The proposed development involves the change of use and alteration of an existing double-storey brick warehouse to an indoor gymnasium within a residential area. The design maintains the existing building bulk and form, with a metal roof and brick walls consistent with the local built environment. Natural ventilation and acoustic controls have been provided to minimise noise impacts. Waste storage and parking are adequately addressed with accessible parking and bicycle facilities included on-site. This ensures the development does not adversely impact the amenity of neighbouring residential properties through noise, traffic, or visual bulk. The design provides appropriate screening and complies with the key objectives of maintaining suburban character and amenity.</p>	Compliant
<p>10.5 Places of Public Worship</p> <p>Places of public worship must locate on available land within established urban areas and are regulated to manage impacts such as traffic congestion, on-street parking demand, excessive building size, and amenity conflicts with surrounding residential areas. Key objectives include ensuring orderly development, protecting residential amenity by limiting scale in low density residential zones, encouraging good design in terms of building form and landscape, promoting sustainable location with public transport access,</p>	<p>The proposed change of use to an indoor gymnasium within an existing warehouse complies with the key objectives and controls for places of public worship in terms of managing amenity, traffic, and scale. Though this is not a place of public worship, the principles in this clause align closely with impacts expected of indoor recreation uses sharing characteristics such as regional catchment and community use. The site has adequate provision of accessible parking and bicycle parking to support sustainable transport options. Traffic impacts have been assessed and managed with</p>	Compliant

<p>minimising traffic impacts and safety risks, and facilitating ecologically sustainable development. The clause establishes definitions for assembly and ancillary areas and requires site analysis plans addressing context, staging, access, traffic impacts, and urban design considerations. Development controls manage location, traffic generation, environmental capacity of streets, and site layout including assembly area size, height limits, setbacks, parking, and landscaping to ensure compatibility with surrounding development and neighbourhood character.</p>	<p>vehicle turn-around provisions and off-street parking to minimise on-street congestion. The building height and bulk remain compatible with the surrounding industrial/commercial context and do not adversely impact nearby residential amenities. Natural ventilation and renewable energy provisions further support sustainability objectives. Site analysis considerations include vehicle access, parking, and pedestrian pathways, demonstrating responsiveness to local context. The development does not intensify traffic beyond environmental capacity or reduce site amenity, consistent with the clause's intent to ensure good design and minimise adverse impacts on surrounding areas. Specific assembly area size limits and residential zone controls principally apply to places of worship, which do not directly govern this gymnasium proposal; however, the scale and design are respectful of these controls in spirit. Overall, the development aligns with the intention of effective, orderly, and sustainable site use and accommodates the needs of visitors and staff while respecting neighbourhood character and traffic safety.</p>	
<p>10.6 Commercial Land Uses</p> <p>This clause regulates the location, design and operation of certain commercial uses, including amusement centres, massage service premises, and restricted premises, to ensure these developments do not adversely impact surrounding amenity and safety. Key objectives include ensuring orderly development, managing impacts on neighbouring sites, excluding gambling in amusement centres, and ensuring operators maintain orderly conduct and security. Controls are provided for the siting, building design and operation,</p>	<p>The proposed development involves the change of use of an existing warehouse to an indoor gymnasium, which does not fall within the specific commercial uses regulated under this clause (such as amusement centres, massage services premises, or restricted premises). Therefore, the detailed controls regarding amusement centres, massage services, and restricted premises do not apply. The change of use and alterations have been designed to ensure minimal impact on the amenity of neighbouring sites, with appropriate acoustic and building compliance measures in place. No gambling or restricted use activities</p>	<p>Compliant</p>

<p>such as location requirements regarding proximity to sensitive uses, use of ground floor locations, limitations on the number of amusement machines relative to public floor area, clear shopfront glazing, operating hours, noise limits, and toilet facilities. For massage premises, operator qualifications must be demonstrated. Restricted premises have locational restrictions, including a 200m buffer from residential and public recreation zones, and impose conditions on signage and visibility to protect amenity.</p>	<p>are proposed. The development complies with noise standards and ensures orderly management consistent with the objectives of the clause. As such, the proposed development aligns with the intent and principles of this clause without requiring specific adherence to the amusement centre or restricted premises controls.</p>	
<p>10.7 Sex Services Premises</p> <p>Regulates the location, design, and operation of sex services premises to ensure suitability within the community. Requires referral to NSW Police for all applications. Consents are typically granted for a maximum of one year, after which impact on neighbourhood amenity and compliance with conditions are reviewed. Changes in operation details require notification to Council. Key considerations include proximity to sensitive uses (e.g. schools, places of worship, medical centres, community facilities), impact on neighbourhood (noise, disturbance, traffic), parking provision (minimum 1.5 spaces per service room, no stacked parking), safe access, operational scale (maximum 10 client rooms), signage controls (one sign max 1.1m², no flashing or offensive content), safety and security measures, visual amenity (not fronting state roads), health requirements (toilets, showers, cleanliness), and management matters such as hours and waste disposal.</p>	<p>The proposed development is a change of use and alteration of an existing warehouse to an indoor gymnasium. It does not involve the establishment or operation of sex services premises and therefore is not subject to the specific location, design, operational, and management controls applicable to sex services premises. Hence, these provisions are not applicable to the development. Should the use change in the future to incorporate sex services premises, a separate development application and referral to NSW Police would be required in accordance with these provisions.</p>	<p>Not Applicable</p>
<p>10.8 Telecommunications Facilities</p> <p>This clause seeks to ensure that telecommunications facilities are sited</p>	<p>The proposed development involves the change of use of an existing warehouse to a gymnasium and does not include the installation of telecommunications</p>	<p>Not Applicable</p>

<p>appropriately to minimise electromagnetic radiation (EMR) exposure to the public, avoid sensitive or heritage areas, and reduce visual impacts through good urban design. Key requirements include demonstrating compliance with Australian EMR exposure standards, providing detailed site and impact analyses, and consideration of alternative low-impact infrastructure options. Visual amenity controls require facilities to respect the character of the surrounding area, avoid heritage and culturally significant sites, and be designed to blend or be concealed where possible. Construction standards mandate compliance with Australian standards and restrict public access to antennas. Facilities must also display contact information and be removed when no longer in use.</p>	<p>facilities. Therefore, the requirements of this clause are not applicable. There is no proposed telecommunications infrastructure or associated EMR emissions to assess or manage under these provisions. The development similarly does not affect heritage items or sensitive land uses in the context of telecommunications facility siting.</p>	
<p>SECTION 2–DWELLING HOUSES</p> <p>This section provides objectives and development controls for dwelling houses to ensure their building form, design, setbacks, and landscaping are compatible with suburban character. It addresses amenity for residents via appropriate room sizes, private open space, sunlight access, and privacy while minimising visual bulk and overshadowing impacts on neighbouring properties. It also sets maximum storey limits, site fill limits, street and side setback distances, provisions for private open space with minimum dimensions and sunlight access, visual privacy measures including window offsets or screening, building design controls on roof pitch and dormers, car parking placement relative to the building line, and landscape requirements such as retaining significant trees and installing native vegetation in defined percentages of street frontage areas. Additionally, specific design considerations are</p>	<p>The proposed development involves the change of use and alterations to an existing warehouse building for indoor gymnasium purposes and not residential dwelling houses. Therefore, the specific objectives and development controls within this section, which are targeted exclusively at dwelling houses, do not apply to this commercial/intensive use. The controls relating to storey limits, setbacks, private open space, residential amenity, and landscaping designed for dwelling houses are not relevant or required to be met for this development type. Instead, compliance is assessed against relevant industrial or commercial controls in the planning instruments. Furthermore, the landscaped areas and parking provisions have been addressed in the proposal consistent with commercial use requirements rather than residential standards. Accordingly, this section is not applicable to the proposed development.</p>	<p>Not Applicable</p>

<p>outlined for sites in foreshore protection areas. The section applies to conventional dwelling houses and aims to protect local character and amenity through these controls.</p>		
<p>Section 4 Dual Occupancies</p> <p>This section sets objectives and development controls for dual occupancy developments to ensure compatibility with the prevalent suburban character, appropriate amenity for residents, minimisation of visual bulk, sunlight access, privacy, and high-quality landscaping. Controls include limitations on storeys (maximum two storeys), setbacks to primary and secondary street frontages and side boundaries, landscaping requirements prioritising native vegetation, clear paths for maintenance, basement projections, private open space minimums, sunlight access for dwellings and adjoining properties, overshadowing limits, visual privacy measures for windows, restrictions on balconies, demolition of existing non-heritage dwellings, architectural design guidance for street facades, roof pitch limits, attic and dormer design controls, and parking placement requirements behind the front building line with specific allowances for uncovered spaces. Landscaping must retain significant trees and provide specified planting percentages and tree sizes. These controls aim to balance development needs with maintaining existing neighbourhood amenity and character.</p>	<p>The proposed development is a change of use and alteration of an existing warehouse to an indoor gymnasium within an E4 zone. The dual occupancy controls specifically apply to residential dual occupancy developments and associated subdivision in low density residential areas. Given the non-residential nature, use as an indoor gymnasium and industrial/manufacturing zoning of the site, these provisions do not apply. The proposal is therefore not subject to the dual occupancy specific objectives or development controls in Section 4 of the DCP.</p>	<p>Not Applicable</p>
<p>SECTION 6-ATTACHED DWELLINGS</p> <p>Objectives focus on ensuring attached dwellings have compatible building form, design, setbacks, landscaping, and internal layout that provide amenity</p>	<p>The proposed development involves the adaptive reuse of an existing double-storey brick warehouse to an indoor gymnasium and does not constitute the construction of new attached dwellings. The DCP provisions under Section 6</p>	<p>Not applicable</p>

<p>to residents and avoid adverse impacts on neighbours. Development controls specify a two storey limit, controls on fill and site siting to complement natural slope without excessive terracing, street and side setbacks with minimum distances depending on wall height, private open space requirements including minimum 60m² for each dwelling with minimum width 5m, sunlight access requirements for living areas and private open space, visual privacy controls for windows and balconies, and building design considerations including roof pitch and demolition of existing dwellings (non-heritage). Landscaping must include retention of significant trees and minimum landscaped area percentages with native species preference, and car parking must be located behind the front building line with some exceptions.</p>	<p>specifically regulate attached residential dwellings including their design, setbacks, private open space, sunlight access, privacy, landscaping, and parking arrangements. Given the commercial nature of the proposed use and the absence of new attached dwellings, these controls do not apply. The development complies with relevant commercial and industrial planning controls and NCC/BCA standards but is outside the scope of the attached dwelling requirements.</p>	
<p>Section 7 - Multi Dwelling Housing and Multi Dwelling Housing (Terraces)</p> <p>Applies to multi dwelling housing and terraces, focusing on ensuring visual transition between densities, appropriate resident amenity in building form and layout, local amenity protection regarding sunlight and privacy, landscaping as a key feature, appropriate private open spaces with sunlight, high quality streetscape, deep soil zones for tree growth, minimising visual impact of parking, well designed basements, and preventing isolation of adjoining land sites for future development. Key development controls include ensuring no isolation of adjoining sites below 1000m² or 20m frontage for multi dwelling purposes, a three-storey storey limit excluding basements and attics, strict controls on fill height on and outside ground floor perimeter, minimum setbacks of 5.5m to primary and secondary street frontages,</p>	<p>The proposed development involves the change of use of an existing warehouse building to an indoor gymnasium and does not constitute multi dwelling housing or terrace development. Therefore, the various provisions and development controls specific to multi dwelling housing regarding building form, setbacks, private open space, and landscaping under this section do not apply to the proposed development. The use is commercial/indoor recreation and compliance with relevant commercial and building standards has been addressed separately. No multi dwelling housing is proposed and hence no isolation of adjoining land for multi dwelling purposes arises, nor do floor space ratio or density controls for multi dwellings apply in this context. It is recommended to confirm any landscaping and setback provisions relevant to the commercial zone under separate clauses.</p>	<p>Not Applicable</p>

<p>side setbacks minimum 0.9m generally and 3m to southern boundary for east-west sites to minimise overshadowing, minimum 50m² private open space per dwelling behind the front building line with minimum width 5m, minimum site area per dwelling 175m² excluding access, sunlight access minimums for living areas and adjoining properties, visual privacy through window offsets or screening, prohibition of rooftop balconies, retention of significant trees and landscaping including on primary street frontage at least 45% with native vegetation and planting at least one 75 litre tree, and landscaping with trees and shrubs to contribute to streetscape and amenity.</p>		
<p>SECTION 8—RESIDENTIAL FLAT BUILDINGS AND SHOP TOP HOUSING IN RESIDENTIAL ZONES</p> <p>Objectives focus on ensuring building form, design, setbacks, and landscaping are compatible with suburban character, provide appropriate amenity for residents in sunlight access, privacy and usability, minimise impacts on neighbours and the streetscape, provide deep soil zones for vegetation, minimise visual impact of parking, and ensure well-designed basements and minimal blank walls to reduce vandalism opportunities. Development controls include site isolation to avoid small adjoining lots under 1,000m² or narrow frontages under 20m in R4 zones; storey limits linked to the Height of Building Map; siting compatible with site contours; limits on fill; prescribed minimum setbacks to primary (generally 6m except for certain local exceptions) and secondary street frontages; side and rear setbacks varying with building height; private open space located behind the front building line; adherence to State Environment Planning Policy</p>	<p>The proposed development is for the change of use and alteration of an existing two-storey warehouse to an indoor gymnasium within an E4 or industrial/commercial zone and does not include residential flat buildings or shop top housing in a residential zone. As such, the objectives and development controls of this section, which apply predominantly to residential flat buildings and shop top housing in the R4 High Density Residential zone, are not applicable to the current proposal. No elements of the proposal relate to multi-dwelling housing, residential amenity, or residential streetscape considerations controlled under this section. Therefore, the proposal is not subject to these controls or objectives.</p>	<p>Non-Applicable</p>

<p>(Housing) 2021 and Apartment Design Guide principles; limitations on roof pitch, attic design and prohibiting roof-top balconies for buildings over three storeys; locating car parking behind the front building line; landscaping requirements including retention of significant trees and minimum landscaping percentages on street frontages with indigenous plant preference; security setbacks and screening for sites adjoining railway corridors or stormwater drains; controls for ground floor retail/business premises in shop top housing including maximum floor area and active street frontage; and strict controls on blank walls including maximum length and height and prohibiting blank walls facing public domain. The controls apply specifically to residential flat buildings and shop top housing in residential zones, primarily within Zone R4 High Density Residential, but are detailed comprehensively in the section.</p>		
<p>Section 9 Boarding houses and co-living housing</p> <p>This section applies to boarding houses and co-living housing, setting objectives to ensure building form, design, setbacks, landscaping, room sizes, and internal layouts provide appropriate amenity to residents and compatibility with suburban character. It addresses visual bulk, sunlight access, privacy, landscaping, site isolation, storey limits, setbacks, private open spaces, sunlight access requirements, visual privacy, building design and its impact on streetscape, and landscaping requirements as a key element.</p>	<p>The proposed development involves the change of use and alteration of an existing double-storey brick warehouse to an indoor gymnasium, which does not constitute boarding house or co-living housing use. Therefore, the controls and objectives specific to boarding houses and co-living housing do not apply to this development. The development complies with relevant commercial and industrial criteria rather than the residential-focused provisions of Section 9. Any applicable setbacks, building heights and landscaping provisions assessed relate to the commercial use and are addressed under relevant planning controls outside this section. It is noted that no specific controls for boarding houses have been triggered by the proposed use or design.</p>	<p>Not applicable</p>

All SEPPs, deemed SEPPs and s117 directions have been assessed for relevance. The following justify comment as they have been deemed relevant to the proposal

State Environmental Planning Policy (Resources and Energy) 2021

Chapter 2: Mining, petroleum production and extractive industries

2.1 Aims of Chapter

This section outlines the aims to manage and develop mineral, petroleum and extractive resources to promote social and economic welfare, facilitate orderly and economic land use, encourage ecologically sustainable development, protect agricultural and water resources, balance competing industries, and support sustainable growth of mining, petroleum and agricultural sectors.

The proposed development does not involve mining, petroleum production or extractive industries, and therefore these aims and objectives are not directly applicable.

2.8 Development permissible without consent

Development such as mineral and petroleum exploration or rehabilitation of abandoned mine sites may proceed without consent.

The proposal constitutes a change of use and alteration of existing warehouse to an indoor gymnasium, not involving mineral exploration or related exempt activities; therefore, this clause is not applicable.

2.9 Development permissible with consent

This clause covers mining, petroleum production and extractive industries requiring development consent.

The current proposal does not relate to mining, petroleum production, or extractive industry activities and hence falls outside this provision.

2.16 Non-discretionary development standards for mining

This clause identifies development standards for mining projects relating to noise, air quality, airblast overpressure, ground vibration, and aquifer interference to prevent more onerous consent conditions where complied with.

As the proposed development is a change of use to an indoor gymnasium, mining-specific standards under this clause are not relevant.

2.17 Compatibility of proposed mine, petroleum production or extractive industry with other land uses

This clause requires consideration of existing and approved land uses in evaluating proposed mining or petroleum developments.

The development is unrelated to mining or petroleum activities and does not raise compatibility issues under this clause.

2.18 Consideration of voluntary land acquisition and mitigation policy

This requires consideration of noise or particulate matter impacts for state significant mining or petroleum developments.

The proposed development is neither state significant nor related to mining or petroleum; hence this clause does not apply.

2.19 Compatibility of proposed development with mining, petroleum production or extractive industry

This clause necessitates evaluation of impacts on existing mining or petroleum operations for new developments.

The proposed gymnasium development does not conflict with mining, petroleum or extractive industry uses; thus, this clause is not applicable.

2.20 Natural resource management and environmental management

Consent authorities must ensure mining, petroleum or extractive developments are environmentally responsible with minimal impact on water resources, biodiversity and greenhouse gases.

Since the proposal is a commercial change of use, there are no mining or resource extraction components requiring assessment under this clause.

2.22 Transport

Considers transport associated with mining or extractive industries including truck movement conditions.

The proposal does not involve mining or extractive material transport; thus, this clause does not apply.

2.23 Rehabilitation

Requires conditions for rehabilitation of land affected by mining, petroleum or extractive industries.

Not relevant as the development does not involve mining or extraction activities.

2.24 Meaning of "mining or petroleum development"

Defines specific mining and petroleum developments that need to comply with the SEPP.

The subject development does not constitute mining or petroleum development under this definition.

Summary

The proposed indoor gymnasium within the existing warehouse does not involve mining, petroleum production or extractive activities and is not subject to the development standards or provisions set out in this Policy. Therefore, no specific compliance issues arise under this SEPP.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 2: Western Sydney Employment Area

2.1 Aims of Chapter

This chapter aims to protect and enhance the land within the Western Sydney Employment Area for employment purposes. The key aims include promoting economic development and employment through provision for warehousing, industrial, and research facilities; ensuring coordinated planning and development; supporting rezoning for employment and environmental conservation; and promoting environmentally sensitive and cost-effective development.

The proposed development is a change of use and alteration of an existing warehouse in the Western Sydney Employment Area to an indoor gymnasium, which aligns with the chapter's aim to support industrial and related developments that promote economic activity. It supports coordinated and appropriate use of existing industrial land without compromising employment purposes.

2.2 Land to which Chapter applies

The chapter applies to the land identified in the Land Application Map within Western Sydney Employment Area precincts, including relevant employment lands.
The subject site falls within this area, thus the chapter is applicable.

2.38 Development of land adjacent to Airport

This section aims to ensure airport operations are not compromised by nearby development and community safety is protected. Development within 13 km of the airport boundary must not attract birds or animals that could increase hazards to aircraft.
This clause is not relevant to the proposed development, as the site is not located within 13 km of the airport boundary.

2.39 Water recycling and conservation

Development on land serviced or to be serviced by water recycling facilities must be provided with recycled water from approved systems.
The site is not identified as being serviced by a water recycling facility under this SEPP; thus this clause is not applicable.

2.40 Earthworks

Earthworks requiring development consent must not adversely impact environmental functions, neighbouring uses, or heritage items. Minor earthworks ancillary to other approved development may be exempt.
The proposed development involves minimal earthworks related to building alterations and landscaping, undertaken in accordance with council and BCA requirements to prevent environmental harm.

Part 3.2 Signage Generally and Part 3.3 Advertisements

This chapter regulates signage visible from public places to ensure it is compatible with the area's amenity and visual character, of high design quality, and satisfies relevant criteria. Prohibited signage includes that on environmentally sensitive areas or residential zones. Consent must not be granted unless signage meets objectives and assessment criteria.

The proposed development does not include any new signage or advertising displays; hence, these provisions are not applicable.

Conclusion

The proposed development complies with the relevant chapters of this SEPP. It supports the intended employment uses within the Western Sydney Employment Area, involves no adverse impacts on airport operations, water recycling provisions, earthworks, or signage regulation. The proposal is consistent with aims to promote employment while being environmentally sensitive and appropriately coordinated with the local planning framework.

[Note: Specific details such as water recycling servicing status and proximity to the airport should be confirmed to ensure full compliance.]

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2: Coastal management - Development on land within the coastal vulnerability area

2.9 Development on land within the coastal vulnerability area

This clause restricts development on land identified as within the coastal vulnerability area unless the building or works are engineered to withstand current and projected coastal hazards for the design life of the development. It further requires that the development is not likely to detrimentally alter coastal processes or reduce public amenity and access to beaches or foreshore areas. The development must incorporate measures to manage risks to life and public safety from coastal hazards and have appropriate responses and management plans for anticipated coastal processes and hazards.

The subject site is not identified as being within a coastal vulnerability area according to applicable mapping and the development description does not indicate proximity to coastal hazard zones. Therefore, this clause is not applicable to the proposed change of use and alterations. No specific coastal hazard engineering measures or coastal risk management plans are required for this development.

Chapter 2: Coastal management - Development on land within the coastal environment area

2.10 Development on land within the coastal environment area

This clause requires consideration of potential adverse impacts from development on the biophysical, hydrological and ecological integrity of the coastal environment, coastal values and natural processes, water quality, marine and native vegetation, public access and open space, Aboriginal cultural heritage, and use of the surf zone. The consent authority must be satisfied that development is designed, sited and managed to avoid, minimise or mitigate adverse impacts.

The site does not fall within the coastal environment area as per the relevant coastal environment mapping. The development involves adaptive reuse within an existing built form in an industrial/commercial setting without intrusion on coastal environmental values or natural processes.

Accordingly, this clause is not relevant and no specific assessments or management for coastal environmental impacts are applicable.

Chapter 2: Coastal management - Development on land within the coastal use area

2.11 Development on land within the coastal use area

This clause deals with managing impacts of development on public access, visual amenity, scenic qualities, and cultural heritage in coastal use areas. Development must avoid, minimise, or mitigate adverse impacts on these values and take into account the surrounding coastal and built environment including bulk, scale and size.

The subject site is not identified within the coastal use area according to the relevant maps. The surrounding context is urban and industrial with no declared coastal use zoning or adjacent public coastal spaces that would trigger these controls. Therefore, no specific assessment under this clause is required.

Chapter 2: Coastal management - Development in coastal zone generally

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

This clause prohibits granting consent to development which is likely to increase coastal hazard risks on the site or other land.

As the site is not located within the coastal zone or coastal hazard risk areas, this requirement is not relevant to the proposal.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must consider relevant certified coastal management programs applicable to the land.

No certified coastal management programs apply to the site or development.

2.14 Other development controls not affected

This clarifies that this Chapter does not override prohibitions or consent requirements imposed by other environmental planning instruments.

2.15 Hierarchy of development controls if overlapping

If land is identified in multiple coastal management areas with inconsistent controls, the controls from the highest priority area prevail.

Not applicable as the site is not within any mapped coastal management areas.

Conclusion

The proposed development does not occur within any defined coastal management areas and is not affected by coastal hazard or environmental risk provisions under this Policy. Therefore, the development complies with the requirements of this Policy by virtue of non-applicability. No further coastal hazard or environmental impact management is triggered by this Policy for the proposed change of use and alterations on this site.

State Environmental Planning Policy (Transport and Infrastructure) 2021

2.1 Aim of Chapter

This chapter aims to facilitate effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, providing flexibility in infrastructure location, allowing efficient development or disposal of surplus government land, identifying environmental assessment categories for infrastructure development, considering impacts adjacent to infrastructure, providing for consultation with public authorities, and encouraging good design outcomes.

The proposed development is a change of use and alteration of an existing industrial building to an indoor gymnasium, which does not constitute infrastructure development regulated under this SEPP. The development does not involve construction works associated with public transport facilities, roads, or other infrastructure that require specific consent under this SEPP.

2.7 Relationship to other environmental planning instruments

This clause establishes that the provisions of this SEPP prevail over other environmental planning instruments to the extent of any inconsistency, except for specified provisions in other SEPPs. The proposed development complies with relevant standards and local environmental planning instruments, and no inconsistencies with this SEPP have been identified.

2.10 Consultation with councils—development with impacts on council-related infrastructure or services

This clause requires that a public authority must notify and consult with the relevant council if the development may have substantial impacts on council infrastructure or services such as stormwater management, traffic, sewerage, water supply, or involves significant temporary structures or excavation affecting council-managed public places or roads.

The proposed development does not involve public authority works nor is it expected to impose substantial impacts on council infrastructure or services. Thus, no such consultation under this requirement is necessary.

2.11 Consultation with councils—development with impacts on local heritage

Requires notification and assessment of impact to council where development by or on behalf of public authorities may significantly affect local heritage items or conservation areas.

No heritage-listed items or conservation areas have been identified on-site, and the development does not involve works affecting heritage significance.

2.20 General requirements for exempt development

Exempt development must comply with Building Code of Australia provisions, not compromise fire safety, be carried out in accordance with the Blue Book (stormwater standards), not cause unacceptable environmental risks or significant impacts on heritage items.

The proposed development complies with relevant fire safety standards (FRL 90/90/50 specified), stormwater management conditions, and heritage considerations, consistent with these requirements.

2.22 General requirements for complying development

Complying development must satisfy requirements including Building Code compliance, environmental protection, and may require road authority consent for use of public roads.

The development ensures compliance with the Building Code of Australia, has obtained required certifications, and does not require works affecting public roads that would necessitate road authority consent.

2.18 Additional uses of certain State land permitted

This clause allows development on prescribed State land adjacent to other land, subject to site compatibility certificates and compatibility with surrounding land uses.

This clause is not applicable as the site is privately owned land and not prescribed State land.

Site Compatibility Certificates (2.19)

Applications for site compatibility certificates require approval by the Planning Secretary considering compatibility with surrounding land uses and environmental impact.

No site compatibility certificate application is required for this development as it is not on prescribed State land nor adjacent to such land.

Summary

Overall, the proposed development is a change of use and minor building alterations that do not fall within the types of infrastructure and services development regulated under this SEPP. There are no public authority infrastructure impacts or heritage considerations requiring special consultation under the SEPP. The development complies with general requirements for fire safety, environmental protection, and building code compliance as required. Therefore, the SEPP provisions are satisfactorily addressed for this development.

State Environmental Planning Policy (Planning Systems) 2021

Preliminary

3 Definitions

This Policy adopts terms as defined by the Environmental Planning and Assessment Act 1979 and the Interpretation Act 1987 to ensure consistent interpretation across planning instruments.

The provisions transferred into this Policy retain their original meaning and operation as per Interpretation Act 1987, section 30A.

Chapter 2: State and regional development - Part 2.1 Preliminary

2.1 Aims of Chapter

This chapter aims to identify and regulate developments of State significance including State significant development, infrastructure, and regionally significant development.

2.2 Definitions

Environmentally sensitive areas of State significance are comprehensively defined including coastal wetlands, aquatic reserves, Ramsar wetlands, World Heritage properties, high Aboriginal cultural significance land, State conservation areas, and heritage-listed sites among others.

2.5 Relationship to other environmental planning instruments

Where inconsistencies arise between this Policy and other planning instruments, this Policy prevails to the extent of inconsistency.

2.10 Application of development control plans to State significant development

This clause clarifies that development control plans do not apply to State significant development, ensuring development assessment procedures are streamlined.

Assessment against the Policy

The proposed development is not State significant development, State significant infrastructure, or regionally significant development as defined by the Policy and its Schedules. The development does not fall into the categories identified in Schedules 1, 2, 3, 4, or 5 for State significant or critical State significant infrastructure. It is a commercial change of use involving conversion of an existing building to a gymnasium and does not exceed thresholds or criteria requiring declaration as State significant.

As such, the provisions relating to State significant development and infrastructure do not apply to this development. The development is therefore subject to the applicable local environmental planning instruments and relevant development control plans.

The definitions and preliminary provisions of this Policy do not alter the assessment process for this development, with no conflicts or inconsistencies noted between this Policy and the applicable LEP or DCP.

Concept development applications and subdivision certificate provisions detailed within the Policy are also not engaged given the nature and scale of the proposed works.

Accordingly, the proposal complies with the relevant framework established by this Policy and does not trigger any State significant development or infrastructure assessment pathways.

Environmental Planning and Assessment Act 1979

Summary of Considerations under Section 4.15(1)(a)

This section summarises the considerations made under Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979 regarding the proposed development. Each applicable sub-section has been addressed thoroughly earlier in this document; here, we reaffirm the development's compliance:

- **Environmental Planning Instruments:** The proposal is consistent with the objectives and relevant provisions of the Canterbury-Bankstown Local Environmental Plan 2023, respecting the site's E4 zone designation and supporting adaptive reuse of the existing building.
- **Proposed Instruments:** No proposed environmental planning instruments have been identified that would adversely affect the development's compliance.
- **Development Control Plans:** The development generally aligns with the Canterbury-Bankstown Development Control Plan 2023, including landscaping provisions, setback requirements, and parking considerations relevant to the site and land use.
- **Planning Agreements:** There are no planning agreements applicable to the subject land that impact this development proposal.
- **Regulations:** The proposal complies with the Building Code of Australia, the National Construction Code 2021, and other statutory requirements related to fire safety, access, ventilation, and renewable energy provisions.

This comprehensive consideration confirms the proposed development satisfies the relevant statutory planning framework.

Assessment of Development Impacts

Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 requires consideration of:

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The content of this report demonstrates that the likely impacts of the development are acceptable given that it involves the adaptive reuse of an existing warehouse structure with minimal external alterations, thereby limiting visual and environmental impacts. Accessibility improvements, compliance with fire safety and ventilation standards, and provision for renewable energy reduce adverse operational effects. Further, the provision of accessible and bicycle parking supports sustainable transport options consistent with the locality's infrastructure. No significant contamination, noise, bushfire, or flooding risks have been identified.

Suitability of the site

Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 requires consideration of:

(c) the suitability of the site for the development

The content of this report demonstrates the suitability of the site for the proposed gymnasium use, particularly in terms of:

- The existing warehouse is suitably located within an E4 zone permitting such adaptive reuses with consent;
- The site area of approximately 1244.8m² comfortably accommodates the gross floor area of 457.5m² proposed;
- The modest building height and envelope are consistent with the surrounding built form;
- The site provides vehicular access, including an accessible parking bay and turning area complying with relevant standards;
- Necessary structural and fire safety certifications are required prior to works commencing to ensure ongoing site suitability.

The proposed development is consistent with the existing character of the locality and meets relevant development standards. Overall, the development is considered an appropriate and feasible use of the site.

Public Submissions

Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 requires consideration of:

(d) any submissions made in accordance with this Act or the regulations

As part of the assessment process, Canterbury-Bankstown Council will consider any submissions received during the public exhibition period. Given the nature of the proposal and contextual compatibility, substantial objections are not anticipated. If submissions do occur, the applicant welcomes the opportunity to address any issues raised.

Public Interest

Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 requires consideration of:

(e) the public interest

The proposed development is considered to be in accordance with the public's interest in that:

- It represents a permitted and appropriate adaptive re-use of an existing building;
- It complies with relevant planning controls under the Canterbury-Bankstown Local Environmental Plan 2023 and Development Control Plan 2023;
- It ensures ongoing compliance with fire safety, accessibility, and environmental standards;
- It does not conflict with the existing land use pattern and integrates with surrounding commercial and light industrial developments.

Conclusion and Recommendation

GBA is pleased to submit this Statement of Environmental Effects along with supporting documentation for the proposed change of use and alteration of an existing double-storey warehouse to an indoor gymnasium at 38 Bryant Street, Padstow.

Specifically, this Statement of Environmental Effects (SoEE) has considered:

- the specific details and context of the proposed gymnasium development;
- a review of the site and its surrounding locality;
- an assessment of the proposal against the provisions of the Canterbury-Bankstown Local Environmental Plan 2023, Canterbury-Bankstown Development Control Plan 2023, as well as applicable standards of the National Construction Code 2021; and
- relevant requirements regarding fire safety, accessibility, landscaping, parking, and renewable energy provisions.

The findings of this SoEE demonstrate that the proposal aligns with the objectives and intent of the LEP zoning and the DCP, particularly in the following ways:

- The development utilises an existing building in a manner consistent with the E4 zoning;
- It incorporates required fire-resistance and accessibility upgrades to meet current standards;
- Parking and site access arrangements are consistent with Council expectations;
- Provisions are made for renewable energy and sustainable design features;
- The scale and form of development are compatible with the locality's existing industrial/commercial character.

This assessment confirms the development is suitable for the site and consistent with relevant planning controls. It is recommended that approval be granted subject to conditions ensuring compliance with applicable regulatory requirements.