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STATEMENT OF ENVIRONMENTAL EFFECTS

Anytime Fitness Freshwater, NSW

1 Moore Road, Freshwater,

NSW, 2096

PT 1/-/SP23069

2 May 2025

Prepared for submission to Northern Beaches City Council

by Prestige Town Planning Pty Ltd on behalf of Anytime Fitness Freshwater.

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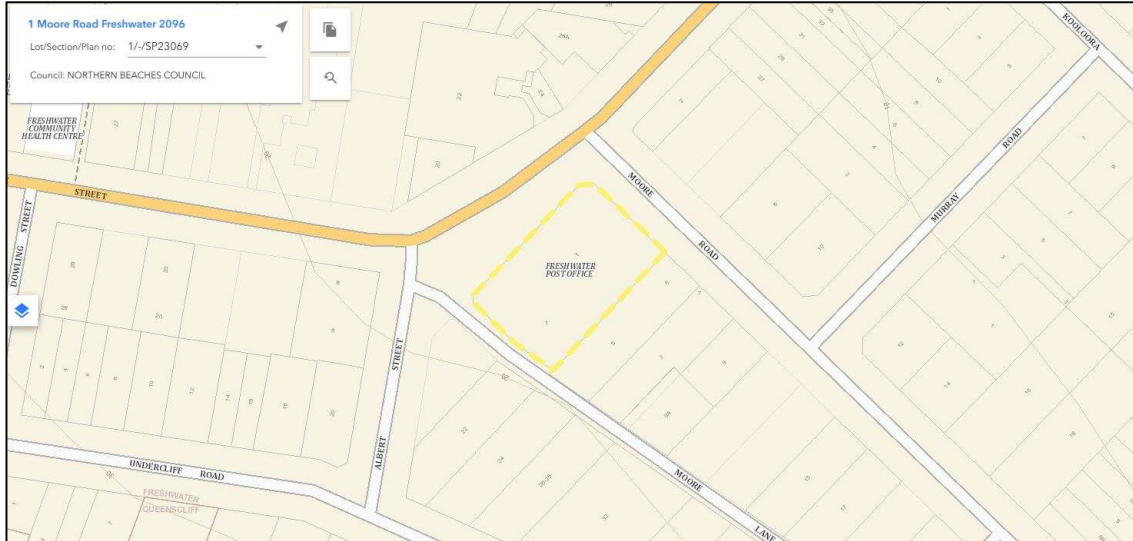
Summary

This Statement of Environmental Effects was prepared by Prestige Town Planning Pty Ltd on behalf of Gambit AF Pty Ltd T/a Anytime Fitness Freshwater, for submission to Northern Beaches City Council. It forms part of the Section 4.55 (2) amendment application to modify Conditions 1, 10, 11 & 13 of Notice of Determination No. DA2019/0278. Which was originally granted consent on 12 August 2019. A copy of the Notice of Determination No. DA2019/0278 is attached at Annexure 1.

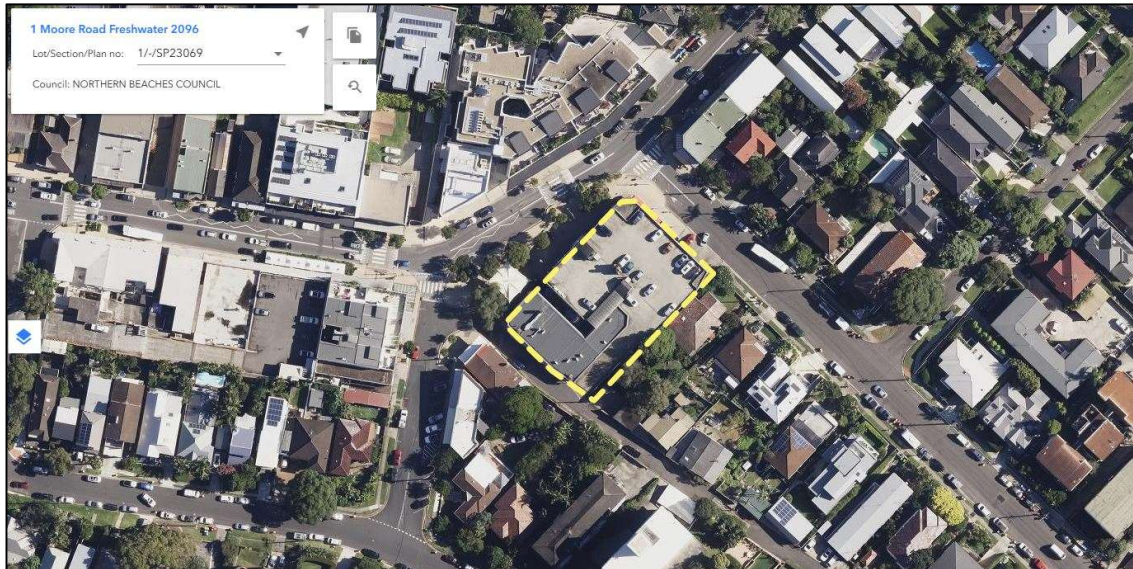
The approved Recreation facility (indoor) will continue to operate harmoniously with the surrounding land uses whilst showing cognizance for the local amenity. Further, this report demonstrates that the modification of hours of operation would result in a negligible environmental impact and is adequately regulated in accordance with Condition 10 of the Development Consent of the existing approval.

The site

The subject site is legally registered as PT 1/-/SP23069 and is commonly referred to as “Harbord Village” and which is located at 1 Moore Road, Freshwater, NSW, 2096. The allotment is orientated to the northwest with the frontage facing Albert Street, and the side boundaries being adjacent to Moore Road to the Northeast and Moore Lane to the Southwest. The rear boundary adjoins residential development to the Southeast at the nexus of the E1 and R2 Zones.



Locality Map – NSW ePlanning Portal Spatial Viewer – Accessed February 2025



Aerial Map – NSW ePlanning Portal Spatial Viewer – Accessed February 2025

Proposed Development

This Section 4.55(2) Amendment Application seeks to modify Conditions 1, 10, 11 & 13 of Notice of Determination DA2019/0278 in order to allow the subject facility to operate with extended 24/7 hours of operation. The proposed conditions to allow for these amendments are found at Annexure 2.

Existing Development

Background Information

The subject facility located within 1 Moore Road, Freshwater was initially approved for “Use of Premises as an indoor recreation facility” via Notice of Determination No. DA2019/0278 on 12 August 2019, whilst noting Conditions 1, 10, 11 & 13. The subject facility has been open and operating successfully and sustainably since 2019.

Existing Condition 1 to be Modified:

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
SK01.2A	22 February 2019	Cullen Feng Architects
SK02A	22 February 2019	Cullen Feng Architects

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Acoustic Design Assessment - Revision 2	23 April 2019	Rodney Stevens Acoustics
BCA Report	1 March 2019	360 Certification
Traffic and Parking Assessment Report	15 July 2019	Varga Traffic Planning

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	1 March 2019	Yossi

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

Existing Condition (1) Approved Plans and Supporting Documentation – DA2019/0278

Proposed Modified Condition 1:

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
SK01.2A	22 February 2019	Cullen Feng Architects
SK02A	22 February 2019	Cullen Feng Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Acoustic Design Assessment – Revision 2	23 April 2019	Rodney Stevens
DA Acoustic Assessment Report	18 Feb 2025	Acoustics- PWNA
BCA Report	1 March 2019	360 Certification
Traffic and Parking Assessment Report	15 July 2019	Varga Traffic Planning
Plan of Management	26 Feb 2025	Prestige Town Planning

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	1 March 2019	Yossi

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

Proposed Condition (1) Approved Plans and Supporting Documentation – DA2019/0278

Existing Condition 10 to be Modified:

10. **Noise and Noise Management**

Prior to occupation the requirements of the Rodney Stevens Acoustics Report Number R190031R1 23 April 2019 to be complied with, in particular the recommendations:

- "In order to maintain a high level of noise isolation between the proposed rock-climbing facility and the neighbouring suites a new set of doors must be implemented, the new glazed doors must have a minimum Rw 35 rating and must be able to close automatically after a patron enters or exits the facility. The windows on the northern façade must remain closed while music is being played within the facility.

Reason: To ensure ongoing management of potential noise issues to commercial and residential receivers (DACHPGOG6)

Existing Condition (10) Noise and Noise Management – DA2019/0278

Proposed Modified Condition 10:

10. Noise and Noise Management

Prior to occupation the requirements of the ~~Rodney Stevens Acoustics Report Number R100031R1 23 April 2010~~ to be complied with, in particular the recommendations: ~~PWNA DA Acoustic Assessment, Project Number 250047, 18th February 2025~~

- ~~"In order to maintain a high level of noise isolation between the proposed rock climbing facility and the neighbouring suites a new set of doors must be implemented, the new glazed doors must have a minimum Rw 35 rating and must be able to close automatically after a patron enters or exits the facility. The windows on the northern facade must remain closed while music is being played within the facility."~~

Reason: To ensure ongoing management of potential noise issues to commercial and residential receivers (DACHPGOG6)

Proposed Condition (10) Noise and Noise Management – DA2019/0278

Existing Condition 11 to be Modified:

11. Hours of Operation

The hours of operation are to be restricted to:

- Monday to Friday – 6:00am to 10:00pm
- Saturday – 9:00am to 10:00pm
- Sunday and Public Holidays – 9:00am to 10:00pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

Existing Condition (11) Hours of Operation – DA2019/0278

Proposed Modified Condition 11:

11. Hours of Operation

The hours of operation are to be ~~restricted to:~~

~~24 hours, 7 days a week, including public holidays.~~

- ~~Monday to Friday 6:00am to 10:00pm~~
- ~~Saturday 9:00am to 10:00pm~~
- ~~Sunday and Public Holidays 9:00am to 10:00pm~~

~~Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.~~

~~Reason: Information to ensure that amenity of the surrounding locality is maintained.~~

Proposed Condition (11) Hours of Operation – DA2019/0278

Existing Condition 13 to be Modified:

13. Acoustic Validation Report

An acoustic validation report is to be prepared by a practising acoustic engineer within 3 months of the start of operation to verify the assumptions and conclusions in the Rodney Stevens Acoustics Report Number R190031R1 23 April 2019.

If the conclusions in this report are not satisfied, the validation report is to provide remedial means to achieve the required levels in the Rodney Stevens Acoustics Report Number R190031R1 23 April 2019.

Any remedial measures are to be implemented within 3 months of the submission of the validation report.

Reason: To ensure the amenity of the surrounding neighbourhood is maintained.

Existing Condition (13) Acoustic Validation Report – DA2019/0278

Proposed Modified Condition 13:

13. Acoustic Validation Report

An acoustic validation report is to be prepared by a practising acoustic engineer within 3 months of the start of operation to verify the assumptions and conclusions in the ~~Rodney Stevens Acoustics Report Number R190031R1 23 April 2019.~~

PWNA DA Acoustic Assessment Report, Project Number 250047, 18th February 2025

If the conclusions in this report are not satisfied, the validation report is to provide remedial means to achieve the required levels in the ~~Rodney Stevens Acoustics Report Number R190031R1 23 April 2019.~~

PWNA DA Acoustic Assessment Report, Project Number 250047, 18th February 2025

Any remedial measures are to be implemented within 3 months of the submission of the validation report.

Reason: To ensure the amenity of the surrounding neighbourhood is maintained.

Proposed Condition (13) Acoustic Validation Report – DA2019/0278

Environmental Assessment

The proposal has been assessed with regards to the relevant heads of consideration under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. In determining a Modification of Consent application, a consent authority is to take into consideration the following relevant matters of the application:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be”.*

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1)

The subject proposal is further assessed with regards to the relevant heads of consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* as prescribed by Section 4.55(3) of the Act.

Section 4.55(3) – “In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified”.

Section 4.15(1) – “In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of—

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
(iii(a)) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- (v) (Repealed)

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

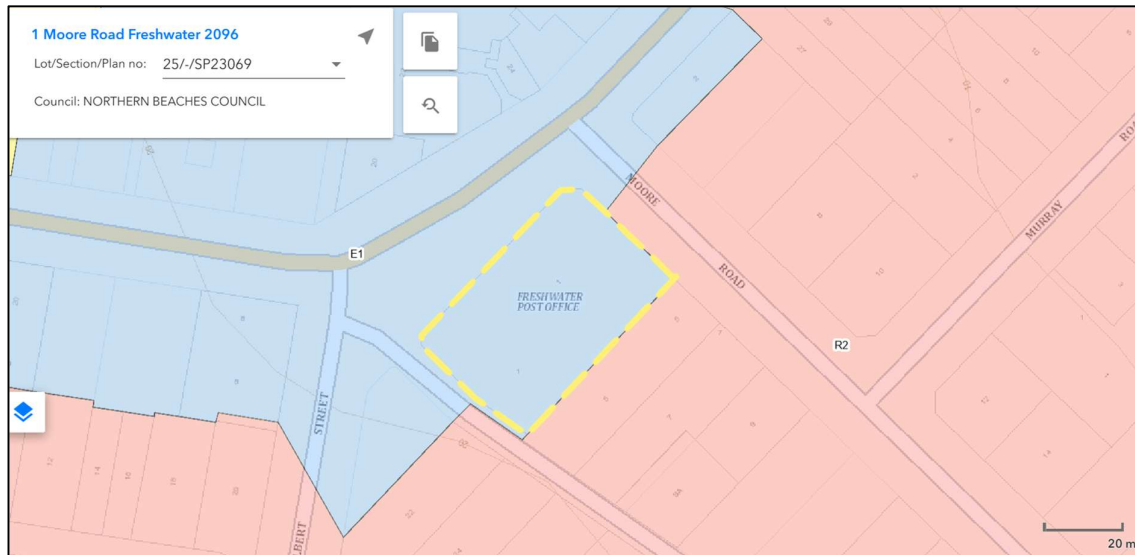
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,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

In accordance with the relevant matters as outlined in Section 4.55(2) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed modification would have no additional and/or adverse negative environmental impact of any kind. Neither the land use type, daily operations nor the intensity of the subject facility is proposed to be altered or intensified in any way shape or form and is therefore substantially the same development as what was previously consented to. The subject facility has been open and operating successfully and sustainably since August 2019. It is further important to note that appropriate management strategies, noise abatement materials and measures, as well as various state of the art security features are built into the existing facility.

Warringah Local Environmental Plan (LEP) 2011

Zoning

The subject land is zoned E1 – Local Centre pursuant to the Warringah LEP 2011.



Zoning Map – NSW ePlanning Portal Spatial Viewer – Warringah Local Environmental Plan 2011 – Accessed February 2025

Zone E1 – Local Centre Zone

Objectives of the Zone:

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

The existing and established use of the site as an Indoor Recreation Facility in the Freshwater area adequately meets the relevant criteria of the E1 – Local Centre land use zone objectives. The subject facility represents a unique service use in the area that adds a tenancy of appropriate scale and character, which has proven to integrate well with other surrounding land uses. The facility contributes positively to the vibrancy of the local area by sustainably meeting the day-to-day health and wellness needs of both workers and nearby residents. It is considered that the subject facility complements surrounding land uses by providing local workers and residents with a flexible and convenient recreation facility.

The proposed 24/7 operating hours further ensures accessibility to all members of the community including shift workers, residents and students, whilst contributing to an active and healthy lifestyle.

Anytime Fitness is designed to be a 'local gymnasium', typically serving members of the local community and sourcing memberships from surrounding residents and business workers within the local area and therefore encourages members to walk, cycle or make use of available public transport amenities within the area and as such, maximises public transport patronage.

In addition to the above, the subject proposal would enable the existing facility to continue to promote and encourage numerous employment opportunities for a number of persons over the time of its operation including ongoing maintenance, security and day to day operations of the facility without any additional expense to the environment and/or Council.

Permissibility

The land use is currently approved and has been operating sustainably and successfully since August 2019.

Warringah Development Control Plan 2011

Reference is made to the Warringah DCP 2011, however, the key considerations i.e. land use, setting, setbacks, parking etc. are not re-assessed here given the proposed use, scale and intensity of operations are not changing in any way shape or form. Through the implementation of the various recommended abatement measures (refer to the attached Acoustic Report and Plan of Management) the proposed 24-hour operations would have no significant nor additional negative environmental impact of any kind.

Security, health and safety

The facility would incorporate a state-of-the-art security system to maximise the safety of all users. The security system is a fully integrated priority access system which connects the member check-in software with onsite security systems including closed circuit television (CCTV) and tailgate detection for entry doors.

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

A CCTV system is further utilised and includes 24-hour digital video recording. A high-resolution camera is positioned by the entrance and a number of other cameras strategically located around the gymnasium to ensure that supervision is maximised. As shown, the coverage of these cameras is thorough, both internally and externally and provides excellent surveillance of the premises for the safety of all users as well as the local community. Each user further has access to a personal emergency button on a lanyard that when utilised will result in the security monitoring company immediately contacting the police and subsequently the gym manager.

Fixed emergency buttons are located in appropriate locations inside the facility as well as a first aid-kit, "in case of emergency" signage and instructions, and an Automated External Defibrillator, located in appropriate locations throughout the gym.

Noise Abatement Measures

The proposed amended facility features an array of various noise abatement measures and materials and is considered to be acoustically sound in terms of operational noise emissions.

Some of these features include but are not limited to:

- There are no loud bass beats typically associated with most gymnasiums, rather, the subject facility only has low volume background music playing throughout which is set and locked by the manager in their office.

- All the cardiovascular equipment has individual television screens and members wear headphones to listen to the sound.
- All the equipment is designed for members to use individually and without the need for 'spotting', thus encouraging a controlled use.
- High impact acoustic rubber flooring is used under the free weights area to absorb the potential impact of weights accidentally dropping onto the surface.
- Night-time usage i.e. 12am-5am of Anytime Fitness clubs are very low. Typically, less than 1 member/ per hour which suggests the likelihood of groups of members entering together, a scenario much more likely to cause disturbance, not likely.
- Noise from ingress and egress of patrons during night-time is considered to be limited given that doors close automatically behind patrons and access is only granted to members outside of staffed hours.
- All windows are now non-openable and fixed shut at all times, with air conditioning supplied to constantly filter the air.
- Patron behaviour is constantly monitored and managed by staff and security as required.

Suitability of the site for Development

The currently approved and utilised premises for the subject Anytime Fitness Freshwater gymnasium is considered suitable given the following:

- The use of the site is legally permissible within the E1 – Local Centre land use zone and has been approved and operated as such since August 2019 with no major complaints and/or concerns;
- The site is located in an appropriate space and within an appropriate setting;
- The site is complemented by surrounding land uses and in return compliments surrounding land uses;
- The size and layout of the premises is perfect for the Anytime Fitness gymnasium concept;

Public interest

It is considered that the proposed 24/7 hours of operation of the local Anytime Fitness Freshwater gymnasium on a permanent basis, would ensure that residents, local workers and visitors to the area are provided with an enhanced variety of choice in recreational services, while encouraging a healthy lifestyle and social interaction at an affordable price and convenient usage times. It also adds to the overall tenancy mix of the area, making this area of Freshwater a more attractive experience for all.

Conclusion

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

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

- The existing facility has been operating sustainably and successfully since August 2019;
- The amendment i.e. extended hours of operation would have no additional and/or negative environmental impact of any kind;
- It is both a permissible land use in the E1 – Local Centre land use zone and consistent with the relevant zone objectives;
- The proposal is considered acceptable in terms of the *Environmental Planning and Assessment Act 1979* and the *Warringah Local Environmental Plan 2011 as well as being consistent with the Local Council Policies*.