
Sent: 26/07/2021 9:56:11 PM
Subject: Online Submission

26/07/2021

MR Ryan King
1 / 22 - clearview pl clearview PL
BROOKVALE NSW 2100
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RE: Mod2021/0371 - 1 / 98 Old Pittwater Road BROOKVALE NSW 2100

Good afternoon,

We appreciate being given the opportunity to comment on MOD2021/0371- DA2015/0786

The Noise Impact Assessment (NIA) provided in the application does not list our home as a residential receiver and only makes recommendations specifically relating to residential receivers at 82 & 59 Old Pittwater road (which is directed internally to the complex, overlooking the car park). This requires that the "roller shutter door" be kept closed prior to 7am, with ingress and egress via reception. It also requires that the speaker near the roller door be located mid-way along the western wall.

The fact the Noise Impact Assessment completely ignores us a residential receiver means we are afforded no recommendations in terms of noise mitigation or protections. The rear door, demonstrated on the plans, is currently kept open whenever the gym is in operation. Further, the speaker is located directly at the rear of the gym adjacent to this door, which directly impacts our property.

Additionally, the Statement of Environmental Effects (SEE) and NIA both indicate that the operations of the gym are contained internally on the premises. However, this is also not the case. Prior to lockdown the gym regularly made use of outdoor spaces with members running up and down the pathway with a trainer yelling outside the building. In more recent times, the Councils road verge at the rear of the property has been used for training operations. We understand that covid and lockdown was the cause of this we just want to make sure the SEE and NIA take this into account.

Prior to being notified to this modification of the existing DA we believed the gym had approval to operate on Sundays and at other times outside of their original agreement as they have been doing so for quite some time. This can be seen on their website timetable (<https://www.code5.com.au/brookvale/>). They currently have classes running on Sundays and from 5.15am midweek and these classes have already disturbed our sleep on a regular basis. Our concern is that the premises is already operating at earlier hours and outside the bounds of the existing consent. What guarantee is there to affected neighbours and residents that the regularising of these hours won't mean the premises will just operate at the earlier hours without implementing any necessary controls to lessen the impact? There are no guarantees in place to stop the trainers continuing to prop open the fire door and play music above the agreed level as they have been all along.

Before the Council consider determining the application we request:

1. The Statement of Environmental Effects(SEE) and Noise Impact Assessment (NIA) be updated to reflect the operational arrangements on site which include indoor and external use.
2. The Noise Impact Assessment (NIA) recognise us as a residential receiver and recommendations to mitigate impacts to us be addressed by the NIA
3. NIA make recommendations as to how the premises can operate as at these earlier hours, with internal and external operations, without affecting residential neighbours.

If the council was to approve the extended hours with conditions, we request that there be a clear outline of action from the council if the conditions are breached.

Kind regards,
Ryan King & Georgia Christensen