
From: Lana Fisher
Sent: 2/12/2022 3:42:23 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: SP68478 | 6-7 Funda Place, Brookvale - RE: MOD2022/0634 - 12/20-22 Cross St, Brookvale
Attachments: ASP004220221130343500.pdf;

ATTN: M French

Good Afternoon,

Please find attached letter on behalf of the Owners Corporation (SP68478) at 6-7 Funda Place, Brookvale in relation to the proposed modification (MOD2022/0634) to DA2020/0110. The Owners Corporation object to the proposal and set out their concerns in the attached document.

Thankyou

Kind Regards

Lana Fisher

Licensed Senior Strata Manager

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ATTN: M. French

council@northernbeaches.nsw.gov.au



STRATA PLAN NO. 68478
6-7 FUNDA PLACE, BROOKVALE

RE: MOD2022/0634 – 12/20-22 CROSS STREET, BROOKVALE

As the managing agent of the Owners Corporation of Strata Plan No. 68478, I have been asked to write to you with regard to the planned modification (MOD2022/0634) to DA2020/0110 - Lot 12, 20-22 Cross St, Brookvale.

The Owners Corporation at 6-7 Funda Place, Brookvale have carefully considered the proposed modification and wish to formally lodge the below objections which have already been encompassed within the letters/ emails sent to Northern Beaches Council by individual Lot Owners directly. Please refer to Annexure "B".

The proposed modification relates to the operating times. As you can see from the satellite image contained in Annexure "B", the Owners Corporation at 6-7 Funda Place, Brookvale are in extremely close proximity to the 'Enliven Gym' and as such are heavily impacted. The residents who reside at 6-7 Funda Place, Brookvale have had to bear the brunt of excessive noise (including but not limited to – loud music, yelling, the sound of dropped weights etc) falling outside of the approved operating hours for the past few years and despite copious attempts to liaise with the business direct, the residents have not been successful in reaching a resolution.

Furthermore, the Owners Corporation deem the information set out in the AK Planning report to be incorrect. The hedge that borders the property has been trimmed/ cut since the report was commissioned and should not be considered an 'acoustic barrier'. The gyms in surrounding locations do not border any residential properties and should not be considered comparable for the purpose of operating times.

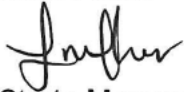
There is 16 Lots within SP68478, all of which are affected by the noise transmission, from families with young children to busy professionals.

I request on behalf of the Owners Corporation that you heed the concerns highlighted in this letter as well as those brought forward by the individual owners of SP68478 (refer to Annexure "A") when considering the aforementioned application.

Should you have any questions regarding any of the above, please do not hesitate to contact the undersigned on [REDACTED] or [REDACTED]

Yours faithfully,

Lana Fisher



Strata Manager



Annexure "A"

6-7 Funda Place, Brookvale



12/20-22 Cross Street, Brookvale



Annexure "B"



Dear council,

I am a resident of unit number 7 6-7 Funda Place.

I also strongly oppose Enlivens application to extend there hours to 5:30am-8pm for reasons listed below

- I have two young children (6 years old and nearly 2 years old) my two year old son sleeps in my bedroom which is 6m away from the gyms location. I am very concerned about any kind of noise at 5:30am which will wake my children up (as it does now at 6:45am) I am concerned about the effects on their wellbeing from being woken up at this hour then also not being able to sleep before 8pm. I believe this will significantly affect their temperament and my six year olds performance at school. It is imperative to their growth that they both get enough sleep. I believe 5:30am is far too early for any kind of level of noise given the location and it's proximity to a residential block of units (even if it is considered in the councils opinion "acceptable noise") no matter how quiet the noise may be I truly believe that my family (especially my children) deserve to sleep with silence at 5:30am.

- I have concerns that the noise management plan will not be abided by. Enliven gym have not adhered to conditions in the current DA such as operating on Sundays/public holidays and carrying out classes on the rooftop with very very loud music during covid. Enliven has been fined in the past for breaches of their DA-which council will have records of, given their past conduct with breaching DA conditions it makes me concerned they will also not adhere to the noise management plan. There is extensive evidence of this that council has records of via email over the past 3.5 years.

- I am concerned about the shattering/shaking of windows in Enliven Gyms building block when weights are dropped. This also causes our residential block windows to shake. I have expressed this to council about the noise but I also have genuine safety concerns in regards to the impact of weights being dropped may be compromising the integrity of their windows as well as ours, again- please refer to video evidence of this sent through to Blake Cousemacker from my partner Alan Craig.

- photos 6-8 on the acoustic plan should no longer apply, the hedges have since been cut to let more light in for residents and do not act in any way shape or form as any kind of barrier of music/noise/weights being dropped/yelling even when the hedges were tall.

- I have asked council to attend my residence to conduct a noise assessment in regards to the music but more importantly the noise of our and Enliven Gyms windows vibrating/shuddering from weights being dropped. This has yet to be organised by council, I believe this should be done prior to any kind of approval of extending hours.

- I do not believe the gyms listed in figure 3 hold any kind of relevance in regards to their early opening hours and should not be used as a comparison for Enliven Gyms hours. These gyms are not located near any residential units. I don't believe it is fair that the same rule applies considering Enliven gym is only 6 metres away from my bedroom window.

- Myself (Leanne) and my partner Alan have tried numerous times to reach out to the gym owner to try and resolve issues (mainly with operation times- e.g operating before their approved hours in the DA of 7am and after their approved DA hours of 6pm) please note this was prior to the new legislation dated 1st Jan 2022 where certain industrial areas can operate 24 hours. Again- council has evidence of this. We haven't unfortunately been able to come to a resolution with the owner.

- Lastly, this has caused myself, and my partner significant stress, anxiety, arguments and tears over the past two years. I found this particularly hard when my son was first born and he was constantly being woken up from the noise of the gym (email evidence has been sent through to council regarding this) I just want my children to be able to sleep well and as previously mentioned I am concerned the extended hours and 5:30am start will have a significant detrimental effect on their wellbeing as well as their performance at school. I accept there will be some noise from an industrial area- however I feel 5:30am is too early considering how close we are. This has significantly affected my mental health since moving to Funda Place and I am concerned it will decline if these hours are approved.

Thank you for considering our above points.

Leanne Hedger & Alan Craig

Unit 7

6-7 Funda Place

Brookvale