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**Sent:** 28/02/2018 8:04:23 AM  
**Subject:** Online Submission

28/02/2018

MS Adriana Sammartano  
31 / 10 Oaks AVE  
Dee Why NSW 2099

**RE: Mod2018/0034 - 874 Pittwater Road DEE WHY NSW 2099**

This application to extend the hours of the gym should be outrightly rejected for the following reasons:

The original development application (DA2014/0731) was not advertised and as a result no residents were aware of the proposed gym. The Council should have approved the DA in 2014 with the condition of compelling the gym operator to soundproof the building in consideration of residents living in the adjacent buildings (along Oaks Avenue and Pittwater Road).

The gym sounds like a nightclub and Council is aware of the continual noise complaints that have been made since October 2014. The noise from the loud music commences at 5.30am Monday to Friday, (and 6.30am Saturdays and 8am on Sundays). Under NSW noise legislation, noise is restricted from Sunday to Thursday 10pm to 8am, and Friday, Saturday and days followed by a public holiday: 12am to 8am. WHY HAS COUNCIL NOT TAKEN ANY ACTION?

The music wakes the entire household every morning: we have not be able to sleep past 5.15am Monday to Friday, since October 2014, 6.30am on Saturdays and 8am on Sundays.

Furthermore, the gym operated ILLEGALLY from 5.15am Monday to Friday from October 2014. In November 2017 it commenced operating at 4.30am for five weeks.

The gym lied in its DA application (DA2014/0731) in 2014. There was no mention whatsoever of loud music and on page 18 of the Statement of Environmental Effects stated:

"The development will not create any noise emissions that would unreasonably diminish the amenity of adjoining tenants or nearby residents. In respect of operational matters, noise generated would be limited to the use of training equipment and a small, domestic sound system. Noise would not be audible in adjoining premises or on the public streets and therefore complies with D3 - noise."

This is not true as photos from the gym's Facebook site shows a loud nightclub style sound system with various large speakers positioned throughout the gym. In fact, most Saturday mornings the loud music can be heard on Oaks Avenue.

Considering the abundance of research which has been proven, noise pollution affects a large number of people and is a significant risk to their health - BOTH PHYSICAL AND MENTAL. Due to this reason (and the above reasons) Council should be identifying interventions to reduce noise at this gym through barriers or sound insulation, not extending the operating hours.

Also, considering the Council's vision of a TOWN CENTRE, not once has the peace of mind of long-suffering RATE PAYING residents been a priority. Even more reason for council to compel the gym operator to soundproof the building (and in particular the ceiling) as a condition of extending operating hours.