

# PTP PRESTIGE TOWN PLANNING

ABN: 70 646 792 467 [www.prestigetownplanning.com.au](http://www.prestigetownplanning.com.au)

Email: [admin@prestigetownplanning.com.au](mailto:admin@prestigetownplanning.com.au) Tel: 02 4308 7305



## STATEMENT OF ENVIRONMENTAL EFFECTS

Anytime Fitness Avalon, NSW

681 Barrenjoey Road,  
Avalon Beach, NSW, 2107

Lot 1/-/DP15295

6 November 2024

Prepared for submission to Northern Beaches City Council  
by Prestige Town Planning Pty Ltd on behalf of Anytime Fitness Avalon.

## Contents

<b>Summary.....</b>	<b>3</b>
<b>The site .....</b>	<b>4</b>
<b>Existing Development .....</b>	<b>5</b>
<b>Background Information .....</b>	<b>5</b>
<b>Staffing.....</b>	<b>5</b>
<b>Proposed Development .....</b>	<b>5</b>
<b>Existing Condition 25 to be Modified: .....</b>	<b>5</b>
<b>Proposed Modified Condition 25:.....</b>	<b>6</b>
<b>Environmental Assessment.....</b>	<b>6</b>
<b>Pittwater Local Environmental Plan (LEP) 2014 .....</b>	<b>7</b>
<b>Zoning .....</b>	<b>7</b>
<b>Permissibility .....</b>	<b>8</b>
<b>Pittwater 21 Development Control Plan (Pittwater 21 DCP).....</b>	<b>9</b>
<b>Security, health and safety .....</b>	<b>9</b>
<b>Noise Abatement Measures .....</b>	<b>9</b>
<b>Suitability of the site for Development .....</b>	<b>10</b>
<b>Public interest.....</b>	<b>10</b>
<b>Conclusion .....</b>	<b>11</b>

## Summary

This Statement of Environmental Effects was completed by Prestige Town Planning Pty Ltd on behalf of Anytime Fitness Avalon, for submission to Northern Beaches City Council.

It forms part of the Section 4.55 (1A) amendment application to modify Condition 25 of Notice of Determination No. 2023/0710 which was originally approved on 11 October 2023, with a limited six (6) month trial period on the extended 24/7 hours of operation. A copy of the Notice of Determination No. 2023/0710 is attached herewith.

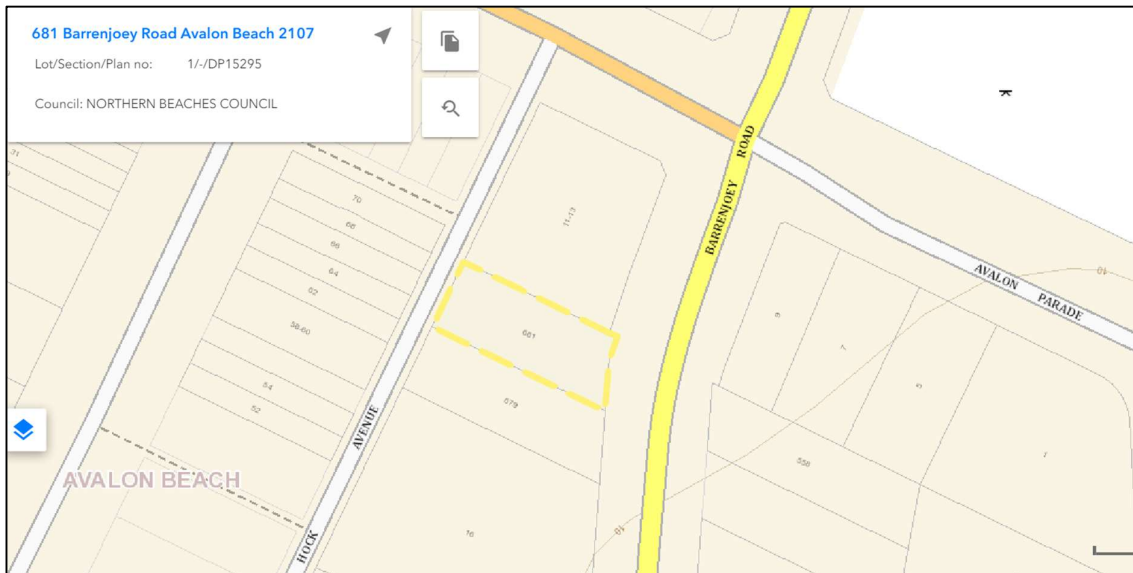
Permanent approval of the extended 24/7 hours of operation is herewith sought in order to provide both the landlord and business owner with a greater deal of certainty and financial security over the property. The subject facility has been open and operating successfully and sustainably since first obtaining an Occupation Certificate (OC2024-0344) on 18 April 2024 with only seven complaints received from one neighbour in the last six months of operation (all of which is understood to have since been resolved, and “the neighbour had confirmed to be happy with the sound compliance since”, thus demonstrating good management strategies and efforts to resolve promptly). The subject facility is therefore considered to be operating harmoniously with surrounding land uses without causing any significant harm to local amenity.

The permanent extended hours of operation herewith sought, would further avoid any further unnecessary re-assessments, associated costs, and resources for both the client and Council with on-going future renewals. The permanence of the use would further have no additional environmental impact whatsoever and is considered to already be adequately regulated in accordance with Condition 20 of the Development Consent in terms of acoustic amenity.

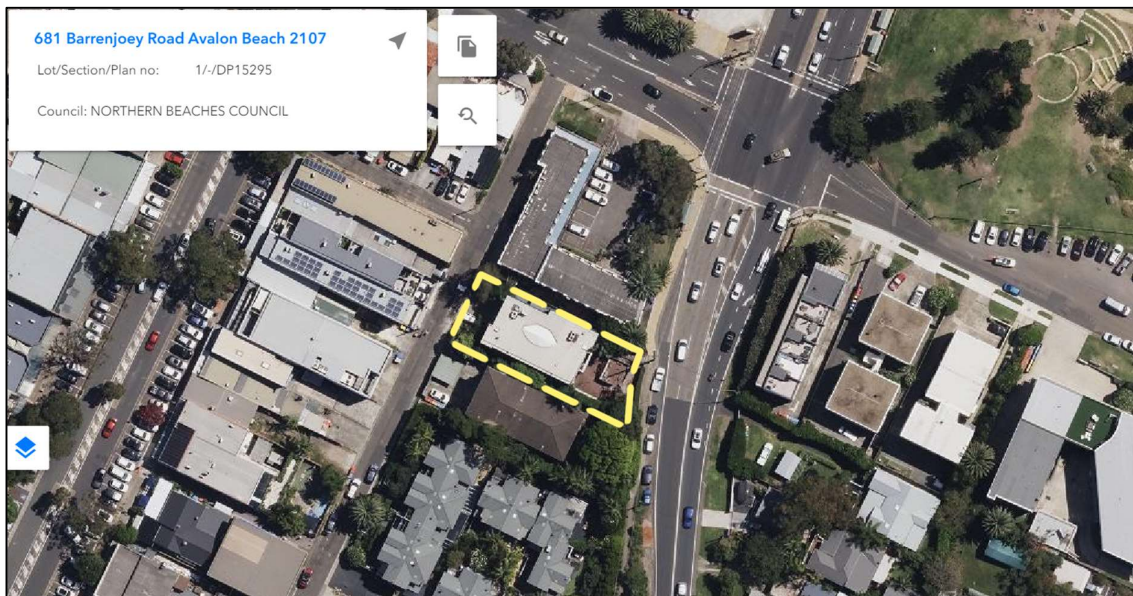
This statement has been prepared to address the existing development in accordance with the Environmental Planning and Assessment Act 1979, any relevant planning instruments and the Northern Beaches City Council policies.

## The site

The subject property address relates to 681 Barrenjoey Road, Avalon Beach, NSW, 2107 which is legally registered as Lot 1/-/DP15295. The existing facility is situated on the Western side of Barrenjoey Road with direct vehicle access via Edmund Hock Avenue and features a (12) space dedicated basement carpark. The subject property is further positioned within an E1 – Local Centre Land Use Zone pursuant to the Pittwater Local Environmental Plan (LEP) 2014 and surrounded by predominantly commercial orientated and medium to high density residential land uses. Land uses within the immediate surrounds include retail shops, offices, cafés, higher density residential units and the Avalon beach surf lifesaving club.



Locality Map – NSW ePlanning Portal Spatial Viewer – Accessed October 2024



Aerial Map – NSW ePlanning Portal Spatial Viewer – Accessed October 2024

The subject facility is to remain open 24 hours a day, seven days a week, including all bank and public holidays. It is considered to be located within a convenient and sustainable location with good access to the public transport network.

## Existing Development

### Background Information

The subject facility located within 681 Barrenjoey Road, Avalon Beach, NSW, 2107 was initially approved for “Fitout and use for a gymnasium” via Notice of Determination No. 2023/0710 on 11 October 2023, which imposed a six (6) month trial period on the extended 24/7 hours of operation per Condition 25. An Occupation Certificate (OC2024-0344) was further obtained on 18 April 2024 and the subject facility has been open and operating successfully and sustainably ever since.

### Staffing

The established facility operates with a maximum of four (4) staff members (Gym manager and personal trainers/assistants) as required. The facility manager is present during all staffed hours and trainers/assistants depending on demand.

The subject facility is staffed as follow:

- Monday – Thursday: 8:00am to 7:00pm
- Friday: 8:00am to 3:00pm
- Saturday: 8:00am to 1:00pm
- Saturday & Sunday: Unstaffed

Staffed hours are subject to change depending on market demand.

## Proposed Development

This Section 4.55(1A) Amendment Application seeks to modify Condition 25. Trial Hours, of Notice of Determination 2023/0710 in order to allow the subject facility to continue with the currently in-situ extended 24/7 hours of operation on a permanent basis.

### Existing Condition 25 to be Modified:

**25. 6 Month Trial Period for Hours of Operation**

The gymnasium may be open for business 24 hours a day, 7 days a week for a trial period of 6 months from the date of first occupation/operation of the premises (Council is to be informed of this date). Following the expiry of this period, the gymnasium must revert to the following hours of operation:

5.00am – 10.00pm – Monday – Friday;  
7.00am – 7.00pm – Saturday – Sunday (inclusive).

Existing Condition (25) Trial Hours –2023/0710

## Proposed Modified Condition 25:

### **25. 6 Month Trial Period for Hours of Operation**

The gymnasium may be open for business 24 hours a day, 7 days a week ~~for a trial period of 6 months from the date of first occupation/operation of the premises (Council is to be informed of this date). Following the expiry of this period, the gymnasium must revert to the following hours of operation:~~

~~5.00am – 10.00pm Monday Friday;  
7.00am – 7.00pm Saturday Sunday (inclusive)~~

Proposed Condition (25) Trial Hours – 2023/0710

## Environmental Assessment

The proposal has been assessed with regards to the relevant heads of consideration under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* as the subject proposal is deemed to have no additional environmental impact of any kind. In determining a Modification of Consent application, a consent authority is to take into consideration the following relevant matters of the application:

- (1A) *Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*
  - (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
  - (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), 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 any period prescribed by the regulations or provided by the development control plan, as the case may be.*

In accordance with the relevant matters as outlined in Section 4.55(1A) 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.

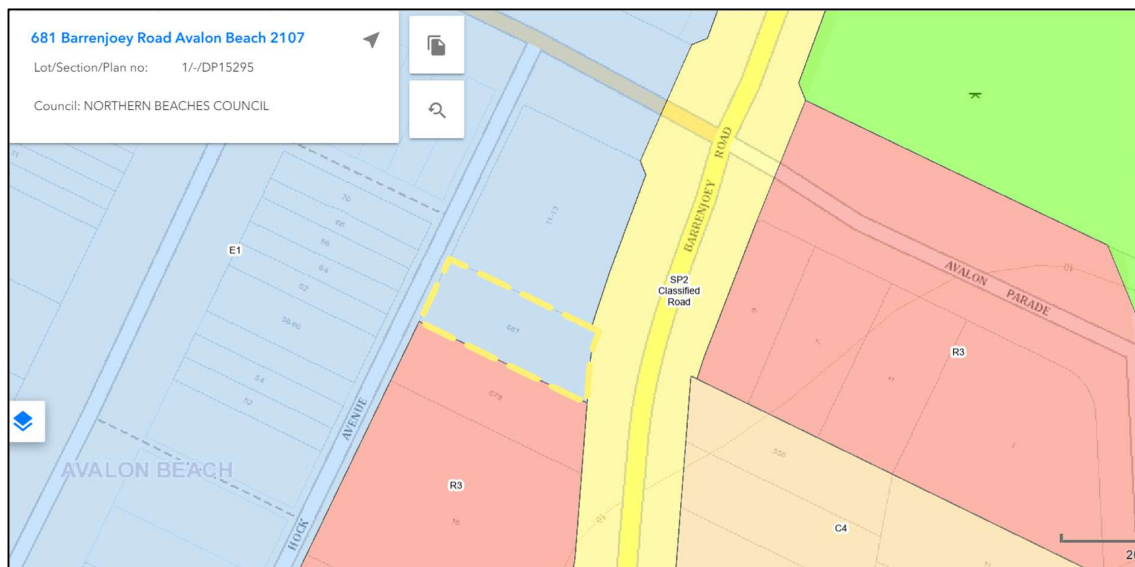
Neither the land use type, daily operations nor the intensity of the subject facility is proposed to be altered or intensified in any way shape or form and is therefore substantially the same development as what was previously consented to. The subject facility has been open and operating successfully and sustainably since April 2024 and has had only seven minor complaints over audible music, car noise, weight dropping and faulty machines. Management proactively addressed and resolved all complaints as soon as received and it is understood that the neighbour who raised all complaints had confirmed that they are pleased with the noise compliance at current, therefore resulting in no further complaints received. 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.

The fact that only seven minor complaints were received from one person (and which had all been proactively resolved) over a six month period with no further complaints received, adequate surety is provided that the proper management strategies, abatement materials and safety measures already incorporated into the subject facility, allows for the sustainable and harmonious operation of the establishment accordance with the allowable and regulated parameters of the site. It is further worth noting that only four of the complaints received were recorded to be during the extended trail hours period and that the subject facility had been open and operating for over a decade within another tenancy 200m down the road with not a single noise complaint received.

#### Pittwater Local Environmental Plan (LEP) 2014

##### Zoning

The subject land is zoned E1 – Local Centre pursuant to the Pittwater LEP 2014.



Zoning Map – NSW ePlanning Portal Spatial Viewer – Pittwater Local Environmental Plan 2014 – Accessed October 2024

#### 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 that 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 a 24-hour ‘Anytime Fitness’ gymnasium in the Avalon Beach 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 integrates well with other surrounding land uses.

The facility contributes positively to the viability 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 Anytime Fitness facility complements surrounding land uses by providing local workers and residents with a flexible and convenient recreation facility. The 24/7 operating hours 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.

#### Permissibility

It is considered that the continued 24/7 hours of operation on a permanent basis, meets all zoning criteria. The land use is currently approved and has been operating sustainably and successfully since April 2024.



## Pittwater 21 Development Control Plan (Pittwater 21 DCP)

Reference is made to the Pittwater 21 DCP, however, the key considerations i.e. land use, setting, setbacks, parking etc. are not re-assessed here given the proposed use, scale and operations are not changing in any way shape or form. The 24-hour operations are in situ and all complaints received to date had been proactively resolved without delay and no further complaints have been received, which is the key consideration behind the subject Condition 25 and as such, it is considered that the on-going 24-hour use on a permanent basis would have no significant nor negative environmental impact of any kind.

### Security, health and safety

The existing facility incorporates 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 Subject 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 as required.

#### Suitability of the site for Development

The currently approved and utilised premises for the subject Anytime Fitness Avalon 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 October 2023 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 continued 24/7 hours of operation of the local Anytime Fitness Avalon 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 Avalon 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 24-hour facility has been operating sustainably and successfully since April 2024;
- The amendment i.e. permanence of the 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 *Pittwater Environmental Plan 2014* as well as being consistent with the Local Council Policies.