

To: The General Manager

Launceston City Council

PO Box 396 Launceston

Tas. 7250

FILE No.	DA0341/2018				
EC	<input checked="" type="checkbox"/>	OD	<input type="checkbox"/>	Box	<input checked="" type="checkbox"/>
RCVD			19 SEP 2018	LCC	
Doc No.					
Action Officer		Noted	Replied		
C. WRANKMORE					

E-COPY I. MORE

Dear Sir,

RE: DA 0341 / 2018

We write in response to a request for public representations in relation to DA 0341/2018. This application proposes a change of use for the existing hall at 233a Charles St. to a 'fitness centre'.

Despite the Charles St. address, this building actually faces directly onto Canning St. We write as the owners of [REDACTED]

It is not contested that a 'fitness centre' is per se an inappropriate use within the applicable 'Urban Mixed Use' zoning. However, it is contended that the proposal in its current form, at this location, is fundamentally defective on a number of grounds and will erode the intent of the relevant 'Urban Mixed Use' zoning to:

15.1.1 Zone Purpose Statements

15.1.1.1 To provide for integration of residential, retail, community services and commercial activities in urban locations.

15.1.1.2 To provide for a diverse range of urban uses and increased intensity of development including residential densities that support the role of activity centres.

15.1.1.3 *To encourage residential, visitor accommodation and tourist operation uses as a means of increasing activity outside normal business hours.*

15.1.1.4 To create:

- (a) activity at pedestrian levels, with active road frontages offering interest and engagement to shoppers; and
- (b) *appropriate provision for car parking, pedestrian access and traffic circulation.*

(relevant sections: our italics)

EXISTING CHARACTER

The predominant uses immediately adjacent to the proposed development are medical and residential, including a self-catering style of short stay accommodation. The immediate area is primarily residential in character. The attached illustration shows residential areas in red, existing medical uses in green.



We note that the applicant in this case appears to be a separate party from the end user and operator of the proposed 'fitness centre', F45 Fitness. F45 Fitness are clearly the intended user, as evidenced by the signage documentation and noise reports attached by the applicant.

VEHICLE PARKING

The proposal seeks to address a significant shortfall in parking by relying on the performance criteria offered under the Urban Mixed-Use zoning.

(i) Based on a partial use floor area of the existing building, the proposal concedes that the development requires 15 parks. The applicant is offering 2. The applicant recognises the shortfall and seeks to make a linkage between hours of operation and parking availability. Firstly, it is proposed that an out of hours operation can simply make use of off-peak street parking available at those times

It cannot be disputed that existing on-street parking in the immediate area of the development is in short supply. Anecdotally, I can attest that LCC's marked parking in Canning St. is often ignored. Three vehicles are often parked in the pair of spaces immediately outside the hall building.

The application attached pictures showing empty carparking in the early mornings. This is not disputed. However, it is noticeable that similar images are not included of the level of street usage for the 5.00pm - 7.00pm period of the proposed weekday use of the development. This is definitely not an 'out of hours' period for the restaurant and cafe operators in the immediate area. By contrast, it represents the beginning of their evening trade. The Canning - Balfour St stretch of Charles St, containing these businesses, contains 30 2-hour on-street spaces. The proposed development, on Council's own requirements, has the potential to require up to half of the existing stock of street parking at this time.

(ii) Secondly, the applicant suggests that the shortfall in parking requirements can be met by an informal after-hours use of spaces that are commercially leased to others at two locations in the area. As the owner of one of those locations, the applicant is of course entitled to make this suggestion to his existing tenants.

However, what is being proposed here is the effective duplicate use of car parking spaces over which contracts for exclusive use currently exist with lessees. This approach to the use of commercially leased parking raises an important issue:

Does Council wish to endorse an approach to parking where existing commercially leased spaces can be subject to informal public after hours use? If this is the case, then it should be explicitly adopted as LCC parking policy, not just occur by default on an ad hoc basis in relation to individual DA applications. To ensure the wider legality and security of existing lease contracts, Council should not set such a precedent without adequate legal and public consultation.

(iii) Finally, the operator is free to alter the hours of operation as they wish under this application. Should the hours of operation be altered, increased, to a conventional business hours use, all additional parking demand will simply overflow into an already very crowded street system or displace existing lessors who have entered into contracts in good faith for exclusive use.

The parking implications of an any approval based on the performance criteria for this Zone are not clearly made out by this application. A more detailed assessment by an independent party is obviously necessary to satisfy the intent of the zoning to allow the coexistence of uses without undue compromise to residential amenity.

NOISE

In assessing the noise implications of the application, we contend that Council must address the specifics of the F45 Fitness operation proposed.

The applicant's proposed tenant, F42 Fitness, offers a program of high intensity, trainer-led activity. F42 is not a passive 24-hour key-carded membership style of operation. In contrast, it offers a performative team focussed regime. The existing business at the George St. location operates an open to the street, semi-public gymnasium. An amplified soundtrack is integral to the style of operation. At its current George St. location F45 generates pounding amplified music through an open shop front into the street from 5.15 a.m. every weekday.



While the applicant claims that only cosmetic alterations have been made to the building at 233A Charles St, the replacement of the existing timber fire escape doors with new glazed doors onto Canning St suggests that the principal access to the building is to change. This is supported by the pattern of use to date and the proposed positions of new signage. The existing main access from the Charles St. elevation receives no new signage.

These changes are not explicitly addressed in the application. If the F45 franchise is operated to its standard model at this location, then from 5.15 a.m. weekdays, a predominantly inner-city residential street is to be subjected to amplified music through open doors. We submit that this is an unreasonable expectation for applicant to hold.

The Urban Mixed Use Zone prohibits commercial vehicle deliveries before 6 a.m. It seems inconsistent to permit a business using amplified music on site to operate nearly an hour prior.

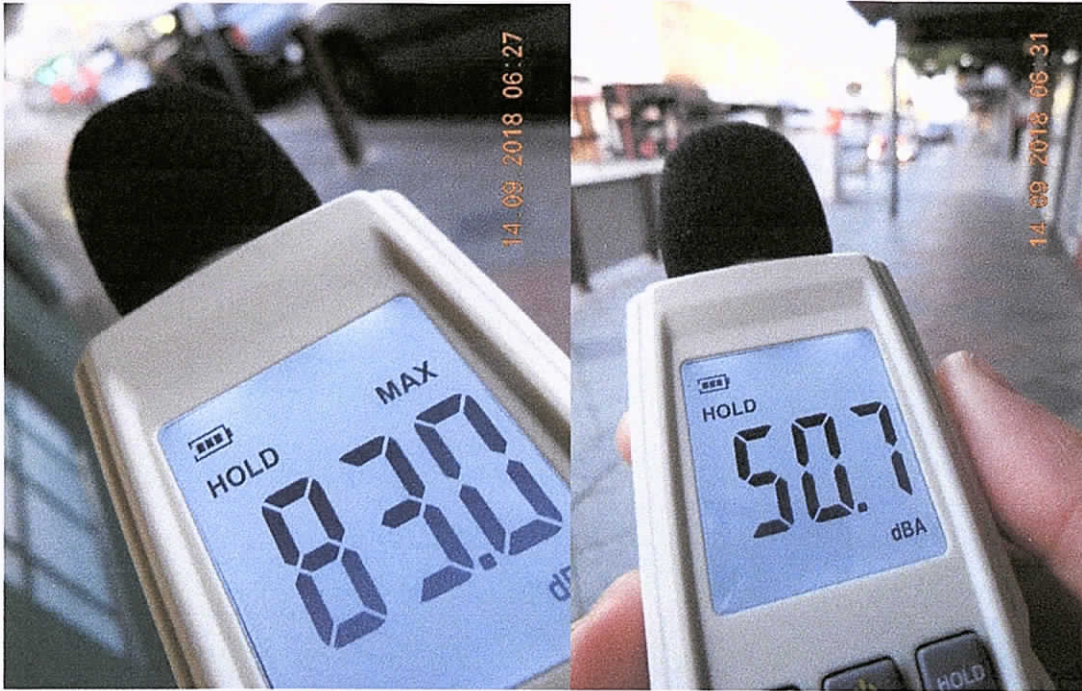
The applicant has provided an acoustic report in support of their submission. We note that:

(i) the sound level measurements offered are based on a 'simulation using existing staff' of the existing F45 operation in George St. This hardly offers a credible benchmark.

(ii) We note with some amusement that the applicant generously requests that Council condition their permit with the requirement to run some sealant around the existing high-level windows opening onto Canning St. to alleviate noise 'leakage'. There seems little point to this. The same facade has just had a new set of single glazed doors installed that appear to be the new street access, likely to be open while the gym is operating.

(iii) We have taken our own sound measurements at the site of the existing operation in George St. (images attached). At the street access, F45 Fitness appear to operate across a range of 70 - 85 db. The average early

morning background noise level for George Street is around 50 - 60 db. At their current location F45 are thus operating at a level up to 5 times that permitted under the proposed Urban Mixed Use Zoning.



Sound reading at F45 Source, George St.

Typical street background level, George St.

(iv) Further, if the existing escape doors are to be used as the entry to the building then Council should expect that adequate disabled access should be provided at this location. The existing ad hoc, non-compliant, timber ramp at the designed foyer entry is inadequate to meet the requirements of AS 1428. Any development approval should be conditional upon the use of the building meeting all Building Code of Australia requirements.

CONCLUSION

The current application for the change of use of 233a Charles St. is clearly deficient in its current form. Council needs a clearer indication of the impact on existing parking use in an already crowded area. This locality has been one of this city's urban successes. Parking is at a premium as it is an area that draws city wide. The existing 43 off street parks behind the subject building are largely commercially leased, it is contractually unreasonable to allow a further development based on their informal use. The existing street parking is subject to intense use beyond conventional business hours. The proposed use is an inappropriate, intrusive style of operation, seeking to run in hours likely to cause loss of amenity to an urban residential neighbourhood area and adjacent medical facilities.

If this development is to proceed, we would request Council consider conditions be attached to any permit issued:

- (i) That the applicant be required to demonstrate that adequate parking can be provided for all hours of operation.
- (ii) That any alteration to the proposed hours of operation be subject to a separate permit process.

(iii) That any use of amplified music on the site be subject to a separate permit process. (This condition has been applied to previous applications made over this site).

(iv) That any use of amplified music on site exceed no more than 5 db above background level as required by LCC Planning Scheme 2015.

(iv) That the development be approved conditional to all requirements for disabled access being correctly provided.

Thank you for your consideration.



I.M. Atherton



A.R.M. Atherton



To The General Manager

Re DA0341/2018 233A Charles Street Launceston

We the following from [REDACTED] would like to make a joint submission

We raise the concerns and objections over noise and hours of operation

In the application Section 2.0 Site and Surroundings Transport Infrastructure The sealed road mention is not just to access a car park, it is the access to residential properties "Village on the Green" a complex of over 30 residential properties which will be adversely affected if this permit is approved.

Section 4 Subsection 4.2 Proposed use

Proposed use is described as Fitness Centre, no description of what that actually means, does it include playing of loud music whilst exercising as in most commercial gyms.

The hours of usage M-F 05:15 to 07:30, 17:00 to 19:00 and Sunday 07:00 to 10:00 This non residential usage will cause unreasonable loss of amenity to the many nearby residents. These hours do not fall into normal business hours. The accompanying noise of cars and participants will cause further loss of amenity

Subsection 4.3

Describing only cosmetic refurbishment, it would need to ensure there was no noise leakage to the close residential properties.

Section 5 Planning Assessment Subsection 15.3.3 Does not address the issues of cars arriving and parking

It is with these issues in mind that we object to the proposed application DA0341/2018

Dear Sir/Madam

Re: Planning Application No DA0341/2018

My wife and I would like to express our deep concern regarding DA0341/2018 - Application for a fitness studio development at 233A Charles Street, Launceston

1. Can the Council ensure that if the NOISE LEVEL from the fitness studio at 5:00 am will not disturb the amenity of residents in the area? If residents are disturbed what action will the Council take to put a stop to the noise from the fitness studio or shut it down?
2. Can the Council ensure that the 8 to 12 people per class DOES NOT increase to become 30 ,40 or 50 people per class, as this will have a severe impact on parking in the immediate vicinity of the proposed fitness studio, and residents will be impacted by the increased noise levels emanating from the fitness studio and of the participants coming and going from the site.

I look forward to your response outlining the actions Council will take in relation to the issues raised above.

Richard Griffith



To the General Manager,

I refer to the development application, detailed below, for change of use of the hall on the corner of Charles and Canning st.

Application ID	DA0341/2018
Application Description	Sports and Recreation - Change of use to fitness studio
Property Address	233A Charles Street LAUNCESTON TAS 7250
Closing Date	19/09/2018

There are two main areas of concern about the above proposed development :

- Increased Noise levels at early hours of the morning
- Increased car parking levels and the increased noise levels from car movements

Increased Noise levels – early hours of the morning

- I note that the word “music” was not used once in the above development application or the acoustic engineers report, unusual, as this is the most significant issue for residents in the vicinity of the former potter’s house hall.
- I visited the F45 Gym in George st during a session on Tuesday morning at about 5.50am, of note was the loudness of the music coming from the gym and the number of cars in the street, I have attached a photo of the parked cars. I assume most were from gym attendees as nothing else is open at that time of the morning. **I suggest you visit the gym at an early morning session to sample the sound levels for your self.**
- I also visited the Kings Meadow F45 gym, which like the George st venue is completely surrounded by retail premises, no residential houses. I asked about the number of attendees and the guy on duty informed that about a dozen attended the class just finished but they could take 27 maximum. I mentioned that 27 would be a squeeze, he agreed and informed that they were expanding into in Charles st Launceston with another venue. The 10-12 attendees quoted in the DA are fiction.
- The monitoring taken by the acoustic engineer on the other side of the road was not the closest residential point as described in the report. The closest residential point is the series of properties on the opposite side of the hall. The properties that border that boundary are part of the St John crescent/square development.
- These properties are almost exclusively inhabited by retired and aged people, to my knowledge they were not notified of the development application.
- The DA has a number of photographs of near by properties, cleverly they are all of commercial properties in nature. The fact is the majority of nearby properties are private residences, I have attached two photos of the properties directly opposite the Potters hall in Charles st and Canning st.

Increased car parking levels – increased noise levels from car movements

- The applicant states that there will be 10-12 attendees at each morning session, it is fanciful to believe that a business plan for such a business would require only 10-12 people to attend each session to be financially viable.
- Even the 12 quoted in the application for each session mean 24 total for the sessions in the morning, with two movements each, arrive and depart. That is 48 movements, double that number of attendees, which is likely and that is nearly 100 movements, open close door, start engine and accelerate off.

- The hall is next door to the noted urologist Robert Jenson, whom my wife sees. She has had an appointment recently on a Saturday and has her next appointment at 7.00pm on a weekday night. He is the hardest working specialist in Launceston. Most specialists are working only 3 or 4 days a week.
- The applicant makes the thinly veiled threat that if parking is a hurdle for the application, that they will terminate the parking leases/arrangements they have with Dr Jenson and the eye hospital in favour of the gym members. A real community minded action.

In summary

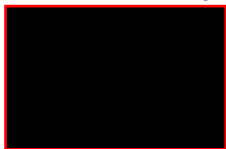
- This is the wrong area for such a development. The current two locations of the F45 gyms are the right locations, completely surrounded by retail and commercial businesses.
- Charles st and Canning st is predominantly made up of residential properties. I am a Charles st resident and with normal background noise at 5.00am in the morning two persons walking up the street engaging in normal conversation can be heard through closed windows. With all the brick two storey buildings the noise bounces around almost echoes.
- No music mentioned in the development application or the acoustic engineers report, that has to be on purpose. I phoned the acoustic engineer and asked him why he didn't monitor during a live training session, he said he didn't need to. He attended an empty studio and the staff turned on music to a "level" to simulate the sound level.
- I am sure many of the councillors have walked past a gym during class sessions, the music is loud and reverberates.

I have spoken with a large number of the residents close to and potentially affected by the development, all are opposed and very concerned. We would like the council to meet with a small delegation to discuss in person our concerns.

I look forward to your response.

Please acknowledge receipt of this email.

Mark & Libby Johnson









11th September, 2018

The General Manager,
Launceston City Council,
St John Street,
LAUNCESTON, 7250

FILE No.	DA0341/2018				
EO	<input checked="" type="checkbox"/>	OD	<input type="checkbox"/>	Box	<input checked="" type="checkbox"/>
RCV'D 17 SEP 2018 LCC					
Doc No.					
Action Officer			Noted	Replied	
C. WRANKMORE					

E-COPY I. MORE

Dear Sir,

Re Planning Permit Application: DA0341/2018

By: R B Edwards

Location:233A Charles Street,LAUNCESTON

This letter is to express concerns regarding the proposed change of use of the above premises to a fitness studio and seven day use by the F45 gym group, who have operated business in George Street and Kings Meadows. The following are some of the proposed alterations to the use of this building:

- **Hours of operation being 5-530am to 10pm Monday to Saturday, and 7am to 10am Sunday.**
- **On street parking as none available at the facility.**
- **Class workouts from 730am with presumably accompanying music.**

Objections to the altered operational use of this site include:

1. The arrival of multiple cars from approximately **5am** every morning creating noise from motors, doors slamming, conversations, congestion and potential obstruction to driveways of existing residences/businesses in the area. This will severely

impact on sleep patterns and potentially create a loss a sense of wellbeing and could create hostilities due to thoughtless patrons of the above business.

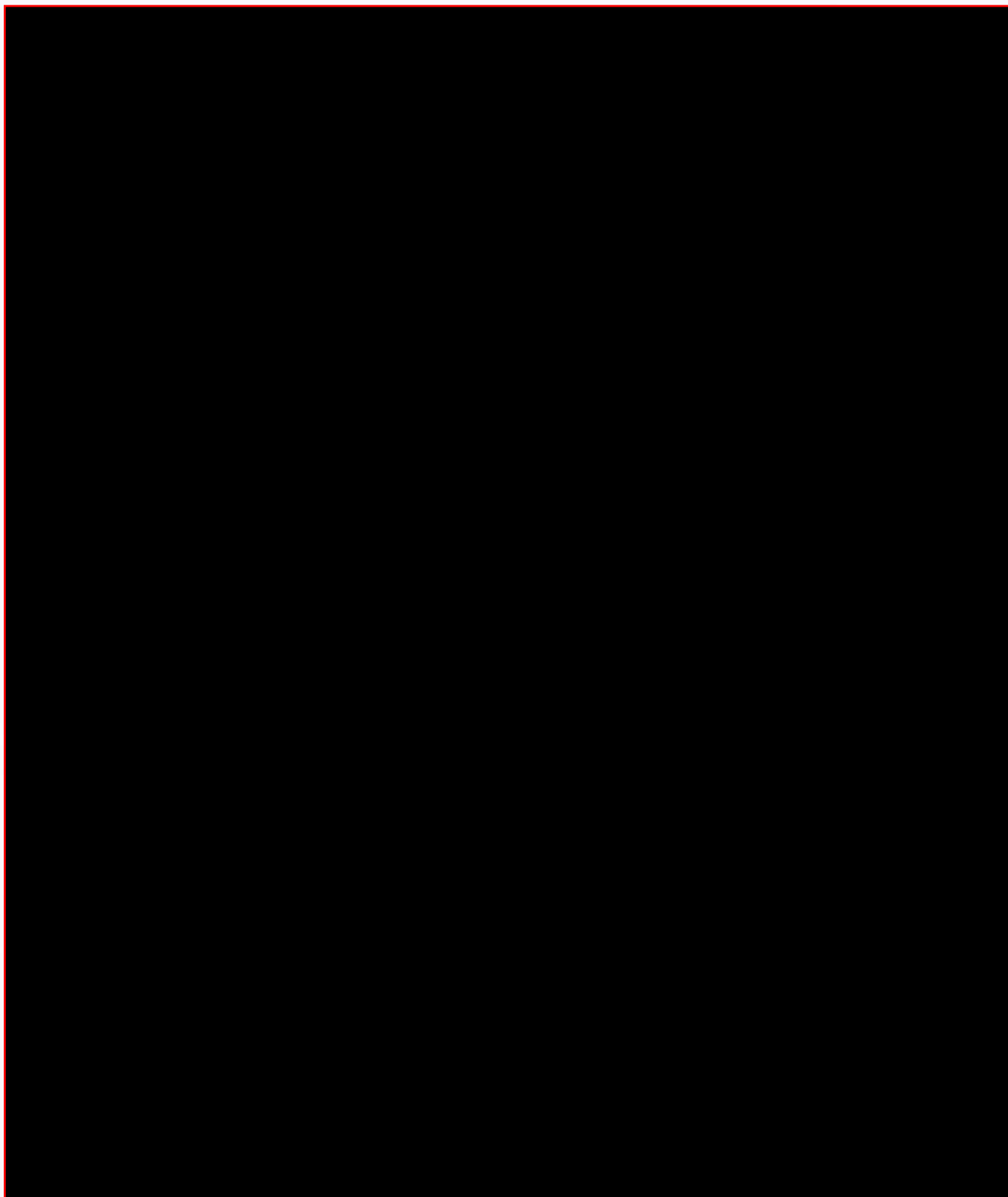
2. The noise and vibrations created by the fitness programs may impact on residents and nearby businesses auditory comfort as well as potentially causing minor damage to heritage buildings in the area, as occurred during the running of the Junction Festival – the music created old windows to vibrate.
3. The possibility of interference to valuable equipment at nearby businesses and creating distress to clients due to congestion and noise.
4. The increased risk to pedestrians in an already busy vehicular traffic area.
5. The loss of quieter Saturday afternoons and Sundays to vehicle congestion and noise thus impacting on quality time for residents of this increasingly valuable heritage inner city residential area.

Sport and recreation is classified as discretionary use in an Urban Mixed Use Zone and needs a permit surely if the council is serious about wishing citizens to move into the inner city areas, then this type of business should be discouraged from operating in a primarily heritage, residential area with good quality, low impacting businesses in the immediate area.

Due to the site location and limitations the applicants have **NO** possibility of providing onsite car parks and where possibly 26 cars spaces maybe required during class changeover times there will be further pressure on street parking in an already congested area of Launceston. This applicant cannot provide "appropriate provision of car parking, pedestrian access and traffic circulation" – to maintain the physical safety of both users of the facility, clients of the nearby professional services or the general public.

In conclusion it is recommended the application for the discretionary reclassification of the premise at 233A Charles Street to Sport and Recreation and a permit to operate a fitness centre be denied as it is an inappropriate business/activity for the area due to its hours of operation, location and impact on residential harmony in the area.

Yours most sincerely,



17th September, 2018

To the Mayor, Deputy Mayor and Aldermen of the Launceston City Council.

This is a cover note for the objection to the proposed change of zoning and change of use of property re Application DA0341/2018.

I have been speaking with my neighbours in the area surrounding this site at 233A Charles Street to be informed that many of these residents did not know about this proposal, luckily I noticed the application in The Examiner and the following day I received a notice (actually two) in the mail.

I do not understand why residents/businesses in both Canning Street and St. John Street near the premises were not notified regarding this application as the premises opens onto Canning Street and is located at a site that backs onto a large residential area accessed from St John Street as well as a large specialized medical centre.

I have had no trouble obtaining signatures objecting to this development and I am aware other residents are also collecting signatures to prevent the inappropriate use of this property due to the total lack of off street parking, noise concerns and the anti-social hours the facility intends to operate.

Please find enclosed a copy of the objection, which is to be lodged by the 19th September, for your perusal and I look forward to your support to prevent this application for rezoning, use and hours of operation.

Yours sincerely,



Mary Stary, [REDACTED]
[REDACTED]