

Attention Mr Iain Moore

Re: Proposed Development at Gunners Arms, Launceston

We have read the information given regarding the opening of a fitness centre at Gunners Arms, Lawrence Street, Launceston.

We have concerns about noise in our local area, the parking and the traffic disruption. If the classes have music it is likely this will be heard in our place which is across the road in Cimitiere Street from the proposed complex. The noise levels were tested close to the proposed development, but not checked from the inside of properties over the road from the hotel.

We do hear music from the Gunners Arms on any of the nights that they have bands playing. If the proposed gym is to have their music anywhere to the volume or more of these current bands, this will not be acceptable to local residence. Currently it is only intermittent, but if the gym is commencing at 5.15 am and continuing until 10 pm. We do not understand why the gym is allowed or requires to open their windows, after the allowable time of 7 am. Why can't they remain closed and sealed. Other gyms manage to do this with closed windows.

5.15 am classes will mean entrance from 5 am. Depending on parking, there can be car doors banging outside our place, there will likely be communication between those arriving and departing persons that will carry to our premises. There will also be congestion in the car park when members are leaving from one class and arriving for the next class.

Parking till 7 am is possibly not a problem but later this area is mostly parked out. Classes for groups, eg footballers are likely to have a higher noise level than individuals unknown to each other and this is to be evening groups. Parking will be at a premium around the gym, so street parking will be required and limited.

The traffic coming around the corner of Lawrence Street turning into Cimitiere Street is a problem and there are many near miss vehicle incident and also a problem for pedestrians. This problem will be increased with pedestrian increase from the gym and could be unsafe when crossing the road. The driveway out of the gym car park in very close to the Lawrence Street/Cimitiere Street corner, which does already cause problems with vehicles turning into the current bottle shop which will probably increase with the gym use. We live over the road from this driveway entrance and have witnessed many near misses and accidents.

For classes held in normal working hours parking cannot be guaranteed in Cimitiere and Lawrence Streets and could bring increased pedestrians using the area.

As one who purchased their property as quiet residential we have these concerns. We will be attending the meeting to be held on Sunday 8th September with the owner of the development to pursue our concerns of this proposal.

Regards

David and Kaye Preece

Representation regarding development of fitness studio at Gunners Arms Tavern 23 Lawrence Street,  
Launceston, 7250,  
Application ID: DA0370/2019

I own property at \_\_\_\_\_ near proposed development and would like to make a representation  
objecting to proposed development. My particular concern is with noise level in a quiet, mainly residential  
area.

This fitness centre (F45 gym) opens at 5am, and is characterised by loud music with a pronounced base beat  
which carries through solid structures.

During a community meeting with building owner, Peter Dixon and gym staff on 8th Sept, they claimed that  
the door would always be closed and windows would only be opened after 7am and not during  
classes. However in the George Street F45 gym run by the same people, when investigated, was found to  
have door wide open and music blasting out into street which you could hear well at least half a block away.  
The developer claims windows are double glazed and will keep noise in, but there is no mention of double  
glaze in plans, and also they are opening windows, with no guarantee that staff that run the gym will keep  
closed when classes are running.

Developer gave a lot of "I believe" statements, that the noise "would not be a problem", customers driving  
and departing from 5am "should not cause any disturbance" and suggests that if is a problem we, the  
residents, should sell up and move!

I believe this business is incogruous in this densely populated residential area, and will interrupt sleep and  
destroy the quiet enjoyment of our homes. With the example of the George Street gym of the same  
franchise, it will be a nightmare for a large area of population and I do not appreciate the arrogance of a  
developer that concludes that if we, the residents, find it disruptive to our lives, we should sell up and move  
house!

Thank you

Keiren Warner

# For the attention of the General Manager / Planning Manager / Planning Department

Application DA0370/2019  
Address Gunners Arms Tavern 23 Lawrence Street Launceston TAS 7250  
Description Sport and Recreation - Change of use to a fitness studio (re-advertised)  
Name of commenter Allan Miller

## Comment

Resubmitting due to this one being re advertised... sorry to repeat !

After having once lived next to a quieter development which has some common aspects to this one, I thought I would add my 2c.

Are the nearby residents happy to be woken at 4.30 every morning with 30 cars arriving, then 30 car doors slamming ? I am guessing also that the arriving cars will be needing to see where they are going, so how many floodlights will be turned on at 4.30am ?

The next alarming part of this development is the idea that music & the stomping of 30 people will not travel 20/30/40 meters or more.

A recent hotel approval demonstrates that peoples amenity is no longer important to this council, but will the council be providing compensation to nearby residents if they can no longer sleep and need to vacate their homes ?

Next thing to consider - if it is to go ahead despite the fact that it will make nearby houses uninhabitable - if the hotel walls & floor are to be removed, should there not be some archaeology carried out ? The hotel is 1880s, so there is a real risk of a lot of history being lost.

Talking of history - if a future council ever get around to commissioning a local list of historic places (or precincts) will the modern extension attached to the side of the hotel fit in ? Most of this area is historically intact, and a main thoroughfare for tourists - should we not be trying to keep the historic integrity as intact as possible ?

At some point it will dawn on LCC that many people deliberately come to Launceston, visitors and residents, for the historic look and feel of the place - at the least it is an investment to keep it intact as much

as possible. Keep it and we will be unique - keep going as we are now and we'll just look the same as every other regional centre.

9 /9/ 2019

The General Manager  
Launceston City Council  
P.O. Box 396  
Launceston  
Tasmania 7250

Dear Madam / Sir,

Re: DA0370/2019

Sport and Recreation – Change of use to a fitness studio (re-advertised)

Gunners Arms Tavern, 23 Lawrence Street,  
Launceston.

Closing Date: 16 /9/ 2019

I have been resident at \_\_\_\_\_ for 19 years. To date I have no concerns about the commercial activities in the neighbourhood. Any noise or problems have been occasional and transient so easy to cope with.

However, I have concerns about the proposed changes to the 'commercial properties use' on the corner of Cimitiere and Lawrence Streets and oppose the development of the site for the purpose expressed in the DA.

I have read the DA and have attended a meeting with the developers, the business owners who plan to use the alterations to the Gunners Arms and other residents. I believe that a previous application to Council, to place the same gym in Charles Street, this year was not approved because of resident concerns. There are more residential properties close by the Cimitiere and Lawrence Street changes than there were at the Charles Street site.

My concerns are the availability of suitable and functional parking and the other is noise – not just the volume, but more importantly, the frequencies which will be (and are in the current George Street location of the gym) broadcast from 5 am daily.

The DA states that the Gym (which runs repeated high intensity 45 minute group sessions) will operate from 0500 to at least 0700 and in the afternoon and evening until 2000. The current proposal suggests that about 27 people will attend each 45-minute session. However, at Sunday afternoon's meeting at the Gunners Arms, the business owners stated that it could be more like the 30 – 35 mentioned in the previously rejected application for a property in Charles Street (April 2019). Thus, at changeover periods, there will be at least 54 cars requiring parking in the closely surrounding high heritage value residential area. While I understand that the number of car parks required by Council is determined by the area of the development, there is certainly not sufficient 'functional' car parks available for the proposed actual number of gym attendees. This means that parking will spread up and down Lawrence and Cimitiere Streets, which are residential – apart from the hardware store frontage.

As the gym will commence operation at 0500, there will be the noise of cars parking and doors shutting in an otherwise very quiet area at that time. Even TOLL does not drive trucks through the area until much later so as to maintain the quiet residential area.

During peak hours Lawrence and Cimitiere Streets are very popular thoroughfares and the increased parking and car movements could pose a safety problem.

My greatest concern though is the noise generated at 0500 to 0700 daily – including the weekends. I read in the DA that noise studies have been carried out. These studies appear to look **only** at the **volume** of sound and not the **frequencies**. Gyms use very loud, very low frequency "duf duf" music to motivate clients. This low frequency sound cannot be limited by double glazing or insulation and travels through insulation materials. If anyone has been to a rock concert will have felt. Low frequency sound has been investigated as a weapon as it is very disruptive and has been discussed as a problem with wind turbines. Though double glazing was mentioned today at the meeting, I did not see it's use specified on all windows and doors outlined in the DA, and in any case it will not stop the low frequency sound from traveling outside the gym.

Today the business owners stated that always have the doors and windows shut during sessions to limit noise spread – whereas residents who have been to visit the current premises in George Street, report that that the door is often open during sessions – not just when clients are arriving or leaving. The proposed gym owners stated that the windows would only be open between sessions to 'air' the gym. Surely air-conditioning will cope with this without the need for any windows to be opened – as it is highly likely that people would forget to close them and the higher frequency sound would then also travel.

The residential areas surrounding the 5 commercial properties of the Gunners Arms have a high heritage street frontage value and most of us are long term owners and residents. The hotel was there before us and we accept the effects of it as part of our home purchase. However, a **daily**, very early morning (**5 – 7 a.m.**) loud low frequency and infrasound business is not suitable for this area.

There are already two gyms in the surrounding areas which are well spaced from residential properties. The LAC gym bike room which uses the loud low frequency sound is spaced by a park from the Croquet club, and the Windmill Hill hall, and other park areas so it does not affect

residents. The Racecourse Crescent Gym does not use the loud low frequency music for group sessions.

I oppose the use of the site for the proposed purpose of the F45 Gym and hope you will favourably consider my letter.

Yours faithfully,

Keryn Parkes



Attention Mr Iain Moore

Re: Proposed Development at Gunners Arms, Launceston

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We do hear music from the Gunners Arms on any of the nights that they have bands playing. If the proposed gym is to have their music anywhere to the volume or more of these current bands, this will not be acceptable to local residence. Currently it is only intermittent, but if the gym is commencing at 5.15 am and continuing until 10 pm. We do not understand why the gym is allowed or requires to open their windows, after the allowable time of 7 am. Why can't they remain closed and sealed. Other gyms manage to do this with closed windows.

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The traffic coming around the corner of Lawrence Street turning into Cimitiere Street is a problem and there are many near miss vehicle incident and also a problem for pedestrians. This problem will be increased with pedestrian increase from the gym and could be unsafe when crossing the road. The driveway out of the gym car park is very close to the Lawrence Street/Cimitiere Street corner, which does already cause problems with vehicles turning into the current bottle shop which will probably increase with the gym use. We live over the road from this driveway entrance and have witnessed many near misses and accidents.

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Regards

David and Kaye Preece

To whom it may concern,

I have some concerns over the development application for a F45 gym at the Gunner's Arms Tavern in Lawrence Street

My first concern is the potential noise. Music typically played in gyms has a significant bass sound that travels a long way due to the frequencies involved, and there is a considerable residential area that encircles this proposed development. Of particular concern are the very early operating hours; the noise from the music, patrons arriving and leaving (car doors and conversations) and vehicle noise would have a considerable, adverse impact on people living in the surrounding area. Furthermore, the suggested ventilation approach would seem only to be the opening of windows which would also introduce a further noise factor.

Given that the traffic along Cimitiere Street is already heavy (and recent noise and vibrations studies have measured this to be very close to an unacceptable limit), I am also worried that future developments in the area may not have factored in the inherent increase in traffic. It would seem timely to now give consideration to the impact of the use of surrounding roads by developments such as this (potentially 50 vehicles arriving and departing every 45 minutes during operating hours) and the increased traffic that will eventuate when UTAS is relocated. I feel that road and traffic planning should ideally be considered in parallel with granting any further planning approvals, particularly considering the heritage aspect of the Glebe area and the proximity of City Park.

Please do not hesitate to contact me should you require anything further into order to have my concerns tabled as this development is being considered.

Best regards,

Jane Dean

9<sup>th</sup> March 2019

Dear Sir

RE: DA0370/2019 23 Lawrence Street Launceston

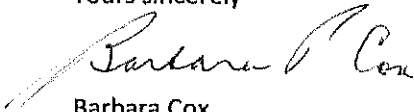
I am concerned about the above proposal for the installation of a F45 gymnasium in place of the bottle shop currently operating at the above address.

My concern is that the area has many heritage houses and the residents and visitors to the area enjoy living and visiting this proposed heritage precinct. I have spoken with many residents and they have no concerns with the current businesses such as the Gunners Arms Hotel, or the bottle shop which are currently operating.

I realise that the hotel is zoned Commercial but my belief is that a business such as a gymnasium which is noisy and will have many people frequenting it at all hours, will be detrimental to the quality of life for those living in the area and for our many visitors who come to visit our beautiful city. I might add that we have a large number of gymnasiums in the city already. I beg you to consider preservation of areas such as this and respect the quality of life for those living in the area.

As Launceston grows the current zones encroach on each other but I believe it can be tolerated if suitable businesses are allowed in the areas. This is good for tourism and I believe that a gymnasium is not suitable.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Barbara Cox', written in black ink.

Barbara Cox

9th March, 2019

The General Manager

Launceston City Council 7250

Dear Sir,

DA0370/2019 23 Lawrence Street Launceston.

I wish to express my concern that the above mentioned development application proposes to install a F45 gym in place of the bottle shop which is currently operating at the above address.

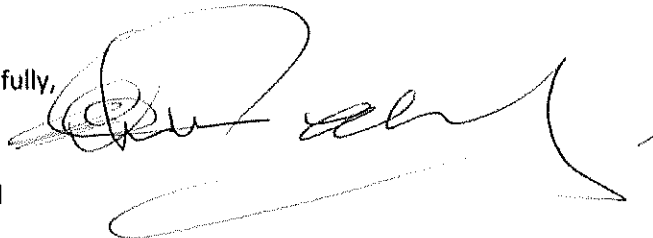
I live in a beautiful heritage property which lies within the boundaries of the proposed Cimitiere Street Heritage Precinct. The Gunners Arms Hotel is also within this proposed heritage precinct and I believe a gym has no place in this area. This new development if it proceeds, will detract from the existing character of the area, which is so highly regarded by tourists and locals alike.

The proposed F45 gym is relocating from 67 George St and has already demonstrated in its current business operations that it has no regard for surrounding businesses and residents. Loud music has been heard at these premises as early as 5.45 am. The front door is left open and the music pulsates along the street. We have no guarantee that this sort of behaviour will not occur in Lawrence Street if this gym is allowed to relocate here. I have no wish to be woken at 5 am by the noise which will undoubtedly drift up the street to my residence. There is very little traffic at this time of the morning, so I will definitely be effected. The evenings too will be problematic.

Thank you for your consideration of this matter.

Yours faithfully,

Hilary Wall

A handwritten signature in black ink, appearing to read 'Hilary Wall', written over a horizontal line.

ATTENTION MANAGER OF LAUNCESTON CITY COUNCIL

I am very concerned about the proposed plans to open a gym in the bottle shop attached to the Gunners Arms.

I have lived at \_\_\_\_\_ or 30 years and have seen many changes in the type and volume of traffic passing through Cimitiere Street. It is become a very busy street with limited parking.

The acoustics in this area are very good and any sound carries and reverberates through the street. The position of the gym , with its noisy and loud music and people coming and going at all hours of the day and night, is going to affect a maximum of residents, as this block is primarily residential.

There are over 90 rate paying residences in Cimitiere Street and Lawrence Street alone. The addition of a noisy and intrusive gym with loud music, cars coming and going from 5am will cause inescapable and unacceptable noise pollution and disturbance to residents of Cimitiere Street, Lawrence Street, Innes Street, Boland Street and Racecourse Crescent.

Cimitiere Street is an historic area. We have a magnificent park, beautiful old homes, bed and breakfast accomodation and a green area where people come to eat their lunch. I often see groups of tourists walking through and enjoying the ambiance. With the University moving into town it would be the ideal opportunity to turn the area into Launceston's version of Battery Point. I believe there is a proposal to establish a gallery and coffee shop in the old gasworks. It wouldn't take a lot of money to develop the green area further by putting umbrellas and tables for tourists to enjoy a coffee or sandwiches at lunchtime.

A friend of mine , had a gym move into the property next to her home. The close proximity of the gym had a huge impact on her family. It was impossible for them to escape from the noise which went on all day and into the early hours of the morning. It took a toll on her mental and physical health. There was no respite for her family from the loud music, cars arriving and departing, car doors shutting, people talking loudly and the increased volume of the music as people opened the door of the gym to enter or leave.

The Glebe area is a residential area. The residents and ratepayers have a right to experience peace and quiet in their own homes, to have available parking outside their homes and to have a good nights sleep.

Regards

Lesley Morris

Sent from my iPhone any sound carries and reverberates through the street. The position of the gym , with its noisy and loud music and people coming and going at all hours of the day and night, is going to affect a maximum of residents, as this block is primarily residential. The 5 am classes at the gym with cars coming and going , doors slamming and loud voices will disturb the sleep of residences nearby.

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loudly and the increased volume of the music as people opened the door of the gym to enter or leave.

With the future plans for the university, surely it would be an opportunity to turn this historic area into an area like Battery Point. I believe there is a proposed art

gallery and cafe to be situated in the old Gasworks. A noisy raucous gym would detract from the peaceful ambience created by the beautiful park and interesting old homes.

Regards

Lesley Morris

carries and reverberates through the street. The position of the gym , with its noisy and loud music and people coming and going at all hours of the day and night, is going to affect a maximum of residents, as this block is primarily residential. The 5 am classes at the gym with cars coming and going , doors slamming and loud voices will disturb the sleep of residences nearby.

\_\_\_\_\_

Attention:General Manager

I am making representation against the Commercial Project Delivery application for a Sport and Recreation - Change of use to a fitness studio, 23 Lawrence Street, Launceston.

A number of issues are of concern to me as a ratepayer, resident and member of the community.

. Since 1986 along with other residents I have worked with the LCC re transport studies, heritage, gardens and a plan for ensuring the continued amenity of the area amongst other issues. It should be noted that when Gunns Ltd submitted an amendment for the extension of the south end of their building they agreed to meet with residents, LCC Parks and Gardens personnel and the result was the Glebe Green garden and removal of vehicle access from Cimitiere Street.

. The proposed F45 gym would result in unacceptable noise and traffic issues, and with parking already at a premium on the surrounding streets (all day parking bar a few 2 hour parking spaces that are usually used by all day parkers, despite cooperative efforts from LCC parking personnel). As gym would be open from 5am and with afternoon /evening classes finishing at 8pm, the extra noise created by the music, vehicles, and people's noise on arriving and leaving, would be intolerable.

. The proposed increase in traffic movements seems to be grossly underestimated as with 5 classes up to 10 am there is the potential for up to 135 vehicle movements to 10am not including staff.

. Safety issues for pedestrians, cyclists and drivers are already a problem in this area with regular running of red lights, speed and lack of care and attention by drivers. Last month I was spreadeagled against a van that failed to give way turning R from Lawrence Street on the walk sign, as I crossed Cimitiere Street. This was not the first occurrence and on a number of occasions we have had near misses with tourists, mothers and prams and residents. The current access onto Cimitiere Street from the bottle shop and hotel does not have a left turn arrow and despite a solid black line, vehicles continue to enter and exit (see attached photo). With proposed parking on south side of building and access/egress close to intersection increased vehicle movements as noted above, are above safe increased numbers and constitute an added safety issue.

. The application states that windows etc could be opened from 7am, and the lack of ventilation and air conditioning in the application indicates that would happen, with result the music noise would be totally inappropriate. Other representations have also heard the level of noise from the current F45 gym in George Street which is not surrounded by over 90 dwellings (predominantly heritage listed) in Cimitiere and Lawrence Street alone. The feedback seems to indicate that there was no inbuilt volume control. Also difference of opinion between the DA and the developer's response at the residents meeting re whether the windows were double glazed.

. Until Friday the 13/9th if one went into F45 site on internet to look for a gym in the area, it went to a link showing the gym at Gunners Arms (see attached photo) despite no approval or completion of the appropriate planning process.

. As a resident of an inner city area one expects noise from traffic and special events such as Festivale, Symphony under the Stars, Blooming Tasmania, events at Albert Hall and Carols by Candlelight to name a few. However the noise associated with F45 gyms is not appropriate in this area, beginning in the early hours of the morning, 7 days a week and finishing at 8pm on most days. Many of the residents including myself, are gym members and we have at least 6+ within an easy 10 minute walk and 1-2 minutes by car, including two which offer the F45 program. The F45 gyms have a program that is well regarded however location and resultant noise in this case is the concern.

. Parking for the proposed gym is also an issue as the local Gunners Arms would appear to need current parking spaces for both pub clientele, restaurant patrons and meeting venue participants. I am confused as to whether the current parking is part of the lease of the Gunners Arms. The hotel has been part of the neighbourhood for over 100 years and Adrian and Alisha Singline are thoughtful and communicate with surrounding residents if any special events eg band nights are held. These are not common events.

. The figures in the application relating to vehicles movement at other bottle shops are vastly overestimated in comparison to the current bottle shop which has very low through traffic, and most of the surrounding residents walk to purchase. Anecdotal figures have shown maybe 30 to 50/day which is about the same as one to two classes at F45, if one uses the 27 participant model, not including gym staff.

. I have continued to be involved in the regular LCC pedestrian and bike counts at corner of Lawrence and Cimitiere Streets with many of the pedestrians saying how much they enjoy walking through the historic Glebe area and also City Park. Visitors and residents echo these comments, however with the proposed gym to operate 7 days a week this will become a really negative experience and the proposal that the noise will not impact is incorrect.



. Sport and Recreation is identified in the Use Table as being a discretionary use class. The application also requires a permit as it does not comply. See p8 4.2.2 This is not an as of right use.

. What lighting and signage is proposed, which is lacking In the DA? One cannot take at face value developer's comments that the lighting and signage will be appropriate, in keeping with the area and meeting appropriate requirements.

. I am proud to be an active and engaged resident of this city and support the exciting developments which are taking place, including the UTAS relocation and the DADA proposed development at 90-110 Cimitiere Street in our neighbourhood. The current and proposed amended Cimitiere Street Precinct are a jewel in the crown for Launceston, and to be living in a area where the cultural and heritage aspects are regarded so highly is of value to the community in general.

That is why in conjunction with my points above, I am unable to support the proposal for an F45 fitness centre at 23 Lawrence Street, Launceston.

Harley Russell

Thank you for attaching these to my representation against DA0370/2019  
Harley Russell



**LAUNCESTON**

# F45 LAUNCESTON



GUNNERS ARMS TAVERN, 23 LAWRENCE ST,  
LAUNCESTON TAS 7250, AUSTRALIA



LAUNCESTON@F45TRAINING.COM.AU



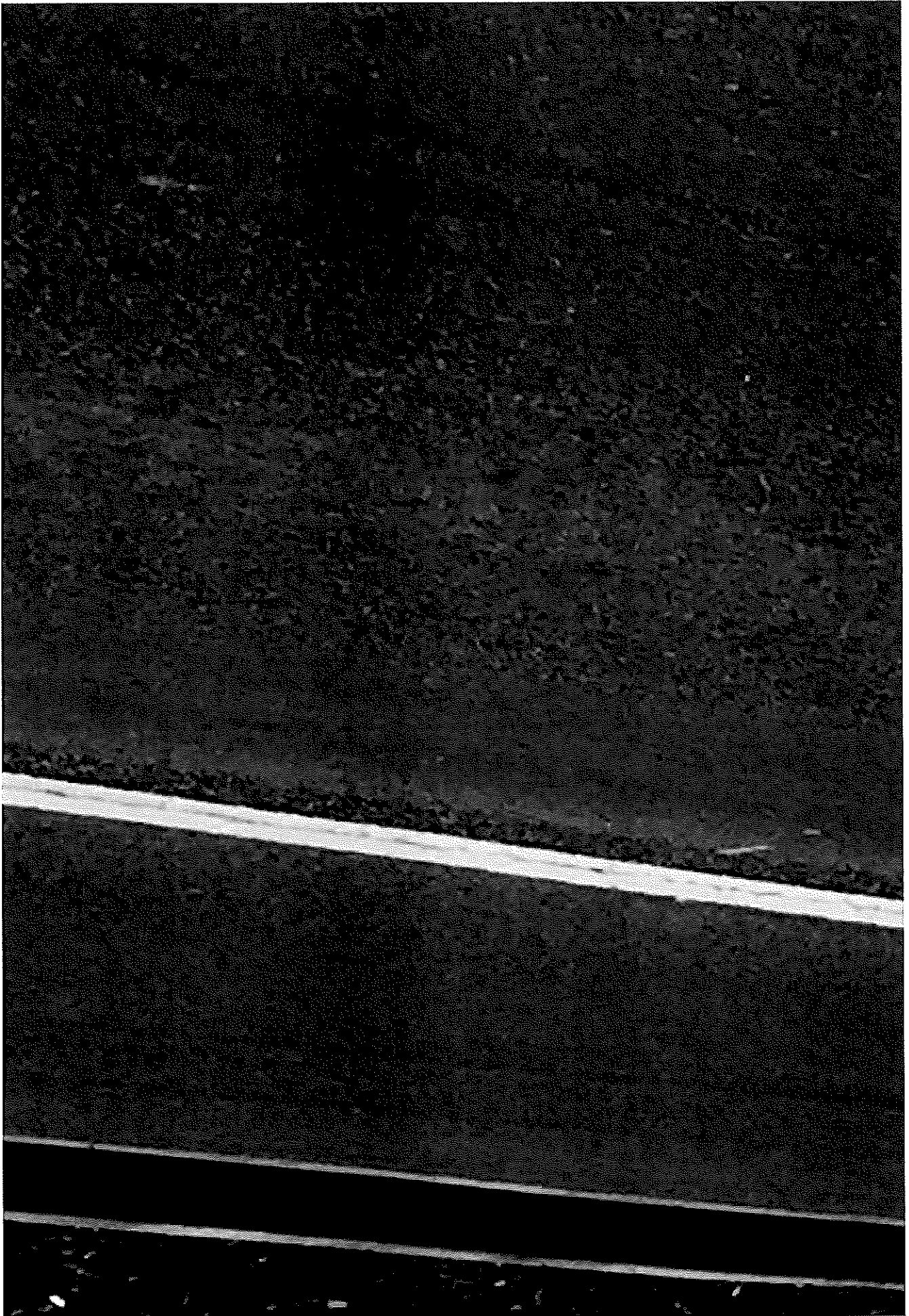
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Good afternoon Mr Stretton

Re Planning application DA0370/2019 Gunners Arms Hotel

For the past 19 years, I have rented \_\_\_\_\_ directly across the road from the Gunners Arms Hotel. According to the proposed changes to the existing bottle shop, I live in one of the three residences which will be most affected by any noise and/or disturbance caused by the proposed business, the F45 fitness studio. Naturally, this concerns me greatly especially given the stated business hours.

I hope you will take the following points into consideration.

According to the proposal:

- Up to 27 clients plus staff will arrive from 5.00am for a 5.15am class in a silent street and leave 45 minutes later. This will be repeated every 45 minutes until 10.00am: apparently the peak time for sessions is 5.15am until 7.30am. The inevitable car noise will carry around the whole area as the traffic in Lawrence Street only starts to build after 7.00am.
- I understand the plans propose windows will be built into both the north and south walls and that these windows may be opened after 7.00am. I believe F45 uses very loud synchronised 'workout' music so open windows would allow unbearable, maddening noise early in the morning and late afternoon/evening.
- I am very concerned about the proposed afternoon and evening hours. I notice no sound tests have been done for the 4.00pm – 8.00pm sessions. The traffic on Lawrence Street dies down very quickly after 5.30pm on a normal weeknight. Weekends are quieter still.
- I understand Mr Reeves' application for a property on the corner of Canning and Charles St was turned down by the council on parking and noise issues. There are far more residential properties surrounding the Gunners Arms that may be affected than around the Charles St area.

Three years ago I started to develop a garden, at my own expense, at 22 Lawrence St and my enjoyment in it is immense. I spend a lot of time outside and often entertain friends. Gardening is very good for my health but obviously not in the heat of a summers day. I cannot imagine how awful the early mornings and evenings will be if I have to put up with the continuous low density bass noise from F45 five days a week while working in the garden. I visited their current venue in George St last Saturday at 8.10am and found the music to be unpleasantly loud and the front door wide open. To my knowledge the door was open from 8.10 until 8.30am when the session ended. I spoke to the franchisee, Field Reeves, who said he had no pre-set volume control and no idea of the decibel level - he just turns the music on. I imagine it will be the same at the Gunners Arms.

A group of residents met with the developer, Peter Dixon and Field Reeves last Sunday to listen to their plans and ask questions. One of the residents, a sound engineer, spoke about the effects of this type of music and, more importantly, that no amount of rubber flooring or insulation will muffle the noise. Only distance will lessen the insistent beat. This worries me.

Mr Reeves said he is relocating from George St as he needs a bigger space to grow his business. This will mean larger classes; therefore more traffic and more disruption.

I live next door to a quiet small restaurant, Smokey Joes. Part of its charm are the french doors leading to a courtyard where guests like to eat outside in the warmer weather. I used to own this restaurant in its previous incarnation as the Lawrence St Brasserie so I'm well aware how the sound carries from the Gunners Arms in the quiet evenings. It would be dreadful if diners had to put up with any noise from F45 after 6.00pm.

We all get along with the current pub licensee, and would hate his business to suffer because of lack of parking at his peak time - 5.00pm onwards.

In conclusion, I do not believe the Gunners Arms is the right venue for F45. A fitness studio does not complement the old pub or the proposed heritage precinct and the inevitable noise will only cause angst among the neighbours. Although the site is on a commercial title the majority of neighbours on all sides are residential.

Most of all, selfishly, I do not want the quality of my retirement diminished in any way by noise outside of the widely accepted business hours; 8.00am until 5.30pm (I may stretch to 6.00pm!).

Thank you for your attention and I look forward to hearing from your office.

Regards

Rosemary Jones

The General Manager

15<sup>th</sup> September 2019

Launceston City Council 7250

Re: DA0370/2019 23 Lawrence Street LAUNCESTON TAS 7250

Dear Sir,

I have many concerns regarding the Change Of Use in the above mentioned Development Application. My background is I have been involved in the music industry most of my adult life owning/operating a Juke Box Hire business for some 11 years as well as Sound Engineering with PA Systems for bands. This has given me a diverse understanding and knowledge of noise and sound pressure (dB) within the amplified frequency spectrum.

Following a public meeting at The Gunners Arms 08/08/19 @ 16.00 attended by the property owner/developer, the Business owners and concerned residents I wish to draw your attention to the following:

1. Noise;
  - a. What is an acceptable level of noise in decibels?

Normal conversation is about 60 dB, a lawn mower is about 90 dB, and a loud rock concert is about 120 dB. In general, sounds above 85dB are harmful, depending on how long and how often you are exposed to them and whether you wear hearing protection, such as earplugs or earmuffs. The proposed noise levels are from 85dB to 90dB. Please note that a rise of 3dB is an effective doubling of the volume experienced.
  - b. The discussion around noise was had, the developer mentioned that he had a consultant's report that stated the noise form the gym was around the same level as the background noise. I mentioned that this has only a single dB reference and no regard to the frequency spectrum nor time of day. The frequencies that are harmful to both physical and mental health are those in the lower end (Base notes). Not only are these harmful they are extremely hard to contain. Many studies of this have been undertaken globally in relation to wind farms and low frequency noise.
  - c. The developer said, "he believed that the consultant had it right". When I mentioned that anyone can get a report that reads in there favour, ask any politician, and if we want an honest representation of what noise will radiate from the proposed gym then why doesn't he set up a sound system in there and do some actual tests. This was met with the disturbing response, "WELL IF YOU HAVE ISSUES THEN SELL YOUR HOUSES"!!
  - d. They referred to Double glazing of windows and rubber floor matting as there sound deadening measures. These will only effect higher frequency noise suppression and not lower frequency.
  - e. The noise created form clients and staff arriving and leaving form 4.45am 6 days a week and Sundays from 8.00 am. I refer to vehicle and vocal noise that will be well above background noise at that time of day. Likewise, later in the day after 6.00pm.

f. I refer to; Proposed *Environmental Management and Pollution Control (Noise) Regulations 2016* pages 19 and 20, 4.1.1 Provisions relating Generally to Operation of Equipment (Prohibited Hours of Use), Table 1: Proposed Prohibited Hours of Use Schedule 1, Part 4 Musical instrument or sound amplifying equipment;

i. Monday to Thursday Before 7am and after 10pm

ii. Friday - Saturday Before 9am and after 12 pm

iii. Sunday or public holiday Before 10am and after 10pm

As per the DA 3.2.3 Operational details. The proposed hours of operation are;

5.00am to 10.00am Monday to Saturday

8.00am to 10am Sunday

4.00pm to 8pm Monday to Friday

This clearly has the gym operating well outside acceptable hours of operation regarding noise.

*Prohibited hours and days provisions are a very simple and straightforward means of managing noise nuisance. They are also the most frequently used provision of the Regulations, with wide acceptance within the community and with regulators. This was clearly revealed by a survey of Council EHOs in January 2015.*

2. Parking;

a. The owners were questioned as to the need to relocate from their current location and their response was to allow for business expansion. They state in the DA that class sizes are around 27 + 2/3 staff. There is no mention of expected expanded class sizes or a cap on numbers. Therefore, one would conclude the requirement for parking and associated noise will multiply.

3. Zoning;

a. The developer stated that the site was zoned as commercial so he could do what ever he wanted. The general response from concerned residents was yes, the site is zoned commercial however this is within a residential area bounding and close to residential property.

In conclusion I believe that this very successful business has a place within our community however not at this location. I did mention a far more suitable site as the old Beck's site on Dowling Street as it is located well away from residences and has more than adequate parking to cater to existing and expanded needs. I wish to be informed of any further meeting regarding this development.

Yours Sincerely

Andrew Barnett



Dear Sir,

My wife and I currently own three properties in Lawrence Street on the northern side of the Gunners Arms. Our first properties were purchased around 25 years ago. Ten years ago we completed the restoration and renovating of these co joined Victorian terraces to their original style, complete with lace work (we have just sold Lionel Morrell ,the heritage architect worked on this project for us. With his professional advice we also built a complimentary property at the back of the restored terraces.

The houses which remain on this side of Lawrence Street, stretching from the Becks entry to the Gunners Arms present an intact Victorian streetscape with the exception of

This property was purchased by us in 2011 and it was here that we planned to live eventually ,after restoring it to how it looked in 1883 when it was first built and thus completing the streetscape of remaining houses. Again the services of Lionel Morrell were sought. We have now put our plans on hold and will not invest further money in this area because of the proposal to relocate the F45 gym from George Street to behind the Gunners Arms.If the application for this gym is approved it will destroy the heritage ambience of the area which residents and owners in the Lawrence Street and Cimitiere.Street precinct have fought for for so long to preserve.

As a means of gaining background information to formulate my opinion on this proposal to relocate the George Street gym to 23 Lawrence Street,I took myself to George Street on a week day at 6 am recently.I was uncertain to where the gym was ,but I did not have trouble finding it as I just followed the noise. When I got there.I discovered the front door wide open and extremely loud music pumping out into George Street, . If this gym relocates to Lawrence Street it will be impossible to live next door to it and ultimately it will destroy the lives of nearby residents.

Mr Peter Dixon (the title holder of 23 Lawrence Street) offered to talk with anyone who had concerns or questions about his proposal. A meeting was held on Sunday, 8th September.at the Gunners Arms and he attended with Mr Field Reeves the F45 gym owner and 26 residents and owners from Lawrence and Cimitiere Streets.We had 11 apologies, mainly due to people being interstate. Mr Dixon spoke about his investment in the City of Launceston, but when questioned about this particular proposal admitted that he had been overseas and was not completely familiar with the development application which had been lodged . He stated that he had hired a consultant to undertake this. At one stage he told the dismayed gathered group" ... sell your houses if you are not happy "(direct quote). He also firmly stated that " this is a commercial zone and I should be able to do what I want". He also referred to the windows in the proposed building as being glazed and seemed to be confusing this with double glazing. He could not answer how noise emissions would be reduced beyond stating that rubber flooring would be installed and the windows would remain closed until 7 am He further could not offer what plans he had to light the carparks(the present lighting on the south wall will be removed for renovations and extension) other than he had't thought about that yet.

Our planned investment at and our already heavy investment in our other houses in Lawrence Street would certainly out weigh the \$60,000 investment that Mr Dixon proposes for the gym

development ( The Examiner, 27/8/2019 ). We have proven our commitment to this beautiful heritage precinct and would appreciate future developers to do the same.

Thank you for the opportunity to comment on this development application at 23 Lawrence Street Launceston.

Yours faithfully,  
Peter Serisier.

General Manager

Launceston City Council

Launceston 7250

Re Planning Application DA0370/2019

I am writing to express some reservations about the planned change of use to the building abutting the Gunners' Arms at 23 Lawrence Street. The proposal is to build a fitness studio on the site. This fitness studio will have operating hours that begin at 5 o'clock in the morning, and the classes that are offered use music as a central element of the class. There is little detail in the plans about proposed noise mitigation and the details that are provided are unsatisfactory. As an example, there are windows that can be opened that face houses. A promise from the proposed operator of the gym that these will not be opened before 7 o'clock in the morning is insufficient to guarantee that this will be the case. This is primarily a residential area and introducing significant noise at such an early hour will reduce the amenity of the neighbourhood substantially.

Along with the noise from the classes themselves, there will be increased noise from the rise in the volume of traffic. The report that accompanies the plan is inadequate with respect to the assumptions about the traffic associated with the gym on two counts. The use of a 2002 study to support the information about the number of cars likely to be generated by a fitness centre is unlikely to be accurate, given there is evidence of a significant increase in attendance at such centres as shown in the ABS report available through the link below.

<https://fitness.org.au/articles/category/profile-of-the-australian-fitness-industry-2016/108/19>

The second source of probable inaccuracy is the detail about the number of cars attracted by the bottle shop. As stated by the developer at a recent public meeting, the bottle shop is generating too little traffic to be profitable and will be closed, no matter what the fate of the current application. It is therefore abundantly clear that the numbers in the report are not relevant to the current situation and it is likely a fallacy that the numbers will reduce. Even if the suggestion about the number of cars is correct, bottle shops are not open for business at 5 o'clock in the morning – and thus the report fails to address the concern about the disruption that the fitness centre will be disruptive in the early morning for those in neighbouring streets.

Thank you for the opportunity to comment.

Yours faithfully



Monica Cuskelly

16 September 2019



General Manager

City of Launceston

EMAIL TO: [contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au)

Dear Sir

I was engaged by Mrs Ann (Nancy) Serisier, to advise and make representation on DA0370/2019 for a F45 circuit gym at the rear of the Gunners Arms, 23 Lawrence Street, Launceston. Please consider this document to be a representation *against* the application as submitted.

In summary:

- a. the proposal is not consistent with the large floor area requirements of the zone purpose statements, which does not assist with the exercise of discretion required for the use;
- b. emissions for the full range of activities available under the Sport and Recreation use class have not been considered as part of the acoustic assessment. Other activities within the same use class provide opportunity for detrimental impacts to the amenity of my client and other nearby sensitive uses.
- c. the acoustic report supporting the application was based on a simulated F45 fitness class, the recommendations of which are not consistent with other assessments by the same consultant for similar uses within Launceston.
- c. Clause 23.3.2 of the Planning Scheme requires that discretionary uses are *not detrimental to the amenity of sensitive uses*, reinforcing this with a mandatory test on the relevant performance criterion that discretionary uses *must not adversely impact on the amenity of nearby sensitive uses*. It is questionable whether the proposal can comply with the relevant objective for the standard and the performance criteria.
- d. nearby sensitive uses (dwellings) are within a residential zoning, are likely to suffer detrimental amenity impacts from the proposal, which is not consistent with their zoning nor the tests required under the zone.
- e. it does not appear that the reasonable car parking needs of the proposal are provided for, when assessed against the specific requirements of the performance criteria at clause E6.5.1 P1.1.

It is suggested that the issues raised within this representation do not support approval of the application.

In addition, the ability to implement an acoustic assessment that meets the amenity tests to nearby sensitive uses at clause 23.3.2 P1 through a planning permit conditions is questioned. Section 9 of the *Building Act 2016* establishes a prohibition on such conditions absent Ministerial approval.

The issues are examined in more detail.

### **Zone purpose statements**

Zone purpose statements are relevant to the assessment of discretionary use, under clause 8.10.2 (a), as follows:

- 23.1.1.1      *To provide for large floor area retailing and service industries.*
- 23.1.1.2      *To provide for other large area uses, such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility.*
- 23.1.1.3      *To ensure uses support and do not threaten the established activity centre hierarchy.*

It is noted that the examples cited of suitable uses in the zone purpose statements rely on activities which require large floor areas.

It is arguable that the proposal is consistent with this purpose, at 270 m<sup>2</sup>.

### **Use**

The use is categorised as Sport and Recreation, which is discretionary in the Commercial zone.

Sport and Recreation includes the full ambit of gymnasia and fitness centres, which means that the use of the site can change to a more intensive activity within the same use class that would impact nearby sensitive uses with no additional assessment required by Council.

The subject site is constrained by nearby sensitive uses and residential based zone. This suggests particular attention be given to the relevant use standards, and other standards that consider amenity impacts.

The other opportunities provided by the Sport and Recreation use class also affect the nature of the noise assessment for the proposal.

### **Use Standards**

#### **23.3.1 External Storage of Goods**

The application states that all aspects of the activity will occur within the building, which must therefore include waste storage. No external waste storage areas are shown on the proposal plans.

To maintain compliance with 23.3.1 A1, this issue could be conditioned.

#### **23.3.2 Emissions affecting nearby sensitive uses.**

The proposal is within 100m of numerous sensitive uses, which requires assessment against P1. The objective establishes that *emissions to air, land and water are not detrimental to the amenity of sensitive uses.*

### **Illumination**

Light emissions were not addressed in the proposal. The proposal will require lighting, which will create impacts that will impact the amenity of nearby sensitive uses due to the hours of operation and lack of mitigation measures proposed. This issue can be easily addressed by requiring the lighting to be baffled to prevent light wash and minimise spill to adjoining sensitive uses.

If the application is approved, it is suggested that proposed measures to mitigate lighting impacts be submitted for approval prior to installation and then certified by the designer following installation.

### Noise

The applicant relies upon a noise report provided by Tarkarri Engineering for the proposal based upon a simulation of a F45 class and noise readings at nearby properties. It is not clear why tests were conducted in a simulated class and not an actual class.

The Tarkarri report identifies the windows and roof as likely noise transmission points and provides recommendations which require operable windows to be kept closed at certain times, and noise levels inside the proposal to not exceed 85 and 90 dBa.

The applicant relies on this report to demonstrate compliance with the performance criteria at 23.3.2 P1 through Council imposing conditions (refer pages 10-12 CPD report).

The Tarkarri report does not appear to provide a representative assessment of the range of activities that can establish within the Sports and Recreation use class and category of Gymnasium, without any additional assessment. These may include a range of activities with a lower or higher intensity of impact to nearby sensitive uses.

It is noted that Tarkarri provided different recommendations to a similar proposal under DA0394/2019 for a Boutique Wellness Centre at Potters House, 233A Charles St. This proposal included acoustic sealing of windows, replacement of ceiling insulation and closure of vents. The zone for the Charles St site has a lesser test of *unreasonable impacts on nearby sensitive uses*, where use of the subject site *must not adversely impact on the amenity of nearby sensitive uses*.

Breaches will occur through opening of windows before 7 and 10 am and turning up the volume within classes. Both of these actions are difficult to enforce and highly likely to detrimentally affect the amenity of nearby sensitive uses, particularly in the early morning.

Enforcement will require legally robust investigations of potential breaches by Council and result in a difficult enforcement process through fines and ultimately, the Magistrates Court. This will take time and incur substantial cost the Planning Authority, while also causing significant distress for my clients, other residents of nearby sensitive uses and the operator of the F45 Gym.

This raises questions regarding both initial and ongoing compliance with the tests at 23.3.2, regarding detrimental impacts to nearby sensitive uses and consistency with the zoning of the subject and nearby properties, in addition to assessment against the objective and P1 for 23.3.2.

The test under 23.3.2 P1 does *not* rely on unreasonable impacts.

The objective for 23.3.2 requires there are *no detrimental impacts* to nearby sensitive uses. P1 clearly requires that there is no adverse impact on the amenity of nearby sensitive use. In response to criteria for assessment:

- a) the Tarkarri report assesses a simulated F45 class and does not appear to consider the wider uses available to the gymnasium use category. These can include other types of circuit classes, boot camp style activities and/or different types of weight lifting gyms. It is not clear that the ambit of opportunities available to the use class have been considered in determining mitigation measures to determine adverse impacts to nearby sensitive uses.

- b) characteristics of the emissions are expected to include noise from the activity and customers attending the site, and light. Both are likely to impact the amenity of nearby sensitive uses and were discussed elsewhere in this representation.
- c) there are numerous sensitive uses within 100 metres of the subject site, including immediately adjoining car parks to the north and across Cimitero St to the south. Many of those are within an Inner Residential zone, providing protection of residential amenity beyond that afforded to the Commercial zone over the subject site.

Further, zone provisions for the Commercial zone require consideration of amenity impacts when adjoining the Inner Residential zone (amongst others). The application has not demonstrated that it will not detrimentally impact nearby sensitive uses, particularly regarding noise emissions for the early morning sessions. The Tarkarri report relies on a simulated F45 session rather than an actual one and does not appear to consider the wider range of activities that can be accommodated within the use.

Other sensitive uses are located south of the proposal, on the same side as the main car park for the activity and openings to the building. The application does not make it clear that these sensitive uses will not suffer detrimental impacts from noise emissions in the early morning and late evening.

- d) the topography of the site does not appear to affect the amenity of nearby sensitive uses.
- e) background noise levels for the early morning were provided by Tarkarri. It is not clear that the Tarkarri recommendations will eliminate adverse impacts to nearby sensitive uses during the early morning sessions, most particularly my clients property.
- f) while the Tarkarri report is provided with the application, its recommendations do not form part of the proposal. Mitigation measures do not assist with assessment of adverse impacts on nearby sensitive use.

Further, there are inconsistencies with reports for other similar activities within the Launceston commercial area by Tarkarri.

- g) the character of the surrounding area is identified by a wide variety of different uses and types of uses, ranging from professional offices to public parks, large scale retail, service industries and hospitality. While these uses are diverse, there is little to suggest that the early morning operations of nearby uses would have the same impact on noise and lighting that use as a gymnasium would have on the nearby sensitive uses.

On balance of the assessment against the performance criteria, it is not clear that the proposal will *not have* detrimental impacts to nearby sensitive uses.

In addition, zone purpose statements are required to be considered for discretionary uses and raise questions regarding the large floor area requirements for uses in the zone.

If the application were to be approved, it is requested that the openings in the northern wall should be removed and the walls treated to minimise sound transfer to nearby sensitive uses. This would then remove the risk of detrimental impacts to my clients property and other nearby sensitive uses to the north.

It is not clear what would be required to achieve compliance with the performance criterion to the south.

It is questionable whether this type of condition could be legally imposed, please refer to the last issue within this representation.

### **E6 Car Parking Code**

The notes to Table E6.1 provide that parking requirements must be based on the proposed use. This is consistent with the requirements of Section 12 of the *Land Use Planning and Approvals Act 1993* (the Act), which protects existing lawful activities.

My enquiries identified that the Gunners Arms has operated as a pub on that site for decades, most likely predating the Act. It is therefore likely that the existing pub operations are protected under Section 12 of the Act and pursuant to Note 1 on Table E6.1, are not relevant to the current assessment.

Table E6.1 requires 6 spaces for a drive in bottle shop. Also pursuant to Section 12 of the Act, these spaces must be taken as provided. The proposal plans clearly identify that 4 of those spaces will be removed to accommodate the F45 gym, creating a balance of 2 spaces that must be taken as provided for the proposal.

Table E6.1 clearly requires 1 parking space per 20m<sup>2</sup> of the proposal that is publicly accessible. The application identifies a publicly accessible floor area of 217 m<sup>2</sup>, therefore the application requires 11 spaces.

E6.5.1 A1 provides that 90 to 100% of the parking requirements in Table E6.1 must be provided, creating a requirement for 10 to 11 spaces to comply. The proposal provides 3 spaces in addition to the 2 held over from the previous use (total 5), which does not comply.

E6.5.1 P1.1 requires parking to be provided that reasonably meets the needs of the proposed use, against listed criteria.

- a) There are few if any off road parking spaces within the immediate vicinity of the site. Willis St car park is available, but is not in the immediate vicinity and will be closing with the University redevelopment. This raises questions about compliance with criterion P1,1(a)
- b) Space sharing by multiple users is possible for the morning classes, but I am advised that the car park remains substantially if not completely full for the evening classes due to patrons of the Gunners Arms. It is not clear that variations in parking demand nor efficiencies due to consolidation with materially affect the ability of the site to provide parking for F45 patrons. Criterion P1.1 (b) does not appear to assist approval for the evening sessions.
- c) Public transport is available to the area for morning and evening sessions, which may assist in reducing parking requirements. It is noted that both morning and evening patrons are likely to drive to the site due to the limited times of public transport services within the greater Launceston area. This suggests that P1,1(c) does not assist the assessment.
- d) The site is highly constrained through existing buildings and parking, with little space for additional car parking. Few other listed criteria impact the assessment under this criterion. It is noted that the proposal is comprised of multiple titles. If a permit was issued, it should require that the multiple of titles for the activity and associated



parking are linked to its future operation by either amalgamation of the titles of having a part 5 agreement registered on them which prevents their separate use and sale.

- e) On road parking in the vicinity provides some option for patrons, noting proximity to street parking surrounding City Park. This is likely to assist patrons parking.
- f) An assessment of the actual parking requirements for the actual activity was not provided as part of the application.

The application clearly states that classes average 27 participants, plus up to 3 staff. Assuming that one third of attendees either car pool, walk, use public transport or ride to the proposal, that is likely to create an actual demand for 20 spaces per class. The F45 Launceston website clearly identifies the classes with no break between them. Actual parking demands would then need to accommodate change of classes, which would require between 20 and 40 spaces. This suggests the proposed use will generate relatively high parking requirements.

It is noted that the actual parking assessment suggests the activity is likely to require additional parking over the requirements of the scheme due to the nature of the activity and transport availability within the wider Launceston area. This does not support assessment against the specific criterion P1.1 (f).

- g) Streetscape effects and impacts are not likely to be relevant due to the minimal changes to the existing streetscape. The proposal is therefore neutral on P1,1(g)
- h) A Traffic Impact Assessment was not provided with the application and therefore does not assist assessment under P1,1(h)

In summary of these matters, it is likely that the proposal will generate significant parking demands, which cannot be accommodated on site for both morning and evening sessions. The existing use of the car park suggests that there will be little parking available for patrons of the evening sessions.

The proposal will require parking that is currently available for the Gunners Arms. The assessment of actual parking requirements in this section of the representation suggests that this may be a significant impact.

If the proposal were approved, it is suggested that the northern car park not be used for the proposal and that the titles available for parking across the site be amalgamated by subdivision or Part 5 agreement.

It is submitted that the proposal cannot meet the reasonable needs of the use for the activity in the evenings.

### **Signage**

Signage was specifically excluded from the proposal. Separate application and assessment will be required for this.

### **Legalities**

Notwithstanding issues raised in the previous discussion, the applicant relies on Council imposing conditions to address noise matters in response to 23.3.2 P1 (see page 11, CPD).

Acoustic treatment measures normally rely on technical requirements for the design and construction of buildings or building work. As such, they are subject to the prohibition under Section 9 of the *Building Act 2016* on planning schemes and planning permit conditions requiring such work, absent Ministerial consent.

It is my understanding that Ministerial consent cannot be required from either the applicant or the Council by condition under approval, as this effectively delegates Councils ability to determine compliance with 23.3.2 P1 outside of the subject application.

The required consent under section 9 of the *Building Act 2016* relies on an external third party discretion that may or may not be granted in order to determine compliance with standard 23.3.2 P1. Given that this consent is critical to achievement of compliance with 23.3.2 P1, this suggests there is no legal basis to issue an approval upon.

### **Conclusion**

It is not clear that the proposal can achieve compliance with the required performance criteria for amenity impacts and parking.

Further, it is highly likely that complications from Section 9 of the *Building Act 2016* frustrate the Council's ability condition the proposal for compliance to achieve the required amenity tests under the use standards.

On balance of these issues, it is suggested that the application ought to be refused for failure to comply with 23.3.2 P1 and E6.5.1 P1.1.

Thank you and regards

Mick Purves

Town Planning Solutions

**Tasmanian Ratepayers' Association Inc.**

16 September 2019

Mr. Michael Stretton  
General Manager  
Launceston City Council  
Town Hall  
St John Street  
LAUNCESTON TAS 7250

By email to [contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au)

Dear Sir,

**Re: DA0370/2019. 23 Lawrence Street LAUNCESTON  
Sport and Recreation – Change of use to a fitness studio (re-advertised).**

We refer to the advertisement in the Examiner Newspaper on Saturday August 31, 2019, which invites representations to be lodged by 5.00pm on Wednesday 18 September 2019. This is contrary to the Notices posted on the land, which like the application exhibited on the computer terminals at the CoL Service Centre, advises the closing date to be 16 September 2019.

This conflicting information in the advertising and notification of this re-advertised application, demonstrates a defect in the required statutory process prescribed by the Land Use Planning and Approvals Act, and if this application is to proceed, we submit that it needs to be again re-advertised with correct and consistent information.

City of Launceston Council has a duty to uphold the provisions of its Planning Scheme.

This is not an 'ad-hoc' or favour based duty, it is a requirement of the Land Use Planning and Approvals Act 1993 at s48:

***Enforcement of observance of planning schemes***

*Where a planning scheme is in force, the planning authority must, within the ambit of its power, observe, and enforce the observance of, that planning scheme in respect of all use or development undertaken within the area to which the planning scheme relates, whether by the authority or by any other person.*

This duty under the act is the cornerstone of City of Launceston Council acting as a planning authority.

In any event, we make this representation, outlining our concerns concerning what has been presented to the public so far.

**Car parking**

To give security of tenure and use of car parking for tenants and access on this site, and so as to disallow the sale of the car park areas which are on individual titles, the various titles ought to be amalgamated to form a single title, or a Part V agreement be made a condition of any permit.

All existing parking spaces in both the northern and southern side car park areas, are marked for hotel patrons only. These two parking areas are presently linked via the driveway aprons of the bottle shop, and if a parking space is not available in either car park area, then it is possible to drive through to the other car park without re-entering the public streets, and adding to the congestion of this increasingly busy street network. The Lawrence Street driveway of the southern car park area is too close to the traffic light intersection, and should be closed off leaving the present two-way driveway off Cimitière Street as the only vehicular access to the southern area car park.

The surface and construction base of the present car park areas is in poor condition, and requires reconstruction and sealing. Accordingly, contrar to the applicant's assertion that the application complies with A1 and that only line marking is necessary, the damaged asphalt seal is in poor condition, and if ignored the surface will become more dangerous to vehicles and pedestrians, and generates dust.

The entrance to the proposed gym is from the southern side car park and accordingly only that carpark should be permitted for use by gym patrons only and all signage for the proposed gymnasium should be directed towards the Cimitiere St frontage and there be nothing fronting Lawrence St. Prior to the later acquisition of the southern side land, the only car park area was the northern side carpark.

Car parking for this proposed gym development is deficient and when the hotel tenant is also operating, there will be a significant deficiency causing vehicle parking to spill over into the street.

Car parking within the area is already under stress due to Council's disposal and planned disposal of nearby public car parks (Inveresk and Willis St Car Parks to UTas and Cimitiere St Car park to Verge Hotel) and the added impost of new developments without car parking or with inadequate car parking.

A shortfall in car parking cannot be justified.

- The proposed development is not within the parking exemption area.
- This is not a residential development, and so the walking distance to the CBD is NOT relevant, as parking is required for workers who drive from their homes to Cimitiere St to attend the gym facilities and hotel facilities there. Parking is prescribed for this use for good reason, and the Planning Scheme provisions are the minimum prescriptions.
- Serviceability of the location by public transport has already been taken into consideration when Council developed the Planning Scheme, determined the site zoning/parking provisions, and determined the boundary of the Parking Exemption Area. The minimum car parking provisions are relative and cannot be reduced or watered down.

#### Traffic Congestion

The proposed car park arrangements, given how the gym business will be conducted, with 25-30 people arriving at the same time for structured scheduled classes, and an overlap with the departing class, increases the need for on-site car parking capacity and increases vehicle movements in Lawrence and Cimitiere Streets significantly, and is a significant concentration of vehicle movements compared to a steady trickle from the present Bottle Shop use. This is not in compliance with the Acceptable Solution.

Boland Street, Lawrence Street and Cimitiere Street are already under stress due to the lack of adequate distributor roads in Launceston. Other developments, such as UTAs, will significantly also add to this stress.

There are no means where visitors to the site will be able to ascertain if vacant parking spaces are available without driving in. This will cause unnecessary additional vehicle movements when one of the car park areas reaches capacity, and cause that vehicle driver to exit back into the road system, turn around and investigate the other car park in the hope of finding a space.

#### Streetscape Compatibility

The proposed building alterations and changes are not in harmony with the existing streetscape but it is the signage in an heritage area that potentially will cause the most distress.

#### Nuisance to Nearby Residences and Noise

There should be no new windows on the northern elevation and all existing walls and ceilings/roofs must be constructed or modified to a standard where actual sound measurements at and within adjoining residences, are regulated to be within strict maximums.

#### Conclusion

This development proposal is an over-intensification of development on this site, given the complexities outlined above.

We believe that, given the inability of the car park to provide adequate parking and the unreasonable congestion it will create, that the floor area of the proposed gym should be reduced sufficiently to a floor area matching the capacity of car parking that may be achievable.

Alternatively, this application must be refused.

Yours faithfully,

ALVARO ASCUÍ

Public Officer  
For and on behalf of  
**TASMANIAN RATEPAYERS ASSOCIATION INC.**

The General Manager

Launceston City Council

DA0370/2019

23 Lawrence Street

I am a director and the owner of the company Marlou Pty Ltd which own

I have two tenants renting these properties from me and have for some 10 plus years.  
I am very happy to support them with their thoughts and concerns on this matter.

I understand that the old bottle shop at the Gunners Arms is considering putting in a gym .

I fully understand that the old bottle shop is on a commercial zoning area and as such the gym would be a permitted use.

I think parking could become an issue for the street and general area with classes of 27 plus as I understood from the meeting on Sunday 8<sup>th</sup> that the tenant would be hoping to grow the business , he could end up with maybe classes of considerably more. This would mean at change over time parking could be in very high demand .

And would also think the extra noise of people chatting before and after glasses could add to noise problems early in morning. Before the permitted time of 7.00 a.m.

But as parking is covered by more than spaces than the council require we are supposed to not to be concern by that .

However I can fully understand people living in the area would be,

Although the hotel (and becks next door) are commercial business and zoned for that , the immediate surrounding areas are zoned residential.

(next door to the north share a very close boundary with the car park) and Lawrence street and Cimitiere street (Glebe Area) are both residential area with many people who have happy lived here for many years ( my tenant 19 years) .

The council is trying to encourage people to move into inner city living this would be contrary to those wishes

**Therefore noise is the main reason (and only if the parking is within the council requirements) for my objection.**

The "low steady beat doof doof" type of music that as I understand this type of gym will be running from a starting time of 5.00 am will be a very important issue for the residents.

I have had some experience in the pasted as I was a previous member for some 12 years on the liquor licencing board for the state, and by far the majority of complaints we received were

concerning bands and live music with the type of low level beat as I understand will be the type of music under discussion.

Nothing but distance seems to be able to filter out the noise.

Is this the right fit for the area as it is also residential ?

Has any thought been given to triple glazing and fixed windows ? Sound proofing on the Cimitiere wall ? From plans I understand only cement sheeting .

But I am not sure this would even help the situation.

I do not think this type of gym is right for the area – there was a bar within the extended area a few years ago which I understand closed due to many complaints about noise (again low beat sounds)

I fully understand the owner would like to relet the area as soon as he can – but think this is not the right fit for an area that is surrounded by a large residential area.

I don't think a gym that has loud "doof doof" music early in the morning is the right the answer.

Is this the right fit for the area as it is also residential ?

Yours Sincerely

Louse Finney

The General Manager  
2019

16<sup>th</sup> September

Launceston City Council 7250

Re: DA0370/2019 23 Lawrence Street LAUNCESTON TAS 7250

Dear Sir,

I would like to register my concerns regarding the above referenced development application which is planned as an extension of the existing Gunners Arms Hotel complex. These concerns are as follows.

#### 2.5 Natural Hazards

The proposed site is not on the Planning Scheme Map, however, it is on the Launceston City Council's Emergency Management/Flood Chart.

#### 3.2.2 Access and Car Parking

The proposal does not adequately address the parking requirements. It fails to take into consideration the need for the inevitable overlap that will occur between those clients departing the exercise facility in their vehicles and those who will be arriving in their vehicles (to begin their session(s)). And those who may be remaining for an extended period of time, for whatever reason. This has the potential to exacerbate the already stretched parking availability on the two adjoining streets. (Cimitiere and Lawrence)

#### 23.3.2 Emissions Impacting Sensitive Areas

The maximum noise level generated by the music at the fitness centre is of particular concern. Low frequency sounds currently generated occasionally by live band music at the Gunners Arms Hotel are audible at my cottage at number 48 Cimitiere Street. Typical music played at F45 fitness venues employ the use of the lower frequency infrasound throughout their exercise sessions to emphasise the beat. These frequencies can travel extensive distances through soil and through building structures. They tend to be the most expensive to isolate. The proposed extension will be sited on unconsolidated alluvial sediment. The proponent states that the windows on the northern and southern facades will remain closed until 0700 hours Monday to Saturday. These windows, when open after this hour, will transmit sound, generated from within the facility at up to 90 dB, directly to the inhabitants of the nearby (18 metres distant) adjoining private dwelling at number 17 Lawrence Street and a further 53 metres across Cimitiere Street to the private housing there.

The comparison of the estimated noise levels for the proposed Cimitiere/Lawrence Street site with those generated at number 67 George Street – which were taken in an empty facility, is questionable. The former will generate noise at up to 90 dB while the George Street facility, when tested for comparison purposes, generated sound at up to 78 dB. The



frequency spectrum of this sound has not been provided. Sound at F45 exercise facilities, in common with many similar facilities, is typically ramped up to the maximum allowable when classes are in session. This was not the case when the readings were taken at the George Street facility which did not have a class in operation at the time.

Please contact me should there be any community meetings regarding this development with the Council, in order that I might attend.

For your consideration.

Yours sincerely,

Greg Lear

(BSc. Pure and Applied Geophysics/Geology Sydney University

M. Econ Geology CRC CODES UTAS, Hobart)

Supplementary

## The Sydney Morning Herald

LIFESTYLE HEALTH & WELLNESS

# Deaf to the dangers of loud gym music

Motivating or a hindrance? Either way, noise levels at the gym may be doing more harm than good.

By Siobhan Moylan

April 5, 2013 – 4.03pm

Gyms are places where many of us go to get healthy, fit and fabulous. Simply put, the intent is to get better rather than worse. To my chagrin and the collective chagrins of my fellow gym aficionados, more than once, we have left spin classes with not just sore legs and rears but sore and ringing ears. The latter is the problematic part, the former par for the course.

A paper titled *Noise levels in fitness classes still too high* was published in the Archives of Environmental & Occupational Health last month. As its title suggests, it backs up what many of us have long hypothesised – that sound levels in high-intensity gym classes are often way too high.



<https://www.smh.com.au/lifestyle/health-and-wellness/deaf-to-the-dangers-of-loud-gym-music-20130405-2hbqd.html>

## Supplementary



Sonic doom: pumping up the volume can result in permanent hearing damage. SIMONE DE PEAK

As part of the study, noise levels were tested during 35 low-intensity and 65 high-intensity classes in 1997-98 and again in 2009-11. The study assessed noise levels at four different gyms – two large gyms in Newcastle, north of Sydney, for the first study and eight separate gyms in Sydney for the second. Seven of those were

Fitness First branches, which operate nationally. Permission was obtained from the management and instructors of the participating gyms to measure noise levels during selected classes and questionnaires distributed to clients and instructors.

Instructors and clients were asked about their preferred music volume levels and whether they found loud music "stressful" or "motivating". Turns out, instructors prefer much higher volumes than clients for high-intensity classes. In both studies, about 85 per cent of instructors found loud music motivating, whereas about one-fifth of clients found it stressful.

Noise levels in both time periods were similar, averaging at about 93.1 decibels. Noise levels in low-intensity classes dropped from 88.9dB to 85.6dB. Happily that means classes like yoga are getting quieter, and given their very nature that makes sense, but sound levels in, for example, spin classes, are still spinning out of control.

Janette Thorburn, principal audiologist at Australian Hearing, says it is "astonishing" that some gyms are playing music at these levels. "We know that one gym in the United States has recorded a level of 106dB in a spin class," she says. "That is insane. If you are an instructor and you do a few classes back to back at high levels it is definitely damaging to your hearing."

This type of recreational noise is becoming more of a concern for Australian Hearing, Thorburn says. "Our research arm is now looking at noise levels in gyms. The Australian standard is 85dB of continuous noise over eight hours. If you raise the levels to 91dB then you can only be exposed for two hours safely and so on. Recreational noise is a hugely ignored public health problem."

So what if your ears are ringing after spinning up a storm to Don Henley's *Boys of Summer*? "This is a form of tinnitus," Thorburn says. "It's our ears signalling to us that the next step is damage and that if you keep going back, you will be asking for more damage, we are now seeing more and more people walking away with this type of ringing in the ears after high intensity gym classes."

The author of the paper, research psychologist at the National Acoustic

Laboratory, Elizabeth Deak, says it's time for more awareness around the issue

<https://www.smh.com.au/lifestyle/health-and-wellness/deaf-to-the-dangers-of-loud-gym-music-20130405-2hbqd.html>

LABORATORIES, ELIZABETH BEACH, SAYS IT'S TIME FOR MORE AWARENESS AROUND THE ISSUE. "Fitness class providers are trying to make their classes like nightclubs to entice people in the doors which is not necessary," she says. "Another strategy could be to vary tempo as opposed to turning the volume up to dangerous levels." About 14 per cent of young Australians (aged 18-35) are being exposed to noise levels that are over the safe work place limit. The damage is often done during their leisure time when they listen to loud music on electronic devices or visit nightclubs or live concert venues. Often the damage is done, Beach says, and because hearing issues often don't materialise until later in life, people tend to put off worrying about it.

"Hearing loss may not become evident for another 20 years but that's why we talk about tinnitus now," she says. "People need to imagine what it is like to have that tinnitus not go away. The human system is not designed to hear sounds like the ones pumping out of gym speakers over a long period of time, we simply have not evolved to deal with those sorts of sound levels."

I have complained about decibel levels at my gym many times, in particular in instructors' spin classes, only to be told to "wear ear plugs if you can't handle it". Question is, if members do develop hearing problems in the future could these matters be ones for the courts to handle? Do gyms have a duty of care to members?

Fitness First classes operate the same classes at all their branches across Australia. Head of fitness, Rob Hale, says: "We are guided by all relevant occupation health and safety standards, and actively participated in the noise study conducted in 2009-2011 to gain a better understanding of noise levels. We will continue to monitor our noise levels within our clubs to ensure that the approach remains consistent, and that all our staff understand the importance of maintaining the prescribed audio levels."

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***"85 per cent of instructors found loud music motivating, whereas about one-fifth of clients found it stressful."***

Elizabeth Beach believes the onus is on gyms to look after patrons. She says that if you feel the music is too loud in your class, you should approach your instructor. "What's worrying though is that instructors prefer higher noise levels than clients, suggesting that efforts to reduce noise levels may meet with some resistance. Given the possible health risks from excessively loud music, the fitness industry is encouraged to re-examine the role of loud music and to creatively explore new ways to motivate clients so that instructors' hearing is protected and clients' needs are met."

Could it be that your gym is also pumping up the volume to unsafe levels? Beach hypothesises that indeed a trend appears to be forming. "In my opinion the problem is widespread and you could expect to encounter similar noise levels wherever fitness classes are set to music. In another study we've done recently, we have another 32 recordings from fitness classes (some Fitness First and some independents) and the noise figures are very similar, a rule of thumb is that if you think the music is way too loud then it probably is."

The General Manager,  
Mr Michael Stretton  
Launceston City Council.

Dear Mr Stretton,

I refer to DAO370/2019, 23 Lawrence Street. I would like to make a representation against the proposal for the change of use to a F45 gym.

My main concern is the very early opening time of 5 am. I am the mother of two young children and I am also a university student. Sleep is very important to us. My property has been identified in the development application as being the third closest residence to this proposed gym (53m away). In fact we will be directly in front of it as we live on the corner of Lawrence and Cimitiere Street. The sound of the cars arriving at around 4.45 am will be detrimental to our health and wellbeing.

It has been suggested in the sound engineer's report that in the morning all cars park in the southern car park (the Cimitiere Street side of the Gunners Arms). As the class sizes have been given as typically 27 plus 2-3 staff members (p7), I believe at this time in the morning the sound of people arriving will clearly be heard inside my home. Also disturbing is the fact that there is no interval in between classes, so many more cars may arrive at 6.40 am in preparation to participate in the next class and this pattern will continue until 10 am. At 7 am the windows will be permitted to be open (p10, Takarri Engineering Report) and the loud music will then add to the general chaos of the situation.

I note that a lighting plan has not been submitted with this development application. What assurances do I have that any new lighting will be positioned in such a way as to not shine towards my home? I have two windows on the north side of the house and any illumination into these by way of spotlights etc would impact us.

I would very much appreciate you taking into consideration my concerns as a nearby resident to this proposed development. This is not an appropriate location to establish a high intensity gym, as it is surrounded by inner residential properties all of which have been here for over 100 years. If this proposal is allowed to proceed it will greatly impact our lifestyle.

Yours sincerely, Sarah Farrell



16<sup>th</sup> September 2019

The General Manager  
Mr Michael Stretton  
Launceston City Council

Dear Mr. Stretton

I wish to make a representation in regard to DAO370/2019 "Change of use to a fitness studio,"  
Gunnars Arms Tavern, 23 Lawrence Street.

Impact on the lifestyle of the resident at (Included within the proposed local  
heritage precinct).

I am the owner of \_\_\_\_\_ which is the closest property to the proposed development.  
The distance from my boundary to the wall of the proposed F45 gym is 15.87 m ,not 18 m which  
is the measurement continually given throughout the application (refer to Development Plans,  
Appendix B, p46 ). At present this property is rented by a family member and I am concerned for the  
detrimental effect this proposed gym will have on his lifestyle in particular the right to live without  
unnecessary noise infiltrating his home in the very early hours of the morning. The proposed 5am  
start is totally unacceptable.

I note the sound engineer has recommended that prior to 7am, (Proposal p11) the northern car park  
is not used and patrons should park in the southern side of the Gunnars Arms so as to minimise the  
potential noise of cars arriving, (Takarri Engineering report, p 10). Will a boom gate be installed to  
ensure this happens? At 7 am the windows in the gym will be permitted to be opened and the music  
and amplified voices will impact the closest resident even more. Please note that a condition in  
the previous Charles Street proposal to locate this F45 gym there, was that the applicant agreed to  
seal all operational panels of the upper windows to prevent acoustic leakage. This is not the case in  
this development application. Unfortunately F45 management has not demonstrated any regard to  
nearby residents at the current operations in George Street, as several people including myself have  
witnessed the door being left open during the early morning gym sessions in that location. Added to  
this there is no means of monitoring the sound level of music that is being played. The owner has  
told me he simply turns the volume control up or down. Fernwood Fitness in William Street has an  
electronic device which alerts the trainers if the sound level is too high.

Takarri Engineering Report.

I challenge the validity of this report as I believe it is incomplete. To establish ambient noise  
conditions in the area surrounding the proposed gym, measurements of the environmental noise  
conditions were conducted between 5 am and 5.30 am. There is no mention of the weather  
conditions on the day the test took place and after speaking with the LCC Environmental Health  
Officer, I learnt that factors such as high winds can effect background noise. Tests are usually  
undertaken with 2 microphones so different types of sounds can be eliminated. I question the  
location set up, as the sound engineer tested on a commercial property, despite the fact he was  
testing to assess the effects on residential properties. Measuring at varying times was not  
conducted. At 6 pm in Lawrence Street there are very few passing cars and this will be the time  
when the windows of the gym will be permitted to be opened. Added to this, no test was done to  
replicate the noise which will leak out of the open windows at this time.

No recommendations on how sound proofing will be undertaken have been given by the sound engineer. Double glazing is not suggested, and I note in the plan that there is no door separating the studio from the waiting area, so each time someone enters or leaves through the front doors, sound will be emitted. No mention of amplified voices has been given in regard to the F45 gym acoustic test and the dropping of weights was not included in the test. It is unrealistic to believe the presence of an estimated class size of 27 people would have no impact on sound levels. The sound engineer tested without participants.

### Parking

Currently all car parks are leased by the licensee of the Gunners Arms and the bottle shop (just 4 spots in the drive through). (Source LCC). How is the new shared leasing arrangement going to be undertaken? Will the licensee be deprived of the total use of the two car parks on which he currently heavily relies. At present there are 27 car spaces leased by the publican. Car parking numbers were undertaken on Thursday 12 September 6pm. A total of 23 spaces were being used. On Friday 13th September at 4.10pm, both the southern and northern car parks were full. (witnessed by LCC planning officer). At 6pm 17 were being used. These are the days that trades people traditionally drink here. Further car parking numbers were taken on Wednesday 11<sup>th</sup> September and Saturday 14<sup>th</sup> September. (Refer to attached table 1). The parking performance criteria relies on a different assessment than the ratios required by the acceptable solution. P1.1 (f) requires an assessment of the actual parking requirements, which was not provided by the applicant. The PC tests whether the proposal meets the reasonable needs of the proposal. If they have 27 gym. customers and 3 staff, that is potential vehicles per class. If we assume 1/3 either car pool, walk, bus etc. (which is a high assumption), then that means that 20 spaces are likely to be required for each class, plus crossover. The table clearly demonstrates that not enough parking will be available in the evening. There were also 2 functions last week in the early evening each attended by 30 people. This was after the afternoon rush. The gym plans to open until 8pm week days so there will be much competition for parking.

### Access for service vehicles in Commercial Zone.

To ensure that service vehicles can safely and effectively deliver to the site, it should be demonstrated that service vehicles can access the site to drop off and pick up goods and services, safely (Refer to figure 17, p24 Appendix D Preliminary Site Investigation p 22). Surely the proponent must provide for this. Figure 17 shows the keg storage area and the access to the kitchen and store room of the hotel. See also photos attached at end of my representation. This area will be cut off by the new extension and the 3 car parking spaces which will be added at the end of the southern wall. The publican will be completely blocked from delivering his supplies to where they are stored. What will be the solution?

### Lighting

No plan included. All current lighting will need to be removed from the southern wall to build the new extension and to enclose the drive through and re-clad the walls. How are residents to know how any new lighting might effect them. Will spot lights be installed?

## Bicycle Racks

It is stated that a bicycle rack to accommodate 6 bicycles is provided on the eastern facing wall (p 26). This is not shown on the plan.

## Floor area of the Gunners Arms.

As both floors, verandah, balcony and decks are licensed by the Liquor and Gaming Board to serve alcohol, and with the exception of a small store room, cool room and kitchen, all areas are public spaces, I question the floor size of the Gunners Arms which is provided on the plan. It must be almost double the stated 230 m<sup>2</sup>. This figure has been taken before the hotel was re modelled in 2012 after the fire.

## Heritage.

The Gunners Arms was originally named the Main Line Hotel and first licensed in 1886. It is listed both on the Tasmanian Heritage Register and is also listed as being of Local heritage significance on the Council's register. The whole title it sits on is registered, not just the building. The multiplicity of titles at 23 Lawrence Street means that the hotel and the proposed gym must rely on the present 5 titles remaining in a single ownership. The Gunners Arms is a significant element in the streetscape and indeed in the whole of the proposed Cimitiere Street Precinct. The Burra Charter <sup>1</sup>defines setting as the immediate and extended environment of a place that is part of its cultural significance. Article 8. Setting "requires the retention of an appropriate setting... New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships which are not appropriate". In this regard I do not consider a gym to be an appropriate element to be introduced into the "setting". The Burra Charter is a good guide to local councils when considering any new developments in a heritage precinct.

4.4.13 Local Heritage Code (p36,) The development application does not discuss how the proposed gym is assessed on the basis of its impact on the streetscape. It simply states that it is compliant. E13.6,5 (p39-40),The report states that

*"The apparent bulk of the building when viewed from Lawrence Street to which the heritage facade fronts will not be significantly increased as a result of the addition to the southern elevation as it effectively sits behind a covered deck which is located on the southern side of the Tavern".*

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<sup>1</sup> The Burra Charter: The Australia. ICOMOS Charter for Places of Cultural Significance,. 2013.



This is not correct as the addition will be clearly viewed from Lawrence Street if you position yourself on the footpath just beyond the uncovered deck. Also as the whole of the Gunners Arms is listed by both Tasmanian Heritage and the LCC, each facade is important, not just the front facade on Lawrence Street. The addition is clearly viewed from Cimitiere Street as will be the proposed gym.

E13.6.6 "To ensure that the siting of buildings are compatible with the historic cultural heritage of local heritage places and their settings" (p40-41). Only performance criteria p1 (d) is discussed. There is no mention of how the extension is compatible with the local heritage place and its setting. Wall materials (b, c), are not compatible as Easylap Cladding is proposed to be used and will be clearly viewed from both Lawrence and Cimitiere Streets.

#### Signage

E13.6.13 (p43). "No signage is proposed". Performance Criteria p1.

"New signs must be compatible with the historic cultural heritage of the local heritage place and its setting, having regard to:

- (a) the cultural heritage values of the local heritage place and setting". A n F45 gym fails this criteria.
- (b), "the size and location of the sign", no demonstration of where sign will be located and its size.
- (d) "the period details, windows, doors, and other architectural details of the building".

F45 brand signage is not compatible with this. The colours included in this contemporary design, are bright red, blue and white.

In conclusion, the Gunners Arms is traditionally part of the heritage community which includes my property at . The tavern was built firstly for railway workers and people travelling on the Main Line railway. Much later it became a drinking spot for the workers from the goods train yard which operated up to the 1970s. Locals, tradespeople and people on their way home from work continue to use this as their "water hole". It offers something to this heritage precinct community. It reminds us of how we once lived, communicating and interacting with one another.

The proposed F45 offers nothing to this heritage precinct and will not enhance the lives of the local residents. I therefore have no desire to see DA0370/2019 approved.

Yours faithfully,

Ann (Nancy) Serisier.

*A. Serisier.*

Door open while gym is operating.

<https://mail.google.com/mail/u/0/#inbox/FMfcgwDhspMwqkz8iDZvPShvbc?projector=1&messageParId=0.1>



9/16/2019

IMG\_0717.jpg

Parking availability table 1  
 at the Gunners Arms Tavern.

Day	Avail	Thurs 6pm	Wed 6pm	Thurs 4.30 pm	Fri 4.10pm	Fri 6pm	Sat 6pm
North	13	10	9	3	13	6	6
South	14	13	10	12	14	11	11
Avail	27	4	8	12	0	10	10

9/15/2019

Image 1 Access for service vehicle (present)

IMG\_0731.jpg

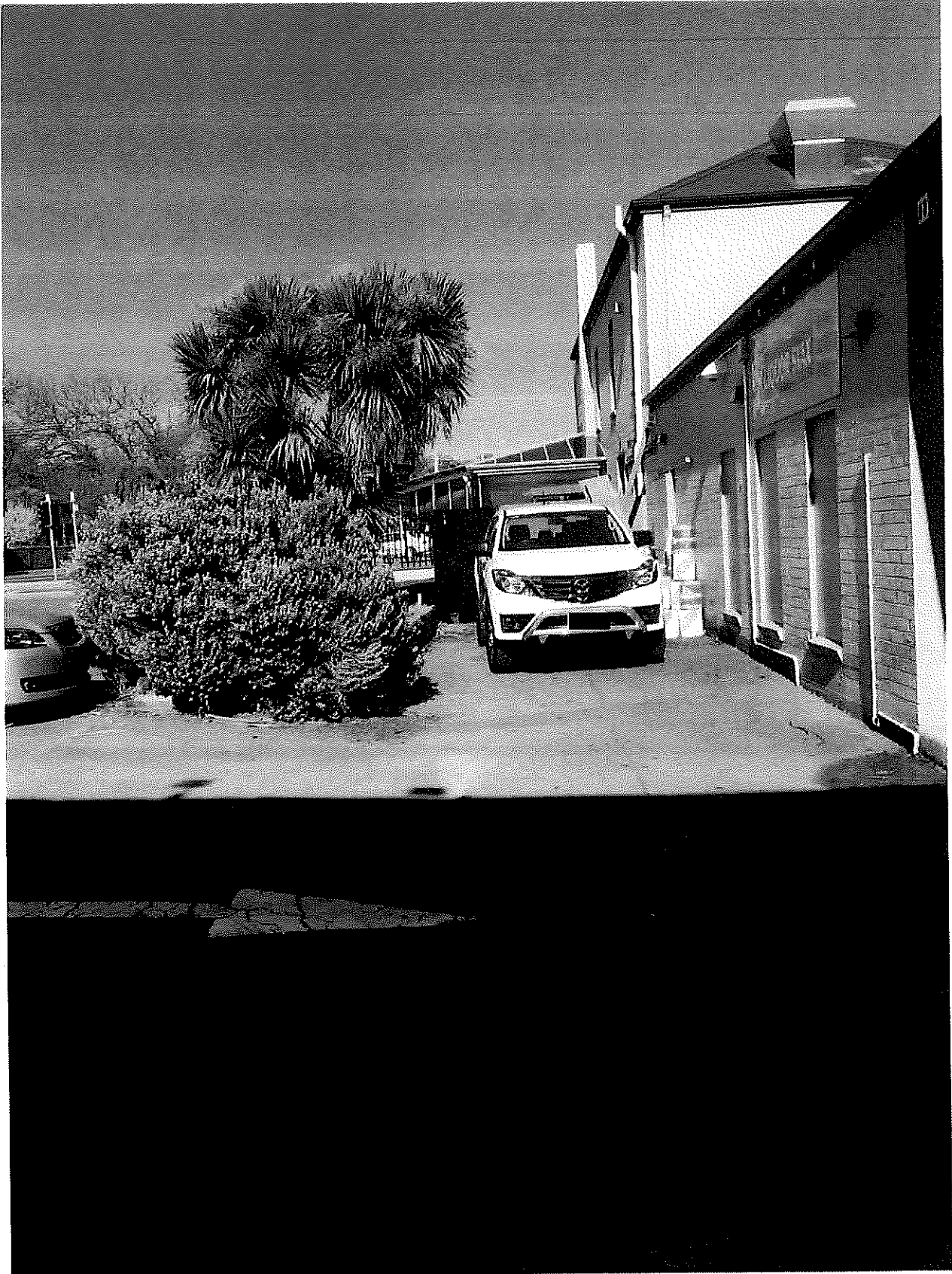
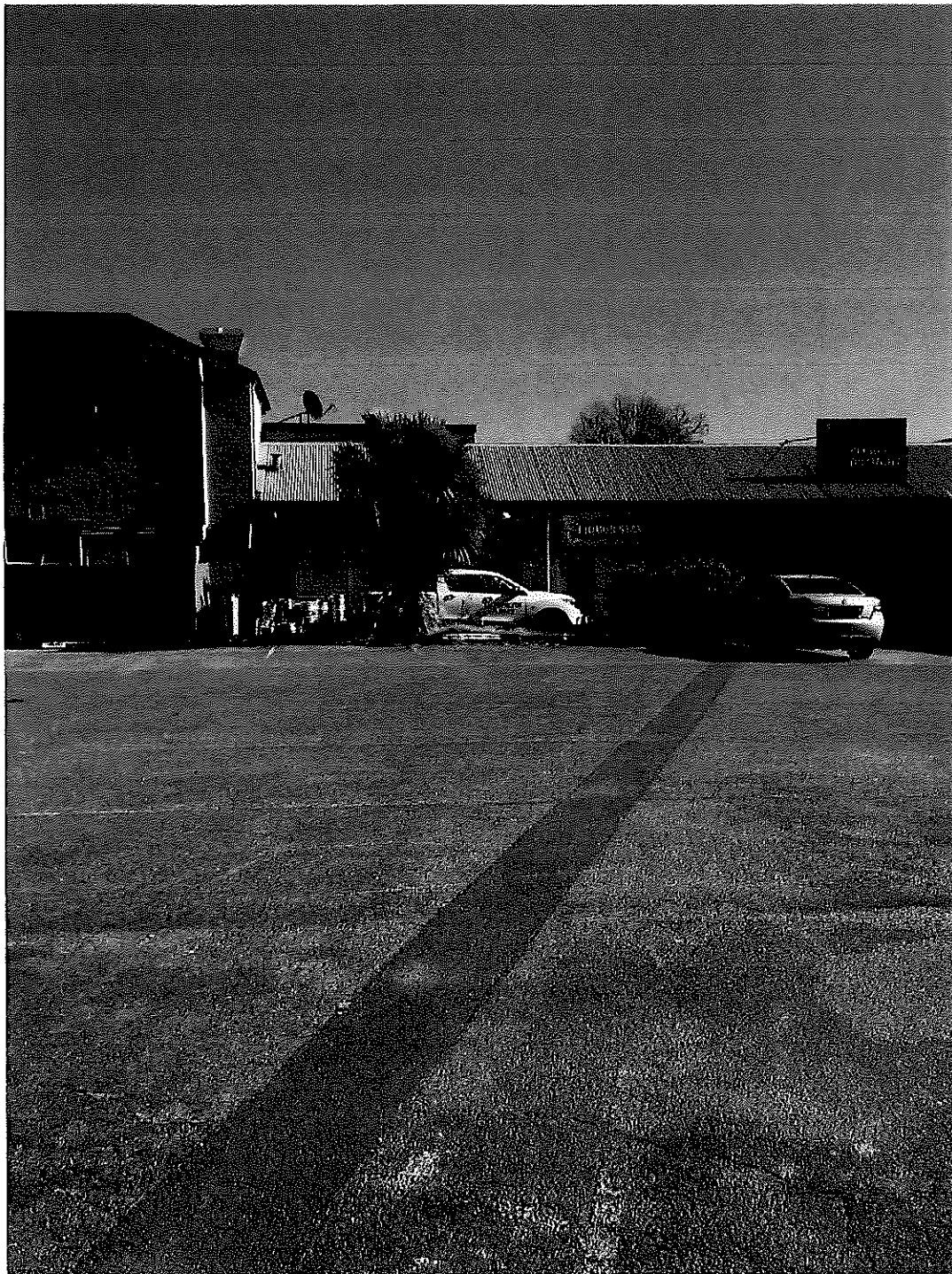


Image 2. Access for service vehicle viewed from Cemetery Street (present)

<https://mail.google.com/mail/u/0/#inbox?projector=1>



9/18/2019

IMG\_0733.jpg

## Supplementary

Dear Mr Stretton and Mr More,

I realise the time to put in representations has passed, and I have actually lodged my representation, but I wish to add some supplementary information re DAO 370/2019.

Under Parking (p2) in my representation the text should have read "If they have 27 gym customers and 3 staff, that is" potentially 30 vehicles per class".

I would like to add that the floor space of the hotel has been incorrectly given as 230m<sup>2</sup>. We have measured the hotel (not including bottle shop), and have found it to be 18.6m<sup>2</sup> in depth and 12.5 in width. It is a 2 storey building and the upper floor is also licensed to serve alcohol (Source: Licensing Commission September, 2019). It consists of a restaurant verandah, a terrace, function room, toilets and an office. This would therefore equate to 465 m<sup>2</sup> (ie 232.5 m<sup>2</sup> times 2), as the ground floor has a bar a function room, toilets a storeroom and a kitchen. Additionally to this is one deck at 33.41 m<sup>2</sup> and an uncovered deck at 42m<sup>2</sup> (DAO169/2019) on the ground floor. This would consequently mean that the floor area of the Hotel is 540.41m<sup>2</sup>. Accordingly to car parking requirements for the hotel industry at one car space per 20m<sup>2</sup>, 27 car parking spaces would need to be provided for the hotel.

Sound Engineer's Report . Takarri Engineering. DAO370/2019

Once again I question why background noise measurements in Lawrence St and Cimitiere St were not taken during times of the day when the noise under investigation would be operating. Measurement was only taken in the early hours of the morning when windows of the gym would be conditioned to be shut. What about noise measurement at 6pm when there is virtually no traffic and the windows and door of the gym will be permitted to be open?

Why is the date of the environmental noise test given as 13<sup>th</sup> August 2018. The application was lodged on 31/7/2019. This means the test was conducted over a year ago, but the monitoring data is dated 13<sup>th</sup> August 2019. Which date is correct?

Please note no atmospheric or weather conditions at the time of the test are given. In other reports by Dr Mc Cloud these have been included. See .Kosaten Restaurant 254 Charles Street LCC council meeting Item 8.2 Attachment 7 19<sup>th</sup> February 2018.

"Weather conditions were fine (6-3 of cloud cover) with calm wind conditions". p3

Also please note EPA Tasmania Noise Measurement Procedures Manual July 2008 specifies the importance of local meteorological conditions (source [epa ,tas.gov .au](http://epa.tas.gov.au)).

The re use of one single sound test undertaken at F45 in George Street is worrying. It has been used for 4 different applications Two for separate F45 applications to operate at 233a Charles Street, one for POD Fitness at 233a Charles Street and the current proposal for F45 at 23 Lawrence Street. This test is missing the vital component which is the gym participants and their interaction with each other and the instructors.

In regard to the last F45 Gym application to operate at 233a Charles Street, Takarri were issued by LCC with a request for further information about the noise emission assessment asking for confirmation that the simulated noise test conducted at F45 Gym included the use of noise

## Supplementary

emitting equipment. Takarri's response to LCC is as follows and is dated 6 February 2019. p2 (attn Ms Danica Reeves).

" The simulated noise was generated at the F45 Training premises at 67 George St by the production of amplified music through the premises amplification system at a level typical of an F45 training class. Communication with patrons by staff wouldn't involve amplification and equipment is not expected to be dropped during training sessions..... therefore these sources are not expected to be significant generators of noise within the premises".

This is incorrect. Instructions are given to the class using amplification. I have recorded this on video {with sound] standing in George Street ,14th September 8.12 am. At 8.28am on the same morning another video with sound also records the loud thump of weights being dropped.

The tenant next door to F45 expressed her concern to her landlord (Peter Dixon) about the noise which travels through to her business and is intrusive. Her concerns are dropping of weights, amplified voices and bass low frequency sounds of amplified music. She operates her business through until the evening. Residents of the area and visitors at a hotel in York Town Square have also complained. The resident above F45 is not disturbed as he is Field Reeves the owner of F45.

Thank you for your consideration of this supplementary information to my representation,

Yours faithfully ,  
Ann (Nancy) Serisier

Sunday, 15 September 2019

General Manager  
Launceston City Council  
PO Box 396  
Launceston 7250

6323 3000

Thank you in advance for your consideration of surrounding residents of the proposed planning Application DA0370/2019 - Gunners Arms Tavern, 23 Lawrence St, Launceston. Change of use to a fitness studio.

Let me begin by saying, along with the local residents I am supportive of progressive and well thought out development in the area. These developments are part and parcel of living in multi-zoned areas and are in fact a benefit of living so centrally.

The hours of proposed operation are of significant concern. An F45 gymnasium operating from 5am is an unreasonable in terms of noise pollution and sub-frequencies. The coming and going of gym goers, with class based arrival and departures, is simply not a negligible disturbance at this time of the morning for residents. The comings and goings will cause environment harm and great loss of amenity to residents who choose to make this area their home. The proposed parking plan not only removes parking from the current lease holder of the Tavern BUT WILL NOT accomodate current NOR projected class numbers. Residents along Lawrence and Cimitiere St WILL experience inevitable noise pollution within meters of windows and front rooms - continually from 5AM, 5 days a week plus weekends. This is an unreasonable expectation upon the residents quality of life.

I am not anti the F45 program in any way, aside from the obvious disturbance it will cause from the early hours from 5am. Existing businesses (namely, the Gunners Arms) operate respectfully and adhere to trading hour constraints. Asking the local residents to endure 'Nightclub style' conditions from 5AM is ludicrous. Double glazing, and ventilation (not in the current DA), will of course reduce sound pollution - as may do curtains and a volume button however tackling these issue post-development would be unlikely and costly. Much like the doomed 'Shout Bar', at the end of Cimitiere St, in Racecourse Crescent - even with double glazing and adhering to councils strict requirements, it was closed due to the on-going unresolvable community disturbance.

The traffic crossways into the site are also an issue of safety being one car length from an already dangerous intersection - especially considering the class-structured nature of the proposed business. Not only will it attract significant increases in traffic to an overpopulated intersection, arrivals and departures will occur in bulk. With the bottle



shop (currently in that location) servicing around 30-50 car movements a day, to suggest it is not a negligible increase - especially with the current developments slated along Cimitiere St (including more residential units for UTAS) - is negligent in itself. Basing this DA's statistics on a traffic report from 2002, considering the numerous developments along Cimitiere is also negligent.

Mr Dixon is a known developer who at the recent residents' meeting (Sunday 8th September), stated: "I love my peace and quiet more than most" then proceeded to tell residents to sell their houses if they have a problem - none of the residents appreciated being bullied.

As a musician I would never consider operating my music studio at 5AM in the morning, let alone expect my neighbours to endure 75 plus CAR MOVEMENTS (PARKING-STOPPING-STARTING) before 6:15 AM. That's before we go into SUB-FREQUENCIES. This will most certainly cause ENVIRONMENTAL HARM - as stated in the Environmental Management and Pollution Control Act 1994.

I am unable to support this development application. Please contact me for my participation in any further meetings.

Respectfully,

Daniel Priest

Representation for application DA0370/2019

Representation for F45 gym (Gunners Arms bottle shop).

Regarding this proposal my concerns are as follows.

- 1) Noise in a heritage area
- 2) Parking
- 3) Viable business proposition?

Noise in a heritage area

The Glebe has suffered years of abuse from unwanted heavy-vehicle traffic thundering through this fragile heritage area. We definitely do not desire or deserve any additional disturbance from a loudly resonating, gyrating, open-door gym.

My heart goes out to those who have previously bought retirement properties close to the proposed development who are now told that if they don't like the noise, "move house".

Parking

Parking has always been an issue in the area. It is extremely difficult to find a park during business hours as city commuters fill all available spaces. Where do F45 members find parking?

Viable Business?

A valid comment from the meeting was, "Is this gym really a viable business proposition?". If the bottle shop at Gunners is no longer viable from heavy competition in the area, is F45 going to fare any better in an area already saturated with similar businesses

Sincerely,  
Judy Mills