

Subject: DA Application DA0394/2019

To The General Manager

Re DA394/2019

I Janine Macarthur would like to make a submission against this DA Application

I raise the concerns and objections over noise, parking and hours of operation

It was only a short time ago a very similar application DA341/2018 was strongly defeated at a council meeting 9 Councillors against 1 The same objections exist for this application.

It was also only last year that a previous application from POD (the current applicant) was not successful in Margaret St Launceston.

It seems obvious that “gyms” even if you call them “wellness centres” are not appropriate in these locations.

This location already contributes to the health community with Balance a physiotherapy business and Dr Jenson's medical facility.

The application states “Quoted number of users is 6-15” This seems a very unlikely number as the plan shows positions for patrons at 53, not counting people utilising, the flexible area, the ballet bar area, and the administration area. It also seems unlikely any business with such low patronage would be proposed. It further seems obvious that to be a successful business they would want to increase their patronage to stay in business.

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Even if the current arrangements for parking are cancelled, it still leaves existing business without parking, there is just not enough parking.

The application also mentions diagonally opposite the proposal is Coles and its parking lot. Coles supermarket is in another block not diagonally opposite, and it is my understanding that their parking is for the use of their customers and not available to patrons of this DA application.

The access to the parking is also the access to the residential properties “Village on the Green” a complex of over 30 residential homes which will be adversely affected if this application is approved.

It is stated that “Noise generated by patrons arriving and departing is not considered” from noise monitors, this shows a complete disregard for residents and the impact on us by this application.

It is also stated that the applicant expects that many of their patrons will walk to this new location as they state they walk to the current location, this also sounds very unlikely that patrons who walk would be able to walk to this new location. My estimate would be most likely people will drive and try and park especially for 06:00 or 22:00 at night.

It is with these issues in mind that I object to the proposed application DA394/2019

Janine Macarthur

5th September, 2019

The General Manager,
P.O. Box 396,
LAUNCESTON. 7250

Dear Sir,

Re: DA0394/2019

Applicant: BL Burrows and N Burrows

Location: 233A Charles Street, Launceston

One year later and our neighbourhood is subjected to the proposed change of use for the old Charles Street School hall to be rezoned to Sport and Recreation yet again, but this time under the guise of a Wellness Centre. The definition of such a centre is "an establishment that offers health services for the body and mind. **Wellness centres** usually offer skin care services and body services such as **fitness, personal training** and nutrition consulting".

My concerns relating to the current DA application are:

- There are at least 40 workout positions yet the proposal states there will only be 6-15 participants in each class??? What are the other 25 plus members doing – stretching? If this is correct they still will impact on the car parking and traffic congestion in the Charles/Canning Street vicinity.
- The change of use proposed has not addressed the apparent lack of bicycle parking onsite for users of the proposed gym. As this is

a potential safety problem surely the applicants should have addressed this when designing the internal floor plan.

- On page 11 of this application under the Local Heritage Code E13.0 the Conclusion states: ***There are few good planning reasons why this application cannot be supported.***
- With regard to car parking – the applicant's response following a request for more information re Clause E6.5.1 Car Parking Numbers claims the spaces will be available in the area behind the old Charles Street School. As this space is already allocated for use by the tenants of the old school plus approximately 11 are leased by the neighbouring Medical Centre, how are the required car spots for the hall floor area going to be realized? It appears there seems to be multiple allocating of the same car spaces.
- **Another issue that arises re the safety of users accessing the gym facility is that the proposed entrance on the west side of the building is approached via a heavily used car park allocated to the financial planners who lease the ground floor facing Charles Street and their customers.**
- The noise report is inadequate as it was simulated and not representative of the audio system intended to be used by the new applicants.
- The hours of operation from 6am Monday to Friday, 730am Saturday and **possibly** only a Yoga class on Sunday with no time mentioned!!! As there are significant numbers of permanent residents in the area the hours are anti-social. Why do residents have to continually defend their right to a quality of life which should include activities/businesses in predominately residential areas commencing their services at a reasonable hour preferably

not before 8am weekdays, 9am Saturday and preferably not at all on Sunday.

In conclusion, I feel aggrieved that the Change of Use re 233A Charles Street has been proposed for the third time in a year. This is both stressful and wasteful of time, effort and money for the residents the council and councillors. The issue of car parking and traffic generated by a gym or similar activity in the Charles Street School Hall will increase the continuing problem of parking, excess traffic, and pedestrian safety in an already busy and vehicular stressed area of Launceston as well as the antisocial hours proposed are detrimental to the **wellbeing** of the residents in the area.

This proposal is a Wellness Centre only in name for the benefit of the applicants to facilitate a re-zoning application as a genuine wellness facility operates with passive music and a gentle and considered approach to the health of both the user and the immediate environment.

Once again, as mentioned when objecting to DA0748/2018 in March 2018, the re-zoning to Sport and Recreation is a discretionary use in Urban Mixed Use Zones. Surely this proposal will be rejected as nothing significant has altered apart from the term **wellness** instead of **fitness** centre has been inserted. As former DA when presented at a council meeting was overwhelmingly defeated by Councillors. This DA should be rejected as there are no significant changes from the previous application.

Yours most sincerely,



Ms Mary Stary

To The General Manager

Re DA394/2019

I Dorothy Grutzner
Application

would like to make a submission against this DA

I raise the concerns and objections over noise, parking and hours of operation

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Dorothy Grutzner

To The General Manager

Re DA394/2019

I Keith Grutzner
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Keith Grutzner

To The General Manager

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Paul Grutzner

Tasmanian Ratepayers' Association Inc.

9 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

Dear Sir, **Re: DA0394/2019. Sports and Recreation – Change of use to a wellness centre - 233A Charles Street Launceston.**

We note that this development application follows an earlier failed application for an F45 Gymnasium tenancy. Should a permit be approved for the current “wellness centre” tenancy as SPORT AND RECREATION CLASS USE, then a future change of tenancy to the more disruptive F45 Gymnasium-type tenancy occupation could occur without any further statutory approval being necessary and the previously-refused application being thwarted. Strict adherence to permit conditions dealing with restriction of hours of operation, noise abatement, parking and traffic generation issues, must be competently regulated for any changes of use on this site, so as to avoid a quasi-approval for a F45 Gymnasium-type use.

The suggestion that the current proposal is a ‘quiet’ activity may well be the present tenant’s reasonable intention, however there is no proposal for such stringent and enforceable conditions to be placed on any permit being sought.

The suggested operating hours of 6am – 7pm Monday – Friday and commencement at 7.30am on Saturdays are excessive in regulating the impact on nearby residential uses and medical facility operations. Elsewhere at 15.3.1, it is stated that the operation would be “closed before 10pm”. When constructed around 60 years ago, this former Primary School Gymnasium only operated during school hours 8.30am – 3.30pm Monday – Friday, and was closed even during those hours for 12 weeks of the year during school holidays. The level of intrusion on the amenity of the area has historically been minimal, and the most recent worship function, operated on quite limited hours and days of the week.

The present Planning Scheme fails to provide for Local Area Objectives or Desirable Future Character Statements. This ‘silence’ demonstrates Council’s neglect as a Planning Authority to protect and regulate standards within this zoned area or provide any yardstick by which such planning principles may be measured in order to protect the community interest and values. The neglect by Council in these regards, is obvious and regrettable.

It is only the discretionary use of Sport and Recreation and the heritage overlay that triggers this discretionary application.

The proposal doesn’t, contrary to the proponent’s assertion, fit at all with the appropriate requirements for car parking or principle purpose of the zone.

The proponents make a remarkable assertion that clients 'won't drive to the facility'. This is clearly not a matter that can be determined by the operator or regulated in any way. Likewise is the assertion that the on-street parking can cope with the parking demands for clients, is unproved and bordering on irrelevance, as the Planning Scheme clearly expects that on-site parking facilities will be an integral part of any use. It is an amazing admission that the lessor will not provide or allow for the allocation of a component of the on-site carpark to this tenancy, is evidence that this location is completely inappropriate for this proposed wellness centre use. The present on-site carpark is clearly fully committed to workers and visitors to the remainder of the existing users of the site. Suggestions that chance and opportunity in obtaining parking space on site, can at best force present users into on-street parking areas and in doing so inter alia cause detriment and impacts on the amenity of the surrounding area because of 'early bird' opportunity.

The whole district bisected by Charles Street and extending from the CBD to beyond the Launceston General Hospital by several blocks into South Launceston, suffers severe parking stress. This parking stress has been caused by Council continuing to allow for developments and expansion of developments, without compliance with parking provisions. Developments in the central area are not to provide on-site carparking, and for that reason, Council has raised funds from metered on-street parking in order to develop public parking stations to serve the CBD. This area in Charles St is outside the CBD, and in any event, and contrary to the proponent's assertion, there are not 2 public carparks with a 400m walk. If the LCC Elizabeth Street carpark is one of the carparks referred to, then it is actually closed for much of the time period that the proposed wellness centre will operate.

The proponents refer to disability parking provisions to the NCC 2014 Code, now obsolete. Bicycle parking is said to be accommodated INSIDE the proposed wellness centre building, but this is not shown on the proposed plans, and neither does it appear possible without congesting and obstructing accessways and emergency escape routes.

There is a need to positively improve the acoustic insulative performance of this 60+ year old building. Blocking vents, improving ceiling insulation and sealing closed single-glazed window sashes are unlikely to give adequate protection. Performance criteria that must be capable of enforcement at any hour of operation of this proposed use, and measured at pre-agreed impact locations around the neighbourhood.

In summary, it is our submission that unless the carparking, traffic and acoustics amenity impacts can be satisfactorily provided and concerns appeased in an enforceable standard, then this proposal should be refused and the applicant be encouraged to seek another suitably compliant location.

Yours faithfully,



President

TASMANIAN RATEPAYERS ASSOCIATION INC.

To The General Manager

Re DA394/2019

I Dawn Alexander
Application

would like to make a submission against this DA

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It is with these issues in mind that I object to the proposed application DA394/2019

Dawn Alexander

9th September, 2019

The General Manager,
P.O. Box 396,
LAUNCESTON, 7250

Dear Sir,

Re: DA0394/2019

Applicant: BL Burrows and N Burrows

Location: 233A Charles Street, Launceston.

One year later and our neighbourhood is subjected to the proposed change of use for the old Charles Street School hall to be rezoned to Sport and Recreation, yet again, but this time under the guise of a Wellness Centre. The definition of such a centre is "an establishment that offers health services for the body and mind. Wellness centres usually offer skin care services and body services such as fitness, personal training and nutrition consulting".

Concerns regarding this proposal:

- The applicants already operate a functioning business so where is the proof of existing numbers of clientele per class, client demographics and noise levels generated? The suggested information in the proposal cannot be reliably predicted.
- The change of use has not addressed the apparent lack of bicycle parking onsite for users of the proposed facility.

- The noise report is inadequate as it is simulated and not representative of the audio system intended to be used by the new applicants. Noise generated from Prince's Square such as the Junction Festival and 'hooners' in the CBD can be heard as far as Franklin Street.
- Amplified music plus the early arrival of staff and patrons to a gym commencing operation at 6am will create an unpleasant, noisy and potentially hostile residential environment.
- The impact described in the submissions conclusion as "fairly low level" does not acknowledge the impact on traffic in this area. Charles Street has become, like Margaret and High Streets, a major arterial route through the city. The volume of traffic at peak hours (8 – 9.30am) makes crossing Charles Street very difficult. Those who walk dogs at these times find it almost impossible to cross the road.
- As mentioned in the submission it is expected there will be an increase in bicycle as well as pedestrian traffic in an already congested section of Launceston further increasing the dangerous nature of an already stressed traffic environment.
- Parking is a major problem in Charles, Canning and Balfour Streets. Even a low percentage increase for clients needing vehicular access is too much for this area, which is already over-congested. Often residents of Batten Street are unable to park, even at 2pm. It appears the information in the submission is not based on observed parking trends. Several unmetered parking spaces are full all day and several limited time parking spaces in nearby streets are taken for much longer than the two hour limit - many for the full working day.
- While there may be a maximum of 15 clients per class, what about the staff plus changeover times? The vicinity cannot cater for

even 15 extra car spaces as the proposed car park attached to the fitness facility is already leased to a medical centre plus the businesses in the old Charles Street School complex.

While this objection does not address all the areas of concern regarding this DA it highlights the major problems associated with the potential re-zoning of the Charles Street School Hall to Sport and Recreation – noise, increased traffic congestion, parking and anti-social hours of operation in a primarily inner city residential area.

As a wellness/fitness centre is an inappropriate use of this facility due to the noise and traffic generated by such use it would seem wise to deny this proposed re-zoning/change of use once again. This occurred in March 2019 when the Councillors defeated the proposed F45 gym at the same facility by an overwhelming majority.

Yours most sincerely,

A. Jamwood

9th September, 2019

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P.O. Box 396,
LAUNCESTON, 7250

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Yours most sincerely,

A handwritten signature in black ink, appearing to be 'J. J. G. N.', written in a cursive style.

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Yours most sincerely,



Objection to DA 0394/2019 – 233A Charles st

Submitted by Mark & Elizabeth Johnson

Reasons for Objection to the above development application.

“Proposal”

- The application is for a “Wellness Centre”. I googled wellness centres in Launceston and then again in Tasmania, no mention of Pod Fitness. Most wellness centres relate to naturopathy and related services.
- Google “gyms in Launceston” and you will find Pod Fitness listed there amongst all other gyms in Launceston, including F45.
- If the owner of Pod Fitness really thought their business was a wellness centre, I am sure they would have advised the company that hosts their website to include words, etc so their business would be picked up in any google search for wellness centres. That is business 101.
- It is clear that the application is for a gym not a “wellness centre”. There is no mention of the term wellness centre on the website. This application is for the relocation of the Pod Fitness gym from the Theogenes complex to 233a Charles st.
- Pod fitness previously applied for DA approval for a move to the uniting church on Margaret street in 2018, as a gym.
- Councilors may recall Councilor Spencer mentioned this gym in his address to council on the F45 application earlier in the year. He cited it as one of a number gyms that were sited appropriately in Launceston.

“Operationally”

Comment on some of the applicants dot points

- **Female dominated client** – Small demographic to be targeting, possibly illegal.
- **Locals who live in the area will walk and ride to our space (as they do now)** – We heard this with the last F45 application, absolute rubbish. I visited the current Pod Fitness gym this morning, there were as many cars in the car park as there were participants in the gym. People donot walk to the gym at 5.30am in the morning, particularly women. Just rubbish.
- **Nurses make up a high percentage of current operation.** Irrelevant, but hard to believe that two thirds of their members are nurses?
- **Staff from Aromas café are also members** – Irrelevant but doubt they live at Aromas, so not sure this helps their cause.
- **Classes from 6-15 people**, This is similar to F45’s first application of 8-10 people per session. That business model was questioned on the basis of how so few session attendees could be financially viable. F45 eventually fessed up to substantially higher numbers, approximately quadrupling the original number to 42 per session. The same skepticism should be applied to the 6-15 session attendees provided by Pod Fitness.
- **3 classes Monday to Friday 6 am, 9.15am and 5.45am** - I have attached Pod Fitness’s summer timetable, 5 classes per day on Monday and Wednesday and 4 classes per day on Tuesday and Thursday. Classes commence at 6.00am (5.45 arrival) and last class finishes at 7.30pm. They cannot even tell the truth about basic facts. The additional ongoing problem is that the number of classes and timing of classes can be changed if approval is provided. There is no control on the expansion.
- **Music is from a WIFI facility using a small portable speaker.** Purposefully using terms to conjure an image in your mind of

something like an old transistor radio. I have a small portable WIFI Sonos speaker that is identical to the speakers that F45 ran at their gyms. Enough volume to hold a disco. I visited the current POD Fitness centre this morning and it sounded like a disco.

- **At the most there will be two staff on site at any one time.** I notice there is child minding offered at a number of the sessions. I am advised that this should require a separate approval.

In Summary

The application works hard to convince the reader that only 6-15 attendees will attend each class, this is important to the applicant, because it assists their argument for parking calculations. The applicant is trying to paint a picture of use that will satisfy [E6.5.1 Car Parking Numbers - Performance Criteria P1.1](#).

It should also be noted that in an answer to a “Further information request” from council to mark the site plan illustrating the location of car spaces onsite. (page 12) the applicant marks the entire area of the carpark at the rear of the gym. We know from the previous application that a good number of these car spaces are currently leased to the surrounding businesses. It was the case last time that there was not enough spaces to go around twice, as it is this time.

The plan of the proposed gym layout is a good pointer to the real number of class attendees envisaged by the applicant. Have a serious look at the plan, it is just not believable that this size facility is being constructed for an average of 10 people per class.

We ask the council to look past the exaggerations, the half truths and the actual untruths and protect the the existing residents and businesses who help make this amenity the attractive area that it clearly is.

Thank you for your consideration.

Mark & Libby Johnson

Appendix

Minute from previous decision, same issues.

DECISION: 4 April 2019 MOTION Moved Councillor J Finlay, seconded Councillor D C Gibson.

That, in accordance with sections 51 and 57 of the Land Use Planning and Approvals Act 1993 and the Launceston Interim Planning Scheme 2015, DA0748/2018 - Sports and Recreation - Change of use to fitness studio at 233A Charles Street, Launceston, be refused on the following grounds: That the proposal does not meet the performance criteria for the following standards:

1. E6.5.1 Car Parking Numbers - Performance Criteria P1.1

The application has provided insufficient car parking numbers to meet the reasonable needs of the use.

2. E4.5.1 Existing road accesses and junctions - P3

The increase of traffic at the existing access will have an unreasonable impact on the efficiency of the road.

CARRIED 9:1

Objection to DA [0394/2019](#) – 233A Charles st

Submitted by Richard Griffith and Jan Dawkins

Reasons for Objection to the above development application.

“Proposal”

- The application is for a “Wellness Centre”. I googled wellness centres in Launceston and then again in Tasmania, no mention of Pod Fitness. Most wellness centres relate to naturopathy and related services.
- Google “gyms in Launceston” and you will find Pod Fitness listed there amongst all other gyms in Launceston, including F45.
- If the owner of Pod Fitness really thought their business was a wellness centre, I am sure they would have advised the company that hosts their website to include words, etc so their business would be picked up in any google search for wellness centres. That is business 101.
- It is clear that the application is for a gym not a “wellness centre”. There is no mention of the term wellness centre on the website. This application is for the relocation of the Pod Fitness gym from the Theogenes complex to 233a Charles st.
- Pod fitness previously applied for DA approval for a move to the uniting church on Margaret street in 2018, as a gym.
- Councilors may recall Councilor Spencer mentioned this gym in his address to council on the F45 application earlier in the year. He cited it as one of a number gyms that were sited appropriately in Launceston.

“Operationally”

Comment on some of the applicants dot points

- **Female dominated client** – Small demographic to be targeting, possibly illegal.
- **Locals who live in the area will walk and ride to our space (as they do now)** – We heard this with the last F45 application, absolute rubbish. I visited the current Pod Fitness gym this morning, there were as many cars in the car park as there were participants in the gym. People do not walk to the gym at 5.30am in the morning, particularly women. Just rubbish.

- **Nurses make up a high percentage of current operation.** Irrelevant, but hard to believe that two thirds of their members are nurses?

- **Staff from Aromas café are also members** – Irrelevant but doubt they live at Aromas, so not sure this helps their cause.

- **Classes from 6-15 people,** This is similar to F45's first application of 8-10 people per session. That business model was questioned on the basis of how so few session attendees could be financially viable. F45 eventually fessed up to substantially higher numbers, approximately quadrupling the original number to 42 per session. The same skepticism should be applied to the 6-15 session attendees provided by Pod Fitness.

- **3 classes Monday to Friday 6 am, 9.15am and 5.45am** - I have attached Pod Fitness's summer timetable, 5 classes per day on Monday and Wednesday and 4 classes per day on Tuesday and Thursday. Classes commence at 6.00am (5.45 arrival) and last class finishes at 7.30pm. They cannot even tell the truth about basic facts. The additional ongoing problem is that the number of classes and timing of classes can be changed if approval is provided. There is no control on the expansion.

- **Music is from a WIFI facility using a small portable speaker.** Purposefully using terms to conjure an image in your mind of something like an old transistor radio. I have a small portable WIFI Sonos speaker that is identical to the speakers that F45 ran at their gyms. Enough volume to hold a disco. I visited the current POD Fitness centre this morning and it sounded like a disco.

- **At the most there will be two staff on site at any one time.** I notice there is child minding offered at a number of the sessions. I am advised that this should require a separate approval.

In Summary

The application works hard to convince the reader that only 6-15 attendees will attend each class, this is important to the applicant, because it assists their argument for parking calculations. The applicant is trying to paint a picture of use that will satisfy E6.5.1 Car Parking Numbers - Performance Criteria P1.1.

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The plan of the proposed gym layout is a good pointer to the real number of class attendees envisaged by the applicant. Have a serious look at the plan, it is just not believable that this size facility is being constructed for an average of 10 people per class.

We ask the council to look past the exaggerations, the half truths and the actual untruths and protect the the existing residents and businesses who help make this amenity the attractive area that it clearly is.

Thank you for your consideration.

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The increase of traffic at the existing access will have an unreasonable impact on the efficiency of the road.

CARRIED 9:1

Objection to DA 0394/2019 – 233A Charles st

Submitted by Mark & Elizabeth Johnson

Reasons for Objection to the above development application.

“Proposal”

- The application is for a “Wellness Centre”. I googled wellness centres in Launceston and then again in Tasmania, no mention of Pod Fitness. Most wellness centres relate to naturopathy and related services.
- Google “gyms in Launceston” and you will find Pod Fitness listed there amongst all other gyms in Launceston, including F45.
- If the owner of Pod Fitness really thought their business was a wellness centre, I am sure they would have advised the company that hosts their website to include words, etc so their business would be picked up in any google search for wellness centres. That is business 101.
- It is clear that the application is for a gym not a “wellness centre”. There is no mention of the term wellness centre on the website. This application is for the relocation of the Pod Fitness gym from the Theogenes complex to 233a Charles st.
- Pod fitness previously applied for DA approval for a move to the uniting church on Margaret street in 2018, as a gym. That proposal was voted down or withdrawn. Our area has a larger residential bias.
- Councilors may recall Councilor Spencer mentioned the Pod gym in his address to council on the F45 application earlier in the year. He cited it as one of a number gyms that were sited appropriately in Launceston. They are currently at the Theogenes complex in Boland st.

“Operationally”

Comment on some of the applicants dot points

- **Female dominated client** – Irrelevant
- **Locals who live in the area will walk and ride to our space (as they do now)** – We heard this with the last F45 application, absolute rubbish. I visited the current Pod Fitness gym this morning, there were as many cars in the car

park as there were participants in the gym. People donot walk to the gym at 5.30am in the morning, particularly women. Just rubbish.

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- **3 classes Monday to Friday 6 am, 9.15am and 5.45am** - I have attached Pod Fitness's summer timetable, 5 classes per day on Monday and Wednesday and 4 classes per day on Tuesday and Thursday. Classes commence at 6.00am (5.45 arrival) and last class finishes at 7.30pm. They cannot even tell the truth about basic facts. The additional ongoing problem is that the number of classes and timing of classes can be changed if approval is provided. There is no control after approval is given for this application.
- **Music is from a WIFI facility using a small portable speaker.** Purposefully using terms to conjure an image in your mind of something like an old transistor radio. I have a small portable WIFI Sonos speaker that is identical to the speakers that F45 ran at their gyms. Enough volume to hold a disco. I visited the current POD Fitness centre this morning and it sounded like a disco.
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In Summary

The application works hard to convince the reader that only 6-15 attendees will attend each class, this is important to the applicant, because it assists their argument for parking calculations.

It should also be noted that in an answer to a "Further information request" from council to mark the site plan illustrating the location of car spaces onsite. (page 12) the applicant marks the entire area of the carpark at the rear of the gym. All these cap spaces are just not available. We know from the previous application that a good number of these car spaces are currently leased to the surrounding

businesses. For example, Rob Jenson's practice has spoken with the car park owner about his leased spaces recently and has been guaranteed that his current leased spaces are not at risk by this application. So those spaces are out of the calculation..

Under the planning scheme E6.5.1 a minimum of 20 extra car spaces are required to satisfy the parking requirements, this proposal does not comply. The proposal also does not comply with the requirement to provide nominated accessible car spaces for people with disabilities.

If there were enough car spaces to be allotted to this proposal, they would have been allotted last time. We know there was not enough last time as the carpark owner, who was the applicant last time, threatened to terminate Dr Jenson's lease last time to satisfy the council requirements. In short no real solution has been proposed here.

The words describing the use of the gym here, similar to the last development application for this use, should be treated with suspicion. The one human trait that can be relied on without fail, is self interest. Councillors will hopefully look past what is proposed by the words and look to the size of the gym and the number of stations.

An analogy to illustrate the point you might consider is a developer proposing to build a football stadium for 30,000 spectators with car parking spaces for 3,000. Explaining in the DA that they are only going to allow 5,000 spectators to attend each match.

The plan of the proposed gym layout is a better pointer to the real number of class attendees envisaged by the applicant. Have a serious look at the plan, it is just not believable that this size facility is being constructed for an average of 10 people per class.

The coming and going of large numbers of vehicles and the associated noise levels at the unsociable morning hours, will damage irreparably the area's liveability. The issues are identical to the last application and should be dealt with in the same way. The minute detailing the last decision is below for easy reference.

We ask the council to make the same decision as for the F45 application in May. If it looks like a gym, walks like a gym and importantly sounds like a gym, it is a gym. Please do not let this genie out of the bottle.

Thank you for your consideration.
Mark & Libby Johnson

Appendix

Minute from previous decision, same issues.

DECISION: 4 April 2019 MOTION Moved Councillor J Finlay, seconded Councillor D C Gibson.

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CARRIED 9:1

pod - boutique fitness

Summer 2019 Timetable

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6am - 6.45am	WOD	Hlitt	Pilates	Strength	Bootcamp <small>(Gorge - Weather permitting)</small>	
6am - 7am			Run			Run (6.30am)
7am - 7.30am	OPEN GYM (6.45am - 9am)		OPEN GYM (6.45am - 9am)		OPEN GYM (6.45am - 9am)	Boxing (7.15am - 8am)
9:15am - 10am	Circuit <small>(Childcare Available)</small>	Strength	Boxing	Circuit	WOD <small>(Childcare Available)</small>	Pilates (8am - 8.45am)
10am - 10.50am		Pilates				
5.45pm - 6.30pm	Strength		Kickboxing (5.15pm - 5.45pm)			
6pm - 6.45pm		Booty	WOD (5.45pm - 6.15pm)	Tech & Sweat		
6.30 - 7.00pm	Pilates (6.45pm - 7.30pm)			Pilates (6.45pm - 7.30pm)		



www.fitnesspod.com.au



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podfitness

To: The General Manager
Launceston City Council
PO Box 396
Launceston
TAS 7250

Representation re DA 0394/2019
233A Charles St Launceston

Representor: I.M. Atherton

In April of this year, Launceston City Council determined that a change of use to gymnasium / fitness centre was inappropriate for the building at 233a Charles St. Despite this, local residents now find themselves faced with a new application for what is now characterised as a 'wellness centre'.

The implication seems to be that such a use is far removed from being any kind of gymnasium or 'fitness centre'. It is suggested that it will be a low impact use, the Applicant claiming that they will be offering meditation, yoga; activities described as " a beautiful slow flow program"

However, elsewhere in the same application it is stated that:

"The sub-use fitness centre best describes the proposed facility" (page 6)

We contend that the alleged nature of this operation is irrelevant to the proposed change of use to a 'fitness centre' under the Launceston Planning Scheme. The essential issue is identical to that already decided by Launceston City Council, and relates solely to the change of use. A change of use allows any business subsequently occupying the premises to develop their activities into a form previously strongly rejected by Council. Once the new use is in place, there are little or no controls over the form it can then assume. Business and economic imperatives will prevail over any planning considerations.

The applicant currently operates a conventional fitness centre operation. From the application it is clear that this existing business is to be relocated to the proposed site at 233A Charles St. The application states that their current clientele will be transferring to the new site (page 3 - see under 'Operationally'). This is not an additional or new business.

It is reasonable to look at the published POD Fitness weekly program for Summer 2019 for a realistic picture of how it will operate.

pod - boutique fitness
Summer 2019 Timetable

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6am - 6.45am	WOD	Hiit	Pilates	Strength	Bootcamp <small>(Gorge - Weather permitting)</small>	
6am - 7am	Run					Run <small>(6.30am)</small>
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10am - 10.50am		Pilates				
5.45pm - 6.30pm	Strength	Kickboxing <small>(5.15pm - 5.45pm)</small>				
6pm - 6.45pm		Booty	WOD <small>(5.45pm - 6.15pm)</small>	Tech & Sweat		
6.30 - 7.00pm	Pilates <small>(6.45pm - 7.30pm)</small>				Pilates <small>(6.45pm - 7.30pm)</small>	



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- podfitness

- fitness_pod

Activities such as 'kick boxing', 'booty', 'bootcamp' & 'tech and sweat' hardly seem consistent with 'gentle flows' that this application misleadingly promotes.

In short, this application is a repeat of the previous attempt to achieve a change of use to allow a gym operation and should be treated as such for the purposes of a Development Application.

It should again be rejected by Council on the grounds of compromising residential amenity and a totally inadequate parking provision.

RESIDENTIAL AMENITY

The predominant uses immediately adjacent to the proposed development are medical and residential, and including short stay visitor accommodation. The immediate area is primarily residential in character. The attached illustration shows residential areas in red, existing medical uses in green. To the rear of the proposed site is large group of homes occupied by retirees and seniors.



It is obvious that the immediate surrounds of the proposed development are principally residential in character. The impact of the proposed development on residential amenity should be a primary consideration in assessing this application.

Fitness centres, gyms, fall into two broad categories. There are the 24-hour, key-carded operations. Individuals attend, use the equipment following their individual preferences and exercise programs. If you want a soundtrack, you take your earbuds.

The current proposal is for a second type of gym operation. Exercise sessions are conducted in groups, led by a trainer. Attendees work out in groups; an amplified soundtrack is crucial for coordination and flow.

This second type of use, as proposed for this site, is totally incompatible with a residential area. Up until this point, these types of operations have been located in semi industrial areas (i.e. Boland St) or in suburban shopping strips (Kings Meadows). In these locations the impact on residential amenity is minimised.

Currently however, we seem to be seeing these types of operations attempting to push into mixed use areas with a high proportion of residential occupancy. By their nature, their core activities are inimical to residential amenity in terms of noise, traffic and hours of operation.

The building at 233a Charles St. is zoned 'Urban Mixed Use'. Reference to the Launceston Planning Scheme shows that the intention of this zoning is:

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

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

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

15.1.1.4 "To create:

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

It is significant that the first 3 of these 4 statements of Council's intentions give clear primacy to residential uses. These statements clearly reflect Council's oft-stated objective of encouraging a vibrant, diverse and dense residential city.

We contend that the proposed change of use of this building is inimical to each of these statements of desired character.

A fitness centre starting up at 6 a.m. cannot 'integrate' with its' surrounding residential use. By contrast it will act to actively discourage further residential development in the area. It will not promote visitor accommodation or tourist operations. An out-of-hours gym operation will do nothing to offer interest and engagement to shoppers.

In short, this proposal will impact the local neighbourhood in a way that will defeat the intent of the Launceston Planning Scheme.

The Launceston City Council has for many years now advocated inner city living, to build up the residential density of the inner-city area to create a diverse and vibrant city centre. While this aspiration seems to find expression in various planning strategies, they are of no value unless embodied in individual decisions made consistent with policy. This proposal must fail upon the grounds of the Council's own avowed strategy for this area.

HOURS OF OPERATION

The Application proposes 45-minute classes, 3 on weekdays and 1 on Saturday morning.

Interestingly the Applicant's Facebook page shows a weekly program for "Summer 2019" which indicates 4 or 5 classes each weekday.

Classes shown to finish at 7.30pm, whereas the Application states activities finish at 7.00pm. (see above)

The nominated class sizes of '6 - 15' people are completely at odds with the accommodation numbers shown on the attached floorplan. The plan shows 23 exercise mats alone.

It is difficult to accept that the Applicant is proposing to move to a new site so they can operate a more restricted range of activities and hours than they are currently offering publicly.

The actual hours of operation are thus unclear. It seems unlikely that the building will simply be left to sit unused for the greater part of the week. Every incentive exists for a substantial increase in the scale of the operation over time.

Additionally, from the published Summer 2019 program we also note that at least two sessions a week offer onsite childcare. This would necessitate a separate Development Application as it is an activity that cannot be accommodated under the current proposed change of use.

NOISE

The amplified sound system being used at POD Fitness' current location is to be replaced, apparently, with " a small portable" speaker.

This does not seem credible given the type of operation and evidence of current practice.

While the Planning Scheme limits any additional noise generated by a use in the Urban Mixed-Use Zone to 5db over existing background noise (currently around 40 db) it is difficult to see how there can be any meaningful enforcement of this provision.

PROPOSED PARKING PROVISION

In response to LCC Planning RFI as to the proposed location of the required parking spaces, the applicant has simply provided an image of the existing carpark to the rear of the building and claims that these spaces are currently only subject to 'casual' use and that they are available to be allocated to the use of gymnasium.

These parking spaces are in fact rented for the use of the adjacent offices and Urology Hospital. The area nominated in the application contains 31 existing car spaces. Of these, only 1 is not explicitly designated as being for the exclusive use of the renting occupant.

Furthermore, these parking spaces have been nominated for the current occupants' use as part of previously approved Development Applications over the adjacent buildings. It is unreasonable to contend that they can simply be nominated once again in support of subsequent, additional Development Applications.

Launceston Interim Planning Scheme 2015

E6.5.1 Car Parking Numbers

Table E6.1 of the Planning Scheme requires, in the case of 'Gymnasia'

"1 space per 20m² of floor area available to the public or 1 space per 4 spectator places, whichever is greater."

Working on the applicant's nominated publicly accessible floor area of 440m², and including the 90% requirement, the Development criteria would require 20 ADDITIONAL on-site parking spaces to be provided.

This is clearly physically impossible under:

- (a) the existing allocation of parking to the Charles St. offices required for the Development Approval granted to that use.
- (b) The proportion of the existing carparking currently nominated as being for the exclusive use of the adjacent Urology Hospital.

ACCESSIBLE PARKING

In relation to the provision of parking for disabled persons, the Planning Scheme requires:

"The number of accessible car parking spaces for use by persons with a disability for uses that require 6 or more parking spaces must be in accordance with Part D3 of the National Construction Code 2014, as amended from time to time."

The National Construction Code 2014 in turn, requires for a Class 9b building (as the proposed gym would be classified):

"1 (accessible carparking space) for every 50 carparking spaces or part thereof."

The current proposal fails to meet the criteria of the Planning Scheme. The proposal shows no nominated accessible parking.

It should further be noted that the Planning Scheme makes the provision of accessible parking mandatory. It provides no performance criteria under which such parking provision can be omitted from a proposed development.

PARKING LAYOUT

The Launceston Planning Scheme lays out requirements for the physical layout of parking facilities. Table E6.2 'Internal access way widths for vehicles' requires, in the case of carparks with 21 or more bays "A minimum width of 5.5m."

The lane providing the only public access the carparking nominated by the Applicant is 3.6 m wide. It is thus impossible for two vehicles to pass each other while entering and exiting this carpark.

Nominating this carparking area to serve the requirements of an additional development over what has already been approved is thus a recipe for traffic chaos directly outside the entrance to the Urology Hospital. Gym users seeking parking that is effectively non-existent will then have to enter and exit the site down a narrow laneway with no pullover areas to allow one car to get past another.

STREET PARKING

The Applicant correctly, if superfluously, offers the observation that:

"On-street parking is not for the exclusive use of any one business or use" It is claimed that "There is adequate on-street parking in the area"

No evidence is offered in support of this claim.

It would seem a reasonable expectation that if existing on-street parking is being relied upon to support an additional development then a cogent case be made that it is sustainable. No such case is made by the Applicant.

Parking in the immediate vicinity of the proposed development is subject to intense use outside conventional business hours. Parking in the Balfour, Charles and Canning St areas is used by patrons of the local evening entertainment area. Evening gym classes will not be able to simply utilise out of hours street parking.

An informal daily count of empty parking spaces in the Charles St strip between Canning and Balfour between 5 and 6 pm shows that between 5 and 15 percent of the total parks are available at any one time. Parking turnover in the area generally is high.

We contend that the onus should be on the Applicant to provide an accurate independent assessment of the additional traffic movements impact that the proposed development will have on existing parking. In its current form the application offers nothing in this regard.

Parking in the local area to the proposed development is used by residents, shoppers, visitors to local business offices (the number of which has already increased substantially under recent Development Approvals for the former school building on Charles St.) Importantly, it is subject to these pressures outside conventional business hours. There is a substantial number of heritage area residents whose homes do not have off street parking. Of all the local businesses, only two offer any level of off-street parking, the hotel and the offices.

The clientele of the proposed gym development will require parking for a minimum of 45 - 60 minutes given the duration of a standard class. In an area of high turnover, already under pressure from extended hours and existing residential use, it is unreasonable for this Application to simply rely on an unsubstantiated claim that there is 'adequate' street parking.

SIGNAGE

The Application contains no indication as to the intended signage entailed by the development. It is thus unclear as whether the building is to be adorned with inappropriate illuminated signage.

CONCLUSION

Council has already taken a definitive position on the change of use of 233a Charles St. to a 'fitness centre', it has been decisively rejected.

Attempting to present what is clearly fitness centre as some kind of low - impact yoga and meditation centre is disingenuous and ultimately irrelevant to its consideration under the Launceston Planning Scheme.

This proposal should once again be rejected by Council on the grounds of compromising residential amenity and offering totally inadequate parking provisions. It will lead to a loss of the residential amenity which LCC Planning strategies attempt to make a feature of the inner-city areas. It will inevitably lead to even greater pressure on an already limited stock of street parking and traffic issues win relation to site access.



I.M. Atherton

To the General Manager
Launceston City Council
Launceston

Re DA 0394/2019

I raise my concerns regarding the proposal that the property on the of Corner Charles and Canning Streets, be used as a Wellness Centre for the following reasons.

This property was proposed as a fitness centre in 2018. The application was defeated. Many of the same reasons against that proposal still apply regarding noise, hours of use and parking.

Parking concerns

The locality has a number of health related practitioners. Drs Jenson's, Tan's patients and day hospital patients use street parking. Staff of these facilities have leased parking in the old Charles St school parking area.

The Hearing Clinic and Orthopaedic practice, 166-170 St John Street, have off-street parking but many of their patients use St John St parking.

In-Balance Physiotherapy practice has a number of leased parking spaces in the same area as have the accounting firms Bellview and JKA for staff and clients.

The entry and exit to this existing parking area is narrow and becomes a bottleneck at times as well as being hazardous for those residents of the Village on the Green residential area, walking to and from the shopping area.. Two residents use motorised equipment.

The applicant states that “car parking already exists on site – no alterations are proposed to the parking”. The application of Edwards to demolish the toilet block of the nearby building would provide additional parking, adding to the congested area and difficulty for VOG residents.

Street parking is problematic anywhere within 700 metres of the Launceston General Hospital. The food outlets in Charles St already have problems for customer parking, extending into the evening .

Coles parking area was mentioned as a possibility but this is a private Care Park for customers of Coles and existing businesses in that complex. This is a tow away area.

Bus services around 5.45 am are non existent and after 7 pm are less frequent. I query how many clients would walk to this proposed centre.

Provision of Wellness services in locality:

In-Balance Physiotherapy Centre provides Physiotherapy, meeting a range of health problems but also has Pilates classes at different levels, including over 55's,. These classes are offered 2-3 times daily, including sessions at similar times to the applicant. Yoga classes, a Mother and Bubs group, a Movement and Breathing group, Massage and Psychological services are available as are book and internet information relating to health and wellness.

The Satsung Yoga Centre, Elizabeth Street, offers Yoga classes at 6am and 7.30 pm regularly as well as 10 am, 12 md, and 5pm. Yoga, Pilates and Stretch and Breathing classes are scheduled. Meditation and Relaxation groups are available and weekend courses, workshops and intensives are held.

Body Focus has a Pilates Studio in Jimmys Complex

Psychologists are in private practice in Canning and Charles Street.

A Gym Centre is open in Wellington St, close to the LGH area.

The plan of DA0394 shows an area offering a range of activities relating to a Gym, such as Pilates, Fitball, Barre work, mat work and weights. Much of the Gym work shown at POD, where Ms Burrows is instructor, shows Gym work with a minimum of heavy equipment but other equipment that could easily be in use in these premises thus extending the Gym approach to health.

Wellness is a broader approach to good health, in mind, body and emotionally and seems to be covered by existing businesses.

It is hard to imagine that three classes per day with 6-15 clients would be financially viable in a hall of this size. I think it likely there will be class-creep where further classes and higher numbers being a future outcome.

Noise Nuisance

This is hard to evaluate. Residents at VOG will not welcome car doors and greeting between clients around 5.45-6am, repeated at 7am. Music and Instructors voice will need to be raised for classes held in a space as large as this hall.

The report on noise presented in 2018 should be taken into consideration.

Currently there are "Wellness" Practices offering a full range activities in this locality.

With the lack of parking and being within a dense residential area of 29 units and health services, I present my objection to application DA 0394 from N and B Burrows to set up a Wellness Centre, closely resembling a Gym or fitness centre, at the corner of Charles and Canning Streets, Launceston.

Joan Marshall.

Objection to DA 0394/2019 – 233A Charles st

Submitted by Ian Fenton & Suzy Fenton

Reasons for Objection to the above development application.

“Proposal”

- The application is for a “Wellness Centre”. I googled wellness centres in Launceston and then again in Tasmania, no mention of Pod Fitness. Most wellness centres relate to naturopathy and related services.
- Google “gyms in Launceston” and you will find Pod Fitness listed there amongst all other gyms in Launceston, including F45.
- If the owner of Pod Fitness really thought their business was a wellness centre, I am sure they would have advised the company that hosts their website to include words, etc so their business would be picked up in any google search for wellness centres. That is business 101.
- It is clear that the application is for a gym not a “wellness centre”. There is no mention of the term wellness centre on the website. This application is for the relocation of the Pod Fitness gym from the Theogenes complex to 233a Charles st.
- Pod fitness previously applied for DA approval for a move to the uniting church on Margaret street in 2018, as a gym.
- Councilors may recall Councilor Spencer mentioned this gym in his address to council on the F45 application earlier in the year. He cited it as one of a number gyms that were sited appropriately in Launceston.

“Operationally”

Comment on some of the applicants dot points

- **Female dominated client** – Small demographic to be targeting, possibly illegal.
- **Locals who live in the area will walk and ride to our space (as they do now)** – We heard this with the last F45 application, absolute rubbish. I visited the current Pod Fitness gym this morning, there were as many cars in the car park as there were participants in the gym. People donot walk to the gym at 5.30am in the morning, particularly women. Just rubbish.
- **Nurses make up a high percentage of current operation.**
Irrelevant, but hard to believe that two thirds of their members are nurses?
- **Staff from Aromas café are also members** – Irrelevant but doubt they live at Aromas, so not sure this helps their cause.
- **Classes from 6-15 people**, This is similar to F45’s first application of 8-10 people per session. That business model was questioned on the basis of how so few session attendees could be financially viable. F45 eventually fessed up to substantially higher numbers, approximately quadrupling the original number to 42 per session. The same skepticism should be applied to the 6-15 session attendees provided by Pod Fitness.
- **3 classes Monday to Friday 6 am, 9.15am and 5.45am** I have attached Pod Fitness’s summer timetable, 5 classes per day on Monday and Wednesday and 4 classes per day on Tuesday and Thursday. Classes commence at 6.00am (5.45 arrival) and last class finishes at 7.30pm. They cannot even tell the truth about basic facts. The additional ongoing problem is that the number of classes and timing of classes can be changed if approval is provided. There is no control on the expansion.
- **Music is from a WiFi facility using a small portable speaker.**
Purposefully using terms to conjure an image in your mind of

something like an old transistor radio. I have a small portable WIFI Sonos speaker that is identical to the speakers that F45 ran at their gyms. Enough volume to hold a disco. I visited the current POD Fitness centre this morning and it sounded like a disco.

- **At the most there will be two staff on site at any one time.** I notice there is child minding offered at a number of the sessions. I am advised that this should require a separate approval.

In Summary

The application works hard to convince the reader that only 6-15 attendees will attend each class, this is important to the applicant, because it assists their argument for parking calculations. The applicant is trying to paint a picture of use that will satisfy [E6.5.1 Car Parking Numbers - Performance Criteria P1.1.](#)

It should also be noted that in an answer to a "Further information request" from council to mark the site plan illustrating the location of car spaces onsite. (page 12) the applicant marks the entire area of the carpark at the rear of the gym. We know from the previous application that a good number of these car spaces are currently leased to the surrounding businesses. it was the case last time that there was not enough spaces to go around twice, as it is this time.

The plan of the proposed gym layout is a good pointer to the real number of class attendees envisaged by the applicant. Have a serious look at the plan, it is just not believable that this size facility is being constructed for an average of 10 people per class.

We ask the council to look past the exaggerations, the half truths and the actual untruths and protect the the existing residents and businesses who help make this amenity the attractive area that it clearly is.

Thank you for your consideration.

Ian & Suzy Fenton

Appendix

Minute from previous decision, same issues.

DECISION: 4 April 2019 MOTION Moved Councillor J Finlay, seconded Councillor D C Gibson.

That, in accordance with sections 51 and 57 of the Land Use Planning and Approvals Act 1993 and the Launceston Interim Planning Scheme 2015, DA0748/2018 - Sports and Recreation - Change of use to fitness studio at 233A Charles Street, Launceston, be refused on the following grounds: That the proposal does not meet the performance criteria for the following standards:

1. E6.5.1 Car Parking Numbers - Performance Criteria P1.1

The application has provided insufficient car parking numbers to meet the reasonable needs of the use.

2. E4.5.1 Existing road accesses and junctions - P3

The increase of traffic at the existing access will have an unreasonable impact on the efficiency of the road.

CARRIED 9:1