

Council Agenda - Agenda Item 8.1 - 4 April 2019

Attachment 4 - Representations

233A Charles Street Launceston -

**From:** Joan Marshall

**Sent:** Monday, 11 March 2019 5:49 PM

**Subject:** Re: Application on Canning Street

Dear Kathryn

I have read, to the best of my ability, the information given regarding the opening of a fitness centre at 233 A Charles St.

I have concerns about noise. If the classes have music it is likely this will be heard in units in the  
We did hear music from the

Potters House. The acoustics are very good in this area.

5.15 am classes will mean entrance from 5 am, Depending on parking, there can be car doors, there will likely be communication between those arriving and departing persons that carries to these units. Parking till 7 am is possibly not a problem but later this area is mostly parked out. Coles parking area other than before 8 am is fully utilised on days on and after pension dates, 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.

The stated use of buses is problematical. Private cars are much more likely for paid fitness groups.

For classes held in normal working hours parking cannot be guaranteed in Canning and Charles Street and could bring increased pedestrians using the Crescent and Square as shortcuts. This is already happening to a small degree.

As one who purchased their property as quiet residential I have these concerns.

Regards Joan

General Manager  
City of Launceston  
Email to: [contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au)

Dear Sir

I refer to the development application (DA0748/2018 – 233A Charles St, Launceston) to change the use of the building to a fitness studio.

I own three properties in Canning St:

A map of my properties and

The application concerns me in relation to 2 areas - noise levels and parking.

#### Noise Levels

I understand that acoustic testing has been undertaken, however I am concerned that noise may infiltrate my rooms (obviously [REDACTED] will be worst affected). The previous occupants of the building, Potters House, at times in early mornings could clearly be heard 'chanting' from behind closed doors in the building. This did not involve amplified sound so I would hope that a significant amount of acoustic screening has been added to the building. I would expect that the upbeat nature of the music would likely include high bass levels resulting in a constant 'thumping' noise, and I would also expect loud volume levels, given the advice I have received in relation to the current studio in George St. Clearly, it would not be suitable if noise does infiltrate my premises, where I

Residential neighbours have also expressed their concerns to me regarding the potential for noise disturbing them, particularly in relation to the early morning sessions, and I support their concerns.

### Parking

According to the information in the DA, there could be a maximum of between 27 and 42 users requiring on-street parking at up to 5 different times per week day as well as up to 27 users on weekends. This would have a significant effect on parking in Canning Street and surrounding streets which is already very limited. During lists undertaken at

Also. a large number of

We currently receive comments from  
that it can be very difficult to find a parking space near our  
premises, and the possibility of many more people seeking parking spaces in the area will  
exacerbate the problem.

I would appreciate the above concerns being taken into account when the application is considered.

Please contact my [REDACTED] on  
should you require further information in relation to this matter.

Yours faithfully

Robert Jensen

My wife and I would like to express our deep concern regarding DA 0748/2018  
fitness centre development at [233A Charles Street](#) Launceston

Application for a

1 Can the council ensure all the residents of the area that the noise levels from the studio will not disturb the amenity of the residents in the area which there are a lot has the area is manly residential, If the residents are disturbed what. Action will the council take to put a stop to the. Noise from the fitness studio

2 Can the council ensure that the residents in the area will not be impacted by the 40 or more cars parking in the immediate vicinity of the studio which will increase to 80 or cars at change of fitness classes

3 the residents of the area will be impacted by increased noise levels emanating from the fitness studio and of the participants coming and going from the site

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

Kind Regards,

**Richard Griffith** |

**Please send a confirmation of receipt by return email please.**

**To the General Manager,**

Given this is the second time around for this Development Application (DA), to which I made a submission last September 2018. It was noticeable in the

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

<b>Application ID</b>	<a href="#">DA0748/2018</a>
<b>Application Description</b>	Sports and Recreation - Change of use to fitness studio
<b>Property Address</b>	233A Charles Street LAUNCESTON TAS 7250
<b>Closing Date</b>	12/03/2019

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

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

Preamble

**Increased Noise levels – early hours of the morning**

- I note that the word “music” was not used once in the above development application or the acoustic engineers report, unusual, as this is the most significant issue for residents in the vicinity of the former potter’s house hall.
- I visited the F45 Gym in George st during a session on Tuesday morning in October 2018 at about 5.50am, of note was the loudness of the music coming from the gym and the number of cars in the street, I have attached **a photo** of the parked cars. I assume most were from gym attendees as nothing else is open at that time of the morning. **I suggest you visit the gym at an early morning session to sample the sound levels for your self.** The applicants stated in their September 2018 DA that most gym attendees walked to the F45 in George st.
- I also visited the Kings Meadow F45 gym, which like the George st venue is completely surrounded by retail premises, no residential houses. I asked about the number of attendees and the staff member on duty informed that about a dozen attended the class just finished but they could take 27 maximum. I mentioned that 27 would be a squeeze, he agreed and informed that they were expanding into in Charles st Launceston with another venue. As mentioned in my submission in September 2018, the 10-12 attendees stated in the September 2018 DA could not support any business model. This DA now proposes 27 to 42 number per class. Given this represents both Kingsmeadow F45 and George st F45, it even seems unrealistically low. Even at 35 attendees per session, that is 100 plus vehicles coming and going each morning, 200 car movements in total.
- The monitoring taken by the acoustic engineer on the other side of the road was not the closest residential point as described in the report. The closest residential point is the series of properties on the opposite side of the hall. I note that point has now been measured. The properties that border that boundary are part of the St John crescent/square development. The simulated session monitoring is unsatisfactory and inexplicable. There are 30 plus sessions a week, why didn't the sound engineer monitor a live session? It undermines the report conclusions.
- These properties are almost exclusively inhabited by retired and aged people, to my knowledge they were not notified of the development application.
- The DA has a number of photographs of near by properties, cleverly they are all of commercial properties in nature. The fact is the majority of nearby properties are private

residences, I have attached **two photos** of the properties directly opposite the Potters hall in Charles st and Canning st.

### **Increased car parking levels – increased noise levels from car movements**

- The applicant stated in the September 2018 DA that there would be 10-12 attendees at each morning session, it was fanciful to believe that a business plan for such a business would require only 10-12 people to attend each session to be financially viable and more importantly ultimately untrue. The stated attendees at each session in the current DA, amplifies the impact my submission highlighted in September 2018.
- The hall is next door to the noted urologist Robert Jenson, whom my wife sees. She has had an appointment recently on a Saturday and has her next appointment at 7.00pm on a weekday night. He is the hardest working specialist in Launceston. Most specialists are working only 3 or 4 days a week.
- The applicant made the thinly veiled threat in their previous DA of September 2018, that if parking is a hurdle for the application, that they will terminate the parking leases/arrangements they have with Dr Jenson and the eye hospital in favour of the gym members. A real community minded action. I note that this point has been omitted from the current DA.
- The number of extra cars coming and going will overload an area already difficult to find a parking spot in. The applicant this time around as heralded classes beyond the morning and afternoon sessions originally described in the previous application.

### **In summary**

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

The council have achieved their stated outcomes for a "Urban Mixed Use" zone, there are a large number of business types in the Charles-Canning st area. Fresh food outlets, Takeaway shops, Restaurants, Physiotherapy, Pilates, hotel and accounting businesses. Not to mention the medical rooms directly adjacent to the applicants proposed development that carry out day surgery as well as being consulting rooms. All the aforementioned businesses mesh in with the largely residential dwellings, as previously stated the applicants development will upset that current balance. Allowing the disruption this development will obviously create, at the unsociable hours stated would be a disaster for all the residents including the businesses in the area.

I have attached the applicant's response to the submissions (objections) made to the applicant's September 2018 DA for the same development. My email response is also attached for your consideration.

I look forward to your response.

Please acknowledge receipt of this email.

**Mark & Libby Johnson**









Dear Sir/ Madam,

I would be grateful if you could forward my submission to the appropriate bodies for their immediate consideration.

As previously, I write to express concern at the proposal to develop a "gym/ Fitness centre" on the corner of Canning and Charles street, Launceston.

As a rate payer and resident of the immediate vicinity for some 30 years , in both professional and residential capacities, we can verify that the area has seen exceptional growth, from the perspective of professional commitment, with health practitioners consulting and day facility surgery, to vibrant hospitality, as well as significant investment in inner city residential housing and accomodation.

As such, the ambience of the neighbour hood requires thoughtful management in terms of minimising traffic burden and parking, noise pollution ( there has not been to the best of my knowledge a legitimate or timely assessment of that issue) and after hours disruption in residential environments.

Currently, as a resident, it is difficult if not impossible to access parking with both the LGH and the private hospitals using the area heavily. With the hours proposed for the " fitness centre" and the noise anticipated from" workout" music, residents will be further disadvantaged. The proposed hours of operation, with traffic and personnel movements, will also create further disruption in the residential environment.

We are not against development, but it needs to be appropriate and sympathetic to the environment, and I do not see this proposition meeting those criteria in any way.

Please consider this as a formal objection to the proposal.

Yours sincerely

Kim Rooney and John Batten

11<sup>th</sup> March, 2019  
The General Manager  
Launceston City Council  
LAUNCESTON, 7250

FILE No.	DA0748/2018				
EO	✓	OD		Box	✓
RCV'D 12 MAR 2019 LCC					
Doc No.					
Action Officer			Noted	Replied	
C. Wronkmore					

E-COPY: I. MORE

Dear Sir,

DA No: DA0748/2018

Applicant: SK & AY Edwards

Location: 233A Charles Street,

LAUNCESTON

Proposal: Sports and Recreation-change of use to fitness studio

I am writing this letter to express my concern and objection to the resubmission by a different applicant for a proposed change of use of the above premises to a fitness studio and seven day use by the F45 gym group. The former submission was withdrawn on the day it was to be presented to the councillors on the last meeting by the former council members in 2018.

The following are some of the proposed alterations to the use of this building

- **Hours of operation being 5.15am and intermittently to 6.15pm –with potential evening classes from 6.15pm for sporting teams 6 days a week plus classes from 6am to 12midday on Sunday. The opening hours have increased considerably from the original proposal.**

- **On street parking due to the strictly limited parking available to the site ( I believe only 2 spaces) at the building site.**
- **Class sizes increased from approximately 12 participants mentioned in the original proposal to now potentially 42 per session.**

Objections to the altered operational use of this site include as mentioned in my former submission which several current aldermen, the town planners and no doubt the applicants have seen:

- 1. Multiple clients and cars arriving from 5am six days of the week and from 6am Sunday creating noise from motors, doors opening and closing ,conversations ,increased traffic congestion as well as the potential obstruction to driveways of existing residencies and businesses in the area.**
- 2. The noise and vibrations caused by the classes will impact on the residential area causing disruption to sleep patterns and potential damage to heritage buildings/windows through vibrations.**
- 3. The possibility of interference to valuable equipment and alarm systems in nearby businesses and homes through sound disturbance as well as potential to create stress for the clients of nearby health professionals.**
- 4. The increased risk to pedestrians in an already busy vehicular traffic area.**


**5. The loss of quieter Saturday afternoon and Sundays to client and vehicle traffic thus impacting on quality time for residents on this increasingly valuable heritage inner city residential area.**

Due to the site location and limitations the applicants have **NO** possibility of providing onsite car parks for possibly **84** or more spaces which may be required during class changeover times. This will further increase pressure on street parking in an already congested area of Launceston.

With regard to item **15.3.1 – Hours of Operation** this business does not meet the criteria of ensuring that non-residential users do not cause unreasonable loss of amenity to nearby sensitive uses – **there will be no chance of an acceptable waking time six days of the week and certainly no chance of a sleep in on a Sunday for the residents of Canning Street, Charles Street, St John Streets and surrounds?**

Sporting and recreation is classified as discretionary use in an Urban Mixed Use Zone and if the council is serious about encouraging citizens to move into the inner city then **this type of business should be actively discouraged in a primarily residential area shared with good quality, low impacting businesses.**

Yours most sincerely

  
Mary Stary

I am resending our objections to this application DA0748/2018  
Janine Macarthur

**From:** Janine

**Date:** 18 September 2018 at 18:10:55 AEST

**Subject:** DA 0341/2018. Application for a Planning Permit

To The General Manager

Re DA0341/2018 233A Charles Street Launceston

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

Mrs Dawn Alexander

Mr Paul Grutzner

Mr & Mrs Keith & Dorothy Grutzner

Ms Janine Macarthur

Ms Linda Heron

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

In the application Section 2.0 Site and Surroundings Transport Infrastructure

The sealed road mention is not just to access a car park, it is the access to residential properties [REDACTED]  
[REDACTED] of over [REDACTED] which will be adversely affected if this permit  
is approved.

Section 4 Subsection 4.2 Proposed use

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

The hours of usage M-F 05:15 to 07:30, 17:00 to 19:00 and Sunday 07:00 to 10:00

This non residential usage will cause unreasonable loss of amenity to the many nearby residents. These  
hours do not fall into normal business hours. The accompanying noise of cars and participants will cause  
further loss of amenity

Subsection 4.3

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

Section 5 Planning Assessment Subsection 15.3.3

Does not address the issues of cars arriving and parking

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

FILE No.	DA0748/2018				
EO	✓	OD		Box	✓
RCV'D 12 MAR 2019			LCC		
Doc No.	A. Atherton				
	Action Officer	Noted	Re		
	C. Wankmore				

The General Manager  
 Launceston City Council  
 PO Box 396, Launceston  
 Tasmania  
 7250

E-copy: I. more

Dear Sir

I write to express our concerns in relation to the newly advertised Development Approval DA0748/2018 for the change of use of the hall building at 233a Charles St. I am the owner of the premises

I have a [redacted] directly opposite this proposed development and this change of use will have a significant impact on both myself, my tenants and our neighborhood generally.

I am astonished to find that it is proposed that this new fitness centre to commence operations at 5.15 a.m. every weekday morning and 6.00 a.m on both Saturday and Sunday.

You will no doubt be aware that this application was previously submitted in October of 2018 only to be withdrawn from Council consideration at the last minute. This new revised development greatly increases the hours and scale of operation over those originally proposed. Council planners initially recommended that any one class be limited to 12 persons. From the new application it appears that an approval for up to 42 persons per session is being sought.

The number of sessions is being greatly extended as well as the size of each. The applicant seems to be seeking an essentially open ended approval which allows classes to simply be increased to match whatever demand is available 7 days a week. This is an enormous increase over what was being proposed a just few months ago.

The size and frequency of these classes, particularly those held late afternoon & early evening will have a significant impact upon traffic and parking congestion in the area. The Charles St. strip of cafes & retail already generate a constant flow of traffic and a high demand for the already limited amount of off street parking.

My [redacted] operating [redacted] and the [redacted] at the corner of [redacted] St's and their clients are directly reliant on the already limited street parking in this area. The proposed development will further compromise their available customer parking.

I note that the applicant has attached a report addressing the likely traffic impacts of the proposal. However this report comments only on the early morning situation, offering no detail in relation to the more important weekday evening and weekend morning situations. It is at these times that parking demand is at its highest. It is reasonable to assume that evening sessions will significantly increase traffic and parking congestion to the detriment of existing local businesses.

The applicant admits that the parking provision required by the Launceston Planning Scheme cannot be provided on site. There seems little point to these provisions if they are not to be enforced through the planning process. A previous proposal for residential conversion

of the adjacent building was rejected on the grounds of inadequate parking. This precedent, having been set, should be followed.

I and many others are seriously concerned about the noise impact of the proposed fitness centre. The existing F45 operation in George St is operated at a very high volume, at a level that is intrusive even for the CBD.

Immediately surrounding F45 fitness at the proposed new location are private residences and medical consulting rooms. It is next to a medical centre, and opposite to a street of private residences. St John Court is immediately next to and behind the hall. It is clearly unacceptable that all these residents be subjected to amplified music from 5.15 a.m. every week day morning.

The acoustic consultant's report attached to the application avoids discussing the impact of music, and fails to indicate exactly what level of noise the proposed gym will generate. It is reasonable to assume that the new location will operate in a similar manner to the existing.

Some acoustic rectification work to the existing hall is mentioned in this report. This work will have no effect if the F45 gym is operated here as it is in George St. where training sessions take place with the existing shop front open to the street.

New glass doors have been installed in the Canning St. façade of the hall. The application does not clearly state where the principal entry to the new operation will be, if the George St. model is followed then are these doors to be open to Canning St. when the F45 sessions are operating?

The proposal in its current forms fails to address properly the many issues it raises. In relation to traffic, parking and noise impacts much more information needs to be made available. The information provided is partial and incomplete. The development in its current form is out of character with the area and will have a significant adverse impact upon local residents and businesses. We ask that it be refused.

Yours Sincerely



A.R.M. Atherton



Dear Sir ,

I am writing to you in reference to DA0748/2018 at 233A Charles St.

I am the owner and resident of \_\_\_\_\_ My wife and I strongly object to this change of use for the following reasons.

- 1) The area in Charles St and Canning St which surrounds 233A is predominantly a residential area and not suited to a business operating outside of the normal 9am to 5pm business hours .
- 2) We already experience noise and quite often unruly behaviour late in the evening with people leaving the restaurants and hotel further south in Charles St
- 3) This unruly behaviour has led to the vandalism of mine and our neighbours properties on several recent occasions.
- 4) We do not need 20 or more cars arriving in the street from 5.15am for classes to start at 6.00am.
- 5) The change in use will directly affect the noise levels in the surrounding streets for all local residents .
- 6) Although some parking is provided most people attending will park in the surrounding street as a matter of convenience.
- 7) As I believe the operation of noisy equipment and machinery is regulated so should the mass influx of people be also.
- 8) We would not have any objection if this business operated from 8.00am to 6.00pm.
- 9) There are plenty of other existing facilities, such as the councils property at Windmill Hill , for people to attend .

**Ian Fenton**

FILE No.	DA0748/2018				
EO	✓	OD		Box	✓
RCV'D		12 MAR 2019		LCC	
Doc No.					
	Action Officer	Noted	Replied		
	C. Wrankmore				

I.M. Atherton

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



E-copy: I. more

Dear Sir,

RE: DA 0748 / 2018

I write in response to a request for public representations in relation to DA 0748/2018. This application proposes a change of use for the existing hall at 233a Charles St. to a 'fitness centre'.

**INTRODUCTION**

Despite the Charles St. address, this building actually faces directly onto Canning St. I write as the owner of [redacted]. These buildings are currently used as a combination of a domestic residence on the upper level and a pair of warehouse / business uses on the ground floors.

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

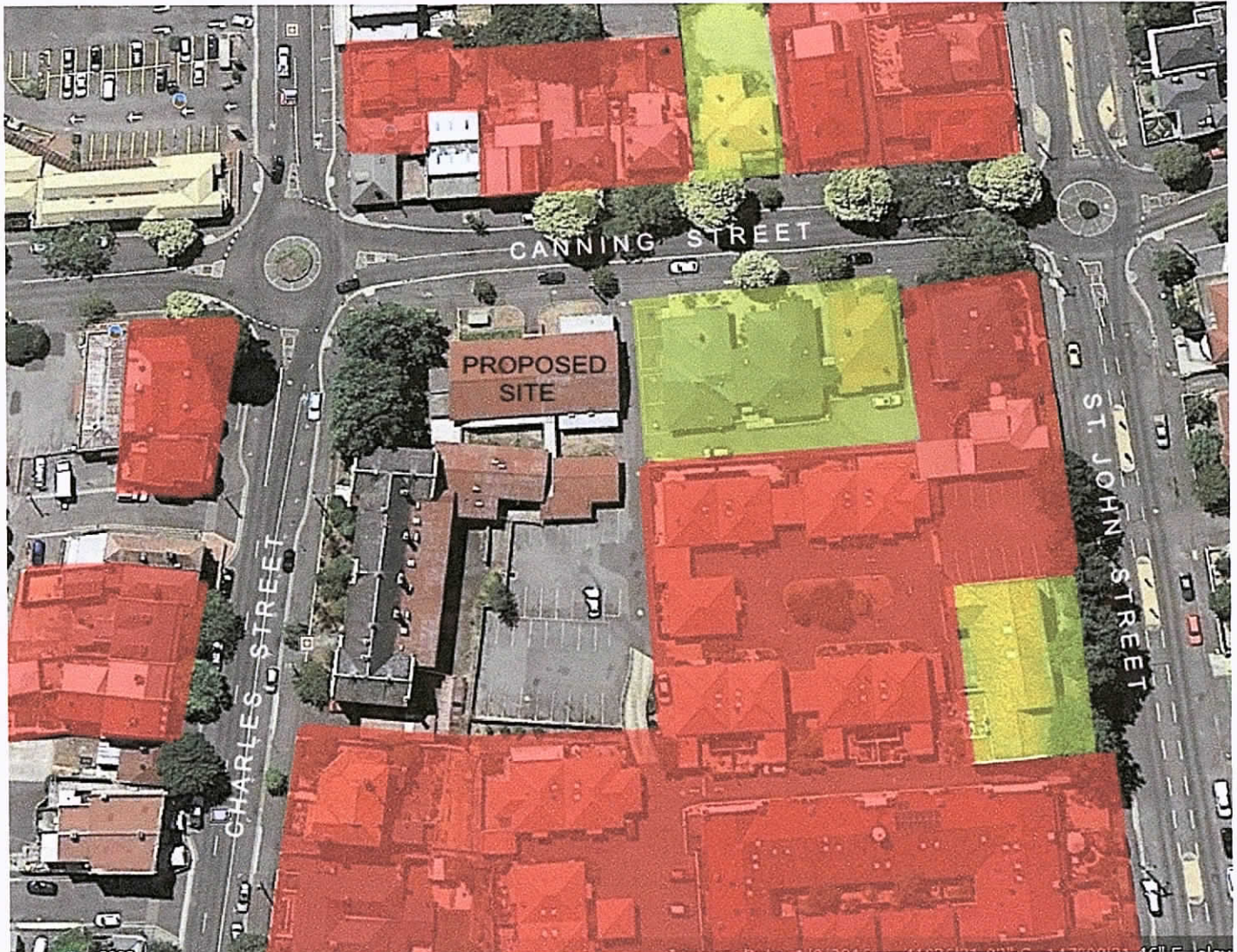
Essentially the operating style, scale and hours of the proposed development are unsuitable for this area.

The proposed tenant, F45 Fitness, offers a program of high intensity, trainer-led activity. F42 is not a passive 24-hour key-carded membership style of operation. In contrast, it offers an intensive trainer led circuit style operation. This is accompanied by amplified electronic dance music, the bass heavy beat providing rhythm and structure for the group workouts. Intense 45 minute sessions commence at 5.15 a.m. every weekday and 6 a.m Saturday and Sunday.

This proposal was previously submitted but withdrawn just as it was to be considered by Council. This resubmitted application proposes significantly extended hours and increased class numbers. Weekend classes have been doubled, and approval is sought for loosely defined future extensions. The initial planning recommendation imposed a condition of a maximum of 12 persons per class. This has been extended under this application of up to 42 persons per class.

## EXISTING CHARACTER

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



It is obvious that the immediate surrounds of the proposed development are principally residential in character.

## PLANNING SCHEME REQUIREMENTS – THE URBAN MIXED USE ZONING

The development is fundamentally in conflict with the applicable Urban Mixed Use Zoning. The Launceston Planning Scheme provides a number of statements outlining the purpose and intent of this zoning as follows. Our comments in relation to each then follow.

### 15.1.1 Zone Purpose Statements

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

The application makes no case for how the development is to 'integrate' with the surrounding established uses. Its style of operation will be detrimental to residential amenity as well as overnight tourist stays. The immediate area

has built an identity around customer service, and a food and beverage offering unique to Launceston. The area offers an experience valued by locals and visitors alike.

It is an urban location unlikely to be enhanced by the insertion of a franchise gym offering a high intensity style of operation more usually found in former industrial areas and retail strips.

#### **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.**

This zone purpose recognises that a diverse range of urban uses is best supported by local residents. The proposal generates no such increase in residential density. It simply uses an existing hall for an activity unlikely to be tolerated or permitted in any other residential area. As such it actively discourages any further development of inner city living in its immediate surrounds.

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

The proposed use acutely compromises increased residential visitor accommodation and tourist operations outside normal business hours. None of these activities are remotely encouraged by a huge increase in traffic arrivals around 5.a.m every weekday morning and 6 a.m. every weekend. The noise generated by amplified rhythmic music which F45 uses as part of its routines will inevitably disturb and disrupt the existing residents and accommodation operations. New operations will obviously seek alternative locations.

The application for the proposed use fails to address how this type of gym operation does anything to encourage a vibrant evening economy.

The timing of the evening sessions will only further restrict the already limited parking available for those who wish to visit the cafes and restaurants the area has developed over the last decade.

#### **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.**

This proposal makes little or no contribution to creating active road frontages, it offers a largely blank facade to the streetscape, and hours that would imply minimal activity during business hours. Most proposed activity is outside of conventional retail hours, thus adding little to existing commercial activity. A principal attraction will simply be the availability of very early morning street parking, with early classes concluding prior to the opening of the majority of other businesses in the area.

The Planning Scheme clearly lays out what constitutes an 'appropriate provision' of carparking. Equally clearly, the application concedes that such provision is not possible.

Admittedly, pedestrian access is simple for all other than anyone experiencing disability. Disabled access to the building is rudimentary and non-compliant. No specific facilities are available internally.

### **15.3.3 NOISE LEVEL**

The application contends that the development should be assessed as offering an (A1) Acceptable Solution by virtue of some minimal noise reduction works that the application offers. However the attached noise consultant report offers NO specific evidence as to the degree, if any, of noise reduction that these measures will provide.

Thus the application must clearly be assessed as to whether it can meet the Performance Criteria required by this section.

Early morning noise is a leading objection to this proposal.

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

The existing business at the George St. location operates an open to the street, semi- public gymnasium. An amplified soundtrack is integral to the style of operation. At its current George St. location F45 generates pounding amplified music through an open shop front into the street from 5.15 a.m. every weekday morning and evening.



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

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

The Urban Mixed Use Zone prohibits commercial vehicle deliveries before 6.a.m. It seems inconsistent to permit such an intrusive activity operate nearly an hour prior.

We further note that a number of F45 franchises in Sydney now include an onsite DJ and club – style sound system as part of their operations.

The applicant has provided an revised acoustic assessment in response to a Council request for information. In response to the RFI the report states that "An additional receiver and additional barrier buildings were added to the model....." An attached image shows the position of these additional barriers. These 'barriers' consist of the adjacent Urology Hospital and the toilet block opposite the St John Square receiver. Neither would seem to present any barrier whatsoever to source noise generated from the existing hall.

The noise report nowhere indicates the reduction in noise levels that these new barriers are supposed to produce.

The noise analysis then proceeds by making measurements at the existing F45 George St. location. The source level of noise was 'simulated' & 'typical'. This hardly offers a credible benchmark. It would seem that there would be little obstacle to measuring actual noise levels as generated by typical sessions.

It is notable that at no point in the report is the noise level generated by a typical F45 training session explicitly stated.

We have taken our own sound measurements at the site of the existing operation in George St. (images attached). At the street access, F45 Fitness appear to operate across a range of 70 - 85 db. The average early morning background noise level for George Street is around 50 - 60 db. At their current location F45 are thus operating at a level up to 5 times that permitted by the Council's planning scheme which allows an activity to be 5db above background level in the Urban Mixed Use Zoning.



Sound reading at F45 Source, George St.

Typical street background level, George St.

It is widely recognised by acoustic professionals that noise has both quantitative and qualitative properties. It is clear that a repetitive, rhythmic and bass frequency heavy sound source has a very different degree of impact to that of passing traffic which lacks any of these qualities. The attached noise report does not address this important issue in any meaningful way.

## 6.0 CODES

### 4.1 ROAD & RAILWAY ASSETS CODE

#### E4.5.1 EXISTING ROAD ACCESSES AND JUNCTIONS

-code states that traffic movement across 'access' or 'junction' where speed limit less than 60k, must not increase by more than 20% or 40 movements a day, whatever the greater

The Development Application contends that the A1 Acceptable Solution is easily met on the basis that there will be only 2 car parking spaces generating traffic movements across the existing access.

However, elsewhere in the application the applicant additionally contends that up to 11 carparks could be occupied by the development in the same carpark under a shared parking regime.

But no evidence is given to show that the criteria are addressed in this alternative situation. We suggest that the use of up to 13 car spaces could easily generate more than 40 additional movements each day. This level of activity, properly assessed under the Performance Criteria, is unlikely to amount to an acceptable solution under these provisions.

### E6.0 PARKING and SUSTAINABLE TRANSPORT CODE

#### E6.5.1 CAR PARKING NUMBERS

The application states the total floor area of the subject building as 212m<sup>2</sup>. The architectural drawings attached to the application show the dimensions 27.45 x 12.17 metres for a total area of 334.07 m<sup>2</sup>. This figure excludes the area of public toilets and foyer as well as 2 store areas and a projection room.

Planning Scheme Table E6.1 Parking Space Requirements calls, in the case of gymnasias, for:

"1 space per 20m<sup>2</sup> of floor area available to the public ...."

The toilets and the foyer should thus be included in the total floor area. Based on the architectural drawings attached to the application itself, this brings the total relevant floor area to 406.4 m<sup>2</sup>. At the required rate of one park per 20m<sup>2</sup> of the floor area available to the public, this translating to 20 spaces.

The application claims erroneously that only 11 are required. In reality, the Code requirement is nearly double this figure.

The application then goes on to argue for the informal use of onsite parking already subject to commercial leasehold provisions. Additionally the applicant also suggests that negotiations with the operators of the supermarket carpark on Charles St. could make more spaces available. Our discussions with the operators, Carepark, indicate that this is, at best, highly unlikely. No contrary evidence is offered by the application.

The informal 'out of hours' use of car parking spaces already commercially leased to others is problematic. As the owner of the parking area, the applicant is of course entitled to make this suggestion to his existing tenants.

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

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

## **ON STREET VEHICLE PARKING**

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

It cannot be disputed that existing on-street parking in the immediate area of the development is in short supply during working hours.

The application attached pictures showing empty carparking in the early mornings. This is not disputed. However, it is noticeable that similar images are not included of the level of street usage for the 5.00pm - 7.00pm period of the proposed weekday use of the development. This is definitely not an 'out of hours' period for the restaurant and cafe operators in the immediate area

Similarly the traffic and parking report attached to the application provides only a partial analysis. It addresses only the early morning parking provision, passing over the already busy early evening conditions. No figures are offered for the additional daytime, evening & weekend sessions that are further envisaged by this application.

This is despite the undeniable fact that the period of greatest parking load will be from evening and weekend classes, neither of which are addressed in the attached report.

## **TRAFFIC**

The figures provided in the applicant's traffic report show an average 69.5% increase in Canning St traffic movements in the quietest hours between 5 a.m. & 7 a.m. This is clearly far in excess of the increases considered acceptable by the Planning Scheme.

## **CONCLUSION**

The current application for the change of use of 233a Charles St. is clearly deficient in its current form. Council needs a clearer indication of the impact on existing parking use in an already crowded area. This locality has been one of this city's urban successes. Parking is at a premium as it is an area that draws city wide. The existing 43 off street parks behind the subject building are largely commercially leased, it is contractually unreasonable to allow a further development reliant on their informal use. The existing street parking is subject to intense use beyond conventional business hours.

We ask that Council address the specific mode of operation of this development. To recognise that this use is an inappropriate, intrusive style of operation, seeking to run in hours likely to cause a severe loss of amenity to an urban residential neighbourhood area and adjacent medical facilities. As such we believe it should be refused.

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



- (i) That the applicant be required to demonstrate that adequate parking can be provided for all hours of operation.
- (ii) That the class sizes be limited to the numbers as originally recommended by Council's own Planning staff (ie: 12 persons) .
- (iii) That any use of amplified music on the site be subject to a separate permit process. (This condition has been applied to a previous permit issued over this site).
- (iv) That any use of amplified music on site exceed no more than 5 db above background level as required by LCC Planning Scheme, Urban Mixed Use Zone Provisions..
- (iv) That the development be approved conditional to all requirements for disabled access being correctly provided.

Thank you for your consideration.



I.M. Atherton

