

Council Agenda - 16 April 2020 - Agenda Item 9.1 - Attachment 3  
Representations - 233A Charles Street Launceston

**From:** Mark Johnson [REDACTED]  
**Sent:** Wednesday, 25 March 2020 12:20 PM  
**To:** Contact Us; Luke Rogers  
**Subject:** Application No DA0039/2020 - 233A Charles st, Launceston

Attention Luke Rogers,

My name is **Mark Johnson and I reside at** [REDACTED], effectively [REDACTED] to the property which is the subject of the above Development Application number DA0039/2020. I have concerns about the application for a number of reasons, which I have summarised below.

#### Change of Use

- The application use that the application is seeking or as we now understand the council planners nominated is "Education and Occasional Care. This use is defined in the 2015 interim zoning as follows : **Educational and occasional care use of land for educational or short-term care purposes. Examples include a childcare centre, day respite facility, employment training centre, kindergarten, primary school, secondary school and tertiary institution.**  
*Launceston Interim Planning Scheme 2015 – Administration*
- The definition draws its definition from the Tasmanian Education Department website information portal - Education and Care – Occasional care. Qualifications, definitions and all other information on the website is related to early learning and child development. Tasmania is a signatory to the National Quality Framework (NQF) [Link to Tas Government Education website](#)
- The [National Quality Framework](#)(NQF), introduced in 2012, "is designed to ensure a uniform and integrated approach to the regulation and quality assessment of education and care services across Australia". A national body, [Australian Children's Education and Care Quality Authority](#) (ACECQA), guides and monitors the implementation of the NQF to promote consistency across all states and territories. In Tasmania, the NQF is administered and monitored by the Department of Education (DoE) Education and Care Unit (ECU).
- Each Australian state has similar terminology and similar guide lines on Education, Care and early development on their applicable websites. Each state has links to the ACECQA website.
- The use change sought of "Education and Occasional Care" is not related to the business of a dance or ballet school which is a recreational activity. In the same way a gym is not related to this category or a tennis club. The use of this category for this activity will not satisfy the scrutiny of an objective panel.
- It is clear that the attraction of this "Use" category is the relaxed parking requirements compared to the "Sport and Recreation" category.

#### Carparking

- Car parks A,B and C, the application provide car space numbers in each as 11, 2 and 31 respectively. A quick look at the diagram tells you it should be 11, 31 and 2. Total number 44 spaces.
- The applicant goes onto summarise the current lease arrangements, with the only the two "long term" lessees totalled at 19 spaces. That leaves 24. Not mentioned is the largest leaseholder Dr Jenson's practice, which has by my count this morning, 14 spaces. Jenson's practice is a long term leaseholder but has a month to month arrangement.
- That leaves 10 spaces spread between the remainder of the lessees.
- I couldn't see any spaces that weren't labeled, so I would say that there are zero or a small number of spaces that are not leased. The five new spaces can be added to zero or whatever the small number of available spaces is.
- In summary, very little capacity is left on the applicants property.



**Anne Hemingway**

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**From:** Janine [REDACTED]  
**Sent:** Tuesday, 24 March 2020 9:39 PM  
**To:** Contact Us  
**Subject:** DA0039/2020 Re advertised

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To The General Manager

Re DA0039/2020

We the below wish to resubmit our individual submissions Re DA0039/2020

Mrs Dawn Alexander [REDACTED] Mr Paul Grutzner [REDACTED] Mr Keith and Mrs Dorothy Grutzner [REDACTED]

FILE No.	DA0039/2020				
EO	✓	OD		Box	✓
RCV'D 24 MAR 2020 COL					
Doc ID.					
Action Officer		Noted	Replied		
C. Wrankmore					

*E-copy: L. Rogers*

## Subject: DA Application DA0039/2020

To the General Manager

I, Dawn Alexander of [REDACTED]  
[REDACTED] would like to make a submission regarding the DA 0039/2020.

I raise concerns and seek clarification regarding noise, hours of operation, and parking, whilst this DA is before council.

This DA states Education and Occasional Care change of use to dance school and construction of additional parking. This property has been classified for the previous 4 DA applications as Sports and Recreation. Why has it changed? It appears that the reclassification lessens the requirements for providing appropriate parking.!

Ballet school hours

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DA application states

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Do they intend to keep to the shorter hours in the DA? Or not?

Considering the site is surrounded by residential homes, operating 7 days a week seems excessive, shorter hours and no Sunday hours would be more appropriate.

Parking/pickup drop off

The proposed new parking area shown on photos included in the DA show 5 new spots.

However 1 of the proposed parking spots would require the demolition of part of the existing hall building.

There is no relevant demolition request or permit in this DA. This building is not part of the old toilet block which has been demolished.

This parking spot is marked as "Parking Space 1" and is only 2.3m isn't 2.5 the minimum size for a parking space?

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It is quite dangerous already with the amount of cars accessing parking.

It would not seem a safe place to drop children and have them walk to enter the building.

There are 3 large parking spaces on Canning Street which may be possible to use as pick up drop off, without effecting the footpath, but that would only be if they were not occupied by other cars.

The DA states parking areas, but the information is clearly inaccurate as the amount of parking in each area is incorrect. Including labels on photos submitted. The information in the DA should, at the very least be accurate.

The inclusion of a 5th parking space where the current building is, reduces the number to 4. One of which would be used for the dance teacher,

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reducing the usable spaces to 3, for the use of parents, students and pickup/ drop off.  
Clearly not enough.

### Ballet Students

Dance Pointe in their submission states it has “130 students aged from 3 to 25 years old” It further states “... large number of our dance students catch buses from school into the city and then walk to the studio and are picked up later by parents”

Will the same students still walk to the proposed new location, much further away?

Dance Pointe further states “ Senior students are always scheduled later in the evening..... and park on the street” This may be easy in York Street, but these students will now have to compete with people seeking parking while at the cafes, restaurants, Sporties and residents.

On the surface “Dance Pointe” could be an acceptable compromise for both the DA applicants and local residents.

But only if the parking and pickup/drop areas do not interfere with the peaceful enjoyment of all.

Dawn Alexander

**Anne Hemingway**

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	C. Wranckmore				

E-COPY: L. Rogers



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We, Dorothy and Keith Grutzner of [REDACTED]  
[REDACTED] would like to make a submission regarding the DA 0039/2020.

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Dorothy and Keith Grutzner

**Anne Hemingway**

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RCV'D 24 MAR 2020 COL					
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C. Wrankmore					
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Paul Grutzner

24<sup>th</sup> February, 2020

Chief Executive Office,  
Launceston City Council,  
P.O. Box 396,  
LAUNCESTON, 7250.

FILE No.	DA0039/2020		
EO	<input checked="" type="checkbox"/>	OD	Box <input checked="" type="checkbox"/>
RCV'D 24 FEB 2020 COL			
Doc ID.			
	Action Officer	Noted	Replied
	C. WRANKMORE		

E-COPY L. ROGERS

Dear Sir/Madam,

Re: DA0039/2020

Applicant: A Y Edwards

Location: 233A Charles Street, Launceston.

Firstly would you please explain the definition of "Educational and Occasional Care"? I have had trouble locating the exact meaning of this potential change of use criteria. The Department of Education in South Australia define Occasional care as "sessional occasional child care for babies, toddlers and children under school age." The site I located continues to define who are the priority clients to be offered positions- all appear to be located in the socially disadvantaged category.

Another question I would like addressed being is this dance school associated with the Dance Pointe studios on the mainland – which market themselves as Dance Fit facilities as well as dance schools – not only ballet schools? Are we looking at yet another attempt at a GYM by default?

As the council records will demonstrate this applicant or family members have attempted on previous occasions to apply for a change of use re 233A Charles Street. During the previous attempts there have been many errors and mistruths with the application and the pattern seems to continue.

At this stage I am only going to address a few points in the Performance Criteria Commentary aspect of the application.

#### CAR PARKING

- As the age groups quoted range between 3 -25 years of age not all students will be "dropped off by their parents" as most 18 year olds have access to a car. This will increase traffic congestion in the area with increased safety risks to the patients of the nearby health facilities.
- As there is no nearby commercial car park available in the immediate area, street parking will be a significant problem as Charles Street and the surrounding areas are already congested from 4pm onwards. Batten Street residents continually have trouble accessing parking from 2pm onwards each day.
- The idea that 233A Charles Street should only provide **3** shared car spaces when the anticipated usage per session is a minimum of 15 (this does not include crossover times) for classes is laughable! Also there seems to be another error in the application as under the heading CURRENT AND PROPOSED CAR PARK – BALLET SCHOOL I quote "It is proposed that **two** car spaces are allocated to the tenancy principally for drop off and pick up" ....please explain!!!

#### PURPOSE OF ZONE/AMENITY

- The applicant states the use will be relatively low impacting and "does not create noise through load music" ....please look at site <https://www.youtube.com/.watch?v=4SALu-q69g>

- With reference to 7 day use – this area currently enjoys peace and quiet on Sundays- which will be lost if the dance school is allowed 7 day access. As there are a significant number of permanent residents in the immediate area Sundays use should be excluded.

## TRAFFIC

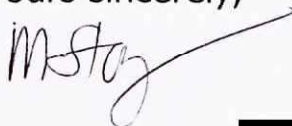
- As there is no new access ways or driveways being developed with "dropping off" this can only exacerbate an already busy car park entry point. This will put pedestrians, students and clients of the businesses and medical centre at increased risk of being injured by vehicle flow.
- There is potential of car users to exit the car park via the nearby St. John Street residential village which is an illegal use of a private facility plus it would impact on the residents' safety.

## HOURS OF OPERATION

Whilst the hours of operation are obviously based around after school times surely the dance instructions can be completed by 8pm – not about this time! As mentioned previously there are a considerable number of residents in the immediate vicinity of the proposed dance school. In the applicants submission the Thursday evening class appears to be for older students, therefore, the increased number of vehicle movements and noise could be considerable.

Why is it necessary to have a Sunday session – this will significantly impact on the calmness to the area on Sundays? It is the one day of the week where the residents of this inner city area benefit from a reduced level of traffic movement and noise and should be discouraged if the council is serious about encouraging an enjoyable, inclusive, inner city living environment.

Yours sincerely,



Ms. Mary Stary, [REDACTED]

## Subject: DA Application DA0039/2020

To the General Manager

I, Janine Macarthur of [REDACTED]  
[REDACTED] would like to make a submission regarding the DA 0039/2020.

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Janine Macarthur





**From:** Luke Rogers  
**Sent:** Friday, 3 April 2020 11:45 AM  
**To:** Luke Rogers  
**Subject:** FW: Application No DA0039/2020 - 233A Charles st, Launceston

To City Council Launceston Manager  
Town Planning Department

I support the comments made by Mark Johnson.

My further concern is about safety as an elderly resident of the Village on the Green.  
Pre Covid 19 restrictions I would walk through the St John Way to Canning Street most days  
and more often in good weather.

I see a need of a mirror attached to building for traffic safety. There was on the previously  
demolished building.

Lighting: These premises would be used in times of darkness

Notice to say "Shared Entrance" as is further up at Ramp area. A speed limit is imposed and the  
use of area by elderly, disabled and children as well as bicycles and prams/pushers would be  
stated.

This notice should be displayed at entrance/exit in Canning Street.

These points may have been taken into consideration but with a background in health care I  
feel obliged to call them to your attention

Yours Sincerely

Joan Marshall

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

**From:** Mark Johnson  
**Sent:** Wednesday, March 25, 2020 12:19 PM  
**To:** Mary Stary ; Janine ; Joan Marshall  
**Subject:** FW: Application No DA0039/2020 - 233A Charles st, Launceston

Ladies,

Revised objection below for FYI.

**Kind Regards**

**Mark Johnson**

## Executive Director



[REDACTED]

[REDACTED]

[REDACTED]

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**From:** Mark Johnson [REDACTED]  
**Date:** Wednesday, 25 March 2020 at 12:18  
**To:** "[contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au)" <[contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au)>  
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- I couldn't see any spaces that weren't labeled, so I would say that there are zero or a small number of spaces that are not leased. The five new spaces can be added to zero or whatever the small number of available spaces is.
- In summary, very little capacity is left on the applicants property.

### Performance Criteria Summary. (Heading from application)

- Carparking- Second and third dot points refer to a ballet studio at 191 Brisbane st, Launceston which is similar to the business the subject of the application. I went to visit the site and yes there was a Ballet school there but not anymore. I questioned a couple of the neighbours and they informed me that the ballet school had moved at least couple of years ago.
- The appropriate "Use" definition, in our view, is Sport & Recreation and the applicant has not provided the requisite number of car spaces to satisfy that use.
- The proposed drop off and pickup proposition with cars driving in dropping off and then reversing out across a right of way which is used by the elderly and in some cases residents in wheel chairs, is clearly an unsafe proposal. I am involved in the construction industry and reversing vehicles in the circumstances proposed here would not pass any serious consideration of the possible risks.
- The application mentions the Traffic Impact Assessment (TIA) parking report for example from previous applications, that report assessed parking only for the early morning sessions (5.00am to 7.30am) of the F45 gym. It doesn't cover the opening hours of this application 3.00pm to 8.00pm.

### Summary

- The change of use to Education and Occasional Care, is incorrect for the stated use as a dance school.

**Having said all of the above, we reached out to the applicant through the planner to discuss a small number of concessions, that would allow us to support the application. We had three common sense enhancements to discuss but unfortunately our request to talk was declined.**

**Kind Regard**

