

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

Comments Received in Support:	Officer Technical Comment:
Nil.	Noted.

Comments Received in Objection:	Officer Technical Comment:
<u>Use</u> The recreational facility is an inappropriate use for this building.	<p>The subject site is located within the Commercial zone of the Mount Lawley – Highgate Town Centre. The proposed use is considered to be appropriate and consistent with both existing land uses within the Town Centre and the objectives of the City's TPS1. The recreational facility also contributes to the activation of the Beaufort Street commercial precinct and is considered to align with the objectives of the 'Commercial' zone under draft LPS2.</p>
<u>Noise</u> The noise from the 24 hour recreational facility impacts on the existing tenancies located on the ground floor of the building and the adjoining residential properties.	<p>This application proposes to extend the approved operating hours of the Recreational Facility from 6:00am to 9:00pm to 24 hours per day and allow the 24 gym to continue operating. All of the noise compliant received regarding the subject premises relate to instances of noise made during the day or evening. These periods of time are not the subject of this application. Moreover most of the existing uses on the ground floor are closed by the evening, with the latest use closing at 10:00pm. As a result there is not likely to be any noise impacts caused by the gym operating overnight between 9:00pm and 6:00am, as is proposed by this application.</p> <p>As part of the application the applicant has submitted a new Acoustic Report for the development, which states that the recreational facility complies with the prescribed (noise) standards contained in the <i>Environmental Protection (Noise) Regulations 1997</i>, for all periods of the day or night. The operator has also implemented additional attenuation measures following this report to address individual activities that have created noise concerns.</p> <p>Given the 'Commercial' zoning of the area, the fact that there are no residential developments in immediate proximity of the development and that the noise being emitted from the tenancy is, at the closest nearby tenancy, within the limits prescribed by the State Government's <i>Environmental Protection (Noise) Regulations 1997</i>, it is considered that there is no basis to refuse the application to extend the operating hours of the Recreational Facility from 6:00am to 9:00pm to 24 hours per day.</p>

Summary of Submissions:

Comments Received in Objection:	Officer Technical Comment:
<p><u>Anti-Social Behaviour</u></p> <p>The 24 hour recreational facility creates anti-social behaviour, especially within the laneway at the rear of the subject property.</p>	<p>Concern regarding the potential for a 24 hour recreational facility to create anti-social behaviour, especially within the laneway at the rear of the subject property, was also raised through the submissions. The City has not received any complaints of anti-social behaviour linked to the Recreational Facility and there is no evidence to suggest that the 24 nature of the Recreational Facility will lead to anti-social behaviour. The operator has advised that they educate their patrons regarding safe egress from the premises and it is considered that the 24 operation will actually reduce the likelihood of anti-social behaviour in the laneway to the rear and the area generally, given it will increase surveillance and activity in the area after hours.</p>
<p><u>Parking</u></p> <p>There is not enough parking for the 24 hour recreational facility which has an impact on the surrounding area.</p>	<p>Concern was raised through the submissions regarding there not being enough parking for the 24 hour gym and the impact the development is having on parking in the area. The existing recreational facility complies with the car parking requirements of the City's Parking and Access Policy and the Barlee Street public car park, located 40 metres from the subject site, also provides sufficient parking for patrons attending the recreational facility after hours.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.