

18/08/2017

20147-001

Mr. Remajee Narro
Senior Planning Officer
Approval Services

City of Vincent
PO Box 82
LEEDERVILLE WA 6902



Dear Remajee,

RE: LOT 7 STRATA PLAN 21608, 565-567 BEAUFORT STREET, MOUNT LAWLEY – RECONSIDERATION OF PLANNING CONDITION REF: 5.2017.176.1

Please find below a response to all submissions associated with the above planning application. The submissions were provided by yourself via an email dated the 14th August 2017. Below is the advice summary provided by the email:

A summary of the objections are as follows:

- 1. The building is inappropriate for a use as a gym*
- 2. The impact of the noise and vibration from upstairs gym on the ground floor tenancies is unbearable*
- 3. Insufficient noise and vibration attenuation to mitigate the constant noise and vibration*
- 4. There is no opportunity for peaceful enjoyment of other units within the building and the effect of the change is that all these units will be deprived of such expectation at all times.*
- 5. The 24 hour gym creates noise and antisocial behaviour in the abutting ROW particular in the evening and early hours of the morning. Apart from loud conversations which disrupts the tenants in the adjoining residential properties, there is drug dealing and drunk and lewd behaviour in the laneway.*
- 6. The 24- hour operation has an impact on the adjacent residential properties in terms of noise (loud music and noise from gym users) and car parking whereby gym users park their car in front of residential properties.*

Below is a breakdown of the list of concerns and our response.

Objections	Response
<i>1. The building is inappropriate for a use as a gym</i>	The subject building is located in the 'District Centre' zone along Beaufort Street. The use of this building as a 'Recreational Facility' in this zone is an 'AA' use meaning that the use is not permitted unless the Council exercised its discretion by granting planning approval. The use was assessed and planning approval was granted on the 12 th March 2014, subject to conditions. All conditions have been adhered to

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	and as such the use of the building as a 'Recreational Facility' (gym) is deemed appropriate by the City of Vincent
<p>2. <i>The impact of the noise and vibration from upstairs gym on the ground floor tenancies is unbearable.</i></p> <p>3. <i>Insufficient noise and vibration attenuation to mitigate the constant noise and vibration</i></p>	<p>It is important to note that this application is for operation of the business outside normal business operating hours (ie 9pm to 6am). Key consideration in this instance therefore include:</p> <ul style="list-style-type: none">• no other tenancies operating within this period• existing noise attenuation measures are adequate to ensure that noise is maintained at acceptable levels at all times of operation <p>As part of the conditional approval an Acoustic report in accordance with the City's Policy No. 3.5.21 relating to sound attenuation was prepared and submitted to the City for approval. All recommended measures within the report were implemented and have consistently been adhered to. A second Noise Impact Assessment was prepared and lodged once the gym commenced operations in July 2016 and the use was found to comply with the assigned noise levels associated with the Environmental Protection (Noise) Regulations (1997). See attached.</p> <p>The development also adheres to all relevant conditions relating to Building, Health, Engineering and Parks Services of the City as noted within Condition 9 of the conditional planning approval.</p> <p>Furthermore, the applicant advises that the tenants have taken significant steps to educate all employees in the need to minimise disruption to other tenants and local residence. Music and training noise of any</p>



	<p>kind is monitored and kept within acceptable thresholds and additional flooring has been applied to eliminate foot and exercise noise.</p> <p>The City has investigated previous noise complaints and found that all issues raised were of a minor nature, where noise did not exceed permitted thresholds.</p>
<p>4. <i>There is no opportunity for peaceful enjoyment of other units within the building and the effect of the change is that all these units will be deprived of such expectation at all times.</i></p>	<p>Please refer to the response to item 2 above. In addition, all efforts have been made to avoid all disruption to all other tenants in terms of noise and client traffic while still being able to lawfully conduct business.</p>
<p>5. <i>The 24 hour gym creates noise and antisocial behaviour in the abutting ROW particular in the evening and early hours of the morning. Apart from loud conversations which disrupts the tenants in the adjoining residential properties, there is drug dealing and drunk and lewd behaviour in the laneway.</i></p>	<p>In terms of noise please refer to point 2. There is no evidence that any noise or antisocial behaviour is directly related to the operation of the gym. The business owner takes all steps to educate clients on appropriate access and egress when using the facility. The client, to date, is unaware of any official complaints lodged against the gym with the City that directly relate to antisocial behaviour in the adjacent laneway. It should be noted that antisocial behaviour can gravitate to laneways and that the location of a 24 hour gym may be a catalyst to generate ongoing passive surveillance outside of normal business hours thus reducing the likelihood of antisocial behaviour.</p> <p>This use is located in the District Centre with other late night uses in close proximity including small bars, restaurants and the 24 hour Hungry Jacks directly across Vincent Street.</p>



<p>6. <i>The 24- hour operation has an impact on the adjacent residential properties in terms of noise (loud music and noise from gym users) and car parking whereby gym users park their car in front of residential properties</i></p>	<p>In terms of noise please refer to point 2. As part of the conditional approval parking for the facility was assessed and deemed to be sufficient. It should be noted there are no currently identified parking issues relating to the operation of the gym. It is more likely that parking issues in the locality are generated by other uses in proximity to the District Centre.</p> <p>It should be noted that there is ample car parking bays for the patrons of the gym, especially for the late night/early morning users who would easily find parking spaces at these hours and have no need to park over neighbour's property.</p>
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