

Notice of Council Assessment Panel Meeting



MEMBERSHIP

Mr M Adcock	Independent Member (Presiding Member)
Mr J Rutt	Independent Member
Mr A Mackenzie	Independent Member
Mr D Wyld	Elected Member
Mrs B Merrigan	Independent Member
Ms N Taylor	Deputy Independent Member

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next COUNCIL ASSESSMENT PANEL MEETING will be held in the Council Chambers, 571 Montague Road, Modbury on TUESDAY 21 FEBRUARY 2023 commencing at 10.00am

A copy of the Agenda for the above meeting is supplied.

Members of the community are welcome to attend the meeting.

RYAN MCMAHON
CHIEF EXECUTIVE OFFICER

Dated: 15 February 2023

CITY OF TEA TREE GULLY
COUNCIL ASSESSMENT PANEL MEETING
21 FEBRUARY 2023

AGENDA

1. Attendance Record:

- 1.1 Present
- 1.2 Apologies

2. Minutes of Previous Meeting

That the Minutes of the Council Assessment Panel Meeting held on 31 January 2023 be confirmed as true and accurate records of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

- 4.1 22036676 - Change of Use from office to indoor recreation facility (group fitness studio) at 8 Sandstock Boulevard, Golden Grove 3

5. Other Business

5.1 E.R.D. Court Matters Pending - Nil

5.2 Policy Considerations

Planning policy considerations will be recorded in the minutes following discussion by members.

6. Information Reports

7. Date of Next Meeting

21 March 2023

REPORT NO: 22036676

RECORD NO: D23/7071

TO: COUNCIL ASSESSMENT PANEL MEETING - 21 FEBRUARY 2023

FROM: Josh Banks
Team Leader Planning

SUBJECT: CHANGE OF USE FROM OFFICE TO INDOOR RECREATION FACILITY
(GROUP FITNESS STUDIO) AT 8 SANDSTOCK BOULEVARD,
GOLDEN GROVE

SUMMARY

DEVELOPMENT NO.	22036676
APPLICANT	Lee Harris
ADDRESS	8 Sandstock Boulevard, Golden Grove SA 5125
NATURE OF DEVELOPMENT	Change of use from office to indoor recreation facility (group fitness studio) (retrospective)
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood Zone • Suburban Activity Centre Zone <p>Overlays:</p> <ul style="list-style-type: none"> • Affordable Housing • Defence Aviation Area • Hazards (Flooding) • Hazards (Bushfire – Urban Interface) • Prescribed Water Resources Area • Regulated and Significant Tree • State Heritage Place • Stormwater Management • Urban Tree Canopy • Water Resources
LODGEMENT DATE	1 November 2022
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2022.20 (27 October 2022)

CODE RULES APPLICABLE AT LODGEMENT	Code Rules at Assessment Start
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes – Notification Period 22 December 2022 to 19 January 2023
NUMBER OF PROPERTIES NOTIFIED	44
REPRESENTATIONS RECEIVED	26
REPRESENTATIONS TO BE HEARD	10
RECOMMENDING OFFICER:	
REFERRALS STATUTORY	Nil
REFERRALS NON-STATUTORY:	Traffic – Wahid Yousafzai
RECOMMENDATION	Refuse Planning Consent

1. DETAILED DESCRIPTION OF PROPOSAL

The development application seeks to change the use of a portion of an existing building from office to an indoor recreation facility in the form of a group fitness studio. The use will utilise an existing car park on site.

The group fitness studio is proposed to operate small group classes limited to 16 clients per class:

Monday to Friday – 5:00am – 10:00am, 4:00pm – 7:00pm
Saturdays – 7:00am – 10:00am

Additional one-on-one training was also originally proposed however the applicant has since advised that this may occur in the future.

The applicant will retain the existing advertising sign on the site which replaces the wording Toop Real Estate with Five Star Fitness in the same colour scheme. No additional advertising is proposed.

2. BACKGROUND

It is noted the applicant has commenced using the site as proposed in January 2023 which is reflected in some of the representations received following public notification.

The application is considered hypothetical given the use is in operation. Furthermore, it is highlighted that Council has issued a notice to the applicant to cease the use as no authorisation has yet been granted. The direction of the notice includes:

1. **Refrain from conducting the “Launch Day” promotion and associated classes on 7th January 2023 or any other day until Development Approval has been granted approving the change in use of the Land;**
2. Refrain from commencing operation of the group fitness studio until Development Approval has been granted approving the change in use of the Land.

To date the applicant has ignored the notice and continued to operate.

3. SUBJECT LAND & LOCALITY

3.1 Site Description:

Location reference: 8 Sandstock Boulevard, Golden Grove

Title Reference:	Plan Parcel:	Council:
6032/379	D79908 A602	CITY OF TEA TREE GULLY

The subject land is an irregularly shaped allotment of approximately 5,900m² on the eastern side of Sandstock Boulevard. The land has a topographical fall from north to south towards the adjacent trail and reserve of Cobbler Creek. The subject land is surrounded on the three remaining sides by residential built forms.

The land features a State Heritage building in Golden Grove House and a newer building constructed as an office and approved in 2010. An associated car park is located in the southwestern corner of the allotment and a smaller driveway and car park is situated near the northern boundary from Sandstock Boulevard.

Uniquely, the subject and building of this application intersects the boundaries of two different Zones – the General Neighbourhood Zone and the Suburban Activity Centre Zone.

It is highlighted that both Zones are applicable in this assessment, notwithstanding the majority of the building lies within the Suburban Activity Centre Zone, as shown below:



3.2 Locality:



Figure 1: Locality Map and Subject Site in blue

The locality extends from the site across Sandstock Boulevard approximately 60 metres, through the Cobbler Creek reserve to the south and to the dwellings at the rear of the subject land. The creek reserve presents a vegetated buffer between the shopping centre and the predominantly residential area surrounding.

4. CATEGORY OF DEVELOPMENT

OVERALL APPLICATION CATEGORY

Code Assessed - Performance Assessed

REASON

Planning and Design Code

5. PUBLIC NOTIFICATION

Public notification was required as an indoor recreation centre is not listed as an exempted land use in Table 5 of the General Neighbourhood Zone.

44 owners or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject site for the duration of the notification period.

25 valid representations were received (1 was invalid as no address was provided). There were 22 representations in support, 3 of which with some concerns. 7 of the representations supporting the application do not live in the City of Tea Tree Gully. Three representations were received against the proposal.

LIST OF REPRESENTATIONS

Name	Address	Position	Wishes to be Heard
Altair Blancaver	18 Lake Magenta Court, Greenwith	Support	Yes
Jean & Fred Churcher	Unit 183 Captain Robertson Avenue, Golden Grove Lifestyle Village	Support	Yes
Danielle Finey	1 Linwood Street, Rostrevor	Support	Yes
Nick Fisher	1 Slate Road, Golden Grove	Oppose	Yes
Brandon Foster	7 Gray Court, Greenwith	Support	Yes
Nikki Hernandez	10 Christiana Crescent, Wynn Vale	Support	Yes
Samantha Mottram	PO Box 192, One Tree Hill	Support	Yes
Phil Procter	PO Box 312, Kersbrook	Support	Yes
Allison & Daniel Vahoumis	15 Hallett Road, Golden Grove	Support with some concerns	Yes
Brendon Bradley	313/2 Augustine Street, Mawson Lakes	Support	No
Sarah Cakalci	8/14 Sandstock Boulevard, Golden Grove	Support	No
Mustafa Cakalci	8/14 Sandstock Boulevard, Golden Grove	Support	No
Adeline Crowhurst	57 Emilie Street, Sefton Park	Support	No
Georgia Dreyer	26 Kingate Boulevard, Blakeview	Support	No
Salma Eid	30 Albion Terrace, Campbelltown	Support	No
Nick Holmes	PO Box 526, St Agnes	Support	No
Olivia Keatch	PO Box 526, St Agnes	Support	No
Craig Keatch	6 Landal Boulevard, Redwood Park	Support	No
Alison Lane	Unit 3, 2 Slate Road, Golden Grove	Oppose	No
Sasha Loveday	3 Slate Road, Golden Grove	Support with some concerns	No
Georgia Proctor	PO Box 312, Kersbrook	Support	No
Kingsley Rowse	13 Hallett Road, Golden Grove	Support with some concerns	No
Kirsty Shields	3 Raunsley Court, Greenwith	Support	No
Ian Thomson	11 Hallett Road, Golden Grove	Oppose	No
Callum Webb	4 Peppino St, Angle Vale	Support	No

SUMMARY

The representations in support provided a variety of reasoning including:

- A valuable use of an underutilised building
- Business could bring the community together
- Could improve surrounding businesses
- Convenient location

The representations against the proposal included:

- Early morning noise from music
- Early start times from 5am
- Noise from cars and people in the early morning
- Lack of car parking
- Concerns no sound-proofing has been installed

A response to the concerns raised by the representors has been provided by the applicant and can be found in Attachment 5.

6. AGENCY REFERRALS

No mandatory agency referrals were required.

7. INTERNAL REFERRALS

7.1 City Assets – Traffic and Parking

There were initial concerns with a proposed additional car parking area, however the applicant provided amended plans and is no longer pursuing any changes to the existing car parking areas as an existing car park is being utilised.

8. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Section 10 **of this report, and are available on Council's website** as a supplementary document.

8.1 Land Use

The majority of the subject land lies within the Suburban Activity Centre Zone and a small portion within the General Neighbourhood Zone. Consequently, the provisions of both Zones are relevant.

The Desired Outcome of the Suburban Activity Centre Zone seeks:

Desired Outcome	
DO 1	An active commercial precinct supporting neighbourhood-scale shopping, business, entertainment and recreation facilities to provide a focus for business and community life and most daily and weekly shopping needs of the community. Buildings and pedestrian areas create a high quality, activated public realm that is integrated with pedestrian and cycle networks and establish well-defined connections to available public transport services.

A broad range of commercial land uses is envisaged in the Suburban Activity Centre Zone, including but not limited to offices, schools, hotels, churches, shops and indoor recreation facilities in Performance Outcome (PO 1.1) and the associated Designated Performance Feature (DPF) 1.1.

Residential development is also envisaged providing it does not prejudice the operation of existing non-residential development or the long-term provision of services and facilities for wider community benefit (PO 1.2)

The General Neighbourhood Zone is far more residential-focused but also envisages some small-scale commercial forms of development that complement and support an active, convenient and walkable neighbourhood (PO 1.1).

The proposed indoor recreation centre will occupy some approximately 120m² of the 550m² total floor area of the existing office building. The applicant has proposed to limit group classes to a maximum 16 clients at a time, per lesson.

The proposed use is considered appropriate as it satisfies the desired outcome of both Zones by being a neighbourhood-scale/small-scale business in a convenient location adjacent to an activity centre in the form of The Stables shopping centre. PO 1.2 of the General Neighbourhood Zone is also satisfied as the proposal is located to improve accessibility to services in the form of a recreation facility.

General Neighbourhood Zone PO 1.4 talks about commercial activities improving community access to services and being of a scale and type that maintains residential amenity. The associated DPF suggests some examples including shops, consulting rooms or offices. As a land use this proposal is considered an appropriately compatible use for the Zone.

The remainder of the assessment relates to the General Development Policies of the Code.

8.2 Interface between Land Uses

The Desired Outcome of this General Development Policy module states:

Desired Outcome (DO)

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

The first three performance outcomes of this module are concerning land use compatibility and hours of operation

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature								
General Land Use Compatibility									
<p>PO 1.1</p> <p>Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>								
<p>PO 1.2</p> <p>Development adjacent to a <u>site</u> containing a <u>sensitive receiver</u> (or lawfully approved <u>sensitive receiver</u>) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.</p>	<p>DTS/DPF 1.2</p> <p>None are applicable.</p>								
Hours of Operation									
<p>PO 2.1</p> <p>Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its <u>hours of operation</u> having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the development (b) measures to mitigate off-<u>site</u> impacts (c) the extent to which the development is desired in the zone (d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land. 	<p>DTS/DPF 2.1</p> <p>Development operating within the following hours:</p> <table border="1"> <thead> <tr> <th>Class of Development</th><th>Hours of operation</th></tr> </thead> <tbody> <tr> <td><u>Consulting room</u></td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td></tr> <tr> <td><u>Office</u></td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td></tr> <tr> <td><u>Shop</u>, other than any one or combination of the following: (a) <u>restaurant</u> (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural <u>Horticulture</u> Zone</td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday</td></tr> </tbody> </table>	Class of Development	Hours of operation	<u>Consulting room</u>	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	<u>Office</u>	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	<u>Shop</u> , other than any one or combination of the following: (a) <u>restaurant</u> (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural <u>Horticulture</u> Zone	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday
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The proposed indoor recreation facility is located in a portion of an existing commercial (office) building that is positioned approximately 10m from the closest neighbouring dwelling to the east. These dwellings are considered the sensitive receivers for this purpose.

The question of how the use is designed to minimise adverse impacts on sensitive receivers via general provisions PO 1.1 and 1.2 is partially answered by the applicant in his response to representations. The applicant stated he has installed sound-absorbing flooring material and this has been visually confirmed through a site inspection. It is

also noted however that there are no additional acoustic treatments proposed to the inside of the building (e.g. windows, doors, ceiling or walls).

The primary concern of representations received during the notification process revolved around early morning noise from music playing inside the building. In particular the 5.00am classes.

PO 4.6 talks about development (such as this proposed use) incorporating music achieving suitable acoustic amenity measured from allotment boundaries of adjacent sensitive receivers. Associated Designated Performance Feature (DPF) 4.6 suggests a noise level of less than 8dB above the level of background noise (L90,15min) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$).

The applicant has not provided an acoustic report and whilst requested by Council verbally, one was not forthcoming. In the absence of this report concerns remain as to noise levels generated from music, and therefore PO4.6 has not been satisfied.

With respect to PO 2.1 a similar theme is applicable for hours of operation. The examples suggested in DPF 2.1 include 7am opening times for consulting rooms, offices and shops. Whilst not for the same, proposed land use, the guidance offered here is nonetheless applicable. The opinion of the administration is that a start time of 5am unreasonably impacts the amenity of sensitive receivers purely through the proposed early hours of operation. Council staff sought to compromise on the hours of operation by requesting that the gym could operate without music before 6.30am. The applicant was not willing to compromise.

8.3 Traffic Impact, Access and Parking

Part 4 – General Development Policies of the Code includes guidelines for minimum car parking rates for a range of land uses. Table 2 – Off-Street Car Parking in Designated Areas is applicable for this site (given its proximity to a road reserve along which a high-frequency public transport service operates).

Within this table the minimum rate for non-residential development is 3 spaces per 100m² of gross leasable area. As this rate applies to both the proposed indoor recreation facility and the existing, remaining office use, there is no trigger for requiring an increase in off-street parking.

8.4 Heritage

The proposed development is considered to have no impact on Golden Grove House given there are no building works to either building nor changes to the existing car park proposed.

The proposal does not seek to utilise the State Heritage Place in any way, and as no changes to the car park are proposed, from a heritage perspective the proposed change of use is considered acceptable. No referral was sought from the Heritage Branch from the Department of Environment and Water Department as there was no trigger in the Code or Regulations in this instance.

9. CONCLUSION

Whilst the proposed land use is considered appropriate, the existing location of the building and its proximity to nearby dwellings presents limited opportunity for a buffer to minimise noise impacts on adjacent sensitive receivers in the form of nearby dwellings.

Whilst there are no concerns in relation to land use *per se*, car parking or heritage impacts the proposed opening time of 5am is considered to offend numerous Code provisions and are unreasonable in the context of surrounding residential land uses. The Applicant has commenced the Land Use without any approvals and has made no attempt to satisfy the noise concerns of the Planning administration.

Having regard to the relevant assessment criteria, on balance the proposal does not satisfy the Planning and Design Code sufficiently enough to recommend a Planning Consent to the Panel.

10. PLANNING & DESIGN CODE POLICIES

Suburban Activity Centre Zone
DO 1, PO 1.1, PO 1.2, PO 1.6

General Neighbourhood Zone
DO 1, PO 1.1, PO 1.2, PO 1.3, PO 1.4

Hazards (Flooding) Overlay
PO 2.1

State Heritage Place Overlay
DO 1

General Development Policies - Interface between Land Uses
DO 1, PO 1.1, PO 1.2, PO 4.1, PO 4.6,

General Development Policies - Transport, Access and Parking
PO 3.1, PO 4.1, PO 5.1

11. RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- A. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- B. Development Application Number 22036676, by Lee Harris is refused Planning Consent subject to the following reasons:

REASONS FOR REFUSAL

- 1. General Development Policies – Interface between Land Uses PO 1.2
The proposed development is adjacent to sites containing sensitive receivers and is not designed to minimise adverse impacts.
- 2. General Development Policies – Interface between Land Uses PO 2.1
The proposed development unreasonably impacts the amenity of lawfully approved sensitive receivers through its hours of operation.
- 3. General Development Policies – Interface between Land Uses PO 4.6
The proposed development has not demonstrated suitable acoustic amenity for adjacent sensitive receivers.

Attachments

1. [Aerial Photo](#) 15

2. [Development Application Form](#) 16

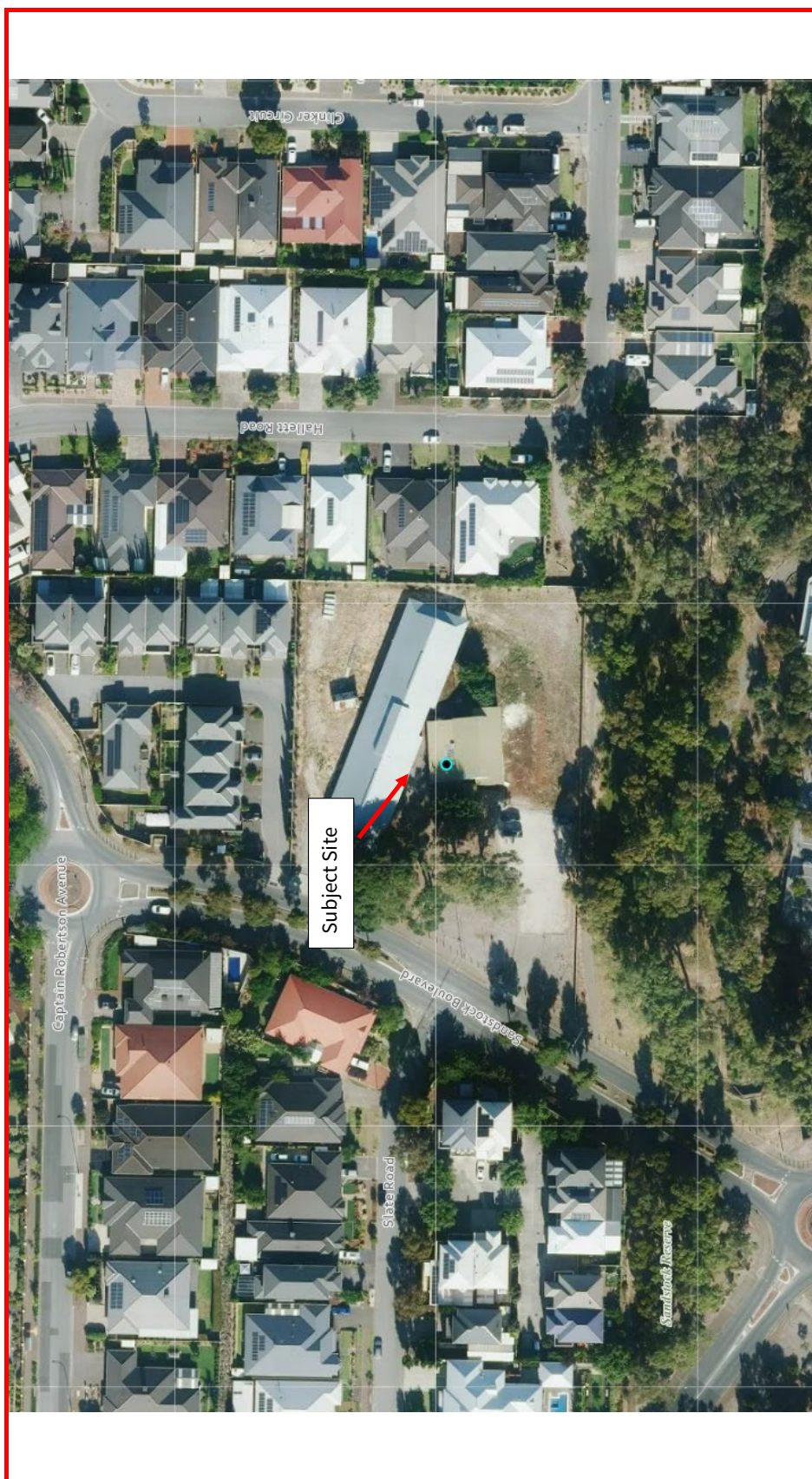
3. [Development Proposal](#) 20

4. [Representor Responses](#) 26

5. [Applicant's Response to Representors](#) 52

Report Authorisers

Josh Banks	
Team Leader Planning	8397 7251
Nathan Grainger	
Manager City Development	8397 7200
Michael Pereira	
General Manager Community Services	8397 7377

**Contact Details**

571 Montague Road, Modbury SA 5092
T (08) 8397 7444
TTY (08) 8397 7340
E customerservice@cttg.sa.gov.au
W www.cttg.sa.gov.au

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Development Locations

Location 1

Location reference

8 SANDSTOCK BVD GOLDEN GROVE SA 5125

Title Ref

CT 6032/379

Plan Parcel

D79908 AL602

Additional Location Information**Council**

CITY OF TEA TREE GULLY

Zone Overlays

Zones

- General Neighbourhood
- Suburban Activity Centre

Sub-zones

(None)

Overlays

- Affordable Housing
- Defence Aviation Area
- Hazards (Flooding)
- Hazards (Bushfire - Urban Interface)
- Prescribed Water Resources Area
- Regulated and Significant Tree
- State Heritage Place
- Stormwater Management
- Urban Tree Canopy
- Water Resources

Variations

- Interface Height (Development should be constructed within a building envelope provided by a 30 or 45 degree plane, depending on orientation, measured 3m above natural ground at the boundary of an allotment)

Application Contacts

Applicant(s)

Stakeholder info

Mr Lee Harris
28 NORITAKE ROAD
MODBURY HEIGHTS
SA
5092
leeharrisfit@gmail.com

Contact

Stakeholder info

Ms Brigitte Williams
UNIT 12 154 FULLARTON ROAD

ROSE PARK
SA
5067
Tel. 08 8333 7999
mail@urps.com.au

Invoice Contact

Stakeholder info

Mr Lee Harris
28 NORITAKE ROAD
MODBURY HEIGHTS
SA
5092
leeharrisfit@gmail.com

Invoice sector type

Land owners

Stakeholder info

Mr Anthony Topp
84 King William Road
HYDE PARK
SA
5061

Submitted For

epn.williamg@sa.gov.au submitted this application for Brigitte Williams (mail@urps.com.au)

Nature Of Development

Nature of development

Change of Use from office to indoor recreation facility (group fitness studio)

Development Details

Current Use

Office

Proposed Use

Indoor recreation facility - group fitness studio

Development Cost

\$1.00

Proposed Development Details

Change of Use from office to indoor recreation facility (group fitness studio)

Element Details

You have selected the following elements

Change of use - \$0.00

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?
No

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?
Unsure

Consent Details

Consent list:

- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?
No

Planning Consent

Apply Now?
Yes

Who should assess your planning consent?
Assessment panel/Assessment manager at City of Tea Tree Gully

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?
Relevant Authority

Building Consent

Do you wish to have your building consent assessed in multiple stages?
No

Apply Now?
No

Consent Order

Recommended order of consent assessments
1. Planning Consent

Do you have a pre-lodgement agreement?
No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
DA Pack.pdf	All application documentation	27 Oct 2022 10:24 AM

Application Created User and Date/Time

Created User

epn.williamg@sa.gov.au

Created Date/Time

27 Oct 2022 10:24 AM

Item 4.1

Attachment 2

Ref: 22ADL-1512

24 October 2022

Chelsea Tully
Team Leader Planning
City of Tea Tree Gully

Lodged via PlanSA Portal



Adelaide
12/154 Fullarton Rd
Rose Park, SA 5067

08 8333 7999

Melbourne
29-31 Rathdowne St
Carlton, VIC 3053

03 8593 9650

urps.com.au

Dear Chelsea

8 Sandstock Boulevard - Change of Land Use from Office to Group Fitness Studio

Introduction

URPS acts for Lee Harris who is the Applicant for this application. We have been engaged to provide advice and assist with the preparation of this development application for a change of use from an office to a group fitness studio at the above site.

We have prepared a detailed planning assessment on the proposed development. The assessment follows our review of:

- The site and locality.
- Site/floor plan (**Appendix A**).
- The Planning and Design Code (20 October 2022).

Background

URPS met with Council staff in March this year to discuss a proposed redevelopment of the Golden Grove House site. The purpose of this meeting was sharing preliminary plans for the redevelopment of the site and to gain preliminary feedback.

This application for a change of land use will run concurrently with the built form and land division application for the remainder of the site.

Importantly, the change of use proposed complements the proposed redevelopment for of the broader site.

H:\Synergy\Projects\22ADL\22ADL-1512 - 8 Sandstock Boulevard, Golden Grove\Working\210610_C1_v1_Planning Report.docx





Proposal

The proposed development does not seek to undertake building works, rather it seeks to more simply change the use of the land. The current land is used currently as a office and carpark. An office is defined by the Planning and Design Code (the Code) as:

Means any building used for administration or the practice of a profession, but does not include a consulting room or premises where materials are stored for sale or manufacture.

- (a) Premises used primarily for the sale by retail, rental or display of goods, foodstuffs, merchandise or materials, or**
- (b) A person or domestic services establishment.**

The proposed use is for a group fitness studio, which falls under the definition of an 'indoor recreation facility'. The Code defines this as:

Means a building designed or adapted primarily for recreation or fitness pursuits (Underlining added)"

The proposal includes the change of use to an indoor recreation facility more specifically a group fitness studio which operates as follows:

Procedural Matters

Offering	
Small Group Classes	Monday -Friday
	5.00am – 10.00am
	4.00pm – 7.30pm
	Saturday
	7.00am- 10.00am
One on one personal training	Occasional outside of the above hours

The land is in the Suburban Activity Centre Zone. No sub-zones apply.

The proposed development does not fall within a category of "Restricted Development" or "Accepted Development", nor is it classified as "Deemed-to-Satisfy".

Pursuant to Section 105 of the *Planning, Development and Infrastructure Act 2016* the application will be a "Code Assessed - Performance Assessed" development.

Table 5 – Procedural Matters, which relates to public notification, identifies classes of development that are excluded from notification. Part 3 (j) specifies that an "indoor



recreation facility” is excluded from notification (corresponding exceptions to the exclusion do not apply to this development).

As such, the application does not require public notification.

With respect to Statutory Referrals the State Heritage Place Overlay includes referrals. However, the purpose of this referral is for expert assessment and direction to the relevant authority on the potential impacts of development on State Heritage Places. A change in land use is not listed as a class of development of activity that triggers the need for a referral.

Therefore, the application does not require any referrals.

Subject Site

The land is located at 8 Sandstock Boulevard. It is a large 5,900m² allotment described as Allotment 602 Deposited Plan 79908 in Certificate of Title Volume 6032 Folio 379.

The current use of the building is for an existing office building on the site with associated car parking. The land contains a State Heritage Place, Golden Grove House.

Access to the site is provided from Sandstock Road via two existing vehicle crossovers.

The land slopes from north to south by approximately 8 metres towards the adjacent linear trail and Cobbler Creek.

Planning Assessment

Zone – Land Use

The land is situated mostly within the Suburban Activity Centre and partly in the General Neighbourhood Zone.

Given the majority of the site is in the Suburban Activity Centre where a preference for the retention of non-residential uses is sought, the change of use proposed, is an acceptable land use approach.

The Zone Desired Outcomes (DO) seek:

Desired Outcome 1 *An active commercial precinct supporting neighbourhood-scale shopping, business, entertainment and recreation facilities to provide a focus for business and community life and most daily and weekly shopping needs of the community. Buildings and pedestrian areas create a high quality, activated public realm that is integrated with pedestrian and cycle networks and establish well-defined connections to available public transport services. (Underlining added).*



The land use and intensity Performance Outcome (PO) seeks:

Performance Outcome 1.1	Retail, office, entertainment and <u>recreation related uses</u> are supplemented by other businesses that provide a range of goods and services to the local community and the surrounding district. (Underlining added).
--------------------------------	---

The corresponding Designated Performance Feature (DPF 1.1) provides means of achieving the PO. The proposed development comprises one of the listed land uses and therefore satisfies land use policy for the Zone, see below:

DPF 1.1	(j) Indoor recreation facility
----------------	--------------------------------

Zone – Built Form Character

The application does not seek to make any external changes to the existing building.

Overlay - State Heritage Place

Several Overlays apply to this site. Only one of the Overlays are specifically relevant to this application.

The State Heritage Place Desired Outcomes (DO) seek:

Desired Outcome 1	Development maintains the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse consistent with Statements of Significance and other relevant documents prepared and published by the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Heritage Places Act 1993.
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Access to the building and car parking areas remains unchanged. The development is expected to have a benign impact on Golden Grove House, given there is no external changes proposed to the existing building.

Performance Outcome 2.2	Adaptive reuse and revitalisation of State Heritage Places to support their retention in a manner that respects and references the original use of the State Heritage Place.
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The proposed change of use to the existing office building is adjacent Golden Grove House. Whilst this application does not seek to re-use the State Heritage Place, the adaptation of this building will enable the regeneration of an underutilised site. As discussed, this application will complement the forthcoming application for the built form for the remainder of the site.



General Section – Transport, Access and Parking

Part 4 – General Development Policies of the Code include reference to car parking rates for specific land uses. Table 2 Off-Street Car Parking Requirements in Designated Areas applies to this site as its within 200 metres of road reserve along which a bus service operates as a high frequency public transit service.

The minimum rate for non-residential development (excluding tourist accommodation) is 3 per 100m² of gross leasable floor. This rate applies to both the current use (office) and proposed use (indoor recreation facility.) The proposed development does not trigger an increase in off-street parking demand.

Conclusion

We have established that the application is for a change of land use from an office to an indoor recreation facility, more specifically a group fitness studio.

The application is Performance Assessed and does not require public notification.

The proposal is acceptable from a land use perspective and no material changes are proposed to the built form.

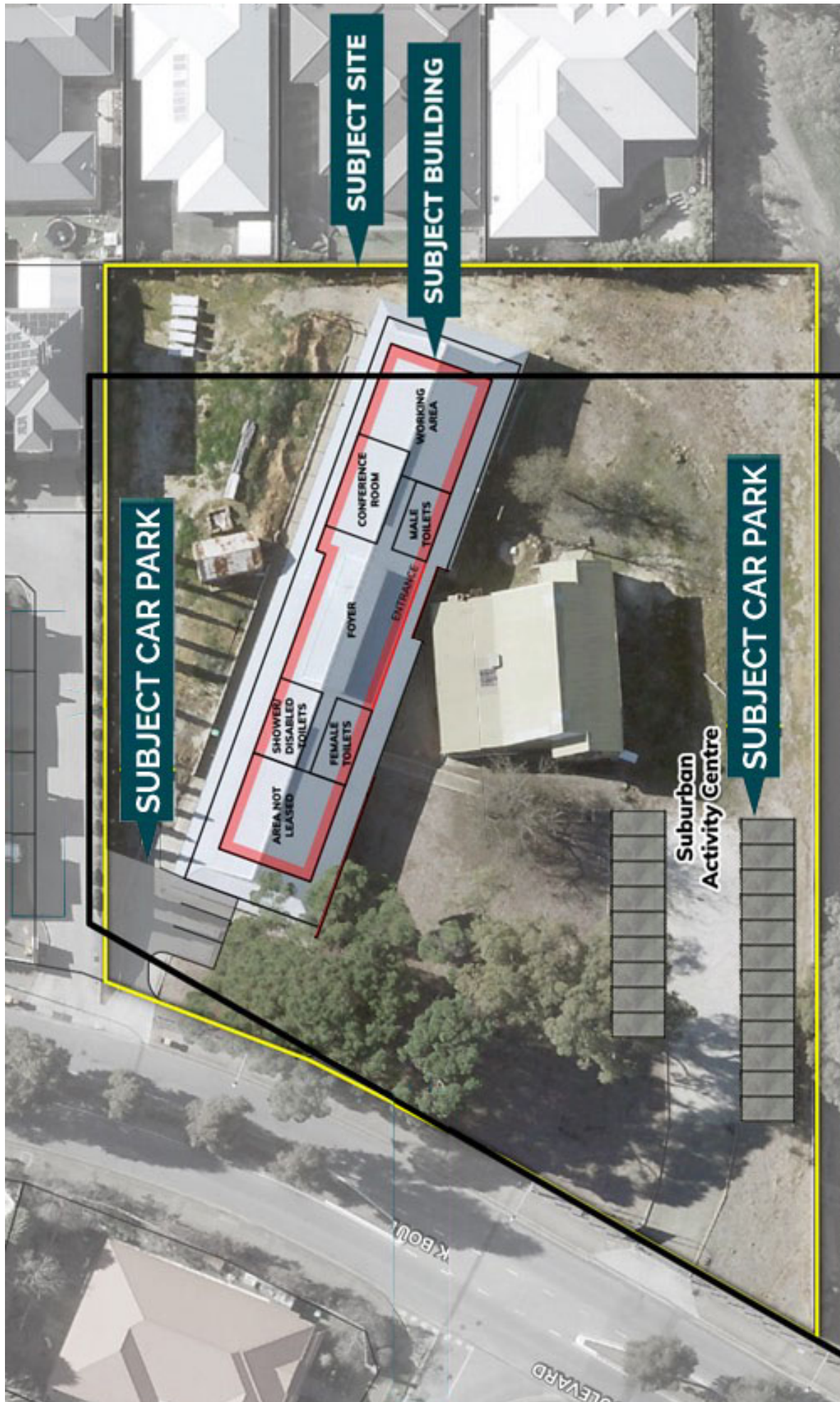
The carparking rate for the current use (office) and proposed use (indoor recreation facility). This means that the parking rate is compliant with the Code.

For the above reasons, the proposed development warrants Planning Consent.

Feel free to contact me should you have any queries.

Yours sincerely

Brigitte Williams
Consultant



Details of Representations

Application Summary

Application ID	22036676
Proposal	Change of Use from office to indoor recreation facility (group fitness studio)
Location	8 SANDSTOCK BVD GOLDEN GROVE SA 5125

Representations

Representor 1 - Allison and Daniel Vahoumis

Name	Allison and Daniel Vahoumis
Address	15 Hallett Road GOLDEN GROVE SA, 5125 Australia
Submission Date	31/12/2022 11:13 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns

Reasons

The concerns we have with this application are in response to the early morning music being played which is starting at around 5am and will be played throughout the day 6-7 days a week. Due our bedroom being at the back of our house near the back boundary of our property approximately 4-5 metres away from the side of the building we have already been woken up on a few occasions to loud fast beating music in the early hours of the morning. As it's a very quiet area around the neighbourhood the loud bass workout music is very distinct and will be constant throughout the day which we feel will impact our home. We are happy to be contacted if needed for further comment or discussion. Kind regards Danny and Allison Vahoumis

Attached Documents

Representations

Representor 2 - Brendan Bradley

Name	Brendan Bradley
Address	313/2 Augustine street MAWSON LAKES SA, 5095 Australia
Submission Date	06/01/2023 03:50 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons A great opportunity to further bring the community together with fitness. I lived in the area for 10+ year & my family still lives there & the area has always lacked a good stand alone gym. Much more sense of community rather than franchised ones. Will also be great for surrounding cafes - coffees, Brekky post workout etc.	

Attached Documents

Representations

Representor 3 - Callum Webb

Name	Callum Webb
Address	4 Peppino St ANGLE VALE SA, 5117 Australia
Submission Date	06/01/2023 03:51 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons The consent will allow members of the community use this space accordingly. It has been out of use for some time now and it has the upmost potential to do the community well.	

Attached Documents

Representations

Representor 4 - Danielle Finey

Name	Danielle Finey
Address	1 Linwood st ROSTREVOR SA, 5068 Australia
Submission Date	06/01/2023 03:55 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development

Reasons

Lee has created a small community of like minded people. He is passionate in helping people reach their goals and striving to be their best selves. With a space that he can operate within this now can shared within a wider community. I no longer live in the TTG area but will travel to the gym which will encourage me to continue visit local shops and restaurants while I'm there still supporting the community. In times like this people need to feel safe to reach health and fitness goals in a positive environment and a setting like this will help people in this community and it's surroundings. I am in full support of this development and know this will be huge asset to the community long term.

Attached Documents

Representations

Representor 5 - Olivia Keatch

Name	Olivia Keatch
Address	PO Box 526 ST AGNES SA, 5097 Australia
Submission Date	06/01/2023 03:57 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development

Reasons

The indoor recreation facility (group fitness studio) will be an excellent community space that allows individuals within our community to improve their health. The group fitness studio will enhance the community as it will provide a hub in which people can exercise and therefore improve their personal health outcomes. This particular area in Golden Grove is in need of a group fitness studio and will add to the growing need to provide contemporary and modern fitness spaces within our community. A space like this is often used multiple times per week (personally I would attend 5 times per week) and is suited to a broad range of individuals within the community. This space would benefit almost all individuals (young, old, currently fit, those seeking to improve fitness, men, women etc) and will therefore be well suited to all individuals within our community.

Attached Documents

Representations

Representor 6 - Nick Holmes

Name	Nick Holmes
Address	PO Box 526 ST AGNES SA, 5097 Australia
Submission Date	06/01/2023 04:04 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons This indoor fitness group studio would be granted because it will allow more individuals in our community to engage in fitness-related activities and therefore improve our fitness. The area needs a space for groups of people to work out together and this indoor fitness studio will allow for that. I also support small business within our community.	

Attached Documents

Representations

Representor 7 - Adeline Crowhurst

Name	Adeline Crowhurst
Address	57 emilie street SEFTON PARK SA, 5083 Australia
Submission Date	06/01/2023 04:14 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons I believe this gym will be a wonderful asset to the community, I went for the trial day and absolutely loved the atmosphere of the community being together and supporting each other and I look forward to being apart of this community.	

Attached Documents

Representations

Representor 8 - Brandon Foster

Name	Brandon Foster
Address	7 Gray Court GREENWITH SA, 5125 Australia
Submission Date	06/01/2023 05:24 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development
Reasons I believe this should go ahead as it's a gymnasium which help people with all types of problems. Wether is weight problems or mental problems it's exactly what we need in this area.	

Attached Documents

Representations

Representor 9 - Salma Eid

Name	Salma Eid
Address	30 albion terrace CAMPBELLTOWN SA, 5074 Australia
Submission Date	06/01/2023 05:24 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons I recently went to the trial day for this gym and honestly it was the best thing and its a great addition to the community as its just the gym for me with amazing location	

Attached Documents

Representations

Representor 10 - Altair Blancaver

Name	Altair Blancaver
Address	18 Lake Magenta Court GREENWITH SA, 5125 Australia
Submission Date	06/01/2023 05:51 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development
Reasons This business should be granted consent. It provides support for the mental and physical wellbeing of the community using group fitness training. If they choose to be a part of it. I can only see positive value exchange for the addition of this small business in the area. To refuse this business is to support shutting down small businesses and to have something against health and wellbeing.	

Attached Documents

Representations**Representor 11** - Sean Howley

Name	Sean Howley
Address	Sean SALISBURY HEIGHTS SA, 5109 Australia
Submission Date	07/01/2023 06:57 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development
Reasons This development will encourage people to live a healthy lifestyle and get fit.	

Attached Documents

Representations

Representor 12 - Kirsty Shields

Name	Kirsty Shields
Address	3 Raunsley Circuit GREENWITH SA, 5125 Australia
Submission Date	07/01/2023 03:08 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons As a TTG resident I am fully sportive of additional premises to exercise and support my health and well-being.	

Attached Documents

Representations

Representor 13 - Jean and Fred Churcher

Name	Jean and Fred Churcher
Address	Unit 183 Captain Robertson Avenue GOLDEN GROVE LIFESTYLE VILLAGE SA, 5125 Australia
Submission Date	07/01/2023 03:42 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development
Reasons We live in the retirement village in Golden Grove and we would love to see this area used as it is much better to be occupied to stop any criminal activity from carrying on there. And it would be beneficial for the community and growth for the area.	

Attached Documents

Representations**Representor 14** - Craig Keatch

Name	Craig Keatch
Address	6 Landal Boulevard REDWOOD PARK SA, 5097 Australia
Submission Date	10/01/2023 12:25 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons	

Attached Documents

Representations

Representor 15 - Georgia Proctor

Name	Georgia Proctor
Address	PO Box 312 KERSBROOK SA, 5231 Australia
Submission Date	11/01/2023 01:45 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons Great addition to the area and surrounding areas who do not have a facility like this (eg One Tree Hill, Humbug Scrub and Kersbrook. Increased traffic to shopping centre (The Stables) which will support other local shops and businesses.	

Attached Documents

Representations

Representor 16 - Phil Proctor

Name	Phil Proctor
Address	PO Box 312 KERSBROOK SA, 5231 Australia
Submission Date	11/01/2023 01:48 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development
Reasons In an area of growing population a new gym is an exciting opportunity for business growth, increased value in the area and opportunities for members of the public to better their health and well-being. I am excited to try the new gym and support an up and coming business. Coming out of the covid-19 pandemic where many people were stagnant and unable to exercise it is important to be promoting healthy options in the community. For the benefit of people's well-being, their personal training goals and for the benefit of people's mental health I believe it is important to provide as many gym's and like businesses as possible. I am in full support of the new development.	

Attached Documents

Representations

Representor 17 - Nikki Hernandez

Name	Nikki Hernandez
Address	10 christiana cres WYNN VALE SA, 5127 Australia
Submission Date	11/01/2023 03:02 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development
Reasons This facility is within a secluded area and does not pose any noise threats to surrounding areas, the music is not loud, the classes are small and everyone is respectful to thw community	

Attached Documents

Representations

Representor 18 - Samantha Mottram

Name	Samantha Mottram
Address	P.O. Box 192 ONE TREE HILL SA, 5114 Australia
Submission Date	12/01/2023 10:12 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development
Reasons As I pass the facility on my way to work and also frequently see my parents in the lifestyle village along with using the cafes next door I am excited for this to open After viewing the said premises and meeting some of the people here that are so positive and encouraging I love that it is privately owned and will have a small member base as a older woman I felt very comfortable it's exactly what this area can benefit from.	

Attached Documents

Representations

Representor 19 - Alison Lane

Name	Alison Lane
Address	Unit 3, 2 Slate Road GOLDEN GROVE SA, 5125 Australia
Submission Date	14/01/2023 02:40 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The proposed development is for a gym facility that operates with loud music from 5am until approximately 7.30am, and then again in the afternoon, in a residential area. The gym is directly behind a group of houses and is directly opposite residential houses. The applicant has already begun operating before there are approvals in place and there are already issues with noise from both patrons in the carpark and the loud music. My dogs start barking from 5am as people pull into the car park and start talking and music starts, and continue throughout the morning. No other industry is able to disrupt the quiet before 7am - a gym in a residential area should be no different. The fact that the applicant has chosen to start operating before approvals have been granted shows his complete disregard for the process and his neighbours.

Attached Documents

Representations

Representor 20 - Georgia Dreyer

Name	Georgia Dreyer
Address	26 Kingate Blvd BLAKEVIEW SA, 5114 Australia
Submission Date	15/01/2023 01:58 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons Fivestar Fitness Hub should be granted planning consent. I go past this area on the way to work and is a convenient location for myself and many others. They offer great facilities and a community for like minded people. The trainers are fantastic and it would be a shame for planning to not go through	

Attached Documents

Representations**Representor 21** - Mustafa Cakalci

Name	Mustafa Cakalci
Address	8/14 Sandstock Boulevard GOLDEN GROVE SA, 5125 Australia
Submission Date	15/01/2023 07:32 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons	

Attached Documents

Representations

Representor 22 - Sarah Cakalci

Name	Sarah Cakalci
Address	8/14 Sandstock Boulevard GOLDEN GROVE SA, 5125 Australia
Submission Date	15/01/2023 07:41 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons Positive influence of health and fitness in this area of Golden Grove which we do not have at the moment. I will definitely be training there.	

Attached Documents

Representations

Representor 23 - Sasha Loveday

Name	Sasha Loveday
Address	3 Slate Road GOLDEN GROVE SA, 5125 Australia
Submission Date	17/01/2023 12:52 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns
Reasons - Concern about the number of clients on the premises at any one time. Is there sufficient parking? In the past, when Toop & Toop had gatherings, the car park on the premises was not sufficient and the overflow of parking came into Slate Road. This street is not wide or large enough to cope with the overflow and has numerous cars from current residents that park on the street illegally as it is. Overflow of parking needs to be in the Stables shopping centre. - Car park gate needs to be closed outside of hours of operation ensuring groups of people do not gather outside of hours and visit the abandoned house on the site. - Level of noise early in the morning raises concern for some residents about the changing of classification from office to indoor recreation space. Alterations to noise level need to be investigated – greater insulation to block out noise or changing of operation hours (not 5am or to 9pm) – as it does seem that despite complaints about the noise level, this has not changed.	

Attached Documents

Representations

Representor 24 - Ian Thomson

Name	Ian Thomson
Address	11 Hallett Road GOLDEN GROVE SA, 5125 Australia
Submission Date	18/01/2023 08:35 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I do not support the business operating in this location with the current setup. With adequate changes made to ensure no detrimental impact to surrounding neighbours in the area, I would support. This business has been operating for some time now, with regular classes from early Jan, as well as many other classes that were run late 2022. There seems to have been no steps taken to prevent the noise from being heard in surrounding homes. In the majority of classes, we are able to hear the music in our home. The music starts from around 5am in the morning and runs until approximately 7am. Again around 9am and then late afternoon/early evening. The noise is disruptive and regularly wakes my young children early in the morning. Important to note that the business owner dropped a note in neighbours properties to advise there has been a sound engineer attend the premises to ensure no disruption to nearby properties, however it seems no actual sound proofing has been installed and given the material the building is made of, nothing seems to be stopping the music from travelling outside of the property. As a business, in a residential area, that is playing music at these times of the day, I expect that music should not be heard from outside of the property; in the same way as when you are outside the doors of an Anytime Fitness, you cannot hear the music through the glass. Until steps have been taken to ensure the music does not travel further than their building, I am not supportive of this business opening in this location. I have had to contact the owner a couple of times to request the music be turned down to ensure we are not disrupted; each time Lee has been accommodating in advising he would turn the music down (which is great, but suggests he's well aware any work by a sound engineer has not made any difference). I would prefer to get to an outcome where the business is able to operate without any impact to their neighbours (and community they wish to operate in) and without any impact on the business by the local neighbours with their feedback. To re-iterate, with the appropriate changes to ensure no disruption to the local neighbourhood, I would actively support the business operating, but there should be no impact to neighbouring properties.

Attached Documents

Representations

Representor 25 - nick fisher

Name	nick fisher
Address	1 slate road GOLDEN GROVE SA, 5125 Australia
Submission Date	18/01/2023 08:39 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

I have the following concerns and objections: A notice of development has been issued yet the business is already running. Noise from cars arriving are heard from 0445 onwards. You'd be surprised how far noise travels on a quiet morning. More people/strangers running around the block is evident. The carpark does not seem big enough. Although shopping Centre is close by, the obvious choice is to park across in Slate Road. This is already a poorly designed road. previously objected to the grotesque building erected by TOOP & TOOP as it does not nothing for the Heritage listed Golden Grove House. Why isn't this historical site being preserved for future generations? Instead its shabbily boxed up, and has had the front verandah removed? I don't believe that this was approved either?

Attached Documents

Representations

Representor 26 - Kingsley Rowse

Name	Kingsley Rowse
Address	13 HALLETT RD GOLDEN GROVE SA, 5125 Australia
Submission Date	18/01/2023 04:09 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

Reasons

Our primary concern for this change in zoning of the above property is related to increased noise from the music played during classes. In particular the early morning classes as our residence and living areas, including bedrooms are very close to this building. If it was possible to control the noise level by sound proofing the areas used successfully to block the noise completely, then we would be supportive of the proposed change. When purchasing our home approximately 10 years ago we were diligent in checking the zoning of this property over concerns of its impact on our home life and were reassured when learning that it was zoned specifically for office space only. We would also hope that patrons of the group fitness studio would be mindful of noise when entering and exiting the premises particularly in the early morning. We would also like to express that we would be opposed to a 24 hour type gym proposal that could be considered in the future, if the business was to change ownership or be further developed etc. If our concerns can be successfully addressed, we would be supportive of the development, but hope for ongoing respectful consideration of the residential area in close proximity to the site.

Attached Documents

Dear Josh,

I have received and reviewed all 26 representations in regards to the 'Change Of Land Use Development Application' at 8 Sandstock Blvd, Golden Grove.

It is great to see that 20 of the representations are for the development, leaving only 3 with concerns and 3 opposing.

I have addressed and responded to all of the concerns and objections below.

If you could please notify me of when this will be discussed with the panel so I can be of attendance that would be greatly appreciated.

Regards,
Lee Harris

Representation Responses:

Representor 1. Allison & Daniel Vahoumis - Support with some concerns

Daniel and Allison are the closest house located at the rear of the property. After receiving a personal message from Daniel about his concerns with the noise disturbances, I had then changed the orientation of the speakers, adjusted the limiter and invited him over to help us find a reasonable level.

When Daniel came over, he had his wife stand in the rear room of the house (closest to the property) and we then adjusted the levels to a suitable amount that she was not able to hear it. Daniel was appreciative of our cooperation to accommodate him and we are glad his concerns have been dealt with.

Daniel also makes another comment about the hours of the gym operation. For clarification, the gym does not operate 7 days a week or throughout the day.

Representor 19. Alison Lane - Opposes The Development

With the working area of the gym being 110m away from Alison and a 2 laned road in between us that is occupied by other members of the public, I do not believe Alison's claims are true. There are 35 other homes that are in a closer proximity than Alison and they have not complained or raised any concerns.

Not only have I received private messages from members of the public (located at the closest

town house on Sandstock Blvd and Hallet road) thanking me for not being able to hear any noise but I have also tested the noise levels with a sound monitor across the entire property with the average level being 37db. Even standing at the door of the building, the levels only went to 39db.

I have a 9 minute video showing the levels at various locations taken at 5.30am and saved messages from the members of the public located close by.

Representor 23. - Sasha Loveday - Support With Some Concerns

I Acknowledge Sasha's main concern about the car parking potentially overflowing onto Slate Road. I'm happy that not only do we have ample parking available with plenty of spots left over for our small capped classes but we also have a 20 - 25 minute interval in between each class to give the members enough time to depart and for the new ones to arrive.

Unfortunately a malicious letter, which I believe is from the gym I used to work in, has been posted to the surrounding houses as far as Greenwith primary school. This letter was claiming to be a neighbor behind the gym and asking for people to oppose the development in order to support them.

I was originally contacted and notified of this letter box drop by a member of the public that lives behind the gym (Hallet road). She stated that she has never had any noise issues from us and thinks it is awesome to have the block occupied with a fitness center.

Because of this, I believe Sashas noise comments are because of this false letter as she refers her reasoning to one of the statements in the letter.

Representor 24. Ian Thomson - Opposes The Development

Ian has personally told me that he works from home, therefore he is used to the property being vacant (apart from any of the criminal activity and vandalism that was taking place there.)

Post Ian's message, we have re orientated the speakers, had the site measured with a noise meter and with messages from neighbors next to him, thanking me for being diligent with the noise, I find it impossible that any sound coming from the premises is being heard.

Nick also claims that multiple classes were being run late 2022, this is also untrue as we only had 1 come and try day which was on a Saturday.

Representor 25. Nick Fisher - Opposes The Development

Nick is another neighbor located on Slate Road (across from the premises, over the 2 laned road).

Nick's main concern is about car parking overflowing onto Slate Road and as I have previously stated in the other responses, that would not be an issue to have any concern towards as the

classes are for small group training followed by a 20-25 minute interval between classes. Judging by Nick's comment about the 'grotesque building erected by Toop & Toop' and the heritage building not being preserved, it seems he would rather the land be completely stripped back and vacant.

I am pleased to say that since we have been regularly present at the site and maintaining the land, there has been no more vandalism to the heritage listed Golden Grove House. This has been a great outcome to preserve its current state.

Representor 26 - Kingsley Rowse - Support With Some Concerns

Kingsleys concerns are about any loud music that may be heard in the early mornings, patrons leaving the premises and not to become a 24 hour gym.

As we have been diligent with the noise levels, checking with a sound meter and re orientating our speakers that concern has been dealt with.

The car park is located on the other side of the building, away from her house and we also have a sign in the gym foyer asking our members to be respectful of noise in the morning hours when arriving and leaving the premises.

Our gym is designed for small group personal training and this would never become a 24 hour gym.