

Meeting Date: Thursday 13 May 2021
Location: Held over teleconference
Time: 5.00pm

City of Ryde Local Planning Panel Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. City of Ryde Local Planning Panel Meetings will also be webcast.

NOTICE OF BUSINESS

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DEVELOPMENT APPLICATION

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DEVELOPMENT APPLICATION

1 1 Meriton Street, Gladesville - Use and internal fit out for a 24/7 Snap Fitness Gym - LDA2020/0380

Report prepared by: Senior Coordinator - Development Assessment

Report approved by: Manager - Development Assessment; Director - City Planning and Environment

File Number: GRP/09/6/12/1/2 - BP21/403

City of Ryde Local Planning Panel Report

Application Number	LDA2020/0380
Site Address & Ward	1 Meriton Street, Gladesville East Ward
Zoning	B4 Mixed Uses under RLEP 2014
Proposal	Use and internal fit out for a 24/7 Snap Fitness Gym.
Property Owner	BridgeLane Property 12 Pty Ltd
Applicant	Darren Laybutt
Report Author	Madeline Thomas – Senior Coordinator Development Assessment
Lodgement Date	9 November 2020
No. of Submissions	Seventeen (17) submissions received. One (1) in support and sixteen objecting to the development application
Cost of Works	\$475,200.00
Reason for Referral to LPP	Contentious Development - Development which received more than 10 submissions.
Recommendation	Refusal
Attachments	Attachment 1: Plan of Management Attachment 2: Architectural Plans

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1. Executive Summary

The following report is an assessment of a development application for the use and fit out of the tenancy as a 24 hour/7 day gymnasium at 1 Meriton Street, Gladesville.

The proposal was notified to owners of surrounding properties between 12 November 2020 and 4 December 2020 and resulted in seventeen (17) submissions raising objection to the proposal, and one (1) submission in support of the proposal. The concerns raised in the submissions included the following:

- Acoustic impact on adjoining residential apartments
- Traffic generation and parking
- Inadequate toilet facilities provided
- Original development application not altered within Australian standards/planning provisions
- Security issues resulting from 24 hour access

The proposal has been assessed as having an unacceptable impact on the surrounding residential properties with respect to noise and vibration, with particular concern that the proposal will result in unacceptable sleep disturbance between the hours of 10pm and 7am.

The proposal also fails to provide sufficient parking to address the parking demands generated by the change of use to a gymnasium, resulting in a shortfall in parking of twenty nine (29) parking spaces. This shortfall will have a detrimental impact on the on-street parking in the vicinity of the site.

The proposal is considered to be inconsistent with the B4 Mixed Use zoning objectives under Clause 2.1 of Ryde Local Environmental Plan 2014 (Ryde LEP 2014) as the Applicant has failed to demonstrate that the gym is a compatible use in a residential flat building development.

Given the reasons detailed above and in this report, the development application is recommended for refusal.

2. The Site and Locality

The site is known as Shop G03-G05 at 1 Meriton Street, Gladesville, and is the ground floor tenancy (Lots 1, 2 and 3) in SP 100131.

1 Meriton Street contains a recently constructed Part 3/ Part 6 and Part 7 storey mixed use development, and is located on the corner of Meriton Street and Victoria Road. The existing building contains one other retail premises on the ground floor that is

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currently used as a kitchen showroom (located on the corner of Meriton Street and Victoria Road) and fifty-one (51) residential apartments on the floors above the ground floor retail tenancies. Two (2) ground floor apartments are also located adjacent to the subject tenancy, and also back onto the communal open space.

The subject tenancy has an area 445m², and has a frontage to Victoria Road. The tenancy is currently vacant, and was approved as a “retail tenancy” under LDA2015/0156.



Figure 1: Aerial Photograph of subject site

The site is within the Gladesville Town Centre, and is located on Victoria Road, which is a key transportation corridor. The site is within a well-established mixed use area, with mixed use buildings located to the south and west, and commercial development with shop top housing situated to the north along Victoria Road. Gladesville Public School is located to the north west of the subject site.

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Figure 2: Extract of location plan showing location of tenancy within existing building



Figure 3: External photograph of the subject tenancy as viewed from Victoria Road

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Figure 4: External photograph of subject site as viewed from the corner of Meriton Street and Victoria Road



Figure 5: External photograph of subject tenancy and adjoining residential lobby



Figure 6: Photograph taken within subject tenancy near entrance (looking toward Victoria Road)

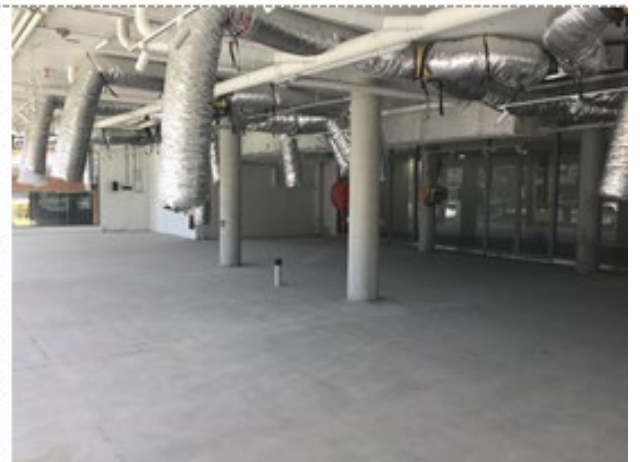


Figure 7: Photograph taken within subject tenancy near entrance (looking toward rear of tenancy)

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Figure 8: Photograph at the rear of subject tenancy



Figure 9: Photograph of lift at rear of tenancy providing access from basement



Figure 10: Photograph of outdoor area at the rear of tenancy

3. Background

LDA2015/0156 – Approval of mixed use development

On the 28 October 2015, the Sydney North Planning Panel approved a development application for the demolition of existing structures, site works and construction of a part 3/ part 6/ part 7 storey mixed use development containing retail and residential uses over 2 levels of basement. The approved development included three (3) retail tenancies, one of which is the occupied kitchen showroom, and two of which form the subject tenancy.

Under LDA2015/0156, a shortfall of even (11) retail parking spaces was considered acceptable given additional Section 94 (now 7.11) contributions were charged to accommodate the shortfall of parking spaces.

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This development has been fully constructed, and the residential units are now occupied.

MOD2016/0047 – modification to LDA2015/0156

A Section 4.55 (formerly Section 96) application was approved by Council on 29 April 2016 to modify LDA2015/0156 to remove substation, convert space into retail floor space and plant room, minor changes to basement configuration, removal of retail service lifts, reconfiguration of entry door and extension of awning.

This application approved a floor space ratio of 2.53:1(4,598m²), which exceeds the maximum floor space ratio of 2.5:1 applicable to the site. The retail floor space approved equates to 442.5m². This approved retail space incorporates all three retail premises across the site, including the current kitchen showroom.

The increase in retail floor space approved under MOD2016/0047 resulted in a further shortfall of one parking space, with a total shortfall of twelve (12) parking spaces.

The stamped approved ground floor plan is shown in **Figure 11** below.

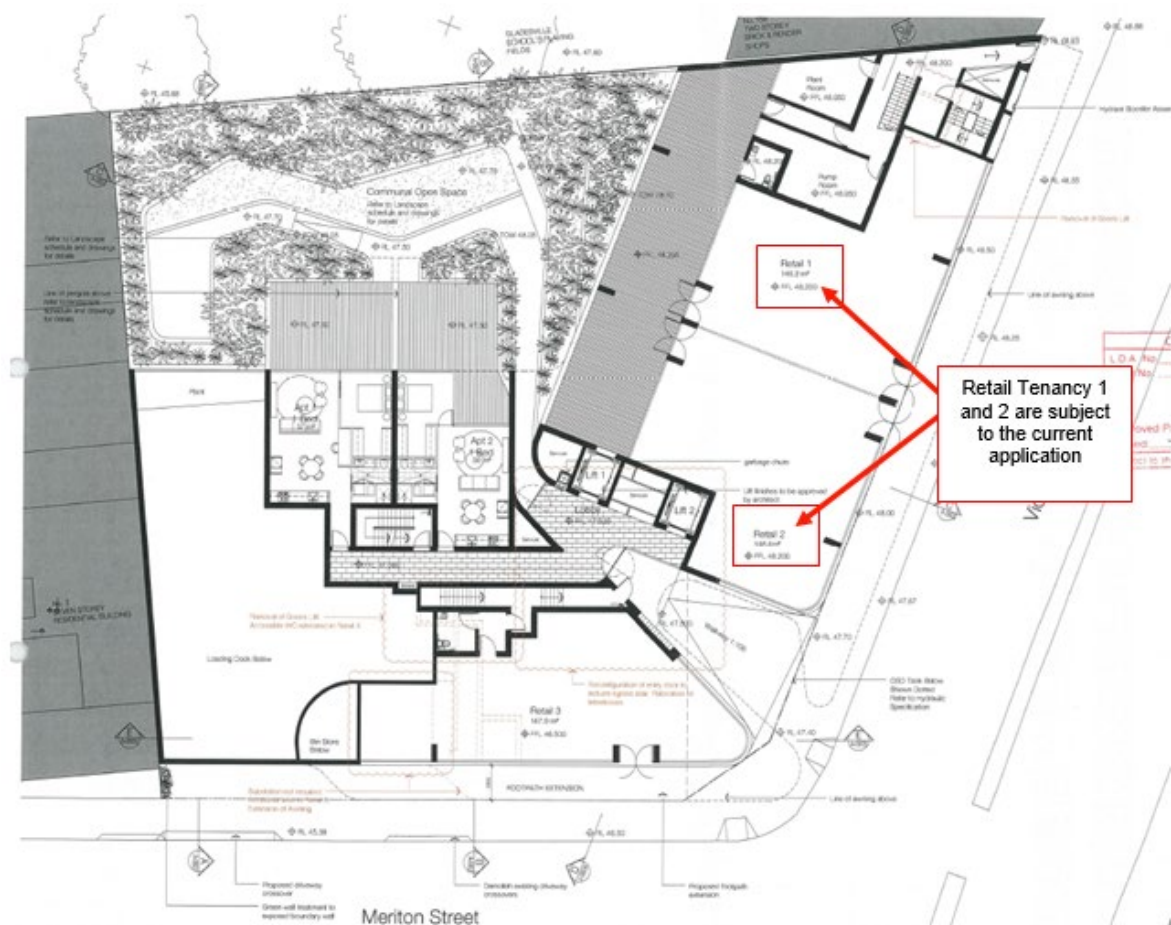


Figure 11: Extract of approved ground floor plan under MOD2016/0047 with subject tenancy in red

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CDP2020/0261 – Complying Development approval for the erection of glass enclosure

A Complying Development Certificate was approved by a Private Certifier on 18 June 2020 for the erection of a glass enclosure at the rear of the terrace. This enclosure has been constructed, and can be seen in **Figure 8** above.

It is noted that the enclosure of the terrace by the glass wall has contributed to an additional 150.4m² of floor space for the retail tenancy, additional to what was approved under LDA2015/0156 and MOD2016/0047.

CDP2020/0521 – Complying Development approval for Strata Subdivision

A Complying Development Certificate was approved by a Private Certifier on 23 September 2020 for the strata subdivision of the building, including the strata subdivision of the two retail tenancies into three retail tenancies (i.e. G0, G04 and G05).

4. The Proposal

The proposal includes the use and internal fit out for a gymnasium, being Snap Fitness, at 1 Meriton Street, Gladesville. Details of the proposal are below:

Consolidation

The proposal involves consolidation of the three retail units (i.e. G03, G04 and G05) to facilitate the open layout of the proposed gym. Two of the existing entries to the subject tenancy are proposed to be closed off, and the central entry is proposed to be maintained as the main entrance. The existing tenancy plan is shown in **Figure 12** below.

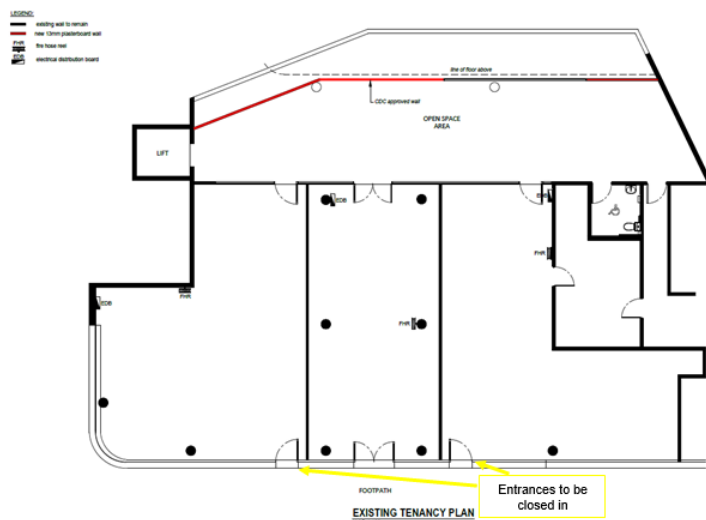


Figure 12: Existing tenancy plan (location of entrances to be removed shown in yellow)

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Fit out of gymnasium

The proposal involves the fit out as follows:

- Provision of a reception area near the main entry from Victoria Road
- Cardio and stretch area located at the front of the tenancy
- Weights and strength training area
- Sled track
- 2 additional showers and toilets. It is noted the existing disabled toilet will remain unchanged
- Studio area at the rear of the tenancy which is to be used for classes

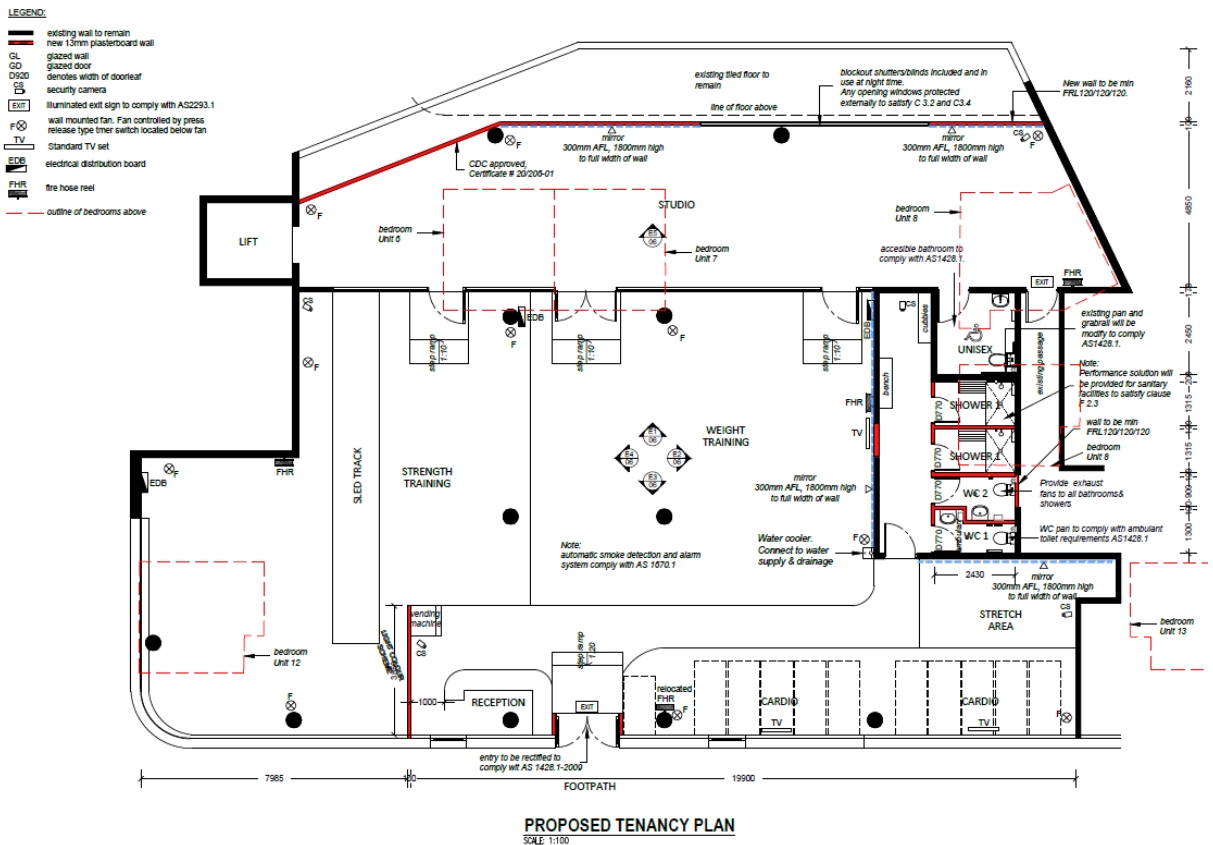


Figure 13: Proposed fit out plan

Proposed operation of gymnasium

Hours of operation

The gym is proposed to be operational 24 hours/ 7 days a week.

Within the operational hours, the staffed hours are proposed to be:

- Monday to Friday – 10am to 7pm

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- Saturday – 10am to 12pm
- Sunday – by appointment

The Applicant has proposed class times as follows:

- Monday to Thursday – 6am, 7am, 9:30am and 6:30pm
- Friday – 6am, 7am and 9:30am
- Saturday – 7am and 8am

It is also proposed to have a limit of 15 people at one time in a class.

Staff members

The Plan of Management (dated 29 March 2021) indicates there will be a maximum of three to four staff members at the gym at any one time.

Gym equipment/machinery

The gym equipment proposed includes the following:

- Cardio equipment such as bikes, rowing machines, treadmills and climbing machines
- Free weights, including dumbbells, barbells, medicine balls and bench press
- Pin weight machines
- Battle ropes

Parking

The proposal seeks to utilise the four (4) parking spaces allocated to the two retail premises under the previous approvals. The Applicant has identified that these spaces will be used by staff only, and that street parking and surrounding car parks will be available for club members and staff to use.

5. Application History

The application was lodged on the 9 November 2020. The application was notified between 12 November 2020 and 4 December 2020, during which time seventeen (17) submissions objecting to the application, and one (1) submission in support of the application were received.

On 19 January 2021, a letter was sent to the applicant requesting further information to address the following issues:

- *Acoustic Impact* – the Acoustic report provided failed to demonstrate that the proposed development would not have an unacceptable impact on the adjoining residential properties.

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- *Structural Certification* – Council’s Building Surveyor requested a report be provided to address whether the proposed use would impact the structural capacity of the constructed building.
- *Building Code of Australia (BCA) Report* – Council’s Building Surveyor also requested that a BCA report be submitted to demonstrate compliance with the BCA, including a fire safety audit.

A meeting was also attended by the Applicant, the project Acoustic Consultant and Council on 2 February 2021 to discuss the shortcomings of the Acoustic report.

On 30 March 2021, the Applicant submitted the following documents in response to Council’s request for information:

- Fire Safety Report
- Acoustic response letter
- Amended architectural plans, showing further detail of floor material and glazing of windows
- Structural adequacy certificate

The amended information was reviewed by the relevant Council Officers, and was not considered to address the acoustic issues raised in Council’s initial request for information.

6. Planning Assessment

An assessment of the development in respect to Section 4.15 of the *Environmental Planning and Assessment Act 1979* is detailed below.

6.1 State Environmental Planning Instruments**State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55)**

The requirements of SEPP 55 apply to the subject site. In accordance with Clause 7 of SEPP55, Council must consider if the land is contaminated, if it is contaminated whether it is suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed development.

During the assessment of the development application for the existing building, Council assessed that the site was suitable for both retail and residential use. As such, further investigation is not warranted, and the site is suitable for the proposed indoor recreation development in this regard.

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6.2 Ryde LEP 2014

The subject site is zoned 'B4 Mixed Use under the provisions of the *Ryde Local Environmental Plan 2014* (Ryde LEP 2014). The proposed use is defined as a 'recreation facility (indoor)', which is a permissible land use within the zone.

The objectives of this zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.*
- *To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.*

The application does not meet the first objective in relation to compatibility of its location. The Oxford Dictionary definition of 'compatible' is "able to exist or occur together without problems or conflict". The proposed use, as well as the 24 hour a day operations, is unlikely to operate 'without problems or conflict' with the neighbouring residential units.

Council's Senior Coordinator Environmental Health has assessed the revised Acoustic Report, and has determined that the noise generated from the proposed gymnasium would not be "inaudible" between 10pm and 7am, even with the mitigation measures recommended in the revised Acoustic Report and Plan of Management. When considering the acoustic impact of development on residential properties, the generally accepted criterion for providing adequate protection to sleeping areas is "inaudibility between the hours of 10pm and 7am".

Accordingly, the proposed development is not considered to be compatible with its surrounding environment, and is therefore not considered to meet the objectives of the zone.

Clause 4.3 – Floor Space Ratio

The maximum floor space ratio applicable to the site is 2.5:1. It is noted that the approved development for the mixed use building was 2.53:1.

The proposal does not result in any change to the existing gross floor area of the subject tenancy.

ITEM 1 (continued)**Clause 5.10 – Heritage Conservation**

Subclause 4 of Clause 5.10 requires the consent authority to consider the effect of the proposed development on the heritage significance of the heritage item or conservation area. The site has not been identified as a heritage item or within a conservation area.

The site is within proximity of a number of heritage items, including Gladesville Public School and the Clock Tower at the intersection of Victoria Road and Meriton Street.

The subject application will not result in any significant changes to the external appearance or footprint of the building, as such there will be no undue impact to the heritage significance of the nearby items.

6.3 Draft Environmental Planning Instruments**Draft Remediation of Land State Environmental Planning Policy**

The Draft SEPP is a relevant matter for consideration as it is an environmental planning instrument that has been placed on exhibition. The explanation of Intended Effects accompanying the draft SEPP advises:

As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work.

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development applications. Refer to conclusions made in relation to SEPP 55.

Draft Environment State Environmental Planning Policy

The draft Environment SEPP is being developed for the protection and management of our natural environment. It proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. As the proposed development involves the fitout of an existing premises, it will not have any implications for this draft SEPP.

6.4 Development Control Plans**Ryde Development Control Plan 2014 (Ryde DCP 2014)**

The following sections of Ryde DCP 2014 are of relevance, being:

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- Part 4.6 – Gladesville Town Centre & Victoria Road Corridor
- Part 9.1 – Signage
- Part 9.3 – Car Parking

Part 4.6 - Gladesville Town Centre & Victoria Road Corridor

The site falls within the North Gladesville Precinct of this Part of DCP2014. The controls of this Part of Ryde DCP 2014 predominantly relate to the built form of structures, such as height, setbacks etc. Limited controls therefore apply, except those relating to Active Street Frontages.

The proposal complies with the active frontage controls, as it provides for an active use on the Victoria Road frontage.

Part 9.1 Signage

The Applicant has stated that signage does not form part of this application, and would be subject to a future development application.

Part 9.3 – Parking Controls

The existing retail tenancies within the existing building approved under LDA2015/0156 and subsequent modifications were approved with six (6) car parking spaces, two (2) spaces allocated per retail tenancy. The retail parking rate that was applicable at the time of the approval (and still applies) was 1 space per 25m² of retail GFA. The approved retail floor space of 442.5m² meant that this resulted in a shortfall of twelve (12) parking spaces. This was considered acceptable at the time as a condition of consent was imposed that the Section 7.11 (formerly Section 94) contributions were to be increased by \$35,558.16 per space.

As such, the approved floor area (excluding the enclosed terrace) warranted only four (4) spaces and the other two (2) spaces allocated to the other retail tenant.

The enclosed terraces result in an additional 150m² in GFA. The applicant's traffic report has incorporated the enclosed external terrace areas within the parking shortfall of the original DA. This was not originally considered under the original development application and therefore should be disregarded. The enclosure of this space further exacerbates the parking non-compliance.

In addition to the above, the parking demand rates under this section of the Ryde DCP 2014 are higher for 'Recreation Facilities (indoor)/Gymnasium' in comparison to retail, as follows:

ITEM 1 (continued)

Recreation Facilities (indoor) / Gymnasium	1 – 1.5 spaces per 20m ²	(5 – 7.5 spaces / 100m ²)
Retail	1 space per 25m ²	(4 spaces / 100m ²)

As such, the proposed change of use would warrant a higher parking demand.

The submitted Traffic Report has presented there is a public parking lot in the vicinity of the site (Western Crescent and Coulter Street) though this is some 400m from the site and gym patrons are more likely to obtain parking closer to the site in a residential street.

The shortfall in parking for the gym would result in a shortfall of twenty (20) spaces, including the increase in floor space as a result of the enclosed terraces.

Accordingly, it is considered that inadequate parking will be provided to facilitate the change of use, and this forms reason for refusal of the application.

6.5 Planning Agreements OR Draft Planning Agreements

Not Applicable

6.6 The likely impacts of the development

Acoustic Impact

The proposal is likely to have a detrimental impact on the surrounding residential properties with regard to noise and vibration impacts.

The proposal has failed to demonstrate that the noise from the gym will be inaudible between the hours of 10pm and 7am from the adjoining residential apartments (specifically bedrooms), which is the industry accepted standard for protecting sleeping areas.

As such, the proposal will have an unreasonable environmental impact on the residential amenity of adjoining units. Suitable noise mitigation measures to ensure that the premises will not cause offensive noise have not been proposed.

Parking Impact

As discussed earlier in this report, the parking demand for indoor recreation facilities (gymnasiums) is higher than the parking demand for retail premises. The proposal would result in shortfall of twenty (20) parking spaces. Council's Senior Development Engineer has stated that this would result in an unacceptable impact upon on-street parking in the vicinity of the site.

ITEM 1 (continued)**6.7 Site Suitability**

As detailed in this report, the proposal is incompatible with the mixed use building it is situated within.

6.8 The Public Interest

The proposed acoustic mitigation measures are considered inadequate and unsuitable for the development to adequately address the impacts of the development. The shortfall in parking would result in an unacceptable impact upon onstreet parking. As such, approval of the subject application would not be in the public interest.

6.9 Submissions

In accordance with the Ryde Community Participation Plan, owners of surrounding properties were given notice of the application between 12 November 2020 to 4 December 2020.

During the notification period, seventeen (17) submissions were received raising objection to the proposal. One (1) submission was received in support of the proposal. Given the number of submissions received, the issues raised in the submissions have been summarised and addressed below. It is noted that the majority of the submissions were consistent in the issues raised. These included the following:

- Acoustic impact on adjoining residential apartments

It is agreed that the proposal would result in an unacceptable impact on adjoining residential units. The Applicant has failed to demonstrate that the proposal would not result in 'offensive noise', as defined under the *Protection of the Environment Operations Act (POEO Act)*. The Applicant has also failed to demonstrate that noise generated between the hours of 10pm and 7am in bedrooms of adjoining residential units would be inaudible.

As such, this issue warrants refusal of the application.

- Traffic generation and parking

It is agreed that the shortfall in parking of twenty (20) spaces is unsatisfactory, and will result in an unacceptable impact on the on-street parking in the vicinity of the site.

As such, this issue warrants refusal of the application.

- Inadequate toilet facilities provided

The toilet facilities provided are considered to be sufficient to facilitate a gym of this size. This issue does not form reason for refusal of the application.

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- Original development application not altered within Australian standards/planning provisions

The Complying Development Certificate (CDP2020/0261) was issued in accordance with *State Environmental Planning Policy (Exempt and Complying Codes) 2008* in June 2020.

The concerns raised in this regard in the submission is not a matter for consideration by the Ryde Local Planning Panel.

- Security issues resulting from 24 hour access

The Plan of Management (PoM) submitted by the Applicant fails to address the potential conflict with a gym operating 24 hours a day. The PoM does not specify that access to the gym will be limited to the Victoria Road entrance. The PoM is required to be specific in providing measures that will ensure gym members will not access areas of common property outside of staffed hours.

7. Referrals

Environmental Health Officer: Council's Senior Coordinator of Environmental Health has reviewed the amended application, including the Acoustic Report and Plan of Management, and has provided the following comments:

Inaudibility between 10pm – 7am

- *The additional information provided on 22/2/21 has not outlined how noise from the gym will be inaudible during this time period*
- *In the meeting held between Council, the developer and the acoustic consultant, the acoustic consultant acknowledged that to achieve inaudibility would be very difficult.*

Background noise measurements (RBL vs LA90)

- *The background noise readings are taken from the first level balcony of Unit 111, 1 Meriton St, which faces Victoria Road.*
- *Blackett have stated "Establishing the background noise level at this location is deemed to be adequate". I do not consider this to be appropriate because noise on the balcony where traffic noise is experienced is not the same as the background noise level inside the most affected residences (in a habitable room) directly above the gym.*
- *It is also understood that the building designed required acoustic treatment to external facing openings to satisfy the noise criteria set out in clause 102 of the Infrastructure State Environmental Planning Policy.*

Offensive Noise

ITEM 1 (continued)

The plan of management outlines the following for the team training schedule:

- *Monday, Tuesday, Wednesday and Thursday (6.00am, 7.00am, 9.30am and 6.30pm)*
- *Friday (6.00am, 7.00am and 9.30am)*
- *Saturday (7.00am and 8.00am)*

- *There is the potential for offensive noise to affect all residences above the gym, particularly during the early times that the team training commences. Team training often involves multiple repetitions of exercises including dropping weights, using battle ropes, instructors yelling, music etc.*
- *The overall measure LAeq for typical music noise during training sessions is stated as 75dBA.*

Layout of the gym & flooring system

- *The amended architectural plans demonstrate the locations of affected bedrooms in units above the gym.*
- *The Technogym Equipment Layout is referenced in the acoustic report in figure 2.3.*
- *The amended architectural plans indicate the flooring will be carpet tiles where the battle ropes, kettle bells and medicine balls are intended to be located (as shown in the Techogym equipment layout).*
- *The amended architectural plans have not adopted the recommended flooring system outlined in the acoustic report.*

Reasons not supported

1. *I am not satisfied that noise from the gym will be inaudible between 10pm – 7am.*
2. *I am not satisfied that the appropriate background noise measurements have been applied and this adopted background noise measurement is applied to develop all project specific noise levels.*
3. *I am not satisfied that the operation of the gym will not create offensive noise, based on;*
 - a. *the location of above and surrounding residences as indicated on the Architectural Plans.*
 - b. *the layout of the gym and location of noise generating equipment, and*
 - c. *the proposed flooring system to mitigate noise producing facets from the operation of the gym.*

ITEM 1 (continued)

- d. *the likely noise levels produced while the gym is in operation including music noise, noise producing facets from equipment, noise from “team training” classes.*

Assessing Officer comment:

It is agreed that the Applicant has failed to demonstrate the proposal would afford a reasonable level of amenity for adjoining residential apartments with respect to noise and vibration. This forms reason for refusal of the application.

Senior Development Engineer: Council’s Senior Development Engineer has reviewed the amended application and has provided the following comments:

It is noted that the proposed use follows from a recent CDC approval which has effectively enclosed the originally approved terraced areas.

The original development application accepted a significant parking shortfall for numerous reasons. Due to the location of the site on the traffic intersection and implications with vehicle access, a parking shortfall of 12 spaces was accepted. Accordingly the approved floor area (excluding the enclosed terrace) warranted only 4 spaces and the other 2 spaces allocated to the other tenants. The enclosed terraces therefore exacerbates this non-compliance further.

The applicant’s traffic report has also incorporated the enclosed external terrace areas as a parking shortfall. This was not originally considered under the original development application and therefore should be disregarded.

Disregarding the CDC works, the parking demand rates in Council DCP are higher for “Recreation Facilities (indoor) / Gymnasium” in comparison to retail, noted as follows;

<i>Recreation Facilities (indoor) / Gymnasium</i>	<i>1 – 1.5 spaces per 20m²</i>	<i>(5 – 7.5 spaces / 100m²)</i>
<i>Retail</i>	<i>1 space per 25m²</i>	<i>(4 spaces / 100m²)</i>

As such, the proposed change of use would warrant a higher parking demand.

The submitted Traffic Report has presented there is a public parking lot in the vicinity of the site (Western Crescent and Coulter Street) though this is some 400m from the site and gym patrons are more likely to obtain parking closer to the site in a residential street.

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Assessment of the proposed development presents that the proposed change of use generates a greater parking demand than what was originally envisaged under the original approval. Accordingly this will impact upon on-street parking in the vicinity of the site and therefore the development is not supported on parking grounds.

Building Surveyor: Council's Building Surveyor has reviewed the amended documentation. They have noted that a number of fire safety issues have been raised for the entire building, which the owner is currently working with Council's Health and Building team to resolve. The fire safety issues that apply to the subject tenancy include defects to the fire hydrant booster pump, smoke detectors and emergency lights and exit signs.

It is anticipated that these deficiencies could be resolved by conditions of consent, should the application be considered for approval.

8. Conclusion

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979, the application is recommended to be refused for the following reasons:

1. The proposal results in an unacceptable impact on the adjoining residential properties with respect to noise and vibration.
2. The proposal is inconsistent with the objectives of the B4 Mixed Use zone under the Ryde LEP 2014, as the proposal is not considered to be compatible with the surrounding residential uses.
3. The shortfall in parking spaces results in an unacceptable impact on the on-street parking in the vicinity of the site.
4. The Plan of Management submitted with the application is inadequate as it:
 - Fails to address the potential conflict with a gym operating 24 hours a day with the nearby residential uses.
 - Does not outline sufficient mitigation measures with respect to parking, noise and vibration and building security.
5. The development is not suitable for the site.
6. The proposal is not in the public interest.

ITEM 1 (continued)**9. Reasons for Refusal**

Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, the following is recommended:

A. That the Local Planning Panel refuse the Development Application LDA2020/0380 for the use of and fit out of the tenancy as a 24hour/7 day gymnasium at No. 1 Meriton Street, Gladesville, for the reasons as follows:

1. In accordance with Section 4.15(1)(a), the development does not comply with the following planning provisions:
 - *Ryde Local Environmental Plan 2014* in that the proposal is inconsistent with the B4 Mixed Use zone objectives, as the proposal is incompatible with the surrounding residential uses.
 - *Part 9.3 of the Ryde Development Control Plan 2014* in that the proposal does not provide adequate parking to meet the parking demand generated for the proposed use.
2. In accordance with Section 4.15(1)(b), the likely impacts due to noise and vibration of the development are unreasonable. Inadequate information has been provided to demonstrate that the adverse noise and vibration impacts caused by the use and fit out of the premises can be satisfactorily mitigated.
3. In accordance with Section 4.15(1)(c) the site is unsuitable for the proposed development given the proposal's incompatibility with surrounding land uses.
4. The approval of the proposed development is not in the public interest in accordance with Section 4.15(1)(e).

B. That the persons who made submissions be advised of this decision.

ATTACHMENTS

- 1 Plan of Management
- 2 Architectural Plans - subject to copyright

Report Prepared By:

Madeline Thomas
Senior Coordinator - Development Assessment

Report Approved By:

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

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ATTACHMENT 1



PLAN OF MANAGEMENT



Snap Fitness Gladesville

G03-G05/1 Meriton Street Gladesville

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ATTACHMENT 1



PLAN OF MANAGEMENT

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PLAN OF MANAGEMENT

OVERVIEW

Snap Fitness Gladesville will be a privately owned and operated club. Providing fitness services exclusively to members only.

We provide a great alternative to the big box health club concepts available today positioning ourselves in Neighbourhood centres so we are 'close to home and work'.

Some of the benefits our members experience are;

- Customer friendly - NO CONTRACTS
- 24 hour a day access, 365 days a year
- Affordable membership pricing
- High quality, state-of-the-art workout equipment
- Close to home and work
- Clean, safe environment
- Fast-Convenient-Affordable

Even though privately owned and operated the club is still part of the Snap Fitness Franchise which enables members to further benefit from the following;

- Reciprocity across all Snap clubs – worldwide
- Consistent modelling – Fitout and Equipment Standards
- Consistent Service – Club procedures, membership inductions etc replicated throughout all Snap Fitness Clubs
- Proven Systems for member safety, security and use
- Proven Procedures for member safety, security and use

SCOPE AND VELOCITY OF MEMBER VISITATION

On average across Snap Fitness clubs, most members live within 3.2 kilometres of their club. That figure reduces even further in a small community like Gladesville with memberships details showing more than 90% of our members living within 2 kilometres of our club. Our members workout is shorter than that of competing concepts (big box clubs), being typically 40 minutes.

In the fitness club industry, roughly 40% of members use the club on a regular basis. For example a club with 600 members equals about 240 regular users. Most regular users go to the club 2 times per week. This would mean approximately 500 visits per week total.

Another 150 visits per week from the 60% who only go now and again will equal 650 visits per week. Weekly this equates to just fewer than 100 workouts per day.

Factoring in peak hours (4pm to 7pm) and peak days (Monday, Tuesday), on average Snap Fitness Clubs rarely see more than 20 people in the club at one time.

On average less than 1% of our members' workout after 11 p.m. and before 5 a.m.

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PLAN OF MANAGEMENT

STAFFING DETAILS

FULL TIME CLUB MANAGER

The Club Managers key focus will be on Sales & Marketing, Managing Personal Trainers ensuring best short and long term outcomes for members and ensuring a safe work and training environment.

The Club Manager holds minimum qualifications of Certificate III and IV in Fitness, a current Senior First Aid Certificate and a current CPR Certificate, as well as a “working with Children Suitability Card”. The Club Manager also needs to hold and maintain a current Professional registration with Fitness Australia.

ASSISTANT CLUB MANAGER/FITNESS MANAGER

The assistant manager/fitness manager will hold a minimum of the same qualifications as the club manager role above. In addition they will have completed at least one to two other group training qualifications – i.e. boxing certification, Yoga qualifications, etc..

PERSONAL TRAINERS

The Personal Trainers key focus will be on delivering training sessions and ensuring best short and long term outcomes for members, while always ensuring a safe environment. There will be approximately 1 trainer to 200 members.

All Personal Trainers will hold minimum qualifications of Certificate III in Fitness, Certificate IV in Fitness, a current Senior First Aid Certificate and a current CPR Certificate. Personal trainers will also need to hold and maintain a current Professional registration with Fitness Australia.

In addition to the above, all trainers will have completed the Snap Fitness Cronulla Policy for correct and safe lifting – see copy attached – before they start working in the club. This policy focuses specifically on ensuring members are aware of the sensitive nature of dropping weights in the club, along with demonstrating and providing training for every new member on safe technique for “placing weights”, rather than dropping them

NOTE: Number of Personal Trainers will be governed by membership levels and demand. Fitness Australia Professionals are required to keep current Senior First Aid Certification (every 3 years) and CPR certification (every 12 months). Further requirements include continuing educational credits (CECs) and insurance.

GUIDELINES FOR STAFF

All staff as part of their contract with Snap Fitness Gladesville will be provided with a Team Handbook and an induction into the club.

Induction will include;

- Systems Training
- Emergency Procedures
- Complaint Procedures
- Club Familiarisation i.e. location First Aid, Duress Alarm etc
- Correct Lifting Policy

The Team Handbook forms part of the Staff member’s contract and needs to be signed, dated and accepted.

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PLAN OF MANAGEMENT

The Team Handbook covers, but is not limited to the following;

- Confidentiality Agreement
- Code of Conduct
- Acceptable Use of IT
- Occupational Health and Safety
- Correct Lifting policy

RULES OF CONDUCT FOR MEMBERS

As part of every member's induction process, they must agree to abide by Snap Fitness Rules of conduct. These are as follows;

- Snap Fitness members Only - access via swipe access on every visit
- Approved guests only allowed during staffed hours.
- All attendees must be 16 years of age or older, unless accompanied by a parent.
- It is your responsibility to pick up after yourself.
- Be respectful to others, please do not use profanity.
- Dress appropriately, shirts and shoes must be worn.
- No Towel, No workout.
- Use equipment for its intended purpose
- When using heavy equipment always "place" the weights, never drop weights
- Respect other users and residents of the building at all times

In addition to completing the existing "Compulsory Member Induction" form - (which addresses correct lifting technique), all members will be required to read and accept the "Correct Lifting Policy" as part of their terms and conditions of use

We have also contacted all members through their email with the following message:

CORRECT LIFTING POLICY

"When training in our gym, all members and visitors are required to respect the patrons within our club, and the surrounding residents and business owners/operators.

Under no circumstances are any members allowed to drop weights for any reason in the facility. Not only does this lead to a threatening environment for those training in the gym, but noise can be heard/transferred to surrounding residences and businesses, causing disturbance to sleep, operation of their business, etc.

If you are unable to "control" the weight to the ground, without dropping, its either too heavy, or seek support from one of our friendly team and they will assist you to do so.

We ask that no Olympic Bars, hex, weights training bars above 15 kilos are removed from the designated lifting area at any time – SEE PLAN BELOW.

"Dropping" any weights from any height or moving weighted bars from the designated lifting area for any reason, is considered a breach of our Rules of conduct and may result in your membership

ITEM 1 (continued)

ATTACHMENT 1



PLAN OF MANAGEMENT

being suspended and/or cancelled. The rules of conduct form part of your membership contract and must be abided with by all members”.

Our policy refers to “dropping weights”, this is when a person lifts an Olympic bar (generally weighing 20 kilograms) off the group in either a dead lift, or squat. In the event that the person lifts the weight and is unable to “control” or “place” that weight down to the ground, the person may drop the weight from a height.

While people have been known to drop weights from shoulder height when doing a squat, this is very unusual and the racks they use are specially designed to enable the person to put the weights down on “safety hooks” or “safety bars”. Dropping a weight from their shoulders is very difficult because the weight is behind their head and not generally how somebody would put the weight/bar down.

When performing a dead lift – raising the bar with bumper plates on either side – the participant will start with their knees bent and lift the weight up to knee height – approx.. 500mm off the ground (never any higher because with a large weight on it’s impossible as arm muscles are far weaker than leg muscles).

The exercise then sees the participant lower the weight back down to the ground, however sometimes the participant may lose control of the weight, therefore “dropping” the weight. This practice can be stopped by reducing the weight or adjusting their technique, all things our personal trainers can assist them with.

The acoustic report shows an example test being 30 kilograms “dropped” from 500mm off the ground. This is a very heavy weight and industry standards would show that no more than 4-8% of our membership base would even be able to lift this weight off the ground using either a deadlift or squat. The club offers several pieces of equipment to minimise the need to use excessive weights, like the 45 degree leg press and the smith machine.

CAR PARKING FOR MEMBERS

The Gladesville community is one based on lifestyle, and a big part of that lifestyle is being active by the water. Our membership database shows us that 90% of our membership base lives within 2 kilometres of the club, and while walking or riding are the most popular form of transport for our members, some members drive to the club.

Our typical club door access records show that approx.. 30 - 35% of our members would use the club between 5.30am and 9am, 20 - 25% between 9am and 4pm, 40 - 45% between 4pm and 10.30pm and less than 3% between 11pm and 5.30am

Even though the majority of our members either walk or ride to the club, the club has street parking and surrounding car parks available for members and staff to use.

We currently have five members of staff, with the most at any one time in the club being 3-4, and they will use the car parks as needed also. Three members of our staff can currently walk to work as they live very close.

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PLAN OF MANAGEMENT

DOOR ACCESS HISTORY

Attachment 5 is a copy of one of the clubs door access for the month of October 2018, generally one of our busiest months of the year (and prior to restricted hours being applied).

“Door Access” represents the number of times any member accesses the club during that month. In the month of October 2018, were we had approx.. 750 members, we saw the club accessed 4,631 times in total by a total of 631 different members, so an average of 7.34 times per member per month (or 1.7 times per week). Usage patterns have not fundamentally changed over the past years.

The names of the individual members have been removed from this report for privacy reasons, but each individual members unique “barcode” has remained, meaning we’re able to identify any member in our database at any time.

Please note that the information provided is based on Brisbane time zone and is one hour behind NSW times.

This report clearly shows that at a time when we still conducted group fitness classes and based on an average of 40 mins per workout, the most people in the club at any one time was approx. 23:

1. 3rd October 2018 between 6am and 6.40am = 23
2. 15th October 2019 between 5.50am and 6.30am = 23
3. and 16th October 2018 between 5am and 5.40am = 23

The average for any 40 min time slot was approx. 8 to 10 members in the club at once, and even allowing for a maximum of four employees in the club at any one time all driving, we have significantly less people using our club on average than the number of allocated car spaces we have for the gym.

GROUP/TEAM TRAINING

Group fitness as we know it has changed considerably over the last 5-8 years, with the industry moving away from large aerobics classes designed for groups of 50 to 60 participants with one “instructor” using a microphone and loud music while standing on a stage teaching the class by demonstrating the exercises to the group.

Nowadays the industry is all about small boutique style studios, with a “personal trainer” (PT) working side by side with the participant to provide more “hands on” personalized support, and very rarely do they do the actual exercise (unless demonstrating). The trainers are there to correct form, minimize injury and provide a safe training environment (class ratios show minimum of one trainer for every fifteen participants will always be able to provide a better level of support), as well as motivate the participant to ensure everybody trains at a higher intensity.

The type of classes have also changed drastically away from “isolated movements” (for classes like Body Pump, Body Step, Combat, etc..) working one, maybe two muscle groups at a time, to a strong focus on functional movements, similar to those used in our everyday life – were we move from side to side, up and down, etc.. incorporating far more “core” based exercises.

ITEM 1 (continued)

ATTACHMENT 1



PLAN OF MANAGEMENT

Our “functional” training room can fit a maximum of 15 people training at one time, with each participant working through “stations” (generally 6 to 10 stations per class, so max of one to two people per station).

The other key difference is rather than long, slow sustained exercise, we now focus on a higher intensity of training, short sharp bursts – e.g. 45 seconds of work, 15 seconds of rest, and then repeat. The key classes currently offered at Gladesville are:

HIIT SESSIONS

High intensity interval training – 8-10 stations working 45 seconds on an exercise followed by 15 seconds of rest. Each class focuses on more body weight based exercises, along with some light weighted exercises (always light to ensure high repetition/intensity), and incorporates a number of cardiovascular stations like rowing machines, ski ergs, spinning bikes, assault bikes, etc..

A typical class would be:

Station one	Reverse lunge
Station two	Push up
Station three	Leg raises
Station four	Spin/Assault bike
Station five	Goblet Squat
Station six	Kettle bell press
Station seven	Mountain climbers
Station eight	Rowing machine
Station nine	TRX row
Station 10	Ski erg

STRENGTH/TONE SESSION

This class uses a similar structure to the HIIT class with 6-8 stations, but the intensity is slowed down. Generally based on 30 seconds of work, followed by 20 seconds of rest, the goal isn't to do a lot of reps like a HIIT class, its about doing far less reps with a heavier weight

A typical class would be

Station one	Squat press (holding a kettle bell in each hand at your shoulder, you squat down and as you come up, you press the kettle bell above your head) – max weight for this one would be 2kg to 12kg
Station two	Kettle bell step ups
Station three	Renegade row (using a dumbbell in each hand (generally no more than 2kg to 8kg) you do a push up and then while still in the bridge/push up position, you row the dumbbell alternating sides)
Station four	Box jumps
Station five	Standing Bike Ride (using the spin bikes with a high resistance, participate rides the bike, similar to riding up a step hill)
Station six	Assisted chin up
Station seven	Weighted sled push – using the sled, or the Skill Mill, pushing a heavy weight/resistance
Station eight	TRX mountain climber

BOXING CARDIO

ITEM 1 (continued)

ATTACHMENT 1



PLAN OF MANAGEMENT

Using a combination of basic boxing techniques/patterns, we also incorporate cardio/HIIT exercises similar to HIIT session above. The class once again works around stations of 45 seconds of work, and 15 seconds of rest. This class is about fast repetition, and high heart rate, rather than heavy slow exercises

BARRE ATTACK

Using a traditional ballet timber bar on the timber floor, the participants work through exercises based around developing core, flexibility and strength-based exercises. This class uses little or no equipment, other than a soft ball and rubber bands.

The exercises generally build over a 4-5 minute work period, followed by 1-2 minutes of rest. The participants also generally don't wear shoes, to help slide on the timber floors

MATT PILATES

A combination of core, and body weight exercises designed to help strengthen and tone your body. The class uses little or no equipment, other than a foam matt, exercise ball and generally involves exercises all based on the group

YOGA

Our traditional Yoga classes are all about stretching, breathing and relaxing, they're about finding balance in our lives and helping to reduce stress. Once again the only equipment used in this class is a foam matt, foam block (generally approx.. 20cms by 12cms) and a stretching band/belt

SPINNING/BIKE

Using stationary spinning bikes, this is a high intensity class designed to raise your heart rate. We don't use any microphones in this class (we don't have any in the club at all) and we only have 12 spin bikes in the club in total, so this is the maximum we can have in any class

Other key differences between traditional, and modern group training sessions:

1. Class sizes have reduced significantly with "Boutique" training spaces now the way of the future. Instead of running large classes of 50-60 people per class, team/functional training has seen classes sizes change significantly down to a max possible in our training space of 10-15 people per class

These changes have been brought around to ensure better management and support for members training in the classes, and ensures a more "personalized" training session for our members, more like a PT session than a large "class"

2. Traditional classes typically involve all participants doing the same exercise at the same time, team training sessions generally incorporate 6 to 10 different exercises (or stations) with one to two people per "station"

So rather than having 50 to 60 people jumping up and down at the same time, or all using a weighted bar (Body Pump Class) at the same time, we now see sessions incorporate one upper body exercise, followed by a lower body exercise and then a core-based exercise. This is repeated across the 6 to 10 stations.

ITEM 1 (continued)

ATTACHMENT 1



PLAN OF MANAGEMENT

3. Because the classes are significantly smaller and more personalized, we no longer use microphones or “head mics” in classes and create far less noise
4. The music also is a lot lower and generally more background noise rather than heavy pumping music. This is so the trainer can be heard to ensure a more personalized session for members with correct form and technique a key focus, which loud music makes impossible
5. The type of equipment has changed considerably also, we no longer have 50-60 people jumping up and down on an elevated plastic step on a timber floor (Step classes), or participants using large weighted bars (Body Pump) on plastic elevated steps.

Classes now involve minimal heavy equipment, with generally only two to three stations using a kettle bell (heaviest item we use) with a max weight generally averaging 4-12kg, and strictly no exercises which incorporate the weights being dropped or thrown.

Because classes now focus on high intensity with classes normally based around 45 seconds of work, followed by 15 seconds of rest (instead of the traditional long slow elevated heart rate classes), equipment now focuses on items designed to elevate their heart rates quicker, like spin bikes, or rowing machines, all which incorporate no noise or banging

6. Flooring in classes has changed significantly. Our class room has only a small area of timber floors (designed specifically for our Barre Attack classes), which is only ever used for static exercises (using the spin bikes or rower on). That ensures 95% of exercises performed in the Functional Training room now work on rubber flooring, significantly reducing any potential noise.

KEY POLICY AND PROCEDURES IMPLEMENTED TO BETTER MANAGE ANY IMPACT OF GROUP TRAINING ON THE SURROUNDING RESIDENTS/COMMUNITY

1. All of our classes are managed through a booking app and only members of the Gladesville club are able to use these classes. This enables us to adequately staff the classes, but also enables us to limit the number of participants in each class. We limit the classes to the following maximum numbers:

HIIT Cardio	max 15
HIIT Strength	max 15
Boxing/Cardio	max 15
Spin Session	max 12
Barre Attack	max 10 – the studio only holds a max of 10 due to equipment provided. We don’t have any plans currently to expand this, however 15 would still be the maximum if we did expand
Matt Pilates	Max 15
Yoga	Max 15

ITEM 1 (continued)

ATTACHMENT 1



PLAN OF MANAGEMENT

2. In the event that there's more than one person on a specific exercise at the same time (the most there'd ever be is two), the acoustic advice throughout operation of our gyms states that the industry standard is that for every additional person using that piece of equipment. Therefore, when referring to the piece of equipment that gave the highest reading in the "Functional Training Area" (32kg kettle bell, which there's only one of) that would see acoustic noise still well under the council recommended levels of 30 decibels.
3. All classes have a minimum of 15 mins break prior to the next class, primarily to enable members to change over without all being there at the same time, but also to enable our trainers to answer any questions and provide feedback, and also to reset the equipment required for the class
4. All classes are designed around high intensity interval training, meaning the use of heavy weights isn't possible. Using a heavy weight at such high intensity would see the participant risk injury and not be able to complete the time allocated. The average weight used by a participant in a class is 4 – 12 kilograms.
5. All classes are run by qualified Personal Trainers – level 3 and 4 certificate of fitness. Within their training, and ongoing training provided by Snap Fitness, all trainers receive extensive training in safety and correct technique for working with group fitness classes

ITEM 1 (continued)

ATTACHMENT 1



PLAN OF MANAGEMENT

6. All trainers must complete a minimum of 4-6 weeks training (in addition to their certificate 3 and 4 in Fitness) before they are able to take classes on their own. A new online training program is also being developed as we speak to ensure the level of training is of the highest standard.
7. A detailed session plan, as well as training in how to teach those exercises, is provided for every class
8. All trainers have completed our inhouse training and induction hand book, as well as Snap Fitness Health and Safety and Code of Conduct online training. As part of their initial and ongoing training, all trainers must sign off and agree to manage and enforce the Correct Lifting Policy
9. When completing our "Member Induction Form" - all members are shown the correct lifting technique. As part of this point within the induction the manager, assistant or trainer (all must have minimum certificate 3 in fitness) will run through the correct technique for lifting and also run through our clubs "Correct Lifting Technique Policy".
10. As part of our discussion on Correct Lifting Technique, we will explain that should you be lifting heavy weights all members **MUST** have a spotter to ensure weights aren't dropped. We also have safety bars in place for all lifting within the rig

TEAM TRAINING SCHEDULE

All Team Training sessions will have a minimum 15 minute change over break to pull down and set up the equipment relevant to the classes, and to enable members from the earlier session to leave before the next session arrives.

Following is the proposed schedule for our Team Training sessions, we will never have classes starting before 6am, and all will be finished by no later than 7.30pm

Monday, Tuesday, Wednesday and Thursday
6.00am, 7.00am, 9.30am and 6.30pm

Friday
6.00am, 7.00am and 9.30am

Saturday
7.00am and 8.00am

FUNCTIONAL SPACE

This space is where all Team Training sessions will be conducted, and includes the following items:

1. A number of cardio pieces – rowing machine, skill mill (non motorized treadmill), Spinning Bike, Ski Urg (an upright rowing machine, similar action to Cross Country Snow Skiing). All self propelled, stationary and have very low noise emissions
2. Kettle Bells – the majority of these weights are under 10kgs, with the smallest being 4kg. The heaviest weight is 32 kilos, and due to the size and style of training kettle bells are used for

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PLAN OF MANAGEMENT

there's only one of these, and only used by the strongest trainers and generally outside Team Training session times. Kettle bells are never designed to be used for dropping, or similar action, and all exercises are designed to be very controlled

3. Hexagonal dumbbells – one set of each ranging from 1 kilo to 25 kilos. Designed to be used for upper body exercises generally, or for light squats or leg based sessions. Once again never designed to be dropped and no exercises we use would they be dropped
4. TRX bands – a core training band that attaches to a high bar and is used for basic exercises. Made of material and has handles
5. Boxing bags – for basic boxing/cardio training.
6. Rehabilitation equipment – things like foam rollers, trigger point balls, stretch bands, stretch mats, etc.. are also used in this area
7. Chin up bars – all stationary
8. Plyometric box – all designed to be stationary and are padded to ensure a soft landing, and no noise created
9. Battle ropes – although we show no complaints as a result of the battle ropes we've removed the heaviest 2 inch rope and only have a 1.5 inch rope. These ropes are latched to the wall so they can't be moved and are used on the artificial grass sled track to ensure minimal noise.
10. Weights Balls – approx.. 12 months ago all heavy weighted balls were removed with none over 20kgs in the training room to remove any noise complaints. The balls are used for pushing up to a target above your head and catching, and they can be lifted and dropped over the shoulder of the user
11. Skipping ropes – used only in the training space on rubber and create very little noise
12. Sled – designed to be weighted and pushed along the sled track (artificial grass, with 60mm of acoustic rubber underneath). From time to time plate weights are placed on top of the sled, but this creates no noise as the sled has a flat base and can't be lifted – the handles you push will come out if lifted
13. Generally, this space is used during, and outside classes, for stretching and body weight exercises. We have stretch bars – similar to a Ballet studio.

FREE WEIGHTS AREA

This area at the very back of the gym is broken up into two key areas, the main "free weights area", and the "lifting" area, or rig

The free weights area consistent of the following pieces:

1. Olympic bench press
2. Decline bench press
3. Cable cross over
4. Dual Adjustable pulley
5. 45 degree leg press
6. Smith Machine
7. Plate weights chest press
8. Lat Pull Down
9. Low row
10. Calf raise
11. Dumbbells – max weight of 50 kilograms each
12. Adjustable flat benches used for sitting or lying on while using the dumbbells

ITEM 1 (continued)

ATTACHMENT 1



PLAN OF MANAGEMENT

Under this area we now have two layers of 30mm Olympact Shock pads, plus one layer of 15mm gym rubber tiles

LIFTING PLATFORMS

This is the raised training area based around a steel posted training rig. At the point the steel post is connected to the concrete floor we've added industry leading Embelton's high density shock pads to ensure no transfer of noise from the steel post to the concrete floor. All safety hooks and safety bars have high density plastic to also remove noise transfer.

The floor is made up of two layers of 30mm A1 Olympact rubber acoustic tiles, plus three layers of Regupol 4080 rubber/foam tiles, plus a final layer of 15mm rubber gym tiles – over 200mm of rubber flooring – as outlined in the acoustic report

FITNESS AUSTRALIA

Snap Fitness Gladesville will be a registered member of Fitness Australia.

Fitness Australia is the national fitness industry body and is responsible for administering The Fitness Industry Code of Practice.

The Code provides a guideline for the business conduct of fitness businesses and a guarantee to consumers of fair, safe and ethical service.

Under the Code, fitness centres that are members of Fitness Australia must:

- Provide prospective members with sufficient information to make informed decisions about joining
- Not use false or misleading advertising or marketing practices
- Offer a range of membership plans with options of pre-payment or periodic billing
- Disclose the full price of all goods and services offered including various fees
- Maintain a high level of cleanliness
- Provide mechanically safe equipment and qualified staff to run fitness programs
- Provide a clear procedure for resolving complaints.

INSURANCE

Snap Fitness Gladesville will have a Comprehensive Insurance Program. This programme covers, but is not limited to the following areas;

FIRE & PERILS

Building, stock and/or other business contents at the business premises caused by fire, lightning, explosion or implosion, impact by animal, vehicle or aircraft, cyclone, earthquake or volcanic eruption, malicious acts, storm or water damage, falling trees, masts or satellite dishes.

BUSINESS INTERRUPTION

Loss of gross profit, or loss of gross rentals following a claim for damage at the business premises.

The damage must be insured under the Fire and Other Damage, Accidental Damage or Burglary policy sections.

THEFT

Stock, electronic equipment and other business contents stolen from within the premises following forced and violent entry, threat of violence, or by a person concealed at the premises.

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ATTACHMENT 1



PLAN OF MANAGEMENT

GLASS

All fixed internal and external glass. Includes repairing damage to frames or tiled shopfronts around the glass, replacing any sign writing, ornamentation, burglar alarm tapes & connections attached to the glass, and temporary shuttering pending replacement of broken glass.

PUBLIC LIABILITY

In respect of any one occurrence or series of occurrences arising out of the one event during the period of insurance.

\$20,000,000.00

PRODUCTS LIABILITY

In respect of any one occurrence or series of occurrences arising out of one event in the aggregate during the period of insurance.

\$20,000,000.00

PROFESSIONAL INDEMNITY

In respect of any one occurrence or series of occurrences arising out of one event in the aggregate during the period of insurance.

\$5,000,000.00

COMPLAINTS PROCEDURES

Snap Fitness Gladesville adopts and is governed by the Fitness Industry Code of Practice for complaints.

The complaints procedures are set out for members of the club and for the general public.

A sign will be displayed in the entrance door to the club clearly showing the clubs contact number for members and the general public.

NOISE ISSUES

Snap Fitness Gladesville will construct various elements within the gym tenancy to mitigate the dropping of weights, such measures which include;

- Acoustic underlay flooring is to be installed throughout the free weights area to mitigate any impact noise events, per acoustic report recommendations.
- Sound and vibration reducing lifting platforms with acoustic treatment are also present in the functional area to reduce vibrational/concussive noise for specific activities
- All speakers are Internally facing into the tenancy, isolated and not directly fixed into the building structure as well as being connected to an amplifier which is only controlled by staff to ensure the internal ambient music volume does not exceed unreasonable levels. The amplifier is also set on a 60 minute inactive timer during the night-time period which switches off various outlets to save power.

Snap Fitness Gladesville will implement various management controls to prevent and discourage the dropping of weights, such measures to include;

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PLAN OF MANAGEMENT

- Every member signs a membership agreement in which they agree to adhere to not cause disturbance or nuisance through dropping of weights and producing offensive noise
- Signage which is visible throughout the free weights areas which discourages dropping of weights
- monitoring via staff members including Personal Trainers with a 'first and last' warning policy after which the member is fined with a monetary penalty in accordance with their membership agreement. Repeat offenders will have their membership terminated.
- All glazing and doors are shut at all times when amplified music is playing primarily for security reasons. The club has no window's which can be opened by a member.
- A sign at the entry/exit point of the tenancy is installed reminding gym users to be mindful of their noise when leaving the gym during the night-time period.
- Process to review CCTV to identify members in the event of a complaint from neighbouring commercial tenants receivers.

COMPLAINTS REGISTER

All complaints will be recorded and filed in the complaints register held on site.

This will allow management to track any trends and assist in implementing solutions on an as needs basis.

The register will have a pro-forma document to ensure that all required details are being captured by all staff.

VERBAL COMPLAINTS

Where a verbal complaint is made, the person receiving the complaint (club manager or Personal Trainer) will;

- Identify himself/herself, listen, record details and determine what the complainant wants;
- Confirm the details received;
- Explain the Complaints resolution process and advise of alternative courses of action;
- Resolve the Complaint immediately if possible or make a commitment to resolve the Complaint within a given time frame;
- Follow up the Complaint as appropriate e.g. provide the Complainant with feedback regarding the result of action taken.

WRITTEN COMPLAINTS

Where a written complaint is made, the person receiving the complaint (club manager or Personal Trainer) will;

- Provide the Complainant with written feedback about action taken within ten days of receiving the Complaint or;
- If it is not possible to resolve the Complaint within ten days, provide written acknowledgment of receipt of the Complaint within seven days and specify the time frame within which the Complainant will receive feedback about action taken.

UNRESOLVED COMPLAINTS

ITEM 1 (continued)

ATTACHMENT 1



PLAN OF MANAGEMENT

Where a Complaint cannot be resolved, the Staff member must advise the Complainant of the following:

- Of his/her right to have the Complaint referred to the Code Administration Committee; and
- That either party may refer the Complaint to the Complaints Administration Officer.

Snap Fitness Cronulla will co-operate with the Code Administration Committee, the Complaints Resolution Committee or Fitness NSW in resolving any Consumer Complaint or Supplier Complaint.

PAYMENT FACILITIES

We will provide two options for payment of memberships. Option one will be Direct Debit and option two will be payment in advance.

DIRECT DEBIT

Memberships are paid by direct debit only from a bank account or credit card based on a continuing contract. A third party is engaged to facilitate these payments.

PAYMENT IN ADVANCE

Membership paid up front by Eftpos facility for 6 or 12 months. Current Bank Account or Credit card still held on file for security.

We will have an Eftpos facility in the club for memberships and merchandise sales, eliminating the need for cash. There will be no cash handling or cash kept on site.

PROPERTY DAMAGE

Property Damage defined as any damage to property and includes Theft, Burglary and Malicious Damage.

Any damage to property will be acted upon immediately to ensure that any negative impact on our business, streetscape and surrounding business and residents is minimised.

Snap Fitness Gladesville comprehensive Insurance programme does provide for Property Damage as defined above.

INCIDENT/INJURY AND INVESTIGATION REGISTER

An Incident, Injury and Investigation Register will be kept on site. Any property damage will be recorded covering key details i.e. Type of damage, time & date of damage, action taken i.e. steps taken to secure property if necessary, and police notified etc.

GRAFFITI

If the property is damaged by way of graffiti the services of a professional Graffiti Removal company will be engaged within 24 hours of it being noted.

CLEANING

The club will engage a commercial cleaner to clean the club 3-4 times a week, floors, mirrors, bathrooms and equipment.

Daily cleaning will be undertaken primarily by the Club Manager with the assistance of Personal Trainers. The cleaning will be structured on a roster/checklist basis which will need to be signed and initialled when the relevant duty is complete.

WASTE REMOVAL

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ATTACHMENT 1



PLAN OF MANAGEMENT

General Waste will be stored in the bin room at basement level 1 with bins allocated for Snap Fitness.

The bins will be emptied on a Fortnightly basis by a private contractor through this dedicated bin room area. The lift at the back of the terrace goes down to B1 Level where the bin room is.

Any waste over and above the standard fortnightly collection will be arranged on a needs be basis through the same contractor.

REVIEW PROCESS

The Plan of Management is a living document and is set for review every quarter by the Snap Fitness Corporate Management team in consultation with the Club Manager.

SNAP FITNESS SECURITY MANAGEMENT PLAN

The following measures are incorporated into each Snap Fitness Club:

- **Security Monitoring Service** - The gym is connected to a 24hr security monitoring service which provides remote assistance to members during both manned and unmanned staff hours. When necessary the Security Monitoring company can co-ordinate local security watch or any emergency services to attend the club. . The security monitoring provider can also see inside the gym from their remote position and verbally communicate with members over audio.
- **Security Alarm** – The security alarm system is set up with motion sensors that detect movement within the club. The alarm is automatically set when no motion is detected after a member leaves the club. When a new member swipes their access card at the front door the alarm is disabled.
- **Fixed Point Duress Buttons** – Members can press a “fixed point” duress alarm button within the club which is hard wired into a wall. The fixed point duress is a two-way intercom system that allows members to speak to our security monitoring providers while help is dispatched in the event of an emergency
- **Mobile Duress Pendants** - Members training outside of supervised hours have access to mobile security “pendants” which can be worn on the member’s person. In the event the member needs assistance while training alone the member can press a button on the mobile pendant which notifies the security monitoring company immediately.
- **CCTV Installed Throughout the Gym** - All Snap Fitness facilities have internal CCTV installed. Both real time and recorded footage can be viewed remotely (iphone etc.) or via the club’s on-site internal security system monitor.
- **Access Card and Self Closing Doors** – All members have a unique “Access Card” which they are required swipe at the club entrance to gain access. This card allows the club manager to see what members were at the club at a specific time. Once the member has swiped their access card the door will unlock via an electric lock mechanism. The member enters the club

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PLAN OF MANAGEMENT

and the door will automatically close behind them to avoid any “tailgating” by non-members.

- **Member Education** – During the member induction process the club staff inform the member that they are not to provide club access or open external doors for any other person at any time.
- **Staffed Hours** - Staff will be present onsite between the following hours:
Monday – Friday: 10am to 7pm

Saturday: 10am to 12pm

Sunday: By appointment

Note: Personal Trainers may be inside the club outside of the above mentioned times training clients.

Key Vendors	
Vendor	Service
Ty Menzies	Snap Fitness Australia CEO
Gabriel Condello	Snap Fitness Australia National Franchise Account Manager
Ben Bowen	Snap Fitness Australia National Development Manager
Adrian Ferminger	National Operations Manager
Honan	Comprehensive Insurance programme
GAT Associates	Town Planners
Forrester Korfiatis	Accountant
Matrix/Technogym	Cardio Equipment
Strength Machines	
Leisure Concepts	Free Weights
Eldon Abbott	Project manager / Builder
Security Design and Install	
Rapid Protection Security Services	Security Systems & monitoring
Superior Security	Access Control System
Appliance Tagging Services Pty Ltd	Electrical Safety Audit and Testing of Exit and Emergency Lighting
London Fire & Safe	Fire Equipment & Evac Plan
Staples	Office and cleaning supplies
J.J Richards & Sons Pty Ltd	Waste Collection
Fit Cleaning Solutions	Commercial Cleaning
Ezidebit	Membership Direct Debit Payments