

Environmental Health Referral Response - industrial use

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| Application Number: | DA2022/1510 |
| Date: | 11/10/2022 |
| To: | Adam Susko |
| Land to be developed (Address): | Part Lot 28 DP 7413 , 9 Francis Street DEE WHY NSW 2099 Part Lot 28 DP 7413 , 28 Fisher Road DEE WHY NSW 2099 Part Lot 28 DP 7413 , 28 Fisher Road DEE WHY NSW 2099 |

Reasons for referral

This application seeks consent for large/and or industrial development.

And as such, Council's Environmental Investigations officers are required to consider the likely impacts.

Officer comments

General Comments

Specifically, the works involve the following:

- Demolition of all existing structures onsite;
- Construction of a mixed use development consisting of a three (3) storey building and a five (5) storey mixed-use building with a maximum building height of 16m containing a café, church and conference centre, 80 boarding house rooms plus a manager's residence;
- Multi purposes and onsite overnight assistance areas on the top floor;
- Provision of rooftop communal open space;
- Provision of a two-level basement car parking comprising 34 car spaces (including 12 accessible spaces), 11 motorcycle spaces and 11 bicycle spaces to be accessed via Francis Street.

Each of the rooms is provided an en-suite. The facility provides communal kitchens, living rooms and common open space and a laundry. There will also be an onsite manger.

The plan of Management shows :

The boarding house accommodation contains 80 rooms, including 58 accessible boarding rooms and 1 room for the boarding house manager, a communal living room and common open space, motorcycle and bicycle parking and a car parking space for the boarding house manager. Each boarding room includes kitchenette and en-suite facilities.

The acoustic report states "51 boarding units and one manager unit (52 in total) across five floors (Ground to Level 4)." However, Environmental Health accepts the general findings and recommendations

The proposed development poses a number of noise concerns including:

- Noise from the boarding house including communal areas;
- Noise from mechanical plant; and
- Noise from the Church auditorium and
- Noise from the cafe operation.

Boarding House

As part of the submission a Plan of Management for the Boarding House was provided that included noise control measures including:

The use of the outdoor communal area shall be restricted to between the hours of

7:00am and 10:00pm daily. No amplified music is permitted at ANY time within the outdoor communal area.

- *Live music will not be permissible on the premises at ANY time.*
- *No amplified music is permitted at ANY time within the outdoor communal areas.*
- *Recorded and/or amplified music is permissible indoors during daylight hours between 8:00am and 8:00pm Monday to Thursday and between 8:00am and 10:00pm Friday to Sunday; and*
- A complaints and incident register.

The Plan of Management however, will require updates to better protect amenity including:

- That a 24 hour telephone contact number is to be available to neighbours who wish to register a complaint or comment about the premises;
- Signage is to be posted on the outside of the building with the contact details of the boarding house manager;
- Measures for limiting noise from any amplified noise within the indoor communal areas;

The applicant has also provided an acoustic report prepared by TTM Consulting Dated 12 August 2020 (Reference 20SYA0029 R01_0). updated on the 8/8/22 The Acoustic Report made extensive recommendations to ensure the risk of a noise nuisance is minimised and compliance with legislation achievable with regard to design, plant and equipment and specifically operating conditions.

Auditorium

Live Music and Entertainment Noise Limit

The standard conditions relevant to entertainment noise emissions within the auditorium are summarised below:

1. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre (31.5 Hz – 8 kHz inclusive) by more than 5 dB between 7am and 10pm at the boundary of any affected residence.
2. Interior noise levels are not to exceed safe hearings levels.
3. The premises shall not conduct live entertainment after 10pm.
4. Amplified loudspeakers shall not be directed towards any footpath or face any external openings from building boundary walls.

Environmental Health has provided a number of conditions and supports the proposal.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Environmental Investigations Conditions:

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE

OCCUPATION CERTIFICATE

Boarding House Plan of Management

Prior to the issuing of an Occupation Certificate, certification is to be provided from the operator that the requirements of the Boarding House Plan of Management have been implemented and are compliant and a copy sent to Council for its records.

The Plan of Management for the Boarding House shall be updated to include the following control measures:

- The use of the outdoor communal area shall be restricted to between the hours of 7:00am and 10:00pm daily.
- No amplified music is permitted at ANY time within the outdoor communal area.
- Live music will not be permissible on the premises at ANY time.
- No amplified music is permitted at ANY time within the outdoor communal areas.
- A complaints and incident register being maintained on site.
- That a 24 hour telephone contact number is to be available for members of the public to register a complaint or comment about the premises;
- Signage is to be posted on the outside of the building with the contact details of the boarding house manager;
- Measures for limiting noise from amplified noise within the indoor communal areas including the MP communal zone on the top level;

Reason: To ensure the premises are managed in an appropriate manner in perpetuity.

Noise related criteria prior to any Occupation Certificate being issued

Prior to an Occupation Certificate being issued, a full on site review and certification of compliance with the recommendations of the acoustic assessment by TTM Consulting Pty Ltd 20SYA0029 R01_1 8/8/2022 shall be carried out by a suitably qualified person including but not limited to :

A. Mechanical Plant Noise

Plant will need to be reviewed and if necessarily acoustically treated to prevent noise emissions from adversely impacting NSRs. This may include selecting the quietest plant possible, or treating the plant and equipment with enclosures, acoustic louvres, barriers, duct lining and silencers, etc.

Mechanical plant where possible to be installed away from residential boundaries and bedroom windows in order to avoid direct line of sight to minimise noise impact during the night-time period.

A detailed mechanical plant noise assessment must be conducted by a suitably qualified acoustic consultant once plant selections are made. The noise assessment must include noise source levels of plant, location, adjustments for mechanical plant noise characteristics and application of practical and effective noise control to verify compliance with the relevant noise criteria derived in this report.

B. Management of Auditorium being included in an up dated Plan of Management (copy to Council for its records)

The use of the auditorium is not expected to cause any significant impact onto nearby noise sensitive receivers. However, the following management practices are recommended to ensure the noise limits are adhered to, such as:

- i. Installation of loudspeakers facing away from the any opening of the area, such as windows and doors.
- ii. Installation of individual speakers at least 3 metres apart.
- iii. The door to the foyer may remain open.
- iv. The premises shall not conduct live entertainment after 10pm. All amplified music or speech should be stopped before 10pm.

v. Crowd management control measures are to be implemented to focus on the following:

- Ensure a clear flow of people in and around the area.
- Minimise crowd gatherings on the footpath, especially after 10pm.
- Direct people to the exit areas, such as basement car parking, to ensure all crowds are dispersed smoothly after gatherings.

C. Management of Rooftop Communal Areas being included in an up dated Plan of Management (copy to Council for its records)

- Restrict access to the day and evening assessment periods only, which is from 7am to 10pm, or 8am to 10pm on Sundays and public holidays.
- Display signs to ensure noise is kept to a minimum after 10pm, if access is permitted.
- Provide clear instructions to the residents on maintaining responsible social practices at all times

Reason: To ensure Acoustic measures and Plan of Management is implemented and a noise nuisance is not created to any residential receiver

Lighting

Prior to the issuing of any interim / final occupation certificate, certification is to be provided that any outdoor lighting does not detrimentally impact upon the amenity of other premises and complies with where relevant, Australia Standard AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements and Australian Standard AS 4282:2019 Control of the obtrusive effects of outdoor lighting.

Reason: To protect the amenity of adjoining properties

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Auditorium Noise

The following noise conditions are to be adhered to:

- A. Compliance with the Plan of Management and acoustic recommendations.
- B. The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre (31.5 Hz – 8 kHz inclusive) by more than 5 dB between 7am and 10pm at the boundary of any affected residence.
- C. The premises shall not conduct live entertainment after 10pm.
- D. Amplified loudspeakers shall not be directed towards any footpath or face any external openings from building boundary walls.

Reason: To protect the acoustic amenity of neighbouring properties.

Occupancy and Management of Boarding House

1. The boarding house is to contain a maximum of 160 persons (and a manager), being no more than 2 persons per designated bedroom. In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the boarding house detailing the maximum sleeping capacity of the occupancy.

2. The Plan of Management shall be implemented throughout occupancy and a copy being maintained on site.

Reason: To ensure the amenity of occupants and neighbouring residential occupiers.