

Environmental Health Referral Response - industrial use

Application Number:	DA2024/1362
Proposed Development:	Demolition works and construction of mixed use hospitality venue with supporting car parking, servicing and landscaping works
Date:	16/04/2025
To:	Claire Ryan
Land to be developed (Address):	Lot 180 DP 752017 , 40 Myoora Road TERREY HILLS NSW 2084

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

Consideration of this proposal has been given taking into account relevant documentation including a report by an acoustic consultant as well as a plan of management.

Whilst the acoustic report provides data in relation to unattended monitoring, conceptual modelling and projections to determine required compliance with associated noise criteria, there appears to be limited recommendations as to physical design and construction elements of the proposed development and how these elements may assist in mitigating potential noise amenity impacts associated with the development on the community.

The report puts forward, within section 8.2 of the report, an number of "considerations" the operator must incorporate into the ongoing operation of the establishment as part of their mitigation strategies.

In this regard, Environmental Health considers it more appropriate to rely on more physical noise mitigation measures, with defined parameters or measurements, rather than what appears to be a reliance upon behavioral or operational strategies that may be open to interpretation.

Examples of this include:

"Consider lowering the volume of any amplified speakers or PA system in use at your venue, particularly during later trading periods"; and

"Consider re-directing the angle of speakers to minimise noise leakage from your venue and reverberation impacts";

Additionally, Environmental Health has concerns in relation to the proposal for outdoor live entertainment where the acoustic report states "There is an outdoor stage adjacent to restaurant 2 that will accommodate amplified music performance between 12pm to 10pm."

Given the land use zones of surrounding land is predominantly rural, it is considered highly likely that that outdoor amplified music performance will result in unreasonable amenity impacts to the area.

Accordingly, the proposal is not supported.

Updated comments - 16/04/2024

In response to a request for further information, the applicant has made a number of amendments to the proposal

Of particular relevance to this referral response in respect of potential noise issues it is acknowledged that:

1. There is a proposed reduction in patronage numbers
2. The previously proposed outdoor stage has been removed from the proposal
3. The plan of management contains measurable noise limits
4. The acoustic report supplied with the proposal maintains that noise trigger levels will not be exceeded without the implementation of additional noise mitigation measures.

Accordingly, Environmental Health supports the proposal and recommends a number of conditions of consent

Recommendation

APPROVAL - Subject to conditions

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:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

Acoustic Review

Within 30 days from the operations commencing under the terms of this consent, an acoustic review of the findings and recommendations of the acoustic report and any additional requirements at OC acoustic review stage; shall be carried out on site (during a busy period of trading) and any necessary action to obtain acoustic compliance, shall be completed within a further 30 days of the assessment. The report associated with the compliance testing is to be furnished to Council for its records.

Reason: To ensure acoustic compliance in an operational situation.

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

Acoustic Requirements - On-going

Compliance with the recommendations within the Acoustic Assessment by Mac Muller Acoustic Consulting dated April 2025, reference number MAC242173-02RP1V2 and any additional requirements at OC review stage.

Reason: To prevent a noise nuisance to any neighbouring residential receiver.

Plan of Management

Ongoing compliance is required with the Plan of Management entitled "THE FARM BY BOATHOUSE PLAN OF MANAGEMENT" version 2.0 dated 07 April 2025 by Antony Jones

Reason: To assist in maintaining the safety and security of patrons and staff, and to maintain the amenity of the surrounding areas