

Environmental Health Referral Response - industrial use

Application Number:	DA2022/1542
Date:	12/10/2022
To:	Phil Lane
Land to be developed (Address):	Lot 52 DP 1237461 , 80 - 82 Mona Vale Road MONA VALE NSW 2103

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

Proposal for a change of use of a temporary outdoor dining area to permanent use of the same outdoor dining area.

DA2021/1724 was approved by Council on 21 October 2021, being for 'alterations and additions to a Registered Club to enable temporary outdoor dining'. Condition 2 of that approval provided for a maximum period of twelve (12) months from the date of first commencement. With the anniversary date of the original approval upcoming in October 2022, this application seeks the approval of the same outdoor area on a permanent basis. That is, without any time limitation.

This application refers to the same outdoor area as approved in DA2021/1724. There is no change to the size or location of the area, however the Sunday opening hours are proposed to be moved from 2.30pm to 11am. The DA plan set, and Landscape Plans remain valid for this application. The Operational Plan of Management and Acoustic Report are updated to account for the earlier Sunday opening hours.

Environmental Health is concerned that the temporary trial period has been impacted by Covid 19 restrictions and recent poor weather conditions questioning whether this is a normal operating environment over the past year.

Additionally significant roadworks are taking place adjacent to the proposal and the impact of these is not possible to assess with the current acoustic report; for example with road widening there may be additional hard surfaces and changes to traffic flow and noise or the Dept of Main Roads may put in place noise barriers.

Also the acoustic review sets out multiple conditions, and some platitudes* of minimal impact for operation and these all rely on a robust management plan and diligence by site managers a formula which can lead to noise related issues then to be solved by Council and local residents.

*12. Signage should be installed reminding patrons to be aware of their neighbours and to leave in a quiet manner.

13. Staff should be instructed to consider the neighbouring residents departing from the site in the late night period.

Who will be conducting accurate qualified sound level measuring tests and also setting music sound levels using an acoustic sound level meter at each performance raises questions for us. eg. Max LAeq

75 dB 1 metre from the speaker.

However having said that it is acknowledged that the Mona Vale Road multi lane traffic flow is likely to increase and background sound levels raised.

Further modifications to the acoustic recommendations are possible including operating hours if necessary which gives scope for a satisfactory outcome. We have also found generally Clubs as community organisations willing to comply for the betterment of the community. At the time of writing these comments we are not aware of any recent complaints or strong community objections to the proposal.

Environmental Health therefore is prepared to support the proposal on the basis that a further acoustic assessment (and if necessary works) be carried out once the Mona Vale Road traffic work is completed rather than trying to rely on current assumptions.

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 required- 1 year maximum

On completion of roadworks adjacent to the Club on Mona Vale Road or in 1 calendar year of this approval whichever occurs first, an acoustic review by a suitably qualified person is to be carried out to determine if any adjustments to venue operations are required to still meet the assumptions and recommendations contained in the report to Acoustic Dynamics 5 September 2022. The final report (and any recommendations) is to be submitted to Council for its records

Reason: To review the acoustic environment once major roadworks are completed and post Covid 19 operating conditions return.

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

Noise reduction measures -Plan of Management

A. The Plan of Management shall include all measures contained in the assessment by Acoustic Dynamics dated 5 September 2022 and include specifically :

- i. Live music performers should be located adjacent to the acoustic barrier (i.e. within 3 metres), and should be orientated away from the receivers on Mona Vale Road;
- ii. Speakers for the live performers must not be positioned higher than the adjacent barrier (i.e. < 2 metres high);
- iii. Live music performances should not be conducted on an elevated stage or platform;
- iv. The music levels must be monitored to not exceed LAeq 75 dB at 1 metre from a speaker (i.e. conversation should not require effort to be heard over the music);
- v. Live music should be restricted to solo acoustic guitar and vocalist (or similar type of accompaniment). Percussive instrumentation should be avoided;

- vi. The use of sound system noise limiters/compressors and equalizers must be employed to reduce the level of low frequencies (bass) being broadcast by the system as this is what often causes the most disturbance to nearby residents;
- vii. To assist in the monitoring and control of music, a sound system limiter (capable of processing multiple frequency bands) must be installed on any sound system;
- viii. The venue must ensure performers and sound engineers are made aware of “backline” sound level restrictions. Sound levels should be set so that performers can hear themselves without increasing the overall level of music in the carpark dining area;
- ix. The venue must ensure performers are made aware of the potential for noise problems prior to their appearance and their performance must adhere to any noise level restrictions that are in place;
- x. Speakers should be orientated away from the neighboring sensitive receiver properties;
- xi. All music associated with the use of the carpark dining area should cease prior to 10:00pm. No music should be played after 10:00pm;
- xii. Signage should be installed reminding patrons to be aware of their neighbors and to leave in a quiet manner.
- xiii. Staff should be instructed to consider the neighboring residents departing from the site in the late night period.

B. The Plan of Management is to be kept on site and is to be included in any staff's induction training.

C. A register of any complaints and action taken to address complaints is to be maintained on site and available for inspection by Council officers upon request.

Reason: To manage the risk of offensive noise to residential receivers and to assist in maintaining residential amenity.