

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	DA2020/0110
<b>Date:</b>	19/08/2020
<b>To:</b>	Penny Wood
<b>Land to be developed (Address):</b>	Lot 12 SP 39226 , 12 / 20 - 22 Cross Street BROOKVALE NSW 2100

### 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

Environmental Health has reviewed the acoustic report and plan of management associated with the proposed development. Noise assessment outcomes for equipment, weights, patron voices, etc. have been calculated for a maximum of 20 patrons at any one time. Structural vibration noise was also taken into account for the proposed use during assessment.

While much of the application is acceptable, the recommendations made by Rodney Stevens Acoustics (R190629R0) are essential in ensuring the use does not adversely impact industrial and residential receivers. Most importantly, for sound attenuating window recommendations to be effective, the windows would need to remain closed and the development is likely to require mechanical ventilation in accordance with AS1668.

The application has not proposed any mechanical ventilation and therefore, has not been considered in the acoustic assessment other than a recommendation to review prior to CC.

Council is in receipt of noise and building complaints alleging that the use commenced before development consent was obtained and has received several submissions regarding noise impacts on industrial and residential receivers since the application was submitted.

To appropriately condition the development, Council's Environmental Health Team would require an amended acoustic report that includes, but is not limited to the following:

- Assessment of vehicle noise associated with use of roof top parking
- A reviewed assessment of music, equipment and weights taking into consideration sound sensitive time periods (night-time 10pm-7am)
- Revised operational hours
- Assessment of mechanical ventilation.

A detailed proposal for mechanical ventilation should also be included unless more stringent operational or physical noise attenuation can be implemented.

17/07/2020 - amended comments.

Further information was provided by the applicant in the form of an amended noise assessments and a

PoM.

The amended acoustic report still does not address noise during the night-time period (10pm-7am) or evening (6pm-10pm). The acoustic consultants have selected an amenity criteria for Day-time periods (60dB) and have not considered more sensitive time periods for during the night and evening (45dB and 50dB).

We also find that it does not adequately address noise attenuation recommendations e.g. by providing necessary Rw ratings for windows/blind and doors, calibrated noise limiter.

The Plan of Management is a administrative control only and a more comprehensive assessment of noise from the proposed use is necessary for Council to make a determination. This should include modelling on how the noise will impact receivers with and without noise attenuation measures in place.

#### **19/08/2020 – Amended comments.**

An amended acoustic report was submitted to Council in support of the development application of a Gym at 12/ 16-22 Cross Street, Brookvale. The acoustic report is referenced as R190629R0 Revision 2 by Rodney Stevens Acoustics dated 10 August 2020.

A plan of management has also been submitted referenced as Operational management plan development application d/2019/1400 unit 12 / 16-22 Cross Street Brookvale “enliven coaching” which references the recommendations in the amended acoustic report and provides additional ones.

The reports provide a number of administrative controls for noise including;

- “quiet hours of work 5AM-7:30AM”
- Installation of Acoustic blinds with an RW rating of 28
- Keeping acoustic blinds closed before 7am
- Electronic limiter on speakers to 70dB
- Not to use the rooftop carpark before 7 am

As well as other controls.

These controls are appropriate with operation during the night period defined in noise policy for industry. (10pm-7am). However the hierarchy of controls of the control of noise should use administrative controls as a last resort. A preferred option is either elimination of the noise source or engineered controls which can be found as a recommendation from the initial acoustic report submitted with the development. “Windows facing the residences are to have a minimum acoustic rating of Rw 30dB which could be in the form of 6.38mm laminate on acoustically sealed frames.”

As total noise elimination is not feasible with a gym operation engineered acoustic controls on industrial premises directly adjacent to residential receivers are especially important for operation during night hours when residents expect peace and quiet.

The application has not proposed any mechanical ventilation and therefore, has not been considered in the acoustic assessment other than a recommendation to review prior to CC.

Environmental Health recommend the refusal of the development application with a recommendation to the applicant to propose acoustically treated window fixtures as opposed to acoustic blinds to remove the administrative aspect of noise curtains.

Environmental Health notes that it would also look favourably towards an application that further reduced proposed hours of operation that fall within the night period in the industrial noise policy to within day hours 7am – 6pm or physical engineered noise controls rather than relying on administrative controls for reduction in noise.

### **Recommendation**

Refusal

The proposal is therefore unsupported.

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

### **Recommended Environmental Investigations Conditions:**

Nil.