

Memo

Development Assessment

To: Development Determination Panel

From: Tom Prosser
Planner

Date: 22 June 2020

Subject: DA2020/0468

Record Number: 2020/361957

Dear Panel,

Council's Environmental Health officer has provided an email with additional comments. These comments are in an email under record number 2020/361761, and are as below:

"We have reviewed their acoustic consultants comments and tend to agree with recommended changes.

Our recommended 80dB(C) for the noise limiter is based on an extensive policy used in Brisbane's Fortitude Valley entertainment precinct. 92dB(A) is only 3 dB(A) less than what we currently condition for outdoor music events. Our recommendation was guided by NSW Liquor and Gaming's discouragement of high dB levels internally and that the acoustic assessment was only referencing acoustic solo artists indoors. We know the entertainment offered at the premises is much more diverse and that 92dB(A) for a 2 piece band or greater would likely breach liquor license requirements.

Council has been advised by Mr Piper during a phone conversation on Monday 15 June 2020 that the outdoor entertainment would consist of solo artists. With the additional detail provided we recommend the removal of the ongoing condition restricting the use of subwoofers in the outdoors areas and replace it with a similar on-going condition restricting outdoor entertainment to solo artists (acoustics, electronic, etc.)

In addition to the ongoing condition change we would recommend amending points in the acoustic conditions prior to CC and OC as follows:

Original CC condition point:

- A central noise limiter calibrated to limit amplified entertainment sound.

Change to:

- A central noise limiter calibrated to limit amplified entertainment sound in the ground floor internal areas and outdoor beer garden.

Original OC condition point:

- A calibrated noise limiter, centrally controlled by hotel management and set to a maximum of 80dB(C) for entertainment noise when measured 5m in front of point source, in addition to dB(A) recommendations in the report, 50.4539.R2:MSC.

Change to:

- *Entertainment sound from in-house sound systems and external amplification in the ground floor internal areas and outdoor beer garden to be controlled by noise limiter(s) that have been calibrated by a qualified person.*
- *The internal noise set to a maximum of nominal 92dB(A) measured 5m in front of point source speakers.*
- *Actual noise limits for limiter(s) from ground floor internal areas and outdoor beer garden (dB(A), dB(C), dB(ext filter) or dB(Lin)) are to be determined by compliance testing to satisfy condition 220 in liquor license LIQH400102917 for LA10 sound, issued by Liquor & Gaming NSW. The limiter is to be installed in a tamper proof enclosure (or in the case of a DSP based limiter) with no access to the limiter controls by staff or management of the hotel.*

Let me know if you want to discuss further or make changes.”

Planner comment

It is recommended that the conditions be amended to reflect all above comments, as follows:

10. Noise fixtures, fittings and equipment prior to CC

Details of the fixtures being used for the windows, internal ceilings, mechanical plant and external doors are to be provided to the PCA for approval prior to the issuing of any Construction certificate. Fixtures are to meet the following minimum requirements as specified in the acoustic report by The Acoustic Group Pty Ltd on 26 April 2020, reference number 50.4539.R2:MSC;

- Windows on Western and Northern façade to be fixed/inoperable double glazing of 10.5mm Viridian VLam Hush or the like, with a 40mm air gap and 8.5mm VLam Hush or the like.
- Acoustic ceiling in the gaming room(s) and Charles Street access way, capable of a Noise Reduction Coefficient of 0.85.
- External doors to be installed with self-closing mechanisms and fitted with perimeter acoustically rated seals.
- Acoustic screening for mechanical plant that achieves sound contributions less than 37 dB(A) at sound assessment locations 1&3, and 38dB(A) at location 2.
- *A central noise limiter calibrated to limit amplified entertainment sound in the ground floor internal areas and outdoor beer garden.*

Reason: To protect surrounding residence from any noise generated by the operation of the development

17. Certification of minimum acoustic standards

Prior to any occupation certificate being issued, a further acoustic assessment is to be undertaken by a qualified and experienced person(s) to confirm compliance with recommendations in the report by The Acoustic Group Pty Ltd on 26 April 2020, reference number 50.4539.R2:MSC, including but not limited to:

- Windows on Western and Northern façade to be fixed/inoperable double glazing of 10.5mm Viridian VLam Hush or the like, with a 40mm air gap and 8.5mm VLam Hush or the like.

- Acoustic ceiling in the gaming room(s) and Charles Street access way achieves a Noise Reduction Coefficient of 0.85.
- External doors have self-closing mechanisms and are fitted with perimeter acoustically rated seals.
- The mechanical plant which is to be located on existing plant room decks is acoustically screened to ensure the sound contribution of any plant does not exceed 37dB(A) at sound assessment locations 1&3, and 38dB(A) at location 2.
- *Entertainment sound from in-house sound systems and external amplification in the ground floor internal areas and outdoor beer garden to be controlled by noise limiter(s) that have been calibrated by a qualified person.*
- *The internal noise set to a maximum of nominal 92dB(A) measured 5m in front of point source speakers.*
- *Actual noise limits for limiter(s) from ground floor internal areas and outdoor beer garden (dB(A), dB(C), dB(ext filter) or dB(Lin)) are to be determined by compliance testing to satisfy condition 220 in liquor license LIQH400102917 for LA10 sound, issued by Liquor & Gaming NSW. The limiter is to be installed in a tamper proof enclosure (or in the case of a DSP based limiter) with no access to the limiter controls by staff or management of the hotel.*

The updated acoustic assessment is to be submitted to the satisfaction of Council's Environmental Health Team before providing to the PCA for certification.

Reason: To ensure the premises will satisfy conditions under liquor license LIQH400102917 protect surrounding residence from any noise generated by the operation of the development.

21. Outdoor music

In addition to compliance with noise conditions under liquor license LIQH400102917, a restriction is placed on outdoor entertainment to be for solo artists only.

Reason: To limit low frequency sound emission and protect surrounding residence from any noise generated by the operation of the development.