

Environmental Health Referral Response - industrial use

Application Number:	DA2020/0468
Date:	10/06/2020
To:	Thomas Prosser
Land to be developed (Address):	Lot 13 DP 7022 , 31 Moore Road FRESHWATER NSW 2096 Lot 1 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 2 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 3 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 4 DP 7022 , 29 Moore Road FRESHWATER NSW 2096 Lot 5 DP 7022 , 29 Moore Road FRESHWATER NSW 2096

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

Comments:

Council's Environmental Health Team have been engaged to review this referral relating to noise from subject premises, the 'Freshwater Hotel'.

While Council is not in receipt of any recent complaints regarding noise, concerns have been raised in submissions regarding the noise generated from the premises. In particular the concerns relate to live/amplified music and noise from 'intoxicated' patrons. Liquor & Gaming NSW are the Appropriate Regulatory Authority (ARA) for noise generated by the premise.

An acoustic report was prepared by The Acoustic Group Pty Ltd on 26 April 2020, reference number 50.4539.R2:MSC, to assess potential noise impacts of the development and provide specific recommendations to address internal noise and mechanical plant noise.

The noise assessment for the acoustic report has been taken under unusual circumstances, during a closure of the subject premises due to the current COVID-19 restrictions. For this reason only available point source for sound was the mechanical plant which is to operate up to 10pm. The night period as define in the NSW Industrial Noise Policy occurs between 10pm and 7am and is where noise concerns and potential sleep disturbance is of greatest concern.

The report provides recommendations to significantly improve sound attenuation, the specifications of which will be conditioned.

Patron noise and noise at the boundary of affected residents will be regulated under the existing liquor license LIQH400102917, while Council DA conditions will address Mechanical Plant, internal limitations to Live/Amplified Music, sound attenuation upgrades throughout the premise and operational restrictions in certain areas after 9pm to be consistent with LIQH400102917 and to further protect public amenity from potential sleep disturbance.

The acoustic assessment has made assumptions referencing acoustic amplified entertainment and a 'DJ' in the 'courtyard'. The premises advertises a wide variety of live music involving multiple

instruments and musicians. An additional item will be added in conditions to comply with the acoustic recommendations that addresses dB(C) for low frequency sound.

An assessment of noise in the 'beer garden' or 'courtyard' was not undertaken as part of the assessment and can be regulated under conditions in the existing liquor license LIQH400102917. Notwithstanding, use of a sub-woofer will be not be permitted outdoors to limit low frequency noise impacts.

A noise assessment of existing operations couldn't be undertaken due to premises closure. Therefore, the conditions for this development will include confirmation of sound attenuation measures prior to OC to ensure compliance can be achieved and that the use will be able to satisfy noise conditions in LIQH400102917.

Further comment 09/06/2020:

Council's Environmental Health Team were provided with an amended Plan of Management on 9 June 2020 confirming that airlocks on the Moore Road and Charles Street access would be in place during any entertainment.

A condition to comply with amended POM should be included in this development approval.

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:

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION
CERTIFICATE**

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.

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

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

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.
- 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.

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.

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

Outdoor music

In addition to compliance with noise conditions under liquor license LIQH400102917, the use of a sub-woofer for any amplified music outdoors is not permitted.

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