

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	DA2022/1737
<b>Date:</b>	12/10/2022
<b>To:</b>	Claire Ryan
<b>Land to be developed (Address):</b>	<p>Lot 15 SP 38006 , 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 52 SP 50167 , 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 56 SP 50167 , 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 57 SP 50167 , 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 58 SP 50167 , 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 59 SP 50167 , 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 54 SP 50167 , 22 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 23 SP 38006 , 23 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 44 SP 38006 , 44 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 51 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 52 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 56 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 57 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 58 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 59 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p>

### 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

Existing Brewery and artisan food and drink industry Use:

The following characteristics of the approved Brewery and artisan food and drink industry are :

- The current hours of operation are:

Brewery -

- Monday to Sunday 8.00am to 5.00pm

#### Taproom -

- 11am to 12am Monday to Saturday
- 11am to 10pm Sunday

#### Outdoor Seating Area

- 5pm - Midnight (Friday)
- 12pm - Midnight (Saturday)
- 12pm - 10pm (Sunday)

Key aspects of this proposal are described as follows:

- Preparation of the event area from 9am on Saturday 5 November 2022
- Temporary use starting time: 12 pm
- Temporary use closing time: 12am
- The event will be for up to 400 people
- The event site being secured with existing fencing to provide a single-entry point on the northern side, as marked on the event plans
- Commissioned security to ensure a safe and orderly operating environment
- Food will be provided by Sale Pepe which is a licensed food premise and part of the proposed temporary use site
- Audio visual screen inside the venue, as marked on the event plans
- Live music inside the venue, as marked on the event plans
- Designated children's area with skateboard ramp within the car parking area outside the venue, as marked on the event plans
- Artist wall – located outside the venue, as marked on the event plans
- Portaloos to be provided on site for the temporary event, as marked on the event plans
- Decommissioning of the event site by 12pm on Sunday 6 November 2022.

The Plan of Management in part states:

#### Noise Management

All doors (entry or to outdoor area) are to remain closed during live music. All live music is to cease operation prior to 12am as per our current license.

A noise limiter is to be installed to ensure the sound pressure level from the operation of the sound reinforcement system or amplified band does not to exceed 90dB(A)L10 when measured within the space.

The external roller shutter is to remain closed during any live music event.

All bottle/garbage removal to be done during business hours.

The following music is due to take place inside the brewery on the stage located on the above interior map (exact schedule TBC) – local artists only

- acoustic artist – 2pm-4pm
- live band - 5-7pm
- DJ – 7pm-9pm

A similar event was carried out in 2019 without any noise issues.

An acoustic assessment has not been carried out however a condition could be included:

Noise emissions from licensed premises, noise emissions must comply with the acoustic requirements imposed by the Liquor & Gaming NSW. These guidelines relate to noise generated by patrons and by music. The requirements are set out below:

- That the L10 noise level emitted from the premises shall not exceed 5dB above the background L90 sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the boundary of the nearest affected residential premises.
- L10 noise level emitted from the premises shall not exceed the background L90 sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) after midnight when assessed at the

boundary of the nearest affected residential premises.

- After midnight, noise emissions from the Place of Public Entertainment are to be inaudible within any habitable rooms in nearby residential properties.

As one off event sound level monitoring of that condition by Council or Police is not likely and the condition of no immediate value in these circumstances.

The event is not a rock concert but a large fund raising group essentially with "background live music" inside the building (not facing any residential premises) with a proven history of compliance for the last event.

Environmental Health supports the proposal 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:**

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

#### **Noise from the Event**

A. The use of the premise including any amplified music must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

B. Staff shall monitor noise to ensure amplified music is contained and directed internally within the building and patron behavior managed to reduce any yelling, cheering, whistling or the like.

C. Compliance with the Plan of Management "Waves for Water" for 5 November 2022.

Reason: To ensure that any noise generated does not cause a nuisance to residential receivers in neighboring streets