

Environmental Health Referral Response - industrial use

Application Number:	DA2021/2629
Date:	09/06/2022
To:	Megan Surtees
Land to be developed (Address):	Lot 19 DP 204107 , 28 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

A site visit and discussion with gym operator provided feedback on questions raised in the previous environmental health referral notes. The following points address the response to key concerns:

- Noise from internal operations directly impacts residents when the (western entry) security-grill door is open
- The northern wall windows are sealed
- The gym floor space ends on the same plane as the carpark
- There is a small gap between the northern wall and a 1.8 m high fence which is backed by live bamboo which is taller than the height of the carpark

Given these points, Council can support the proposal with conditions imposed to prevent noise nuisance from occurring. This will include restrictions on noise-generating activities during time periods not classified as daytime (7 am to 6 pm) in the *Noise Policy for Industry* (2017). We think it reasonable and fair to the adjacent residents to limit carpark use and also ensure that only the street access door (Southern face of the building) is used for entry. This is in line with operational restrictions for the surrounding developments.

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**

Acoustic Report Recommendations

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that recommendations within the Acoustical Report by Koikas Acoustic Pty Ltd dated 23 November (reference: 5116R20211122mj28CrossStreetBrookvale_DA.docx) have been implemented/incorporated into the design of the premises.

Reason: To protect acoustic amenity of surrounding premises.

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

Certification of Compliance with Acoustic Design Recommendations

Prior to any occupation certificate being issued, a qualified and experienced person(s) must confirm that the gym has been constructed in accordance with recommendations within the Acoustical Report by Koikas Acoustic Pty Ltd dated 23 November (reference: 5116R20211122mj28CrossStreetBrookvale_DA.docx).

Reason: To protect acoustic amenity of surrounding premises.

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

Noise - No Entry via Security Grill Door

Patrons and staff must not use the security grill door (shown in the plans on the western face of the building) as a general entry and/or exit point to the premises. General entry and exit must occur through the street-facing front door to prevent noise impacts on adjacent residents.

The security grill door must not remain open other than:

- during emergency use; or
- when there is no amplified music, weightlifting or loud instructions during commercial use.

Reason: An opening in the western face of the building will result in direct noise impacts on residents. Ensuring the door is closed during operations reduces the potential for noise nuisance. (DACHPGOG5)

Noise – operational restrictions

Internal operations must not be audible within a residential habitable room outside of the daytime hours of 7 am to 6 pm on any day.

Reason: To prevent noise from patrons, staff and amplified music from affecting the reasonable repose of residents. (DACHPGOG5)

Compliance with the Plan of Management

The Plan of Management that forms part of this consent must be implemented in perpetuity.

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity. (DACHPGOG6)

Noise - No Carparking On-site before 7am

The carpark must not be used by patrons before 7 am on any day.

Reason: To prevent carpark noise directly impacting adjacent residents. (DACHPGOG6)