

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	Mod2022/0634
<b>Date:</b>	29/11/2022
<b>To:</b>	Michael French
<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

Current approved hours of operation under Condition 13 reads as follows:-use of GYM

On-going – Hours of operation

Hours of operation must only occur during the following hours:

Monday to Friday – 7:00am – 6:00pm

Saturday – 7:00am – 12:00pm

Sunday – Closed

Reason: To minimise disruption to neighboring properties.(DACHPGOG5)

The proposed application seeks to amend Condition 13 to read as follows:-

On-going – Hours of operation

Hours of operation must only occur during the following hours:

Monday to Friday – 5:30am – 8:00pm

Saturday – 7:00am – 12:00pm

Sunday – Closed

The industrial site abuts a residential development without an acoustic buffer zone.

Residents may have to accept industrial noise from an industrial site during normal business hours and reasonable activity.

Complaints have been received from residents previously about the site (from industrial activity and the Gym) and Council receives numerous complaints about Gyms (usually music, impact noise and shouting of instruction and during lifting) in mixed business/residential areas however this is an industrial site where one would expect noise .

This proposal is seeking a 5.30am start which could impact sleep if not carefully managed.

The Acoustic report has specific requirements which will require good management and potential Council enforcement for the ongoing the life of the development; including replacement of worn seals, management of the limited carparking hours arrangement and control of exiting patron noise, replacement of acoustic mats etc.

The acoustic report in summary recommends :

In order to preserve acoustic amenity, the following measures are recommended to be incorporated within the gym design:

- All external doors to have self-closing mechanism to allow for self-closing. All external doors to be full acoustic perimeter seals.
- Acoustic curtains on the northern window to be closed during the morning and evening class.
- The PA is to be used for background music only and to have a maximum output of 65 dB at the center of the room. All speakers are to face internally. PA system is to have an electronic limiter with a maximum output of 65 dBA SPL during the morning and evening shoulder period.
- Signs should also be posted at exit doors reminding patrons to leave the premises in an orderly and quiet manner when leaving the gym.
- Roller door to be closed during the extended hours.
- Maximum of 20 patrons inside the premises.
- Flooring to be as follows:
  - o Lifting platforms are 50mms thick on top of 15mm rubber
  - o Aerobic flooring to be 8mm thick rubber
- Rooftop car park is not to be utilised during the 5am-7am trading hours. It is understood that the rooftop car park is for the use of the entire commercial complex. The patrons of the gym will only be using the carpark during the daytime and evening periods.

Environmental Health does not support the proposal currently unless the following is suitably modified by the applicant in the proposal:

1. Fixed acoustic screening or double glazing to the northern window.
2. Permanent signage to the carpark entry prohibiting roof top parking prior to 7am (may require Strata agreement)
3. Signage (50mm high letters) on the internal area/roller door clearly stating door closure hours.

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.