

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	DA2020/0110
<b>Date:</b>	24/08/2020
<b>To:</b>	Penny Wood
<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

Environmental Health has reviewed the acoustic report and plan of management associated with the proposed development. Noise assessment outcomes for equipment, weights, patron voices, etc. have been calculated for a maximum of 20 patrons at any one time. Structural vibration noise was also taken into account for the proposed use during assessment.

While much of the application is acceptable, the recommendations made by Rodney Stevens Acoustics (R190629R0) are essential in ensuring the use does not adversely impact industrial and residential receivers. Most importantly, for sound attenuating window recommendations to be effective, the windows would need to remain closed and the development is likely to require mechanical ventilation in accordance with AS1668.

The application has not proposed any mechanical ventilation and therefore, has not been considered in the acoustic assessment other than a recommendation to review prior to CC.

Council is in receipt of noise and building complaints alleging that the use commenced before development consent was obtained and has received several submissions regarding noise impacts on industrial and residential receivers since the application was submitted.

To appropriately condition the development, Council's Environmental Health Team would require an amended acoustic report that includes, but is not limited to the following:

- Assessment of vehicle noise associated with use of roof top parking
- A reviewed assessment of music, equipment and weights taking into consideration sound sensitive time periods (night-time 10pm-7am)
- Revised operational hours
- Assessment of mechanical ventilation.

A detailed proposal for mechanical ventilation should also be included unless more stringent operational or physical noise attenuation can be implemented.

17/07/2020 - amended comments.

Further information was provided by the applicant in the form of an amended noise assessments and a

PoM.

The amended acoustic report still does not address noise during the night-time period (10pm-7am) or evening (6pm-10pm). The acoustic consultants have selected an amenity criteria for Day-time periods (60dB) and have not considered more sensitive time periods for during the night and evening (45dB and 50dB).

We also find that it does not adequately address noise attenuation recommendations e.g. by providing necessary Rw ratings for windows/blind and doors, calibrated noise limiter.

The Plan of Management is a administrative control only and a more comprehensive assessment of noise from the proposed use is necessary for Council to make a determination. This should include modelling on how the noise will impact receivers with and without noise attenuation measures in place.

#### **19/08/2020 – Amended comments.**

An amended acoustic report was submitted to Council in support of the development application of a Gym at 12/ 16-22 Cross Street, Brookvale. The acoustic report is referenced as R190629R0 Revision 2 by Rodney Stevens Acoustics dated 10 August 2020.

A plan of management has also been submitted referenced as Operational management plan development application d/2019/1400 unit 12 / 16-22 Cross Street Brookvale “enliven coaching” which references the recommendations in the amended acoustic report and provides additional ones.

The reports provide a number of administrative controls for noise including;

- “quiet hours of work 5AM-7:30AM”
- Installation of Acoustic blinds with an RW rating of 28
- Keeping acoustic blinds closed before 7am
- Electronic limiter on speakers to 70dB
- Not to use the rooftop carpark before 7 am

As well as other controls.

These controls are appropriate with operation during the night period defined in noise policy for industry. (10pm-7am). However the hierarchy of controls of the control of noise should use administrative controls as a last resort. A preferred option is either elimination of the noise source or engineered controls which can be found as a recommendation from the initial acoustic report submitted with the development. “Windows facing the residences are to have a minimum acoustic rating of Rw 30dB which could be in the form of 6.38mm laminate on acoustically sealed frames.”

As total noise elimination is not feasible with a gym operation engineered acoustic controls on industrial premises directly adjacent to residential receivers are especially important for operation during night hours when residents expect peace and quiet.

The application has not proposed any mechanical ventilation and therefore, has not been considered in the acoustic assessment other than a recommendation to review prior to CC.

Environmental Health recommend the refusal of the development application with a recommendation to the applicant to propose acoustically treated window fixtures as opposed to acoustic blinds to remove the administrative aspect of noise curtains.

Environmental Health notes that it would also look favourably towards an application that further reduced proposed hours of operation that fall within the night period in the industrial noise policy to within day hours 7am – 6pm or physical engineered noise controls rather than relying on administrative controls for reduction in noise.

#### **Amended comments 24/08/2020**

The applicant has provided an amended plan of management which proposes a reduction in the hours of operation to fall in line with the day hours as defined in the industrial noise policy. The proposal also aims to incorporate the existing noise control strategies during these hours.

Environmental Health notes that if an earlier period of operation is desired through a new DA or modification of the consent then fixed controls such as acoustically treated windows will be required.

Based on the provided information Environmental Health recommend approval subject to conditions being imposed.

#### **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**

#### **Prior to construction certificate - Noise fixtures, fittings and finishes prior to construction**

Details of the fixtures being used for the windows, floors, internal walls 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 Rodney Stevens Acoustics Report R190629R0 Revision 2:

- Windows facing the residences are to be blocked with Wavebar 4 kg/m<sup>2</sup> or similar and achieve an A weighted sound reduction index of Rw28 dB.

- Aerobic flooring to be 8mm thick rubber with no gaps.

- Lifting platforms 50mm thick on top of 8mm rubber
- Internal walls to be a minimum weighted sound reduction index of Rw45 dB.
- External door, be installed with a self closing mechanism and fitted with perimeter acoustically rated seals.

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**

### **Prior to occupation certificate - Noise fixtures, fittings and finishes prior to occupation**

Details are to be submitted to the PCA who is to certify that fixtures, fittings and finishes have met the minimum requirements as specified in the acoustic report by Rodney Stevens Acoustics Report R190629R0 Revision 2:

- Windows facing the residences are to be blocked with Wavebar 4 kg/m<sup>2</sup> or similar and achieve an A weighted sound reduction index of Rw28 dB.
- Aerobic flooring to be 8mm thick rubber with no gaps.
- Lifting platforms 50mm thick on top of 8mm rubber
- Internal walls to be a minimum weighted sound reduction index of Rw45 dB.
- External door, be installed with a self closing mechanism and fitted with perimeter acoustically rated seals.
- Signs posted at exit doors reminding patrons to leave the premises in an orderly and quiet manner when leaving the Gym.

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

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

### **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)

### **On going - amplified noise management**

All speakers or any sound equipment used as part of the development, must face inwards and not exceed an output of 70dB at the centre of the gym floor.

PA system is to have an electronic limiter with a maximum output of 70 dBA SPL when measured at the centre of the gym floor. 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.

Reason: To protect surrounding residence from any noise generated by the operation of the development. (DACHPGOG6)

**On-going - Compliance with the plan of management**

The requirements of the operational management plan referenced as Unit 12/16-22 Cross street Brookvale "Enliven Coaching" is to be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

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