

RELEVANT INFORMATION FOR COMMITTEE

FILE: D/2017/397 **DATE:** 20 October 2017
TO: Lord Mayor and Councillors
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 9.8 - Development Application: 31 Terry Street, Surry Hills - At Council - 23 October 2017

Alternative Recommendation

It is resolved that consent be granted to Development Application No. D/2017/397, subject to the conditions as detailed in **Attachment A** to the subject report to the Planning and Development Committee on 16 October 2017, subject to the addition of a new condition, Condition (3A), as set out below:

(3A) ACOUSTIC REPORT – INTERNAL NOISE AMENITY ASSESSMENT

Prior to a construction certificate being issued, an acoustic report prepared by a suitably qualified acoustic consultant* must be submitted and approved by the City's Health and Building Manager.

The report should review the potential impact of the operation of the adjacent Aurora Hotel, including plant, the provision of entertainment and the use of the roof top bar, on the internal acoustic amenity of the proposed dwelling.

The report should make recommendations in respect of any necessary measures to be incorporated within the design of the structure of the dwelling to mitigate these impacts. The recommendations should be incorporated in the future Construction Certificate documentation and implemented in the construction of the development.

Note: *Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

Background

At the meeting of the Planning and Development Committee on 16 October 2017, a speaker (the project architect, on behalf of the applicant) raised concern with the recommendation of this additional condition:

(3A) ACOUSTIC REPORT – INTERNAL NOISE AMENITY ASSESSMENT

Prior to a construction certificate being issued, an acoustic report prepared by a suitably qualified acoustic consultant* must be submitted and approved by the City's Health and Building Manager that considers the internal acoustic amenity of the newly constructed residential development when the Aurora Hotel rooftop bar at 324 Elizabeth Street, Surry Hills is in operation.

Compliance with the below noise criteria will need to be demonstrated:-

The repeatable maximum LAeq (1 hour) must not exceed the following levels:

- (a) for closed windows and doors:
 - (i) 35dB for bedrooms (10pm-7am); and
 - (ii) 45dB for main living areas (24 hours).

The acoustic report must include recommendations on how the applicable noise criteria will be achieved. The future Construction Certificate is to include these recommendations in the new structure.

Note: *Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

The speaker raised concern with the associated costs of the acoustic reporting and construction costs and implications required to address any required mitigation measures.

It is noted that this condition was recommended, given the subject site's location adjacent to the Aurora Hotel pub which has both a customer rooftop terrace and rooftop plant. While the subject site currently contains a 2 storey residential dwelling, the proposal results in new bedrooms being closer to these noise sources, given the 5 storey height proposed.

Councillors asked for further information on the implications of this condition and potential construction mitigation measures.

Council's Health and Building and Acoustic Specialists were consulted. Council officers are not able to provide a definitive or precise construction solution without the recommended acoustic testing.

Evaluation of the impacts and identifying measures for mitigation will come at a cost via an acoustic consultant, which is estimated to be in the order of \$3,000 (noting that the market varies greatly). The implementation of any proposed mitigation measures will also result in a cost being the difference between the cost of the construction as proposed and that recommended.

It should be noted that the proposed building structure will have a mitigating effect on noise and the acoustic report recommended is necessary to identify if any further measures are required to be incorporated into the design of the building.

A considered solution will involve determining existing noise levels and identifying specific construction methodologies for the walls, roof and glazing in the development to achieve desirable internal noise levels. The mitigation measures (if required) may be a range or combination of approaches, including, but not limited to, specific wall materials/density, wall thickness, double glazing of windows etc.

As the proposed development is the 'agent of change' in this case, it is considered reasonable that the applicant address this issue as part of their development. While the condition will have some cost implications (in terms of the report and the implementation of any necessary mitigation measures), attaining an appropriate acoustic environment is to the benefit of the future dwelling occupiers. It is reasonable that this issue is addressed as part of the design, approval and construction process, as to not do so may result in a dwelling that has poor acoustic amenity.

The wording of the proposed condition has been amended as the noise criteria specified in the originally proposed condition are primarily relevant to noise from traffic rather than noise from the operation of the hotel (eg, noise resulting from entertainment).

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Approved



**Graham Jahn AM, Director City Planning,
Development and Transport**