

## Memo

### Development Assessment

**To:** Development Determination Panel

**From:** Tom Prosser  
Planner

**Date:** 24 June 2020

**Subject:** DA2020/0468

**Record Number:** 2020/368093

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Dear Panel,

#### **Further Environmental Health comments**

The applicant has requested that the requirement for fixed/inoperable windows be amended. In response, Council's Environmental Health officer has provided an alternative condition to provide restrictions on when the windows can be opened. This includes that the windows are to be closed during live entertainment and after 9pm. As such, acoustic impacts to surrounding residences can still be adequately protected.

This recommended condition is as follows:

#### **17. Certification of minimum acoustic standards**

Prior to any occupation certificate being issued, a further acoustic assessment is to be undertaken by a qualified and experienced person(s) to confirm compliance with recommendations in the report by The Acoustic Group Pty Ltd on 26 April 2020, reference number 50.4539.R2:MSC, including but not limited to:

- Windows on Western and Northern façade to be double glazing of 10.5mm Viridian VLam Hush or the like, with a 40mm air gap and 8.5mm VLam Hush or the like. The windows are to be closed during live entertainment and after 9pm. The provision of windows being operable prior to 9pm and when live entertainment is not occurring, can only occur if those operable windows are fitted with reed switches and the noise limiter is calibrated to comply with liquor license requirements with windows open and windows closed.
- Acoustic ceiling in the gaming room(s) and Charles Street access way achieves a Noise Reduction Coefficient of 0.85.
- External doors have self-closing mechanisms and are fitted with perimeter acoustically rated seals.
- The mechanical plant which is to be located on existing plant room decks is acoustically screened to ensure the sound contribution of any plant does not exceed 37dB(A) at sound assessment locations 1&3, and 38dB(A) at location 2.
- *Entertainment sound from in-house sound systems and external amplification in the*

*ground floor internal areas and outdoor beer garden to be controlled by noise limiter(s) that have been calibrated by a qualified person.*

*- The internal noise set to a maximum of nominal 92dB(A) measured 5m in front of point source speakers.*

*- Actual noise limits for limiter(s) from ground floor internal areas and outdoor beer garden (dB(A), dB(C), dB(ext filter) or dB(Lin)) are to be determined by compliance testing to satisfy condition 220 in liquor license LIQH400102917 for LA10 sound, issued by Liquor & Gaming NSW. 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.*

The updated acoustic assessment is to be submitted to the satisfaction of Council's Environmental Health Team before providing to the PCA for certification.

Reason: To ensure the premises will satisfy conditions under liquor license LIQH400102917 protect surrounding residence from any noise generated by the operation of the development.

### **SEPP (Coastal Management) 2018**

A further assessment is made in relation to SEPP (Coastal Management) 2018 as follows:

#### **11 Development on land in proximity to coastal wetlands or littoral rainforest**

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands or littoral rainforest” unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest*

#### **Comment:**

The alterations involve internal works and minor changes to the existing courtyard. This would not have an unreasonable impact on coastal wetlands or rainforest.

#### **12 Development on land within the coastal vulnerability area**

*Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:*

- (a) *if the proposed development comprises the erection of a building or works—the building or works are not likely to alter coastal processes to the detriment of the natural environment or other land*
- (b) *the proposed development:*
  - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land*
  - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or other coastal area*
  - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal hazards*

#### **Comment:**

The proposal will not have a detrimental impact on the above and is not likely to alter coastal processes. This is a result of the lack of additional bulk proposed and the physical separation of the site from the beach and coastal area (over 100m).

### 13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment if the development is likely to have a significant impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological values of the coastal environment,*
  - (b) *coastal environmental values and natural coastal processes,*
  - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2011) in Schedule 1,*
  - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and foreshores,*
  - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rocky shore,*
  - (f) *Aboriginal cultural heritage, practices and places,*
  - (g) *the use of the surf zone.*

Comment:

The proposal will not have an adverse impact on the above as the proposed works do not involve excavation, substantial addition of bulk, or any other change to the natural environment which could cause an unreasonable impact on the coastal environment area.

- (2) *Development consent must not be granted to development on land to which this clause applies unless:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in clause 13(1),*
  - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to avoid that impact,*
  - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The proposal retains the siting of the existing hotel which is over 100m from the beach. This physical separation from the coastline along with the proposed works being maintained within the existing siting, provides a circumstance in which potential impact is sufficiently minimised.

As such, it is considered that the application does not comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.