



northern
beaches
council

MEMORANDUM

DATE: 22 November 2023

TO: Development Determination Panel (DDP)

CC: Adam, Manager Development Assessment

FROM: Brittany Harrison

SUBJECT: Item No. 3.5 - DA2023/1167 - 23 Oliver Street, Freshwater

The purpose of this memo is to advise the Panel of two (2) Submissions that were received from the applicant (Joe Bell), which raises concerns regarding the below recommended condition.

No. 5 Noise Limiter

A noise limiter is to be installed to measure the sound pressure level of the music/microphone noise. The noise limiter is to be set to a maximum sound pressure level of 65dB inside the gymnasium. The limiter is to be stored in a secured, locked area only accessible by a manager for the gymnasium but must not be adjusted higher than 65dB at any time.

Reason: To ensure acoustic compliance in an operational situation.

The applicant argues that the submitted Acoustic Report recommendations (prepared by Acoustic Logic) demonstrated that readings of 72dB (inside) achieved compliance with acceptable boundary limits of 40/52dB (outside), indicating that there is no justification to reduce the internal limit to 65dB through recommended conditions.

The Environmental Health Officer comment dated 26 October 2023 states:

“Extended exposure to noise levels above 55-60 dB can be considered disturbing or become annoying therefore Council considers a maximum noise level of 72dB to be unreasonable and Council will be reducing the noise limiter level to a maximum of 65dB.”

The applicant requests Council to revise Condition No. 5 to align with the technical advice prepared by Acoustic Logic. In addition, requests that the condition be amended to apply between the hours of 5am-7am as recommended by Acoustic Logic, and not all day. The applicant provided the following recommended condition:

No. 5. Noise Limiter

A noise limiter is to be installed to measure the sound pressure level of the music/microphone noise between 5am – 7am. The noise limiter is to be set to a maximum sound pressure level of 72dB inside

the gymnasium. The limiter is to be stored in a secured, locked area only accessible by a manager for the gymnasium but must not be adjusted higher than 72dB at any time between 5am – 7am.

Reason: To ensure acoustic compliance in an operational situation.

Environmental Health Officer Response

The two (2) submissions were sent to the Environmental Health Officer for review, with the response attached below:

A review of the amended Acoustic Report prepared by Acoustic Logic dated 29 September 2023 has identified that the Measured Class Operation Noise Levels (Table 8) concluded an Internal Spatially Averaged Measured Noise Level of 72dB(A)Leq(15min). This internal measurement was taken on 29 June 2023 between 5:45am and 6:00am and in several positions within the gymnasium while a typical class was being conducted.

Section 6.4 Predicted Noise Emissions Assessment identified sources of noise from the operation of the gym. This included music speaker noise, gym patron noise and staff noise. The adopted modelling parameters in Section 6.4.1.1 included music noise, patron noise and staff noise having a sound pressure level of 72dB(A)Leq.

One of the noise management recommendations within Section 7 includes the following:

A noise limiter shall be incorporated to reduce the impact on the surrounding residential receivers. The noise limiter must be calibrated to achieve a spatially averaged music sound pressure level inside the gym no greater than 72dB(A), at any time between 5:00am and 7:00am.

How has it been determined that the music sound pressure level alone can be no greater than 72dB(A) when the adopted modelling parameters had a sound pressure level of 72dB(A) which included the operation of the gym class, music, patron noise and staff noise?

Environmental Health have concerns that allowing the noise limiter for the music alone to be set to a maximum of 72dB(A), does not account for the additional noise that will be generated from the gym operation, patron noise and staff noise, increasing the overall noise from within the gym which will result in decibel addition, increasing the noise output and altering the findings of the acoustic consultant.

Environmental Health do not support adjustments to the condition of 65dB within the gym as per reasons above.

Recommendation

The Panel note the submission.

No changes required to the recommendation or conditions contained in the assessment report, as per the Environmental Health Officer Response.