

M E M O R A N D U M



TO: KIM HOLT – SYNEY NORTH PLANNING PANEL SECRETARIAT
FROM: KIM ROTHE – SENIOR ASSESSMENT OFFICER
DATE: 4 June 2018
RE: **RE: 2018SNH010 – 149 West Street, Section 4.55 Supplementary Report
Notification of Concurrence of Conditions**

I refer to the Assessment Report submitted to the Panel Secretariat regarding the above mentioned proposal which is scheduled for a determination meeting on 6 June 2018.

The development, being proposed by The Department of Education within the meaning of the Higher Education Act 2001, is prescribed as Crown Development pursuant to sections 4.32 and 6.28 of the Environmental Planning and Assessment Act 1979, and section 226 of the Environmental Planning and Assessment Regulation 2000.

The conditions recommended by Council are subject to section 4.33 of the EP&A Act which specifies that Council may not impose a condition of consent of any consent to a Crown DA, except with the approval of the applicant or the Minister. The applicant has been sent draft without prejudice set of conditions of consent on 17 May 2018;

The purpose this memo is to advise the panel of the outcome of consideration by the applicant of the draft conditions of development consent.

Council received the response regarding the without prejudice conditions on 31 May 2018. This response also included an updated response to the noise requirements and is attached this memo for the panels attention.

In the response, the applicant requested that the following updates to condition H4 (Signage Illumination Intensity) of the draft conditions:

- Remove or reword subsections (a) and (b) to exclude the subjective phrasing 'objectionable glare/injury to the amenity/excessive light spill/nuisance'
- Nominate the location of the sign (West Street, adjacent to the main entry gate) within the condition.

The client had no issues with subsection (c) or the remaining condition.

Condition H4 is derived from Council's Standard condition set and is commonly applied to approval condition sets involving significant or substantial illuminated signage proposals. The condition was originally included in the without prejudice conditions in its unaltered form principally for abundant caution to minimize potential obtrusive impacts to adjoining residential properties arising from the sign. Commentary regarding the imposition of the conditions can be found on page 13 of the report under the SEPP 64 "Illumination" heading.

In consideration of the requested changes it is noted:

- the applicant raises no objection to the imposition of the condition relating to the limitation to the hours of illumination (11:00 pm to 7:00 am)
- the applicant raises no objection to condition H4 retaining the reference to AS4282-1997 - Control of the Obtrusive Effects of Lighting
- The applicant did not seek to delete the reference to limit flashing.

It is considered that via the retention of the three above mentioned conditions and or references, that the intent behind the recommendation for the imposition of the controls is still met and

accordingly no objection was raised by Council to the deletion of (a) and (b) of recommended condition H4 and slight alteration to the wording of the condition to specifically refer to the new West Street sign.

Updated without prejudice conditions of modification were tendered to the applicant on 1 June 2018. Council has received confirmation on 4 June 2018 that this suite of conditions is acceptable to the applicant.

This agreed set of conditions is attached to this memo for the Panels reference. As a result of this memo, the recommendation of the report should be altered to be as follows to reflect the agreed position of the conditions:

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** the Sydney North Planning Panel as the consent authority, modify its consent dated 8 November 2017 for refurbishment of existing buildings and construction a new multipurpose hall for a high school with associated playgrounds, parking and landscaping at No. 149 West Street. Crows Nest, under the provisions of Section 4.55 of the Environmental Planning and Assessment Act with regard to 2017SNH058 – North Sydney - Development Application No.214/17/2, only insofar as will provide for the following conditions:-

1. To amend Condition A1, as follows: -

A. Conditions that Identify Approved Plans (Section 4.55 Amendments)

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No	Issue	Dated	Title	Drawn by	Received
AR.DA.0000	C D	9 June 2017 9 February 2018	Cover sheet, Location Diagram/ Drawing List	TKD Architects	23 June 2017 21 February 2018
AR.DA.1000	D	8 August 2017	Existing and Demolition Site Plan	TKD Architects	16 August 2017
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AR.DA.1104	C D	9 June 2017 9 February 2018	Third Floor Demolition Plan	TKD Architects	23 June 2017 21 February 2018

AR.DA.2001	D	8 August 2017	Proposed Ground Floor Plan	TKD Architects	16 August 2017
AR.DA.2002	C	9 June 2017	Proposed First Floor Plan	TKD Architects	23 June 2017
AR.DA.2003	C	9 June 2017	Proposed Second Floor Plan	TKD Architects	23 June 2017
AR.DA.2004	C	9 June 2017	Proposed Third Floor Plan	TKD Architects	23 June 2017
AR.DA.2005	C	9 June 2017	Proposed Roof Plan	TKD Architects	23 June 2017
AR.DA.3001	D E	8 August 2017 9 February 2018	Elevations sheet 01	TKD Architects	16 August 2017 21 February 2018
AR.DA.3002	A B	8 August 2017 9 February 2018	External Signage Details	TKD Architects	16 August 2017 21 February 2018
AR.DA.3101	C	9 June 2017	Sections Sheet 01	TKD Architects	23 June 2017
AR.DA.3102		November 2016	Sections Sheet 02	TKD Architects	23 June 2017
AR.DA.4001	D E	8 August 2017 9 February 2018	3D Perspectives	TKD Architects	16 August 2017 21 February 2018
L-0002	C	08 September 2017	Materials and Plant Schedule Sheet 1 of 1	Context	02 November 2017
L-4001	B	08 September 2017	Planting Plans Sheet 1 of 7	Context	02 November 2017
L-4002	B	08 September 2017	Planting Plans Sheet 2 of 7	Context	02 November 2017
L-4003	B	08 September 2017	Planting Plans Sheet 3 of 7	Context	02 November 2017
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L-4005	B	08 September 2017	Planting Plans Sheet 5 of 7	Context	02 November 2017
L-4006	B	08 September 2017	Planting Plans Sheet 6 of 7	Context	02 November 2017
L-4007	B	08 September 2017	Planting Plans Sheet 7 of 7	Context	02 November 2017

In the case of an inconsistency between the plans above, the plan with the later date prevails to the extent of the inconsistency. In the event of an inconsistency between the plans and a condition of this consent, the condition of consent prevails to the extent of the inconsistency.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

(Condition Modified under DA214/17/2)

2. To delete Condition C31:-

~~Illumination of Signage~~

~~C31. The approved signage shall not be illuminated.~~

~~(Reason: ——— To minimise impact upon neighbours)~~

(Condition deleted under DA214/17/2)

3. To insert new Conditions H3 and H4:-

Hours of Illumination

H3. All illuminated signs approved by this consent must cease illumination between the hours of 11:00 pm and 7:00 am.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

Signage Illumination Intensity

H4. The illuminated West Street sign must be installed and used at all times in accordance with AS 4282-1997 control of obtrusive effects of outdoor lighting and must be restricted in accordance with the following:

(a) The signage illumination must not flash.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

Yours Faithfully

KIM ROTHE
SENIOR ASSESSMENT OFFICER

29 May 2018

WM Project Number: 17071

Our Ref: TKD290518 GJ

Asta Chow
TKD Architects
Level 1, 19 Foster Street
SURRY HILLS NSW 2010

Dear Asta

Re: Cammeraygal High School - Response to Submissions

I have reviewed the submissions from Simon Elsy and Philip Ingevics concerning noise emission from the multi-purpose hall and have the following comments.

Noise Criterion

The same query is expressed in both submissions. The submissions talk of BCA criteria between 30 and 35dBA for bedrooms. Though I understand there has been some talk about introducing this requirement into the BCA, this is not currently the case as it would conflict with the requirements of the New South Wales Infrastructure SEPP (ISEPP). The guidelines from the ISEPP are that noise in bedrooms at night should be no more than 35dBA from transportation noise. There are also recommendations in Australian Standard 2107 concerning appropriate noise levels in bedrooms. These are used to design air-conditioning systems, and 30 to 35dBA would be a typical design goal.

NSW noise policies take a different approach and specify appropriate levels to be achieved on residential boundaries. Wilkinson Murray Report 17071 describes the prediction of noise impacts at residences near the hall. As described in our report, the appropriate level is based on the existing background noise level as measured at the site. We have predicted levels up to 47dBA from use of the multi-purpose hall. This is based on an internal noise level up to 95-100dBA during sporting events and concerts. This level was determined from previous Wilkinson Murray measurements at similar venues. For sporting events this level includes umpire whistles and applause.

A noise model using the Bruel and Kjaer Predictor noise modelling software was used to predict noise emission from the hall facades to all receivers surrounding the hall.

This type of assessment is not usually done to internal areas, but the reduction in noise from outside to inside is typically 10dBA through a facade with open windows. Therefore, the noise level of the multi-purpose hall is expected to be 37dBA inside a room facing the hall (i.e. the predicted 47dBA outside becomes 37dBA inside).

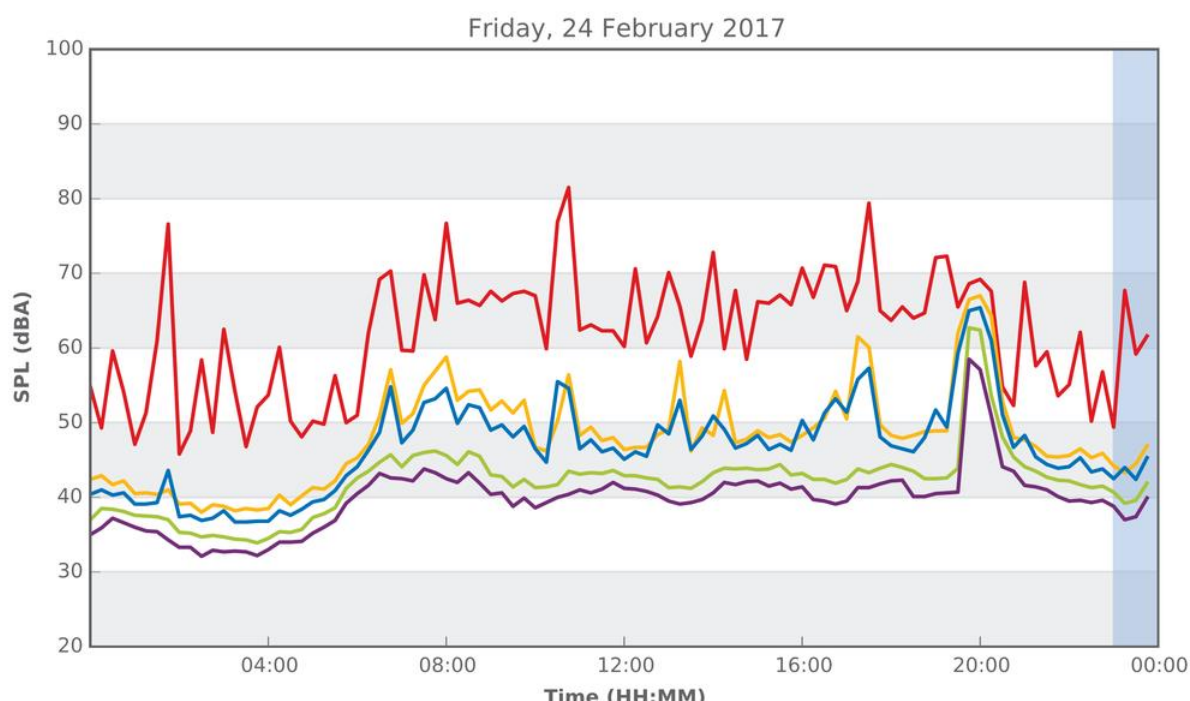
To help understand what this means, consider the following noise logger chart recorded at the site near the rear boundary. The chart is taken from the appendix to our DA report. The most important line to consider is the blue line which shows the $L_{Aeq,15min}$ minutes throughout the day. During the evening period from 6.00pm to 10.00pm on the example day and other days, the L_{Aeq} is typically 45 to 47dBA. (At this location there were some increases around 8.00pm to 60dBA, but these are excluded from our analysis.) The level recorded over 1 week of evenings was 52dBA as shown in Table 1.

The predicted level from the hall is similar to the existing environmental noise level in the area. So, while noise from the hall may be audible in the rooms facing the school, so will all the existing environmental noises that make up the background be audible – transportation, insects, wind in the trees etcetera. The intention of the noise policy is to reduce the new noise from the school to a level where it is not intrusive when compared to the existing noise environment.

Table 1 Summary of noise at southern boundary near hall

	Noise Level at Boundary (over 1 week of monitoring)	Noise Level inside Residence through open window
Background, L_{90} (the green line)	42	32
Current Intrusive Noise L_{Aeq} (the blue line)	52	42
Noise Criterion	47	
Predicted from Hall	47	37

Figure 1 Example monitoring results (see Report 17071 Appendix A)



Increase in Louvred Glass

The submission from residents north of the site includes a discussion of noise from the louvres, noting that there is an increase in area of louvred glass on the northern facade in the S96 plans. The architect has confirmed the following increases:

- On the southern façade - from 63m² to 68.5 m²; and

- On the Northern façade - from 20m² to 20.5m².

Acoustically, these are insignificant differences and we have updated our noise model to reflect this area and verified the noise predictions in the report are still valid.

Submission from Phil Ingevics et. al.

This submission includes the previous 2 items discussed and goes into more detail concerning emission from the louvres.

Given that the Section 96 application takes a large section of the southern wall (with a specified acoustic rating of “at least 45Rw”) and replaces it with a large section of louvred glass (with a specified acoustic rating of only “at least 32Rw”), this means that there will be an increase of around 10dBA at the eastern and southern receivers, which is a doubling of the perceived sound level compared with the approved plans.

This is not the case. There is a slight increase in area of louvred glass from 63m² to 68.5 m². The remainder of the wall retains the minimum performance of R_w 45. There is a very small increase in noise emission from the louvred glass area, but the change in emission from the all elements of the façade combined is insignificant and inaudible.

I trust this information is sufficient. Please contact us if you have any further queries.

Yours faithfully

WILKINSON MURRAY

A handwritten signature in black ink, appearing to read 'Geo Jenner', written in a cursive style.

George Jenner

Associate

DA214/2017/2 Section 4.55 – 149 West Street Crows Nest, TAFE Conversion, Without Prejudice Conditions of Development Consent

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