

# **PROPOSED REDEVELOPMENT OF WILBERFORCE AVENUE CAR PARK AT 17 DOVER ROAD ROSE BAY NSW 2029**

**REPORT ON ENVIRONMENTAL HEALTH REFERRAL COMMENTS  
& RECOMMENDATIONS - DEVELOPMENT APPLICATION No.  
598/2022/1**

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Woollahra Municipal Council**

**05 OCTOBER 2023**

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## 1. THE PROPOSAL

- Demolition of existing at-grade car park and encroaching structures.
- Development of single storey ground floor retail building with frontage to Dover Road.
- Development of mixed-use building with frontage to Wilberforce Avenue, incorporating:
  - multi-storey car park with 200 public spaces, 29 spaces allocated to retail and community centre, 22 motorbike space and 14 bicycle spaces.
  - ground floor retail.
  - community centre and public amenities across ground, first and second floors.
- Public domain and landscaping works, including:
  - Green walls;
  - New public domain and pedestrian crossing along Wilberforce Avenue;
  - Realignment of Wilberforce Avenue to accommodate wider verge and pedestrian zone adjacent the new building; and
  - Landscaping and public footpaths in a new laneway between Wilberforce Avenue and Dover Road.
- A level 2 terrace which extends out over the Wilberforce venue footpath and excavation so that part of the basement level extends within the road reserve.
- Operating hours of the Car Park:
  - Public: 6am to 11pm – Monday to Sunday (inclusive)
  - Rooftop: 7am to 10pm – Monday to Saturday and 8am to 10pm – Sunday and Public Holidays
- Operating hours of the Community Centre:
  - 7am to 11pm – Monday to Sunday (inclusive)
- Operating hours of the Retail Premises:
  - Subject to separate approval.

## 2. ACOUSTICS

### 2.1 Acoustic Report prepared by SLR Consulting Australia Pty Ltd. Report No. 610.30173-R1-v0.1-20220513.docx (13 May 2022).

#### Environmental Health Recommendations

##### Mechanical Services

An Acoustic Assessment shall be conducted of all proposed Mechanical Services during the **Construction Certificate Stage** of the development. Where necessary, noise amelioration treatment will be incorporated in the design to ensure that noise levels comply with the Project Noise Trigger Levels for the Night period (10PM to 7AM), when measured at the façade of likely affected residential receivers.

The Project Noise Trigger Level will require that the noise emission from any set of primary, or secondary mechanical plant and associated equipment at the Project Site should be designed on the basis that if the mechanical plant could operate at any time of the day, or night, then the noise emission component (of the mechanical plant) when measured at the nearest, or at any other residential property façade, should not exceed the nocturnal background sound level between 10PM and 7AM.

*Note: As noise control treatment can affect the performance of the mechanical services system, it is recommended that consultation with an acoustic consultant be made during the initial phase of mechanical services system design in order to reduce the need for revision of mechanical plant and noise control treatment.*

*Mechanical plant noise emission can be controllable by appropriate mechanical system design and implementation of common engineering methods that may include any of the following:*

- *procurement of 'quiet' plant;*
- *strategic positioning of plant away from sensitive neighbouring premises, maximising the intervening shielding between the plant and sensitive neighbouring premises;*
- *commercially available silencers or acoustic attenuators for air discharge and air intakes of plant;*
- *acoustically lined and lagged ductwork;*
- *acoustic screens and barriers between plant and sensitive neighbouring premises; and/or*
- *partially-enclosed or fully-enclosed acoustic enclosures over plant.*

##### Construction Noise & Management

The Acoustic Report (SLR Consulting Australia Pty Ltd) has not addressed potential noise impacts and noise mitigation arising from Construction Noise and Vibration that may be generated during the demolition and construction phase of the Project. A revised Acoustic Report shall have regard to the following:

- Identify noise and vibration sensitive receivers.
- Predict the noise and vibration impacts (Project Noise Trigger Levels) from the proposed Project upon sensitive receivers with noise emissions to comply during standard hours of construction and noise objectives set out in NSW Noise Policy for Industry, Australian Standards and any Construction Noise and Vibration Management Plan (CNVMP) developed for the Project.

- Where exceedances of the nominated noise source and vibration objectives have been predicted, include site specific mitigation measures to reduce noise and vibration impacts upon sensitive receivers.

### **Carpark Acoustics – Additional Considerations**

A revised Acoustic Report shall have regard to the design of the carpark floor, as well as the ramped driveways leading to each floor, will be extremely important. The floor and ramped surfaces must be carefully designed to minimise the potential for vehicles to generate, and/or emit, disturbing tyre squeal noise.

In addition, consideration be given to provide effective control for the cumulative noise emission from multiple vehicles in the carpark area, which will be moving and/or stationary (but with engines running), the soffit of the concrete roof slab may be designed with an appropriately selected effective and fire resistant sound absorptive facing material such as an approved acoustical spray, or a series of modular acoustical panels.

### **2.2 Supplementary Noise Impact Assessment prepared by Pulse White Noise Acoustics Pty Ltd. Report No. 220595\_Wilberforce Car Park – R2 (10 February 2023).**

### **Environmental Health Recommendations**

Environmental Health considers that the *Supplementary Noise Impact Assessment: prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595 – Wilberforce Car park Rose Bay – Noise Impact Assessment – R2. 10 February 2023 & Acoustic Response: Memorandum prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595\_Wilberforce Car Park Rose Bay\_Acoustic Response\_BW\_RO. 10 February 2023* have satisfactorily addressed the acoustic issues raised in Environmental Health Referral Response of 30 January 2023.

1. The acoustic controls recommended in the *Acoustic Report: prepared by SLR Consulting Australia Pty Ltd. Document Reference No. 610.30173-R01-v0.1-20220513.docx. May 2022 & Supplementary Noise Impact Assessment: prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595 – Wilberforce Car park Rose Bay – Noise Impact Assessment – R2. 10 February 2023* being fully implemented to achieve the site specific noise trigger levels.
2. An Acoustic Assessment shall be conducted of all proposed Mechanical Services during the Construction Certificate Stage of the development. Where necessary, noise amelioration treatment will be incorporated in the design to ensure that noise levels comply with the Project Noise Trigger Levels for the Night period (10PM to 7AM), when measured at the façade of likely affected residential receivers.

The Project Noise Trigger Level will require that the noise emission from any set of primary, or secondary mechanical plant and associated equipment at the Project Site should be designed on the basis that if the mechanical plant could operate at any time of the day, or night, then the noise emission component (of the mechanical plant) when measured at the nearest, or at any other residential property façade, should not exceed the nocturnal background sound level between 10PM and 7AM.

Note: As noise control treatment can affect the performance of the mechanical services system, it is recommended that consultation with an acoustic consultant be made during

the initial phase of mechanical services system design in order to reduce the need for revision of mechanical plant and noise control treatment.

Mechanical plant noise emission can be controllable by appropriate mechanical system design and implementation of common engineering methods that may include any of the following:

- procurement of 'quiet' plant;
- strategic positioning of plant away from sensitive neighbouring premises, maximising the intervening shielding between the plant and sensitive neighbouring premises;
- commercially available silencers or acoustic attenuators for air discharge and air intakes of plant;
- acoustically lined and lagged ductwork;
- acoustic screens and barriers between plant and sensitive neighbouring premises; and/or
- partially-enclosed or fully-enclosed acoustic enclosures over plant.

### **2.3 Acoustic Response Memorandum prepared by Pulse White Noise Acoustics Pty Ltd. Report No. 220595\_Wilberforce Car Park – BW RO (10 February 2023).**

#### **Environmental Health Recommendations**

Environmental Health considers that the *Supplementary Noise Impact Assessment: prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595 – Wilberforce Car park Rose Bay – Noise Impact Assessment – R2. 10 February 2023 & Acoustic Response: Memorandum prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595\_Wilberforce Car Park Rose Bay\_Acoustic Response\_BW\_RO. 10 February 2023* have satisfactorily addressed the acoustic issues raised in Environmental Health Referral Response of 30 January 2023.

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2. An Acoustic Assessment shall be conducted of all proposed Mechanical Services during the Construction Certificate Stage of the development. Where necessary, noise amelioration treatment will be incorporated in the design to ensure that noise levels comply with the Project Noise Trigger Levels for the Night period (10PM to 7AM), when measured at the façade of likely affected residential receivers.

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the initial phase of mechanical services system design in order to reduce the need for revision of mechanical plant and noise control treatment.

Mechanical plant noise emission can be controllable by appropriate mechanical system design and implementation of common engineering methods that may include any of the following:

- procurement of 'quiet' plant;
- strategic positioning of plant away from sensitive neighbouring premises, maximising the intervening shielding between the plant and sensitive neighbouring premises;
- commercially available silencers or acoustic attenuators for air discharge and air intakes of plant;
- acoustically lined and lagged ductwork;
- acoustic screens and barriers between plant and sensitive neighbouring premises; and/or
- partially-enclosed or fully-enclosed acoustic enclosures over plant.

#### **2.4 Review of Acoustic Reports prepared by Renzo Tonin & Associates (21 February 2023).**

##### **Environmental Health Recommendations**

In light of the concerns raised in the Wilberforce Car Park – Review of Acoustic Reports for Development Application prepared by Renzo Tonin & Associates (dated 21/02/2023), Environmental Health has determined that the acoustic review prepared by SLR Consulting Australia Pty Ltd (dated 13/05/2022), SNIA prepared by PWNA (dated 10/02/2023) and Acoustic Response: Memorandum prepared by PWNA (dated 10/02/2023), is not satisfactory and that more information is required by the applicant with respect to the above.

#### **2.5 Revised Supplementary Noise Impact Assessment prepared by Pulse White Noise Acoustics Pty Ltd. Report No. 220595\_Wilberforce Car Park – R4 (15 August 2023).**

##### **Environmental Health Recommendations**

Environmental Health has reviewed the Revised Supplementary Noise Impact Assessment (PWNA 15 August 2023) and is satisfied that noise monitoring concerns and acoustic controls have been adequately addressed, provided that all acoustic mitigation strategies are implemented during the design and operational phase of the development.

In addition, Environmental Health recommends a full and detailed acoustic assessment with fully documented acoustic treatments/strategies be undertaken at the detailed design phase of the development. Compliance Testing, following construction and installation of the mechanical plant services and equipment shall be undertaken by an acoustic engineer, with results forwarded to Council demonstrating compliance, or otherwise, that noise emissions comply with the relevant Project Noise Trigger levels detailed in the Revised Supplementary Noise Impact Assessment (PWNA 15 August 2023).



### 3. ACID SULFATE SOILS

#### 3.1 Preliminary Contamination and Acid Sulfate Soils Assessment prepared by Ideal Geotech Pty. Report No. 23921A (October 2026).

##### Environmental Health Recommendations

Reference is made to Woollahra Local Environmental Plan 2014 Part 6, Clause 6.1 Acid Sulfate Soils where the objective of this clause is to ensure that development work does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The site is classified as part **Class 3 and Class 4** Acid Sulfate Soils (Acid Sulfate Soils Map Sheet ASS\_005).

**Class 3:** Acid sulfate soils in a class 3 area are **likely to be found beyond 1 metre** below the natural ground surface.

**Class 4:** Acid sulfate soils in a class 4 area are likely to be found beyond 2 metres below the natural ground surface

An Acid Sulphate Soils Assessment for the Wilberforce Avenue and Ian Street Car Parks, Rose Bay for a proposed redevelopment into multi-storey car parks was conducted on 26<sup>th</sup> September 2016.

Six boreholes (BH1- BH6) were drilled using a track mounted drilling rig to depths of up to 27.5m. Groundwater was observed in BH1-BH4 at depths of 2.8 to 3.0m below ground level and within BH5 at 5.8m and Bh6 at 9.0m below ground level. The results of the field and peroxide tests are provided in Table 3 of the Report.

Three samples were analysed for SPOCAS to confirm the presence or absence of ASS or PASS in the soil. The results of analysis for the soils are compared to the ASSMAC action criteria (Table 4). (It is assumed that >1000 tonnes of material would be disturbed hence the action criteria for greater than 1000 tonnes have been applied).

The SPOCAS testing identified **no results exceeding the criterion** adopted, which suggests the no presence of potential acid sulphate soil. (Refer to Table 5 of the Report).

Based on the results of the investigation and laboratory analysis, it is concluded that acid sulphate soils are not present on site and an **Acid Sulphate Soils Management Plan is not required.**

#### **4. SOIL CONTAMINATION SEPP (Resilience and Hazards) 2021**

##### **4.1 Preliminary Contamination and Acid Sulfate Soils Assessment prepared by Ideal Geotech Pty. Report No. 23921A (October 2026).**

###### **Environmental Health Recommendations**

With respect to clause 7 of SEPP 55, to the extent that the land beneath the current carpark may be contaminated by fill material, the Council is not currently in a position to determine whether the land will be suitable for the proposed land use. In such circumstances, the prohibition in clause 7 of SEPP 55 is engaged and Council cannot grant consent to the development application.

Environmental Health considers that there is currently insufficient information in the Report (2016) for Council to be satisfied under clause 7(1) (b) and/or (c). The referenced Report does not provide a complete overview to the current status of contamination and therefore the suitability of the site for the proposed land use. To resolve this issue, the contention should be to require the preparation of further investigation (Preliminary Site Investigation or a Detailed Site Investigation with possible RAP), including intrusive sampling to support a conclusion as to the extent of the contamination that may be found at the development site prior to the granting of consent.

##### **4.2 Additional Information for Site Contamination prepared by Ideal Geotech (IdealCorp Pty Ltd). Report No. 23921B (22 February 2023).**

###### **Environmental Health Recommendations**

Environmental Health considers the additional information provided by ***Ideal Geotech (IdealCorp Pty Ltd). Document Reference No. 23921B. 22 February 2023***, does not provide certainty as to the contamination status of the land and therefore has not adequately addressed the requirements under clause 7(1) (b) and/or (c) of SEPP 55 to make a determination if the development site is suitable, or can be made suitable for the proposed land use. Therefore, development consent cannot be considered until such time that this issue of site contamination is resolved.

Importantly, one of the purposes of a Stage 1 Preliminary Site Investigation is to provide a basis for determining whether a Stage 2 Detailed Site Investigation should be undertaken. Under SEPP 55, the Council may require the Applicant to carry out, and provide a report on, a Stage 2 Detailed Site Investigation if it considers that the findings of the Stage 1 Preliminary Investigation warrant it (*PSI 26 September 2016*).

To resolve this issue, and to support a conclusion as to the extent of the contamination status of the subject site, Environmental Health recommends:

Undertake further soil investigation, by way of a Preliminary Site Investigation or a Detailed Site Investigation with possible Remediation Action Plan, supported by intrusive soil sampling, in assessing human health risks associated with exposure to contamination referencing the *Health Investigation Levels - The National Environment Protection (Assessment of Contaminated Sites) Measure (NEPM)*. The soil investigation report shall be forwarded to Council for consideration and provide a clear statement if the subject land is suitable, or can be made suitable for its intended land use.

#### **4.3 Preliminary Site Contamination Assessment prepared by Geo-Environmental Engineering. Report No. E23006RB-R01F-R0 (17 April 2023)**

##### **Environmental Health Recommendations**

The scope of works as detailed in the PSI is as follows:

- *A review of the history of the site, including historical land titles and historical aerial photographs,*
- *A review of the environmental and physical setting in which the site lies, including geology, hydrogeology and topography,*
- *A detailed site inspection for potential sources of contamination, and*
- *Preparation of this report, including a statement as to the risk of contamination beneath the site and whether further investigation is warranted.*

The preliminary report explores the potential contamination sources from a historical and conceptual perspective and in relation to the pre-existing site physical and environmental conditions and surrounding site conditions.

Section 5.1 of summaries Potential Contamination Sources and Chemicals of Potential Concern (CoPC) associated with the site as determined by the aforementioned investigative contexts.

The reports conclusively recommends that a Detailed Site Investigation (DSI) be conducted, with potential for Remediation Action Plan (RAP) to ensure the site is suitable for proposed use.

#### **4.4 Detailed Site Contamination Assessment prepared by Geo-Environmental Engineering. Report No. E23006RB-R02F-R0 (02 June 2023)**

##### **Environmental Health Recommendations**

Results of Soil Sampling is detailed in Section 9 and detailed in Table 9 of the report involving the analysis of soil samples for specific contaminants. Results indicate the presence of nearly all potential contaminants to be below, the health based criteria (HILs & HSLs) and thus posed insignificant health risk.

The only contaminant that exceeded the health based criteria was the PAHs (specifically BaP TEQ). 13 primary samples were analysed for PAHs and 2 of the 13 samples were flagged as above the concentration health based criteria.

With reference to the proposed development, the exceedance in concentration is not to pose a significant risk to human health. PAHs have restricted mobility and moreover the health based criteria adopted represents especially conservative concentration.

The DSI utilises Groundwater Acceptance Criteria (GACs) to assess groundwater findings. All the laboratory tested groundwater samples, aside from zinc, were determined to be below the GAC concentration and are not expected to pose a significant risk.

Section 10.5 concludes that the Zinc concentrations within the site context is an acceptable exception following adjustments for hardness of water which if considered, results in acceptable zinc GAC concentrations. Moreover, *“GAC is the expected water quality at the ‘Point of use’ or ‘discharge’ from groundwater into a surface body of water and the nearest*

*water body to the north is Rose Bay Beach which is approximately 200m in distance and significant dilution is expected upon entering such water bodies”.*

With, no major sources of zinc identified across the site (meaning the source is likely to be off-site), Environmental Health agrees, that the zinc concentration is considered acceptable with respect to the above context.

A preliminary site investigation and detailed site investigation has been submitted to Council with specific reference to the requirements as detailed in the Environmental Health Referral response prepared on the 27/03/2023.

The PSI and DSI, demonstrate adequate evidence with intrusive soil and groundwater sampling and analysis, to which Environmental Health is satisfied that the site does not require remediation and is appropriate for its proposed use.

## **5. APPENDICES**

### **5.1 Environmental Health Referral Response dated 30 January 2023**

Content Manager Trim Document No. 23/12700. Referral Response Attached.

### **5.2 Environmental Health Referral Response dated 27 March 2023**

Content Manager Trim Document No. 23/55426. Referral Response Attached.

### **5.3 Environmental Health Referral Response dated 10 July 2023**

Content Manager Trim Document No. 23/113159. Referral Response Attached.

### **5.4 Environmental Health Referral Response dated 24 August 2023**

Content Manager Trim Document No. 23/155159. Referral Response Attached.

## REFERRAL RESPONSE - ENVIRONMENTAL HEALTH

**FILE NO:** Development Applications: 598/2022/1  
**ADDRESS:** 17 Dover Road ROSE BAY 2029  
**PROPOSAL:** Demolition of existing at-grade car park and encroaching structures and construction of: A mixed use building with frontage to Wilberforce Avenue incorporating a new multi-storey car park, ground floor retail premises and community centre and public amenities across multiple levels; Single storey ground floor retail building with frontage to Dover Road; and public domain and landscaping works.  
**FROM:** Louie Salvatore  
**TO:** Mr V Aleidzans

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### 1. ISSUES

- *Acoustics – Mechanical Plant Services, Construction & Carpark.*
- *Acid Sulfate Soils – WLEP 2015.*
- *Site Contamination – SEPP 55.*

### 2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects: prepared by SJB Planning. December 2022.
- Architectural Plans: prepared by Allen Jack + Cotter Architects Pty Ltd. Revision A, 04 May 2022.
- Acoustic Report: prepared by SLR Consulting Australia Pty Ltd. Document Reference No. 610.30173-R01-v0.1-20220513.docx. 13 May 2022.
- Preliminary Contamination & Acid Sulfate Soils Assessment: prepared by Ideal Geotech Pty Ltd, Job No. 23921A dated October 2016.

### 3. RESEARCH

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date:

### 4. SUMMARY OF PROPOSAL

The proposed development comprises:

- Demolition of existing at-grade car park and encroaching structures;
- Development of single storey ground floor retail building with frontage to Dover Road;
- Development of mixed-use building with frontage to Wilberforce Avenue, incorporating multi-storey car park with 200 public spaces, 29 spaces allocated to retail and community

centre, 22 motorbike space and 14 bicycle spaces; ground floor retail and community centre and public amenities across ground, first and second floors;

- Public domain and landscaping works, including Green walls; New public domain and pedestrian crossing along Wilberforce Avenue; Realignment of Wilberforce Avenue to accommodate wider verge and pedestrian zone adjacent the new building; and Landscaping and public footpaths in a new laneway between Wilberforce Avenue and Dover Road.

## 5. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

### a) ACOUSTICS

**Environmental Health – Review of Acoustic Report: prepared by SLR Consulting Australia Pty Ltd. Document Reference No. 610.30173-R01-v0.1-20220513.docx. May 2022.**

Any Noise Impact Assessment Report should identify and provide a quantitative assessment of the main noise and vibration generating sources during demolition, site preparation, bulk excavation, construction and operation, and mechanical plant. The report should outline measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land.

The acoustic report prepared by SLR Consulting Australia Pty Ltd has identified the following sources of noise

- Mechanical plant.
- Vehicle movements on the southern access route and within the carpark.
- Use of the internal loading dock including rubbish collection.

#### ***Existing Noise Survey & Monitoring Locations***

Unattended noise monitoring was completed at the site from Wednesday 21 October to Monday 2 November 2020. The measured noise levels have been used to determine the existing noise environment and to set the criteria used to assess the potential impacts from the proposal.

The noise monitoring location of the noise logger is shown in Figure 1 of the Report (2-6 Wilberforce Ave Parking – Southern Boundary). Environmental Health Officer L Salvatore carried out a survey of the subject site on Tuesday 16 August 2022. The survey revealed that the noise readings (Rating Background Levels RBL) collected by the noise logger would have been affected by mechanical plant noise, in particular refrigeration plant located at ground level and roof top operating from Parisi's Food Hall (19-21 Dover Road); mechanical plant located on the roof top of the IGA Store (1-5 Dover Road), multiple air conditioning compressor units located at ground level (residential 7-13 Dover Road) and refrigeration plant (located behind masonry wall) servicing Merrett's Liquor Store (18 Newcastle Street).

The Report states, *'the unattended noise monitoring show that existing noise levels are typically dominated by road traffic noise from the surrounding road network and within the*

*existing carpark*'. Environmental Health partly agrees with this statement. Environmental Health would also argue that a dominant contributing noise factor, especially during late night/early morning, would come from mechanical plant noise when taking into consideration the location of the noise logger.

Short-term attended noise monitoring was also completed on Tuesday 19 April 2022 at monitoring locations and subsidiary locations shown in Figure 1 of the Report. Environmental Health notes that Location 2 (Figure 1) of the attended noise monitoring was conducted near multiple air conditioning compressor units located at ground level (residential 7-13 Dover Road) and in direct line with refrigeration plant located at ground level for Parisi's Food Hall (19-21 Dover Road).

Environmental Health considers that the locations selected for the recording of Rating Background Noise Levels for both unattended and attended noise monitoring **are not appropriate** and the 'Noise Logging Results' as shown in Table 2 of the Report and would not be indicative of Rating Background Noise Levels at the façade of Residential Noise Sensitive Receivers. Environmental Health recommends that additional unattended noise monitoring be conducted at the façade of identified Residential Noise Sensitive Receivers (refer Table 1 of the Report) to compare with the Rating Background Noise Levels for the Day, Evening & Night Periods as summarised in Table 2 of the Report. This is important as Noise Mitigation Measures based on Project Noise Trigger Levels (Table 3 of the Report), in considering break-out noise, may need to be reviewed if it shown that lower Rating Background Noise Levels are recorded at the façade of Residential Noise Sensitive Receivers.

Environmental Health also considers that the Project Noise Trigger Levels (Table 3 of the Report) are not appropriate for the proposed development, in particular the adoption of inappropriate Noise Standards for Mechanical Plant. The Report has applied the Intrusive Noise Criteria from the *NSW Noise Policy for Industry*, **that is Background + 5 dB(A)**. Environmental Health refers to the pertinent acoustical goals that Council adopted when considering approval for the **Kiaora Lands Redevelopment**. Just like the **Kiaora Lands Redevelopment**, the proposed **Wilberforce Carpark Redevelopment** will have multiple sources of noise from mechanical plant equipment. These will include inter-alia kitchen exhausts, air conditioning equipment to service the F & B retail premises and community centre, as well as supply/extraction fans to service the carpark.

When faced with a similar development at the **Kiaora Lands Redevelopment**, the adopted design philosophy (by Louis Challis Acoustics acting for Council), specified that the *'noise emission from any set of primary, or secondary mechanical plant and associated equipment should be designed on the basis that if the mechanical plant could operate at any time of the day, or night, then the noise emission component (of the mechanical plant) when measured at the nearest, or at any other residential property façade, should not exceed the nocturnal background sound level (10PM to 7AM)'*. This noise criteria is also consistent with Woollahra Council's DCP 2015 for Rose Bay Centres.

To fulfil this goal the consultants (acoustic & mechanical) would need to reference the nocturnal background sound level, measured at the façade of identified residential sensitive receivers. Environmental Health recommends that the same noise design (for mechanical plant) be applied for the **Wilberforce Carpark Redevelopment**.

#### ***Carpark Acoustics – Additional Considerations***



To optimise a satisfactory acoustical outcome, the design of the carpark floor, as well as the ramped driveways leading to each floor, will be extremely important. The floor and ramped surfaces must be carefully designed to minimise the potential for vehicles to generate, and/or emit, disturbing tyre squeal noise.

In addition, consideration be given to provide effective control for the cumulative noise emission from multiple vehicles in the carpark area, which will be moving and/or stationary (but with engines running), the soffit of the concrete roof slab may be designed with an appropriately selected effective and fire resistant sound absorptive facing material such as an approved acoustical spray, or a series of modular acoustical panels.

### ***Construction Noise and Vibration Management Plan***

Environmental Health notes that the acoustic report (SLR Consulting Australia Pty Ltd) has not addressed potential noise impacts and noise mitigation arising from Construction Noise and Vibration that may be generated during the demolition and construction phase of the Project. Any revised Acoustic Report shall have regard to the following:

- Identify noise and vibration sensitive receivers.
- Predict the noise and vibration impacts (Project Noise Trigger Levels) from the proposed Project upon sensitive receivers with noise emissions to comply during standard hours of construction and noise objectives set out in NSW Noise Policy for Industry, Australian Standards and any Construction Noise and Vibration Management Plan (CNVMP) developed for the Project.
- Where exceedances of the nominated noise source and vibration objectives have been predicted, include site specific mitigation measures to reduce noise and vibration impacts upon sensitive receivers.

### **Environmental Health – Recommendation**

#### **1. Mechanical Services**

An Acoustic Assessment shall be conducted of all proposed Mechanical Services during the **Construction Certificate Stage** of the development. Where necessary, noise amelioration treatment will be incorporated in the design to ensure that noise levels comply with the Project Noise Trigger Levels for the Night period (10PM to 7AM), when measured at the façade of likely affected residential receivers.

The Project Noise Trigger Level will require that the noise emission from any set of primary, or secondary mechanical plant and associated equipment at the Project Site should be designed on the basis that if the mechanical plant could operate at any time of the day, or night, then the noise emission component (of the mechanical plant) when measured at the nearest, or at any other residential property façade, should not exceed the nocturnal background sound level between 10PM and 7AM.

*Note: As noise control treatment can affect the performance of the mechanical services system, it is recommended that consultation with an acoustic consultant be made during the initial phase of mechanical services system design in order to reduce the need for revision of mechanical plant and noise control treatment.*

*Mechanical plant noise emission can be controllable by appropriate mechanical system design and implementation of common engineering methods that may include any of the following:*

- *procurement of 'quiet' plant;*
- *strategic positioning of plant away from sensitive neighbouring premises, maximising the intervening shielding between the plant and sensitive neighbouring premises;*
- *commercially available silencers or acoustic attenuators for air discharge and air intakes of plant;*
- *acoustically lined and lagged ductwork;*
- *acoustic screens and barriers between plant and sensitive neighbouring premises; and/or*
- *partially-enclosed or fully-enclosed acoustic enclosures over plant.*

## **2. Construction Noise & Management**

The Acoustic Report (SLR Consulting Australia Pty Ltd) has not addressed potential noise impacts and noise mitigation arising from Construction Noise and Vibration that may be generated during the demolition and construction phase of the Project. A revised Acoustic Report shall have regard to the following:

- Identify noise and vibration sensitive receivers.
- Predict the noise and vibration impacts (Project Noise Trigger Levels) from the proposed Project upon sensitive receivers with noise emissions to comply during standard hours of construction and noise objectives set out in NSW Noise Policy for Industry, Australian Standards and any Construction Noise and Vibration Management Plan (CNVMP) developed for the Project.
- Where exceedances of the nominated noise source and vibration objectives have been predicted, include site specific mitigation measures to reduce noise and vibration impacts upon sensitive receivers.

## **3. Carpark Acoustics – Additional Considerations**

A revised Acoustic Report shall have regard to the design of the carpark floor, as well as the ramped driveways leading to each floor, will be extremely important. The floor and ramped surfaces must be carefully designed to minimise the potential for vehicles to generate, and/or emit, disturbing tyre squeal noise.

In addition, consideration be given to provide effective control for the cumulative noise emission from multiple vehicles in the carpark area, which will be moving and/or stationary (but with engines running), the soffit of the concrete roof slab may be designed with an appropriately selected effective and fire resistant sound absorptive facing material such as an approved acoustical spray, or a series of modular acoustical panels.

### **e) ACID SULFATE SOILS & SOIL CONTAMINATION (SEPP 55)**

**Environmental Health – Review of Preliminary Contamination & Acid Sulfate Soils Assessment: prepared by Ideal Geotech Pty Ltd, Job No. 23921A dated October 2016.**

#### **ACID SULFATE SOILS**

Reference is made to Woollahra Local Environmental Plan 2014 Part 6, Clause 6.1 Acid Sulfate Soils where the objective of this clause is to ensure that development work does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The site is classified as part **Class 3 and Class 4** Acid Sulfate Soils (Acid Sulfate Soils Map Sheet ASS\_005).

**Class 3:** Acid sulfate soils in a class 3 area are **likely to be found beyond 1 metre** below the natural ground surface.

**Class 4:** Acid sulfate soils in a class 4 area are likely to be found beyond 2 metres below the natural ground surface

An Acid Sulphate Soils Assessment for the Wilberforce Avenue and Ian Street Car Parks, Rose Bay for a proposed redevelopment into multi-storey car parks was conducted on 26<sup>th</sup> September 2016.

The scope of work included:

- *Review of soils and geological maps.*
- *A Preliminary soil sampling and analysis program to investigate the presence and distribution of AASS and PASS within the site.*
- *Analysis (SPOCAS suite) by a NATA accredited laboratory.*
- *Assessment of the results of the chemical analysis against the appropriate guidelines to assess if management is required so as to minimise potential environmental impacts caused by the disturbance of ASS.*
- *Provide recommendations for the need to undertake an ASS Management Plan.*

Six boreholes (BH1- BH6) were drilled using a track mounted drilling rig to depths of up to 27.5m. Groundwater was observed in BH1-BH4 at depths of 2.8 to 3.0m below ground level and within BH5 at 5.8m and Bh6 at 9.0m below ground level. The results of the field and peroxide tests are provided in Table 3 of the Report.

Three samples were analysed for SPOCAS to confirm the presence or absence of ASS or PASS in the soil. The results of analysis for the soils are compared to the ASSMAC action criteria (Table 4). (It is assumed that >1000 tonnes of material would be disturbed hence the action criteria for greater than 1000 tonnes have been applied).

The SPOCAS testing identified **no results exceeding the criterion** adopted, which suggests the no presence of potential acid sulphate soil. (Refer to Table 5 of the Report).

#### **Environmental Health - Comments**

Based on the results of the investigation and laboratory analysis, it is concluded that acid sulphate soils are not present on site and an Acid Sulphate Soils Management Plan is not required.

#### **SOIL CONTAMINATION (SEPP 55)**

A Preliminary Site Investigation for the Wilberforce Avenue and Ian Street Car Parks, Rose Bay for a proposed redevelopment into multi-storey car parks was conducted on 26<sup>th</sup> September 2016. It is now proposed to redevelop 17 Dover Road, Rose Bay for the purposes of a new mixed-use development incorporating multi-storey car park, community and retail facilities.

Environmental Health considers the proposed change of use to a more '**sensitive**' land use where residual contamination may be present above recommended thresholds. Because site

contamination is linked to land use, bringing about a change in land use can cause the site to be unsuitable for the proposed land use.

The Report states that the scope of works included:

- *Review of the physical site setting and site conditions based on a site inspection, including research of the location of pits, spills, patches of discoloured vegetation, etc. (where applicable);*
- *Research and review of the information available, including previous environmental investigations, current and historical titles information, review of aerial photographs, EPA notices, council records, anecdotal evidence, site survey and site records on waste management practices;*
- *Development of a preliminary Conceptual Site Model (CSM) to demonstrate the interactions between potential sources of contamination, exposure pathways and human/ecological receptors identified;*
- *Collection of soil samples.*
- *Chemical analysis by a NATA accredited laboratory, and*
- *Recommendations for additional investigations should any data gaps be identified or possible strategies for the management of the site, where relevant.*

Environmental Health notes that the extent of the investigation was limited to Field Observations & Documentary Review. Contrary to the Report, **no** intrusive soil sampling was undertaken (2016) for chemical analysis. In fact, the Report states, *“However, during excavation of the fill it is recommended that the excavated soil is observed by a suitably qualified person to ensure the fill is clean”*. Given the extent of proposed excavations for the new development, and change of use from the then multi-storey carpark (2016), Environmental Health considers it appropriate to have a clear knowledge of the contamination status of soils beneath carpark surface to make a determination on the suitability of the site for the proposed land use prior to the granting of consent.

The aim of SEPP 55 is to promote the remediation of contaminated land in order to reduce the risk of harm to human health and the environment. Clause 7 sets out sequential and interrelated preconditions that a consent authority must be satisfied with before granting consent. These can be separated as follows:

Precondition 1: if contamination is or is likely to be present:

1. Preparation of a PSI in accordance with the SEPP 55 guidelines;
2. Preparation of a DSI when a PSI considers one is warranted;

Precondition 2:

3. Is the land contaminated?
4. If yes to (3), is the land suitable for the proposed development in its contaminated state? and
5. If no to (4) and remediation is required to make the land suitable, will the land be remediated before it is used for the new purpose?

### **Environmental Health - Comments**

With respect to clause 7 of SEPP 55, to the extent that the land beneath the current carpark may be contaminated by fill material, the Council is not currently in a position to determine

whether the land will be suitable for the proposed land use. In such circumstances, the prohibition in clause 7 of SEPP 55 is engaged and Council cannot grant consent to the development application.

Environmental Health considers that there is currently insufficient information in the Report (2016) for Council to be satisfied under clause 7(1) (b) and/or (c). The referenced Report does not provide a complete overview to the current status of contamination and therefore the suitability of the site for the proposed land use. To resolve this issue, the contention should be to require the preparation of further investigation (Preliminary Site Investigation or a Detailed Site Investigation with possible RAP), including intrusive sampling to support a conclusion as to the extent of the contamination that may be found at the development site prior to the granting of consent.

## **6. RECOMMENDATION**

Council's Environmental Health Officer has determined that the proposal is **unsatisfactory** for the following reasons:

Refer to Environmental Health Comments in section 5 above of the Environmental Health Referral Response pertaining to Acoustics and Site Contamination (SEPP 55). In particular, to Site Contamination (SEPP 55), the prohibition in clause 7 of SEPP 55 is engaged and Council cannot grant consent to the development application.

### **A. General Conditions**

### **B. Conditions which must be satisfied prior to the demolition of any building or construction**

### **C. Conditions which must be satisfied prior to the issue of any construction certificate**

### **D. Conditions which must be satisfied prior to the commencement of any development work**

### **E. Conditions which must be satisfied during any development work**

### **F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)**

### **G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

Nil.

### **H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))**

Nil.

### **I. Conditions which must be satisfied during the ongoing use of the development**

### **J. Miscellaneous Conditions**

Nil.

**K. Advising**

Nil

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**Louie Salvatore**  
**Environmental Health Officer**

**Date: 30/01/2023**

## REFERRAL RESPONSE - ENVIRONMENTAL HEALTH

**FILE NO:** Development Applications: 598/2022/1  
**ADDRESS:** 17 Dover Road ROSE BAY 2029  
**PROPOSAL:** Demolition of existing at-grade car park and encroaching structures and construction of: A mixed use building with frontage to Wilberforce Avenue incorporating a new multi-storey car park, ground floor retail premises and community centre and public amenities across multiple levels; Single storey ground floor retail building with frontage to Dover Road; and public domain and landscaping works.  
**FROM:** Louie Salvatore  
**TO:** Mr V Aleidzans

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### 1. ISSUES

- *Environmental Health – Referral Response 30 January 2023.*
- *Acoustics – Mechanical Plant Services, Construction & Carpark*
- *Site Contamination – SEPP 55.*

### 2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects: prepared by SJB Planning. December 2022.
- Supplementary Noise Impact Assessment: prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595 – Wilberforce Car park Rose Bay – Noise Impact Assessment – R2. 10 February 2023.
- Acoustic Response: Memorandum prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595\_Wilberforce Car Park Rose Bay\_Acoustic Response\_BW\_RO. 10 February 2023.
- Site Contamination - Request for additional information: prepared by Ideal Geotech (IdealCorp Pty Ltd). Document Reference No. 23921B. 22 February 2023.

### 3. RESEARCH

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date:

### 4. SUMMARY OF PROPOSAL

The proposed development comprises:

- Demolition of existing at-grade car park and encroaching structures;
- Development of single storey ground floor retail building with frontage to Dover Road;

- Development of mixed-use building with frontage to Wilberforce Avenue, incorporating multi-storey car park with 200 public spaces, 29 spaces allocated to retail and community centre, 22 motorbike space and 14 bicycle spaces; ground floor retail and community centre and public amenities across ground, first and second floors;
- Public domain and landscaping works, including Green walls; New public domain and pedestrian crossing along Wilberforce Avenue; Realignment of Wilberforce Avenue to accommodate wider verge and pedestrian zone adjacent the new building; and Landscaping and public footpaths in a new laneway between Wilberforce Avenue and Dover Road.

## 5. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

### a) ACOUSTICS

As part of the Environmental Health Referral Response of 30 January 2023, the following recommendations were made:

#### ***Mechanical Services***

*An Acoustic Assessment shall be conducted of all proposed Mechanical Services during the **Construction Certificate Stage** of the development. Where necessary, noise amelioration treatment will be incorporated in the design to ensure that noise levels comply with the Project Noise Trigger Levels for the Night period (10PM to 7AM), when measured at the façade of likely affected residential receivers.*

*The Project Noise Trigger Level will require that the noise emission from any set of primary, or secondary mechanical plant and associated equipment at the Project Site should be designed on the basis that if the mechanical plant could operate at any time of the day, or night, then the noise emission component (of the mechanical plant) when measured at the nearest, or at any other residential property façade, should not exceed the nocturnal background sound level between 10PM and 7AM.*

*Note: As noise control treatment can affect the performance of the mechanical services system, it is recommended that consultation with an acoustic consultant be made during the initial phase of mechanical services system design in order to reduce the need for revision of mechanical plant and noise control treatment.*

*Mechanical plant noise emission can be controllable by appropriate mechanical system design and implementation of common engineering methods that may include any of the following:*

- *procurement of 'quiet' plant;*
- *strategic positioning of plant away from sensitive neighbouring premises, maximising the intervening shielding between the plant and sensitive neighbouring premises;*
- *commercially available silencers or acoustic attenuators for air discharge and air intakes of plant;*
- *acoustically lined and lagged ductwork;*
- *acoustic screens and barriers between plant and sensitive neighbouring premises; and/or*
- *partially-enclosed or fully-enclosed acoustic enclosures over plant.*



## **Construction Noise & Management**

*The Acoustic Report (SLR Consulting Australia Pty Ltd) has not addressed potential noise impacts and noise mitigation arising from Construction Noise and Vibration that may be generated during the demolition and construction phase of the Project. A revised Acoustic Report shall have regard to the following:*

- *Identify noise and vibration sensitive receivers.*
- *Predict the noise and vibration impacts (Project Noise Trigger Levels) from the proposed Project upon sensitive receivers with noise emissions to comply during standard hours of construction and noise objectives set out in NSW Noise Policy for Industry, Australian Standards and any Construction Noise and Vibration Management Plan (CNVMP) developed for the Project.*
- *Where exceedances of the nominated noise source and vibration objectives have been predicted, include site specific mitigation measures to reduce noise and vibration impacts upon sensitive receivers.*

## **Carpark Acoustics – Additional Considerations**

*A revised Acoustic Report shall have regard to the design of the carpark floor, as well as the ramped driveways leading to each floor, will be extremely important. The floor and ramped surfaces must be carefully designed to minimise the potential for vehicles to generate, and/or emit, disturbing tyre squeal noise.*

*In addition, consideration be given to provide effective control for the cumulative noise emission from multiple vehicles in the carpark area, which will be moving and/or stationary (but with engines running), the soffit of the concrete roof slab may be designed with an appropriately selected effective and fire resistant sound absorptive facing material such as an approved acoustical spray, or a series of modular acoustical panels.*

In response, the Applicant has provided the following documentation for consideration:

## **Environmental Health - Review**

- **Supplementary Noise Impact Assessment: prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595 – Wilberforce Car park Rose Bay – Noise Impact Assessment – R2. 10 February 2023.**
- **Acoustic Response: Memorandum prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595\_Wilberforce Car Park Rose Bay\_Acoustic Response\_BW\_RO. 10 February 2023.**

As part of the PWNA Supplementary Noise Impact Assessment (SNIA) additional noise logging has been undertaken around the site including locations which are within close proximity of the residential receivers and free of any contributions from mechanical equipment. Details of the logger locations are included in Section 1.3 and 2.1.1 of the SNIA and results of the noise monitoring, including a 14 day period, are included in Section 2.1.2 and Appendix B of the report.

Additional attended noise levels measurements have been undertaken as part of the SNIM and detailed of the measurements and recorded exiting noise levels are included in Section 2.1.3 of the SNIA.

The SNIA has developed the relevant project trigger noise levels for the operation of the site, including the requirements of both amenity and intrusive noise levels requirements. Details of the resulting project trigger noise levels (which include the more conservative noise requirement) have been developed for the operation of the proposal. Details of relevant amenity and intrusive noise level requirements as well as the resulting project trigger noise levels are included in Section 3.1 of the SNIA and more specifically Table 4.

The assessment of the resulting noise emissions from the site have been assessed, including the **cumulative noise levels** resulting from the use of the development on the surrounding residential receivers. In addition to the above, the Woollahra Council DCP requires mechanical noise to comply with background noise levels + 0 dB(A).

As part of the additional assessment of the site detailed of the required noise criteria, including mechanical plant and equipment, is included in Revision 3 of the SNIA, Appendix A.

The SNIA includes additional recommendations for the optimal operational conditions of the carpark. Section 4.1 of the SNIA includes recommendations, which will optimise the potential for noise emissions from the future use of the cark, including:

1. All stormwater fixings and grates are to include solid fixed as to stop impact structural impact noise from the rollover of vehicles.
2. Expansion joints are to be covered using cover plates with a rubber component, as to stop impact noise from car movements.
3. Concrete surface of the car park is to be of a brushed finish (no smooth surfaces) as to stop tyre screeching from cars manoeuvring around the carpark.
4. The lining of the underside of the carpark soffits including spray on or fixed surface including an NRC or no less than 0.55. The possible acoustic mitigation to the underside of the soffit could include a spray on material such as Envirospray, and include the areas within 6m of openings to the carpark areas with a coverage of approximately 60% of the underside of the soffit.

The requirement for a site specific Construction Noise and Vibration Management (CNVMP) to be completed for the project prior to a Construction Certificate. A CNMVP for the project has been undertaken for the project and is include in Section 5 of Revision 2 of the SNIA which is included in Appendix A.

## **Environmental Health - Conclusion**

Environmental Health considers that the *Supplementary Noise Impact Assessment: prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595 – Wilberforce Car park Rose Bay – Noise Impact Assessment – R2. 10 February 2023 & Acoustic Response: Memorandum prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595\_Wilberforce Car Park Rose Bay\_Acoustic Response\_BW\_RO. 10 February 2023* have satisfactorily addressed the acoustic issues raised in Environmental Health Referral Response of 30 January 2023.

Environmental Health recommends:

1. The acoustic controls recommended in the *Acoustic Report: prepared by SLR Consulting Australia Pty Ltd. Document Reference No. 610.30173-R01-v0.1-20220513.docx. May 2022 & Supplementary Noise Impact Assessment: prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595 – Wilberforce Car park Rose Bay – Noise Impact*

*Assessment – R2. 10 February 2023* being fully implemented to achieve the site specific noise trigger levels.

2. An Acoustic Assessment shall be conducted of all proposed Mechanical Services during the **Construction Certificate Stage** of the development. Where necessary, noise amelioration treatment will be incorporated in the design to ensure that noise levels comply with the Project Noise Trigger Levels for the Night period (10PM to 7AM), when measured at the façade of likely affected residential receivers.

The Project Noise Trigger Level will require that the noise emission from any set of primary, or secondary mechanical plant and associated equipment at the Project Site should be designed on the basis that if the mechanical plant could operate at any time of the day, or night, then the noise emission component (of the mechanical plant) when measured at the nearest, or at any other residential property façade, should not exceed the nocturnal background sound level between 10PM and 7AM.

Note: As noise control treatment can affect the performance of the mechanical services system, it is recommended that consultation with an acoustic consultant be made during the initial phase of mechanical services system design in order to reduce the need for revision of mechanical plant and noise control treatment.

Mechanical plant noise emission can be controllable by appropriate mechanical system design and implementation of common engineering methods that may include any of the following:

- procurement of 'quiet' plant;
- strategic positioning of plant away from sensitive neighbouring premises, maximising the intervening shielding between the plant and sensitive neighbouring premises;
- commercially available silencers or acoustic attenuators for air discharge and air intakes of plant;
- acoustically lined and lagged ductwork;
- acoustic screens and barriers between plant and sensitive neighbouring premises; and/or
- partially-enclosed or fully-enclosed acoustic enclosures over plant.

#### **f) LAND CONTAMINATION (SEPP 55)**

As part of the Environmental Health Referral Response of 30 January 2023, the following recommendation was made:

*“With respect to clause 7 of SEPP 55, to the extent that the land beneath the current carpark may be contaminated by fill material, the Council is not currently in a position to determine whether the land will be suitable for the proposed land use. In such circumstances, the prohibition in clause 7 of SEPP 55 is engaged and Council cannot grant consent to the development application.*

*Environmental Health considers that there is currently insufficient information in the Report (2016) for Council to be satisfied under clause 7(1) (b) and/or (c). The referenced Report does not provide a complete overview to the current status of contamination and therefore the suitability of the site for the proposed land use. To resolve this issue, the contention should be to require the preparation of further investigation (Preliminary Site Investigation or a Detailed*

*Site Investigation with possible RAP), including intrusive sampling to support a conclusion as to the extent of the contamination that may be found at the development site prior to the granting of consent”.*

In response, the Applicant has provided the following documentation for consideration:

#### **Environmental Health - Review**

**Site Contamination - Request for additional information: prepared by Ideal Geotech (IdealCorp Pty Ltd). Document Reference No. 23921B. 22 February 2023.**

The only response provided by the Applicant is as follows:

The Preliminary Site Investigation determined that no history of contamination sources were present on or around the site. It was noted that there was some gravelly sand fill material present (road base) and that spoil excavated and carted from the development site will require classification in accordance with the *Waste Classification Guideline Part 1, prepared by NSW Environment Protection Authority (EPA)*. Once waste classification of the fill material is determined it can be removed from site and there will be no risk to human health or the environment.

Environmental Health reiterates comments that the proposed change of use to a more ‘**sensitive**’ land use where residual contamination may be present above recommended thresholds. Because site contamination is linked to land use, bringing about a change in land use can cause the site to be unsuitable for the proposed land use.

The Report states the scope of works included in the PSI:

- *Review of the physical site setting and site conditions based on a site inspection, including research of the location of pits, spills, patches of discoloured vegetation, etc. (where applicable);*
- *Research and review of the information available, including previous environmental investigations, current and historical titles information, review of aerial photographs, EPA notices, council records, anecdotal evidence, site survey and site records on waste management practices;*
- *Development of a preliminary Conceptual Site Model (CSM) to demonstrate the interactions between potential sources of contamination, exposure pathways and human/ecological receptors identified;*
- *Collection of soil samples.*
- *Chemical analysis by a NATA accredited laboratory, and*
- *Recommendations for additional investigations should any data gaps be identified or possible strategies for the management of the site, where relevant.*

Environmental Health notes that the extent of the investigation was limited to **Field Observations & Documentary Review**. Contrary to the Report, **no intrusive soil sampling was undertaken (2016) for chemical analysis**. In fact, the Report states, “*However, during excavation of the fill it is recommended that the excavated soil is observed by a suitably qualified person to ensure the fill is clean*”.

Given the extent of proposed excavations for the new development, and change of use from the then multi-storey carpark (2016), Environmental Health considers it appropriate to have a clear knowledge of the contamination status of soils beneath carpark surface to make a

determination on the suitability of the site for the proposed land use prior to the granting of consent.

## **Environmental Health - Conclusion**

With respect to clause 7 of SEPP 55, to the extent that the land beneath the current carpark may be contaminated by fill material, Environmental Health (and the Council) is not currently in a position to determine whether the land will be suitable for the proposed land use. In such circumstances, the prohibition in clause 7 of SEPP 55 is engaged and Council cannot grant consent to the development application.

Environmental Health considers the additional information provided by ***Ideal Geotech (IdealCorp Pty Ltd). Document Reference No. 23921B. 22 February 2023***, does not provide certainty as to the contamination status of the land and therefore has not adequately addressed the requirements under clause 7(1) (b) and/or (c) to make a determination if the development site is suitable, or can be made suitable for the proposed land use. The conclusions reached by Ideal Geotech are not confirmed or supported by soil sampling and analysis in accordance with the guidelines. Therefore, Council cannot give consideration to development consent until such time that this issue of site contamination is resolved.

As previously recommended by Environmental Health, to resolve this issue, the contention should be to require the preparation of further investigation (Preliminary Site Investigation or a Detailed Site Investigation with possible RAP), supported by intrusive soil sampling to assist with a conclusion of the current contamination status at the development site (as previously recommended in the *Preliminary Site Investigation conducted on 26<sup>th</sup> September 2016*).

## **6. RECOMMENDATION**

Council's Environmental Health Officer has determined that the proposal is **unsatisfactory** for the following reason:

### **I. SITE CONTAMINATION – SEPP 55**

Environmental Health considers the additional information provided by ***Ideal Geotech (IdealCorp Pty Ltd). Document Reference No. 23921B. 22 February 2023***, does not provide certainty as to the contamination status of the land and therefore has not adequately addressed the requirements under clause 7(1) (b) and/or (c) of SEPP 55 to make a determination if the development site is suitable, or can be made suitable for the proposed land use. Therefore, development consent cannot be considered until such time that this issue of site contamination is resolved.

Importantly, one of the purposes of a Stage 1 Preliminary Site Investigation is to provide a basis for determining whether a Stage 2 Detailed Site Investigation should be undertaken. Under SEPP 55, the Council may require the Applicant to carry out, and provide a report on, a Stage 2 Detailed Site Investigation if it considers that the findings of the Stage 1 Preliminary Investigation warrant it (*PSI 26 September 2016*).

To resolve this issue, and to support a conclusion as to the extent of the contamination status of the subject site, Environmental Health recommends:

Undertake further soil investigation, by way of a Preliminary Site Investigation or a Detailed Site Investigation with possible Remediation Action Plan, supported by intrusive soil sampling, in assessing human health risks associated with exposure to contamination referencing the

*Health Investigation Levels - The National Environment Protection (Assessment of Contaminated Sites) Measure (NEPM)*. The soil investigation report shall be forwarded to Council for consideration and provide a clear statement if the subject land is suitable, or can be made suitable for its intended land use.

**L. General Conditions**

**M. Conditions which must be satisfied prior to the demolition of any building or construction**

**N. Conditions which must be satisfied prior to the issue of any construction certificate**

**O. Conditions which must be satisfied prior to the commencement of any development work**

**P. Conditions which must be satisfied during any development work**

**Q. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)**

**R. Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

Nil.

**S. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))**

Nil.

**T. Conditions which must be satisfied during the ongoing use of the development**

**U. Miscellaneous Conditions**

Nil.

**V. Advisings**

Nil

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**Louie Salvatore**  
**Environmental Health Officer**

**Date: 27/03/2023**

## REFERRAL RESPONSE - ENVIRONMENTAL HEALTH

**FILE NO:** Development Applications: 598/2022/1  
**ADDRESS:** 17 Dover Road ROSE BAY 2029  
**PROPOSAL:** Demolition of existing at-grade car park and encroaching structures and construction of: A mixed use building with frontage to Wilberforce Avenue incorporating a new multi-storey car park, ground floor retail premises and community centre and public amenities across multiple levels; Single storey ground floor retail building with frontage to Dover Road; and public domain and landscaping works.  
**FROM:** Jasmine Sutrina  
**TO:** Mr V Aleidzans

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### 1. ISSUES

- Environmental Health - Referral Response 27/03/2023
- Acoustic – Mechanical Plant, Construction & Carpark
- Acid Sulphate Soils (ASS) – WLEP2014 – subject site indicated by planning MAPS as Class 3 and Class 4 land.
- Land contamination – SEPP (Resilience and Hazards) 2021

### 2. DOCUMENTATION

I refer to the following documents received for this report:

- Environmental Health Response, referenced, prepared by Louie Salvatore, dated 27/03/2023.
- Preliminary Contamination and Acid Sulphate Soil, referenced, prepared by idealgeotech, dated 10/2016.
- Preliminary Site Contamination Investigation, referenced, prepared by geo-environmental Engineering, dated 17/04/2023.
- Detailed Site Contamination Investigation report, referenced, prepared by geo-environmental Engineering, dated 02/06/2023.
- Noise Impact Assessment, referenced, prepared by SLR Consulting Australia, dated 13/05/2023.
- Supplementary Noise Impact Assessment, referenced, prepared by Pulse White Noise Acoustics Pty Ltd., dated 10/02/2023.
- Acoustic response: Memorandum, referenced, prepared by Pulse White Noise Acoustics Pty Ltd., dated 10/02/2023.

- Wilberforce Car Park – Review of Acoustic Reports for Development Application, referenced, prepared by Renzo Tonin & Associates, dated 21/02/2023.

### 3. RESEARCH

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date:

### 4. SUMMARY OF PROPOSAL

The DA seeks consent to undertake:

- Demolition of existing at-grade car park and encroaching structures;
- Development of single storey ground floor retail building with frontage to Dover Road;
- Development of mixed-use building with frontage to Wilberforce Avenue, incorporating:
  - multi-storey car park with 200 public spaces, 29 spaces allocated to retail and community centre, 22 motorbike space and 14 bicycle spaces;
  - ground floor retail,
  - community centre and public amenities across ground, first and second floors;
- Public domain and landscaping works, including:
  - Green walls;
  - New public domain and pedestrian crossing along Wilberforce Avenue;
  - Realignment of Wilberforce Avenue to accommodate wider verge and pedestrian zone adjacent the new building; and
  - Landscaping and public footpaths in a new laneway between Wilberforce Avenue and Dover Road.

The proposal also involves a level 2 terrace which extends out over the Wilberforce venue footpath and excavation so that part of the basement level extends within the road reserve.

The proposed operating hours are as follows:

- Car Park:
  - Public: 6am to 11pm – Monday to Sunday (inclusive)
  - Rooftop: 7am to 10pm – Monday to Saturday and 8am to 10pm – Sunday and Public Holidays
- Community Centre: 7am to 11pm – Monday to Sunday (inclusive)
- Retail Premises: Subject to separate approval

### 5. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

#### a) Acoustics

#### Environmental Health - Review

Review of the following:

- **Noise Impact Assessment, referenced, prepared by SLR Consulting Australia, dated 13/05/2023**



- **Environmental Health Referral Response, referenced, prepared by Louie Salvatore, dated 30/01/2023.**

The applicant had initially submitted a Noise Impact Assessment, prepared by SLR Consulting Australia, dated 13/05/2023. In the Environmental Health Referral Response prepared on the 30/01/2023, the acoustic report provided was deemed unsatisfactory.

The acoustic report involved unattended and attended noise monitoring to determine an existing noise environment and establish a criteria to assess the potential impacts of the proposal. Short-term attended noise monitoring was also conducted at the same and subsidiary locations, however concerns were raised that monitoring results may be impacted by pre-existing mechanical plant noise.

As stated in the Environmental Health Referral Response prepared on the 30/01/2023, *“the locations selected for the recording of Rating Background Noise Levels for both unattended and attended noise monitoring **are not appropriate**”* resulting in inaccurate Rating Background Noise Levels at the façade of Residential Noise Sensitive Receivers. These Rating Background Noise levels are intended to be compared with the Rating Background Noise Levels for the Day, Evening & Night Periods to use as basis for Noise Mitigation Measures.

Environmental Health however determined that the use of Project Noise Trigger Levels is not appropriate for the proposed development – specifically with the adoption of Noise Standards for Mechanical Plant. The use of Intrusive Noise Criteria from the NSW Noise Policy for Industry allows for the Background + 5 dB(A) but Environmental Health recommends adopting a similar noise criteria to the one adopted during the Kiaora Lands Redevelopment. This criteria would require the consultants (acoustic & mechanical) to reference the nocturnal background sound level, measured at the façade of identified residential sensitive receivers.

Additionally, the report had also not addressed potential noise impacts associated with Construction Noise and Vibration generated from demolition and construction.

As part of the Environmental Health Referral Response of 30/01/2023, the following recommendations were made:

### ***Mechanical Services***

*An Acoustic Assessment shall be conducted of all proposed Mechanical Services during the **Construction Certificate Stage** of the development. Where necessary, noise amelioration treatment will be incorporated in the design to ensure that noise levels comply with the Project Noise Trigger Levels for the Night period (10PM to 7AM), when measured at the façade of likely affected residential receivers.*

*The Project Noise Trigger Level will require that the noise emission from any set of primary, or secondary mechanical plant and associated equipment at the Project Site should be designed on the basis that if the mechanical plant could operate at any time of the day, or night, then the noise emission component (of the mechanical plant) when measured at the nearest, or at any other residential property façade, should not exceed the nocturnal background sound level between 10PM and 7AM.*

*Note: As noise control treatment can affect the performance of the mechanical services system, it is recommended that consultation with an acoustic consultant be made during the initial phase of mechanical services system design in order to reduce the need for revision of mechanical plant and noise control treatment.*

*Mechanical plant noise emission can be controllable by appropriate mechanical system design and implementation of common engineering methods that may include any of the following:*

- *procurement of 'quiet' plant;*
- *strategic positioning of plant away from sensitive neighbouring premises, maximising the intervening shielding between the plant and sensitive neighbouring premises;*
- *commercially available silencers or acoustic attenuators for air discharge and air intakes of plant;*
- *acoustically lined and lagged ductwork;*
- *acoustic screens and barriers between plant and sensitive neighbouring premises; and/or*
- *partially-enclosed or fully-enclosed acoustic enclosures over plant.*

### **Construction Noise & Management**

*The Acoustic Report (SLR Consulting Australia Pty Ltd) has not addressed potential noise impacts and noise mitigation arising from Construction Noise and Vibration that may be generated during the demolition and construction phase of the Project. A revised Acoustic Report shall have regard to the following:*

- *Identify noise and vibration sensitive receivers.*
- *Predict the noise and vibration impacts (Project Noise Trigger Levels) from the proposed Project upon sensitive receivers with noise emissions to comply during standard hours of construction and noise objectives set out in NSW Noise Policy for Industry, Australian Standards and any Construction Noise and Vibration Management Plan (CNVMP) developed for the Project.*
- *Where exceedances of the nominated noise source and vibration objectives have been predicted, include site specific mitigation measures to reduce noise and vibration impacts upon sensitive receivers.*

### **Carpark Acoustics – Additional Considerations**

*A revised Acoustic Report shall have regard to the design of the carpark floor, as well as the ramped driveways leading to each floor, will be extremely important. The floor and ramped surfaces must be carefully designed to minimise the potential for vehicles to generate, and/or emit, disturbing tyre squeal noise.*

*In addition, consideration be given to provide effective control for the cumulative noise emission from multiple vehicles in the carpark area, which will be moving and/or stationary (but with engines running), the soffit of the concrete roof slab may be designed with an appropriately selected effective and fire resistant sound absorptive facing material such as an approved acoustical spray, or a series of modular acoustical panels.*

Review of the following:

- **Supplementary Noise Impact Assessment, referenced, prepared by Pulsar White Noise Acoustics Pty Ltd. Document Reference No. 220595 – Wilberforce Car Park Rose Bay – Noise Impact Assessment – R2., dated 10/02/2023**
- **Acoustic Response: Memorandum prepared by Pulse White Noise Acoustics Pty Ltd. Document Reference No. 220595\_Wilberforce Car Park, Rose Bay\_Acoustic Response\_BW\_R0, dated 10/02/2023**

- **Environmental Health Response, referenced, prepared by Louie Salvatore, dated 27/03/2023.**

In response to the Environmental Health Referral response prepared on the 30/01/2023, a Supplementary Noise Impact Assessment (R2) by PWNA dated 10/02/2023 and Acoustic Response: Memorandum by PWNA, dated 10/02/2023, were submitted to Council for review.

As part of the Supplementary Noise Impact Assessment (SNIA), additional noise logging was conducted away from existing sources of mechanical equipment noise and in close proximity to the residential receivers. Section 1.3 of and 2.11 of the SNIA detail the logger locations. Section 2.12 and Appendix B of the SNIA detail the results of the noise monitoring including a 14 day period.

Further attended noise levels measurements were undertaken as part of the Memorandum and detailed measurements and recorded exiting noise levels are included as part of Section 2.1.3 of the SNIA.

The SNIA, developed an appropriate project trigger noise levels for the operation of the site and established both amenity and intrusive noise level requirements. Details of the resulting project trigger levels, which included more conservative noise requirements, are to be adopted for the operation of the proposal. Section 3.1 of the SNIA (specifically Table 4), refers to details of relevant amenity, intrusive noise level requirements and the resulting project trigger noise levels.

Resulting noises emissions from the site have been assessed including the cumulative noise levels - which is derived from the use of the development on the surrounding residential receivers.

Furthermore, Woollahra Council DCP requires that mechanical noise is to comply with background noise levels + 0 dB(A).

As part of the additional assessment of the site, details of the required noise criteria, including mechanical plant and equipment, is included in Revision 3 of the SNIA, Appendix A.

The SNIA provided four additional recommendations for the optimal operational conditions of the carpark. Section 4.1 of the SNIA, detail recommendations expected to optimise the potential for noise emissions from the future use of the car park. These recommendations are as follows:

1. All stormwater fixings and grates are to include solid fixed as to stop impact structural impact noise from the rollover of vehicles.
2. Expansion joints are to be covered using cover plates with a rubber component, as to stop impact noise from car movements.
3. Concrete surface of the car park is to be of a brushed finish (no smooth surfaces) as to stop tyre screeching from cars manoeuvring around the carpark.
4. The lining of the underside of the carpark soffits including spray on or fixed surface including an NRC or no less than 0.55. The possible acoustic mitigation to the underside of the soffit could include a spray on material such as Enviro spray, and include the areas within 6m of openings to the carpark areas with a coverage of approximately 60% of the underside of the soffit.

A site specific Construction Noise and Vibration Management (CNVMP) is required to be completed for the project, prior to a Construction Certificate. A CNVP has been undertaken for

the project and is included in Section 5 of Revision 2 of SNIA (which is also included in Appendix A.

**Review of Wilberforce Car Park – Review of Acoustic Reports for Development Application, referenced, prepared by Renzo Tonin & Associates, dated 21/02/2023.**

In response to Noise Impact Assessment prepared by SLR dated 13/05/2022 and Supplementary Noise Impact Assessment prepared by PWNA dated 23/11/2022, a objecting resident of 7 Dover rd Rose Bay has submitted a Review of the aforementioned acoustic reports for Council consideration.

As recommended within the Renzo Tonin & Associates review, the PWNA SILA (R2) and PWNA Memorandum, conducted additional noise monitoring in which the loggers were positioned in a way to prevent any contributions from existing mechanical equipment.

Environmental Health, although acknowledges and agrees that the combination of data from SLR acoustic report and PWNA SILA results, is inappropriate and underestimates the noise goals and predicted noise levels.

Additionally, the Renzo Tonin & Associates review, raised concerns regarding the consistency of the architectural plans as the PWNA proposed noise mitigation measures, which are not detailed in the architectural plans.

The architectural plans also reflect openings in the north-eastern façade (in line of sight with 7 Dover rd), which should be considered as part of the noise impact assessment. Should the façade opening remain as reflected in the architectural plans, the L<sub>max</sub> (sleep disturbance) should be predicted for cars near the façade openings.

Management controls and subsequent noise emissions of the rooftop carpark was raised as part of the review. Concerns with the management and enforcement of the rooftop carpark operating hours 10pm should also be considered. Moreover, L<sub>max</sub> (sleep disturbance) or detailed assessment of door close/car start may be conducted to ensure the parapet height is adequate to assess and avoid sleep disturbance for cars leaving after 10pm.

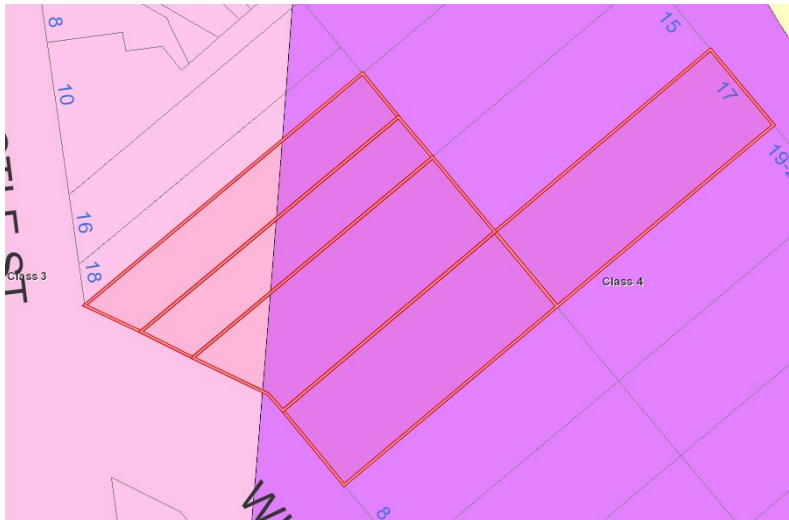
#### **Environmental Health – Conclusion**

In light of the concerns raised in the Wilberforce Car Park – Review of Acoustic Reports for Development Application prepared by Renzo Tonin & Associates (dated 21/02/2023), Environmental Health has determined that the acoustic review prepared by SLR Consulting Australia Pty Ltd (dated 13/05/2022), SNIA prepared by PWNA (dated 10/02/2023) and Acoustic Response: Memorandum prepared by PWNA (dated 10/02/2023), is not satisfactory and that more information is required by the applicant with respect to above.

#### **e) Acid Sulphate Soils**

##### **Environmental Health – Review**

**Review of Preliminary Contamination and Acid Sulphate Soil, referenced, prepared by idealgeotech, dated 10/2016.**



Woollahra Council's Acid Sulphate Soils Maps, indicate that the site is comprised of Class 3 and 4 Acid Sulfate Soils (ASS)

Section 9 of the report refers to the soil sampling of 6 boreholes (BH1-BH6) using track mounted drilling rigs. Groundwater was observed at BH1-BH4 at 2.8-3.0m below ground level, at BH5 at 5.8m and at BH6 at 9.0m below ground level. Field screening of samples was conducted, and indicated Potential Acid Sulphate Soils (PASS) in three of the samples.

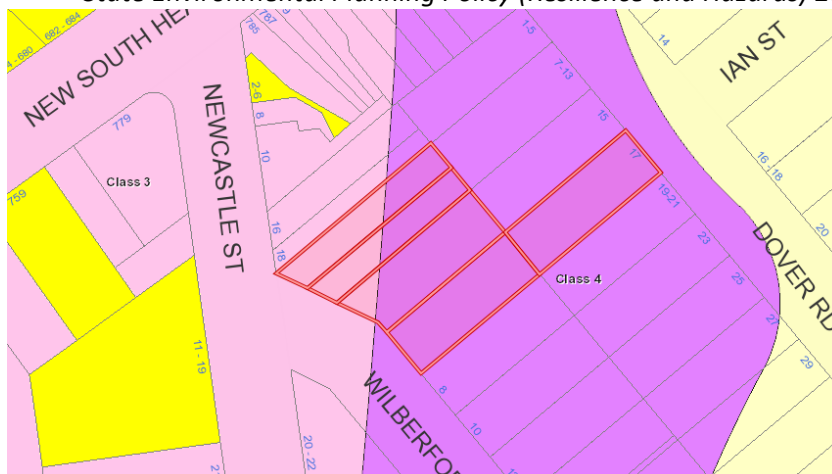
Three samples were sent for laboratory testing and analysed for SPOCAS to confirm the presence or absence of ASS or PASS in the soil. Results of testing was compared to the NSW ASSMAC Action Criteria with the assumption of >1000 tonnes of material are to be disturbed. Findings indicate no Acid Sulphate Soils are present within the subject site and accordingly, no Acid Sulphate Soils management plan is required.

### Environmental Health – Conclusion

Based on the findings of the laboratory analysis, Environmental Health has determined that there is not Acid Sulphate Soils present within the proposed site and thus an Acid Sulphate Soils Management Plan is not necessary.

### f) Land Contamination (SEPP 55)

*Contaminated Land Management Act 1997*  
*State Environmental Planning Policy (Resilience and Hazards) 2021.*



In reference to the Environmental Health Referral response prepared on the 27/03/2023, the following recommendations were made:

*“With respect to clause 7 of SEPP 55, to the extent that the land beneath the current carpark may be contaminated by fill material, Environmental Health (and the Council) is not currently in a position to determine whether the land will be suitable for the proposed land use. In such circumstances, the prohibition in clause 7 of SEPP 55 is engaged and Council cannot grant consent to the development application.”*

*“Undertake further soil investigation, by way of a Preliminary Site Investigation or a Detailed Site Investigation with possible Remediation Action Plan, supported by intrusive soil sampling, in assessing human health risks associated with exposure to contamination referencing the Health Investigation Levels - The National Environment Protection (Assessment of Contaminated Sites) Measure (NEPM). The soil investigation report shall be forwarded to Council for consideration and provide a clear statement if the subject land is suitable, or can be made suitable for its intended land use.”*

In response to these recommendations, the applicant has submitted to Council a Preliminary Site Contamination Investigation (PSI) and a Detailed Site Contamination Investigation (DSI) report, prepared by geo-environmental Engineering, dated 17/04/2023 and 02/06/2023 accordingly.

Within both reports, Clause 4 of the State Environment Planning Policy 55 (Resilience and Hazards) has however been adopted in lieu of the recently superseded Clause 7 State Environmental Planning Policy no.55.

#### **Environmental Health – Review**

**Review of Preliminary Site Contamination Investigation, referenced, prepared by geo-environmental Engineering, dated 17/04/2023.**

The scope of works as detailed in the DSI is as follows:

- *A review of the history of the site, including historical land titles and historical aerial photographs,*
- *A review of the environmental and physical setting in which the site lies, including geology, hydrogeology and topography,*
- *A detailed site inspection for potential sources of contamination, and*
- *Preparation of this report, including a statement as to the risk of contamination beneath the site and whether further investigation is warranted.*

The preliminary report explores the potential contamination sources from a historical and conceptual perspective and in relation to the pre-existing site physical and environmental conditions and surrounding site conditions.

Section 5.1 of summaries Potential Contamination Sources and Chemicals of Potential Concern (CoPC) associated with the site as determined by the aforementioned investigative contexts.

The reports conclusively recommends that a Detailed Site Investigation (DSI) be conducted, with potential for Remediation Action Plan (RAP) to ensure the site is suitable for proposed use.

## Environmental Health – Review

Review of **Detailed Site Contamination Investigation report**, referenced, prepared by geo-environmental Engineering, dated 02/06/2023.

The report states the scope of works included in the DSI:

- *A review and summary of the previous PSI report and other reports relevant to the site,*
- *Another site inspection for any new potential sources of contamination,*
- *Field investigations including:*
  - *The drilling of boreholes across accessible areas of the site and targeting areas of environmental concern,*
  - *The installation of groundwater monitoring wells within selective boreholes to facilitate the assessment of groundwater conditions beneath the site. These wells compliment two pre-existing wells observed across the site which for the purpose of this investigation have been labelled GW1 and GW2 (Refer to Figure 2), and*
  - *Sampling of soil and groundwater.*
- *Laboratory analysis of selected soil and groundwater samples for contaminants of concern, and*
- *Preparation of this report including the comparison of the laboratory analytical results against relevant NSW EPA endorsed guidelines.*

With respect to the recommendations prepared in the Environmental Health Referral response (dated 27/03/2023), soil sampling and analysis has been conducted across the site.

Specifically, as stipulated in the Environmental Health Referral response (dated 27/03/2023), Data Quality Objectives (DQOs) process as referenced in the NSW EPA Contaminated Sites: Guidelines for NSW Site Auditor Scheme and Appendix B of Schedule B2 of the NEPM, were used as criterion to define the type, quantity and quality of data to necessitate decisions pertaining to environmental conditions of the site.

Additionally, sampling and analysis program has been designed with respect to the site's history, GEE site inspection and initial Conceptual Site Model (CSM) detailed in the PSI prepared by geo-environmental Engineering, dated 17/04/2023.

Nine bore holes (BH101-BH109) were drilled across the site using mechanical rigs and solid flight augers (SFA), to a minimum of 1.0m into the underlying natural soil.

Fill material encountered in drilling revealed no adverse staining, discolouration, odours or obvious Asbestos Containing Materials (ACM).

Soils samples and corresponding duplicate samples were hand collected from each boreholes, at near-surface, interval depths and at changes in soil types.

Primary soil samples were sent for analysis at Envirolab laboratory in Chatswood and secondary samples were sent to Envirolab Melbourne laboratory for analysis, note both laboratories are NATA registered for testing undertaken.

Soil samples were analysed for range of contaminants as noted in the PSI CSM including Metals (i.e. arsenic) and PCBs.

Site Assessment Criteria (SAC) was curated in accordance to NSW EPA Site Auditor Guidelines and section 3.6 of Schedule B1 of the NEPM, to establish significant contaminants in the soil samples.

Soil sampling SAC involved the following criterion: aesthetics (including malodorous soils), ecological risk, health risk (Health Investigation Levels [HILs] & Health Screening Levels [HSLs]) and asbestos in soil.

Aesthetics and ecological risks were however determined to be irrelevant criterion following preliminary and field screenings and were excluded from the analysis.

Results of Soil Sampling is detailed in Section 9 and detailed in Table 9 of the report involving the analysis of soil samples for specific contaminants. Results indicate the presence of nearly all potential contaminants to be below, the health based criteria (HILs & HSLs) and thus posed insignificant health risk.

The only contaminant that exceeded the health based criteria was the PAHs (specifically BaP TEQ). 13 primary samples were analysed for PAHs and 2 of the 13 samples were flagged as above the concentration health based criteria.

With reference to the proposed development, the exceedance in concentration is not to pose a significant risk to human health. PAHs have restricted mobility and moreover the health based criteria adopted represents especially conservative concentration. The criteria operates with the presumption that adults are exposed for 29 years 365 days a year whilst proposed works are expected to take 2 years making worker duration of exposure 2 years. The exceedance in PAHs is therefore considered to be permissible within this context.

As per Section 9.2 of the DSI, groundwater from monitoring wells were also sampled as part of the investigation using a purging and sampling process with a peristaltic pump. Prior to groundwater sampling, hydrocarbon sheen and Light Non-Aqueous Phase Liquids (LNAPLs) were tested using a clear disposable bailer. No adverse odour or sheen was observed.

Groundwater samples were sent to a NATA accredited laboratory for analysis for the following analytes: Metals (dissolved), TRH, BTEXN, PAH, VOCs, and Hardness. Assessment of groundwater were made in reference to aquatic ecosystems and non-use human health situations i.e. potential vapour from volatile contaminants, as note, there is no potable water sources relative to the site.

The DSI utilises Groundwater Acceptance Criteria (GACs) to assess groundwater findings. All the laboratory tested groundwater samples, aside from zinc, were determined to be below the GAC concentration and are not expected to pose a significant risk.

Section 10.5 concludes that the Zinc concentrations within the site context is an acceptable exception following adjustments for hardness of water which if considered, results in acceptable zinc GAC concentrations. Moreover, *"GAC is the expected water quality at the 'Point of use' or 'discharge' from groundwater into a surface body of water and the nearest water body to the north is Rose Bay Beach which is approximately 200m in distance and significant dilution is expected upon entering such water bodies"*.

With, no major sources of zinc identified across the site (meaning the source is likely to be off-site), Environmental Health agrees, that the zinc concentration is considered acceptable with respect to the above context.



## Environmental Health – Conclusion

A preliminary site investigation and detailed site investigation has been submitted to Council with specific reference to the requirements as detailed in the Environmental Health Referral response prepared on the 27/03/2023.

The PSI and DSI, demonstrate adequate evidence with intrusive soil and groundwater sampling and analysis, to which Environmental Health is satisfied that the site does not require remediation and is appropriate for its proposed use.

## 6. RECOMMENDATION

Council's Environmental Health Officer has determined that insufficient information has been submitted to enable an assessment of the proposal. The following information is required before any further assessment of the application can be undertaken:

- Revised architectural plans which include the proposed noise mitigation measures as detailed in the PWNA SNIA dated 10/02/2023.
- Supplementary report to be prepared referencing the concerns outlined in the Wilberforce Car Park – Review of Acoustic Reports for Development Application, referenced, prepared by Renzo Tonin & Associates, dated 21/02/2023, and the acoustic comments in Section 5a of this referral response.

### A. General Conditions

#### A.1 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans and supporting documents listed below as submitted by the Applicant and to which is affixed a Council stamp "Approved DA Plans" unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

| Reference | Description  | Author/Drawn | Date(s) |
|-----------|--|--------------|---------|
|           | Acid Sulphate Soil Management Plan                               |              |         |
|           | Acoustic Report  |              |         |
|           | Noise Management Plan  |              |         |
|           | Plan of Management   |              |         |
|           | Contaminated Land - Initial Site Investigation Report (Stage 1)  |              |         |
|           | Contaminated Land - Detailed Site Investigation Report (Stage 2) |              |         |
|           | Contaminated Land - Remedial Action Plan (Stage 3)               |              |         |

**Note:** Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide

you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

**Note:** These plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A5

**B. Conditions which must be satisfied prior to the demolition of any building or construction**

**B.1 Noise Control Objectives during Demolition Works**

To assist in managing impacts of noise from the demolishing of the existing dwelling and outbuilding on residences and other sensitive land uses, it is recommended that the *NSW Department of Environment & Climate Change: Construction Noise Guideline* be applied to the site to provide a quantitative and qualitative assessment for evaluating performance and compliance of resultant noise from demolishing works of the existing dwelling and outbuilding. In particular reference is made to Table 2 of the *NSW Department of Environment & Climate Change: Construction Noise Guideline* which sets out management levels for noise at residences and other sensitive land uses.

**C. Conditions which must be satisfied prior to the issue of any construction certificate**

**C.1 Waste Storage - Commercial**

The *Construction Certificate* plans and specifications required by clause 139 of the Regulation, must make provision for:

- a) A dedicated and enclosed waste and recycling storage area behind the building line or within non-habitable areas of the building,
- b) <INSERT> or delete.

Standard Condition: C14

**C.2 Waste Storage – Mixed Developments (both commercial and residential)**

The *Construction Certificate* plans and specifications required by Clause 139 of the Regulation, must include detailed plans and specifications must make provision for:

- a) The storage of waste and recycling bins behind the building line or within non-habitable areas of the building,
- b) Two separate centralised waste and recycling rooms or areas, one for commercial waste and one for residential waste. They must be self-contained and have separate keys and locking systems.
- c) The path for wheeling bins between the waste and recycling storage area and the collection point must be free of steps and kerbs and having a maximum grade of 1:8. The waste storage area must be as close as possible to the service road collection point.
- d) Bins to be stored with lids down to prevent vermin from entering the waste containers.
- e) Smooth impervious floor graded to a floor waste and provided with a tap and hose to facilitate regular cleaning of the bins. A waste storage area that is located internal to the building must be fitted with both a hot and cold water supply and

- hose cocks. Wastewater must be discharged to the sewer in accordance with the requirements of Sydney Water.
- f) Walls and ceilings of the waste storage area must be constructed of an impervious material with a smooth finish. The junction between the walls and the floor must be covered with a minimum radius of 25mm to prevent the accumulation of waste matter.
  - g) The garbage storage area must be well lit to enable use at night. A timer switch must be fitted to the light fitting to ensure the light is turned off after use.
  - h) Odour problems must be minimised by exhaust ventilation.
  - i) Both putrescible and recycling bins/crates must be stored together. Recycling bins must never stand alone. They must always be located beside putrescible waste bins. Putrescible bins must be located closest to the entrance to the waste storage room.
  - j) Signage on the correct use of the waste management system and what materials may be recycled must be posted in the communal waste storage cupboard/ room or bin bay.
- Standard Condition: C18

### C.3 Swimming and Spa Pools – Child Resistant Barriers

The *Construction Certificate* plans and specifications required by Clause 139 of the *Regulation* must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the *Swimming Pools Act 1992* and the Building Code of Australia.

**Note:** A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the *Construction Certificate* plans.

Standard Condition: C55

### C.4 Swimming and Spa Pools – Backwash

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

**Note:** The plans must show the location of Sydney Waters sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

**Note:** The discharge of backwash water to any stormwater system is water pollution and an offence under the *Protection of the Environment Operations Act 1997*. The connection of any backwash pipe to any stormwater system is an offence under the *Protection of the Environment Operations Act 1997*.

Standard Condition: C56

### C.5 Light & Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA Housing Provisions*, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#). If an alternate solution is proposed then the *Construction*

*Certificate* application must include a statement as to how the performance requirements of the BCA are to be complied with and support the performance based solution by expert *evidence of suitability*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

**Note:** Clause 98 of the Regulation requires compliance with the BCA. Clause 145 of the Regulation prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Schedule 1, Part 3 of the Regulation details what information must be submitted with any *Construction Certificate*. It is the Applicant's responsibility to demonstrate compliance through the Construction Certificate application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the *Protection of the Environment Operations Act 1997* have overriding effect if offensive noise or odour arises from the use. Applicant's must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of [AS 1668.2](#).  
Standard Condition C59

## C.6 Sound Attenuation of the <INSERT>

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the Regulation must detail the sound attenuation works required to the <INSERT> to ensure that the noise level measured at any boundary of the site at any time while the proposed <INSERT> is operating will not exceed the *background noise level*.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the  $L_{A90, 15 \text{ minute}}$  level measured by a sound level meter.

**Note:** Further information including lists of Acoustic Engineers can be obtained from:

- 1. Australian Acoustical Society**—professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).
  - 2. Association of Australian Acoustical Consultants**—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).
- Standard Condition: C61

## C.7 Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the Regulation must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the  $L_{A90, 15 \text{ minute}}$  level measured by a sound level meter.

Where sound attenuation is required this must be detailed.

**Note:** Further information including lists of Acoustic Engineers can be obtained from:

**1. Australian Acoustical Society**—professional society of noise-related professionals

([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).

**2. Association of Australian Acoustical Consultants**—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).

Standard Condition: C62

## C.8 Design sound levels for building interiors

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation*, must provide details showing how the recommendations of the Environmental Noise Impact Assessment, prepared by ##### will be implemented.

Design sound levels for building interiors should not exceed those recommended maximum design sound levels,  $L_{Aeq}$ , dB(A) specified by AS 2107-2000, *Acoustics - Recommended design sound levels and reverberation times for building interiors*.

**Note:** The design sound levels given in AS 2107-2000 are not necessarily appropriate in all circumstances. In particular, lower noise levels may be appropriate in quiet environments or where expectations of quality are high. For example, lower design sound levels than those given as satisfactory in AS 2107-2000 may be preferred for luxury hotels and apartments. However, additional costs will be incurred in achieving sufficient sound attenuation between spaces for acoustic privacy requirements. For each 5 dB reduction in the ambient sound level, 5 dB must be added to the overall sound isolation performance of the dividing elements to maintain the same level of acoustic privacy. There could also be additional costs associated with the provision of quieter building services. As a minimum compliance with the *BCA* is mandatory.

Standard Condition: C63

## C.9 Food Premises – Construction Certificate Plans & Specifications

The person with the benefit of this consent must submit to Council details for the construction and fit out of food premises. Such details must demonstrate compliance with the *Food Act 2003*, *Food Regulation 2004*; the *Food Standards Code* as published by Food Standards Australia and New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises*.

No *Construction Certificate* relating to the construction or fitout of food premises must be issued until Council's Environmental Health Officers' have advised in writing that the plans and specification are considered satisfactory.

The details for the construction and fit out of food premises, as considered satisfactory by Council's Environmental Health Officers' must form part of any *Construction Certificate*.

**Note:** The assessment of food premises fitout plans and specifications is subject to an adopted fee. The construction and fitout of food premises is not listed under clause 161 of the *Environmental Planning & Assessment Regulation 2000* as a matter that a *Certifying Authority* may be satisfied as to. Hence, the detailed plans & specifications must be referred to Council and be to Council's satisfaction prior to the issue of any *Construction Certificate* for such works.  
Standard Condition: C65

#### **C.10 Skin Penetration – Construction Certificate Plans & Specifications**

The person with the benefit of this consent must submit to Council details for the construction and fit out of skin penetration premises. Such details must demonstrate compliance with the *Public Health Act 1991*, the *Public Health (Skin Penetration) Regulation 2000*, the *Guidelines for Skin Penetration 2001* and the *Skin Penetration Code of Best Practice*.

No *Construction Certificate* relating to the construction or fitout of skin penetration premises must be issued until Council's Environmental Health Officers have advised in writing that the plans and specification are considered satisfactory.

The details for the construction and fit out of skin penetration premises, as considered satisfactory by Council's Environmental Health Officers' must form part of any *Construction Certificate*.

**Note:** The assessment of skin penetration premises fitout plans and specifications is subject to an adopted fee. The construction and fitout of skin penetration premises is not listed under clause 161 of the *Environmental Planning & Assessment Regulation 2000* as a matter that a *Certifying Authority* may certify. Hence, the detailed plans & specifications must be referred to Council for its approval prior to the issue of any *Construction Certificate* for such works.  
Standard Condition: C66

#### **C.11 Hair Salons and Barbers – Construction Certificate Plans & Specifications**

The person with the benefit of this consent must submit to Council details for the construction and fit out of hair salons and barbers premises. Such details must demonstrate compliance with the requirements of the *Local Government (General) Regulation 2005* Schedule 2 '*Standards for hairdresser shops*'.

No *Construction Certificate* relating to the construction or fitout of hair salons and barbers premises must be issued until Council's Environmental Health Officers' have advised in writing that the plans and specification are considered satisfactory.

The details for the construction and fit out of hair salons and barbers premises, as considered satisfactory by Council's Environmental Health Officers' must form part of any *Construction Certificate*.

**Note:** The assessment of hair salons and barbers premises fitout plans and specifications is subject to an adopted fee. The construction and fitout of hair salons and barbers premises is not listed under clause 161 of the *Environmental Planning &*

*Assessment Regulation 2000 as a matter that a Certifying Authority may be satisfied as to. Hence, the detailed plans & specifications must be referred to Council and be to Council's satisfaction prior to the issue of any Construction Certificate for such works.*  
Standard Condition: C67

### **C.12 Beauty Salons-Construction Certificate Plans & Specifications**

The person with the benefit of this consent must submit to Council details for the construction and fit out of beauty salons. Such details must demonstrate compliance with the requirements of the *Local Government (General) Regulation 2005 Schedule 2 'Standards for beauty salons'*.

No *Construction Certificate* relating to the construction or fitout of beauty salons and barbers premises must be issued until Council's Environmental Health Officers have advised in writing that the plans and specification are considered satisfactory. The details for the construction and fit out of beauty salons and barbers premises, as considered satisfactory by Council's Environmental Health Officers' must form part of any *Construction Certificate*.

**Note:** The assessment of beauty premises fitout plans and specifications is subject to an adopted fee. The construction and fitout of beauty salons is not listed under clause 161 of the *Environmental Planning & Assessment Regulation 2000* as a matter that a *Certifying Authority* may certify. Hence, the detailed plans & specifications must be referred to Council for its approval prior to the issue of any *Construction Certificate* for such works.

Standard Condition: C64

### **C.13 Noise Control - Inclinator Lift**

The siting of an inclinator motor is to be as far as possible from the property boundary to minimise the impact on adjoining residents. The motor is to be housed in an acoustically treated enclosure so it is not audible beyond the boundaries of the site.

An acoustic report is required to be provided to Council assessing the potential noise impact from the proposed installation of the inclinator lift and inclinator track at property 5 Wunulla Road POINT PIPER 2027. The assessment shall consider noise at all sensitive receiver positions and demonstrate compliance or otherwise with the requirements of Chapter 178 of the Environmental Noise Control Manual (ENCM) which specifically provides the following guidelines:

*An inclinator is a device for moving people up or down a slope or grade. The following conditions are recommended for usage, having regard to local conditions:*

- a) 24 movements per day maximum (excepting emergency use);*
- b) Generally to be within the 7am to 10pm time period;*
- c) Alternative access shall be used during the 10pm to 7am time period unless this is reasonably impractical; and*
- d) The LAmax noise level shall not exceed 60 dB(A) when measured in the immediate vicinity of the external structure of any adjoining premises.*

*This condition is not satisfied until Council's Environmental Health Officers' have advised in writing that the acoustic report is considered satisfactory.*

#### **C.14 Noise Control - Swimming pool/spa pool pumps and associated equipment**

The siting of the swimming pool/spa pool pump(s) and associated equipment are to be located as far as possible from the neighbour's dwelling to minimise the impact on adjoining residents. The pump(s) and associated equipment are to be housed in an acoustically treated enclosure so noise from the operation of the pump(s) and associated equipment are not audible beyond the boundaries of the site.

#### **C.15 Noise Control - Hydraulic Noise Control-Sound Insulation Rating of Services**

That the requirements of the Building Code of Australia BCA Clause F5.6: ***Ducts, Hot and Cold Domestic Water, Stormwater, Soil and Waste Pipes***, which serves or passes through more than one sole occupancy unit must be separated from habitable rooms (other than a kitchen) in any other sole occupancy unit by a weighted sound reduction index + traffic noise spectrum adaptation term of not less than 40 if it is adjacent to a habitable room, and 25 if it is adjacent to a wet area (bathroom, laundry etc.) or kitchen.

Details are to be provided by the applicant clearly indicating how this requirement will be achieved in respect to controlling hydraulic noise emission to adjoining habitable rooms.

#### **C.16 Noise Control - Relocation of Kitchen within residential unit complex**

The applicant must ensure that the sleeping environment presently enjoyed by adjoining units is not compromised by the relocation of the kitchen.

The installation of pipework for services to the kitchen and the operation of certain appliances within the kitchen may have a detrimental effect on adjoining occupants.

#### **C.17 Noise Control - Acoustic Protection of adjoining residential units-Operation of Air Conditioning Plant**

The applicant must ensure that the operation of the proposed Air Condition System and associated plant does not create interior noise intrusion and vibration to occur within any adjoining residential unit.

#### **C.18 Ventilation - Kitchen Exhaust- Smoke & Odour Control**

1. The discharge of air from the kitchen exhaust ventilation system(s) is considered an obnoxious discharge under Section 3.7 of Australian Standard 1668.2-1991. The ductwork serving the proposed kitchen exhaust system(s) shall be arranged vertically with a discharge velocity of not less than 5 m/s and be situated at least 1 m above the ridge of a pitched roof or 3 m above the flat of the building.
2. All exhaust air and spill air shall be discharged to atmosphere in such a manner as not to cause a danger or nuisance to occupants in the building, occupants of neighbouring buildings or members of the public.
3. The design, construction and installation of the kitchen exhaust hood(s) shall comply with the requirements of *Appendix E, 'Kitchen Exhaust Hoods' of AS 1668.2-1991* and *Appendix F, 'Capture of Emissions By Kitchen Exhaust Hoods' of AS 1668.2-1991*.



4. A *Smoke & Odour Impact Assessment Report* is to be prepared by a suitably qualified engineer detailing the design specification of the proposed kitchen exhaust system, including all smoke and odour inhibiting controls and filtering systems.
5. The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all the kitchen exhaust ventilation system(s), including all smoke and odour controls and filtering systems. Upon completion and prior to occupation of the premises, the kitchen exhaust ventilation system(s) shall be certified by a qualified engineer that the system(s) has been installed in accordance with AS 1668.1 and AS 1668.2 and the design specification as detailed in the *Smoke & Odour Impact Assessment Report*.

#### **C.19 Ventilation - Enclosures used by Vehicles (Car parks, automotive service, enclosed driveways, loading docks and the like)**

The (*nominate enclosure*) in which vehicles powered by internal combustion engines are parked, serviced or operated are required to comply with Section 4 'Ventilation of Enclosures used by Vehicles with Internal Combustion Engines' of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the garage and maintain contaminant concentrations below recommended exposure standards.

The (*nominate enclosure*) must be naturally ventilated or provided with a combination of both supply and exhaust mechanical ventilation. The applicant is to determine the method of ventilation of the (*nominate enclosure*) and provide details to the *Certifying Authority* accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the (*nominate enclosure*) shall be mechanically ventilated by a combination of general exhaust and supply flow rates in accordance with Australian Standard 1668.2-1991.

#### **C.20 Ventilation - Internal Sanitary Rooms**

All internal sanitary rooms and laundry facilities not provided with natural ventilation must be provided with a system of mechanical exhaust ventilation in accordance with *Table B1 Minimum Exhaust Ventilation Flow Rates of AS 1668.2-1991*. Details of any proposed mechanical ventilation system(s) being submitted with the *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* demonstrating compliance with AS 1668 Parts 1 & 2.

### **D. Conditions which must be satisfied prior to the commencement of any development work**

#### **D.1 Notice of completion of category 1 remediation work**

Pursuant to clause 17 of *State Environmental Planning Policy No 55 - Remediation of Land*, notice of completion of a category 1 remediation work must be given to the council within 30 days after the completion of the work  
This notice must be in accordance with clause 18 of SEPP 55.

**Note:** Category 1 remediation work is defined in clause 9 of SEPP 55.  
Standard Condition: D3

#### **D.2 Fitout of food stalls**

The person(s) with the benefit of this consent must submit to Council details of the typical construction and fitout of the temporary food stalls. Such details must demonstrate compliance with the Food Act 2003 and Regulation there under; the Food Standards Code and the Food Handling Guidelines for Temporary Events. The construction and fitout of the temporary food stalls shall be to the approval of Council's Environmental Health Officers.

Food stall operators and the event's organiser must ensure there is a sufficient supply of electricity for food handling operations, particularly for hot and cold food holding and water heating. All electrical work should be undertaken by a licensed electrician and conform to AS3002-1985 'Electrical Installations-Shops and Carnivals'. Any gas bottles used for appliances should be secured so that it cannot be tipped over and should be pressure checked.

## **E. Conditions which must be satisfied during any development work**

### **E.1 Hours of Work –Amenity of the neighbourhood**

- a) No *work* must take place on any Sunday or public holiday,
- b) No *work* must take place before 7am or after 5pm any weekday,
- c) No *work* must take place before 7am or after 1pm any Saturday,
- d) The following *work* **must not** take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday;
  - (i) Piling;
  - (ii) Piering;
  - (iii) Rock or concrete cutting, boring or drilling;
  - (iv) Rock breaking;
  - (v) Rock sawing;
  - (vi) Jack hammering; or
  - (vii) Machine excavation,
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

**Note:** The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.

**Note:** Each and every breach of this condition by any person may be subject to separate penalty infringement notice or prosecution.

**Note:** The delivery and removal of plant, equipment and machinery associated with wide loads subject to RTA and Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.

**Note:** Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2000*.

**Note:** EPA Guidelines can be downloaded from  
<http://www.epa.nsw.gov.au/noise/nglg.htm>.

**Note:** see [http://www.epa.nsw.gov.au/resources/ci\\_build\\_sheet7.pdf](http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf)  
Standard Condition: E6

## E.2 Dust Mitigation

Dust mitigation must be implemented in accordance with “*Dust Control - Do it right on site*” published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed in bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

**Note:** “*Dust Control - Do it right on site*” can be downloaded free of charge from Council’s web site [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or obtained from Council’s office.

**Note:** Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) and [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au). Other specific conditions and advice may apply.

**Note:** Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

Standard Condition: E23

## E.3 Swimming and Spa Pools – Temporary Child Resistant Barriers and other matters

Temporary child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* and Building Code of Australia where any swimming pool or spa pool, as defined by the *Swimming Pools Act 1992*, contains more than 300mm in depth of water at any time. Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* and the Building Code of Australia as soon as practical.

Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the *Swimming Pools Act 1992* must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

**Note:** This condition does not prevent Council from issuing an order pursuant to section 23 of the *Swimming Pool Act 1992* or taking such further action as necessary for a breach of this condition or the *Swimming Pools Act 1992*.

Standard Condition: E26

#### **E.4 Compliance with Acid Sulfate Soils Management Plan**

The Principal Contract / Owner Builder and any subcontractor must comply with the Acid Sulfate Soil Management Plan and the NSW Government Acid Sulfate Soils Management Advisory Committee guidelines.

**Note:** The Acid Sulfate Soils Management plan submitted with the Development Application sets out all the above requirements in detail.

**Note:** A failure to implement and maintain the Acid Sulfate Soils Management plan can result in the following environmental harm:

- damage to the soil structure so plant roots and soil organisms can't easily move about
- plant roots being burnt by acid, reducing plant health and productivity
- acid intolerant soil fauna and flora are killed, so the soil biodiversity and health are reduced
- plants and soil life can be poisoned by the available toxic metals
- loss of aquatic plants that can not survive acidic conditions
- loss of fish, crustaceans, birds and other animals
- damage to metal and concrete structures (such as bridge pylons and pipes)

Standard Condition: E28

#### **E.5 Food Premises – Construction & Fitout**

The *principal contractor* or *owner builder* must ensure that all construction and fitout of the food premises complies with the details for the food premises submitted to and considered satisfactory by Council's Environmental Health Officers but no less compliant than with the *Food Act 2003*, *Food Regulation 2004*; the *Food Standards Code* as published by Food Standards Australia and New Zealand and AS 4674-2004: *Construction and fit out of food premises*.

This condition has been imposed to protect public health and ensure that food premises are easily maintained in a clean condition fit for food preparation and consumption.

Standard Condition: E29

#### **E.6 Fuel-filling area implementation**

The fuel filling area must be constructed in accordance with:

- a) Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems by the Australian Institute of Petroleum (CP22-1994);
- b) Environment Protection Authority's Environmental Guideline: Surface Water Management on the Covered Forecourt Areas of Service Stations.

Standard Condition: E36

#### **E.7 Temporary food stalls - Registration of food stalls holders**

The food stall holders and/or events organiser must register with Council and notify the NSW Food Authority the food business details of all food stall holders. This can be done by contacting Council ([www.records@woollahra.nsw.gov.au](mailto:www.records@woollahra.nsw.gov.au)) and the NSW Food Authority's website ([www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)).

**F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)**

**F.1 Swimming and Spa Pools – Permanent Child Resistant Barriers and other matters**

Prior to filling any swimming pool, as defined by the *Swimming Pools Act 1992*:

- a) Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* and the Building Code of Australia.
- b) The swimming pool must be registered in accordance with Section 30B of the *Swimming Pools Act 1992* on the NSW Government Swimming Pool Register at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).
- c) The *Principal Contractor* or *owner* must either obtain a 'Certificate of Compliance' issued pursuant to Section 22D of the *Swimming Pools Act 1992* or an appropriate Occupation Certificate authorising use of the swimming pool.
- d) Public Pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable.
- e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3-2003: *Swimming pool safety - Water recirculation and filtration systems*.

Backwash must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996:

- a) Water recirculation and filtration systems must be connected to the electricity supply by a timer that limits the systems operation such that it does not operate:
- b) Before 8 am or after 8 pm on any Sunday or public holiday or before 7 am or after 8 pm on any other day.

**Note:** The NSW Health Public Swimming Pool and Spa Pool Guidelines can be downloaded free from: <http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf>

Standard Condition: F13

**F.2 Food Premises - Inspection and Registration**

Prior to the issue of any *Occupation Certificate* or occupation or use of any food premises:

- a) The *Principal Contractor* or *owner* must arrange an inspection of the fit out of the Food Premises by Council's Environmental Health Officer;
- b) A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- c) The *owner* or *occupier* must have registered the Food Premises (Notification of conduct under section 100 of the *Food Act 2003*).

**Note:** Notification can be done on-line at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

**Note:** Inspections are subject to payment of the adopted inspection fee.

**Note:** Section 100 of the *Food Act 2003* requires:

“100 Notification of conduct of food businesses

(1) The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted. Maximum penalty: 500 penalty units in the case of an individual and 2,500 penalty units in the case of a corporation.”

**Note:** *Accredited Certifiers* are unable to issue *Compliance Certificates* in relation to compliance with the *Food Act 2003*, *Food Regulation 2004*; the Food Standards Code and the Australian Standard AS 4674-2004: *Construction and fit out of food premises*; since these are not matters which an *Accredited Certifier* can be satisfied in relation to under Clause 161 of the *Regulation*. This condition can only be satisfied following an inspection and sign off from Council’s Environmental Health Officers.

Standard Condition: F15

### **F.3 Maintenance of the Kitchen Exhaust**

The proprietor(s) of the subject site shall enter into a contract agreement for the regular maintenance and cleaning of the odour control units and filtering systems. A copy of the contract agreement shall be made available to Council’s Health Services Section prior to the occupation of the building.

### **F.4 Gas Heating Appliances**

The gas heating appliance shall comply with the requirements of **AS4553-2008(Gas Space Heating Appliances)** and the installation of the appliance shall comply with **AS5601-2004(Gas Installations)**.

### **F.5 Domestic Solid Fuel Heating Appliances**

The solid fuel heating appliance shall be installed in compliance with the Australian Building Code and Australian Standard AS/NZS 2918, to ensure the safety of the installation.

And the solid fuel heating appliance must comply with AS/NZS 4013:1999(*Domestic Solid Fuel Burning Appliances-Method of determination of flue gas emission*).

A Certificate of Compliance in relation to the Solid Fuel Heater is to be provided to Council.

### **F.6 Swimming Pool Fencing**

Swimming Pool Fencing is to be constructed in accordance with AS1926-2012 Australian Standard Swimming Pool Safety Part 1 – *Safety Barriers for Swimming Pools*.

**Note:** Pools commenced or completed after May 2013 must meet Part 3.9.6 of the BCA AS1926.1-2012 and AS1926.2-2012  
Standard Condition: F20 (Autotext FF20)

### **G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

Nil.

**H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))**

Nil.

**I. Conditions which must be satisfied during the ongoing use of the development**

**I.1 Hours of use**

The hours of use are limited to the following:

- a) Monday to Friday: #
- b) Saturday: #
- c) Sunday and Public Holiday: #

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

**Note:** Deliveries to or dispatches from the site must not be made outside these hours. Trading Hours may be more onerous than these general hours of use. This condition does not apply to activities such as cleaning which takes place wholly within the building and which are not audible within any adjoining residential dwelling. If internal activities are audible within any adjoining residential dwelling such that they cause a nuisance to the occupiers of such dwelling than such internal activities must not occur outside these hours of use. This condition does not restrict the operation of noise pollution laws.  
Standard Condition: I1

**I.2 Trading hours**

Trading hours are limited to:

- a) Monday to Friday: #
- b) Saturday: #
- c) Sunday and Public Holiday: #

This condition has been imposed to mitigate amenity impacts upon the neighbourhood by commercial or retail trading including, but not limited to, external impacts associated with clients attending the site for business or otherwise.

**Note:** This condition does not apply to deliveries to, or dispatches from, the site of wholesale goods or internal activities that occur under the approved hours of use. General use and deliveries or dispatches may be restricted by hours of use conditions. This condition does not restrict the operation of noise pollution laws.  
Standard Condition: I2

**I.3 Operation of Regulated Systems**

The occupier must operate 'regulated systems' in compliance with *Public Health Act, 2010* and the *Public Health Regulation, 2012*.

Where there is any change in the regulated system the occupier must register the changes in the 'regulated systems' with Council pursuant to Clause 11 of the *Public Health Regulation*, 2012.

Water cooling system must be certified by an *appropriately qualified* person annually as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected.

This condition has been imposed to ensure public health.

**Note:** 'Regulated System' has the same mean as in the *Public Health Act* 2010. The *NSW Code of Practice for the Control of Legionnaires' Disease* can be down loaded free from: [http://www.health.nsw.gov.au/pubs/2004/pdf/legionnaires\\_disease.pdf](http://www.health.nsw.gov.au/pubs/2004/pdf/legionnaires_disease.pdf).

Standard Condition: I11

#### **I.4 Swimming and Spa Pools – Maintenance**

Swimming and Spa Pools must be maintained:

- a) In compliance with the *Swimming Pools Act* 1992 and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs;
- b) In compliance with the NSW Health "*Public Swimming Pool and Spa Pool Guidelines*" in force at that time. Private pools are encouraged to comply with the same standards as applicable;
- c) In compliance with AS 1926.3-2003:Swimming pool safety - Water recirculation and filtration systems ;
- d) With backwash being discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996, and
- e) With a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
  - Before 8 am or after 8 pm on any Sunday or public holiday, or
  - Before 7 am or after 8 pm on any other day.

**Note:** Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained.

**Note:** The NSW Health Public Swimming Pool and Spa Pool Guidelines can be down loaded free from: <http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf>

Standard Condition: I30

#### **I.5 Storage and handling of flammable and combustible liquids**

The storage and handling of flammable and combustible liquids must be in accordance with AS1940-2004 - *The storage and handling of flammable and combustible liquids*.

This condition has been imposed to protect public safety.

Standard Condition: I38

#### **I.6 Installation/operation of LPG facility**



The installation and operation of the LPG facility must be in accordance with AS 1596:1997 - *Storage and handling of LP Gas*.

This condition has been imposed to protect public safety.  
Standard Condition: I39

## **I.7 Food Premises - Maintenance of Food Premises**

The food premises must be maintained in accordance with the *Food Act 2003*, *Food Regulation 2004*; the Food Standards Code as published by Food Standards Australia and New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises*.

This condition has been imposed to protect public health.

**Note:** The provisions of the Food Act 2003 may change over time and irrespective of this condition compliance with this Act, regulations, food standards and other standards adopted under the Food Act (as amended) are mandatory. The *Food Act* and applicable regulations can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).  
Standard Condition: I41

## **I.8 Skin Penetration – Registration and Maintenance of Skin Penetration Premises**

The skin penetration premises must be registered with Council and maintained in accordance with:

- a) [Public Health Act 1991 No 10](#),
- b) [Public Health \(Skin Penetration\) Regulation 2000](#) ("the Regulation"), and
- c) *Guidelines of Skin Penetration* under Clause 10 of the Regulation.

This condition has been imposed to protect public health.

**Note:** A fee is charged by Council for an inspection of such premises.

**Note:** Further detailed information about skin penetration requirements can be obtained from the NSW Department of Health's web site:  
<http://www.health.nsw.gov.au/public-health/ehb/general/skinpen/skinpen.html>  
Standard Condition: I42

## **I.9 Hair Salons & Barbers**

The hair salon and barber premises must be registered with Council and maintained in accordance with NSW Health Department Guidelines and Fact Sheets as published from time to time.

There must be no 'skin penetration procedures' undertaken at the premises unless development consent has been specifically granted for their 'skin penetration procedures', the premises are registered with Council for 'skin penetration procedures' and maintained in accordance with the requirements of the [Public Health Act 2010](#).

This condition has been imposed to protect public health.

**Note:** *Skin Penetration Procedure* has the same means as in section 51(3) of the [Part 1 of the Public Health Act 2010](#). A fee is charged by Council to inspect the premises. Further detailed information about skin penetration requirements can be obtained from the NSW Department of Health's web site: <http://www.health.nsw.gov.au/public-health/ehb/general/skinpen/skinpen.html>  
Standard Condition: I43

#### **I.10 Beauty Salons**

The beauty salon must be registered with Council and maintained in accordance with NSW Health Department Guidelines and Fact Sheets as published from time to time.

There must be no 'skin penetration procedures' undertaken at the premises unless development consent has been specifically granted for their 'skin penetration procedures'. The premises must be registered with Council for 'skin penetration procedures' and maintained in accordance with the requirements of the [Public Health Act 2010](#).

This condition has been imposed to protect public health.

**Note:** 'Skin Penetration Procedure' has the same means as in section 51(3) of the [Public Health Act 2010](#). Fees are charged by Council for both registration and inspection of such premises. Further detailed information about skin penetration requirements can be obtained from the NSW Department of Health's web site: <http://www.health.nsw.gov.au/public-health/ehb/general/skinpen/skinpen.html>  
Standard Condition: I44

#### **I.11 Outdoor lighting – Sports Lighting**

Outdoor sports lighting must generally comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282.

No sports lighting must operate after 11pm and must, by automatic timer, switch off at the 11.00pm curfew.

The intensity of light provided to the sporting area must comply with AS2560 and relevant parts to this Australian Standard.

This condition has been imposed to control the obtrusive effects of outdoor lighting, to limit the hours of use to protect the amenity of neighbours and to maintain safe conditions for sporting activities.

**Note:** The height of the poles as proposed may be too low to comply with both AS4282 and AS2560. Where this is disclosed, it will be necessary to seek an amendment to this consent if it is proposed to increase the height of the poles and lights to achieve compliance with both standards.

**Note:** Council may consider, subject to an appropriate section 96 application relaxation of this condition

where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.

Standard Condition: I47

#### **I.12 Outdoor lighting – Residential Tennis Courts**

Outdoor sports lighting must generally comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with table 2.1 of AS 4282.

No private tennis court lighting must operate after 9pm and lights must, by automatic timer, switch off at the 9.00pm curfew.

The intensity of light provided to the sporting area must comply with AS2560 and relevant parts to this Australian Standard.

This condition has been imposed to control the obtrusive effects of outdoor lighting, to limit the hours of use to protect the amenity of neighbours and to maintain safe conditions for sporting activities.

**Note:** The height of the poles as proposed may be too low to comply with both AS4282 and AS2560. Where this is disclosed, it will be necessary to seek an amendment to this consent if it is proposed to increase the height of the poles and lights to achieve compliance with both standards. Council may consider, subject to an appropriate section 96 application relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.

Standard Condition: I48

#### **I.13 Outdoor lighting – Residential**

Outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282.

This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

**Note:** This condition has been imposed to control the obtrusive effects of outdoor lighting.

Standard Condition: I49

#### **I.14 Outdoor lighting – Commercial**

Outdoor lighting must comply with AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282.

This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

**Note:** Council may consider, subject to an appropriate section 96 application relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.  
Standard Condition: I50

#### **I.15 Outdoor lighting – Roof Terraces**

Outdoor lighting must comply with AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282.

All lighting to be installed on the roof terrace will be recessed lights or will be surface wall/balustrade mounted lights at a maximum height of 600 mm above the finished floor level of the roof terrace.

This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.

**Note:** Council may consider, subject to an appropriate section 96 application relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.  
Standard Condition: I51

#### **I.16 Noise Control**

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

This condition has been imposed to protect the amenity of the neighbourhood.

**Note:** Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

##### **Useful links:**

**Community Justice Centres**—free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).

**Department of Environment and Conservation NSW**, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).

**New South Wales Government Legislation** home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

**Australian Acoustical Society**—professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).

**Association of Australian Acoustical Consultants**—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).

**Department of Gaming and Racing** - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

Standard Condition: I56

#### **I.17 Maintenance of Sound Attenuation**

Sound attenuation must be maintained in accordance with the *Acoustic Report*.

Standard Condition: I57

#### **I.18 Noise from licensed premises**

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) by more than 5dB(A) between 07:00 am and 12:00 midnight at the boundary of any affected residence.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.

This condition has been imposed to protect the amenity of the neighbourhood.

**Note:** dB(A) is a value used for ‘A-weighted’ sound pressure levels ‘A’ frequency weighting is an adjustment made to approximate the response of the human ear.

**Note:** *Licensed premises* means premises licensed under the *Liquor Act 2007*

**Note:** For the purposes of this condition, the LA10 is the A-weighted sound pressure level that is exceeded for 10% of the time over which a given sound is measured.

**Note:** The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90 level measured by a sound level meter over the applicable period.

**Note:** This condition is identical to the minimum standard condition imposed by the Casino Liquor and Gaming Control Authority (the Authority). The Authority may specify other standards in respect of the above condition under the *Liquor Act 2007*, and associated Regulations. Section 79 of the *Liquor Act 2007* provides an informal mechanism for complaints to be made (by residents, Police, local consent authorities and others) where the amenity of local neighbourhoods is unduly disturbed by the conduct of licensed premises including registered clubs (or their patrons). The Director of Liquor and Gaming is responsible for resolving such complaints and may impose temporary or permanent conditions on any licence. For further information go to the NSW Office of Liquor and Gaming and Racing’s website: ([www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au)).

**Note:** Interior noise levels of licensed premises which exceed safe hearing levels are not supported or condoned by Council.

Standard Condition: I58

### **I.19 Noise from mechanical plant and equipment**

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the  $L_{A90, 15 \text{ minute}}$  level measured by a sound level meter.

This condition has been imposed to protect the amenity of the neighbourhood.

**Note:** Words in this condition have the same meaning as in the:

*NSW Industrial Noise Policy*

([http://www.environment.nsw.gov.au/resources/ind\\_noise.pdf](http://www.environment.nsw.gov.au/resources/ind_noise.pdf))

ISBN 0 7313 2715 2, dated January 2000, and

*Noise Guide for Local Government*

(<http://www.environment.nsw.gov.au/noise/nglg.htm>)

ISBN 1741370671 , dated December 2004.

Standard Condition: I59

### **I.20 Noise Control - Swimming pool/spa pool pumps and associated equipment**

The swimming pool/spa pool pump(s) and associated equipment are not to operate during the hours stipulated in the Protection of the Environment Operations (Noise Control) Regulation 2008 as follows:

- *Before 8am or after 8pm during Saturdays, Sundays and public holidays;*
- *Before 7am or after 8pm on any other day.*

### **I.21 Maintenance of the Kitchen Exhaust log**

A logbook detailing the schedule maintenance and cleaning of the odour control units and filtering systems shall be kept on the premises at all times and be made available for viewing by Council's Environmental Health Officer's as required.

### **I.22 Skin Penetration - Infection Control Standards**

Infection control standards at the proposed medical practice are to be applied in accordance with the requirements set out in Schedule 1 of the *Health Practitioner Regulation (NSW) 2010*

#### ***General precautions and aseptic techniques***

1. Precautions must be taken to avoid direct exposure to a patient's blood or body substance. This requirement applies regardless of whether there is any perceived risk of infection.
2. Aseptic techniques must be used in the course of complying with the requirements of this Schedule.

### ***Hand and skin cleaning***

1. Hands must be cleaned:
  - a) immediately before and after any direct patient care, and
  - b) immediately after handling blood or body substances.
2. Subclause (1) does not apply in circumstances where medical treatment is required to be performed urgently and cleaning facilities are not readily available.
3. Hands may be cleaned by:
4. using washing facilities involving water and a soap or antiseptic, or
5. using non-water cleansers or antiseptics.
6. Hands or other skin surfaces that are contaminated with a patient's blood or body substance must be cleaned as soon as it is practicable to clean them.
7. The requirement to clean hands applies regardless of whether gloves are also required to be worn.

### ***Hand washing facilities***

The two medical consulting rooms being fitted with a hand basin supplied with warm running potable water through a common outlet. A soap dispenser and disposable paper towels must be made available near the hand basin for use by the medical practitioners.

### ***Protective gowns and aprons***

A gown or apron made of impervious material must be worn during any procedure where there is a likelihood of clothing being splashed or contaminated with blood or body substances.

### ***Gloves***

1. Gloves must be worn while handling blood or body substances.
2. In particular, gloves must be worn:
  - a) during any procedure where direct contact is anticipated with a patient's blood or body substance, mucous membranes or skin that is not intact, and
  - b) while suctioning a patient, and
  - c) while handling items or surfaces that have come into contact with blood or body substances, and
  - d) while performing an invasive procedure, venipuncture or a finger or heel stick.
3. Sterile gloves must be worn if the procedure involves contact with tissue that would be sterile under normal circumstances.
4. Gloves must be discarded:
  - a) as soon as they are torn or punctured, and
  - b) after contact with each patient.
5. Nothing in subclause (4) affects the operation of subclauses (1)–(3).
6. Gloves must be changed if separate procedures are being performed on the same patient and there is a risk of infection from one part of the body to another.

### ***Masks and protective eye wear***

1. A fluid repellent mask and protective eye wear must be worn while performing any procedure where there is a likelihood of splashing or splattering of blood or body substances.
2. A mask must be worn when in close contact with patients known by the registered medical practitioner to have an infectious disease (or suspected by the medical practitioner of having such a disease) if the disease is capable of being

transmitted by the airborne or droplet route. If the disease is tuberculosis, the mask must be a particulate mask that is capable of filtering to 0.3µm.

3. In cases where a mask is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
4. A mask must be discarded once it has been worn and it must not be used again.
5. In cases where protective eye wear is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
6. Protective eye wear must be discarded once it has been worn and not used again unless it is reusable (in which case it is to be cleaned in accordance with the manufacturer's instructions).

### ***Sharps***

1. Sharps must not be passed by hand between a registered medical practitioner and any other person. However, this requirement does not apply if, in any case involving an invasive procedure, the proper conduct of the procedure would be adversely affected.
2. A puncture resistant tray must be used to transfer sharps.
3. A needle must not be removed from a disposable syringe for disposal, or be purposely broken or otherwise manipulated by hand, unless:
  - a) it is necessary to remove the needle for technical reasons, or
  - b) the medical practitioner is performing a procedure in which the needle is required to be bent.
4. A needle must not be bent after it is contaminated with blood or body substances.
5. In any case where resheathing of a needle is required:
  - a) the needle must be properly recapped, and
  - b) the sheath must not be held in the fingers, and
  - c) either a single handed technique or forceps, or a suitable protective guard designed for the purpose, must be used.
6. Reusable sharps must, immediately after being used, be placed in a puncture resistant container specially kept for that purpose and labelled as such.
7. Non-reusable sharps must, immediately after being used, be disposed of in a puncture resistant container.

### ***Management of waste***

1. Clinical waste must be properly packaged to protect against potential exposure to infectious agents and to facilitate the proper handling, storage and treatment or disposal of the waste.
2. Splashing or contamination of skin while disposing of blood or body substances must be avoided as far as practicable.
3. Nothing in this clause limits any other requirement under this Part.

### ***Sterile medications and solutions***

1. A sterile needle and syringe must be used to withdraw any medication or solution from a vial or ampoule (or other similar container).
2. The needle and syringe must be discarded once the needle and syringe have been used.
3. A medication or solution may be taken from a multi-dose vial or ampoule (or other similar container) only if the medication or solution is not reasonably available in another form.
4. Precautions must be taken to ensure that contaminated material or fluid is not injected into a multi-dose vial or ampoule (or other similar container).



### ***Anaesthetic apparatus***

1. This clause applies in any case where anaesthetic apparatus is used.
2. Any anaesthetic apparatus that comes into contact with a patient or is contaminated with blood or body substances must be discarded, or cleaned and disinfected, after each patient.
3. If the anaesthetic apparatus is a breathing circuit and the breathing circuit uses a filter:
  - a) the filter must be discarded after each patient, and
  - b) the part of the breathing circuit between the patient and the filter must be discarded, or cleaned and disinfected, after each patient, and
  - c) in any case where a carbon dioxide absorber is also used—the part of the breathing circuit between the carbon dioxide absorber and the filter must be discarded, or cleaned and disinfected, at the end of each procedure list or operation list (as applicable), and
  - d) in those cases where a carbon dioxide absorber is not used—the breathing circuit tubing that conducts the gas to and from the filter must be discarded, or cleaned and disinfected, at the end of each procedure list or operation list (as applicable).

### ***Invasive procedures***

1. In cases where it is technically feasible, retractors must be used for exposure and access during an invasive procedure.
2. Fingers must not be used for the purposes of an invasive procedure to expose or increase access for the passage of a suture.
3. Only one sharp at a time is to be placed in a puncture resistant tray that is being used in connection with an invasive procedure.
4. Forceps or a needle holder must be used when carrying out suturing both to pick up the suture needle and to draw it through tissue.

### ***Cleaning of instruments and equipment***

1. Any instrument or equipment that comes into contact with intact skin must be cleaned before it is used.
2. Any instrument or equipment that is required under this Part to be sterilised or disinfected must be cleaned before it is sterilised or disinfected.
3. The process of cleaning:
  - a) must involve water and mechanical or physical action (such as washing machines) and a cleaning agent (with the cleaning agent being removed from instruments and equipment by rinsing), and
  - b) must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.
4. In this clause cleaning agent means a detergent and includes proteolytic enzyme substances.

### ***Disinfection of instruments and equipment***

1. Any instrument or equipment that comes into contact with non-sterile tissue (other than intact skin) must, before it is used, be disinfected with a disinfectant specified in the Australian Register of Therapeutic Goods that is maintained under the Therapeutic Goods Act 1989 of the Commonwealth, and the relevant manufacturer's instructions must be followed.
2. The process of disinfection:

- a) must involve either thermal methods or (if thermal methods are unsuitable) chemical methods, and
- b) must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.

***Sterilisation of instruments and equipment***

1. Any instrument or equipment used to enter, or that is capable of entering, tissue that would be sterile under normal circumstances, or the vascular system of a patient, must be sterilised before it is used.
2. The method of sterilisation must be:
  - a) compatible with the particular type of instrument or equipment concerned, and
  - b) consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.
3. If a steriliser is used (whether it is a benchtop or portable steriliser or a permanently plumbed or wired steriliser), the following criteria must be met:
  - a) the relevant manufacturer's instructions must be followed,
  - b) an ongoing monitoring program must be followed which reflects the requirements of Table 7.1 Calibration, Monitoring and Maintenance of Sterilizers of AS/NZS 4187 or (in the case of an office-based practice) Table 7.1 Performance Testing, Monitoring, Calibration and Maintenance of Sterilizers of AS/NZS 4815.

**AS/NZS 4187** means AS/NZS 4187:2003, Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of associated environments in health care facilities, as in force from time to time.

**AS/NZS 4815** means AS/NZS 4815:2006, Office-based health care facilities—Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment, as in force from time to time.

**I.23 Operation of food stalls**

- a) Food stall operators are required to handle food for sale for human consumption in accordance with the Food Standards 3.1.1, 3.2.2 and 3.2.3.
- b) Food stall operators and the event's organiser must ensure there are adequately sized, enclosed rubbish bins at each food stall and adequate arrangements made to dispose of garbage contents at the end of the day.
- c) The event's organizer should ensure that adequate toilet facilities for food handlers made available.
- d) Only potable water must be used for preparing food and for washing. Ice used for keeping food cool or adding to food or drink must also be potable.
- e) A fire extinguisher and fire blanket should be supplied in each stall where cooking or heating processes are undertaken. Such equipment should be easily accessible in the event of a fire.
- f) A sealed container of potable water with a tap should be provided at each stall, together with suitable bowls or containers for cleaning, sanitising and hand washing. Clean towels and detergent must be provided.
- g) A hand washing facility, separate from other facilities and used only for that purpose, must be provided. Warm water is needed for effective hand washing and personal hygiene. Hot and cold water must be delivered through a single outlet to a

dedicated hand basin. Liquid soap and paper towels must be provided at or near the hand washing facility.

- h) A suitable sanitising agent must be available for sanitising food handling implements and food contact surfaces.
- i) Foods that are required to be stored under temperature control, or kept frozen shall be kept under strict temperature control. Cold foods should be stored at or below 5 degrees celsius and hot food appliances such as bain maries and display cases should enable hot foods to be kept at or above 60 degrees Celsius at all times. Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times.
- j) Potentially hazardous foods like poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If the food is intended to be stored frozen, the food must remain frozen during storage and display.
- k) All food stall operators that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer. The thermometer must be cleaned and sanitised before it is used.
- l) Adequate measures must be taken by all food stall operators to prevent cross-contamination from raw foods to cooked foods by ensuring that there are separate utensils for cooked and raw meats, poultry and seafood; covering all food; keeping cooked meat and salads separate and washing hands after handling raw meats, raw poultry, raw seafood and raw vegetables.
- m) All food displayed by food stall operators shall be protected from likely contamination by customers, dust, fumes or insects by using plastic food wraps, sealed containers, sneeze barriers or food covers.
- n) Only single-use disposable eating and drinking utensils are permitted for use by food stall operators and must be protected from contamination until used.
- o) All packaging material must be suitable for food packaging and unlikely to cause food contamination. Only clean unprinted paper, food wraps or packaging must be used for wrapping or storing foodstuffs.
- p) The food stalls must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter, food waste, dirt, grease or other visible matter.
- q) Bench tops and surfaces of equipment in contact with food and storage appliances must be kept in a clean and sanitary condition to ensure food is unlikely to be contaminated.
- r) All pre-packaged products must be clearly labelled with a description of the food, the name and address of the supplier, product lot identification, a list of ingredients, date marking, storage conditions, nutrition information panel and characterising ingredient. The above requirements are outlined in more detail in the Food Standards Code available on the NSW Food Authority's website ([www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)).

#### **I.24 Child Care Facilities - Management and Operation**

The Child care centre is to be operated in accordance with the provisions of ***Chapter 4 of the Operational Requirements of the Education and Care Services National Regulations***.

#### **I.25 Outdoor Seating - Footpath Seating**

1. The outdoor seating is to cease operation and be removed from the footpath (including tables) by *#insert time* nightly;

2. The outdoor dining tables are not to be set with cutlery or crockery until such time as the table is occupied;
3. The outdoor dining area must be regularly cleaned during all hours of operation for both hygiene and presenting a continuous well cared for image;
4. Tables and chairs shall be cleaned and sanitised after each customer and regularly throughout operating hours due to additional exposure to various weather conditions, pets, wildlife and vermin;
5. The footpath shall be kept clean and free of rubbish and debris at all times;
6. All spills occurring due to service or by patrons shall be cleaned immediately;
7. Staff are to monitor behaviour of patrons using the outdoor dining facilities and take action when required to ensure that no nuisance arises from the use of the footpath seating area.

**J. Miscellaneous Conditions**

Nil.

**K. Advisings**

Nil

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**Environmental Health Officer**  
**Jasmine Sutrina**

**Date: 10/07/2023**

## REFERRAL RESPONSE - ENVIRONMENTAL HEALTH

**FILE NO:** Development Applications: 598/2022/1  
**ADDRESS:** 17 Dover Road ROSE BAY 2029  
**PROPOSAL:** Demolition of existing at-grade car park and encroaching structures and construction of: A mixed use building with frontage to Wilberforce Avenue incorporating a new multi-storey car park, ground floor retail premises and community centre and public amenities across multiple levels; Single storey ground floor retail building with frontage to Dover Road; and public domain and landscaping works.  
**FROM:** Louie Salvatore  
**TO:** Mr V Aleidzans

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### 1. ISSUES

- Acoustic: Mechanical Plant, Construction & Carpark – Revised Acoustic Report.

### 2. DOCUMENTATION

I refer to the following documents received for this report:

- Environmental Health Response, referenced, prepared by Jasmine Sutrina, dated 10/07/2023.
- Noise Impact Assessment: prepared by SLR Consulting Australia, dated 13/05/2023.
- Revised Supplementary Noise Impact Assessment: prepared by Pulse White Noise Acoustics – Report Reference: 220595-Wilberforce Car Park-Revised Supplementary Noise Impact Assessment-Revision 4 – 15 August 2023.

### 3. RESEARCH

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date:

### 4. SUMMARY OF PROPOSAL

The application seeks consent for the following:

- ☐ Demolition of existing at-grade car park and encroaching structures;
- ☐ Development of single storey ground floor retail building with frontage to Dover Road;
- ☐ Development of mixed-use building with frontage to Wilberforce Avenue, incorporating:
  - multi-storey car park with 200 public spaces, 29 spaces allocated to retail and community centre, 22 motorbike space and 14 bicycle spaces;
  - ground floor retail;
  - community centre and public amenities across ground, first and second floors;

- ☐ Public domain and landscaping works, including:
  - Green walls;
  - New public domain and pedestrian crossing along Wilberforce Avenue;
  - Realignment of Wilberforce Avenue to accommodate wider verge and pedestrian zone adjacent the new building; and
  - Landscaping and public footpaths in a new laneway between Wilberforce Avenue and Dover Road.

The proposal also involves a level 2 terrace which extends out over the Wilberforce venue footpath and excavation so that part of the basement level extends within the road reserve.

The proposed operating hours are as follows:

- ☐ Car Park:
  - Public: 6am to 11pm – Monday to Sunday (inclusive)
  - Rooftop: 7am to 10pm – Monday to Saturday and 8am to 10pm – Sunday and Public Holidays
- ☐ Community Centre: 7am to 11pm – Monday to Sunday (inclusive)
- ☐ Retail Premises: Subject to separate approval.

## 5. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

### a) Acoustics

Environmental Health Referral Response of 10 July 2023 (Jasmine Sutrina) recommended:

*“In light of the concerns raised in the Wilberforce Car Park – Review of Acoustic Reports for Development Application prepared by Renzo Tonin & Associates (dated 21/02/2023), Environmental Health has determined that the acoustic review prepared by SLR Consulting Australia Pty Ltd (dated 13/05/2022), SNIA prepared by PWNA (dated 10/02/2023) and Acoustic Response: Memorandum prepared by PWNA (dated 10/02/2023), is not satisfactory and that more information is required by the applicant with respect to above”.*

#### Environmental Health - Comments

In response to the above recommendation by Environmental Health (10 July 2023), the Applicant has provided a **Revised Supplementary Noise Impact Assessment: prepared by Pulse White Noise Acoustics – Report Reference: 220595-Wilberforce Car Park-Revised Supplementary Noise Impact Assessment-Revision 4 – 15 August 2023.**

Environmental Health has reviewed the Revised Supplementary Noise Impact Assessment (PWNA 15 August 2023) and is satisfied that noise monitoring concerns and acoustic controls have been adequately addressed, provided that all acoustic mitigation strategies are implemented during the design and operational phase of the development.

In addition, Environmental Health recommends a full and detailed acoustic assessment with fully documented acoustic treatments/strategies be undertaken at the detailed design phase of the development. Compliance Testing, following construction and installation of the mechanical plant services and equipment shall be undertaken by an acoustic engineer, with results forwarded to Council demonstrating compliance, or otherwise, that noise emissions

comply with the relevant Project Noise Trigger levels detailed in the Revised Supplementary Noise Impact Assessment (PWNA 15 August 2023).

## 6. RECOMMENDATION

Council's Environmental Health Officer has determined that the proposal is satisfactory, subject to the following conditions:

### A. General Conditions

#### A.1 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans and supporting documents listed below as submitted by the Applicant and to which is affixed a Council stamp "Approved DA Plans" unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

| Reference  | Description                                   | Author/Drawn                | Date(s)        |
|--|---|-----------------------------|----------------|
| 220595-Wilberforce Car Park-Revised Supplementary Noise Impact Assessment-Revision 4 | Revised Supplementary Noise Impact Assessment | Pulse White Noise Acoustics | 15 August 2023 |
|  |   |                             |                |
|  |   |                             |                |
|  |   |                             |                |
|  |   |                             |                |
|  |   |                             |                |

**Note:** Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

**Note:** These plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A5

#### A.2 Acoustic Report – Implementation of Acoustic Controls & Strategies

All acoustic mitigation strategies, as detailed in the *Revised Supplementary Noise Impact Assessment: prepared by Pulse White Noise Acoustics – Report Reference: 220595-Wilberforce Car Park-Revised Supplementary Noise Impact Assessment-Revision 4 – 15 August 2023*, be implemented during the design and operational phase of the development.

**B. Conditions which must be satisfied prior to the demolition of any building or construction**

**C. Conditions which must be satisfied prior to the issue of any construction certificate**

**C.1 Acoustic Assessment – Mechanical Plant Services and Equipment**

A full and detailed acoustic assessment, with fully documented acoustic treatments and/or strategies, be undertaken at the detailed design phase of the development.

Compliance Testing, following construction and installation of the mechanical plant services and equipment be undertaken by an acoustic engineer, with results forwarded to Council demonstrating compliance, or otherwise, that noise emissions comply with the relevant Project Noise Trigger levels detailed in the Revised Supplementary Noise Impact Assessment (PWNA 15 August 2023).

**D. Conditions which must be satisfied prior to the commencement of any development work**

**E. Conditions which must be satisfied during any development work**

**E.1 Hours of Work –Amenity of the neighbourhood**

- a) No *work* must take place on any Sunday or public holiday,
- b) No *work* must take place before 7am or after 5pm any weekday,
- c) No *work* must take place before 7am or after 1pm any Saturday,
- d) The following *work must not* take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday;
  - (i) Piling;
  - (ii) Piering;
  - (iii) Rock or concrete cutting, boring or drilling;
  - (iv) Rock breaking;
  - (v) Rock sawing;
  - (vi) Jack hammering; or
  - (vii) Machine excavation,
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.



This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

**Note:** The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.

**Note:** Each and every breach of this condition by any person may be subject to separate penalty infringement notice or prosecution.

**Note:** The delivery and removal of plant, equipment and machinery associated with wide loads subject to RTA and Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.

**Note:** Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2000*.

**Note:** EPA Guidelines can be downloaded from <http://www.epa.nsw.gov.au/noise/nglg.htm>.

**Note:** see [http://www.epa.nsw.gov.au/resources/ci\\_build\\_sheet7.pdf](http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf)  
Standard Condition: E6

## E.2 Dust Mitigation

Dust mitigation must be implemented in accordance with “*Dust Control - Do it right on site*” published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed in bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

**Note:** “*Dust Control - Do it right on site*” can be downloaded free of charge from Council’s web site [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or obtained from Council’s office.

**Note:** Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) and [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au). Other specific conditions and advice may apply.

**Note:** Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

Standard Condition: E23

**F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)**

**G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

Nil.

**H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))**

Nil.

**I. Conditions which must be satisfied during the ongoing use of the development**

**I.1 Noise Control**

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

This condition has been imposed to protect the amenity of the neighbourhood.

**Note:** Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

**Useful links:**

**Community Justice Centres**—free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).

**Department of Environment and Conservation NSW**, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).

**New South Wales Government Legislation** home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

**Australian Acoustical Society**—professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).

**Association of Australian Acoustical Consultants**—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).

**Department of Gaming and Racing** - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

Standard Condition: I56

**I.2 Noise from mechanical plant and equipment**

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the  $L_{A90, 15 \text{ minute}}$  level measured by a sound level meter.

This condition has been imposed to protect the amenity of the neighbourhood.

**Note:** Words in this condition have the same meaning as in the:

*NSW Industrial Noise Policy*

([http://www.environment.nsw.gov.au/resources/ind\\_noise.pdf](http://www.environment.nsw.gov.au/resources/ind_noise.pdf))

ISBN 0 7313 2715 2, dated January 2000, and

*Noise Guide for Local Government*

(<http://www.environment.nsw.gov.au/noise/nglg.htm>)

ISBN 1741370671 , dated December 2004.

Standard Condition: I59

**J. Miscellaneous Conditions**

Nil.

**K. Advisings**

Nil

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**Louie Salvatore**  
**Environmental Health Officer**

**Date: 24/08/2023**