



28 February 2025

## REFERRAL RESPONSE – ENVIRONMENTAL HEALTH

**FILE NO:** Development Applications: 489/2024/1

**ADDRESS:** 33 Cross Street DOUBLE BAY 2028

**PROPOSAL:** Demolition of an existing building and construction of a new mixed-use building above an existing 2 level basement

**FROM:** K Pakhomova

**TO:** Mr B McIntyre

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### 1. ISSUES

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### 2. DOCUMENTATION

I refer to the following documents received for this report:

- Council Requests for Information – Environmental Health, prepared by GSA Planning, dated 17 February 2025
- Preliminary Site Investigation Report, referenced E26439.E0.1-Rev2, prepared by EI Australia, dated 23 January 2025
- Operational Management Plan, prepared by National Facilities Management, dated 14 November 2024
- Response to Council's Queries – Acoustics, prepared by Ronzo Tonin and Associates, dated 13 February 2025
- Acoustic Report, referenced TP046-01D01 Acoustic Assessment for DA (r3), prepared by Renzo Tonin and Associates, dated 13 February 2025.

### 3. RESEARCH

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

- A site inspection was carried out on the following date: *#Insert/delete as appropriate*

### 4. SUMMARY OF PROPOSAL

### 5. ASSESSMENT

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

#### a) Acoustics

Cumulative noise predictions for mechanical plant will be done at a later stage. It is in my belief that mechanical plant and equipment noise will comply with relevant noise criteria.



Additionally, background noise music, gym and pool operation concerns were also address by Mr Thomas Taylor. As such, Environmental Health accepts the findings of the revised Acoustic Report.

**f) Land Contamination (SEPP 55)**

EI Australia provided an Unexpected Finds Protocol in Appendix G of the Report, as requested by Environmental Health. No further action is considered necessary.

**n) Other matters – Plan of Management**

As stated by GSA, *'an Operational Management Plan has been prepared however as the detailed operations of the gym/pool area will be subject to a future DA, a more comprehensive Plan of Management for this area will be provided at that stage.'*

As such, no further action with respect to a Plan of Management.

It is also noted that there are some private pools. Additionally, SEE (page 11) states that there are 'hotel swimming pools' on the Roof Level.

**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 both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below 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                                     | Date             |
|------------------------------------------------|------------------------------------|--------------------------------------------|------------------|
| E26439.E1<br>4_Rev1                            | Acid Sulphate Soil Management Plan | Ei Australia                               | 15 October 2024  |
| TP046-01D01<br>Acoustic Assessment for DA (r3) | Acoustic Report                    | Renzo Tonin and Associates                 | 13 February 2025 |
|                                                | Architectural Plans                |                                            |                  |
|                                                | BASIX Certificate                  | NSW Department of Planning and Environment |                  |
|                                                | Construction Management Plan       |                                            |                  |



|                  |                                                                  |                                |                  |
|------------------|------------------------------------------------------------------|--------------------------------|------------------|
| E26439.E0.1-Rev2 | Contaminated Land - Initial Site Investigation Report (Stage 1)  | EI Australia                   | 23 January 2025  |
|                  | Contaminated Land - Detailed Site Investigation Report (Stage 2) |                                |                  |
|                  | Contaminated Land - Remedial Action Plan (Stage 3)               |                                |                  |
|                  | Demolition Management Plan                                       |                                |                  |
|                  | Driveway Profiles                                                |                                |                  |
|                  | Flood Risk Management Report                                     |                                |                  |
|                  | Geotechnical Report                                              |                                |                  |
|                  | Heritage Conservation Management Plan                            |                                |                  |
|                  | Hydrogeological Report                                           |                                |                  |
|                  | Landscape Plan                                                   |                                |                  |
|                  | Arboricultural Impact Assessment Report                          |                                |                  |
|                  | Tree Management Plan                                             |                                |                  |
|                  | Transplant Method Statement                                      |                                |                  |
|                  | Bush Regeneration Management Plan                                |                                |                  |
|                  | Operational Management Plan                                      | National Facilities Management | 14 November 2024 |
|                  | Soil and water management plan                                   |                                |                  |
|                  | Statement of Environmental Effects                               |                                |                  |
|                  | Statement of Heritage Impact                                     |                                |                  |
|                  | Stormwater Management Plan                                       |                                |                  |
|                  | Subdivision Preliminary Engineering Plans                        |                                |                  |
|                  | Traffic Report                                                   |                                |                  |
|                  | Site Waste Minimisation and Management Plan                      |                                |                  |
|                  | Public Art Plan                                                  |                                |                  |

**Notes:**

- Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must 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 plans.
- These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development.

**Condition Reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(Autotext 5A)

## **B. BEFORE DEMOLITION WORK COMMENCES**

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

Prior to any siteworks, the *NSW Department of Environment & Climate Change: Construction Noise Guideline* must 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.

**Condition Reason:** To assist in managing impacts of noise from the demolishing of the existing building and outbuildings on residences and other sensitive land uses.

## **C. ON COMPLETION OF REMEDIATION WORK**

## **D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **D.1 Waste Storage – Mixed Developments (both commercial and residential)**

Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety 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. These 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.

**Condition Reason:** To ensure a waste and recycling storage area is provided.

### **D.2 Swimming and Spa Pools – Child Resistant Barriers**

Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety 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.



Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Notes:**

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.

**Condition Reason:** To ensure child-resistant swimming and spa pool barriers are provided. (Autotext 55D)

### D.3 Swimming and Spa Pools – Backwash

Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety 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.

**Notes:**

- The plans must show the location of Sydney Water's 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.
- 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.

**Condition Reason:** To ensure swimming and spa pool backwash is connected to Sydney Waters sewer.

(Autotext 56D)

### D.4 Light and Ventilation

Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must detail all 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 for 'Legionella Control' under the Public Health Act 2010 and Public Health Regulation 2022 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.

**Notes:**

- Clause 69 of the Regulation requires compliance with the BCA. Clause 19 of the Development Certification and Fire Safety Regulation prevents the issue of a construction certificate unless the Principal Certifier is satisfied that compliance has been achieved.



- Part 3, Division 1 of the Development Certification and Fire Safety 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.
- Applicants 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

**Condition Reason:** To ensure the development is provided with adequate light and ventilation.

(Autotext 59D)

## D.5 Acoustic Certification of Mechanical Plant and Equipment

Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must be accompanied by a certificate from a professional 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 LA90, 15 minute level measured by a sound level meter.

Where sound attenuation is required this must be detailed.

### Notes:

- Further information including lists of Acoustic Engineers can be obtained from:
  - Australian Acoustical Society - professional society of noise-related professional [www.acoustics.asn.au](http://www.acoustics.asn.au)
  - Association of Australian Acoustical Consultant - professional society of noise related professionals [www.aaac.org.au](http://www.aaac.org.au)

**Condition Reason:** To ensure the development does not result in any unreasonable acoustic impacts.

(Autotext 62D)

## D.6 Design Sound Levels for Building Interiors

Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must provide details showing how the recommendations of the Environmental Noise Impact Assessment, prepared by Renzo Tonin will be implemented.

Design sound levels for building interiors must not exceed the recommended maximum design sound levels, LAeq, dB(A) specified by AS 2107, Acoustics - Recommended design sound levels and reverberation times for building interiors.



**Notes:**

The design sound levels given in AS 2107 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 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.

**Condition Reason:** To ensure the development achieves interior design sound levels.

(Autotext 63D)

**D.7 Noise Control - Swimming pool/spa pool pumps and associated equipment**

Before the issue of any construction certificate, 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.

**Condition Reason:** To ensure the development does not result in any unreasonable acoustic impacts.

**D.8 Ventilation - Enclosures used by Vehicles (Car parks, automotive service, enclosed driveways, loading docks and the like)**

Before the issue of any construction certificate, the *carpark* 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 *carpark* 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 *carpark* and provide details to the Certifying Authority accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the *carpark* shall be mechanically ventilated by a combination of general exhaust and supply flow rates in accordance with Australian Standard 1668.2-1991.

**Condition Reason:** To ensure the development is adequately ventilated.

**D.9 Ventilation - Internal Sanitary Rooms**

Before the issue of any construction certificate, 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) must be submitted with the Construction Certificate plans and specifications to the Certifying Authority demonstrating compliance with AS 1668 Parts 1 & 2.



**Condition Reason:** To ensure the development is adequately ventilated.

**E. BEFORE BUILDING WORK COMMENCES**

**F. DURING BUILDING WORK**

**F.1 Hours of Work –Amenity of the Neighbourhood**

While site work is being carried out:

- 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:
  - piling,
  - piling,
  - rock or concrete cutting, boring or drilling,
  - rock breaking,
  - rock sawing,
  - jack hammering, or
  - 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 interval break within every hour.

**Notes:**

- 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.
- Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.
- The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.
- 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 2017.
- NSW EPA Noise Guide is available at [www.epa.nsw.gov.au/noise/nglg.htm](http://www.epa.nsw.gov.au/noise/nglg.htm)

**Condition Reason:** To mitigate the impact of work upon the amenity of the neighbourhood.

(Autotext 6F)

**F.2 Dust Mitigation**



While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets 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 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.

**Notes:**

- “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)
- Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au) and [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au). Other specific conditions and advice may apply.
- 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.

**Condition Reason:** To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.

(Autotext 23F)

### **F.3 Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters**

While site work is being carried out, 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.

**Notes:**

- This condition does not prevent Council from issuing an order under 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.

**Condition Reason:** To ensure access to swimming pools is effectively restricted to maintain child safety.

(Autotext 26F)



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

While site work is being carried out, the Acid Sulfate Soil Management Plan, and the NSW Government Acid Sulfate Soils Management Advisory Committee manual, and any relevant guidelines must be complied with.

**Notes:**

- The Acid Sulfate Soils Management plan submitted with the Development Application sets out all the above requirements in detail.
- 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 cannot survive acidic conditions,
  - loss of fish, crustaceans, birds and other animals, and
  - damage to metal and concrete structures (such as bridge pylons and pipes).

**Condition Reason:** To prevent environmental harm from Acid Sulfate Soils.

(Autotext 28F)

#### **G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

##### **G.1 Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters**

Before the issue of any occupation certificate, and 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.
- c) The Principal Contractor or Owner must either obtain a certificate of compliance issued under 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: Swimming pool safety - Water recirculation systems.

Backwash must be discharged to the sewer in compliance with AS/NZS 3500.

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 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.

**Notes:**

NSW Health guidelines and fact sheets are available at [www.health.nsw.gov.au](http://www.health.nsw.gov.au)



**Condition Reason:** To ensure that the swimming pool maintains public safety and to manage the amenity impacts of swimming pools.

(Autotext 13G)

## G.2 Swimming Pool Fencing

Before the issue of any occupation certificate, swimming pool fencing is to be constructed in accordance with AS1926: Australian Standard Swimming Pool Safety Part 1 – Safety Barriers for Swimming Pools.

**Notes:**

- Pools commenced or completed after May 2013 must meet the BCA and AS1926.

**Condition Reason:** To ensure swimming pool safety.

## H. OCCUPATION AND ONGOING USE

### H.1 Outdoor Lighting – Roof Terraces

During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 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 600mm above the finished floor level of the roof terrace.

**Notes:**

- Council may consider, subject to an appropriate Section 4.55 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.

**Condition Reason:** To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.

(Autotext 51H)

### H.2 Noise Control

During the occupation and ongoing use, 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.

**Notes:**

- Council will generally enforce this condition in accordance with the Noise Guide for Local Government ([www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government](http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government)) and the NSW Industrial Noise Policy ([www.epa.nsw.gov.au/your-environment/noise/industrial-noise](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise)) published by the NSW Environment Protection Authority. 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).
- NSW Environment Protection Authority— see “noise” section [www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise).
- NSW Government legislation- access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2017 is available at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).
- Australian Acoustical Society—professional society of noise related professionals [www.acoustics.asn.au](http://www.acoustics.asn.au).
- Association of Australian Acoustical Consultants—professional society of noise related professionals [www.aaac.org.au](http://www.aaac.org.au).
- Liquor and Gaming NSW—[www.liquorandgaming.nsw.gov.au](http://www.liquorandgaming.nsw.gov.au).

**Condition Reason:** To protect the amenity of the neighbourhood.

(Autotext 55H)

### H.3 Maintenance of Sound Attenuation

During the occupation and ongoing use, sound attenuation must be maintained in accordance with the acoustic report.

**Condition Reason:** To protect the amenity of the neighbourhood.

(Autotext 56H)

### H.4 Noise from Mechanical Plant and Equipment

During the occupation and ongoing use, 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 LA90, 15 minute level measured by a sound level meter.

**Notes:**

- Words in this condition have the same meaning as in the Noise Policy for Industry (2017) [www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)) and Noise Guide for Local Government (2013) [www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government](http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government)

**Condition Reason:** To protect the amenity of the neighbourhood.

(Autotext 58H)

### H.5 Noise Control - Swimming pool/spa pool pumps and associated equipment



Woollahra  
Municipal  
Council

During the occupation and ongoing use, 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.

**Condition Reason:** To protect the amenity of the neighbourhood.

Kristina Pakhomova  
**Environmental Health Officer**

28/2/2025  
**Completion Date**

**From:** [Kristina Pakhomova](#)  
**To:** [Brett McIntyre](#)  
**Subject:** RE: Acoustic Report : DA489/2024/1 - 33 Cross Street Double Bay (InterContinental Hotel)  
**Date:** Tuesday, 26 August 2025 3:07:04 PM  
**Attachments:** [image005.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)

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Dear Brett,

Environmental Health reviewed the following documents:

1. 33 Cross Street Double Bay – Intercontinental Hotel Re-development – Response to Acoustic Peer Review dated 26 August 2025, prepared by Renzo and Tonin
2. Peer Review of the Renzo Tonin and Associates Report dated 3 April 2025, prepared by Koikas Acoustics Pty Ltd

Assessment:

Environmental Health reviewed the arguments provided in *Sections 2 Ambient Noise Levels/ Noise Logger Location, 3 Urban vs Suburban Categorization, 4 Detail Provided in RTA Report.*

Final Decision:

As discussed, Environmental Health relies on acoustic engineers to provide Compliance Division with information that is true and honest for an unbiased assessment.

Environmental Health considered both sides and withstands with its decision to impose the proposed conditions of consent as stated in *Referral Response – Environmental Health dated 28 February 2025.* This would ensure any potential complaints relating to Environmental Health issues are mitigated.

Regards



**Our Values:** Respect | Open | Accountable | Responsive | Excellence

*We acknowledge the Gadigal and Birrabirragal people as the Traditional Custodians of the land in our local area.*



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**From:** Brett McIntyre <Brett.McIntyre@woollahra.nsw.gov.au>  
**Sent:** Tuesday, 26 August 2025 2:20 PM  
**To:** Kristina Pakhomova <Kristina.Pakhomova@woollahra.nsw.gov.au>  
**Subject:** FW: Acoustic Report : DA489/2024/1 - 33 Cross Street Double Bay (InterContinental Hotel)

Hi Kristina

Appreciate the offer to help.