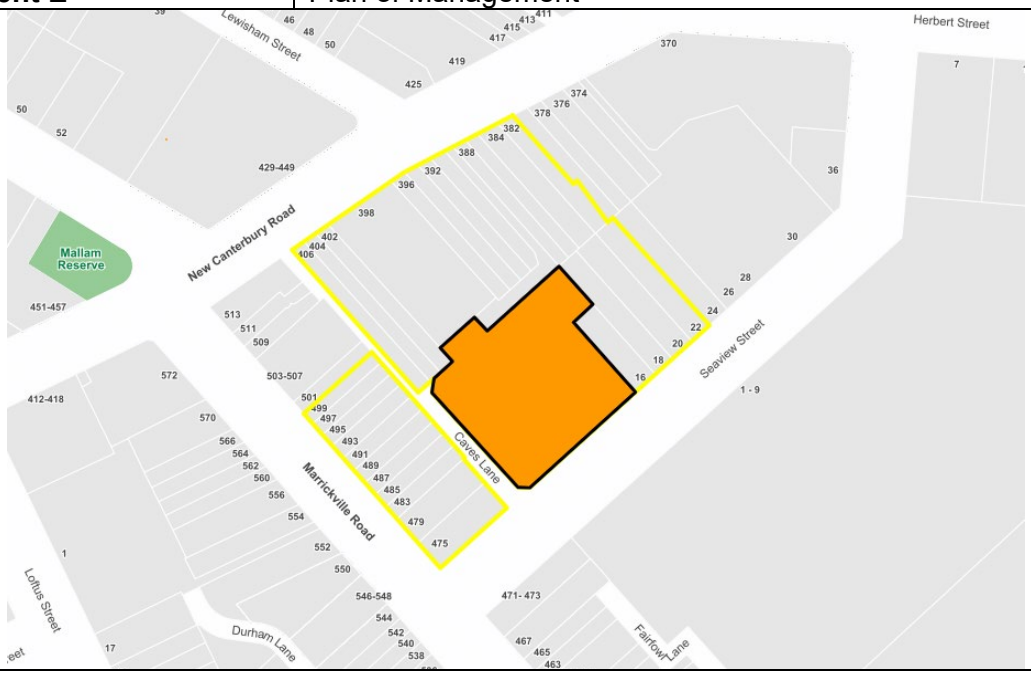
DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2022/0855
Address	14 Seaview Street DULWICH HILL
Proposal	Extended hours of operation and business identification signage associated with a “Recreation Facility – Indoor” (Gymnasium).
Date of Lodgement	21 November 2022
Applicant	TAF1 - C PTY LTD
Owner	Inner West Council
Number of Submissions	Initial: 1
Value of works	$15,000.00
Reason for determination at Planning Panel	Council Owned Land
Main Issues	Acoustic impacts Hours of operation Signage
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Environmental Effects
Attachment D	Acoustic Report
Attachment E	Plan of Management



LOCALITY MAP

Subject Site		Objectors	N
Notified Area		Supporters	

Note: The objector could not be shown, as it was requested for personal details to be anonymous.

1. Executive Summary

This report is an assessment of the application submitted to Council for extended hours of operation and business identification signage associated with a “Recreation Facility – Indoor” (Gymnasium) at 14 Seaview Street Dulwich Hill.

The application was notified to surrounding properties and 1 submission was received in response to the initial notification.

The main issues that have arisen from the application include:

- Acoustic impacts;
- Hours of operation; and
- Signage.

The proposal is considered to be generally consistent with the planning controls and therefore the application is recommended for approval.

2. Proposal

The proposed development seeks consent for extended hours of operation and the installation of business identification signage associated with a “Recreation Facility – Indoor” (Gymnasium). The change of use at the site for a recreational facility (indoor) was approved under Complying Development Certificate CDC 5611/01 dated 21 November 2022.

The proposal seeks hours of operation from 5.00am to 10.00pm Mondays to Fridays and 5.00am to 11.00am Saturday and Sundays. The proposed operational parameters also include the following:

- Maximum of three (3) staff on site (gym manager and assistant/personal trainers depending on demand); and
- Maximum number of twenty-Five (25) patrons on site at any one time.

The proposed business identification signage includes the following:

- **Sign 1** – 1 x Non-illuminated wall sign, 2400mm x 800mm x 20mm in size and to be situated on the upper-right-hand-side of the South-Eastern building façade;
- **Sign 2** – 1 x Painted “Fitstop” Logo wall sign, 2535mm x 3110mm in size and to be situated on the South-Western building façade; and
- **Sign 3** – 1 x Applied Digitally Printed Entry Door Decal applied to the interior glazing of the main entrance door on the South-Eastern building façade, to include company logo, operating hours and contact details.

3. Site Description

The subject site is located on the north-western side of Seaview Street, between Marrickville Road and Herbert Street. The site is legally described as Lot 122 inP1006040, otherwise known as 14 Seaview Street, Dulwich Hill. The total land size is 2416m², which is partially occupied by three (3) freestanding, commercial orientated buildings and an on-site carpark with forty-six (46) parking spaces.

The subject proposal pertains to the existing freestanding building located on the south-eastern portion of the land known as Building B, which contains a Recreation Facility – Indoor (Gymnasium).

The subject site is not listed as a heritage item nor located within a conservation area, however it directly adjoins the Dulwich Hill Commercial Precinct Heritage Conservation Area. The site is also directly opposite Dulwich Hill High School at 1-9 Seaview Street, which is a heritage item (identified as heritage item *I1019* under the IWLEP 2022).

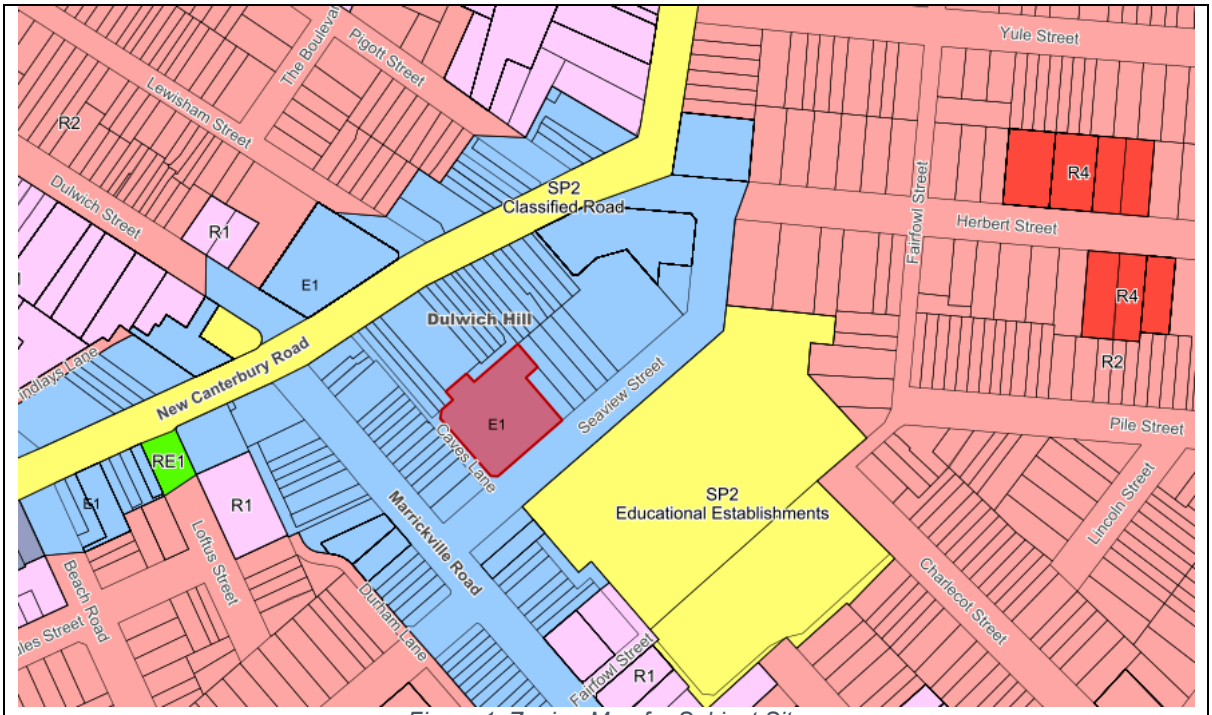


Figure 1: Zoning Map for Subject Site

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
CDCP/2022/0335	Complying Development Certificate No. CDC 5611/01 – Change of use and fitout of Indoor Recreation Facility (Fitstop Gymnasium).	Determined 21/11/2022
DA201700642	To use of the premises as a Legal Centre and install an associated sign.	Approved under delegated authority – 26/02/2018
CDC201700171	Internal alterations to existing building for office use.	Approved under delegated authority – 31/01/2018
DA201500084	To carry out alterations to the building and use the premises as the	Approved under delegated authority –

	administration offices for the NSW Federation of Community Language Schools.	14/05/2015

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
14/02/2022	A request for additional information (RFI) was sent to the applicant, requesting for the following matters to be addressed: • Amended signage elevation plans to be submitted, which demonstrate compliance with Part 2.12.3 of the Marrickville Development Control Plan 2011 (MDCP 2011); • Submission of an Acoustic Report that is in accordance with the relevant provisions of the Protection of the Environment Operations Act 1997, Liquor & Gaming NSW, NSW Environment Protection Authority's Noise Policy for Industry and Noise Control Manual; • Submission of an amended Plan of Management that confirms the maximum number of patrons and provides the recommendations from the acoustic report; • Submission of an amended Statement of Environmental Effects (SEE) that addressed the current LEP & SEPP that is applicable to the proposal; and • Details of submissions received during the notification period.
10/03/2022	Additional information was submitted in response to Council's RFI letter.
31/03/2022	Council's Environmental Health team provided advice that the additional information did not address all of the above concerns, and that the Acoustic Report & SEE is required to be amended.
05/04/2023	Following consultation with Council's Development Assessment Manager, Council contacted the applicant to advise of the amendments that are required to the application before a final assessment can be undertaken.
13/04/2023	The applicant provided a response to Council, with the application re-referred to Council's Environmental Health team.
17/04/2023	Conditions of consent were provided by Council's Environmental Health team.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (*EPA Act 1979*).

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

"(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

5(a)(ii) State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage

The following is an assessment of the development under the relevant controls contained in the SEPP.

The application seeks consent for the following signage:

Location	Sign Type	Lettering/Details	Dimension
South-eastern elevation	Business/building identification sign	"FITSTOP"	2400mm x 800mm x 20mm
South-western elevation	Logo wall sign	"FF" – Fitstop Logo	2535mm x 3110mm
South-eastern elevation	Digitally printed entry door decal sign	Fitstop contact and operating details	600mm x 650mm

The proposed development is consistent with objectives set out in Section 3(1)(a) and the assessment criteria specified in Schedule 5 as follows:

Criteria	Assessment
Character of the area	• The signage is compatible with the desired future character of the area.
Special areas	• The signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open spaces or residential areas.
Views and vistas	• The signage does not obscure or compromise important

	views.
Streetscape, setting or landscape	• The scale proportion and form of the signage is appropriate to the streetscape and locality. • The signage is of a simple design and will not contribute to visual clutter. • The signage reduces and rationalises the existing signage at the site. • The signage will not impact vegetation.
Site and building	• The scale proportion and form of the signage is appropriate to the building on which the signage is to be located. • The signage respects important features of the building.
Associated devices and logos with advertisements and advertising structures	• All elements of the signage have been well integrated into the structure which displays the signage.
Illumination	• No illumination is proposed, and therefore will not result in adverse amenity or safety impacts.
Safety	• The signage will not reduce safe of any public road, pedestrians, bicyclists and will not obscure sightlines from public areas.

The site is not located in a prohibited area listed within Section 3.8(1). The proposed signage is consistent with the aims and objectives of SEPP (Industry and Employment) 2021 and Marrickville Development Control Plan 2011, as the location of the signage on the building is well incorporated into both of the building's façades and is compatible with the architectural design of the building. The site is located on Seaview Street, in a predominately commercial area which has a residential interface to the north of the site. Having regard to the commercial tenancies located along the western side of Seaview Street adjoining Marrickville Road, along with surrounding businesses which have a frontage along New Canterbury Road which face towards the site's carpark, the proposed signage is generally consistent with other signage in the locality.

Control C18 in Part 2.12 of MDCP 2011 prescribes that the total signage must not exceed 1sqm of signage per 1.5 metres of the tenancy street frontage in a commercial zone. The property has an approximate frontage of 11.3 metres to Seaview Street, thus allowing 7.5sqm of signage. The property also has a secondary building elevation facing within the site's car park that is accessible to the public, and therefore will be considered as a secondary frontage for the purposes of this control. As this building elevation has a length of 22.1 metres, 14.7sqm of signage is permitted under the same calculation rates that are applied under C18. The proposed signage along the Seaview Street measures at 1.92sqm, which complies with C18. Similarly, the signage facing towards the site's carpark measures at 7.9sqm, which also complies with C18 of Part 2.12 of MDCP 2011.

The quantum of signage proposed is generally acceptable, having regard to the level of signage in the surrounding area. Additionally, the proposed signage has been well incorporated into the architectural design of the building and reduces visual clutter. As such, the proposal is consistent with the objectives and controls of Part 2.12 of MDCP 2011 and the proposed building signage is acceptable.

Given the above, the proposed signage is acceptable having regard to the objectives and controls relating to signage contained within Part 2.12 of MDCP 2011 and is considered satisfactory having regard to the assessment criteria contained within Section 3.11 of the SEPP.

5(a)(iii) Inner West Local Environmental Plan 2022 (IWLEP 2022)

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 – Aims of Plan
- Section 1.8A – Savings provision relating to development applications
- Section 2.3 – Land Use Table and Zone Objectives
- Section 2.5 – Additional permitted uses for land
- Section 5.10 – Heritage conservation

Section 2.3 Land Use Table and Zone Objectives

The site is zoned E1 under the *IWLEP 2022*. The site has an existing approval for a "*recreation facility (indoor)"* under Complying Development Certificate CDC 5611/01, with the signage proposed to be ancillary to the site's existing use. The *IWLEP 2022* defines the developments as:

Building identification sign *means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.*

Business identification sign *means a sign—*
(a) that indicates—
(i) the name of the person or business, and
(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

The objectives of the *E1: Local Centre* zone are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To provide employment opportunities and services in locations accessible by active transport.*
- *To provide retail facilities and business services for the local community commensurate with the centre's role in the local centres hierarchy.*
- *To ensure Inner West local centres are the primary location for commercial and retail activities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

- *To enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality.*

Building identification signs and business identification signs are both permitted with consent within the land use table. The proposal is consistent with the objectives of the E1 zone, given that the proposal contributes towards a diverse and active street frontage, and the signage ensures that the existing building maintains architectural and urban design quality which contributes to the desired character of the locality.

Part 4 Development Standards

The proposed development does not alter the sites compliance with the height of buildings or floor space ratio development standards.

Clause 5.10 Heritage

The proposed development is located within the vicinity of the Dulwich Hill Commercial Precinct Heritage Conservation Area along Marrickville Road and New Canterbury Road and is also directly opposite Dulwich Hill High School at 1-9 Seaview Street, which is a heritage item (identified as heritage item I1019) under the IWLEP 2022. Given the modest scale of the signage that is proposed and its compatibility with adjoining development, it is considered the proposal would not impact upon the heritage value of the nearby item or the surrounding conservation area.

5(b) Draft Environmental Planning Instruments

NA

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Marrickville Development Control Plan 2011.

MDCP 2011 Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes
Part 2.8 – Social Impact	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes
Part 2.12 – Signs and Advertising	Yes – See assessment under SEPP (Industry and Employment) 2021 above
Part 5 – Commercial and Mixed-Use Development	Yes
Part 9 – Strategic Context (Dulwich Hill – Commercial Precinct 38)	Yes

The following provides discussion of the relevant issues:

Part 5.3.1.1 Plan of Management

The application was accompanied by a Plan of Management. During the assessment of the application, the applicant was asked to amend the Plan of Management to confirm the

maximum number of patrons on the site at any one time, in addition to providing details/recommendations from the acoustic report to demonstrate how the acoustic impacts will be managed in relation to anticipated noise levels. This has been submitted and is considered acceptable. The Plan of Management is compliant with the provisions of Part 5.3.1.1 of MDCP 2011.

Part 5.3.1.2 Noise and vibration generation

Council's Environmental Health Team has reviewed the acoustic report and subject to the recommended conditions of consent have no objections to the proposed development. Such measures include restricting the use of free weights to a specific area and having the sound system be calibrated by an acoustic consultant to mitigate any potential impacts to surrounding development. Given this, the proposal is also satisfactory with respect to Part 2.6 of MDCP 2011.

Part 5.3.1.4 Hours of operation

The proposal seeks hours of operation from 5.00am to 10.00pm Mondays to Fridays and 5.00am to 11.00am Saturday and Sundays. The SEPP (Exempt and Complying Development Codes) 2008 assessment report contained within CDCP/2022/0335 has noted that the hours of operation for the property are approved from 6am to 10pm. It is also noted that Council previously granted consent via DA201700642 for the hours of operation to be between 9.00am to 9.00pm Mondays to Fridays, with no operation on Saturdays or Sundays.

The proposed increase in hours of operation are considered to be reasonable, when considered against the previous development consents on the site and the operating hours of neighbouring development. Furthermore, the Plan of Management and the acoustic report provide Council with the necessary certainty that the proposed trading hours will not unreasonably impact the amenity of neighbouring properties.

Given the nature of the use, the zoning, the acoustic control measures and plan of management, the proposed hours are considered appropriate.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(e) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties, from 30 November 2022 to 14 December 2022.

One (1) submission was received in response to the initial notification.

The submission raised the following concerns which are discussed under the respective headings below:

Issue: Impacts from the gym's operation upon the adjacent community hall, which is in use on Saturdays by Alcoholics Anonymous and Gamblers Anonymous.

Comment: The application is supported by an acoustic report and the application has been reviewed by the Council's Environmental Health team, who have advised that the proposal is acceptable subject to the imposition of conditions which have been included in the recommendation. The applicant has also amended the Plan of Management to demonstrate measures for volume control/music management.

Issue: Measures being in place that assure the gym's operation will not detrimentally impact the adjacent community hall.

Comment: Conditions of consent have been imposed, to ensure that the recommendations contained within the acoustic report and the Plan of Management are adhered to at all times.

Issue: Availability of the driveway leading up to the community hall.

Comment: As the proposal is for signage and extended hours of operation, it is considered that the proposal does not alter the access/availability of the driveway. However, it is noted that the SEPP (Exempt and Complying Development Codes) 2008 assessment report contained within CDCP/2022/0335 has assessed the impacts of car parking and has deemed the impacts to be acceptable prior to the issue of the Complying Development Certificate. Furthermore, the amended Plan of Management has confirmed that the maximum number of patrons on site at any one time will be twenty-five (25), which would assist in maintaining a reasonable capacity that minimises the impacts of car parking upon the surrounding locality.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Environmental Health

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022* and Marrickville Development Control Plan 2011.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties, the streetscape and is ultimately considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979,* grant consent to Development Application No. DA/2022/0855 for extended hours of operation and business identification signage associated with a "Recreation Facility – Indoor" (Gymnasium). at 14 Seaview Street DULWICH HILL subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent
The development must be carried out in accordance with plans and documents listed below:

Plan & Issue No.	Plan Name	Date Issued	Prepared by
VECA_FiDU3507_105D - Issue D	Shopfront Elevations (A) + (B)	17/02/23	VECA Group
Reference: 5934R001.DK.230411	Operational Noise Emission Assessment	12 April 2023	Acoustic Dynamics
-	Plan of Management	13 April 2023	Prestige Town Planning Pty Ltd

As amended by the conditions of consent.

GENERAL CONDITIONS

2. Noise – Consultant's Recommendations
The recommendations contained in the acoustic report prepared by Acoustic Dynamics, reference 5934R001.DK.230411 Rev 1 dated 12 April 2023 must be implemented, including the following:

a. All glass windows and doors are be kept closed at all times (other than when patrons enter and exit the premises)
b. Restricting the use of low frequency speakers (sub-woofers) and ensuring any full range speakers are isolated from building services. Section 7.3 provides recommendations to isolate speakers;
c. The use of free weights over 15 kg are to be restricted to the Free Weights area only. Free weights under 15 kg are restricted to the Free Weights area and Functional Training area;
d. The noise level of background music within the gym should be kept to an appropriate level, to enable speech intelligibility within the gym and to ensure patrons are not required to raise their voices while in the gym
e. Prior to commencement of operations, the sound system is to be calibrated by a qualified audio visual consultant or acoustic consultant to in accordance with Table 6.3 Recommended Maximum Indoor Octave Band Sound Pressure Levels:
f. All loudspeakers and sub woofers are to be isolated from the building structure using resilient fixings and mounts. Where sub woofers are located on the floor, they shall be installed on resilient mounts (minimum 50mm thick, or high density pads); and
g. Installation of a digital decibel meter within the gym facility. Instruct trainers to monitor the installed decibel meter during a class and reduce music levels and speech as necessary.

3. Waste Management Plan
Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

4. Works Outside the Property Boundary
This development consent does not authorise works outside the property boundaries on adjoining lands.

5. Complying Development Certificate CDC 5611/01
The development must maintain compliance with the conditions of consent issued under Complying Development Certificate CDC 5611/01, issued 21 November 2022.

DURING DEMOLITION AND CONSTRUCTION

6. Construction Hours – Class 2-9
Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

a. 8:00am to 12:00pm, Monday to Saturday; and
b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

PRIOR TO OCCUPATION CERTIFICATE

7. Noise – Acoustic Report
Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of *the Protection of the Environment Operations Act 1997* and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

ON-GOING

8. Noise General
The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

9. Plan of Management – Operation
The development must at all times be operated in accordance with the approved Plan of Management prepared by Prestige Town Planning Pty Ltd dated 13 April 2023. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

10. Hours of Operation
a. The hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Friday	5.00am to 10.00pm
Saturday and Sunday	5.00am to 11.00am

ADVISORY NOTES

Storage of Materials on public property
The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Prescribed Conditions
This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021.*

Failure to comply with conditions
Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Obtaining Relevant Certification
This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

a. Application for any activity under that Act, including any erection of a hoarding;
b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
f. Development Application for demolition if demolition is not approved by this consent; or
g. Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)
A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Permits from Council under Other Acts
Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
b. A concrete pump across the roadway/footpath;
c. Mobile crane or any standing plant;
d. Skip bins;
e. Scaffolding/Hoardings (fencing on public land);
f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
g. Awning or street verandah over footpath;
h. Partial or full road closure; and
i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise
Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997.*

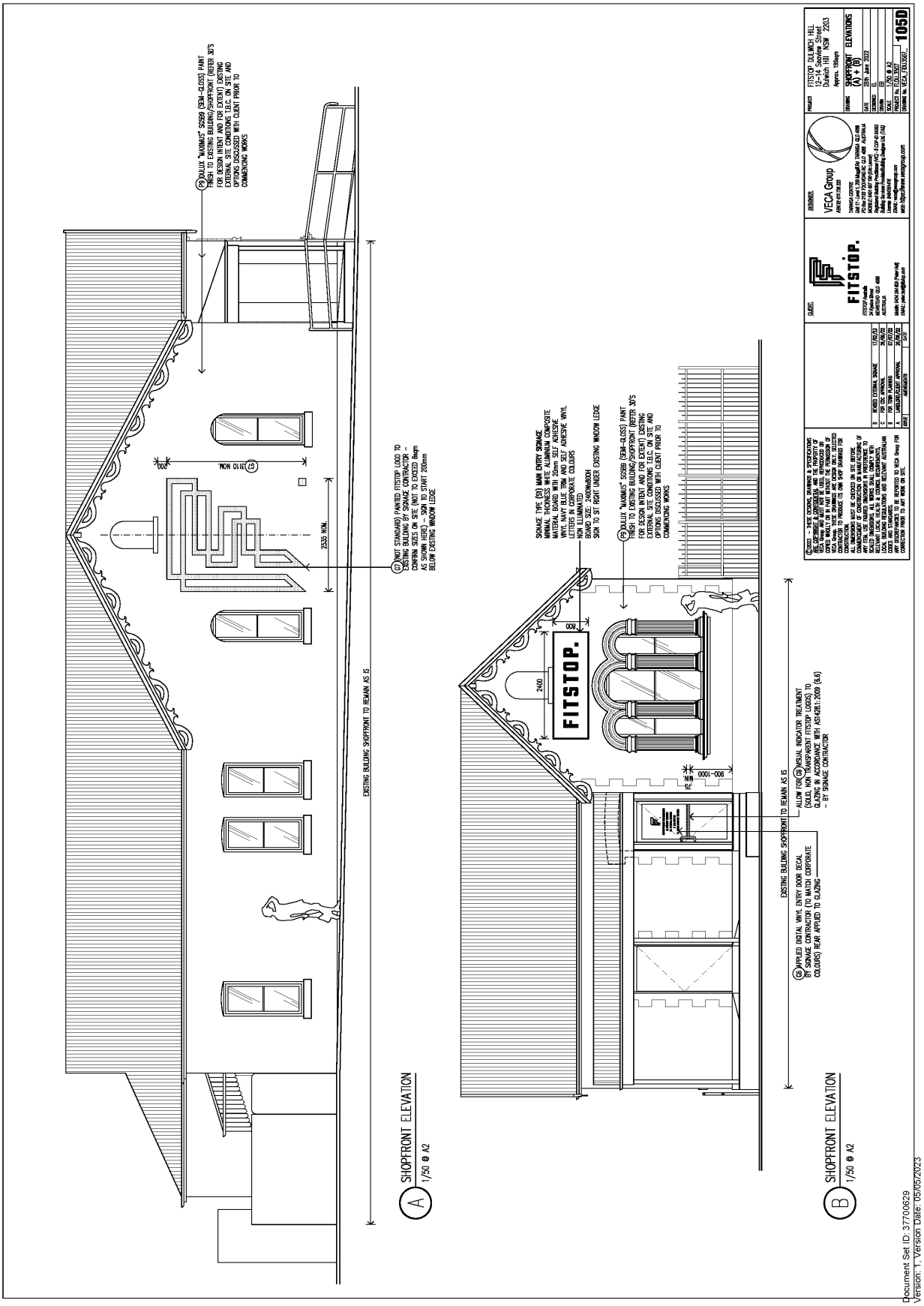
Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Lead-based Paint
Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Attachment B – Plans of proposed development



Attachment C – Statement of Environmental Effects\

PRESTIGE TOWN PLANNING
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FITSTOP.

STATEMENT OF ENVIRONMENTAL EFFECTS

FITSTOP DULWICH HILL, NSW

14 Seaview Street,

Dulwich Hill, NSW, 2203

Lot 122/-/DP1006040

10 March 2023

Prepared for submission to Inner West City Council

by Prestige Town Planning Pty Ltd on behalf of TAF 1 - C Pty Ltd.

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Contents

Summary

This Statement of Environmental Effects was completed by Prestige Town Planning Pty Ltd on behalf of TAF 1 – C Pty Ltd. It forms part of the Development Application for extended hours of operation and business identification signage associated with a "Recreation Facility – Indoor (Gymnasium) to be situated at 14 Seaview Street, Dulwich Hill, NSW, 2203 – Lot 122/-/DP1006040. The subject premises pertains to the existing freestanding building located on the South-Eastern portion of the land known as Building B.

The subject property is situated within a B2 – Local Centre land use zone pursuant to the Marrickville Local Environmental Plan (LEP) 2011 and development controls are imposed via the Marrickville Development Control Plan (DCP) 2011. It is further important to note that the change in land use and internal fit-out works associated with the subject facility is facilitated under Complying Development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which had been issued via Complying Development Certificate No. CDC 5611/01 on 21 November 2022.

This statement has been prepared to address the proposed development in accordance with the Environmental Planning and Assessment Act 1979, the Marrickville LEP 2011 and any other relevant planning instruments.

The Site

The subject property address relates to 14 Seaview Street, Dulwich Hill, NSW, 2203; a property located on the North-Western side of Seaview Street and is legally registered as Lot 122 of DP1006040. The total land size consists of 2416m² which is partially occupied by three (3) freestanding, commercial orientated buildings and a forty-six (46) space on-site carpark. The subject proposal pertains to the existing freestanding building located on the South-Eastern portion of the land known as Building B, which pertains to a Recreation Facility – Indoor (Gymnasium) and gains primary pedestrian access from the Northern footpath along the Seaview Street frontage.

Locality Map – NSW ePlanning Portal Spatial Viewer – Accessed July 2022

Locality Arial – NSW ePlanning Portal Spatial Viewer – Accessed July 2022 – Superimposed with relative location.

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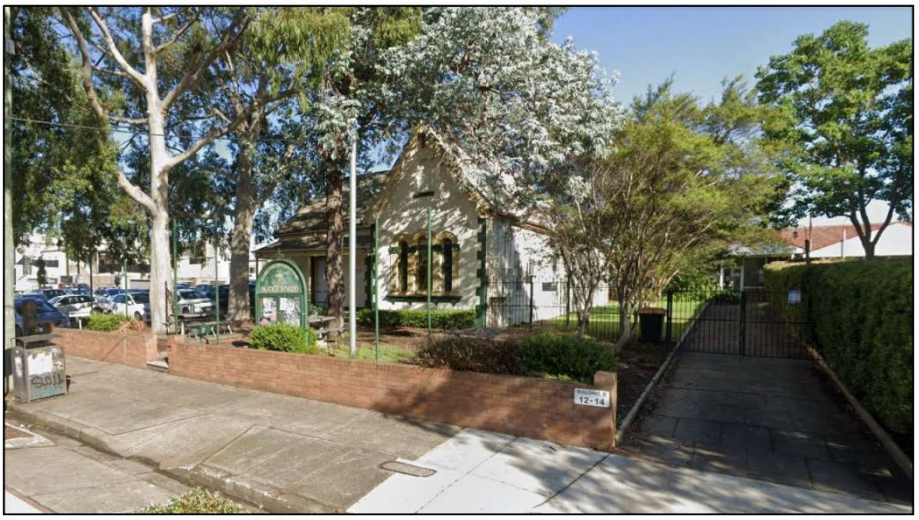

Elevation from Seaview Street – Google Streetview – Accessed July 2022

Elevation from Car Park – Google Streetview – Accessed July 2022

The proposed development is considered appropriate for the site given the layout, locality and commercial orientated character. It would enable an acceptable land use to be appropriately maintained within a prominent and commercial orientated setting.

Proposed Development

This Development Application seeks consent for extended hours of operation and business identification signage associated with a "Recreation Facility - Indoor" (Gymnasium) to be situated at 14 Seaview Street, Dulwich Hill, NSW, 2203 – Lot 122/-/DP1006040.

Operational Land Use Parameters

The proposed operational parameters include the following:

- The trading hours of the facility will be Monday to Friday, 5:00am to 10:00pm, Saturday and Sunday, 5:00am to 11:00am.
- Maximum of three (3) staff on site (gym manager and assistant/personal trainers depending on demand).
- Maximum number of twenty-Five (25) patrons on site at any one time.

Signage

The proposed business identification signage includes:
(Please refer to the attached elevation drawings for further details)

Sign 1 – 1 x Non-illuminated wall sign, 2400mm x 800mm x 20mm in size and to be situated on the upper-right-hand-side of the South-Eastern building façade.

Sign 2 – 1 x Painted "Fitstop" Logo wall sign, 2535mm x 3110mm in size and to be situated on the South-Western building façade.

Sign 3 – 1 x Applied Digitally Printed Entry Door Decal applied to the interior glazing of the main entrance door on the South-Eastern building façade, to include company logo, operating hours and contact details.

Environmental Assessment

The proposal has been assessed with regards to the relevant heads of consideration under *Section 4.15* of the *Environmental Planning and Assessment Act 1979.*

"In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of—

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v) (Repealed)

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest."

State Environmental Planning Policies

Pursuant to Section 1 (1) & (2) of Schedule 4 of the Environmental Planning and Assessments Regulations 2000, the following list indicates those State Environmental Planning Policies (SEPP's) and proposed SEPP's which may apply to the carrying out of development on the subject property. It is however noted that only State Environmental Planning Policy (Industry and Employment) 2021 apply to the subject proposal.

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*

State Environmental Planning Policy (Industry and Employment) 2021

The following is an assessment of the proposed signage installation against the assessment criteria of Schedule 5 of SEPP (Industry and Employment) 2021.

Please refer to attached signage and elevation drawings for reference.

1. Character of the area

- **Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?**

The proposed signage relates to high quality business identification signage which is to be located within a commercial orientated setting of the B2 – Local Centre Land Use Zone and is considered to be entirely consistent with the desired future character of the local area.

- **Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?**

Yes, the subject proposal is deemed to be consistent with the theme of outdoor business identification signage in the local commercial area in terms of type, scale and design and would be similar to many signs utilised within the Local Centre area.

2. Special Areas

- **Does the proposal detract from the amenity or visual quality of any environmentally sensitive area, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?**

The proposed signage would in no way detract from the amenity and/or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes nor residential areas?

The proposed signage is not to be within close enough proximity to any such areas and will therefore have no adverse and/or negative impact on any such areas whatsoever.

3. Views and Vistas
- **Does the proposal obscure or compromise important views?**

The signage to be installed will be done in such a manner as to ensure that no important views and/or view corridors are disturbed.

- **Does the proposal dominate the skyline and reduce the quality of vistas?**

No, the proposal does not dominate the skyline as none of the signage proposed is to be installed above the existing height of the building nor the awning. Similarly, no sign proposed will detract from the quality of the vista and all of the proposed signage would be readily removable without causing any permanent damage to the host building.

- **Does the proposal respect the viewing right of other advertisers?**

The proposed signage will not block views to any other signs in the area. The signage is also non-competitive with surrounding commercially orientated premises.

4. Streetscape, setting or landscape.

- **Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?**

The subject proposal is to be located within a B2 – Local Centre zone and to be located upon an existing building with no registered heritage and/or cultural amenity. As such, the signage proposed is considered to be consistent with the signage patterns existing in the locality, highly compatible with the streetscape as well as appropriate for the setting.

- **Does the proposal contribute to the visual interest of the streetscape, setting or landscape?**

The subject proposal will rationalise the streetscape and signal the existence of the associated 'Indoor Recreation Facility' through the installation of the proposed signage at the premises. The signage will be of a high designed quality and installed in a high-quality manner. It is expected to contribute positively to the visual interest of the streetscape and will be in keeping with the local signage precedents of the area.

- **Does the proposal reduce clutter by rationalising and simplifying existing advertising?**

The signage will be of a high-quality business identification relating only to the subject use on the premises. The proposed signage would be aimed towards reducing visual clutter by pertaining only to the subject tenancy and the associated land use.

- **Does the proposal screen unsightliness?**

Whilst the proposed signage has not been designed to screen 'unsightliness', no unsightliness will be created by the proposed signage. It will be installed in a manner that disguises any potential visually inappropriate ancillary objects required.

- **Does the proposal protrude above buildings, structures or tree canopies in the area or locality?**

No.

- **Does the proposal require ongoing vegetation management?**

No.

5. Site and Building

- **Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?**

The proposed design and size of the signage is considered to be in scale, proportion and character with the existing host building and deemed to be consistent with existing signage patterns of the local commercial centre.

- **Does the proposal respect important features of the site or building or both?**

The proposed signage has been designed to not detract from any significant features of the site and/or the host building. The proposed signage is instead considered to enhance important features of the building.

- **Does the proposal show innovation and imagination in its relationship to the site or building, or both?**

Yes. The proposed installation would create a beacon of arrival for patrons visiting the facility and therefore provide a more relatable streetscape.

6. Associated devices and logos with advertisements and advertising structures

- **Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?**

No.

7. Illumination

- **Would illumination result in unacceptable glare?**

No. None of the Signage is proposed to be illuminated.

- **Would illumination affect safety for pedestrians, vehicles or aircraft?**

No. None of the Signage is proposed to be illuminated.

- **Would illumination detract from the amenity of any residence or other form of accommodation?**

No. None of the Signage is proposed to be illuminated.

- **Can the intensity of the illumination be adjusted if necessary?**

No. None of the Signage is proposed to be illuminated.

- **Is the illumination subject to a curfew?**

No. None of the Signage is proposed to be illuminated.

8. Safety

- **Would the proposal reduce the safety for any public road?**

No. The signs will not affect the safe use of surrounding roads in any way, shape or form.

- **Would the proposal reduce the safety for pedestrians or bicyclists?**

No. All signs have been designed in manner that will ensure they do not affect the safe use of pedestrian and/or bicyclist pathways.

- **Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?**

No. The signs will not reduce sightlines in the locality, nor will they impede on any views.

Marrickville Local Environmental Plan (LEP) 2011

Zoning

The subject land is zoned B2 – Local Centre pursuant to the Marrickville 'LEP' 2011.

Zoning Map – Marrickville Local Environmental Plan (LEP) 2011

B2 – Local Centre Zone

Objectives of zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport and encourage walking and cycling.*
- *To provide housing attached to permissible non-residential uses which is of a type and scale commensurate with the accessibility and function of the centre or area.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To constrain parking and reduce car use.*

The subject proposal is deemed to adequately meet the objectives of the B2 – Local Centre land use zone. The proposal represents a perfectly suitable service use in the local area that will serve the daily needs of people living in, working in and visiting the locality. The subject proposal would utilise an existing tenancy of appropriate scale and character that will integrate well with surrounding land uses and contribute to the overall vitality and viability of the surrounding area and centres. All required works are further readily reversable should the proposed land use operations ever cease to exist.

With regards to these objectives, the facility will provide a perfectly compatible service use that is highly desired by residents, workers and visitors in the local area. Anytime Fitness finds that when a facility is established in an area that is located within relatively close proximity to

businesses, offices and surrounding residential areas, the local workforce and nearby residents make up a significant bulk of the membership base.

The subject proposal is further considered to provide for spaces at street level which are of a size configuration suitable for a land use that generates an active street front and will promote and encourage numerous employment opportunities for a number of persons over the time of its operation.

Permissibility

In reference to the land use and assessment tables of the B2 – Local Centre zone under the Marrickville Local Environmental Plan (LEP) 2011, the subject proposal is considered to meet and comply with all criteria in terms of zoning.

Marrickville Development Control Plan (DCP) 2011

It is important to note that this application relates to extended hours of operation and business identification signage associated with an existing and established commercial orientated building to be used as a "Recreation Facility – Indoor" (Gymnasium) via Complying Development (CDC) under State Environmental Planning Policy (Exempt and Complying Development Code) 2008 which had been issued via Complying Development Certificate No. CDC 5611/01 on 21 November 2022.

Since this proposal relates only to hours of operation and associated business identification signage, specifications on built form and site planning considerations with regard to the physical building structure and envelope, such as building setting, heights, setbacks, views and vistas, soil management etc. are not reconsidered here.

Part 2 – Generic Provisions

2.6 – Acoustic and Visual Privacy

This section should be read in conjunction with the Operational Noise Emissions Assessment Report provided by Acoustic Dynamics, dated 9 March 2023 and attached herewith. With the subject property being located within a commercial orientated area of the B2 – Local Centre land use zone the subject proposal is considered to be entirely compatible with the general character of the area with regards to noise. In addition, various acoustic control measures and materials are built into the design of the subject facility which is considered to be low impact and scaled down compared to other more traditional types of indoor recreation facilities.

It is further considered that with a number of advanced noise abatement measures and operational management strategies incorporated into the subject facility, it would have substantially less potential of causing amenity disturbance when compared to other more traditional modelled facilities.

These features include but are not limited to:

- There would be no loud bass beats typically associated with most recreation facilities, rather, the proposed facilities will have lower volume background music playing only throughout the facility which is set and locked by management.
- All the equipment is designed for members to use individually and without the need for 'spotting', thus encouraging a controlled use while being monitored by instructors.
- High impact acoustic rubber flooring is utilised throughout the facility to absorb any potential vibrational noise impacts from weights dropping onto the surface.
- All windows and doors are non-openable and fixed shut at all times (apart from when patrons enter or exit the premises), with air conditioning supplied to filter the air.
- All exercise functions would be wholly conducted within the confines of the building and no forms of activity are to be practiced outside the premises.
- All classes are facilitated by highly trained instructors and patron behaviour is consistently monitored during all classes.
- Members are made aware during induction of the need to remain respectful when entering and leaving the facility, especially during the early and late hours.
- Education on the appropriate use of each piece of equipment on the gym floor. This includes the way equipment is used in a controlled manner as to maintain a quiet and courteous environment.
- Restricting the use of low frequency speakers (sub-woofers) and ensuring any full range speakers are isolated from building services.
- Erection of clearly visible signage throughout the facility advising members that they must not drop weights or allow weights to drop on the floor or use weights outside of the designated weight areas.

These methods and regulations are also set out and discussed in further detail in the attached *Plan of Management*.

In summary, the aspects of the subject facility that could potentially impact land use amenity by means of vibration and/or noise have been identified and discussed. It is considered that any potential noise and/or vibration emissions are controlled in a manner that would result in no undue or negative impact on any surrounding land uses.

The subject proposal is further considered to have no impact on visual privacy of any kind.

2.8 – Social Impact Assessment

The proposed development parameters and associated business identification signage within the local commercial centre area would enable the facility to provide residents, local workers and visitors of all backgrounds, ethnicity and sex with an enhanced variety of choice in

recreational services, while encouraging a healthy lifestyle and social interaction at an affordable price with convenient usage times. It adds to the overall desired commercial character of the local centre area, thus, making this area of Dulwich Hill a more attractive experience for both the local community and all who visits. The 'Fitstop' brand fully acknowledges and respects the different values and cultures of all sectors of society and aims to provide a wholistic platform of inclusion and equity for all people of society, regardless of their differences.

The local facility provides a safe space with the opportunity for people from all walks of life to socially interact, attain a sense of belonging and inclusion and pursue a healthier and happier lifestyle. With proper management systems and mitigation measures in place, it is considered that the subject proposal would have no undue negative impact on social amenity in any way, but rather promote the values of inclusion, public safety and equality. The subject facility therefore provides a positive contribution to social development.

2.9 – Community Safety

The subject facility incorporates a state-of-the-art security system to maximise the safety of users. The security system encompasses a closed-circuit-television system (CCTV) and include 24-hour digital video recording, a high-resolution camera positioned by the entrance and a number of other cameras strategically located in and around the facility to ensure that supervision is maximised. The coverage of these cameras are thorough both internally and externally and will provide excellent surveillance of the premises for the safety of all users.

Fixed emergency buttons will also be located in appropriate locations inside the facility. A first aid-kit and "in case of emergency" signage with instructions are located in an appropriate location.

The facility has further been designed to maximise casual surveillance with the front reception area directly facing the entrance. There will be no dead ends, nor any other form of potential entrapment areas and all access points will be clearly identified as to differentiate between private and public spaces.

All external areas are provided with sufficient lighting to encourage the use of safe areas and allow for facial recognition of approaching pedestrians. Members will further be required to check in at reception upon arrival which enables active patron monitoring. All staff will be appropriately qualified in first aid and CPR training, and it should be kept in mind that all instructors and trainers are highly qualified professionals.

2.12 – Signs and Advertising Structures

The proposed signage installation has been assessed against Section 2.12 – Signs and Advertising Structures of the Marrickville 'DCP' 2011 as well as the principles of the 'SEPP 64'.

The proposed business identification signage includes:
(Please refer to the attached elevation drawings for further details)

Sign 1 – 1 x Non-illuminated wall sign, 2400mm x 800mm x 20mm in size and to be situated on the upper-right-hand-side of the South-Eastern building façade.

Sign 2 – 1 x Painted "Fitstop" Logo wall sign, 2535mm x 3110mm in size and to be situated on the South-Western building façade.

Sign 3 – 1 x Applied Digitally Printed Entry Door Decal applied to the interior glazing of the main entrance door on the South-Eastern building façade, to include company logo, operating hours and contact details.

The presence of the proposed business identification signage is considered to be justified in these locations given the context and setting of the existing building and existing signage opportunities. The building currently relates to a commercially orientated development within a commercially orientated area of the B2 – Local Centre land use zone. The size and design of the signage is considered to be in scale and proportion with the host building, surrounding area and consistent with the signage presidents of the commercially orientated locality. The proposed signs would also not be in close enough proximity to any residential land uses nor directed towards any sensitive uses to cause amenity disturbance and at the same time not be bright enough to have any adverse effects on safety.

This rationalizes the use of the site as an indoor recreation facility at the premises and in the streetscape which adds to the perception of safety in the area. The installation will further be done in such a manner as to ensure that no view corridors, vistas or view sheds are disturbed and has been designed to portray no 'unsightliness' as it will be installed in a manner that disguises all potential visually inappropriate ancillary objects required, all of which can be easily removed without causing any significant and/or permanent damage to the building itself. The installation will further not require any overhead power lines and will therefore not be subject to any sagging or swaying of cables.

The proposal will also not dominate the skyline, as it is not to be installed above the existing height of the building. Similarly, no sign proposed will detract from the quality of the vista and will not block views to any other signs in the area while being non-competitive to the surrounding commercial premises. All signage proposed and installed will be kept and maintained to the satisfaction of the local authority.

Part 5 – Commercial and Mixed Use Development

5.3 – Commercial/Light Industrial/Residential Interface

Please refer to the attached *Plan of Management* and sections *2.6 – Acoustic and Visual Privacy* and *2.9 – Community Safety* of this report for further details relating to Noise, Security and Hours of Operation accordingly.

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Part 8 - Heritage

The subject property is not located within an identified Environmental Heritage Conservation Area and contains no items of Heritage Significant Amenities. The site is further not located within relatively close enough proximity to any such Heritage Significant Amenities to have a potential impact thereon either.

Part 9 – Strategic Context

9.38 – Dulwich Hill (Commercial Precinct 38)

The subject property is identified to be located within the Masterplan Area (MA 38.1) of the Dulwich Hill (Commercial Precinct 38) as depicted in Figure (38.1a) of the Marrickville DCP 2011.

Figure 38.1a Location Plan
Dulwich Hill Commercial Precinct 38 – Masterplan Area (MA 38.1) – Marrickville DCP 2011

The subject proposal does however not impede on any prescribed site-specific planning controls as depicted in Section 9.35.5 of the Marrickville DCP 2011.

Section 4.15 of the EP&A Act - Other potential impacts of the development

This section assesses the impact of the subject proposal in relation to the following matters:

- Site Services
- Visual impact and context
- Flora and fauna values
- Soil erosion and landscaping provision
- Suitability of the site for development
- Public Interest
- Socio-Economic Impact

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Site Services

Not affected by the subject proposal.

Visual impact and context

Please refer to 'The Site' and "2.12 – Signs and Advertising Structures" sections of this report.

Flora and fauna values

Not affected by the subject proposal.

Soil erosion and landscaping provision

Not affected by the subject proposal.

Suitability of the site for Development

The subject proposal is considered suitable for the site given the following;

- The subject proposal adequately meets the objectives of the B2 – Local Centre land use zone and adheres to the principles envisaged for the locality in terms of the zone objectives;
- The subject proposal is considered to complement surrounding commercial land uses, businesses and the local residential community;
- The design and locality of the subject proposal is appropriate for the setting and can be readily returned to its prior state should the subject development ever cease operation;

Public interest

It is considered that the subject proposal would provide residents, local workers and visitors with an enhanced variety of choice in recreational services, while encouraging a healthy lifestyle and social interaction at an affordable price with convenient usage times. It also adds to the overall tenancy mix of the locality, making this area of Dulwich Hill a more attractive experience for the local community and all who visits.

With proper management systems and mitigation measures in place (see attached Plan of Management), it is considered that the proposal would have no undue negative impact on any residential, commercial, retail, industrial or business land uses with regards to safety, security and/or acoustic amenities. The subject proposal would have a positive contribution on social and economic impact, in accordance with the vision of the local area.

Socio-Economic Impact

The subject proposal would enable the facility to provide residents, local workers and visitors of all backgrounds, ethnicity and sex with an enhanced variety of choice in recreational services, while encouraging a healthy lifestyle and social interaction at an affordable price with convenient usage times.

The subject facility fully acknowledges and respects the different values and cultures of all sectors of society. It aims to provide a wholistic platform of inclusion and equity for all people of society, regardless of their differences. The local indoor recreation facility provides a safe space with the opportunity for people from all walks of life to socially interact, attain a sense of belonging and inclusion and pursue a healthier and happier lifestyle.

It is considered that the subject proposal would have no undue negative impact on social amenity in any way or form and would rather promote the values of inclusion, public safety and equality. The subject proposal would therefore make a positive contribution to social development within the local society.

In addition to the above, the subject proposal would promote and encourage numerous employment opportunities for a number of persons over the time of its operation including the installation, ongoing maintenance and day to day operations without compromising the amenity of other surrounding land uses.

Conclusion

In summary, it is considered that this proposal represents an appropriate development for the site with a positive impact on the local area.

The proposal as submitted could be supported on the following grounds:

- It is both permissible and consistent with the development objectives of the B2 – Local Centre land use zone;
- The proposal is considered acceptable in terms of *Environmental Planning and Assessment Act 1979, Marrickville Local Environmental Plan (LEP) 2011* and the *Marrickville Development Control Plan (DCP) 2011*.
- It makes appropriate use of prominent and existing opportunities without compromising its future potential.
- Appropriate conditions may be imposed to ensure the development proceeds in accordance with Council requirements.

Attachment D – Acoustic Report

acousticdynamics

Operational Noise Emission Assessment

Proposed Gym

14 Seaview St, Dulwich Hill, NSW

Client:
Fitstop

Association of Australasian Acoustical Consultants

12 April 2023

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Notice

Document	Rev	Date	Prepared	Reviewed	Authorised	Approved
5934R001.DK.230302	0	9 March 2023	DK	RH	RH	RH
5934R001.DK.230411	1	12 April 2023	DK	JC	RH	

CONTENTS

GLOSSARY

NOISE

Noise is produced through rapid variations in air pressure at audible frequencies (20 Hz – 20 kHz). Most noise sources vary with time. The measurement of a variable noise source requires the ability to describe the sound over a particular duration of time. A series of industry standard statistical descriptors have been developed to describe variable noise, as outlined below.

NOISE DESCRIPTORS

L_{eq} – The sound pressure level averaged over the measurement period. It can be considered as the equivalent continuous steady-state sound pressure level, which would have the same total acoustic energy as the real fluctuating noise over the same time period.

$L_{Aeq(15min)}$ – The A-weighted average equivalent sound level over a 15-minute period.

L_{A10} – The A-weighted noise level that has been exceeded for 10% of the measurement duration.

L_{A90} – The A-weighted noise level that has been exceeded for 90% of the measurement duration. This descriptor is used to describe the background noise level.

RBL – Rating Background Level. The overall, single-figure background level representing each assessment period (day/evening/night) over the whole monitoring period (as opposed to over each 24-hour period used for assessment background level). This is the level used for assessment purposes.

dB – Decibels. The fundamental unit of sound, a Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell. Probably the most common usage of the Decibel in reference to sound loudness is dB sound pressure level (SPL), referenced to the nominal threshold of human hearing. For sound in air and other gases, dB (SPL) is relative to 20 micropascals (μPa) = 2×10^{-5} Pa, the quietest sound a human can hear.

R_w – Weighted Sound Reduction Index. A measure of sound insulation performance of a building element. The higher the number, the better the insulation performance.

A-WEIGHTING

"A-weighting" refers to a prescribed amplitude versus frequency curve used to "weight" noise measurements to represent the frequency response of the human ear. Simply, the human ear is less sensitive to noise at some frequencies and more sensitive to noise at other frequencies. A-weighting is a method to present a measurement or calculation result with a number representing how humans subjectively hear different frequencies at different levels.

NOISE CHARACTER, NOISE LEVEL AND ANNOYANCE

The perception of a given sound to be deemed annoying or acceptable is greatly influenced by the character of the sound and how it contrasts with the character of the background noise. A noise source may be measured to have only a marginal difference to the background noise level but may be perceived as annoying due to the character of the noise. Acoustic Dynamics' analysis of noise considers both the noise level and sound character in the assessment of annoyance and impact on amenity.

1 INTRODUCTION

1.1 EXECUTIVE SUMMARY

Acoustic Dynamics is engaged by **Fitstop** to assess operational noise emission resulting from the use and operation of the proposed gym located at 14 Seaview St, Dulwich Hill, NSW

This document provides an assessment of noise emission resulting from various noise sources associated with the operation of the proposed gym at the most potentially affected sensitive receiver locations, to achieve compliance with the relevant noise criteria and objectives. This assessment is prepared in accordance with the various acoustic requirements of:

(a) Inner West Council (Marrickville);
(b) NSW Environment Protection Authority;
(c) Association of Australasian Acoustical Consultants; and
(d) Australian Standards.

1.2 PROJECT DESCRIPTION

The development proposal is for a gym to be located at 14 Seaview St, Dulwich Hill, NSW, situated within a Local Centre (B2) land zone within the Inner West Council area of NSW. The subject development has road frontage direct to Seaview Street, and shares boundaries with various classifications of receivers

Acoustic Dynamics understands that Council has requested an acoustic assessment be undertaken of the proposed operations of the gym to confirm that nearby sensitive receivers will not be adversely affected.

The gym proposes to operate between the following hours:

- 5:00am to 10:00pm from Monday to Friday; and
- 5:00am to 11:00am on Saturdays and Sunday.

Acoustic Dynamics understands the premises has a capacity for approximately 25 patrons and 3 additional staff members. Acoustic Dynamics understands patrons will utilise parking spaces within the parking lot adjacent to the site and local areas, or arrive at the gym by foot or public transport.

The various noise sources and operations associated with the gym are predicted to include:

- Exercise equipment including cardio equipment, weight machines and a free weights area;
- Amplified background music;
- Various items of mechanical plant;
- Vehicle movements; and
- Ingress and egress of patrons.

The project site, adjacent receivers and surrounding area are shown in the Location Map and Aerial Image presented within **Appendix A**.

1.3 SCOPE OF WORKS

Acoustic Dynamics has been engaged to provide an acoustic assessment suitable for submission to the relevant authorities.

The scope of the assessment is to include the following:

- Review local planning and development control instruments, state guidelines, federal legislation, standards and guidelines applicable to the proposal;
- Conduct unattended noise monitoring and operator-attended measurements at the development site to determine the existing noise environment and establish relevant noise criteria;
- Perform relevant calculations and noise modelling associated with the proposal to determine noise emission at nearby receiver locations; and
- Provide recommendations for design measures to be incorporated to achieve compliance with the relevant criteria and minimise potential noise impacts at nearby receiver locations.

2 ASSESSMENT CRITERIA AND STANDARDS

Acoustic Dynamics has reviewed local planning and development control instruments, government policies and legislation, standards and guidelines that are applicable to the proposal. The relevant sections of this review and the most stringent criteria applicable to this assessment are presented below.

2.1 LOCAL GOVERNMENT AND COUNCIL CRITERIA

2.1.1 DEVELOPMENT CONSENT

Acoustic Dynamics has reviewed Council's conditions of consent and the following conditions relevant to this assessment are included below:

> *"**2. Acoustic Impacts***
>
> *A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council for the proposed development which demonstrates that noise emissions comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Liquor & Gaming NSW, NSW Environment Protection Authority's Noise Policy for Industry and Noise Control Manual. The report is to include (but not limited to):*
>
> *a) Nominate the most affected residential premises.*
> *b) Noise emissions from the use and operation of the development, specifically noise transmission from vibrations/noise associated with dropping weights, operation/use of treadmills on timber floorboards etc.*
> *c) Maximum number of patrons using equipment at any one time.*

d) Noise emissions from background/amplified music including physical controls for setting noise limits on such background/amplified music generators.
e) Cumulative impact of all plant & equipment operating simultaneously at maximum capacity.
f) Noise emissions from any proposed and existing plant and equipment (e.g. mechanical ventilation system, refrigeration condensers, air conditioning units for requested additional hours etc).
g) Any noise attenuation measures and recommendations to ensure compliance with the nominated noise criteria.
h) Any recommended monitoring and compliance programs/validation to ensure compliance with relevant noise criteria."

2.1.2 LOCAL PLANNING AND DEVELOPMENT CONTROL INSTRUMENTS

Acoustic Dynamics has reviewed the relevant local planning and development control instruments, including the following documents:

- *Marrickville Local Environmental Plan 2011* (LEP); and
- *Marrickville Development Control Plan 2011* (DCP).

Acoustic Dynamics' review of the Marrickville LEP did not yield specific acoustic criteria or information relevant to this assessment.

Acoustic Dynamics' review of the Marrickville DCP did not yield specific acoustic criteria or information relevant to this assessment.

2.2 STATE GOVERNMENT POLICIES AND LEGISLATION

2.2.1 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Noise emission from the development must comply with the requirements of the *Protection of the Environment Operations Act 1997* (POEO Act). The POEO Act requires that the development must not generate *"offensive noise"*.

*"**offensive noise** means noise–*

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations."

2.3 NSW ENVIRONMENT PROTECTION AUTHORITY

Acoustic Dynamics has reviewed various assessment guidelines and criteria published by the NSW Environment Protection Authority (EPA), including the following documents:

- *Noise Policy for Industry 2017* (NPfI);
- *Road Noise Policy 2011* (RNP); and
- *Noise Guide for Local Government 2013* (NGLG).

References to applicable acoustic guidelines and requirements are summarised below.

2.3.1 NOISE POLICY FOR INDUSTRY 2017

The NPfI outlines and establishes noise criteria for industrial and other noise sources in various zoning areas. The following criteria have been applied for the assessment of noise emission associated with the use and operation of the development.

PROJECT INTRUSIVENESS NOISE LEVEL

The intrusiveness noise level is determined as follows:

$L_{Aeq,\ 15min}$ = rating background noise level + 5 dB

where:

$L_{Aeq,\ 15min}$	represents the equivalent continuous (energy average) A-weighted sound pressure level of the source over 15 minutes.

and

Rating background noise level	represents the background level to be used for assessment purposes, as determined by the method outlined in Fact Sheets A and B.

PROJECT AMENITY NOISE LEVEL

The recommended amenity noise levels represent the objective for **total** industrial noise at a receiver location, whereas the **project amenity noise level** represents the objective for a noise from a **single** industrial development at a receiver location.

To ensure industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a project amenity noise level applies for each new source of industrial noise as follows:

Project amenity noise level for industrial developments = recommended amenity noise level (Table 2.2) minus 5 dB(A)

In accordance with the residential receiver categories of the NPfI, Acoustic Dynamics advises that the project amenity noise level is based on the "*Urban*" residential receiver type. The acoustical environment of this area is typically dominated by urban hum or industrial source noise, and through-traffic with characteristically heavy and continuous traffic flows during peak periods.

To establish the acoustic environment at the residential receivers nearest to the premises, in accordance with the guidelines of the NSW EPA's NPfI, unattended noise monitoring was conducted between 23 February and 2 March 2023.

The noise logger was located at the front of the subject site, on ground level. Acoustic Dynamics advises the measurement location is representative of the existing noise environment of the nearest sensitive residential receivers. The measurement location is shown within **Appendix A**. Results from the long-term noise monitoring are presented in **Appendix B**.

Following the general procedures outlined in the EPA's NPfI, a summary of the established noise environment is presented in **Table 2.1**.

Table 2.1 Measured External Noise Levels and Project Noise Objectives – Residential Receivers

Location	Assessment Period	L_{A90} Rating Background Noise Level (RBL) [dB]	Measured L_{Aeq} Noise Level [dB]	Project Intrusiveness Noise Level $L_{Aeq,15min}$ [dB]	Project Amenity Noise Level $L_{Aeq,15min}$ [dB][2]	Project Noise Trigger Level $L_{Aeq,15min}$ [dB]
Nearest Residential Receivers	Day (7am[1] to 6pm)	44	61	49	58	49
	Evening (6pm to 10pm)	41	57	46	48	46
	Night (10pm to 7am[1])	34	50	39	43	39

Note: 1) 8:00am on Sundays and public holidays.

2) Amenity adjustment based on "*Urban*" residential receiver type (NPfI Table 2.2). The noise emission objective has been modified in accordance with the recommendations detailed within the NPfI Section 2.2, for time standardisation of the intrusiveness and amenity noise levels ($L_{Aeq,15min}$ will be taken to be equal to the $L_{Aeq,\ period}$ **+ 3 dB**).

NB: Project noise trigger level is the lowest value of project intrusiveness or project amenity noise level after conversion to the L_{Aeq} equivalent value.

For premises to which it applies, the NPfI noise criteria for the assessment of noise emission for other receiver classifications are presented as **Table 2.2**.

Table 2.2 Project Noise Level Objectives – Other Receivers

Type of Receiver	Noise Amenity Area	Assessment Period	Project Noise Trigger Level $L_{Aeq,15min}$ [dB][1]
Commercial premises (external)	All	When in use	63
Active recreation area (e.g. school playground, golf course)	All	When in use	55
School classroom (internal)	All	Nosiest 1-hour period when in use	35

Acoustic Dynamics advises that achieving compliance with the NPfI's noise emission objectives applicable at the boundaries of the nearest sensitive receivers will adequately protect the acoustic amenity of all nearby receivers.

Although the NPfI does not apply for the assessment of noise emission from the subject development, Acoustic Dynamics advises that achieving compliance with the NPfI's noise emission objectives applicable at the boundaries of the nearest sensitive receivers will adequately protect the acoustic amenity of these receivers.

2.3.2 ROAD NOISE POLICY 2011

The RNP document provides road traffic noise criteria for proposed roads as well as other developments with the potential to have an impact in relation to traffic noise generation.

The noise criteria applicable to the subject site is presented below.

Table 2.1 Road Traffic Noise Assessment Criteria for Residential Land Uses

Road category	Type of project / land use	Assessment Criteria [dB]	
		Day (7am – 10pm)	Night (10pm – 7am)
Local roads	6. Existing residences affected by **additional traffic** on existing local roads generated by land use developments	$L_{Aeq,\ (1\ hour)}$ 55 (external)	$L_{Aeq,\ (1\ hour)}$ 50 (external)

Accepted application of the Section 2.4 of the RNP is that where road traffic noise levels already exceed the assessment criteria, an increase of less than 2 dB represents a minor impact that is barely perceptible to the average person.

2.3.3 SLEEP DISTURBANCE CRITERION

Acoustic Dynamics advises that sleep disturbance is a complex issue, and the potential for sleep disturbance to occur depends on both the level of noise at a residential receiver, and the number of events that occur.

The NSW EPA has investigated overseas and Australian research on sleep disturbance. The assessment of noise for sleep disturbance relies on the application of a screening that indicates the potential for this to occur. The EPA's NGLG provides the following guidance for such a screening test:

> *"Currently, there is no definitive guideline to indicate a noise level that causes sleep disturbance and more research is needed to better define this relationship. Where likely disturbance to sleep is being assessed, a screening test can be applied that indicates the potential for this to occur. For example, this could be where the subject noise exceeds the background noise level by more than 15 dB(A). The most appropriate descriptors for a source relating to sleep disturbance would be $L_{A1(1\ minute)}$ (the level exceeded for 1% of the specified time period of 1 minute) or L_{Amax} (the maximum level during the specified time period) with measurement outside the bedroom window."*

Additionally, the guidelines of the NPfI provide the following additional information:

> *"Where the subject development/premises night-time noise levels at a residential location exceed:*
> - *$L_{Aeq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater; and/or*
> - *L_{AFmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is greater".*

Further to the above information, the following summarizes the sleep disturbance criterion:

$L_{Aeq,15min} \leq$ 40 dB or $L_{Aeq,15min} \leq$ (RBL + 5 dB), whichever is greater
AND
L_{Amax} or $L_{A1(1\ minute)} \leq L_{A90}$ + 15 dB or 52 dB(A), whichever is greater

In addition to the above, the EPA has previously published the following additional information relating to findings of significant research carried out for sleep disturbance:

> *"Maximum internal noise levels below 50-55 dBA are unlikely to cause awakening reactions… One or more noise events per night, with maximum internal noise levels of 65-70 dBA, are not likely to affect health and wellbeing significantly."*

In accordance with the NGLG and NPfI guidelines detailed above, the following sleep disturbance screening criterion has been applied for this project:

Sleep Disturbance Criteria:
$L_{Aeq,15min} \leq$ **40 dB**
AND
L_{Amax} or $L_{A1(1\ minute)} \leq$ **52 dB**

2.4 ASSOCIATION OF AUSTRALASIAN ACOUSTICAL CONSULTANTS

Member firms of the Association of Australasian Acoustical Consultants (AAAC) have prepared the *Guideline for Acoustic Assessment of Gymnasiums and Exercise Facilities (Version 1.0, February 2022)* to assist members and local councils in accurately and fairly assessing the noise and vibration impact from gymnasiums on residential and commercial receivers.

2.4.1 GUIDELINE FOR ACOUSTIC ASSESSMENT OF GYMNASIUMS AND EXERCISE FACILITIES 2022

Contained within the guideline are recommendations of noise objectives to be used for the assessment of the impact of noise and vibration emission from gymnasiums and exercise facilities to nearby receivers.

GENERAL NOISE EMISSION TO RESIDENTIAL RECEIVERS

The section below outlines the relevant criteria applicable to noise emission levels from sources associated with the development at nearby residential receivers.

> ***"3.3 Residential Receiver Noise Criteria***
>
> ***3.3.1 General Noise Emission to Residential Receivers***
> *The following criteria apply to noise emission from music, patrons and staff within the premises to residential receivers. Note should be made that "general noise" does not include the occasional impulsive noise from activities such as weight drops. Such noise sources are assessed under "Impulsive Noise":*
>
> *a) The $L_{A10(15min)}$ noise contribution from music, patrons and staff emitted from the gymnasium or exercise facility shall not exceed the background noise level in any octave band frequency (31.5 Hz to 8 kHz inclusive) by more than 5 dB at the boundary, or within at any affected residence between 7am* and 10pm (*8am on Sundays and public holidays).*
>
> *b) The $L_{A10(15min)}$ noise contribution from music, patrons and staff emitted from the gymnasium or exercise facility shall not exceed the background noise in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) at the boundary, or within any affected residence between 10pm and 7am* (*8am on Sundays and public holidays).*
>
> *c) Notwithstanding compliance of the above, noise from music, patrons and staff at the gymnasium or exercise facility shall not be audible in any habitable room in any residential premises between the hours of 10pm and 7am* (*8am on Sundays and public holidays)."*
>
> *d) Where the $L_{A10(15min)}$ noise level is below the threshold of hearing, Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226:2003 "Acoustics – Normal equal-loudness-level contours" then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.*

GENERAL NOISE EMISSION TO NON-RESIDENTIAL RECEIVERS

The following provisions applicable to noise emission levels from the proposed gym at nearby commercial receivers also apply.

"3.4 Non-Residential Receiver Noise Criteria

3.4.1 General Noise Emission to Non-Residential Receivers

The acceptable noise level in non-residential receivers will vary depending on the use of the space. For example a higher level of noise intrusion would be acceptable for an industrial receiver, compared to a school or office. Australian Standard AS2107 Acoustics - Recommended design sound levels and reverberation times for building interiors provides design sound level ranges for a variety of different areas of occupancy in buildings.

The AAAC recommends that the $L_{Aeq,15min}$ noise emission level resulting from the operation of the gymnasium or exercise facility should not exceed the lower extent of the design sound level range for the use given in Table 1 of AS2107, at the assessment location, as defined above, at all times. This includes both airborne and structure-borne noise from general noise sources such as music, patrons and staff associated with the operation.

Note should be made that "General Noise" does not include the occasional impulsive noise from activities such as weight drops. Such noise sources are assessed under "Impulsive Noise"."

The AAAC provides recommended criteria for impulsive noise emission from gymnasiums to residential and non-residential receivers from the performance of activities within a gymnasium or exercise space.

These activities often include the use of free weights, weight machines, cardio machines such as treadmills and stationary exercise bikes, as well as equipment such as boxing bags, battle ropes and exercises where is made with the floor such as box jumps or skipping. These criteria are presented below.

IMPULSIVE NOISE EMISSION TO RESIDENTIAL RECEIVERS

The AAAC recommends the following criteria apply to impulsive noise emission from gymnasiums to residential receivers from the performance of activities within the gymnasium including the dropping of weights. Overall contributed L_{AFmax} within octave bands of interest (octave bands containing the impulse energy, generally 31.5 Hz to 250 Hz, as determined by the acoustic consultant) should not exceed the following levels:

"$L_{AFmax(\sum Oct,31.5\text{-}250Hz)} \leq 35$ dB for daytime[1]
$L_{AFmax(\sum Oct,31.5\text{-}250Hz)} \leq 30$ dB for evening[2]
$L_{AFmax(\sum Oct,31.5\text{-}250Hz)} \leq 25$ dB for night-time[3]
Notes:

1. *Daytime is 7am to 6pm*
2. *Evening is 6pm to 10pm*
3. *Night-time is 10pm to 7am* (*8am on Sundays and public holidays)*
4. *Justification would be required of the acoustician to vary any of the above"*

IMPULSIVE NOISE EMISSION TO NON-RESIDENTIAL RECEIVERS

The acceptable noise level in non-residential receivers will vary depending on the use of the space. Australian Standard *AS 2107 Acoustics – Recommended design sound levels and reverberation times for building interiors* provides design sound level ranges for a variety of different areas of occupancy in buildings. Using AS 2107 as a guide, the AAAC recommends the following criteria apply to impulsive noise emission from gymnasiums to non-residential receivers from the performance of activities within the gymnasium including the dropping of weights. Overall contributed L_{AFmax} within octave bands of interest (octave bands containing the impulse energy, generally 31.5 Hz to 250 Hz, as determined by the acoustic consultant) should not exceed the following levels:

"$L_{AFmax(\sum Oct,31.5\text{-}250Hz)}$ ≤ 40 dB for general uses[1]
$L_{AFmax(\sum Oct,31.5\text{-}250Hz)}$ ≤ 35 dB for sensitive uses[2]
$L_{AFmax(\sum Oct,31.5\text{-}250Hz)}$ ≤ 30 dB for critically sensitive uses[3]

Notes:

1. *General uses may include office spaces and general working areas*
2. *Sensitive uses may include private offices, classrooms, childcare and movie cinemas*
3. *Critically sensitive uses may include noise sensitive laboratories and board rooms*
4. *Justification would be required of the acoustician to vary any of the above"*

VIBRATION EMISSION CRITERIA

The AAAC provides recommended criteria for vibration emission from gymnasiums to residential and non-residential receivers from the performance of activities within a gymnasium or exercise space. Perceived vibration resulting from the use and operation of gymnasiums and exercise facilities is generally not a significant issue at receiver locations. If structure-borne (regenerated) noise can be reduced to acceptable levels when designing mitigation, it is often the case that levels of vibration within receiver properties will be imperceptible. Accordingly, tactile vibration is usually a secondary concern after noise emission (airborne and structure-borne), when considering the effects of gymnasium and exercise facility activities on occupants of neighbouring receiver properties.

Although uncommon, it is possible that tactile vibration resulting from the use and operation of the gymnasium or exercise facility may be the main, or a significant issue in the assessment of some facilities. As such the AAAC provides some guidance for those rare occasions.

The criteria provided by the AAAC are derived from the NSW EPA document "*Assessing Vibration: a technical guideline*", which presents preferred and maximum vibration values for use in assessing human responses to vibration and provides recommendations of the measurement and evaluation techniques. Note is made that the NSW EPA's Guideline provides non-mandatory guidance, and are not specific to the assessment of gyms or exercise facilities.
The recommended criteria are reproduced below:

Table 1 – EPA Acceptable Impulsive Vibration Weighted r.m.s. Acceleration Values (mm/s²) (1-80Hz)

Location	Assessment period	Preferred Value		Maximum Value	
		z-axis	x- and y-axes	z-axis	z-axis x- and y-axes
Critical Areas[1]	Daytime or Night-time	5	3.6	10	7.2
Residences	Daytime	300	210	600	420
	Night-time	100	71	200	140
Offices, school, educational institutions and places of worship	Daytime or Night-time	640	460	1280	92
Workshops	Daytime or Night-time	640	460	1280	92

Note: 1) Examples include hospital operating theatres and precision laboratories.

"The acceptable weighted r.m.s. vibration acceleration values for continuous vibration set out in Table 2.2 of the NSW EPA Guideline are presented within Table 2 below.

Table 2 – EPA Acceptable Continuous Vibration Weighted r.m.s. Acceleration Values (mm/s²) (1-80Hz)

Location	Assessment period	Preferred Value		Maximum Value	
		z-axis	x- and y-axes	z-axis	z-axis x- and y-axes
Critical Areas[1]	Daytime or Night-time	5	3.6	10	7.2
Residences	Daytime	10	7.1	20	14
	Night-time	7	5	14	10
Offices, school, educational institutions and places of worship	Daytime or Night-time	20	14	40	28
Workshops	Daytime or Night-time	40	29	80	58

Note: 1) Examples include hospital operating theatres and precision laboratories.

The vibration generated from the dropping of weights onto the gym floor typically induces maximum acceleration in the vertical axis. Accordingly, the "Preferred Value, z-axis" criteria in Table 1 and Table 2 above should be applied to the analysis and assessment.

The criteria for r.m.s. vibration velocity and peak velocity values for impulsive vibration set out in Table C1.1 of the NSW EPA Guideline are summarised within Table 3 below.

Table 3 – EPA criteria for exposure to impulsive vibration Velocity Values (mm/s)

Location	Assessment period	RMS Velocity		Peak Velocity	
		Preferred	Maximum	Preferred	Maximum
Critical Areas[1]	Daytime or Night-time	0.10	0.20	0.14	0.28
Residences	Daytime	6.00	12.00	8.60	17.00
	Night-time	2.00	4.00	2.80	5.60
Offices, school, educational institutions and places of worship	Daytime or Night-time	13.00	26.00	18.00	36.00
Workshops	Daytime or Night-time	13.00	26.00	18.00	36.00

Note: 1) Examples include hospital operating theatres and precision laboratories.

The criteria for r.m.s. vibration velocity and peak velocity values for continuous vibration set out in Table C1.1 of the NSW EPA Guideline are summarised within Table 4 below."

Table 4 – EPA criteria for exposure to continuous vibration Velocity Values (mm/s)

Location	Assessment period	RMS Velocity		Peak Velocity	
		Preferred	Maximum	Preferred	Maximum
Critical Areas[1]	Daytime or Night-time	0.10	0.20	0.14	0.28
Residences	Daytime	0.20	0.40	0.28	0.56
	Night-time	0.14	0.28	0.20	0.40
Offices	Daytime or Night-time	0.40	0.80	0.56	1.10
Workshops	Daytime or Night-time	0.80	1.60	1.10	2.20

Note: 1) Examples include hospital operating theatres and precision laboratories.

2.5 AUSTRALIAN STANDARDS

Acoustic Dynamics has conducted a review of relevant Australian Standards in relation to the acoustic design of the development. References to various applicable acoustic standards are summarised below.

2.5.1 AS 2107:2016 "ACOUSTICS – RECOMMENDED DESIGN SOUND LEVELS AND REVERBERATION TIMES FOR BUILDING INTERIORS"

AS 2107 recommends satisfactory and maximum design sound levels for various types of occupancy within buildings. The following satisfactory and maximum design sound levels for the relevant types of occupancies and areas within the development are detailed.

Table 2.3 Recommended Sound Levels for Different Areas of Occupancy (Extract from AS 2107 Table 1)

Type of occupancy / activity	*Design sound level, ($L_{Aeq,t}$) range [dB (A)]*
5 OFFICE BUILDINGS	
General office areas	*40 to 45*
7 RESIDENTIAL BUILDINGS	
Houses and apartments in inner city areas or entertainment districts or near major roads –	
Living areas	*35 to 45*
Sleeping areas	*35 to 40*
Work areas	*35 to 45*

Acoustic Dynamics advises that any levels of airborne noise transmitted into various areas of premises adjacent or within proximity to the development should not exceed the relevant design sound levels presented above.

By ensuring the noise levels associated with the operations of development received within the adjacent and nearby tenancies do not exceed the recommended internal design levels, it is likely to ensure occupants of nearby receivers are not adversely affected by the development.

3 NOISE MEASUREMENT EQUIPMENT AND STANDARDS

All measurements were conducted in general accordance with AS 1055.1:2018 *Acoustics – Description and Measurement of Environmental Noise Part 1: General Procedures*. Sound measurements were carried out using precision sound level meters conforming to the requirements of IEC 61672.1:2002 *Electroacoustics: Sound Level Meters – Part 1: Specifications*. The instrumentation used during the survey is set out in **Table 3.1**.

Table 3.1 Noise Survey Instrumentation

Type	Serial Number	Instrument Description
2250	2679541	Brüel & Kjaer Modular Precision Sound Level Meter
4189	2670479	Brüel & Kjaer 12.5 mm Prepolarised Condenser Microphone
4230	1234136	Brüel & Kjaer Acoustic Calibrator
EL-315	15-203-501	ARL Environmental Noise Logger
4230	1234135	Brüel & Kjaer Acoustic Calibrator

The reference sound pressure level was checked prior to and after the measurements using the acoustic calibrator and remained within acceptable limits.

4 ASSESSMENT METHODOLOGY

Acoustic modelling was undertaken using noise modelling software *(CadnaA Version 2020)* to predict operational noise levels generated by the development. CadnaA calculates environmental noise propagation according to the applicable international and ISO standards, including the ISO 9613 algorithm.

Within our calculations and acoustic modelling, noise emission contributions from the development have been considered taking the following factors into account:

- Airborne noise losses due to distance and ground topography;
- Losses due to direction and diffraction;
- Increases due to reflections; and
- Acoustic shielding.

4.1 PROJECT CRITERIA

To establish the acoustic environment at the subject site in accordance with the criteria outlined above, unattended noise monitoring was conducted between 23 February 2023 and 2 March 2023. The noise logger was shielded from direct noise associated with vehicular traffic or mechanical plant associated with the development.

Acoustic Dynamics advises the measurement location is representative of the existing noise environment of the nearest sensitive receivers. The measurement location is shown within **Appendix A**. Results from the long-term noise monitoring are presented in **Appendix B**.

Following the general procedures outlined in the EPA's NPfI and the AAAC Guideline, a summary of the established noise environment and noise emission criteria is presented below.

Table 4.1 Noise Emission Criteria for Receivers - NPfI

Receiver	Assessment Period	Applicable Assessment Criteria	Relevant $L_{Aeq,15min}$ Noise Emission Criteria [dB]
Residential Receivers (At external boundary)[3]	Night (10pm to 7am[1])[2]	NSW EPA	**39**
Active recreation area (e.g. school playground, golf course)[3]	Day (7am[1] to 6pm)		**55**
School classroom (internal)	Day (7am[1] to 6pm)		**35**
General office areas (internal)	Day (7am[1] to 6pm)	AS 2107	**40**

Note: 1) 8:00am on Sundays and public holidays.
2) Compliance with the most stringent night-time period ensures compliance during all other less sensitive periods.
3) External noise level, nearest boundary. Method of calculation detailed in **Section 2.3**.

Table 4.2 Noise Emission Criteria for Residential Receivers - AAAC

Receiver	Period	Measurement	Measured L_{A90} Noise Emission Octave Band Spectrum & Most Stringent L_{A10} Noise Emission Criteria [dB]									
			32	63	125	250	500	1K	2K	4K	8K	O/A
Nearest Residential Receivers	Night (10pm-7am[1])[2]	Background Noise Level	20[4]	22	26	29	31	32	31	26	18	**39**
		External Criteria (BG + 0 dB)	20[4]	22	26	29	31	32	31	26	18	**39**
		Internal Criteria[3] (BG - 10 dB)	20[4]	12	16	19	21	22	21	16	12[4]	**29**

Note: 1) 8am on Sundays and Public Holidays

2) Compliance with the night-time criteria during daytime level operations will ensure compliance during the daytime background noise period.

3) Calculated to be inaudible at the façade, assuming windows to residential receivers are open. Achieving compliance at the façade will ensure compliance within the nearest habitable room.

4) A-weighted level based on threshold of hearing (T_f) at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226:2003, *"Acoustics – Normal equal-loudness-level contours"*.

4.2 NOISE SOURCES AND OPERATIONS

Acoustic Dynamics has established and assessed the following noise sources and operations associated with the gym.

These assumptions and noise levels have been established based on information provided by the proponent, short-term measurements and inspections conducted on-site, or referenced from our database of nearfield measurements at similar developments.

1. A typical maximum number of 25 patrons concurrently using the proposed gym and various items of fitness equipment (including exercise machines, weight machines and free weights), including the provision of background music within any 15-minute assessment period (reverberant **$L_{Aeq(15minute)}$ 75 dB(A)**);

2. The ingress/egress of 25 patrons entering or exiting through the main entrance within any 15-minute assessment period (typical patron ingress/egress is expected to be lower);

3. The operation of existing air-conditioning condenser unit (Daikin Model: RZYQ8PY1) located in the rear of the premises (manufacturer specified sound power level of **L_w 78 dB(A)**); and

4. Should patrons arrive via private vehicle, the arrival and departure of these patrons along surrounding local roads, utilising designated parking spaces and street parking available within the vicinity of the premise (13 vehicle events within any 15-minute assessment period, typical vehicle events is expected to be significantly lower).

Acoustic Dynamics advises that the assessment of the above scenario is conducted to ensure the **worst-case** scenario achieves compliance during the most-sensitive time of operation. It is advised that by achieving compliance with the nearest sensitive receiver locations, compliance will also be achieved at all other sensitive receiver locations further away.

4.3 NEAREST RECEIVERS

The cumulative noise impact has been assessed to the potentially most affected point at the adjacent sensitive receiver properties presented below.

Table 4.2 Nearest Sensitive Receiver Locations

Receiver	Location	Direction
Residential Receivers		
R_1	16 Seaview Street	West
Commercial Receivers		
B_1	12a Seaview Street	North
Other		
A_1	Dulwich High School of Visual Arts and Design	South

Acoustic Dynamics advises that by achieving compliance with the nearest sensitive receiver locations, compliance will also be achieved at all other sensitive receiver locations further away.

5 OPERATIONAL NOISE EMISSION ASSESSMENT

The calculated maximum noise emission levels at the nearest receiver locations against the relevant criteria are presented below. It is advised that by achieving compliance with the nearest sensitive receiver locations, compliance will also be achieved at all other receiver locations.

The assessment location for **external noise emission** is defined as the most affected point on or within any sensitive receiver property boundary. Examples of this location may be:

- 1.5m above ground level;
- On a balcony at 1.5m above floor level; and
- Outside a window on the ground or higher floors, at a height of 300mm below the head of the window.

The assessment location for **internal noise emission** is defined as the most affected point within the nearest room of any sensitive receiver property, assuming windows are open.

5.1 EXTERNAL NOISE EMISSION LEVELS

The calculated maximum **external** noise emission levels at the nearest receiver locations and the relevant noise emission criteria are presented below.

NB: The calculated emission levels are based upon the assumption that the recommendations presented in **Section 7** have been implemented.

Table 5.1 Calculated External Noise Emission Levels at Nearest Receivers

Receiver	Assessment Period	Noise Source[3]	Maximum $L_{Aeq(1hr/15min)}$ Noise Emission Level [dB][4]	Noise Emission L_{Aeq} Criterion [dB]	Complies ?
R_1	Night (10pm to 7am[1])[2]	Gym Operations	25[5]	39	Yes
		Ingress/egress	22		
		Mechanical Plant	28		
		Total	**30**		
A_1	Any time during hours of operation	Gym Operations	35[5]	55	Yes
		Ingress/egress	22		
		Mechanical Plant	20		
		Total	**35**		

Note: 1) 8:00am on Saturdays, Sundays and Public Holidays.
2) Compliance with this most sensitive time period criterion ensures compliance during all other less stringent time periods.
3) Noise sources and operations detailed in **Section 4.2**.
4) Acoustic Dynamics has assumed all noise sources will be operating continuously over the assessment period (i.e. 15-minute or 1-hour).
5) Denotes predicted maximum noise level from the studio tenancy inclusive of the sound transmission loss for the walls and windows.
6) Includes the benefits of recommendations outlined in **Section 7**.

Table 5.2 Calculated External Noise Emission Levels at Residential Receivers

Receiver	Noise Source[1]	Relevant L_{A10} Noise Emission Criterion [dB] & Calculated L_{A10} Noise Emission Levels at Receivers [dB][2,3]										Complies?
		32	63	125	250	500	1K	2K	4K	8K	O/A	
Night-time Criterion (10pm to 7am[4])[5]		20	22	26	29	31	32	31	26	18	**39**	
R_1	Gym Operations	< 0	< 0	4	12	14	22	21	13	2	**25[6]**	
	Ingress/egress	< 0	1	13	11	13	17	16	6	1	**22**	
	Cumulative Total	**<0**	**1**	**14**	**15**	**17**	**23**	**22**	**14**	**5**	**27**	**Yes**

Note: 1) Noise sources and operations detailed in **Section 4.2**.
2) Acoustic Dynamics assumes noise sources will operate continuously over the assessment period.
3) Includes the benefits of recommendations outlined in **Section 7**.
4) 8:00am on Saturdays, Sundays and Public Holidays.
5) Compliance with this most sensitive time period criterion ensures compliance during all other less stringent time periods.
6) Denotes predicted maximum noise level from the studio tenancy inclusive of the sound transmission loss for the walls and windows.

5.2 INTERNAL NOISE EMISSION LEVELS

The calculated maximum **internal** noise emission levels at the nearest receiver locations and the relevant noise emission criteria are presented below.

Acoustic Dynamics has assessed potential noise impacts due to the transmission of airborne noise to the nearest receiver windows and through the shared boundary partitions.

NB: The calculated emission levels are based upon the assumption that the recommendations presented in **Section 7** have been implemented.

Table 5.3 Calculated Internal Noise Emission Levels at Nearest Receivers

Receiver	Assessment Period	Noise Source	Maximum Cumulative $L_{Aeq(15min)}$ Noise Level [dB][2,3]	Internal $L_{Aeq(15min)}$ Criterion [dB]	Complies?
R_1	Night (10pm to 7am[1])	Cumulative Gym Operations[1]	28	**35**	Yes
B_1	Any time during hours of operation		33	**40**	Yes
A_1			31	**35**	Yes

Note: 1) Noise sources and operations detailed in **Section 4.2**.
2) Denotes predicted maximum noise level from the studio tenancy inclusive of the sound transmission loss for the walls.
3) Calculated emission levels are based on the assumption that the recommendations presented in **Section 7** have been implemented.

Table 5.4 Calculated Internal Noise Emission Levels at Residential Receivers

Receiver	Noise Source[1]	Relevant L_{A10} Noise Emission Criterion [dB] and Calculated L_{A10} Noise Emission Levels at Receivers [dB][2,3]										Complies?
		32	63	125	250	500	1K	2K	4K	8K	O/A	
Night-time Criterion (10pm to 7am)		20	12	16	19	21	22	21	16	12	**29**	
R_1	Cumulative Total	**< 0**	**< 0**	**8**	**7**	**10**	**15**	**14**	**5**	**< 0**	**19**	Yes

Note: 1) Noise sources and operations detailed in **Section 4.2**.
2) Acoustic Dynamics assumes noise sources will operate continuously over the assessment period.
3) Includes the benefits of recommendations outlined in **Section 7**.

5.3 STRUCTURE-BORNE NOISE AND VIBRATION EMISSION LEVELS

Acoustic Dynamics notes that the subject site is a stand-alone building with no neighbouring receivers connected by structural elements, and it is unlikely that receivers will be affected by the dropping of weights. Regardless, based on extensive experience with other similar gyms, Acoustic Dynamics notes that suitable flooring has been installed. Acoustic Dynamics has been advised that the following hard floor system has been installed within the weights areas:

- 12mm Rubber Tile Mat; on
- 40mm Sand-Cement Screed; on
- 20mm Ply; on
- Original Timber Planks.

Subsequent to our site visits and inspection of the installed absorptive flooring, Acoustic Dynamics advises that the structure-borne noise and vibration emission associated with typical gym operations is predicted to be acceptable at the nearest receivers.

5.4 ROAD TRAFFIC NOISE EMISSION LEVELS

Acoustic Dynamics understands that patrons and staff who drive will access the development via surrounding local roads. Vehicles utilising local roads are assessed in consideration of the NSW EPA's RNP criteria outlined in **Section 2**.

The calculated maximum noise emission levels at the nearest residential receivers, due to the vehicles utilising surrounding local roads, are presented below. Acoustic Dynamics advises that by achieving compliance with the nearest sensitive receiver locations, compliance will also be achieved at all other sensitive receiver locations further away.

Table 5.5 Calculated Road Traffic Noise Emission Levels & Relevant Noise Criteria

Sensitive Receiver	Predicted Maximum $L_{eq,1hr}$ Sound Pressure Level [dB][1]	Relevant $L_{Aeq,1hr}$ Criterion [dB][2,3]	Complies?
Residential receivers along Seaview St	41	**50**	**Yes**

Note: 1) Predicted L_{Aeq} noise level is the maximum noise level measured within a 1-hour period.
2) Measured noise level within a 1-hour period during the night-time assessment period (10:00pm until 7:00am on weekdays, or 8:00am on weekends and public holidays).
3) Compliance with this most sensitive assessment period criterion ensures compliance during all other less stringent assessment periods.

5.5 SLEEP DISTURBANCE

Acoustic Dynamics has determined the potential maximum $L_{A1(60\ Sec)}$ **external** noise emission level from the development resulting from car door slams, when measured at the nearest residential receivers during the night-time assessment period.

Table 5.6 Calculated Maximum Instantaneous External Noise Levels & Relevant Noise Criteria

Sensitive Receiver	Source	Predicted Maximum $L_{A1(60\ Sec)}$ Sound Pressure Level [dB][1]	$L_{A1(60\ Sec)}$ Sleep Disturbance Criterion [dB][2]	Complies?
Residential Receivers Seaview St	Car door slams	52	**52**	Yes

Note: 1) Predicted $L_{A1(60\ Sec)}$ noise level is the maximum noise level measured within a 60-second period.
2) Maximum instantaneous noise level measured during the night-time assessment period (10:00pm until 7:00am on weekdays, or 8:00am on weekends and public holidays).

Acoustic Dynamics advises that instantaneous noise events that exceed the external sleep disturbance criterion at the nearest residential receivers are unlikely to cause awakening reactions, following incorporation of the recommendations provided in **Section 7**.

6 DISCUSSION

The calculated noise emission levels associated with the operations of the gym indicate the following:

1. Noise emission resulting from the proposal is **predicted to comply** with the relevant acoustic criteria of Inner West Council (Marrickville), NSW policies and legislation, the NSW EPA, AAAC Guidelines and Australian Standards during the proposed hours of operation when assessed at the nearest sensitive receivers;

2. Noise emission associated with additional traffic on surrounding local roads is **predicted to comply** with the NSW EPA's RNP when assessed at the nearest sensitive receivers;

3. Maximum instantaneous external noise events are **predicted to comply** with the NSW EPA's guidelines on sleep disturbance when assessed at the nearest sensitive receivers;

4. There is **low risk** of acoustic disturbance to the nearest sensitive residential, commercial and industrial receivers during the proposed hours of operation;

5. To ensure the assessment is conducted in a conservative manner, noise emission has been assessed as a **worst-case** scenario (i.e. all noise generating activities and noise sources occurring simultaneously and at maximum capacity). Generally, noise emission associated with the proposal is **predicted to be lower** than the calculations presented; and

6. The noise calculations and operational assumptions should not be considered prescriptive. They are modelling assumptions that have been used to demonstrate typical noise sources and operations associated with the facility **can be designed to achieve compliance** with the relevant criteria.

7 RECOMMENDATIONS AND DESIGN ADVICE

The following recommendations are provided to ensure noise associated with the proposal is adequately managed and minimised.

7.1 NOISE MANAGEMENT PLAN

Acoustic Dynamics recommends the adoption of a Noise Management Plan incorporating best management practice procedures to protect the acoustic amenity of the surrounding area. Such a management plan should outline policies and procedures to ensure noise emission is kept to a minimum, including:

1. Ensuring all glass windows and doors the proposed gym are kept closed at all times (other than when patrons enter and exit the premises);

2. The erection of clear signage at all studio entries and exits advising patrons that they must not generate excessive noise when entering and leaving the premises;

3. Staff monitoring the behaviour of patrons within the subject premises and as patrons egress to ensure noise emission of patrons is kept to a minimum when entering and leaving the premises;

4. Restricting the use of low frequency speakers (sub-woofers) and ensuring any full range speakers are isolated from building services. **Section 7.3** provides recommendations to isolate speakers;

5. The use of free weights over 15 kg are to be restricted to the Free Weights area only. Free weights under 15 kg are restricted to the Free Weights area and Functional Training area;

6. Reduction of the internal noise level from music to $\mathbf{L_{Aeq}}$ **75 dB**. Note is made that the maximum internal reverberant sound pressure level can be set (refer to **Section 7.3**) to ensure the adjacent receivers are not adversely affected by the operation of the subject gym, following the fit-out of the premises and the installation of the speaker system. ;

7. The noise level of background music within the gym should be kept to an appropriate level, to enable speech intelligibility within the gym and to ensure patrons are not required to raise their voices while in the gym;

8. The implementation of an appropriate management policy regarding the dropping of weights, including:

    - Education and training of all gym staff, personal trainers and members, instructing how to place weights without dropping;
    - Erection of clearly visible signage throughout the gym advising members that they must not drop weights or allow weights to drop on the floor, or use weights outside the designated weight areas;
    - Imposition of penalties (membership warnings, suspensions or lockout restrictions) on members identified dropping weights; and

9. Implementation of an appropriate community liaison procedure, including a noise and vibration complaint procedure and means of ongoing communication with nearby potentially affected receivers once development operations begin.

Acoustic Dynamics advises that incorporation of the above recommendations will ensure that noise emission associated from the use and operation of the proposed gym is likely to comply with the relevant noise emission criteria and not adversely impact nearby receivers.

7.2 PIN AND PLATE LOADED EQUIPMENT

While not required, Acoustic Dynamics recommends, where feasible, the incorporation of springs into pin and plate loaded weights equipment.

Although unlikely to offer such treatments without prompting or specific request, Acoustic Dynamics understands that most manufacturers/suppliers of pin and plate loaded weights equipment are now able to fit springs and/or soft rubber supports/mounts to the pin and plate loaded weights equipment they supply.

Acoustic Dynamics understands that a number of manufacturers/suppliers of pin and plate loaded weights equipment have liaised with various spring suppliers including Embelton Australia Pty Ltd to obtain suitable spring and soft rubber mounts for their equipment. Once sourced, we understand that the service technicians for these equipment manufacturers/suppliers can fit these to the equipment.

7.3 MUSIC MANAGEMENT

Acoustic Dynamics provides the following recommendations for the control of music noise.

1) Prior to commencement of operations, the soundsystem is to be calibrated by a qualified audio visual consultant or acoustic consultant to ensure music noise levels do not exceed the following internal octave band reverberant criteria:

Table 6.3 Recommended Maximum Indoor Octave Band Sound Pressure Levels

Octave Band Sound Pressure Level [dB]									Overall Sound Pressure Level [dB]
31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	
43	43	61	69	67	65	67	69	60	75

2) All loudspeakers and sub woofers are to be isolated from the building structure using resilient fixings and mounts. Where sub woofers are located on the floor, they should be installed on resilient mounts (minimum 50mm thick, or high density pads); and

3) Installation of a digital decibel meter within the gym facility. Instruct trainers to monitor the installed decibel meter during a class and reduce music levels and speech as necessary.

8 CONCLUSION

Acoustic Dynamics has conducted an acoustic assessment of operational noise emission associated with the gym located at 14 Seaview St, Dulwich Hill, NSW.

A review of the applicable local council, state government, federal legislation and international standards was conducted. Noise levels were assessed in accordance with the requirements of:

(a) Inner West Council (Marrickville);
(b) NSW Environment Protection Authority;
(c) Association of Australasian Acoustical Consultants; and
(d) Australian Standards.

The assessment predicted noise impacts at nearby sensitive receiver locations. Noise modelling was conducted using assumed **worst-case** noise and operational scenarios in **Section 5**.

Recommendations are provided in **Section 7** detailing best management practices and design strategies minimise the acoustic impacts on the surrounding acoustic environment.

Acoustic Opinion

Further to our site survey, noise monitoring and measurements, our review of the relevant acoustic criteria and requirements, and our calculations, Acoustic Dynamics advises that the proposal can comply with the relevant acoustic criteria of Inner West Council (Marrickville), the NSW EPA, AAAC and Australian Standards, with the incorporation of our recommendations detailed within this report.

It is our opinion that the acoustic risks associated with the proposal can be adequately controlled and the amenity of neighbouring properties and residents can be satisfactorily protected.

We trust that the above information meets with your present requirements and expectations. Please do not hesitate to contact us on 02 9908 1270 should you require more information.

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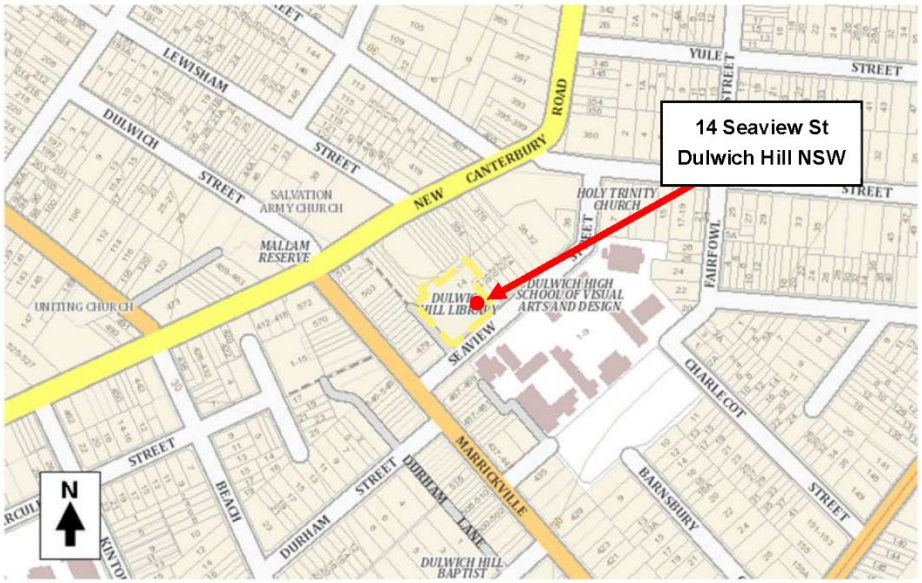
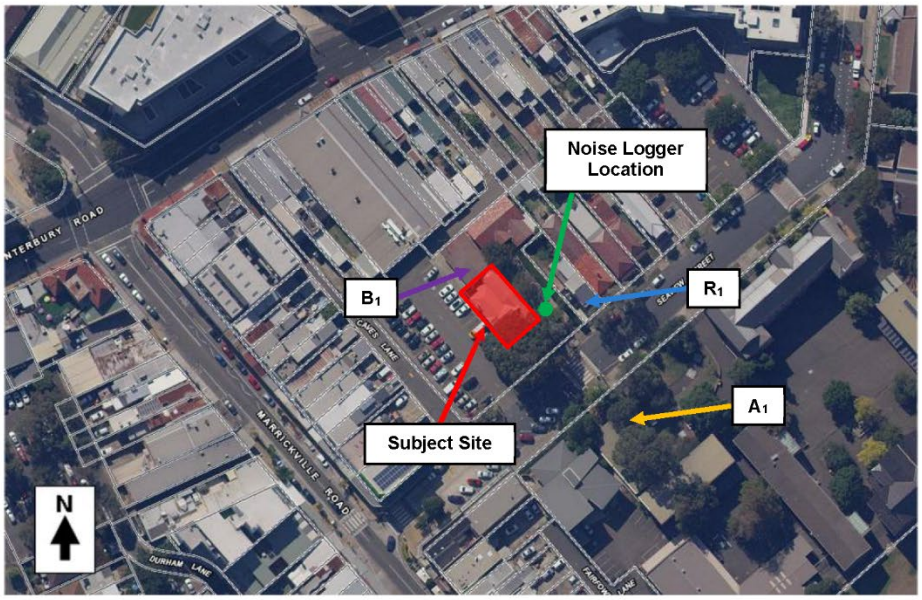
APPENDIX A – LOCATION MAP AND AERIAL IMAGE

A.1 LOCATION MAP



A.2 AERIAL IMAGE (COURTESY OF SIX MAPS)



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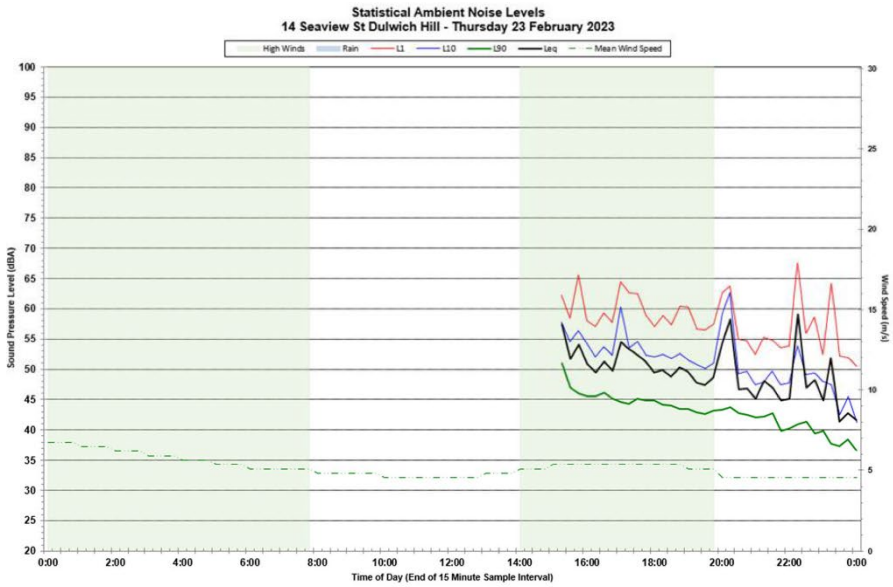
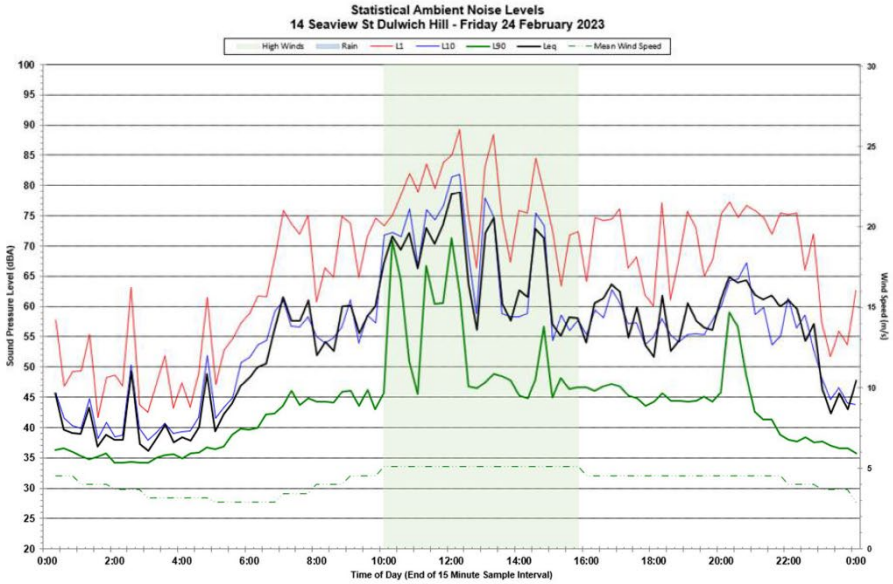
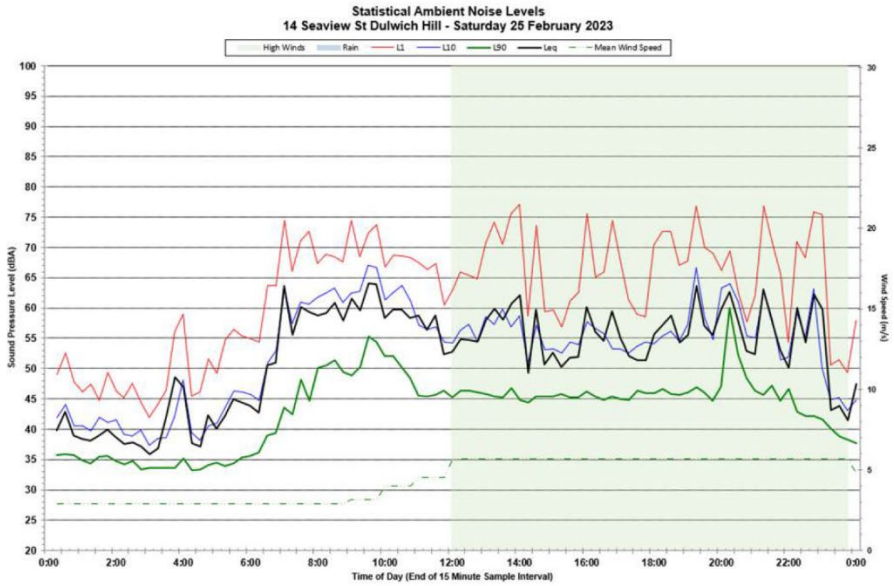
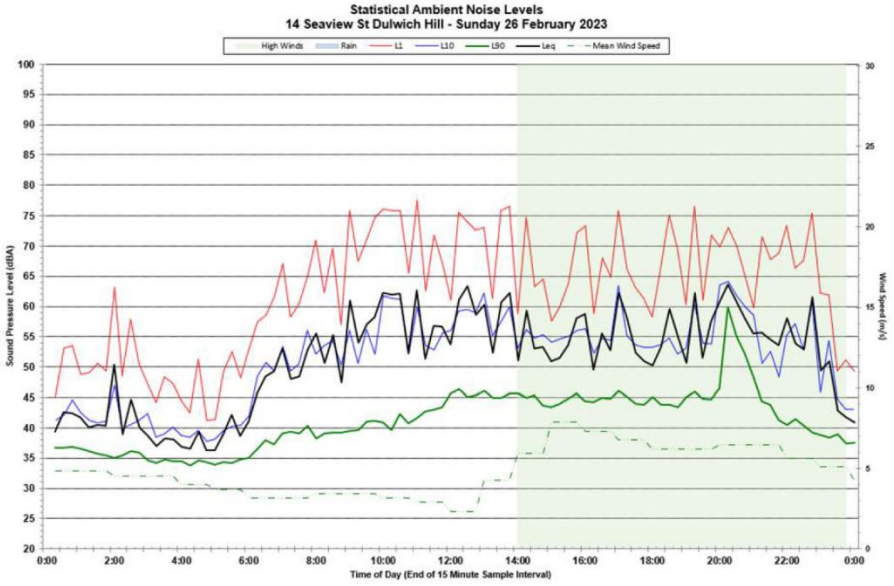
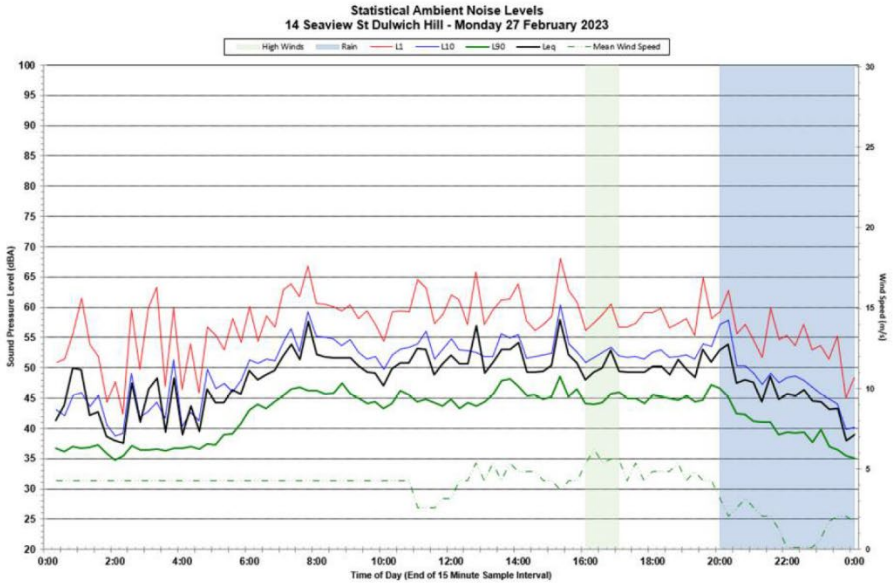
APPENDIX B – UNNATTENDED NOISE LOGGING STATISTICAL GRAPHS

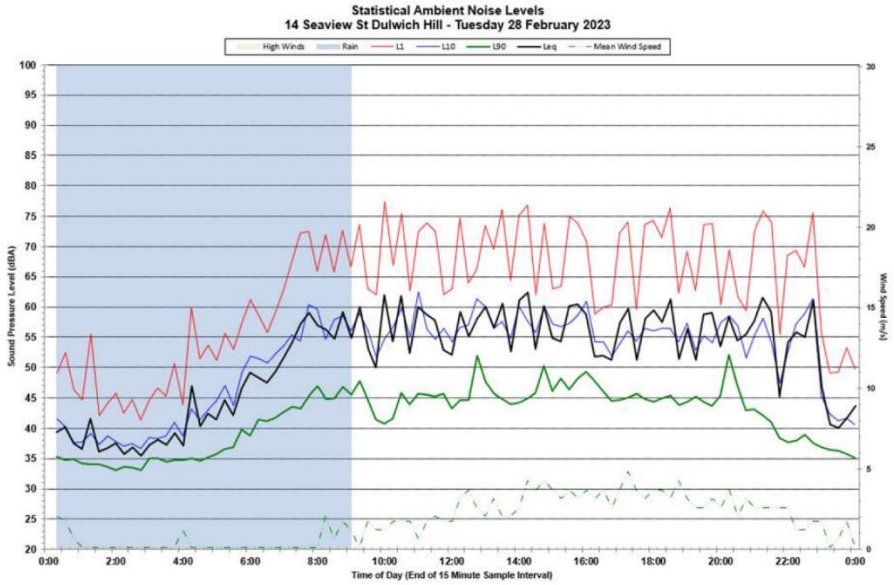


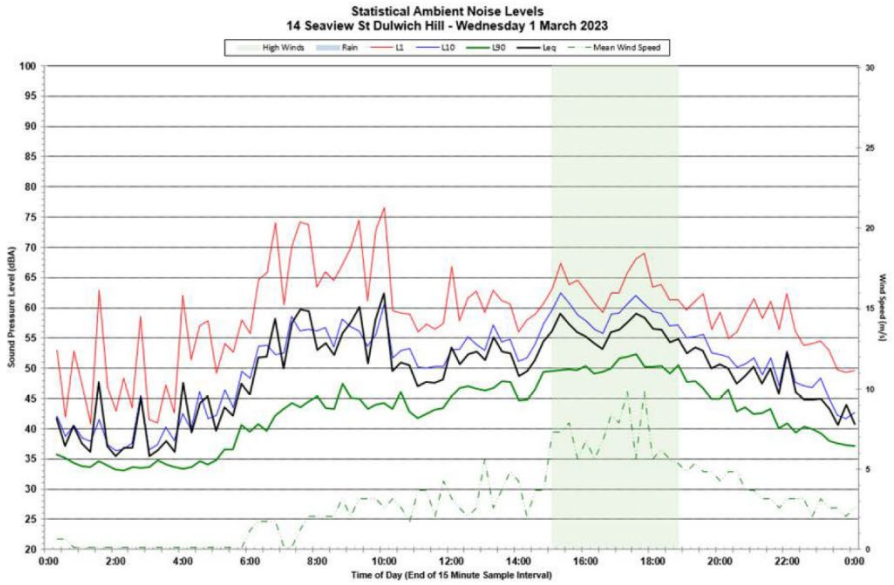


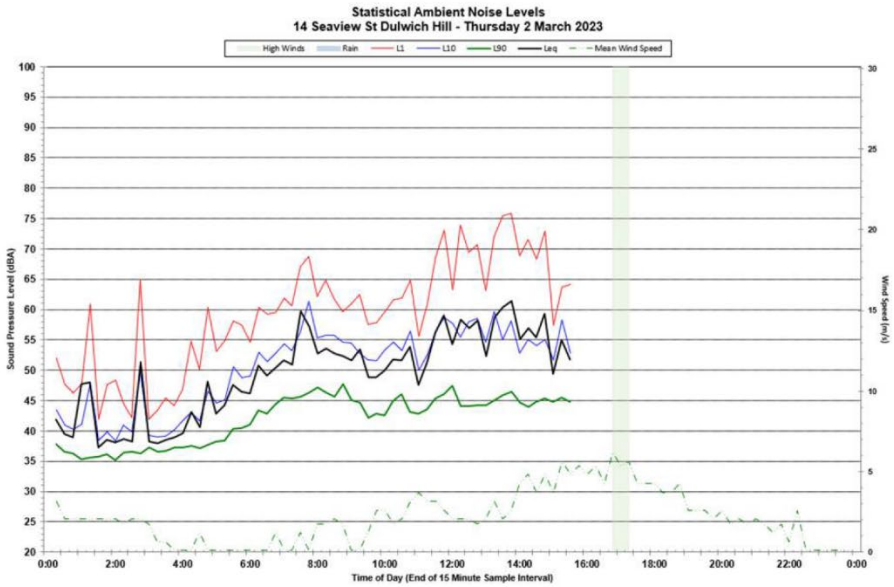












Attachment E – Plan of Management

PRESTIGE TOWN PLANNING

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FITSTOP.

PLAN OF MANAGEMENT

FITSTOP DULWICH HILL, NSW

14 Seaview Street,

Dulwich Hill, NSW, 2203

Lot 122/-/DP1006040

13 April 2023

Prepared for submission to Inner West City Council

by Prestige Town Planning Pty Ltd on behalf of TAF 1 - C Pty Ltd.

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Contents

Introduction

This Plan of Management has been prepared by Prestige Town Planning Pty Ltd to accompany the Development Application for extended hours of operation and business identification signage associated with a "Recreation Facility – Indoor" (Gymnasium) to be situated at 14 Seaview Street, Dulwich Hill, NSW, 2203 – Lot 122/-/DP1006040. . It is further important to note that the change in land use and internal fit-out works associated with the subject facility is facilitated under Complying Development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which had been issued via Complying Development Certificate No. CDC 5611/01 on 21 November 2022.

Purpose of this Plan of Management

The purpose of this Plan of Management is to describe the operational details of the business and outline measures that should be implemented in order to mitigate any potential impacts on adjoining properties. Details in the plan include the numbers and hours of staff that is to be present on the premises, security and access arrangements as well as noise and patron management.

Business Operation Overview

Fitstop is a unique result driven class-based fitness experience which combines strength, metabolic conditioning and endurance exercises through specialised small group and personal training sessions. The premises are generally smaller in nature and scale, and is targeted towards a local membership catchment area. Sessions are led by highly skilled professional trainers and various styles of workout sessions are offered i.e., strength, cardio, endurance, conditioning etc. Training sessions are scheduled in advance via an online application and generally consist of approx. 15 – 20 patrons per 60-minute training session.

For a full overview of the business, please visit https://www.fitstop.com/

Hours of Operation

The trading hours of the facility will be:

Monday to Friday:	5:00am to 10:00pm
Saturday and Sunday:	5:00am to 11:00am

Staffing

The premises would generally operate with three (3) staff members (Manager, Assistant and/or Personal Trainers).

The facility is to be staffed during all hours of operation.

Maximum Number of Patrons at any one time

The maximum number of patrons to the facility at any one time is to be twenty-five (25).

The Site

The subject property address relates to 14 Seaview Street, Dulwich Hill, NSW, 2203; a property located on the North-Western side of Seaview Street and is legally registered as Lot 122 of DP1006040. The total land size consists of 2416m² which is partially occupied by three (3) freestanding, commercial orientated buildings and a forty-six (46) space on-site carpark. The subject proposal pertains to the existing freestanding building located on the South-Eastern portion of the land known as Building B, which pertains to a Recreation Facility – Indoor (Gymnasium) and gains primary pedestrian access from the Northern footpath along the Seaview Street frontage.

Locality Map – NSW ePlanning Portal Spatial Viewer – Accessed July 2022

Locality Arial – NSW ePlanning Portal Spatial Viewer – Accessed July 2022 – Superimposed with relative location.

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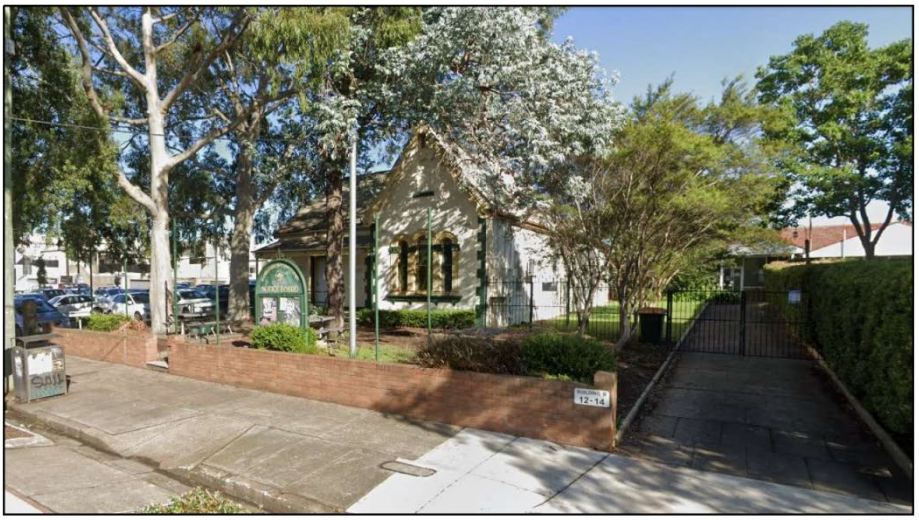

Elevation from Seaview Street – Google Streetview – Accessed July 2022

Elevation from Car Park – Google Streetview – Accessed July 2022

The proposed development is considered appropriate for the site given the layout, locality and commercial orientated character. It would enable an acceptable land use to be appropriately maintained within a prominent and commercial orientated setting.

Health, Safety and Security

The Fitstop brand fully recognises the two issues of health and safety and have put in place several measures to minimise the occurrence of such issues and to cater for the needs of a member if an incident were to arise. In the case of a medical emergency, either through injury or a health complication, there is equipment made readily available within the facility and procedures set in place to deal with such emergencies. There is a first aid kit on site and all members are informed of the location during the orientation session when signing up.

All fitness trainers and studio managers are required to be certified on proper first aid practices and CPR administration. This is a universal safety protocol is to ensure that all staff are prepared to care for another employee or member in case of an emergency. Patrons are further in no way obligated whatsoever to perform nor participate in any activity in which they do not wish to do so, and it is a member's right to refuse such participance at any time during any training sessions. Should a member or employee feel lightheaded, faint, dizzy, nauseated, or experience any pain or discomfort at any time, they are to immediately stop the activity and inform a staff member.

The staff member is to seek emergency medical services and notify management as soon as practicable. Management is further responsible for maintaining an emergency contact lists for employees and in the event of an emergency, employees must always follow proper reporting protocol and procedures. Once the incident has been attended to, employee(s) must complete an Incident Report and submit the report to management, the owner and head office.

Closed Circuit Television Cameras

A CCTV system will be utilised with continual 24-hour digital video recording and remote viewing capabilities. High resolution cameras will be positioned at the member's entrance with a number of cameras strategically positioned throughout the facility to maximise the observation of access points as well as reasonable locations within the premises. The facility has been designed with the safety and security of members, staff and guests as a top priority.

This is done by a state-of-the-art system encompassing the use of CCTV cameras, an intrusion detection system, remote monitoring and Crime Prevention through Environmental Design (CPTED) design principles. There will be a number of high-resolution CCTV cameras installed throughout the facility. These cameras will cover all areas of the gymnasium - apart from the bathrooms - including the immediate entrance.

These cameras will be continuously recording, and all video recorded will be stored for a minimum of 28-days for review if an incident occurs and needs to be reviewed for investigation. The CCTV footage will also be available to the hired security company as well as the owner of the facility from any computer via a secure log-in over the internet. This offers a great deal of immediacy, be there a security or safety issue at the gymnasium and works in conjunction with a dedicated high-resolution camera facing the entrance.

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This system is in place to ensure the safety of both members and employees, and information can be recorded as to show who is in the facility at any given time. There are also a number of emergency points installed throughout the gym where patrons are able to activate an alarm and call for help. These systems in conjunction with the continual CCTV monitoring and recording and CEPTED principles incorporated into the facility's design, all work in conjunction with one another, ensuring the facility is safe and secure at all times.

Noise

Operational

This section should be read in conjunction with the Operational Noise Emissions Assessment Report provided by Acoustic Dynamics, dated 12 April 2023 and attached herewith. With regards to the audio system, it is confirmed that the facility does not produce loud music at a level that is offensive to neighbouring uses. The subject facility include acoustically absorbent rubber sports flooring in the workout area (please refer to Section 5.3) of the attached Acoustic Report) as well as acoustically resistant ceiling tiles which both helps to absorb the sound. The walls of the facility are further insulated with appropriate sound attenuation materials as to ensure that no undue noise is set free from the facility. The subject facility further include small speakers only, generating low level background music which is to be pre-set to an acceptable volume.

The internal layout of the facility has also been designed in such a manner as to keep areas with potential for noise generation as far away from neighbouring tenancies and any sensitive land uses as possible and all windows to the studio are to be non-openable with an air conditioning system to filter the air and keep a constant flow of fresh air entering the facility.

Member Orientation:

All new members undergo a member orientation session as part of the induction process and the following points are covered during this orientation:

- Members are made aware of the need to remain respectful when entering and leaving the gym, especially during the early hours.
- Education on the appropriate use of each piece of equipment on the gym floor. This includes the way equipment is used in a controlled manner as to maintain a quiet and courteous environment.
- Weight training is restricted to areas allocated for such use i.e. where appropriate acoustic impact absorbing rubber flooring has been installed.
- Introduction to security systems including education on 24-hour video surveillance for all gym areas both internally and externally.
- Full overview of Gym Rules and Regulations including penalties, should any rules not be adhered to.

Gym Rules:

All staff and patrons must at all times abide by the rules of the gym as specified within the membership Contract. Should any member and/or staff member breech these rules, an immediate Membership Suspension or Termination may apply.

These rules and regulations include:

- Ensuring that glass windows and doors are kept closed at all times (other than when patrons enter and exit the premises).
- Members and staff members must respect the amenity of nearby uses when entering and leaving the gym, especially during the early hours.
- Members and staff members must at all-times ensure that equipment is used in a correct, safe and controlled manner. Staff are to implement a strict "no-weights dropping policy" including the imposition of penalties on members if required.
- Staff are to monitor behaviour of patrons within the subject premises and as patrons' egress to ensure noise emission of patrons is kept to a minimum when entering and leaving the premises.
- The use of free weights over 15kg are restricted to the free-weight's areas only. Free weights under 15kg are restricted to the Fee Weights area and Functional Training Area only.
- Internal noise levels from music is to be kept to an appropriate level of no more than L_{aeq} 75dB to enable speech intelligibility and not required to raise one's voice while in the gym.
- Restricting the use of low frequency speakers (sub-woofers) and ensuring any full range speakers are isolated from building services.

Internal and external signage

Fitstop Dulwhich Hill will invest in adequate signage both internally and externally for the attention of all members. The signage would reinforce the need for entering and exiting in a quiet and courteous way and appropriate use of the gym and its equipment.

This includes:

- Members shall be consistently reminded not to make any excessive noise when arriving, using or departing the premises.
- The appropriate manner in which to use weights and equipment as to limit any potential noise generation.
- Weight training is to be restricted to areas allocated for such uses only (where appropriate impact absorbing rubber flooring has been installed).
- Members are to be made aware that the intentional dropping of weights is strictly prohibited in all areas of the facility.
- Way finding signage.

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Version: 1, Version Date: 05/05/2023

Music Management

In accordance with Section 7.3 Operational Noise Emissions Assessment Report provided by Acoustic Dynamics, dated 12 April 2023 and attached herewith, it is recommended that:

1) Prior to commencement of operations, the sound system is to be calibrated by a qualified audio visual consultant or acoustic consultant to ensure music noise levels do not exceed the prescribed octave band reverberant criteria.

2) All loudspeakers and sub woofers are to be isolated from the building structure using resilient fixings and mounts. Where sub woofers are located on the floor, they should be installed on resilient mounts (minimum 50mm thick, or high density pads)

3) Installation of a digital decibel meter within the gym facility. Trainers are to be properly instructed to monitor the installed decibel meter during class and reduce music levels and speech as necessary.

Complaint Resolution

Management will maintain a complaint register and implement an appropriate community liaison procedure as to record any complaint made by police, Council, surrounding business owners and/or residents and will endeavour to fully address any reasonable concerns expressed by such persons. Management will endeavour to fully address all reasonable concerns of people in the surrounding area or other third parties without the involvement of Council or the New South Wales Police Service and will meet with any complaints and endeavour to completely address all reasonable concerns. Details of the owner will also be made available for complaints to be directed to.

Maintenance, Cleaning and Waste Management

The volume of waste generated by the gym is minimal. Bins are provided for patrons within the premises and all waste is stored in proper containers before being removed for disposal by private contractors. Gym equipment is maintained in good working order and serviced on a regular basis. Any equipment identified as faulty or requiring repair will be removed from use or clearly identified as 'Out of order'.

Cleaning of the premises and equipment will be carried out on a daily basis including the cleaning of all cardio machines, weight machines, showers, toilets and general gym area. Signage will also be placed on the premise indicating to patrons that they must use personal towels and cleaning fluid. Disposable wipes will also be provided throughout the facility for the use of cleaning equipment.

Management is further responsible for maintaining fitness equipment in good working condition and is required to maintain equipment in a preventative maintenance (PM) manner. Equipment is to be rotated quarterly to extend equipment life and it is the responsibility of the Studio Manager/Owner to track equipment rotation throughout the year and to assure fitness equipment is in full working order at all times.

Conclusion

In order to satisfy Council that the facility can operate with extended hours of operation, the mitigation measures discussed in this report are to be undertaken on a daily basis as to ensure that the proposed development would not adversely affect the surrounding premises in the locality:

These measures include:

- Access, Safety and Security
  - Personal Access Cards
  - Closed Circuit Television Cameras
  - General Safety
- Noise
  - Operational
  - Member Orientation
  - Gym Rules
  - Internal and external signage
  - Complaint Resolution
- Maintenance, Cleaning and Waste Management

Through the implementation of the aforementioned mitigation measures, the facility would not create any adverse impacts for any neighbourhood or surrounding land uses.