

# Application Referral Environmental Development Planner - Response

<b>From:</b>	Rowan Moore Environmental Development Planner 24 December 2018
<b>Recommendation:</b>	Proposal is acceptable subject to conditions.
<b>Date Completed:</b>	
<b>Address:</b>	66 BURNETT STREET, NORTH HOBART ADJACENT ROAD RESERVE
<b>Proposal:</b>	Demolition and New Building for 57 Multiple Dwellings, 13 Visitor Accommodation Units, Food Services, and Signage
<b>Application No:</b>	PLN-17-1066
<b>Assessment Officer:</b>	Adam Smee,

## Referral Officer comments:

## Codes Applicable:

Code	Applicable	Exempt	Permitted	Discretionary
E1.0 Bushfire-Prone Areas	No			
E3.0 Landslide	No			
<b>E9.0 Attenuation</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes - E9.7.2 P1</b>
E10.0 Biodiversity	No			
E11.0 Waterway & Coastal	No			
E15.0 Inundation Prone Areas	No			
E16.0 Coastal Erosion	No			
E18.0 Wind & Solar Energy	No			
E20.0 Acid Sulfate Soils	No			

## Assessment:

Approval is sought for a multi-storey residential and visitor accommodation apartment building at 66 Burnett Street, North Hobart. Existing buildings on the site would be demolished and some excavation is proposed

## Attenuation Code

The Attenuation Code applies because development for sensitive use is proposed on land within the attenuation distance of an activity specified in Table E9.1 of the Code ('Late Night Music Venue'). The site shares a lot boundary with 'The Republic Bar and Cafe' at 299

Elizabeth Street that has a large outdoor area adjacent the shared boundary.

The relevant Code standards are contained in section E9.7.2 'Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm'. The proposal does not comply with the acceptable solution because the development would not be separated from the late night music venue by the attenuation distance specified in Table E9.1 of the Code (200m).

Performance criterion P1 states the following:

*Development for sensitive use, including subdivision of lots within a sensitive zone, must not result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard to all of the following:*

*(a) the nature of the use with potential to cause environmental harm; including:*

*(i) operational characteristics;*

*(ii) scale and intensity;*

*(iii) degree of hazard or pollution that may emitted from the activity;*

*(b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance;*

*(c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions*

A noise assessment report was submitted with the application. The report states the following with regard to the nature of the Republic Bar and Cafe:

*RBC is located in the Urban Mixed-Use zone, and comprises a restaurant, bar, function room, music room and outdoor courtyard. The main restaurant, bar and music room are inside the front of the venue, on the south-western end of the site. A large outdoor courtyard is located at the rear of the venue, comprising predominantly undercover seating, with a smoker's area adjacent to Burnett Street. The outdoor area is surrounded by stone wall approximately 3m high on the north-east and south-east sides, with a 1.5m stone wall and a large steel mesh gate on the north-west side (Burnett St.). Approximately two thirds of the courtyard is covered, however the lightweight plastic/canvas cover is deemed to offer negligible noise attenuation. The function room and an additional proposed outdoor seating area are located on the upper level. The building is predominantly brick construction, with several walls between the music room and the proposed development, offering effective screening from this noise.*

*The RBC is one of Hobart's main live music venues with gigs most nights of the week comprising local bands and touring acts. Its hours of operation are:*

*Monday/Tuesday: 1500 – 0000 hours*

*Wednesday/Thursday: 1200 – 0030 hours*

*Friday/Saturday: 1200 – 0300 hours*

*Sunday: 1200 – 0000 hours*

*Music and associated patron noise from the RBC is then likely to be a frequent occurrence and extend late into the night.*

The noise report details noise measurements in the vicinity of the proposed development site that were made during a Friday night when a touring music act was performing at the Republic Bar, and indicates that on this night, patron noise from the rear courtyard was completely dominant. Patron noise from the courtyard is therefore the predominant noise source from the venue that could cause an environmental nuisance for residents of the proposed apartments.

Sound pressure levels of 65 dB(A) (Leq) were recorded which was 12 dB(A) above the background measurement. The report indicated that this noise was persistent over many hours.

The lot proposed for residential use is located between 0 and 92m from the Republic Bar & Cafe property, so entirely within the music venue's attenuation area (200m).

The noise assessment report states the following with regard to the design of the proposed development:

The report indicates the following with regard to the general construction of the proposed building:

*The proposed development extends the full length of the site, and comprises car parking on the lower levels with residential units from levels 3 through 7. Figure 2 shows the view of the development from Burnett Street and indicates that all levels look at or into the RBC courtyard, with units at the north-western end closest to the RBC, Figure 3. Unit 4 on each level is the closest to the courtyard with 4U4 some 21m from the centre of it and with direct view into it.*

*The units facing the RBC have outdoor balconies, and on L3 there is an outdoor podium garden facing the RBC and some 45m from it. The balconies are enclosed using Elevate™ Series 411 Bi-fold windows ontop a Harkk Rect 86 Balustrade, and use 6mm laminated glazing. The outdoor living space therefore has the option to be fully enclosed (bifolds closed).*

*The facade of those units facing the RBC is constructed of 120mm concrete panel and glazing units.*

The assessment adopted an external noise criterion of 48dB(A) (Leq) at, or below which, environmental harm is unlikely to be caused. This criterion was based on an analysis of standards and recommendations in the planning scheme, NSW and Tasmanian noise policies and Australian Standard AS2107. This is considered reasonable given this is a city location with relatively high background noise levels and commercial zoning.

The assessment indicates that the apartment that would be subject to the highest noise levels from the venue would be unit 4 on level 3. The assessment estimates that sound pressure levels of 63dB(A) (Leq) could be expected at the facade (including balcony balustrade), or approximately 10dB(A) above the background and 15dB(A) above the adopted criterion.

The report indicates that internal and external noise levels for Units 1-4, 16 and 17 are likely to be unacceptable inside these dwellings if windows are open and unacceptable on the balconies if the bi-folds are open. However, the report states that noise levels would be acceptable if windows and bi-folds are closed (subject to several recommendations for window and glazing design).

However, the report did not comment on likely noise levels for the remaining apartments, not did it provide estimates of noise levels with windows and bi-folds closed that could be compared with internal noise criteria. Further information addressing these issues was requested from the applicant.

Further advice from the noise consultant was provided which indicates that:

- the balconies enclosed by the proposed bi-folds are predicted to have noise levels of approximately 38 dB(A) during evening events at The Republic Bar and Cafe;
- the internal rooms with windows shut are predicted to have noise levels of approximately 29 dB(A) during evening events at The Republic Bar and Cafe; and

- noise levels at all other units would also be similar and acceptable being either far enough away or screened from the music venue.

The *Tasmanian Environment Protection Policy (Noise) 2009* includes 'acoustic environmental indicator levels' which are informative reference noise levels. If the indicator levels are not exceeded, it can be assumed that noise will not cause an unreasonable interference to people's health and ability to work, study, relax and converse (where there are no noise sources with dominant or intrusive characteristics). The indicator level for inside bedrooms is 30dB(A) and for outdoor living areas is 50dB(A). Noise levels inside the relevant apartments are therefore expected to comply with these criteria if the estimates provided by the noise consultant are correct and the recommendations for window and glazing design are implemented.

Given the urban location, zoning and relatively high ambient noise levels it is considered reasonable for the occupants of the units to have to close windows and bi-folds to ensure noise levels do not cause an environmental nuisance when events are being held at the adjacent music venue.

Subject to the design recommendations being implemented, based on the information provided it is reasonable to determine that the proposal will not result in the occupants of the proposed development to be impacted by environmental harm from the nearby music venue and the exercise of discretion is recommended.

Note: An addendum to the original noise assessment was submitted with respect to the amended building design. The addendum indicated that the conclusions and recommendations of the earlier report remain valid for the amended proposal.

### Construction Management

The submitted ESA includes a recommendation that '*a Contamination Management Plan will be required for the site to manage any potential risks during site works and should comply with the Hobart Interim Planning scheme*'.

A contamination management plan was submitted with the application including recommendations for dust, stormwater and sediment management.

A Council-approved soil and water management plan should be implemented that is consistent with the recommendations of the CMP.

### **Recommended Conditions:**

ENV2 - SWMP

ENVs1 - Implement noise recommendations

### **Recommended Advice:**

N/A