

**Noise aspects  
of modified proposals for Sydney Superyacht Marina  
Major Project MP09\_0165**

22 May 2015      by Dr. Martin W. Lawrence

***Who might be affected by noise from the Sydney Superyacht Marina (SSM)?***

The noise from the SSM has potential to affect two classes of people:

1. The nearest residents, who mostly reside in the Glebe Point region, extending for some blocks back from the waterfront.
2. Users of the passive recreation areas of the foreshore area, including in Glebe and Rozelle. This includes uses of the foreshore walk and of the extensive parkland, both of which have very large numbers of users.

The local community has strong memories of how much noise came from the "Liquidity" restaurant, when it was run as part of the SYM operation. This restaurant was located where the development is proposed. Many people reported that there was intrusive irritating noise inside houses, with doors and windows shut, even for houses located several blocks back from the nearest residences to the SYM.

***Land Facilities 2012 application and approval - MP09\_0165***

To adequately address the noise aspects of the modification to the SSM development, it is necessary first to appreciate the noise issue as addressed in the original application and approval.

Proposal

A proposal for a development of the land facilities of the SSM was submitted for approval. This led to approval, in November 2012, by the Planning Assessment Panel (PAC), subject to many mandated conditions, many of which relate to noise generation by the SSM.

Benbow Environmental, working for the proponent, performed an extensive noise and modelling study for this development. Benbow set "Project Specific Noise Limits" for noise at residential receivers, and then established conditions to ensure that the actual noise levels would not exceed these limits.

Public Comment

A period was allowed for public comment on the proposal. It is noteworthy that 96% of the 53 public submissions on the proposal addressed the issue of noise, mostly with concern about amplified music and patron-generated noise.

Project Approval

Taking into account the above work, the PAC has imposed a set of conditions on the SSM.

Noise relevant conditions relevant to proposed modifications:

Separate Consents (page 6)      *"Separate development consent must be obtained from the relevant consent authority for the following works and uses. ....*

*(d) outdoor seating areas, whether within or outside of lease areas."*

Noise (page 29)      *"Self closing doors must be included on the first level of the western building for the yacht club and incorporate air locks."*

## ***Land Facilities modified proposal application, Mar 2015 - MP09\_0165 (MOD1)***

Now we move on to the modified proposal currently under consideration. Noise relevant items in the modified proposal for the land facilities can be divided into two parts.

### Increasing size of land facilities

There is an increase in floor area in the proposed development, especially more outdoors area. An especially troubling item is the totally new Level 2 on top of the east building, with a huge new balcony (540 m<sup>2</sup>). More outside (and more inside) area can be expected to increase activity and hence noise. The higher level will also be expected to project noise more than lower levels.

Further to this, it is stated that the purpose of the new level 2 on east building, including for the large outside area, is "Marine use". This term is very vague and leaves little conception or control on what might occur here.

There is an additional level proposed for the car park. Again, this higher level can be expected to project more noise than the lower levels.

### Blanket approval for outdoor seating

In Section 2.7 of the proposal, there is a request for blanket approval for use of outdoor seating areas. This is summarised in Annex B, which lists the proponent's suggested changes to conditions. It suggests *"Use of outdoor seating areas from 7am to 10pm Monday to Sunday."*

This request even covers the very large outdoor area on the new Level 2, which the proponent states that they do not intend to use for outdoor seating. Thus there is a request for permission to do something that it is stated that there is no intention of doing.

The current approval conditions require any use of outdoor seating to be separately requested. Separate requests for outdoor seating allows a controlled use of outdoor seating, as then outdoor seating will be limited to those areas that are demonstrated to not cause a problem.

Approval for specified areas of outdoor seating should be approved subject to a trial period during which problems with noise generated can be assessed. Following this trial and assessment, a decision could then be taken on providing ongoing outdoor seating permission.

This item may be considered as a direct request for a repeal of one of the previous conditions imposed on the development.

### Noise discussion in the modified proposal

Appendix K of the modified proposal, prepared by Acoustic Logic, addresses the issue of noise impact. Their conclusion states:

*"Noise emissions from the operation of the development will comply with the relevant noise emission criteria provided that the building and management controls recommended in section 7 and 8 of this report."*

(Section 7 and 8 of Appendix K provide some architectural and procedural recommendations to limit noise problems for nearby residences.)

In the conclusion section of the main body of the modified proposal (section 5, paragraph 4), it is stated that:

*"acoustic impacts have been assessed and the impacts upon the community from these are found to be slight".*

This value judgement of slight is, of course, in the eye of the beholder (with the generators of the noise regarding it as not a problem, in contrast to the views of the receivers of the noise). The original conditions provided a fine balance between the wishes of the proponent and the amenity of the local community. The modified proposal is for a move in the direction of increased noise. This heightens the existing concerns of the community.

### ***Land Facilities modified proposal application, 2014 - MP09\_0165 (MOD2)***

This is another proposed modification to the accepted proposal. This modification concentrates on the west building. While this is not the proposal currently open for comment, I note that it has not yet been determined. So I am making a comment on it here.

This MOD2 proposal removes the requirement for airlocks from the western building first floor level. These airlocks were mandated by the PAC conditions for this development.

The claim is made in the proposal that air locks are not required to meet the standards.

However, removal of these airlocks will allow more noise to exit the building. When the environmental seal is broken, by opening a simple door, noise will escape.

At the time of door opening, there is likely to be a substantial degradation to the noise isolation between the inside and outside of the building.

### ***Discussion of MOD1 proposal***

A compromise on noise was made in the PAC determination, balancing the wishes of the proponents against the amenity of the local community. The problem with the proposed modifications is that they seek to expand the SSM facility (and hence the noise generation), while removing one of the conditions that helps control the noise. The previous conditions were less than required by the community. This proposal only makes the probable noise problem worse. The modifications are tilting that balance away from community interests.

There is extreme sensitivity of the community to the noise issue.

Noise is dismissed as a non-problem in the modified proposal. Clearly, in reality, noise continues to be an issue.

The proposed expansion of the development will increase the noise levels of the SYM:

Extra level on the east building is likely to be the largest contributor to extra noise, especially with the very large deck area proposed.

The expansion of car park by another level will also have some effect.

The proposed blanket approval of outside seating will increase the noise level.

The approved development proposal is expected to cause noise difficulties. The modified proposal will exacerbate this problem.

### ***Recommendations***

My main recommendations to limit exacerbation of the noise problem (beyond its currently approved state) are:

MOD1:

1. The Level 2 development of the eastern building, with its large balcony area should be rejected.
2. If the Level 2 development of the eastern building is approved, the permission for outdoor seating should not extend to this 540 m<sup>2</sup> balcony/deck.
3. Permissions for outdoor seating should be limited in area and there should be a trial period established to determine whether a noise problem results from them.

MOD2:

4. The requirement for the airlocks on western building first floor should be maintained.