

## **LIVERPOOL IHAP**

### **MEETING MINUTES 13 February 2018 (ELECTRONIC DETERMINATION)**

#### **DA A-2876/2001/B MODIFICATION TO INCREASE HOURS OF OPERATION AL AMANAH COLLEGE LIVERPOOL**

On 28 August 2017 IHAP considered an application under section 96 of the EP&A Act submitted by Al Amanah College to modify development consent A-2876/2001/B seeking to increase hours of operation for part of its premises at 55 Speed Street and 546 Nagle Street, Liverpool. The Panel recommended Council defer determination until the following issues were addressed:

1. Clarification on the Acoustic Logic report regarding closing of windows along the western facade or rooms along the western façade
2. Additional information regarding how the extended hours are to operate within the required noise criteria
3. The preparation of a plan of management for extended hours operations
4. An on-site parking management plan for extended hours operations
5. More specific and measurable extended hours noise criteria conditions
6. A requirement for the school to demonstrate that the above conditions are being met once extended hours activities have commenced
7. Council officers prepare further conditions of consent that establish specific objective standards for noise control

#### **APPLICANT'S RESPONSE**

Additional reports and material to address the above matters have now been submitted to Council including:

- Issue 1. Acoustic Logic report amended – Revision 8 is dated 23/11/2017
  - a. the first two points of the recommendations section address the windows/rooms along the western façade (Page 16)
  - b. all windows along the western façade be closed after 6pm
  - c. AC units for the rooms along the western façade shall be turned on if needed but no more than 50% of AC on the site should be in operation after 6pm
- Issue 2. Addressed in After Hours Management Plan
- Issue 3. After Hours Management Plan prepared and submitted
- Issue 4. The After Hours Management Plan addresses the issues of on-site parking management. The Plan states that the 40 spaces in the existing basement should be sufficient for most after-hours uses. In the event that more parking is required, the school will provide 40 additional spaces on its playgrounds with marshalls to direct and control all vehicle movements
- Issue 5. Refer Section 3 of the After Hours Management Plan which addresses noise criteria

Issue 6. Section 3.3 of the After Hours Management Plan commits the School to ongoing monitoring and compliance with noise controls set out in the Acoustic Logic report Tables 14 and 15. The Plan requires a “periodic audit by a qualified person”

Issue 7. The proposed conditions of consent have been amended to include:

- a. The addition of a reference to the After Hours Plan of Management Plan (Condition 1)
- b. The addition of Clause 6C regarding implementation of the After Hours Management Plan
- c. The addition of Clause 6D – Acoustic Report Variation requiring a noise impact audit at three months after commencement of after-hours operations.

It is noted that there is no requirement in this condition for ongoing monitoring as per the After Hours Management Plan which states that “The School will as necessary monitor its on-going compliance with the noise levels outlined in tables 14 and 15 of the acoustic report.”

The amended Conditions of Consent should reflect the ongoing monitoring criteria set out in the After Hours Management Plan.

#### **PANEL RESPONSE**

The Panel considers that the additional information submitted by the College, and assessed by Council officers, satisfies the outstanding matters listed in the Panel minutes of 28 August 2017, subject to the conditions recommended by Council officers as amended by the Panel.

The amendments to the conditions made by the Panel are designed to ensure the after-hours activities are conducted in the manner assessed by acoustic engineer, to remove ambiguity and to minimise amenity impacts arising from on-street parking.

The Panel is satisfied that the proposed modifications, when carried out in accordance with the recommended conditions of consent will have a minimal impact on the environment, and the consent as modified will be substantially the same as the consent as originally granted.

#### **DETERMINATION**

1. Approve Section 96(1A) Modification Application A-2876/2001/B proposing extended operating hours for Al Amanah College, Liverpool being:

**A FOR MONDAY TO FRIDAY - 4pm to 9pm - FOR 120 DAYS DURING THE SCHOOL YEAR; AND**

**B FOR 40 SATURDAYS DURING THE SCHOOL YEAR - 9am to 3pm; AND INCLUDING**

**C FOR 30 CONSECUTIVE DAYS DURING RAMADAN (this includes any day occurring within Ramadan including Saturdays, Sundays and Public Holidays)-**

- i. 3pm to 9pm FOR MONDAY TO FRIDAY
- ii. 3pm to 9pm FOR SATURDAY

**iii. 4pm to 9pm FOR SUNDAY & PUBLIC HOLIDAYS**

2. Condition 6 of the Consent be amended to reflect the above hours of operation.
3. Condition 1 of the Consent be amended to include the following in the list of approved plans and reports:

- Environmental Noise Impact Assessment for the Proposed Extension of Operational Hours (Project No. 20150782.3 / Document Ref. 20150782.3/2311A/R8/MF), dated 23 November 2017
- After Hours Management Plan for Al Amanah College (dated November 2017) and submitted with A-2876/2001/B

4. The following conditions be added to the existing consent:

6A. The number of attendees on site for any after hours school activity including school events for Ramadan shall not exceed 100 people including staff, students, parents and visitors. For the purposes of this condition the type of use that constitute an “after hours school activity” is one that is carried out for the benefit of students of the school and may include:

- After School Care
- Tutoring
- Lectures & Seminars
- Information Sessions; e.g. subject selections
- Parent/Teacher nights
- Graduation / Presentation nights and ceremonies
- Extra-Curricular School Activities.

No outdoor activities are permitted during the extended operating hours.

**Acoustic Report**

6B. The recommendations provided in the Acoustic Report prepared by Acoustic Logic P/L for Al Amanah College entitled Environmental Noise Impact Assessment for the Proposed Extension of Operational Hours (Project No. 20150782.3 / Document Ref. 20150782.3/2311A/R8/MF), dated 23 November 2017 shall be implemented as part of the management of any after hours school activity.

To remove any doubt, the western façade windows shall remain closed at all times when the associated class rooms and teaching space are in use after 6 pm.

**After Hours Management Plan**

6C. The After Hours Management Plan for Al Amanah College (dated November 2017) shall be implemented on the commencement of the extended hours of operation permitted under Condition 6 of this Consent.

It is a condition of this consent that the school must monitor its on-going compliance with the noise levels outlined in tables 14 and 15 of the acoustic report

and provide details of the results of that monitoring when requested by Council officers.

#### **Acoustic Report Verification**

6D. An Acoustic Report is to be prepared and submitted to Liverpool City Council for its assessment and approval within **three (3) months** of commencement of the After Hours Program. Noise measurements should be undertaken at a time when there is a level of activity on the site that can be used to verify the effectiveness of procedure put in place to mitigate any noise impacts. The report shall include but is not limited to the following information:

- (a) Noise measurements taken at the receptor locations 1 and 2 as indicated in the Acoustic Assessment prepared by Acoustic Logic (document ref: 20150782.3/2311A/R8/MF) dated 23 November 2017;
- (b) Validation that noise levels at the nearest potentially affected receiver comply with all relevant criteria detailed in the abovementioned report;
- (c) Any noise complaints received from local residents in relation to the after hours operation of the premises; and
- (d) Where noise measurements required under point (a) above outline that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

#### **Lighting**

6E. Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

#### **Public Address System**

6F No public address system or sound amplifying equipment shall be installed so as to permit the emission of offensive noise, as defined by the Protection of the Environment Operations Act 1997, onto any private premises or public place.

6G If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.

6H All carparking generated by the after hours activities must be accommodated on-site.

66I. The approved prayer hall is permitted for use by members of the school community including staff, students and direct family at the times specified in the Condition 6 of this Consent.

5. **Persons who made a submission with regard to the proposed development be notified in writing of the decision of the IHAP.**

Voting

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Michael Mantei  
Chairperson  
13 February 2018