

Environment, Resources & Development Court

No 308 of 2013

In the matter of an Appeal between:

Port Adelaide Residents Environmental Action Group (Appellant)

and

City of Port Adelaide and Enfield (First Respondent)

OTR 97 Pty Ltd (Second Respondent)

Joint Statement of Jason Paul Turner and Peter John Maddern

Following exchange of our draft statements in this matter we have conferred and agree that with the provision of the following acoustic treatment:

- a. A roller door (as used at 294 The Parade Kensington Park) fitted to the southern end of the auto carwash to be used during normal operation of this carwash;
- b. Vacuum units which produce a noise level not exceeding 79 dB(A) at 1 meter each during use. These are more easily sourced. (This is a change from the levels listed in Mr Maddern's statement) ;
- c. Each of the auto carwash, manual carwash, dog wash, and vacuums used only between the hours of 7am and 10pm daily Sunday to Thursday and 7am to midnight on Friday and Saturday nights .
- d. fixed services and ventilation plant being designed to produce no more than 45 dB(A) in reasonable combination at the nearest sensitive dwelling.

The following acoustic issues at the site are not in dispute between us:

- a. automatic car wash and associated plant;
- b. vacuum units;
- c. manual car wash bays;
- d. dog wash;
- e. mechanical plant serving the control building;
- f. customer order unit activity;
- g. vehicle movements generally within the site with the exception of the drive through and Hargrave Street verge ; and
- h. rubbish collection and deliveries;

and there remains two acoustic issues upon which agreement has not been reached:

- a. The use of the Hargrave Street crossover during the sleeping hours
- b. The use of the drive- through during the sleeping hours

The following table summarises considerations relating to the crossover and the drive through.

Hargrave Street Crossover	Peter Maddern	Jason Turner
<p>Acceptability of the maximum instantaneous noise levels (L_{Amax}) from vehicle movements on the public road after exiting the Hargrave Street crossover:</p>	<p>Relevant to an assessment of impact between the hours of 10pm and 5am. Not acceptable regardless of degree</p>	<p>Acceptable</p>
<p>Comparison of the proposed vehicle movements on the public road against the DPTI Road Traffic Noise Guidelines:</p>	<p>Perhaps of some assistance but the proposal is more in the nature of a private development than a public one for public purposes. compliance accepted</p>	<p>Relevant and easily complies.</p>
<p>Comparison of the vehicle movements on the public road and verge against the maximum recommended instantaneous noise level (L_{Amax}) provided by the World Health Organisation Guidelines for the protection of the onset of sleep disturbance, being 60 dB(A)</p>	<p>Relevant and does not achieve the guideline value but this needs to be considered in the context of comparison with the maximum noise levels from traffic within the existing environment.</p>	<p>Relevant and does not achieve the guideline value but this needs to be considered in the context of comparison with the maximum noise levels from traffic within the existing environment.</p>
<p>Comparison of the vehicle movements on the public road and verge against the maximum recommended instantaneous noise level (L_{Amax}) level of 60 dB(A) adopted in Sargent v City of Salisbury</p>	<p>Relevant, different circumstances</p>	<p>Relevant. Sargent compared maximum noise levels from the use of a domestic crossover with the maximum noise levels in the environment.</p>

Hargrave Street Crossover	Peter Maddern	Jason Turner
<p>Comparison of the vehicle movements on the public road and verge against EPA L_{max} criteria</p>	<p>Strictly applicable only to vehicles on subject land but of some assistance beyond</p>	<p>Applicable to vehicles on subject land and achieved for vehicles on subject land. Any comparison with the criterion needs to be made in the context of the maximum noise levels from traffic within the existing environment.</p>
<p>The maximum instantaneous noise levels (L_{Amax}) from vehicle movements on the public road or verge exiting the Hargrave Street crossover at the dwelling at 194 Hargrave Street and nearby</p>	<p>From extensive testing Typical movements: 73 dB(A) Extraordinary event: 77 dB(A)</p>	<p>From extensive testing: Typical movements: 55 to 65 dB(A) depending on crossover use (left in, left out, right in, right out).</p>
<p>The maximum instantaneous noise levels (L_{Amax}) from existing vehicle movements on Hargrave Street at the dwelling at 194 Hargrave Street and nearby</p>	<p>Greater than 64 dB(A) based on Appendix A Measured see table 2 Generally between 60-70 dB(A) Occasional over 80dB(A)</p>	<p>65 to 70 dB(A) for west bound traffic 60 to 65 dB(A) for east bound traffic</p>
<p>The maximum instantaneous noise levels (L_{Amax}) from trucks on Victoria Road at the dwelling at 194 Hargrave Street</p>	<p>Not measured</p>	<p>65 to 70 dB(A)</p>

Hargrave Street Crossover	Peter Maddern	Jason Turner
<p>Character of the noise from vehicles exiting the Hargrave Street crossover</p>	<p>Important, often similar to vehicles using the road, but generally discernible</p>	<p>Similar in comparison to vehicles moving along Hargrave Street. Vehicles moving along Hargrave Street measured to be typically louder than a similar vehicle using a crossover.</p>
<p>Antisocial behavior: stronger than necessary acceleration, wheel spin, loud exhausts, excessive radio</p>	<p>Important consideration, not necessarily frequent but common community concern. important to minimize where reasonable</p>	<p>Anti-social behaviour can occur in vehicles using Hargrave Street and accelerating from either Victoria Road or Alfred Street. There will be a greater number of vehicles using Hargrave Street in comparison to the crossover.</p>
<p>Considerations not driven by noise level or noise character, options for acoustic minimisation, measures</p>	<p>Quite relevant</p>	<p>Minimisation should only occur where the impacts are shown, through an objective assessment method, to unreasonably interfere with the amenity of the locality.</p>

Hargrave Street Crossover	Peter Maddern	Jason Turner
<p>Comparison against existing vehicle use of the road</p>	<p>Relevant assumed significant</p>	<p>Vehicles on the road are typically of a similar character, experienced in higher numbers, travel at higher speeds and generate higher noise levels. Therefore, the comparison against existing vehicle use of the road indicates the crossover does not unreasonably interfere with the amenity of the locality.</p>
<p>Relevance of additional use of Hargrave street if any</p>	<p>relevant</p>	<p>In the circumstance where there are similar traffic flows along Hargrave Street then, because the maximum noise level of a vehicle using a crossover is typically less than the maximum noise level of a vehicle continuing along the road at speed, the proposal has the potential to improve the amenity associated with traffic movements on Hargrave Street.</p>

Drive-through	Peter Maddern	Jason Turner
Acceptability of the maximum instantaneous noise levels (L_{Amax}) of vehicle movements through the drive through:	concern with some vehicles	Acceptable
Predicted maximum instantaneous noise levels (L_{Amax}) of vehicle movements through the drive through	64 dB(A) for more prominent vehicles	<p>Typical noise levels: 44 to 48 dB(A)</p> <p>Extraordinary event: 58 dB(A)</p> <p>Maximum noise levels measured at OTR Hillbank consistent with the above</p>
Comparison of the vehicle movements against the recommended maximum instantaneous (L_{Amax}) goal noise level provided by the Policy, being 60 dB(A)	Relevant	<p>Relevant and achieves the Policy requirement.</p> <p>Had the extraordinary event been predicted to exceed the goal noise level in the Policy, then the maximum noise levels within the existing environment would need to be considered to determine the action to be taken</p>
The maximum noise levels in the existing environment at 8 Alfred Place	Greater than 60 dB(A) based on Appendix B	Truck movements on Victoria Road at 8 Alfred Place: 65 to 70 dB(A)

Drive-through	Peter Maddern	Jason Turner
<p>Considerations not driven by noise level or noise character, options for acoustic minimisation, measures</p>	<p>Quite relevant. Minimisation is assumed to apply where reasonably practicable and sensible for its own sake. It is not anticipated to be applied where there is not a reasonable benefit to be obtained to offset the implications of taking the measure</p>	<p>Minimisation should only occur where the impacts are shown, through an objective assessment method, to unreasonably interfere with the amenity of the locality.</p>
<p>The effectiveness of the proposed barrier for the drive-through</p>	<p>My measurements cannot define the measure of the barrier but it is thought to contribute. At 2.5 m it is likely to do more if it were above the height of the building with 2.6 m wall height</p>	<p>Modelled using SoundPLAN software to be in the order of 15 dB(A) at 8 Alfred Place; Measured in situ at OTR Hillbank to be in the order of 10 to 15 dB(A) at different distances and determined to be the equivalent of 14 dB(A) at 8 Alfred Place, when extrapolating the measured results.</p>

<p>Drive-through</p>	<p>Peter Maddern</p>	<p>Jason Turner</p>
<p>The requirement for additional acoustic measures</p>	<p>Yes. The proposed measures for a reasonable minimisation might include:</p> <p>Simply a higher fence. The existing dwelling with a wall height of 2.6m is higher than the 2.5 m fence OR drive through limited to out of the sleeping hours OR Enclose the drive through in an acoustic tunnel near the dwelling OR treatment of the dwelling at 8 Alfred Street as follows:</p> <ol style="list-style-type: none"> 1. replace 4 window frames and windows (3 across back, one south side) with commercial grade 10mm laminated glazed well sealed swinging windows. 2. replace backdoor and associated glazing and glazing frames similarly 3. replace the window mounted airconditioner with an equivalent split system unit 4. provide additional two plasterboard layers under the exiting ceiling of the built on section. 5. seal the wall ceiling and window/wall junctions 6. and make good damage/lighting/painting etc 	<p>No additional measures required as the maximum noise levels achieve the Policy, even for an extraordinary event and, notwithstanding this, are typically innocuous in comparison to the existing ambient noise environment.</p>



Jason Turner

13 May 2014



Peter Maddern

13 May 2014