

**Operational Management: PH4 – Noise Management of the Dunkeld Park Pet Hotel, 108 Marys Lane, Dunkeld NSW 2795.**

**1. Definition:** Pet Hotel = Dog Boarding Kennel, Cat Boarding Cattery, Other Pets Boarding

**2. Prelim**

PH4 is a Noise Management Policy related to operational aspects and not the design of the facility that are covered in the DA and Construction design and Conditions as specified in the Land Environment Court Order.

**3. Requirements**

All management practices will meet all NSW Legislative requirements including the NSW Animal Welfare Code of Practice No 5 - Dogs and Cats in Animal Boarding Establishments.

To meet the winning (“Appeal Upheld”) Development Consent as per the Land Environment Court order requirements in ‘McHugh v Bathurst Regional Council case 10091 of 2015, 31<sup>st</sup> July 2015’ Conditions related to management of noise as follows;

“ ...

2. At all times the operation of the kennels shall comply with the following noise criteria:

Address	Daytime (LAeq 15 minutes) <i>1</i>	Nighttime (LAeq 15 minutes) <i>1</i>	Sleep Arousal (L1, min) <i>2</i>
81 Marys Lane, 10 Evans Plains Creek Road and 11 Dunkeld Road	44 dBA*	28 dBA**	40 dBA
All other properties	35 dBA*	20 dBA**	30 dBA

*1 Measured or assessed at a location within 30m of a dwelling or the residential boundary whichever is closer to the dwelling (in accordance with the EPA Industrial Noise Policy).*

*2 Measured or assessed at a position 1m outside any bedroom window (in accordance with the EPA Noise Guide for Local Government).*

\* Including correction for tonality (in accordance with EPA Industrial Noise Policy).

\*\* Including corrections for tonality and intermittency (in accordance with EPA Industrial Noise Policy).

3. An amended Operational Management Plan (“the Operational Management Plan”) shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the development. The Operational Management Plan shall detail procedures to be adopted to minimise the likelihood of dogs barking including (but not limited to) a limit to 2 of the number of dogs in the exercise areas at any one time; the installation of visual separation shielding between the individual caged runs; and the installation of visual separation shielding on the southern side of the 2 dog runs (the exercise areas) to prevent dogs in the kennels from seeing dogs in the dog runs.

The Operational Management Plan must include noise management and complaint handling protocols and is to be supported by a report from an appropriately qualified acoustic engineer.

4. The construction of the dog kennels is to include the following:-

Component	Rw Rating	Details
Walls	45	140mm hollow concrete block.
Roof	45	Metal roof/sarking/6mm fibre cement sheeting to underside of roof joint/cavity of at least 300mm/75mm acoustic insulation on ceiling of 13mm fire-rated plasterboard.
Side double Doors	32	35mm solid core doors with jamb seal and drop seals (such as Raven RP 120 jamb seals and RP8 drop seals). Meeting stiles to be rebated and viewing glass to be at least 6.38mm laminated glass.
Sliding Access Hatches	27	20mm thick plywood in slots.

5. The dog kennels are to be ventilated by the supply of air conditioned air at night when the dogs are housed in the facility. The air conditioned package units are to produce noise levels below 10 dBA at all surrounding receivers. The air conditioning unit is to be located on the eastern side of the kennel and to have ducted supply and return air. Fresh air is to be supplied via the return air plenum on the air conditioning unit. The supply and return ductwork is to be contained within the kennels and where ductwork is outside the kennel building it shall comprise 18 gauge steel metal lagged with acoustic pipe wrap (4kg/m<sup>2</sup> with 25mm foam) such as Pyrotek Soundlag 4525.
6. The maximum number of animals boarding at the animal establishment at any one time is to be 24 dogs, 20 cats and 20 other small animals.
7. Dogs are not to use the individual caged runs between the hours of 5 pm to 8 am between 1 June and 31 August and between 6 pm and 7 am at all other times.
11. Prior to the issuing of an Occupation Certificate, certification from an appropriately qualified acoustic engineer is to be provided confirming that the noise control measures in conditions 2, 3, 4 and 5 have been implemented.
12. Within 60 days of the kennels being used an acoustic compliance test shall be undertaken to verify compliance with conditions 2 and 5 such testing shall occur with the kennels at a capacity of not less than 80%.

(Not an operational aspect of the Pet Hotel and thus not in the operational plan – but considered to be worth noting – see condition 19 regarding “Building Work” below;)

19. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00am and 8.00pm on weekdays and 8am to 8pm on weekends and public holidays

...“

#### 4. Noise Conditions Outcomes Method

- 4.1 Ensure Compliance with the relevant conditions as section 3 of this document
- 4.2 Implement appropriate noise management measures to meet section 3 of this document
- 4.3 Deliver appropriate noise acoustic compliance test as per section 3, condition 12 of this document
- 4.3 Implement a generic Complaints Handling protocol (ie not only noise related complaints thus a separate operational policy procedure)
- 4.4 Deliver the acoustic reports as per section 3, conditions 3, 11, 12 of this document

## 5. Noise Management Measures

Noise Management is designed to minimise the noise emitted from the pet hotel in relation to animal based noise.

### 5.1 Noise Management Measures objective overview;

The primary objective of the noise management is to sustain that all noise is managed and maintained to be below the thresholds set within the acoustic thresholds at adjoining neighbouring properties as per the table in condition 2 on page 1. No other legal noise level requirements exist.

And also to ensure noise is managed for the owners residence, which is situated some 60m from the pet hotel business – hundreds of metres closer than any neighbours' buildings.

The requirement is not to completely eliminate animal noise.

The noise management is primarily within 2 distinct areas – daytime noise and nighttime noise and each has its distinct noise management approach.

Although not operational - during the pet hotel construction period electrical and pneumatic based noise will also emanate from the pet hotel site and the noise management must meet the requirements as per condition 19 on page 2.

### 5.2 General Considerations;

The day time and night time noise levels from the adjacent Mitchell Hwy already provide a higher level of constant noise than normal rural environments and thus provides impact on surrounding noise levels – including significant back ground noise levels as proven through the DA process and Land and Environment court case held in July 2015, potentially drowning out any animal noises. The Mitchell Hwy noise trend is only likely to increase over time as the central west population expands in number and thus road traffic activity.

The 2 nearest neighbours' houses are only 60m and 100m from the Mitchell Hwy and this could potentially confuse where noise source is emitted in the local area.

The nearest neighbour to 10 Evans Plains Road is 11 Dunkeld Road. The owner of 11 Dunkeld Road has dogs barking each night both filmed and recorded and this needs to be taken into account, especially if a complaint is received regarding nighttime noise.

Other local dogs live in properties in the surround the area and emit noise each day and night – this also needs to be considered if any issues are raised.

The Bathurst Kennels on Evans Plains Road adjacent to and much closer to their neighbours' houses than this Pet Hotel have no acoustic controls imposed as conditions as stated in the court proceedings and as approved by the local council within the last decade, and has no noise building design controls as approved by the local council in the last decade, and has open kennels which were approved by the local council in the last decade - all which could potentially result in resident dogs emitting significant animal noise levels for their immediate local neighbour's both day and also critically at night. This may cause confusion during any complaints process.

All adjacent properties are many hundreds of metres' away from the Pet Hotel and the effect of dogs barking at this pet hotel business will be fully below statutory and regulatory thresholds and especially Land Environment Court approved levels as shown in the table on page 1 as stated by the local council's independent acoustic experts and also the Pet Hotel's independent acoustic expert during both the DA and LEC processes.

Dog barking noises will still be heard at the Dunkeld Park Pet Hotel – this is unavoidable – and noise management will benefit noise minimisation mostly, thus ensuring to assist in good neighbourly relations.

It must be stressed again that legal and regulatory commitment is to ensure that the regulated noise levels in the Table on Page 1 are achieved and no others.

At night the dogs will be housed in the acoustically designed kennel building as per agreed design. This is a superb acoustically designed facility like no other in the region.

The acoustic design of the kennel building was designed by one of the country's leading noise consultancies Wilkinson Murray, to ensure consistency with the noise requirements and to minimise noise and provide no sleep disturbance at night – for the pet hotel owners sleeping some 60m from the pet hotel buildings and thus for neighbours'.

All noise modeling demonstrated full compliance with regulations and was agreed as such by the local council's two independent noise experts.

### 5.3 Day Time Noise Management

Daytime noise is an expected result of housing dogs in any dog kennel environment. This operational policy and any expert investigations related to dog noise required by the Land Environment Court conducted by expert acoustic witnesses were not requiring complete silence of dog noise – especially during the day. This is important to understand.

#### Day Time Noise Minimisation Measures

- Rotate 2 dogs in the 2 caged runs for the purpose of daily exercise as per statutory requirements
- Whilst not in the caged runs then each dog should be secured in its allotted individual external caged enclosure.
- Daily check that screening is intact between the caged runs where required.
- Daily check that screening is intact between the caged runs and the caged individual external enclosures (south side screening) where required.
- Daily check to ensure screening between individual cages is intact where required.
- No Customers, Visitors, Complainers\*, Neighbours, Regulatory persons, etc. or any persons other than Pet Hotel administrators are to access the dog kennel or cattery facility without the express authority of the owner, as this can disturb the dogs which in turn can cause them to bark.
- Walk or move dogs singly and not in pairs – unless the walking dogs are compatible
- Ensure as little as possible external stimulation including when moving around the kennel facility such as at feeding time.

\* Complainers are persons or others that have lodged a complaint regarding the Pet Hotel

### 5.4 Night Time Noise Management

The dog kennel building is acoustically designed to minimise noise. This is achieved by ensuring doors and hatches are closed and the dogs are housed individually within their internal rooms.

#### Night Time Noise Minimisation Measures

- Ensure all dogs are secured within their “internal” enclosures – ie within the kennel building – as per the following;
  - Winter (1<sup>st</sup> June to 31<sup>st</sup> August): 5pm to 8am
  - Spring, Summer and Autumn: 6pm to 7am
- Ensure all sliding hatches are closed within the kennel building and dogs secure internally
- Ensure all external doors to the kennel building are closed after access and egress
- Ensure A/C is on.
- Turn lights off in the kennel building at night

- Check and monitor security devices are working where required – to ensure security devices are operational and ready.
- Ensure security lighting does not shine directly into the kennel building door windows
- During the night – monitor for unusual noise and barking and investigate its cause and take immediate action to remove the cause of the stimulation.
- Call the police if trespassers are observed as the cause of noise or dogs barking.

## 6 Complaints Handling Management

Complaints regarding noise will follow the generic Complaint Handling policy PH3 used for all complaints handling.

The Complaint Handling policy has been provided to the local council in a separate document.

## 7. Non-Operational Delivery of Noise Management Compliance

(Following completion of the conditions 11 and 12 - the current version of the Noise Management document to be archived and a new Noise Management document to be issued with this section to removed from the Operational Plan)

### 7.1 Ensure the following ‘one off’ Noise Management tests and reports are delivered;

Legal Requirement as per Land Environment Court

Condition 11 actions;

- Prior to Occupation Certificate, a certification report from an appropriately qualified acoustic engineer to be provided confirming that the noise control measures in conditions 2, 3, 4 and 5 have been implemented. Condition 2 will be achieved on the basis of the predicted modelling noise levels until the actual acoustic compliance test (Condition 12) is conducted to prove Condition 2 compliance.

Condition 12 actions;

- Within 60 days of the kennels being used [ie following issuing of the occupation certificate] and at 80% capacity - conduct an ‘acoustic compliance test’ – recording the names of dogs and their owners to prove the 80% capacity was achieved during the ‘acoustic compliance test’ and a report of the results to be provided to the local council for Condition 2 achievement verification.

### 7.2 “Acoustic Compliance Test” as per Condition 12

As agreed with the local council previously, deliver a full 24 hour day cycle of noise to be measured – ie day and night noise readings – thus ensuring that conditions 2 and 5 have been met. This will be conducted with a minimum of occupancy of 80% capacity. 100% will be the aim.

The compliance testing will be conducted by one of the country’s leading acoustic experts On-Site noise monitoring will be conducted as per noise compliance testing as per the DA appeal and LE court case 10091 of 2015. This was approved as compliant testing by the local council.

## 8 Ongoing Noise Compliance Tests

There are no planned ongoing tests to be conducted as per the LEC conditions.