

Environmental Health Referral Response - industrial use

Application Number:	DA2020/1167
Date:	23/10/2020
To:	Lashta Haidari
Land to be developed (Address):	Part Lot 28 DP 7413 , 9 Francis Street DEE WHY NSW 2099 Part Lot 28 DP 7413 , 28 Fisher Road DEE WHY NSW 2099 Part Lot 28 DP 7413 , 28 Fisher Road DEE WHY NSW 2099

Reasons for referral

This application seeks consent for large/and or industrial development.

And as such, Council's Environmental Investigations officers are required to consider the likely impacts.

Officer comments

General Comments

Application is for a mixed use development at 28 Fisher Road & 9 Francis Street, Dee Why including the construction of a 4 storey building and a six storey mixed use building containing a café, church, conference centre and a 80 room boarding house plus managers residence.

Each of the 80 rooms is provided an en-suite. The facility provides communal kitchens, living rooms and common open space and a laundry. There will also be an onsite manger.

The proposed development poses a number of noise concerns including:

- Noise from the boarding house including communal areas;
- Noise from mechanical plant; and
- Noise from the Church auditorium.

As part of the submission a Plan of Management for the Boarding House was provided that included noise control measures including:

- *The use of the outdoor communal area shall be restricted to between the hours of 7:00am and 10:00pm daily. No amplified music is permitted at ANY time within the outdoor communal area.*
- *Live music will not be permissible on the premises at ANY time.*
- *No amplified music is permitted at ANY time within the outdoor communal areas.*
- *Recorded and/or amplified music is permissible indoors during daylight hours between 8:00am and 8:00pm Monday to Thursday and between 8:00am and 10:00pm Friday to Sunday; and*
- A complaints and incident register.

The Plan of Management however, will require updates to better protect amenity including:

- That a 24 hour telephone contact number is to be available to neighbours who wish to register a complaint or comment about the premises;
- Signage is to be posted on the outside of the building with the contact details of the boarding

- house manager;
- Measures for limiting noise from amplified noise within the indoor communal areas including the MP communal zone on the top level;
- That Northern Beaches Council is to be advised of any change to the manager and
- Complaints and Incident Register to be updated to reference Northern Beaches Council (currently references City of Sydney)

The applicant has also provided an acoustic report prepared by TTM Consulting Dated 12 August 2020 (Reference 20SYA0029 R01_0). The Acoustic Report concluded/recommended:

The development is predicted to comply with Warringah Development Control Plan (DCP) 2011 and the NSW Noise Policy for Industry 2017, with no additional noise mitigation measures are required. A detailed acoustic assessment of mechanical plant during the detailed design stage is, however, recommended when the plant specifications are finalised. Management control measures have also been recommended to ensure reasonable and acceptable noise emissions levels from the proposed development.

Recommendation

APPROVAL - subject to conditions

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Environmental Investigations Conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Plan of Management Update

An updated Plan of Management is to be prepared to the satisfaction of Councils Environmental Health Team and the Principal Certifying Authority. Updates to the Plan of Management are to include:

- Complaints and Incident Register section to be updated to reference Northern Beaches Council;
- That a 24 hour telephone contact number is to be available to neighbours who wish to register a complaint or comment about the premises;
- That signage is to be posted on the outside of the building with the contact details of the boarding house manager;
- Measures for limiting noise from amplified noise within the indoor communal areas including the MP communal zone to reasonable levels that are not going to adversely impact the acoustic amenity of the surrounding area; and
- That Northern Beaches Council is to be advised of any change to the manager or its delegate and of the contact details of the manager or its delegate within one (1) week of any change. The sign on the site giving the name and contact details of the manager must also be updated within one (1) week of any change.

The updated Plan of Management is to be submitted to Council for review by Councils Environmental

Health Team.

Reason: To maintain amenity of the surrounding area.

Noise - Design of Mechanical Plant

Prior to the issue of a Construction Certificate, the design and location of the mechanical ventilation is to be provided to the Principal Certifying Authority. An acoustic assessment is to be undertaken by a suitably qualified professional such as an acoustic engineer to determine acoustic treatments to control noise emissions from all mechanical plant noise in accordance with recommendations in Acoustic Report prepared by TTM Consulting Dated 12 August 2020 (Reference 20SYA0029 R01_0).

Any design recommendations made by the consultant must be implemented into the plans prior to issuing the Construction Certificate in order to achieve compliance with noted conditions of this consent.

Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To protect surrounding premises from any noise generated by the operation of the development. (DACHPCPCC6)

Acoustic Report Recommendations

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifying Authority that recommendations within the acoustic report by TTM Consulting Dated 12 August 2020 (Reference 20SYA0029 R01_0) have been implemented/incorporated into the design of the premises.

Reason: To protect surrounding premises from any noise generated by the operation of the development. (DACHPCPCC6)

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Acoustic Report Certification

Prior to any occupation certificate being issued, a further acoustic assessment is to be undertaken by a qualified and experienced person(s) to confirm compliance with recommendations and Project Noise Trigger Levels (PNTL) within the Acoustic Report by TTM Consulting Dated 12 August 2020 (Reference 20SYA0029 R01_0), including but not limited to:

- Auditorium Live Music and Entertainment Noise recommendations:
 - The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre (31.5 Hz – 8 kHz inclusive) by more than 5 dB between 7am and 10pm at the boundary of any affected residence.
 - Amplified loudspeakers shall not be directed towards any footpath or face any external openings from building boundary walls.
- The mechanical plant is acoustically treated to ensure the sound contribution of any plant does not exceed project noise trigger levels set out within Table 4 of the acoustic report by TTM Consulting Dated 12 August 2020 (Reference 20SYA0029 R01_0) at the nearest residential receptors.
- An acoustic assessment of the Rooftop Communal Areas including the MP communal zone.

Any recommendations made by the consultant must be implemented prior to issuing the Occupation Certificate in order to achieve compliance with noted conditions of this consent.

The updated acoustic assessment is to be submitted to the satisfaction of Council's Environmental Health Team before providing to the PCA for certification.

Reason: To protect the acoustic amenity of neighbouring properties. (DACHPFPOC6)

Lighting

Prior to the issuing of any interim / final occupation certificate, certification is to be provided that any outdoor lighting does not detrimentally impact upon the amenity of other premises and complies with where relevant, Australia Standard AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements and Australian Standard AS 4282:1997 Control of the obtrusive effects of outdoor lighting.

Reason: To protect the amenity of adjoining properties. (DACHPFPOC6)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Auditorium Noise

The following noise conditions are to be adhered to:

- The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre (31.5 Hz – 8 kHz inclusive) by more than 5 dB between 7am and 10pm at the boundary of any affected residence.
- The premises shall not conduct live entertainment after 10pm.

Reason: To protect the acoustic amenity of neighbouring properties. (DACHPGOG5)

Compliance with the Boarding House Plan of Management

The requirements of the Boarding House Plan of Management are to be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

Reason: To ensure the premises is maintained in an appropriate manner in perpetuity. (DACHPGOG5)

Boarding House Noise

The following noise conditions are to be adhered to:

- The use of the outdoor communal area shall be restricted to between the hours of 7:00am and 10:00pm daily.
- Live music will not be permissible on the premises at any time.
- No amplified music is permitted at any time within the outdoor communal areas.

Reason: To protect the acoustic amenity of neighbouring properties. (DACHPGOG6)

Lighting

All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent

dwelling and must comply with where relevant, Australia Standard AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements and Australian Standard AS 4282:1997 Control of the obtrusive effects of outdoor lighting. All lights used to illuminate the exterior of buildings onsite must be positioned so as to prevent the emission of direct light onto adjoining roadways, adjoining land and dwellings.

Reason: To protect the amenity of adjoining properties. (DACHPGOG6)

Occupancy of Boarding House

The building is to contain a maximum of 160 persons (excluding the managers residence), being no more than 2 persons per designated bedroom. In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

Reason: To ensure the amenity of occupants. (DACPLG23)