

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	DA2024/1249
<b>Proposed Development:</b>	Alterations and additions including internal fit-out for use of premises as a pub and artisan food and drink industry
<b>Date:</b>	30/09/2024
<b>To:</b>	Claire Ryan
<b>Land to be developed (Address):</b>	Lot 1 DP 1170245 , 0 East Esplanade MANLY NSW 2095

### 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

The proposed development seeks alterations to the existing vacant retail tenancy at Manly Wharf for use as a pub and micro-brewery with ancillary dining and occasional live performance. Key features of the proposed development include:

- change of use of vacant supermarket tenancy to a pub and micro-brewery with ancillary dining and occasional live performance;
  - demolition of existing external staircase, office spaces, storage spaces, cool rooms, freezers, supermarket staff toilets and basement public toilets and amenities;
  - internal fit-out including two bars, ancillary kitchen, small staff office, new toilets and amenities servicing customers and staff;
  - new publicly accessible toilets and amenities for the convenience of all members of the public who visit Manly Wharf, including ferry commuters;
  - an internal connection to provide controlled, secondary access for patrons who wish to make their way between the new premises and the existing Manly Wharf Hotel;
  - installation of micro-brewing equipment;
  - internal fit out works including new wall linings, floor coverings, ceilings and acoustic treatments;
  - a new vestibule to provide entry to the premises, with direct connections to the waterside wharf promenade, the basement via both lift and stair, and a secondary access link to the existing Manly Wharf Hotel;
  - intermittent and occasional weekend markets inside the new premises, four Saturdays a year during daytime trading hours; and
- o hours of operation consistent with the Manly Wharf Hotel:
- o 7am to midnight, Monday to Wednesday and Sunday; and
  - o 7am to 1am, Thursday to Saturday.

A separate liquor license application will seek an extension of the existing Manly Wharf Hotel license to provide for the service of alcohol within the new premises.

The proposal documentation includes (in part) a Plan of Management for the proposed venue as well as an acoustic report which outlines requires acoustic treatments in relation to building elements and

proposed mechanical services as well as operational procedures to assist with noise compliance.

### **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:**

## **DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

### **Acoustic Review**

Within 30 days from the operations commencing under the terms of this consent, an acoustic review of the findings and recommendations of Pulse White Noise Acoustic contained within the acoustic report titled "Manly Wharf – Change of Use, Alterations and Additions to Existing Tenancy DA Acoustic Assessment" Revision:R2, Project Number 240180, dated 4 August 2024 and any additional requirements at OC acoustic review stage; shall be carried out on site (during a busy period of trading) and any necessary action to obtain acoustic compliance, shall be completed within a further 30 days of the assessment. The report associated with the compliance testing is to be furnished to Council for its records.

Reason: To ensure acoustic compliance in an operational situation.

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

### **Mechanical Plant and Equipment**

Details of mechanical plant and equipment have not yet been finalised.

When this equipment has been selected, prior to the issuing of a construction certificate, an acoustic assessment by a suitably qualified acoustic consultant is required to be undertaken to determine what acoustic treatment required to comply with noise emission criteria as required by the acoustic report titled "Manly Wharf – Change of Use, Alterations and Additions to Existing Tenancy DA Acoustic Assessment" Revision:R2, Project Number 240180, dated 4 August 2024.

Reason: To mitigate noise impact on surrounding receivers

### **Construction Noise and Vibration Management Plan**

Prior to the issue of a Construction Certificate, a detailed Construction Noise and Vibration Management Plan (CNVMP) is to be prepared in accordance with the recommendations of section 7 of the acoustic report titled "Manly Wharf – Change of Use, Alterations and Additions to Existing Tenancy DA Acoustic Assessment" Revision:R2, Project Number 240180, dated 4 August 2024.

The Construction Noise and Vibration Management Plan is to be implemented and complied with during the course of demolition and construction.

Reason: To ensure noise and vibration is managed through the demolition and construction phases to

reduce amenity impacts..

### **Acoustic Design Recommendations**

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within the acoustic report titled "Manly Wharf – Change of Use, Alterations and Additions to Existing Tenancy DA Acoustic Assessment" Revision:R2, Project Number 240180, dated 4 August 2024 have been implemented / incorporated into the design of the premises.

Reason: To prevent noise nuisance by using mitigation measures in design.

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

### **Mechanical Ventilation certification**

Prior to the issuing of an Occupation Certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

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

### **Acoustic Requirements - On-going**

Compliance with the recommendations within the acoustic report titled "Manly Wharf – Change of Use, Alterations and Additions to Existing Tenancy DA Acoustic Assessment" Revision:R2, Project Number 240180, dated 4 August 2024 and any additional requirements at OC review stage.

Reason: To prevent a noise nuisance to any neighbouring residential receiver.

### **Deliveries, waste and recycling collection hours**

Deliveries, waste and recycling collection from the site is to be carried out between 7am and 10pm only to minimise noise.

Reason: To minimise noise to residential receivers.

### **Plan of Management - Ongoing Compliance**

Ongoing compliance with the Plan of Management, Revision D, dated 9 August 2024 by Architectus Australia Pty Ltd is required for the life of the development

Reason: To maintain the amenity of surrounding areas and the safety of patrons and staff