

Environmental Health Referral Response - industrial use

Application Number:	REV2022/0004
Date:	13/09/2022
To:	Maxwell Duncan
Land to be developed (Address):	Lot 111 DP 11936 , 16 Bangaroo Street NORTH BALGOWLAH NSW 2093

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

Not Supported

Environmental Health previously made comment and provided proposed conditions of any approval.

For this review, the applicant has provided expert response to questions raised about the supporting acoustic report methodology and results and the peer reviewer still has some concerns (letter to Council 20 July 2022) summarised here for clarity to the reader :

We note that, as well as a response to the peer review, RWDI are now suggesting significant changes to the proposed childcare. These include the proposed number of children, the proposed hours of use and hence, a proposed higher noise emission criterium for the outdoor play. Furthermore, RWDI have accepted that the additional noise monitoring conducted at the backyard ground floor (L02) and rear balcony (L03) between 26 and 29 June 2020 did

not occur during periods within the proposed operating hours of the childcare centre. Note: Wilkinson Murray were taken over by RWDI. Directors S.A. Scannell, K. Scannell MSc., MAAS, & M. J. Scannell BA MAAS. Hence, we respectively suggest that RWDI produce an updated noise assessment report which addresses all of the proposed changes. This can then be assessed by Council and peer reviewed by an AAAC acoustical consultancy.

The updated report should also include revised background noise monitoring and an assessment of the new Council requirements for mechanical ventilation systems from kitchen and toilets (see Northern Beaches Environmental Health Referral Response - commercial use, dated 22/06/2022). This due to the limited possible locations of this plant other than at close proximity to the neighbouring properties.

Environmental Health acknowledges that the basis of any assessment report; should changes be made, such as an increase in child numbers, hours or whether a 3m acoustic wall can or cannot be built near the property boundary, as well as mechanical ventilation requirements; needs to be reflected in an up-to-date acoustic review by the applicant and taking into consideration the above reviewers comments.

Changes to site or operational plans can impact on potential noise nuisance outcomes.

These assessments are theoretical until finally confirmed at occupation stage under real life circumstances.

Significantly objection to and failure to build the proposed significant 3m wall the length oh the rear boundary will have a significant impact on the acoustic recommendations.

If a 3m wall set in 500mm from and the length of the rear boundary is unacceptable to Council then the proposal cannot be currently supported. (Also how and who maintains the 500mm wide inaccessible land strip created also needs addressing). Dividing fences are generally 1.8m high on or near the boundary.

Whilst no guarantee can be given, noise control measures can usually be provided to comply (for example - if child numbers and hours are reduced or plans amended). Child care facilities are a source of complaint to Council mainly due to crying or screaming children and a robust Plan of Management is also critical incorporating any acoustic recommendations.

If the 3m acoustic barrier wall is supported by Council, child numbers and hours confirmed in the acoustic report as proposed as assessed, Environmental Health could in these circumstances support the proposal and then require an acoustic review at the time of occupation to assess the noise criteria in operation, including mechanical ventilation/plant and equipment (any potential changes/modifications necessary being carried out within 30 days).

The proposal is therefore unsupported.

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

Recommended Environmental Investigations Conditions:

Nil.