

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	REV2021/0012
<b>Date:</b>	12/04/2021
<b>To:</b>	Alex Keller
<b>Land to be developed (Address):</b>	Lot B DP 85983 , 396 - 400 Sydney Road BALGOWLAH NSW 2093 Lot A DP 85983 , 402 Sydney Road 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

#### General Comments

Application is for shop top housing development consisting of 12 residential apartments, 3 ground floor retail tenancies and basement parking.

Shop top housing developments can pose amenity concerns for residential occupants of the building and neighbouring properties. This includes noise concerns such as noise from mechanical ventilation.

Another concern with shop top housing is that the retail tenancies often end up being food premises and little thought is given to any future mechanical ventilation that might need to be installed, subsequently creating noise and odour issues. Despite food premises usually being assessed via individual DAs, the planning for mechanical ventilation generally needs to be addressed at the building approval stage.

The applicant had provided an acoustic report prepared by Renzo Tonin & Associates Dated 30 April 2020 (Reference: TK495 01F02 Acoustic Report for DA (r2)) as part of DA2020/0634. The report, however was unable to take into account an assessment of mechanical plant as the details of the plant had not been finalised. The report recommended:

*We recommend a full and detailed assessment with fully documented acoustic treatments be undertaken at the detailed design phase of the development, followed by construction/installation supervision of mechanical plant and equipment acoustic treatment. Compliance testing following the installation of the plant should also be undertaken.*

Environmental Health have no objections subject to conditions regarding further acoustic assessment of mechanical plant for the building at the detailed design phase of the development and following the installation of the plant.

Environmental Health also recommends that the buildings design allows for adequate provisions for mechanical ventilation to be installed for the retail tenancies for any future food premises that may require mechanical ventilation.

## 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

#### Mechanical Ventilation Provisions for Retail Tenancies

Prior to the issuing of any Construction Certificate, certification is to be provided from a suitably qualified professional that the building's design and construction will provide adequate provisions to the retail tenancies for mechanical ventilation to be installed for any future retail tenancies that may require mechanical ventilation. The certification is to consider that the buildings provisions for mechanical ventilation are satisfactory to:

- Prevent potential amenity issues including noise and odour for occupants of the building and surrounding premises; and
- Allow compliance with relevant legislation and standards including Building Code of Australia, AS1668.1 "The use of ventilation and air conditioning in buildings Fire and smoke control in buildings" and AS1668.2 "The use of ventilation and airconditioning in buildings Mechanical ventilation in buildings".

Certification is to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To protect the amenity of building occupants and neighbouring properties.

#### 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 Renzo Tonin & Associates Dated 30 April 2020 (Reference: TK495 01F02 Acoustic Report for DA (r2)) .

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.

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

### **Acoustic Compliance Report**

Prior to the issuing of any interim / final occupation certificate an Acoustic Compliance Report, prepared by a suitably qualified professional such as an acoustic engineer, must be submitted certifying that the noise emitted from mechanical plant when operational:

- Complies with recommendations within the acoustic report prepared by Renzo Tonin & Associates Dated 30 April 2020 (Reference: TK495 01F02 Acoustic Report for DA (r2)) and the Acoustic Assessment of the design of mechanical plant.
- Will not cause "Offensive Noise" as defined by the Protection of the Environment Operations Act 1997; and
- Complies with NSW EPA Noise Policy for Industry.

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. Certification is to be submitted to the satisfaction of the Principal Certifying Authority and Councils Environmental Health Team.

Reason: To ensure compliance with legislation and to protect the acoustic amenity of neighbouring properties.