

Environmental Health Referral Response - industrial use

Application Number:	DA2018/1800
To:	Daniel Milliken
Land to be developed (Address):	Lot 101 DP 868560 , 93 McIntosh Road NARRAWEENA 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

This matter has been referred to Environmental Health for comment .

Environmental Health generally support the proposal and make the following comments only in regard to noise.

Due to the increased intensity of site use, noise implications to adjoining residences needs to be taken into consideration.

No acoustic report has been submitted.

This issue relates to mechanic mechanical ventilation particularly from the commercial occupancies, car park area ventilation and the proximity of the driveway to number 89 McIntosh Road where potentially increased vehicle numbers will be accelerating to leave up hill beside a dwelling. Historically the site originally operated 9-5pm and vehicle access will now be potentially 24 hours.

It is clear that intended use of some of the commercial occupancies will be for food businesses which will require cooking and mechanical ventilation and a separate DA will be required, but these noise issues need addressing generally at the building approval stage.

It is recommended before approval is given that the applicant submit an acoustic engineers report assessing the likely effect on adjoining residential occupancies of the driveway access; mechanical ventilation, and noise transmission/vibration to the residential components of the building.

No other objections are raised but these matters should be resolved prior to approval as design implications may be involved.

Recommendation

REFUSAL

Additional Information to Hand 16.4.2019

Environmental Health has asked to review additional information received.

Mechanical ventilation; noise odour etc and similar issues can be delta with as conditions of approval.

However significantly the proposed impact of the driveway to be 24 hrs a day, beside the neighbouring dwelling cannot be accepted.

The applicant is proposing that the neighbouring window (at 89 McIntosh Road) be replaced with a suitable acoustic barrier. This property is not on the applicants title for the development site and Council nor the applicant has any powers to require a neighbour to allow or to carry out works as a result of the proposed development. The Development must "stand alone" in it compliance.

Additionally vibration and acoustic measures assessed in theory, may not once constructed, be adequate to prevent noise penetrating the actual building through the building fabric or habitable windows which must be capable of being opened for ventilation for the inhabitants.

Again this is most relevant in the 24 hour use of the driveway.

Therefore proposed acoustic measures are outside the scope of the applicants entitlement and are inadequate in regard to the neighbours right to reasonable enjoyment of their property, due to 24 hour use, of undetermined driveway vehicle noise, particularly low frequency penetrating noise.

Further Recommendation

REFUSAL

Additional Information to Hand 1.5.2019

Applicant has complied with the acoustic report dated March 2019, adding a laminated glass window to the neighboring residence. We don't believe that this will eliminate or totally mitigate the extra noise expected from new tenants entering and exiting the property and mechanical plant that are likely associated with the development and so will place a set of noise conditions on the consent and some other conditions relating to the construction, demolition and operating phases.

Further Recommendation

Approval - subject to conditions

Recommended Environmental Investigations Conditions:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

Noise for air conditioners

Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment Operations Act 1997. Domestic air conditioners must not be audible in nearby dwellings between 10:00pm to 7:00am on Monday to Saturday and 10:00pm to 8:00am on Sundays and Public Holidays.

Reason: *To ensure compliance with legislation and to protect public health (DACHPBOC6)*

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Dust and air pollution

Dust (and air pollution) from construction and demolition to be managed in accordance with the Construction Management Report prepared by Dream Build.

Reason: Protect Public Health (DACHPEDW1)

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

Mechanical Ventilation certification

Prior to the issuing of any interim / final 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 Certifying Authority.

Reason: To ensure that the mechanical ventilation system complies with the design requirements. (DACHPFPOC4)

Mechanical Plant

Mechanical plant situated externally must be acoustically treated, installed and operated at all times to ensure not to cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

Domestic air-conditioners must not be audible in nearby dwellings between 10:00PM to 7:00AM Monday to Friday, and 10:00PM to 8:00AM on Saturdays, Sundays and public holidays.

Details are to be submitted to Council / the Accredited Certifier prior to the issue of the Occupation Certificate.

Reason: Protect residential acoustic amenity(DACHPFPOC6)

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

Noise - general

Implement recommendations of the noise report from Noise and Sound Services dated March 2019.

The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

Reason: Protect residential amenity (DACHPGOG5)

Food Businesses

- a) Separate Development Consent from Council is required for the design, fit-out, construction and use of each tenancy as food businesses,
- b) Each development application must provide details to Council demonstrating compliance with Standard 3.2.3 of the Australia and New Zealand Food Standards Code, the Food Act 2003 and AS 4674 'Design, construction and fit out of food premises' and AS1668.2,
- c) Details must include plans for the design, construction and fit-out and of all kitchens, wet areas, garbage storage rooms, food store areas, kiosks/stalls used for sale of food and beverages, and requirements for mechanical ventilation.

Reason: To ensure that all food premises comply with the design requirements. (DACHPGOG5)

Separate Development Consent from Council is required for the design, fit-out, construction and use of each tenancy as a Skin Penetration services business.

Reason: Ensure compliance with legislation (DACHPGOG6)