

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	DA2021/0294
<b>Date:</b>	26/04/2021
<b>To:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 45 SP 53211 , 218 / 54 A West 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

Environmental Health have reviewed the provided information for the proposed Yoga/Pilates studio at 137-138, 54 West Esplanade, Manly. The development proposal is accompanied with an plan of management and acoustic report.

The operation hours of the proposed development: are  
Monday- Friday: 5:00am – 8:00pm; and  
Saturday & Sunday: 6:00am – 2:00pm.

The main noise concern that doesn't appear to have been addressed in the application is the use of amplified music before 7am weekdays & Saturdays and 8am Sunday's and Public Holidays (EPA Noise Policy for Industry day time period: 7 am to 6 pm Monday to Saturday or 8 am to 6 pm on Sundays and public holidays). The applicant has advised in the management plan that the music played will be at low levels. However, in order to protect residential receptors Environmental Health recommends a condition relating to the audibility of amplified music within residential receptors in the early morning be imposed.

### 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

The Plan of Management is to be updated to include measures to ensure that amplified sound is not audible as received in any residential habitable room before 7am weekdays & Saturdays and 8am Sunday's and Public Holidays.

The updated Plan of Management is to be submitted to Council's Environmental Health Team for review and approval

Reason: To maintain amenity of the surrounding area.

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

#### **Acoustic 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 within the acoustic report by Rodney Stephens Acoustics referenced as R210194R1 and dated 1 April 2021. This is to include compliance testing of speakers and installation of an enclosed noise limiter. 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 Principle certifying authority for certification.

Reason: To protect residential amenity

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

#### **Acoustic requirements**

All recommendations of the acoustic report by acoustic report by Rodney Stephens Acoustics referenced as R210194R1 and dated 1 April 2021 and any further recommendations from compliance testing submitted to Council and the certifier prior to OC, are to be maintained for the life of the development.

Reason: To protect residential amenity (DACHPGOG5)

#### **Compliance with plan of management**

The plan of management and its associated hours of operation and maximum number of patrons are to be complied with at all times.

Reason: To protect surrounding residence, occupants and the environment from noise generated by the operation of the development. (DACHPGOG5)

#### **Amplified Sound**

Noise from amplified sound shall not be audible as received in any residential habitable room before 7am weekdays & Saturdays and 8am Sunday's and Public Holidays.

Reason: To minimise early morning noise within residential receptors.