

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	DA2019/0562
<b>To:</b>	Benjamin Price
<b>Land to be developed (Address):</b>	Lot 12 SP 94821 , 1 / 17 - 19 Central Avenue 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

Note : Food premises issues are commented on separately.

The SEE States:

The proposal adopts the same hours of operation of the approved small bar:

Monday to Thursday: 7.00am to 12.00 midnight

Friday and Saturday: 7.00am to 1.00am

Sunday: 7.00am to 10.00pm

although the

The Acoustic Report states:

The proposed small bar will cater to a maximum of seventy-five (75) patrons and five (5) staff members in their indoor dining area. The proposed operating hours are as follows:

- Monday-Sunday: 7:00am – 1:00am

Therefore total occupants 80 (see our Sanitary comments )

Noise is our most concerning item .

The applicant has addressed this in an acoustic assessment by Acoustic, Vibration & Noise Pty Ltd ref:2017-102 Rev 3 and a plan of management February 2019.

Vibration through the building by impact sounds such as kitchen activity, waste and recycling put out, have not been addressed considering the late opening time 1 am. (see conditions)

Patrons (75) entering and leaving are likely to be the greatest issue in creating "offensive noise".

Live music is NOT proposed.

The Acoustic assessment makes comment :

4.4 LAB Criterion Related to Noise from Hotels, Clubs & Restaurants

The Liquor Administration Board (LAB) requires the L10 amplified noise emission to be not more than 5 dB(A) above the background noise level at any time, and not more than 5 dB above the background noise level in any octave band.

After midnight the LAB requires noise emissions to be inaudible inside a habitable room of any nearby residence with the windows open (up to 5% of the floor area).

The NSW EPA is similar, requiring the L10 noise emission level to be not more than 5 dB(A) above the ambient L90 background noise level before midnight and to be not more than background noise level

after midnight (where no tonality correction applies).

#### 5.0 NOISE EMISSION FROM PROPOSED LAYOUT

The main sources of noise from the proposed Small Bar may include but are not limited to:

- Mechanical Plant & Equipment including kitchen and toilet exhaust fans, air conditioning and refrigeration condensers; and
- Patron noise from Indoor Dining Area

#### 5.2 Patron Noise

As previously discussed, the proposed bar will accommodate a total seventy-five (75) patrons and 5 staff members (Figure 7 – Proposed Layout). No live music will be played in the bar, with controlled background music only.

Patrons will access the bar through the ground floor area by walking through a proposed delicatessen. The ground floor area will be used as a food preparation area for the basement bar. Noise generated by the use & operation of the ground floor area will be higher than any noise generated by patrons walking through to the basement area. Therefore noise emitted by patrons walking through the ground floor will not be assessed in this report.

#### 6.1 Mechanical Ventilation

The mechanical ventilation for the proposed small bar will be carried out using the proposed service ducts through the building. We recommend insulating the ducts with 50mm thick insulation blankets to minimise external noise propagation and installing a silencer Min 2D (E29/90)1 or Equivalent for any fans.

Provided the above recommendations are adhered to, the mechanical plant will not produce any additional offensive noise for the nearest residential receiver as background noise levels are dominated by mechanical ventilation from surrounding residential buildings, restaurants and retail/commercial premises on Central Ave, Manly.

#### 6.2 Background Music and Patron Noise

The predicted noise levels from soft background music and people talking in the indoor dining area, complies with the criteria among all octave frequency bands. Sound System volume controls should be used to control the level of noise in the indoor bar area. No live bands are permitted to play inside the bar.

#### 6.3 Entrance Door

The door at the entrance to the bar should have a minimum  $R_w$  equal or greater than 40. Door to be fitted with an automatic door closer, parameter and drop acoustic seals.

#### 6.4 Noise Management Plan

A Noise Management Plan should be implemented and should include the following:

- Install a contact number at the front of the bar so that complaints regarding the operation can be made.
- Implement a complaint handling procedure. If a noise complaint is received the complaint should be recorded on a Complaint Form.

Accordingly a conditioned approval could be considered making reference to the above comments however assessment by Council should take into account the unknown noise implications of up to 75 patrons leaving the building at potentially 1 am with residential premises near by. Likewise it is noted the recent change to the Central Manly as an "entertainment precinct" where increased activity may be expected.

### Recommendation

APPROVAL - subject to conditions

### Recommended Environmental Investigations Conditions:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### Noise Control Ongoing

i) The La10\* noise level emitted from the licensed premises must not exceed the background of noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) by more than 5dB between 7am and 12 midnight at the boundary of any affected residence.

ii) The La10\* noise level emitted from the licensed premises must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) between 12 midnight and 7am at the boundary of any affected residence.

iii) The noise level from the licensed premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am or as otherwise required under conditions of development consent.

Noted; that requested hours of operation applied for are:

Monday to Thursday: 7.00am to 12.00 midnight

Friday and Saturday: 7.00am to 1.00am

Sunday: 7.00am to 10.00pm

Reason: To maintain the residential amenity of neighbouring residences (DACHPBOC6)

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

### Noise reduction and management

Prior to occupation the Certifier shall be supplied with certification of compliance with the Acoustic recommendations of the report by Acoustic Vibration & Noise Pty Ltd Ref:2017-102 Rev 3 including the Noise Management Plan.

The Noise Management Plan shall :

1. Be incorporated into the overall staff and operation plan/manual.
2. Make reference to night time put out times to the waste area of waste and recycling to minimise noise to residents.
3. Deal with night time kitchen and cleaning activities to reduce noise and vibration within the building.
4. Ensure a system of managing the exit of groups of patrons at or near closing time to ensure they are moved on quietly and do not create a nuisance to neighbouring residents.
5. Provide signage (30mm minimum high lettering) near the exit asking patrons to be respectful of neighbours with noise on exiting.

Reason: To Manage noise and vibration to minimise nuisance to any resident.