

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	Mod2020/0644
<b>Date:</b>	17/02/2021
<b>To:</b>	Adam Urbancic
<b>Land to be developed (Address):</b>	Lot 1 DP 34753 , 158 Pacific Parade DEE WHY 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

Environmental Health have been requested to provide comment on the proposed modification relating to noise and repositioning of patrons to an outdoor dining area.

The acoustic report provided for DA2015/0667 by West and Associates. Pty Ltd and referenced as Job No 2196/5 shows that noise from patrons sitting outside after 10.00 pm has the potential to impact some nearby residences, unless patrons are located within the central courtyard area, and a screen to a height of 1.6 metres is provided along the eastern boundary. As such, a 1.6 metre high frameless glass balustrade was proposed along the eastern boundary and was incorporated into the plans.

As part of the previous consent it was proposed to close the outdoor front (northern) seating area at 10.00pm each night. This requirement can be satisfied through the outdoor dining approval. A niche condition is to be imposed on the outdoor dining approval stating: "At the western elevation of the indoor dining area, on the northern part of the subject site bi-fold openings are to be closed at 10:00pm to protect adjacent residential amenity."

Environmental Health note that there may be a discrepancy between with the RW ratings of the closed bi-fold door and the existing solid brick wall which may lead to the conclusions drawn in the original acoustic report being compromised. As such a condition is to be imposed requiring the the bifold doors to be acoustically sealed and certification from a suitably qualified acoustic consultant that the RW ratings of the closed bi fold doors will not compromise the findings of the original acoustic report or to provide recommendations for further acoustic treatment which are to be completed prior to the issuing of the OC.

Environmental Health recommend approval subject to conditions being 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 WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE  
OCCUPATION CERTIFICATE**

**Acoustic Report Certification**

Prior to any occupation certificate being issued, acoustic compliance testing is to be undertaken by a qualified and experienced person(s) to confirm that the findings within the acoustic report by Acoustic Works referenced as 1020225 R01B 30-32 Pittwater Road Manly ENV.doc and dated 22 December 2020 will not be compromised by the installed closed bi-fold door. Any recommendations made by the acoustic consultant to achieve compliance through soundproofing of the closed bi-fold door must be implemented prior to issuing the Occupation Certificate. Results of compliance testing and recommendations are to be submitted to the satisfaction of the Principle certifying authority for certification.

Reason: To protect the acoustic amenity of neighbouring properties. (DACHPFPOC6)