

Environmental Health Referral Response - industrial use

Application Number:	DA2022/0662
Date:	15/07/2022
To:	Lashta Haidari
Land to be developed (Address):	Lot 1 SP 67337 , 1 / 63 - 67 The Corso 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

Environmental Health have been requested to review the proposed change of use to a pub and live entertainment venue, building works and signage. This assessment relates to proposed acoustic controls and the assessment methodology relating to the new proposed use.

Based on the provided information the business is seeking operation between 7am to 3am, 7 days a week. The premises will include approximately 20 hospitality staff at any given time and a maximum of 534 patrons at any one time. The proposed use is very intensive and sits within the Day, Evening and Night period as defined in the noise policy of industry with the night period being of most concern. As part of the submission an acoustic report was completed by Acoustic Logic the report lists sensitive receivers as the existing hostel above the development, 1 residential premises at 72 The Corso and 2 commercial receivers. Environmental health have serious concerns that the consent granted as DA2019/1398 for residential apartments above and behind the proposed development has not been considered by the acoustic consultant as part of this assessment. As the consent has been granted the premise above must be treated as a residential receiver. If this consent was activated then there would be an intensive commercial use with a residential use above with no proposed buffer between the two uses.

Mechanical ventilation appears to discharge directly onto street which is likely to cause visual, amenity and odour & smoke impacts to passerby's on the Corso and the above residents or temporary users from the backpackers depending if consents are enacted. Council prefers mechanical ventilation to be discharged from the roof and for vents to be accommodated through a void in the above site rather than on the sides of the building.

The provided plan of management is very brief with little detail on how the operator will realistically manage the premise and its amenity & safety impacts. A more robust plan of management is required that covers all aspects of the operation and how they will be effectively managed rather than providing dot points on matters that need to be controlled. The plan of management should be guided by the acoustic assessment, requirements set by any development consent or liquor licensing.

Environmental Health requires clarification or additional assessments to be undertaken by the applicant on the following item's to enable a fair and proper assessment;

- Why the residential use within the property was excluded from the acoustic assessment. Acoustic assessments need to consider worse case scenario's even if the consent has not been activated for residential premise above the proposed venue. Specific note is made to the peer review and advice

letter prepared by Acoustic Dynamic in the submissions in rebuttal to the development which should have points listed addressed in any further submissions to Council.

- Reasoning or further details of mechanical plant that explains why the applicant seeks to discharge mechanical ventilation from the side of the premise rather than the roof. If the applicant wishes to discharge from the side of the premise they will need to provide further evidence that the amenity/smoke/ odours is controlled by using the "Local government air quality toolkit".

- A more robust operational plan of management.

At this stage there are significant concerns raised by the proposed development and insufficient information to provide a recommendation in support at this time.

RECOMMENDATION

Not Supported - Further information required

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Environmental Investigations Conditions:

Nil.