

Environmental Health Referral Response - industrial use

Application Number:	DA2019/1475
To:	Renee Ezzy
Land to be developed (Address):	Lot 3 DP 86034 , 22 Victoria Parade 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

Acid Sulfate Class 4

Consultant EIS recommend " excavated soils for footing and shoring systems should be sampled and analysed for SPOCAS to confirm an ASSMP is not required. As a contingency plan during these works any soils excavated for footings and services the material should be stockpiled and separated by a bund wall or a sediment control fence prior to testing for ASS. Alternatively this material could be placed into skip bins prior to testing." Accepted - a suitable condition will be added.

Noise

Noise assessment conclusion by TTM Consulting 24.10.2019:

"Following a noise assessment conducted by TTM for Morson Group specifically for the proposed Manly Lodge mixed-use development at 22 Victoria Parade, Manly, TTM concludes the following:

- The noise emissions of individual mechanical plant, including corrections for tonal and impulsive noise characteristics, must not exceed 66 dB(A) measured at one metre from the source.
- A detailed noise assessment of the mechanical plant during the detailed design stage is recommended. The noise assessment should include noise source levels of plant, location, adjustments for plant noise characteristics, the cumulative noise effect of all plant noise, and practical effective noise control where required to verify compliance with the criteria.
- The effectiveness and performance of the acoustic louvres should be reviewed and investigated to ensure compliance with the relevant noise criteria as part of the detailed mechanical plant noise assessment.
- The rooftop communal area is to be suitable for recreational use by the guests, with the implementation a noise management plan.
- The noise management plan is recommended to be reviewed on a regular basis.
- Noise from additional road traffic generated from the development is predicted to be insignificant.

The assessment and recommendations contained in this report demonstrate the development is feasible and reasonable, whilst keeping an appropriate acoustic amenity and controlled noise impact to the local community."

The applicant is also in the application proposing to :

- Restrict use of terrace to the day-time and evening assessment periods only, which is from 7am to 10pm, Monday to Saturday or 8am to 10pm on Sundays and public holidays.
- Display signs to ensure noise is kept to a minimum of the adjacent properties.
- Position outdoor speakers away from any window of the adjacent properties.

The roof top spa and lounge area, are of concern due to potential noise to residential receivers surrounding the site.

Signage does not ensure noise is minimised. Use by groups has the potential for offensive noise and complaints to Council.

To enable approval conditions can be added.

Likewise water quality/management/registration of the spar will require conditions.

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:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

Use of roof top communal areas and spa

Use of the roof top terrace and spa shall be restricted to the day-time and evening assessment periods only, which is from 7am to 10pm, or 8am to 10pm on Sundays and public holidays.

- Guests on arrival to be briefed on avoiding adverse impacts on acoustic amenity in this area.
- Display signs to ensure noise is kept to a minimum.
- Position outdoor speakers away from any windows of the adjacent properties.
- Implementation of noise control treatments such as acoustic balustrades or partial roofs to provide additional noise mitigation.

Reason: To maintain the amenity of residential receivers and prevent offensive noise (DACHPBOC5)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

During excavation Acid Soil Management

The certifier shall ensure compliance with the recommendations by Environmental Investigation Services Report (dated 25 June 2015):

"EIS recommend excavated soils for footing and shoring systems should be sampled and analysed for SPOCAS to confirm an ASSMP is not required. As a contingency plan during these works any soils excavated for footings and services the material should be stockpiled and separated by a bund wall or a sediment control fence prior to testing for ASS. Alternatively this material could be placed into skip bins prior to testing"

Reason: To ensure any Acid Sulfate Soil encountered is appropriately managed

Dust

Dust control measures including best practice, and in accordance with NSW Workplace Health and Safety Regulations and the Protection of the Environment Operations Act 1997, shall be implemented

to minimise dust to neighbouring residents and businesses and ensure any airborne substance is kept within the boundaries of the site

Measures may include but not be limited to :

- Water sprays
- Bunker storage
- Limiting size of stockpiles and covering stock piles
- Vertical barriers eg fencing with fine mesh attached
- Exhaust and capture

Reason: To minimise dust to neighbouring residents and businesses and avoid air pollution.

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

Review and certification of Acoustic requirements

Prior to occupation a review of the acoustic requirements and recommendations contained within the assessment by TTM Consulting Pty Ltd 24/10/2019 are to be certified by a suitably qualified person as being complied with.

Reason: To ensure acoustic compliance and maintain the amenity of adjoining residential receivers (DACHPFPOC6)

Public Spa

The occupier of a Public Swimming Pool/Spa must notify the Council (and pay the appropriate fee) prior to commencement of trading.

The Swimming/Spa pool must be disinfected as prescribed by the Public Health Act Regulation 2012 and appropriate records maintained.

Reason: To ensure compliance with the Public Health Act Regulation 2012.

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

Noise pollution

The use of the premises shall not create offensive noise under the Protection of the Environment Operations Act 1997. Council may require the owner or occupier of the premises to engage the services of a suitably qualified professional to undertake an acoustic assessment should complaints be received regarding the emission of 'offensive noise'.

Reason: To protect the acoustic amenity of neighbouring residential receivers .

Amplified noise

The use of any amplified sound equipment and/or public address systems is only permitted when the related structures/equipment are located entirely within the premises, speakers facing inwards and used in such a manner that offensive noise is not caused.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act.