

Environmental Health Referral Response - industrial use

Application Number:	DA2023/0368
Proposed Development:	Fit out and use of the courtyard for the seating of 100 patrons, operating from 8.00am to 10.00pm (same as existing)
Date:	31/01/2024
To:	Nick England
Land to be developed (Address):	Lot 1 SP 61679 , 1 / 9 - 15 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 Comments

The proposal seeks Council approval to refurbish the existing communal outdoor dining space to improve the amenity and functionality of the space.

The use of the communal commercial courtyard is to remain unchanged, with the capacity restricted to 100 patrons and operation limited to between 8.00 am and 10.00 pm only.

An acoustic report prepared by WSP Australia Pty Ltd dated 24 March 2023 has addressed a number of noise concerns raised by Council. The report has stated:

The proposed project is predicted to comply with the relevant noise requirements for the proposed hours of operation with the recommendations presented in Section 5

The acoustic report has addressed Council's concerns in relation to potential noise from the outdoor serving area, inside patrons accessing and congregating in the courtyard, addition of serving staff in courtyard and noise after 10:00pm due to clean up of the outdoor area.

Two noise attenuation methods have been suggested for the courtyard (operable roof and awning extension). The use of the operable roof relies on staff to count the number of patrons in the outdoor courtyard in order to determine how much of the roof is to be utilised to reduce noise.

The existing awning however is fixed and its extension inoperable once in place. This is Council's preferred option.

Environmental recommends 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

Noise Management

Capacity of the outdoor courtyard is limited to 100 patrons.

Outdoor courtyard to only operate and be occupied until 10:00pm.

All external doors must be closed when live music or amplified music is played inside.

No access to the outdoor courtyard area after 10:00pm every night.

Reason: To ensure acoustic compliance in an operational situation.

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

Acoustic Design Recommendations

The external loudspeaker is to be installed on the façade adjacent to the rear doors under the awning and will be limited to low background noise music.

Noise limiters are to be provided to the external and internal speakers so that the overall combined sound pressure level (dBA) does not exceed 60 dBA.

The limiters shall be set by a suitably qualified acoustic person so that noise emissions comply with the noise criteria specified in Table 4.1 (loudspeaker music noise) of the acoustic Report prepared by WSP dated 24 March 2023, reference PS131027-101 (Rev01).

Reason: To prevent noise nuisance by using mitigation measures in design.

External Doors

All external doors to the rear courtyard are to have a self-closing mechanism fitted to the doors to ensure external doors automatically close.

Reason: To prevent noise from internal sources emanating into the courtyard

Construction Material

Certification shall be provided from a suitably qualified professional that the northern boundary fence to the residential courtyard has been built with solid construction at greater than or equal to 2.7 meters high as shown in Figure 3.1 of the Acoustic Report dated 24 March 2023 prepared WSP Australia Pty Ltd. New access door on the northern boundary fence to be built of solid construction within minimal gaps between the door leaf and frame and no gaps between the door frame and fence.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure effective noise mitigation construction.

Installation/Operation of LPG Facility

The outdoor servery and small storage structures are to be built greater or equal to 3 m high from solid

construction in the locations shown in Figure 4.1 of the Acoustic Report prepared by WSP dated 24 March 2023 reference PS131027-101 (Rev01).

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To reduce potential noise impacts

Lighting compliance

Prior to the issue of Occupation Certificate, the Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of Australian Standard 1158.3:2020 Pedestrian area (Category P) lighting – Performance and design requirements and Australian Standard 4282:2019 Control of the obtrusive effects of outdoor lighting.

Reason: To protect public health and amenity

Operable Roof Construction

The proposed awning extension is to be constructed above the courtyard area according to specifications within Section 5.2 of the Acoustic Report prepared by WSP dated 24 March 2023 reference PS131027-101,

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To reduce negative noise impacts from within the courtyard.