

Environmental Health Referral Response - industrial use

Application Number:	DA2020/1756
Date:	21/07/2021
To:	Jordan Davies
Land to be developed (Address):	Lot 66 DP 6248 , 353 Barrenjoey Road NEWPORT NSW 2106 Lot 65 DP 6248 , 351 Barrenjoey Road NEWPORT NSW 2106 Lot 64 DP 1090224 , 351 Barrenjoey Road NEWPORT NSW 2106

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 has been requested to consider this proposal for "Demolition works and construction of a mixed use development (Shop Top Housing)".

Of major concern with developments such as the one proposed, is the generation of noise and how it may affect the amenity of both external and internal receivers.

A report (Acoustical Report - DA Stage dated 20 January 2021 by Koikas Acoustics) has been supplied with the proposal documentation.

It is standard practice in such reports to undertake unattended noise monitoring surveys to establish levels of ambient noise.

It is noted that section "3.0 AMBIENT NOISE SURVEY" of the above report references unattended noise monitoring surveys which were conducted from Friday 29th July to Thursday 4th August 2011 for seven consecutive days.

Environmental Health has previously recommended refusal of this application based on the above information.

The applicant has now acknowledged that further noise monitoring needs to be conducted.

As the nearest residential receiver appears to be located some distance away, it is considered appropriate to condition the development to require a new acoustic report prior to works being conducted.

The acoustic report is to be submitted to Council's Environmental Health Department for review and approval before the commencement of works.

Recommendation

APPROVAL - Subject to condition

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 TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Mechanical Ventilation Provisions for Retail Tenancies

Prior to the issuing of any Construction Certificate, certification is to be provided from a suitably qualified professional that the building's design and construction will provide adequate provisions to the retail tenancies for mechanical ventilation to be installed for any future retail tenancies that may require mechanical ventilation. The certification is to consider that the buildings provisions for mechanical ventilation are satisfactory to:

- Prevent potential amenity issues including noise and odour for occupants of the building and surrounding premises; and
- Allow compliance with relevant legislation and standards including Building Code of Australia, AS1668.1 "The use of ventilation and air conditioning in buildings Fire and smoke control in buildings" and AS1668.2 "The use of ventilation and air conditioning in buildings Mechanical ventilation in buildings".

Certification is to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To protect the amenity of building occupants and neighbouring properties. (DACHPCPC6)

Noise - Design of Mechanical Plant

Prior to the issue of a Construction Certificate, the design, specifications and location of noise generating mechanical plant are to be provided to the Principal Certifying Authority. An acoustic assessment is to be undertaken by a suitably qualified professional such as an acoustic engineer to determine acoustic treatments to control noise emissions from all mechanical plant noise in accordance with recommendations in the amended acoustic Report.

Any design recommendations made by the consultant must be implemented into the plans prior to issuing the Construction Certificate in order to achieve compliance with noted conditions of this consent.

Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To maintain amenity of the surrounding area.

(DACHPCPCC6)

Amended Acoustic Report to be Submitted

Prior to the issuing of a Construction Certificate, an amended acoustic report by a suitably qualified acoustic consultant with updated unattended monitoring data is to be submitted to Councils Environmental Health Department for review and approval. The report and monitoring is to be done in accordance with NSW EPA's Noise Policy for Industry.

Reason: To preserve the amenity of the neighbourhood (DACHPCPCC6)

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

Acoustic Compliance Report

Prior to the issuing of any interim / final occupation certificate an Acoustic Compliance Report, prepared by a suitably qualified professional such as an acoustic engineer, must be submitted certifying that the noise emitted from mechanical plant when operational:

- Complies with recommendations within the acoustic report
- Will not cause "Offensive Noise" as defined by the Protection of the Environment Operations Act 1997; and
- Complies with NSW EPA Noise Policy for Industry.

Any recommendations made by the consultant must be implemented prior to issuing the Occupation Certificate in order to achieve compliance with noted conditions of this consent. Certification is to be submitted to the satisfaction of the Principal Certifying Authority and Councils Environmental Health Team.

Reason: To ensure compliance with legislation and to protect the acoustic amenity of neighbouring properties. (DACHPFPOC6)