

Memo

To: Northern Beaches Local Planning Panel

Cc: Peter Robinson, Executive Manager Development Assessment

From: Renee Ezzy, Principal Planner

Date: 3 December 2019

Subject: MOD2019/0440 – 1 Queens Parade, Newport

Record Number 2019/697088

Dear Panel,

Acoustic Report

Please find attached, a new Acoustic Report prepared by PKA Acoustic Consulting in response to the concerns raised in the submissions around increased noise impacts resulting from the proposed modification to increase the number of vessels on the hardstand area at one time.

The report was received after the assessment report was finalised and has been reviewed by Council's Environmental Health section who have provided the following response:

The acoustic report states:

"Although the servicing capacity of vessels is increasing from 4 to 8, the equipment remains unchanged and therefore, measurements conducted will be representative of the proposed use."

This is the conclusion I came to after inspecting the site for the modification.

The acoustic review finds a nuisance will not be created. (note: Environmental Health are assuming the existing approved hours will remain).

The hours of operation approved for the marina are identified in condition No. 33. of development consent No.89/388:

"33. Hours of use of mechanical equipment are restricted to 8.00am - 5.00pm Monday to Friday and 8.00am to 1.00pm Saturdays"

The capacity (number of boats being stored and serviced) is what they have been doing (without complaint) but not in accordance with the approval previously issued, hence the modification application.

Should you require a further condition, the following could be imposed:

The operation of the site is to comply with The Noise Policy for Industry NSW EPA, 2017 acoustic criteria at all times.

Reason: To control noise emitted to neighbouring premises.

Comment:

The application currently contains a deferred commencement condition (DCC) requiring an updated Acoustic Report to be provided. As the Applicant has been able to provide an Acoustic Report, it is recommended that a DCC is no longer required and should be removed.

In relation to a further condition as suggested by Environmental Health, while the operation is required to comply with the *Protection of the Environment Operations Act 1997* (POEP Act), a condition referencing the Noise Policy for Industry (2017) is considered necessary as the original development consent pre-dates the NSW Industrial Noise Policy (2000) which the current 2017 policy repeals.

Number of workers on hardstand

The assessment report provides a discussion around the number of workers on the hardstand area of the marina at one time. The Applicant has advised that the operation currently has eleven (11) permanent employees and numerous other specialist contractors who use this area.

The proposed condition 64 reflects the permanent employee numbers provided by the Applicant to demonstrate there is no intensification of the operation. It has been requested by the Applicant that this number be changed to incorporate the additional number of specialist contractors to a maximum of twenty (20) workers on site at any one time.

Recommendation:

That the application be approved by the Panel as follows:

1. The Deferred Commencement Condition removed.
2. Amend the wording in condition 64 to reflect a maximum of twenty (20) workers to read:

64. Maximum number of Employees for the Service and Repair Area

A maximum number of twenty (20) workers (including permanent employees and specialist contractors) shall be permitted to be working on the hardstand area of the service and repair component of the marina at any one time.

Reason: To ensure the maximum use of the hardstand area is not intensified.

3. Include the Acoustic Report and reference to the Noise Policy for Industry into the consent as part of a new condition to read:

65. Compliance with The Noise Policy for Industry NSW EPA 2017

The operation of the site is to comply with The Noise Policy for Industry NSW EPA, 2017 acoustic criteria and the Acoustic Report prepared by PKA Acoustic Consulting dated 27 November 2019 at all times.

Reason: To control noise emitted to neighbouring premises