

## **REFERRAL RESPONSE - ENVIRONMENTAL HEALTH**

**FILE NO:** Development Applications/ 507/2016/2  
**ADDRESS:** 188 New South Head Road EDGECLIFF 2027  
**PROPOSAL:** Modifications to the approved English Centre building including modifications to the approved landscaping  
**FROM:** Louie Salvatore, Environmental Health Officer  
**TO:** Mr T Wong

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### **1. ISSUES**

### **2. DOCUMENTATION**

I refer to the following documents received for this report:

- Statement of Environment Effects: prepared by Mecone dated August 2017.
- Architectural Plans: prepared by BVN, Project No. S1505003, Drawing No. AR-A-XX-01-04; AR-B-01-06-01; AR-C-XX-01; AR-D-XX-01 dated 24/7/2017.

### **3. RESEARCH**

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date:

### **4. SUMMARY OF PROPOSAL**

The Section 96(2) modification seeks approval for alterations and additions to the approved English Centre and include:

- Amend the external brick colour along the southern elevation (from white to grey) to satisfy concerns raised from the Ranelagh residents;
- Create a door opening and modify the window openings to the ground floor for maintenance and access to the services area along the boundary which is a requirement of school maintenance staff;
- Relocate the existing air conditioning unit to the roof top of the Halse Rogers Building and create a door opening to the ground floor plant room of the Halse Rogers Building for maintenance access;
- Introduce landscaping along the southern elevation to address feedback from Ranelagh residents;

- Create a balcony and door to the existing window on the Halse Rogers Building, which faces the internal courtyard. This amendment is a result of further design development with Ascham and will increase the outdoor learning areas and natural light into the Halse Rogers Building;
- Modifications to approved window openings of the northern elevation of the Halse Rogers Building facing the internal courtyard. This is a result of further design development with Ascham to increase the internal natural light;
- Introduce four skylights above the Level 2 balcony on the Halse Rogers Building that faces the internal courtyard and increase natural light into the existing learning areas;
- Modifications to the solar panel area on the Halse Rogers Building as a result of further design development with the Solar Panel Engineers to avoid existing services located on the roof;
- Modification to the layout and roof void of the plant area to Level 3 of the approved English Centre as a result of further design development with the Mechanical Engineers to increase efficiency to condenser units within;
- Introduce openings to mansard roof to allow for increased ventilation;
- Increase the lift overrun by 200mm to allow for a sufficient working head height clearance for the lift shaft;
- Introduce four passive roof ventilators exhausts on the approved English Centre to provide passive ventilation to the learning areas;
- Delete the translucent glazing on the southern façade and replace with awning windows; and
- Delete pebble ballast on roof as a result of design development with Ascham. 3

## **5. ASSESSMENT**

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

## **6. RECOMMENDATION**

Council's Environmental Health Officer has determined that the proposal is satisfactory, subject to the following conditions:

### **A. General Conditions**

### **B. Conditions which must be satisfied prior to the demolition of any building or construction**

### **C. Conditions which must be satisfied prior to the issue of any construction certificate**

#### **C.1 Light & Ventilation**

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA* Housing Provisions, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#). If an alternate solution is proposed then the *Construction Certificate* application must include a statement as to how the performance requirements of the *BCA* are to be complied with and support the performance based solution by expert *evidence of suitability*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation* 2000 in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act* 1997 in relation to offensive noise or odour.

**Note:** Clause 98 of the *Regulation* requires compliance with the *BCA*. Clause 145 of the *Regulation* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Schedule 1, Part 3 of the *Regulation* details what information must be submitted with any *Construction Certificate*. It is the Applicant's responsibility to demonstrate compliance through the *Construction Certificate* application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the *Protection of the Environment Operations Act* 1997 have overriding effect if offensive noise or odour arises from the use. Applicant's must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of [AS 1668.2](#).

Standard Condition C59

## C.2 Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the  $L_{A90}$ , 15 minute level measured by a sound level meter.

Where sound attenuation is required this must be detailed.

**Note:** Further information including lists of Acoustic Engineers can be obtained from:

- 1. Australian Acoustical Society**—professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).
- 2. Association of Australian Acoustical Consultants**—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).

Standard Condition: C62

- D. Conditions which must be satisfied prior to the commencement of any development work**
- E. Conditions which must be satisfied during any development work**
- F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)**
- G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate**
- Nil.
- H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))**
- Nil.
- I. Conditions which must be satisfied during the ongoing use of the development**

#### **I.1 Noise Control**

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

This condition has been imposed to protect the amenity of the neighbourhood.

**Note:** Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

#### **Useful links:**

**Community Justice Centres**—free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).

**Department of Environment and Conservation NSW**, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).

**New South Wales Government Legislation** home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

**Australian Acoustical Society**—professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).

**Association of Australian Acoustical Consultants**—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).

**Department of Gaming and Racing** - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

Standard Condition: I50

## **I.2 Noise from mechanical plant and equipment**

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the L<sub>A90</sub>, 15 minute level measured by a sound level meter.

This condition has been imposed to protect the amenity of the neighbourhood.

**Note:** Words in this condition have the same meaning as in the:

*NSW Industrial Noise Policy*

([http://www.environment.nsw.gov.au/resources/ind\\_noise.pdf](http://www.environment.nsw.gov.au/resources/ind_noise.pdf))

ISBN 0 7313 2715 2, dated January 2000, and

*Noise Guide for Local Government*

(<http://www.environment.nsw.gov.au/noise/nglg.htm>)

ISBN 1741370671 , dated December 2004.

Standard Condition: I53

## **J. Miscellaneous Conditions**

Nil.

## **K. Advisings**

Nil

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**Louie Salvatore**  
**Environmental Health Officer**

**Date: 14/08/2017**