

Environmental Health Referral Response - industrial use

Application Number:	DA2022/0932
Proposed Development:	Use of a portion of the site for outdoor seating and a children's playground
Date:	06/03/2023
To:	Maxwell Duncan
Land to be developed (Address):	Lot 2 DP 851739 , 146 Forest Way BELROSE NSW 2085

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

Environmental Health has been requested to review the application following the submission of additional information, an acoustic assessment (amended by Pulse White Noise Acoustics Pty Ltd Dated 8 December 2022) and a request from Environmental Health for additional information.

It is considered that the use of the outdoor areas has high potential to create noise nuisance unless reasonable mitigation measures are put in place.

Measures proposed such as reducing child play numbers and signage may not be sufficient in prevention of "offensive noise".

Accordingly Environmental Health recommends that, if consent is granted, that it be initially granted for a 12 month "trial period" only with periodic acoustic assessments undertaken by a qualified acoustic consultant to determine whether "offensive noise" is emanating from the site.

Should any acoustic assessment reveal that "offensive noise" is occurring, Council may require additional control measures as recommended by the acoustic report in relation to hours of operation, number of patrons and use of the playground equipment and the like.

Environmental Health also recommends conditions of consent that require:

- the provision of a management plan (to minimise noise impacts that may arise from the use of the outdoor areas)
- the management of potential smoke and odour issues
- restriction of hours of use of the outdoor areas

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

Operational Hours of Outdoor Family Area and Playground

Patrons must vacate the both the Outdoor Family Area and Playground Area respectively, by the following times on each day:

	Outdoor Family Area	Playground Area
Monday	8:30pm	8:30pm
Tuesday	8:30pm	8:30pm
Wednesday	8:30pm	8:30pm
Thursday	8:30pm	8:30pm
Friday	10:00pm	8:30pm
Saturday	10:00pm	8:30pm
Sunday	8:30pm	8:30pm

Both the Outdoor Family Area and Playground Area are not to be used by patrons after the above times on any day.

Reason: Operations in accordance with *Noise Policy for Industry 2017*, control noise impacts on residential neighbours. (DACHPBOC6)

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

12 month trial operating period and noise assessment

1. Throughout the initial "trial period", in addition to the implementation of recommendations as outlined in the above acoustic report, periodic acoustic assessments are to be undertaken by a qualified acoustic consultant at no more than 3-month intervals, to determine whether "offensive noise" is emanating from the site.
2. Each periodic assessment is to include data from attendance at the site on at least five occasions within the previous period with at least three weeknights included in the assessment period.
3. Written evidence by way of an acoustic report is to be submitted Council within seven days of the completion of each periodic assessment.
4. Should any acoustic assessment reveal that "offensive noise" is occurring, Council may require

additional control measures as recommended by the acoustic report in relation to hours of operation, number of patrons and use of the playground equipment and the like.

5. At the completion of the trial period and after reviewing reports and actions Council shall advise the site operator of any ongoing required changes to operations to be implemented.

Reason: To review during operations any potential noise related issues, to residential receivers, to be resolved.

Management Plan

1. A management plan shall be prepared and submitted to Council's Environmental Health Team for consideration and approval before being adopted.
2. The management plans must describe measures be implemented to control visitor numbers ; use of external areas, behaviour of children and adults and general noise
3. The management plan is to include a complaints register that is to be kept on site and is to the detail date and time any complaint received and the measures undertaken to address any noise concerns.
4. The management plan shall incorporate recommendations by Pulse White Noise Acoustic (Report 220147) and any subsequent noise control measures to be complied with.

Reason: To minimise any noise nuisance to residential receivers.

BBQ Area- Smoke and odour

Smoke and odour from the BBQ area is to be monitored and adjustments made to processes necessary to minimise any nuisance form smoke and odour emissions to residential receivers.

Reason: To minimise any nuisance from smoke and odour to neighbouring residential receivers