

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	DA2018/1924
<b>To:</b>	Luke Perry
<b>Land to be developed (Address):</b>	Lot 20 DP 1209801 , Forest Way FRENCHS FOREST NSW 2086

### 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 reviewed this proposal for demolition and construction of a shopping center on the existing Lot of Forest Way shopping centre. The proposal is to increase the GLA by 12,000 m<sup>2</sup> by adding an underground and upper level carpark, multiple levels of shopping / dining, a childcare centre, outdoor "skypark" / play / recreation area and enclosing the delivery docks for Aldi.

The acoustic assessment is naturally an assessment of likely outcomes and will need further review prior to OC.

The fit out of food shops and childcare centre will require separate DA's and this is acknowledged in the acoustic assessment, however we do not object to the overall project subject to conditions surrounding noise, light and odour emissions.

### Recommendation

APPROVAL - subject to conditions

### Recommended Environmental Investigations Conditions:

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### Noise Minimisation during Construction - Community Consultation

Before excavation / demolition commences, a (community consultation) meeting with likely affected commercial, residential and school neighbours shall be carried out by the builder / applicant. In this meeting, the intended program of noise reduction measures are to be outlined and neighbours included in an (email or phone) electronic notification system at least 24 hours in advance of the noisiest work times (and likewise any no work days) so they have the opportunity where possible of not being present

or managing noise receipt during this process.

Furthermore, affected neighbours are to be supplied with an all-hours phone number for any enquiries or complaints and these calls be documented.

Reason: to minimize the disturbance to the amenity of neighbours and reduce complaints to Authorities during noisy excavation / demolition works. (DACHPCPCC5)

### **Childcare centre noise**

Generally:

- provide details of compliance with the Noise Policy for Industry (2017) (for sensitive receivers) in regard to noise from indoor and outdoor play areas
- make reference to sound levels and structural design considerations to child sleeping areas
- details of how the childcare centre will show compliance with “not create offensive noise” as defined under the *Protection of the Environment Operations Act 1997*. Offensive noise in this context is different from noise assessed under the Noise Policy for Industry (2017) e.g. a screaming child as compared with normal play; and
- should incorporate a management plan to ensure staff effectively manage a range of issues i.e. potential noise occurring, dealing with noise issues, and escalating up to the advice of an acoustic engineer (should Council receive complaints);

The Plan is to address the following (but not limited to):

- a separate daily program for both warmer and cooler months should be established in order to regulate the total time spent outdoors and indoors;
- be made readily available to parents and neighbours;
- a contact phone number of the centre’s director should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to the operation of the centre;
- the number of children playing outside at any one time needs to be limited to meet the noise criteria;
- the total time spend outside in the play area may need to be limited to less than 2 hours per day to meet the noise criteria;
- crying children should be taken inside the centre and comforted;
- the behaviour of children should be monitored and modified as required by adequately trained child care staff;
- parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children;
- child care staff should be educated to control the level of their voices while outside; and
- amplified music should not create *offensive noise* to nearby residential receivers.

Details are to be submitted to the Certifying Authority prior to the issue of an Occupation Certificate

Reason: <insert reason - make sure you LEAVE the code to the right> (DACHPCPC6)

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### Compliance with the Contamination Management Plan

Measures shall be documented and be undertaken to minimise any dust created as a result of excavation, vehicle movements and construction so as not to impact on neighbouring premises or create air pollution at any time.

Reason: to prevent air pollution from dust and comply with legislation. (DACHPEDW1)

### Asbestos

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Work Cover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Work Cover NSW. A permit will not be granted without a current Work Cover licence.

All removal, repair or disturbance of or to asbestos material must comply with the following:

- The *Work Health and Safety Act 2011*;
- The *Work Health and Safety Regulation 2011*; and.
- *How to Safely Remove Asbestos Code of Practice* –published by WorkCover NSW.

The owner or occupier of the premises must consult an appropriately qualified professional registered with the Australian Institute of Occupational Hygienists to undertake an assessment of the site to determine the potential for contamination. The owner or occupier must develop a management plan to be submitted to the Certifying Authority, or Council, where building works are not otherwise being Certified. On completion of demolition a Clearance Certificate shall be issued.

Reason: To ensure the health of site workers, students and the public. (DACHPEDW6)

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

### Light Spill/Glare

Prior to occupation, a review of all lighting shall be carried out to ensure that internal and external lighting shall not cause glare or interference with:

- traffic;
- residential neighbours;

- commercial neighbours; and / or
- the neighbouring school.

Reason: to avoid glare and nuisance to neighbours and the public. (DACHPFPOC4)

### **Noise Minimisation**

A suitably qualified person shall certify compliance with the findings and recommendations with the Acoustic assessment by Acoustic Logic Forestway Shopping Centre Redevelopment Noise Impact Assessment 30.8.18. This shall include additional assessments on shops and child care facility, loading docks and carpaking areas, "Skypark" and outdoor dining areas, refrigeration condensers, axial fans, and any plant or plant rooms.

Additionally, an updateable Noise Management Plan is to be prepared and be kept on-site to ensure ongoing compliance and maintenance for the life of the development.

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

Reason: to ensure ongoing Noise compliance to avoid nuisance. (DACHPFPOC7)