

Environmental Health Referral Response - industrial use

Application Number:	DA2018/1708
To:	Luke Perry
Land to be developed (Address):	Lot 87 DP 1729 , 195 Sydney Road FAIRLIGHT NSW 2094

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

Proposed 126 person boarding house (51 double rooms and 24 single rooms)
Environmental Health has reviewed the proposal and has the following issues :

1. Noise from extensive rock excavation;

Although an acoustic assessment has been carried out , the time it is going to take for the extensive excavation (some 9.4m deep) is likely to lead to nuisance and complaints

2. Garbage trucks inside the garage area and the "need to close the door for service" (Acoustic Recommendation);

This may have practical issues of operational compliance in the ability of trucks to service inside (size and method of lifting bins) and if fire detectors are present .These alarms may be triggered and also fumes to any residents in the car park at the time with the door(although with some noted openings) being closed.

3. BBQ area -intensive use, noise and potential smoke and odour ;
Unknown impact to adjoining internal and external residents.

4. Management Plan adequacy;

Need to have a comprehensive plan to avoid potential noise issues

5. Removal and disposal of Asbestos/paint from demolition;

Compliance with consultants recommendations

These above issues can be dealt with by way of conditions with the exception of extensive (some 9.4m deep) excavation noise (and to a lesser extent vibration) which is expected to lead to complaints despite noise reduction intentions especially due to the expected duration of the work.

It is therefore recommended if possible that the applicant agree to, or a special condition be imposed that ; before excavation/rock cutting commences a meeting with likely affected neighbours by the builder/aplicant, where the intended program of rock removal and noise reduction measures be outlined and residents be part of an (email or phone) electronic notification system(and feed back) in advance (24hrs min) of the noisiest work times (and likewise any no work days) so they have the opportunity where possible of not being present during this potentially lengthy process.

Many Councils and this Council have found this effective in reducing complaints as residents can often reschedule to minimize impact and aware of a start and finish time/day. and job duration.

Recommendation

DRAFT

APPROVAL - subject to conditions

DA2018/1708

Recommended Environmental Investigations Conditions:

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

Boarding House Plan of Management

Prior to the issue of any Construction Certificate a Plan of Management is to be prepared for the premises to the satisfaction of the Certifying Authority. The plan shall include detail to manage the requirements detailed as follows:

1) The maximum number of boarders and lodgers

- a) The building is to contain a maximum of 126 persons (not including children under the age of 5 years), being no more than 2 persons per designated double bedroom and 1 person per designated single bedroom.
- b) The occupier of premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2 square metres or more for each person sleeping in it (in any other case)

Note The Public Health Regulation 2012 provides that long-term sleeping accommodation means accommodation that is provided to the same person for a period of more than 28 consecutive days

2) The requirements detailed within Schedule 2 Part 1, Clauses 2 – 7 under the Local Government (General) Regulation 2005

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the premises are maintained in an appropriate manner (DACHPCPC5)

Consultation before excavation

Before excavation/rock cutting commences a meeting (community consultation) with likely affected neighbours by the builder/applicant shall be carried out, where the intended program of rock removal and noise reduction measures, are to be outlined and residents be 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.

That neighbours be supplied with a 24 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 (DACHPCPC5)

Asbestos and lead based paint

Demolition, removal and disposal of building components that may contain asbestos or lead based paints shall be identified by a suitably qualified person and then managed in accordance with legislation including:

The Work Health and Safety Act 2011

The Work Health and Safety Regulation 2017, and

Environmental Planning and Assessment Act 1979 and

Protection of the Environment Operations Act 1997

and Workcover NSW requirements.

The Certifying Authority shall be satisfied that compliance has been achieved before construction commences.

Reason: To protect human health and prevent air , water and land pollution.

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

Boarding House Plan of Management

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the operator that the requirements of the Boarding House Plan of Management have been implemented and are compliant including managing common areas, BBQ area(including smoke/odour) .

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

Reason: To ensure the premises a maintained in an appropriate manner in perpetuity. (DACHPFPOC7)

Acoustic Review

Prior to the issue of an Occupation Certificate an acoustic review shall be carried out to ensure the recommendations of the acoustic report by Wood Grieve Engineers 31 August 2018 have been carried out including assessment of the Plan of Management in relation to use (and hours of use) of the BBQ area and garbage collection arrangements from the garage area.

Reason: To avoid nuisance to internal and external residential receivers (DACHPFPOC5)

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

Occupancy of Boarding House

The building is to contain a maximum of 126 persons, being no more than 2 persons per designated double bedroom and 1 persons per designated single bedroom . In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

Reason: To ensure the amenity of occupants. (DACPLG23)