

Environmental Health Referral Response - industrial use

Application Number:	DA2024/1091
Proposed Development:	Demolition works and construction of a mixed use development with basement parking comprising of retail uses and a childcare centre, including signage
Date:	16/09/2024
To:	Anne-Marie Young
Land to be developed (Address):	<p>Lot 5 S/P 32656 , 5 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 5 S/P 32656 , 5 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot B DP 385973 , 3 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 3 S/P 32656 , 3 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 3 S/P 32656 , 3 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 7 S/P 32656 , 7 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 7 S/P 32656 , 7 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 1 S/P 32656 , 1 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 1 S/P 32656 , 1 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 4 S/P 32656 , 4 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 4 S/P 32656 , 4 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 6 S/P 32656 , 6 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 6 S/P 32656 , 6 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 2 S/P 32656 , 2 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot 2 S/P 32656 , 2 / 1 Careel Head Road AVALON BEACH NSW 2107</p> <p>Lot CP SP 32656 , 1 Careel Head Road AVALON BEACH NSW 2107</p>

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 been requested to consider the proposal in regard to potential noise impact and mitigation.

The proposal involves:

Demolition:

- Demolition of the existing shopping centre on 1 Careel Head Road
- Demolition of the existing dwelling and outbuildings on 3 Careel Head Road
- Removal of 2 trees as shown in the attached plans

New works

- Construction of a new shopping centre with:
 - 3 fine grain retail tenancies
 - 1 large retail tenancy to be used as a Dan Murphy's
 - 1 Centre based child care centre on the first floor
- Basement car park for 25 vehicles, with spaces allocated to specific uses
- 9 at grade parking spaces, with arrangement revised as part of this proposal
- 1 loading zone with associated manoeuvring area
- Site landscaping
- Photovoltaic panels on rooftop

The fit-out of the Dan Murphy's and the three other retail tenancies will be the subject of a separate Complying Development Certificate applications.

Environmental Health considers that main source of noise disturbance associated with the above development to be the Child Care Centre.

An acoustic report and plan of management have been submitted with the proposal documentation.

The acoustic report contains recommendations relating to design, built form, and behavioral management which are to be appropriately conditioned to ensure noise levels from the development are acceptable.

The plan of management will also be appropriately conditioned to assist with noise mitigation measures.

Recommendation

APPROVAL - subject to conditions

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

Acoustic Review

Within 30 days from the operations commencing under the terms of this consent, an acoustic review of the findings and recommendations all acoustic reports and any additional requirements at OC acoustic review stage; shall be carried out on site (during a busy period) and any necessary action to obtain acoustic compliance, shall be completed within a further 30 days of the assessment. The report associated with the compliance testing is to be furnished to Council for its records.

Reason: To ensure acoustic compliance in an operational situation.

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

Mechanical Plant and Equipment

Details of mechanical plant and equipment have not yet been provided.

When this equipment has been selected, prior to the issuing of a construction certificate, an acoustic assessment by a suitably qualified acoustic consultant is required to be undertaken to determine what acoustic treatment required.

This treatment will also include recommendations as stated in section 6.4 MECHANICAL PLANT NOISE EMISSION of the acoustic report by ANAVS-ACOUSTIC NOISE & VIBRATION SOLUTIONS P/L Date: August 15th, 2024 Reference No.: 2024-197 Rev. 1

Reason: To mitigate noise impact on surrounding receivers

Plans of Kitchen Design, construction and fit out

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Principal certifier. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the food premises complies with the design construction and fit-out requirements.

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

Acoustic Design Recommendations

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within the acoustic report by ANAVS-ACOUSTIC NOISE & VIBRATION SOLUTIONS P/L Date: August 15th, 2024 Reference No.: 2024-197 Rev. 1 have been implemented / incorporated into the design of the premises.

Reason: To prevent noise nuisance by using mitigation measures in design.

Mechanical Ventilation certification

Prior to the issuing of an Occupation Certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

Kitchen Design, construction and fit out of food premises certification

Prior to the issuing of any occupation certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Reason: To ensure that the kitchen complies with Australian Standard design requirements

Registration of food Business

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

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

Acoustic Requirements - On-going

Compliance is required with the recommendations within the acoustic report by ANAVS-ACOUSTIC NOISE & VIBRATION SOLUTIONS P/L Date: August 15th, 2024 Reference No.: 2024-197 Rev. 1 and any additional requirements at OC review stage.

Reason: To prevent a noise nuisance to any neighbouring residential receiver.

Plan of Management

Matters contained within the Plan of Management - Proposed Child Care Centre by Lynda Campbell Dated 12th August 2024 Version 3 relating to noise issues and complaints management must be complied with in perpetuity

Reason: To promote the amenity of surrounding receivers.