

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	DA2020/1758
<b>Date:</b>	02/02/2021
<b>To:</b>	Kent Bull
<b>Land to be developed (Address):</b>	Lot B DP 369977 , 11 Lewis Street BALGOWLAH HEIGHTS NSW 2093

### 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

The development proposal is for the demolition of the existing dwelling and associated structures and construction of a purpose built childcare centre designed to accommodate 57 children, including basement parking for 16 vehicles, maximum hours 7am to 7pm.

Environmental Health is to consider health impacts including:

- Food Premises
- Asbestos from demolition
- Noise from the site

The Food preparation kitchen will need to comply with Food standards including fit out (AS4674-2004) and the business registered with Council.

A site assessment for asbestos for demolition of older buildings is a standard requirement but particularly relevant with a school adjacent.

Noise from childcare facilities can be the source of noise complaints, usually from child play and particularly screaming.

The applicant has submitted an Acoustic Assessment(Report 7102-1.1R) by Day Design Pty Ltd Consulting Acoustical Engineers and a Management Plan to deal with noise related issues including:

- Child play inside and outside area
- Carpark
- Mechanical plant
- and building finishes(eg glazing)
- Impact on children's sleep within the Centre

The building development has been designed to to minimise noise exposure to 13 Lewis Street with the main affected sites being 9B Lewis Street (School ) and the undeveloped rear yard of 54 Beatrice Street immediately to the rear.

Noise control measures are significant , some prescriptive and others discretionary and some difficult to implement and enforce.eg Staff and Parents being provided with a copy of the Noise Management

Plan ; discourage loud activities; crying children being comforted and moved inside.

Parents (potentially with other children) arriving at the Centre will be almost impossible to control particularly outside the Centre. There will then be implications for affected neighbours to complain to the Centre Management but after such a noise event.

Sound barrier walls (up to 2.5m high) on the boundaries are proposed. The visual impact is not a matter for Environmental Health to comment on but appears to address the potential noise impact when taken into consideration with the other proposed measures .

Enforcement of "people" noise nuisances is likely only through a breach of DA conditions so the Management Plan needs to be robust and a condition of any approval.

A condition of acoustic review , when operating should determine if the theoretical assumptions are correct and then be verified by a suitably qualified person.

NB. Environmental Health has not commented on noise in the public street area which needs to be noted with the theoretical potential for 57, 7am vehicle "drop-offs" in the Street and impact on adjoining residents in the residential area. An illuminated sign showing "current available parking" at all times could encourage parents to use the underground car park for drop off.

## **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:**

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

## **Environmental Impact**

Prior to any Construction Certificate being issued, the applicant must submit a site specific Environmental Management Plan (EMP) prepared by a suitably qualified person to the satisfaction of the Certifying Authority. The plan shall address risk assessment of all Environmental aspects and impacts to the site and other potentially impacted properties. The impacts must at minimum consider the following areas:

- Hazardous Substances (Asbestos, Crystalline Silica)
- Air borne dust
- Demolition and building Noise
- Vibration
- Waste & Litter

Reason: To prevent pollution and protect Public and Environmental Health in accordance with Protection of the Environment Operations Act 1997 and Safework NSW requirements.

## **Noise Reduction Design Requirements**

Noise reduction design requirements as stated in the Acoustic Assessment (Report 7102-1.1R) by Day Design Pty Ltd Consulting Acoustical Engineers shall be implemented in proposed building works.

Reason: To ensure acoustic design measures are implemented

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

### **Management Plan During works**

During the demolition, excavation and construction phase of the approved development, the proponent must comply with the Environmental Management Plan that is submitted and approved by the Certifier.

Reason: to prevent pollution during demolition, earthworks and construction

### **Prior to Demolition and Excavation**

The adjoining property owners and occupiers (including the School Principal ) shall be advised generally 7 days prior to work commencing on the following matters:

- Hazardous Substances eg Asbestos removal
- Air borne dust management
- Demolition and building noise
- Vibration minimisation

Reason: To inform neighbours on measures being undertaken to minimise potential environmental impacts

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

### **Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a suitably qualified person 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.

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

Reason: To ensure that the kitchen complies with the design requirements. (DACHPFPOC3)

### **Food Business Notification**

Prior to the issue of the Occupation Certificate, the proprietor of the food business must notify of their business operations to council. The Health Premises Registration Form must be completed and submitted prior to commencement of trade.

Reason: To ensure compliance with legislation and the Australia and New Zealand Food Standards Code.

### **Noise**

Prior to the issue of an occupation certificate (OC) and also One(1) month following to commencement of operations at the Child Care Centre an Acoustic Review shall be carried out to ensure all requirements and recommendations contained within the Acoustic Assessment (Report 7102-1.1R) by Day Design Pty Ltd Consulting Acoustical Engineers have been implemented ( including the Management Plan) and a copy of the report submitted to Council for its records.

Reason: To ensure all noise control measures has been implemented.

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

### Noise Minimisation

Noise minimisation requirements , including the Management Plan, and recommendations in the Acoustic Assessment (Report 7102-1.1R) by Day Design Pty Ltd Consulting Acoustical Engineers shall be maintained at all times and a copy kept on site.

Reason: To prevent a noise nuisance to neighbouring occupants