



18 January 2015

Mr Malcolm Ryan
The General Manager
Warringah Council
Civic Drive
725 Pittwater Road
DEE WHY NSW 2099

Dear Mr Ryan

Section 96(1A) Application – Amend condition 4(i) of DA2015/0612 to amend construction noise levels

This letter comprises a formal request to Warringah Council under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* to modify DA2015/0612 to amend the construction noise levels specified by the consent to align with the requirements of relevant guidance, being the *Interim Construction Noise Guideline* prepared by DECCW.

The application is further supported by a Construction Noise and Vibration Management Plan prepared by acoustic consultants Acoustic Logic.

DA2015/0612 for drainage and stormwater management works and installation of shoring walls and bulk excavation was approved on 22 December 2015.

Proposed Modification

Condition 4 (i) of the consent specifies the noise levels that apply to demolition and excavation processes. It applies the following requirements:

“4. General Requirements

- (i) *All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB(A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority’s NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.*

The condition is inconsistent with Government guidance with respect to the generation of construction noise for major development projects. Accordingly, we seek to amend the noise levels specified in Condition 4(i) as follows (deleted text shown in ~~strike through~~, new text shown in **bold**):

“4. General Requirements

- (i) *All sound producing plant, equipment, machinery or fittings and the use will not exceed more than **5 10 dB(A)** above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority’s NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.*

Work is to be undertaken in accordance with the Construction Noise and Vibration Management Plan prepared by Acoustic Logic dated 9 February 2016.”

Assessment

The development will remain substantially the same as the original approval and can be considered under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*. The development is not altered in any physical way as a result of the proposal and no additional environmental impact over and above that considered in the original assessment would be generated by the proposed modification.

The proposed modification does not alter the permissibility of the proposal, nor does it impact on the compliance of the approved development with the relevant controls of the Warringah LEP or DCP.

The proposed modification is considered to be in the public interest as it is consistent with the requirements of Government guidance in relation to construction activity noise limits for major development projects and will allow for the timely delivery of the Dee Why project. Works will be undertaken in accordance with the Construction Noise and Vibration Management Plan prepared by Acoustic Logic dated 9 February 2016. Accordingly, we see the request as reasonable.

If you require further information please do not hesitate to contact me on (02) 9287 2629. We look forward to receiving a positive determination in due course.

Yours faithfully

KARIMBLA CONSTRUCTION SERVICES (NSW) PTY LTD

A handwritten signature in cursive script that reads "Jones".

Norelle Jones
Senior Town Planner

Enc.