

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	Mod2020/0175
<b>Date:</b>	15/05/2020
<b>To:</b>	Claire Ryan
<b>Land to be developed (Address):</b>	Lot 27 DP 5055 , 22 Jubilee Avenue WARRIEWOOD NSW 2102

### 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

Application for a 5 year-long trial period of modified market operations at Pittwater RSL carpark, with a minor change to patron trading times, allowing for an 8 am start.

Environmental health object to the 5 year approval as it is not commensurate the intention of the 18 month trial period approved in 2019.

Council requires a formal plan of management of noise with refined definitions that can be used as an enforcement tool. It is understood that the applicant is in the best position to provide fair and just clauses that appropriately reflect the complexities of operations, in balance with community amenity and State guidelines such as the *Noise Policy for Industry*.

This would include rules that stall operators are required to follow which are reasonable, practical and measurable. Keeping in mind, any breach of these rules would be considered a breach of consent.

We suggest the applicant implements the noise control management recommendations in the acoustic report prior to deciding on a formal plan of management that can be effectively regulated.

Recommendations such as 'stall operator arrivals staggered equally between gates', 'truck idling for extended periods', 'trucks with reverse alarms should avoid reversing' and 'patrons are directed to park in the covered RSL parking or as further away from the residential receivers as possible' are not well defined or practical, therefore, not able to be enforced or used by Council as conditions of consent.

N.B Environmental Health do not object to trading from 8 am -the noise issues are related to stall operators and vehicles during setup.

### Recommendation

REFUSAL

The proposal is therefore unsupported.



Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

**Recommended Environmental Investigations Conditions:**

Nil.