

Environmental Health Referral Response - industrial use

Application Number:	DA2019/0200
To:	Claire Ryan
Land to be developed (Address):	Lot A DP 402556 , 130 Old Pittwater Road BROOKVALE NSW 2100

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

In summary:

Proposed construction of light industrial and warehouse units with ancillary office space at 130 Old Pittwater Road, Brookvale.

The proposed development adjoins an existing approved light industrial and warehouse units with ancillary office space at 138-140 Old Pittwater Road, Brookvale, which is currently under construction (See Notice of Determination of DA 2012/1377 issued by the Land and Environment Court of New South Wales on 30 September 2013 and provided for "Construction of a light industrial/warehouse and distribution centre") and which is currently subject to an Application to Modify Consent.

While the proposed development at No 130 Old Pittwater Road is an independent development, it will share a right of way access for vehicles over No138-140 Old Pittwater Road.

Issues for EH to consider include:

Noise of excavation/construction

Operational noise

Impacts of excavation -water pollution

Although sediment and water pollution may be dealt with by another Council Dept a condition will be added

The final use and trading hours of the units is yet to be determined so an acoustic assessment at this time is premature. As DA's will be required for each occupancy this can be assessed at that time. The main issue is the adjacent residential development above the site where noise issues have arisen previously.

Recommendation

APPROVAL - subject to conditions

Recommended Environmental Investigations Conditions:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

Noise - ongoing

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The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and to protect public health and amenity.

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

Excavation and construction noise.

Prior to the issue of the Construction Certificate, a Noise and Vibration Management Plan is to be prepared addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliance with the relevant legislation and Australian Standards. The report shall equipment to be used for excavation works. The Plan shall address, but not limited to, the following matters:

- Identification of activities carried out and associated noise sources
- Identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- Determination of appropriate noise and vibration objectives for each identified sensitive receiver
- Noise and vibration monitoring, reporting and response procedures
- Assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles
- Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction
- Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration
- Contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.

Reason: To protect acoustic amenity of surrounding properties and the public.

Erosion and Sediment Control Plan

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council/Accredited Certifier, which provide adequate measures for erosion and sediment control. The Sediment Control Plan must incorporate and disclose:

- 1) all details of drainage to protect and drain the site during the construction processes,
- 2) all sediment control devices, barriers and the like,
- 3) sedimentation tanks, ponds or the like,
- 4) covering materials and methods, and
- 5) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

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

Prior to final occupation

Due to the unknown use and trading hours of each occupancy a DA shall be lodged and approved before occupation.

Please note that depending on the hours and use an Acoustic assessment may be necessary to avoid noise nuisance to any residential receiver.

Reason: To manage noise to residential receivers (DACHPFPOC6)