

Environmental Health Referral Response - industrial use

Application Number:	DA2020/1465
Date:	02/08/2021
To:	David Auster
Land to be developed (Address):	Lot 4 DP 601758 , 4 / 0 Bennett Street CURL CURL NSW 2096

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

I have no objection to this proposal.

Further detail on the sediment and erosion controls to be implemented during construction required. Prior to construction.

Consideration to noise concerns with the operation of the business from 6am to 7am and 10pm to 11pm. Preference to adjusting the times to 7am to 10pm.

Amended comments 27/07/2021

Environmental Health has been requested to provide additional comments to the proposed development based on the submission of an acoustic report by Acoustic dynamic in support of the development application.

It is noted that there are a number of proposed hours of operation listed various documents, in the acoustic report the hours of operation are listed as Monday to Friday 8:00am to 10:00pm; and Saturday & Sunday: 9:00am to 10:00pm.

An email to the planner from Frank Minnici advises that an amendment to the proposed hours to Monday - Friday 8:00am to 9:30pm and Saturday - Sunday 9:00am to 7:00pm.

The statement of Environmental Effects lists the hours as 6:00am- 11:00pm Monday to Friday and 9:00am - 7:00pm Weekends

For the purposes of this assessment it is assumed that the proposed hours will be Mon - Fri 8:00am - 9:30pm & 9:00am - 7:00pm Weekends.

It is noted that the subject site has been operating in a similar manner to the proposed use for a number of years and this application now seeks to formalise the use. This has been considered by Environmental Health in making their assessment. The proposed use of the site sits within the Day and Evening periods listed in the EPA noise policy for Industry and is reasonable for its proposed use.

The acoustic report advises that predicted LA10(15mins) levels fail to comply with the most relevant guidelines at two of the closest residential receivers and provides physical options for noise attenuation to be applied at the consent authorities discretion and a recommended management plan as an administrative control.

The physical options include;

- Option A- A noise barrier on the southwestern corner of fields, which provides moderate attenuation by shielding one residential receiver and not the other.
- Option B - A noise barrier along the southern boarder of the fields providing high attenuation to all residential receivers.
- The other option is to not impose any barriers and accept the existing use of the property and that there will be some impact on residential receivers.

Given the number of submissions relating to the impact of noise Environmental Health recommend imposing Option B and developing a plan of management by way of conditions to be imposed. Given that this would require a substantial wall around the southern perimeter of the development and additional costs to the applicant it is recommend that the applicant be consulted on this and the master set of plans be updated to incorporate the acoustic barrier.

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

Operational Plan of Management

An updated Operation Plan of Management is to be prepared to the satisfaction of Councils Environmental Health Team and the Principal Certifying Authority. The updated Operation Plan of Management is to incorporate recommendations from the Acoustic Report by Acoustic Dynamic referenced as 5260R001.NW.210622 and dated 1 July 2021. The Operation Plan of Management is to be submitted to Council for assessment and approval by Councils Environmental Health Team.

Reason: To maintain amenity of the surrounding area.

Condition for prior to construction certificate - Sediment and Erosion Controls Plan

A sediment and erosion control plan is required to be submitted prior to construction. This plan accompanied with a report is comply with the requirements under "Managing Urban Stormwater: Soils and construction - Volume 1, 4th edition" also known as the "blue book"

Reason: To ensure there is no likely pollution to occur off site.

Plans of noise barrier to be constructed

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with the requirements of "Option B: Noise barrier along southern border of fields (High Attenuation)" in

the acoustic report by Acoustic dynamic referenced as 5260R001.NW.210622 and dated 1 July 2021, must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person and must detail proposed construction material, finishes and the noise barriers structural suitability regarding wind loading and any other factors relating to its intended use.

Reason: To ensure that the food premises complies with the design construction and fit-out requirements. (DACHPCPC6)

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

Acoustic certification

Prior to the issuing of any interim / final occupation certificate, details demonstrating compliance with the recommendations made by Acoustic Dynamic referenced as 5260R001.NW.210622 and dated 1 July 2021 are to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To protect surrounding residence and occupants from any noise generated by the operation of the development. (DACHPFPOC6)

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

Plan of management

The approved plan of management is to be complied with at all times during operation for the life of the development.

Reason: To maintain residential amenity. (DACHPGOG5)