

Environmental Health Referral Response - industrial use

Application Number:	DA2020/1037
Date:	17/03/2021
To:	Penny Wood
Land to be developed (Address):	Lot 17 DP 5749 , 8 Ethel Avenue 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

Application is for a change of use of an existing industrial building for a light industry, associated offices and retention of an existing dwelling (caretaker's residence).

The existing dwelling (caretaker's residence) is no longer permissible following a modification application (MOD2008/0244).

The SEE advises the following regarding the caretaker's residence:

Following approval of the modification, the artist studio was no longer part of the original consent and, under the current zoning for the site, General Industrial IN1 WLEP2011 does not allow dwellings. However, a caretaker's residence may be permissible within the IN1 zone on the premise that it is considered an ancillary use with the dominant use being the light industry. This scenario is consistent with the Department of Planning's Circular PS 13-001 dated 21 February 2013, which deals with ancillary development including a caretaker's residence where it is properly characterised as an ancillary use in conjunction with a general industry.

The client's expressed intention is to have a dominant land use, being the light industry, with the ancillary land use being the caretaker's residence.

The SEE advises the following regarding the Site:

The site has an area of 592.8m² with an east-west orientation. Existing development on the property includes a two-three level building comprising basement parking with a loading dock, ground floor production room and warehousing/office space with a first-floor dwelling and staff facilities.

Surrounding development consists of warehouse/industrial buildings comprising two- to three-storey developments and includes land uses such as building supplies, gymnasium, childcare, smash repairs, storage facilities and light industries.

As the proposed light industrial use is located within an industrial area there would be minimal noise impacts from the proposed use on surrounding receptors.

However, there is the potential for significant noise impacts on occupants living within a caretaker's residence that is located in an industrial area.

The applicant has failed to provide an acoustic assessment on potential noise impacts from surrounding sources.

An acoustic assessment by a suitably qualified and experienced professional such as an Acoustic Engineer is required in order to undertake a full assessment of the potential noise impacts from surrounding noise sources on occupants. The acoustic assessment is to include any recommendations to reduce noise from nearby sources on occupants.

Recommendation

REFUSAL

New Information – Additional Review 17.03.2021

The applicant has provided an Acoustic Advice Letter by Acoustic Logic dated 5/03/2021 (reference: 20210084.1/0503A/R0/KB).

The letter states the following:

AL has been advised that the use of the caretaker's residence will be for exclusive use of an employee of DataDot Technology. The residence is not separately titled and it is not possible to lease or sell the residence to external parties as access is through the main building. As the residence will be occupied by an employee of the company any noise impacts can be managed within the company.

Additionally there is no requirement under the EPA Noise Policy for Industry for noise impacts from a commercial premises to the associated caretaker's residence.

Environmental Health had previously recommended refusal pending an acoustic assessment that assessed the potential noise impacts from surrounding sources on the proposed caretaker's residence.

The Acoustic Advice Letter has failed to undertake an assessment of noise impacts from surrounding sources on an employee that is inhabiting the caretaker's residence.

The SEE advises the following regarding the Site:

Surrounding development consists of warehouse/industrial buildings comprising two- to three-storey developments and includes land uses such as building supplies, gymnasium, childcare, smash repairs, storage facilities and light industries.

The applicant will need to demonstrate that the surrounding industrial area will not adversely impact on employees with respect to acoustic impacts or that measures can be undertaken to reduce noise impacts from nearby sources.

As such an acoustic assessment by a suitably qualified and experienced professional such as an Acoustic Engineer is required in order to undertake a full assessment of the potential noise impacts from surrounding noise sources on employees residing within the caretaker's residence. The acoustic assessment is to include any recommendations to reduce noise from nearby sources.

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.