

## MEMORANDUM

**DATE:** 6 November 2017

**TO:** Northern Beaches Independent Assessment Panel

**CC:** Lashta Haidari, Planning Assessments Manager

**FROM:** Tyson Ek-Moller, Development Assessment Officer

**SUBJECT:** Submission of additional information regarding recommended conditions for panel meeting on 8 November 2017

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The applicant (Turn Planning International Pty Ltd) lodged a submission on 2 November 2017, following the uploaded of the agenda on November 1. The submission raises “*no issue as to process, merit or interpretation, or the relevant legislation, as it applies*”, however the applicant’s Client (Blackmores Ltd, the owner of the subject site) communicated “*certain operational matters*” regarding three conditions that are recommended to replace/modify existing conditions. These are provided with responses as follows:

**Condition No. B43**

As regard the fifth ‘bullet point’ stating: “*Entry and exit of trucks shall be on the west of the property (away from Foley St/Warriewood Rd)*”.

Applicant Comment:

This portion of the condition should be clarified to make it clear that the condition relates to the ‘driveway accessing the hardstand area’. This area is located in the central portion of the Jubilee Avenue frontage, with car parking for visitors and staff located adjacent to the west and east side boundaries. There are three (3) vehicular entrance driveways servicing the site from Jubilee Avenue. The hardstand area is accessed from the central driveway rather than the driveway on the ‘west of the property’.

Council comment:

The condition was based upon the recommendations contained within the acoustic report that was submitted by the applicant. A review of the report indicates that the condition was likely meant to read as “*Entry and exit of trucks shall be **to** the west of the property (away from Foley Street/Warriewood Road)*” (emphasis added). This would satisfy the requirements of the condition, in that heavy vehicles are directed away from both residential areas and roads (i.e. Foley Street, Vineyard Street, etc.) which contain weight-limited roads. It is therefore recommended that the word “on” be replaced by the word: “to”.

**Condition No. B47**

As regard the first bullet point stating: “*No access to site for vehicles not under the control of Blackmores management after 6:00pm.*”

Applicant Comment:

Blackmores does not own or ‘directly’ manage any trucks. All deliveries and collections from the Warriewood site are by companies ‘under contract’. Of course there is still considerable interaction



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between the truck operators, and management of Blackmores. We understand why this condition has been imposed, as many trucks display the 'Blackmores' logo and advertising. This however is a commercial arrangement with the relevant independent transport contractor. In this firm's letter dated 11 October it is stated (P3 first paragraph), as follows: that no external operators (eg couriers) utilise the hardstand area during the evening hours. This is the case, however it was intended that it refer to waste collectors, 'external' service providers (excluding trucks actually contracted to Blackmores) and couriers etc.

Council comment:

It is recommended that the following modification be made to consent condition no. B47 (amendment indicated in **bold**):

*Site operations are to incorporate the following measures:*

- **No access to site for vehicles not under the control of Blackmore's commercial agreement with independent transport contractors after 6.00pm. Additionally waste collection shall only operate as outlined in condition B40 of the "summary of recommendation approval to modify consent.**
- *All trucks entering the site after 6pm to have reversing alarms and frequency of delivery as detailed in the scenario of the report dated 4 August 2017 document No. 3726R005.RH.170731 which has assessed them as non-intrusive.*
- *Where frequency of truck movements and or reversing alarms do not meet the acoustic criteria assessed or complaints are received about "offensive noise" being generated, action is to be taken by the applicant to review any potential nuisance and implement any additional assessment and measures necessary to prevent the occurrence of offensive noise.*

**Condition No. B47**

As regard the second bullet point: "*All trucks entering the site after 6pm to have reversing alarms and frequency of delivery as detailed in the scenario of the report dated 4 August 2017 document No. 3726R005, RH.170731 which has assessed them as non-intrusive.*"

Applicant Comment:

Comment: The report notation perhaps should refer to the author of the report (Acoustic Dynamics), however much more importantly, the report No. 3726R005, RH.170731, itself makes no recommendations regarding reversing alarms for trucks (we assume this is mandated under relevant traffic regulations for registered vehicles). It does specify silent reverse alarms for forklifts (P8). Perhaps the condition could be modified, such that it requires truck numbers be in accord with the above mentioned report and reversing movements by trucks be minimised during the evening scenario.'

Council comment:

It is recommended that the following modification be made to consent condition no. B47 (the change recommended above has been included, and the amendments relating to this section of the memo are been indicated in **bold**):

*Site operations are to incorporate the following measures:*

- **No access to site for vehicles not under the control of Blackmore's commercial agreement with independent transport contractors after 6.00pm. Additionally waste collection shall only operate as outlined in condition B40 of the "summary of recommendation approval to modify consent.**



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- ***The reversing alarms on the trucks and frequency of deliveries must meet the recommended evening scenario as detailed in the above mentioned report. Where the frequency of truck movements has increased and or reversing alarms do not meet the acoustic criteria assessed, Council may request additional assessment and implement measures necessary to prevent the occurrence of offensive noise.***
- ***Reverse alarms are only necessary on vehicles relevant to traffic regulations and not on all vehicles that enter the site after 6pm.***

**Tyson Ek-Moller  
Principal Planner  
Planning and Community**

11 October 2017

The Chief Executive Officer  
Northern Beaches Council  
1 Park Street  
**MONA VALE NSW 2103**

**Attention: Mr Tyson Ek-Moller**

Dear Chief Executive Officer

**ADDITIONAL INFORMATION**  
**SECTION 96 MODIFICATION APPLICATION N0116/06/S96/7**  
**PROPERTY: 20 JUBILEE AVENUE WARRIEWOOD**

We refer to the application N0116/06/S96/7 for modification of Development Consent N0116/06 (the 'Modification Application') and to Council's letter dated 27 September 2017 requesting further additional information as regards the subject application.

**Purpose and status of letter**

The purpose of this letter is to furnish to Council certain additional information required by the Council.

This letter, together with the enclosed Supplementary Advice Letter prepared by Acoustic Dynamics – Acoustical & Vibration Consultants and dated 11 October 2017 (the 'Acoustic Report'), constitutes an Addendum to the Statement of Environmental Effects.

**Additional information required**

The additional information required by virtue of Council's letter of 27 September 2017 was as follows:

**1. Acoustic mitigation measures**

*As has been previously indicated, the lodgement of Development Application No. N0456/15 (withdrawn) included the submission of an acoustic assessment (Doc. Ref. 3726R001.JH.160427, prepared by Acoustic Dynamics and dated 27 April 2016) that was undertaken to demonstrate that operations within the front hardstand area could be undertaken in accordance with the NSW Industrial Noise Policy (INP).*

*The findings and comments of the current acoustic assessment (Doc. Ref. 3726R005.RH.170731, prepared by Acoustic Dynamics and dated 4 August 2017) are acknowledged, however given:*

- o The locations of the nearest residential receivers for both acoustic assessments;*
- o The location of the loggers on the southern side of Jubilee Avenue for both acoustic assessments; and*
- o Similarities of recommendations within both acoustic reports,*

*it is still unclear why acoustic barriers are not proposed when the erection of such structures were required by the earlier report to reduce noise emissions "from the development to within acceptable and complying requirements of the INP at the residential boundary".*

*Should the acoustic barriers no longer be required, it is requested that the acoustic assessor provide a detailed response indicating why the latest acoustic report no longer requires the erection of acoustic barriers and how the criteria of the INP can be satisfied without these structures.*

*Should amended information necessitate the erection of acoustic barriers however, then you are requested to submit details of such structures to Council in accordance with applicable development controls and outcomes, in addition to documentation indicating what level of impact the barriers would have in mitigating noise impacts.*

## **2. Vehicles utilising the hardstand area**

The following issues are noted with regard to the submitted acoustic report (Doc. Ref. 3726R005.RH.170731, prepared by Acoustic Dynamics and dated 4 August 2017):

- The total number of trucks that would use the hardstand area between 6:00pm-10:00pm is unclear. There is subsequently concern that the number of trucks and associated reversing signals would create offensive noise; and*
- It is unclear whether additional trucks associated with external operators (e.g. couriers) would use the hardstand area and whether they would cause offensive noise and/or increase the intrusive noise level, particularly between 6:00pm and 10:00pm*

*You are requested to provide a response to these matters, which may require input from the acoustic assessor.*

## **Acoustic report**

Enclosed is a supplementary advice, being and otherwise containing, the additional information required by the Council.

At the risk of being repetitive, in relation to Council's query as to why acoustic barriers are no longer required, we are advised that the answer is quite simply, that the more appropriate INP criteria are slightly less stringent than the criteria previously imposed by Council, under the original consent conditions relating to an earlier superseded P21DCP requirement. The accompanying advice details that compliance with the INP criteria is demonstrated and acoustic barriers **are not required nor are they recommended.**

## **Use of the hardstand area**

Use of the hardstand area between the hours of 6:00pm and 10:00pm has been modelled and calculated in the previous Acoustic Dynamics report dated 4<sup>th</sup> August 2017. The scenario and number of trucks used for the modelling was a 'worst-case' scenario and will certainly not be occurring on a regular basis. In addition, we have confirmed that no external operators (e.g. couriers) utilise the hardstand area during the evening hours.

If deemed necessary by Council, Blackmores is prepared to accept a condition of consent based on the scenario presented, noting that this was modelled and calculated as complying with relevant noise emission criteria and requirements of the INP.

We trust that the enclosed advice satisfactorily addresses the additional information required by Council and that the Modification Application can now be affirmatively determined in the manner sought without further delay.

## **Amplification or queries**

Should you have any queries in relation to this matter or require any further information please do not hesitate to contact either the writer or Sophie Litherland on 9979 4922.

Yours faithfully

**TURNBULL PLANNING INTERNATIONAL PTY LIMITED**



Pierre Le Bas

BA(Geog)(UNE) LLB(Hons1) Grad Cert Leg Prac(UTS) MTCP(Syd)  
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**Director and Legal Counsel**

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**Encl.** Acoustic Advice dated 11/10/17, prepared by Acoustic Dynamics.



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Project 3726  
11 October 2017

**Blackmores Ltd**  
Attention: Mr Lee Richards  
20 Jubilee Avenue  
WARRIEWOOD NSW 2102

Email: [Irichards@blackmores.com.au](mailto:Irichards@blackmores.com.au)  
Mob: 02 9910 5000

Dear Mr Richards

**SUPPLEMENTARY ADVICE – 20 JUBILEE AVE WARRIEWOOD – BLACKMORES CAMPUS**  
**OPERATIONAL NOISE – HARDSTAND LOADING & UNLOADING DURING EVENING**

## 1 INTRODUCTION

1. Acoustic Dynamics is in receipt of a letter from Northern Beaches Council dated 27 September 2017 requesting further information to assist with the determination of a Section 96 application to enable loading and unloading activities to be undertaken on the hardstand area of the Blackmores Warriewood campus located at 20 Jubilee Avenue, Warriewood, NSW.
2. This document provides supplementary information in response to Council's letter.

## 2 COUNCIL LETTER – 27 SEPTEMBER 2017

3. Within their letter dated 27 September 2017, council states:

*"Assessment of this application has found that the following additional and acoustic information is required to allow the assessment of this development application to be progressed:*

### **1. Acoustic mitigation measures**

*As has been previously indicated, the lodgement of Development Application No. N0456/15 (withdrawn) included the submission of an acoustic assessment (Doc. Ref. 3726R001.JH.160427, prepared by Acoustic Dynamics and dated 27 April 2016) that was undertaken to demonstrate that operations within the front hardstand area could be undertaken in accordance with the NSW Industrial Noise Policy (INP).*

*The findings and comments of the current acoustic assessment (Doc. Ref. 3726R005.RH.170731, prepared by Acoustic Dynamics and dated 4 August 2017) are acknowledged, however given:*

- *The locations of the nearest residential receivers for both acoustic assessments;*
- *The location of the loggers on the southern side of Jubilee Avenue for both acoustic assessments; and*
- *Similarities of recommendations within both acoustic reports,*

*it is still unclear why acoustic barriers are not proposed when the erection of such structures were required by the earlier report to reduce noise emissions “from the development to within acceptable and complying requirements of the INP at the residential boundary”.*

*Should the acoustic barriers no longer be required, it is requested that the acoustic assessor provide a detailed response indicating why the latest acoustic report no longer requires the erection of acoustic barriers and how the criteria of the INP can be satisfied without these structures.*

*Should amended information necessitate the erection of acoustic barriers however, then you are requested to submit details of such structures to Council in accordance with applicable development controls and outcomes, in addition to documentation indicating what level of impact the barriers would have in mitigating noise impacts.*

## **2. Vehicles utilising the hardstand area**

*The following issues are noted with regard to the submitted acoustic report (Doc. Ref. 3726R005.RH.170731, prepared by Acoustic Dynamics and dated 4 August 2017):*

- The total number of trucks that would use the hardstand area between 6:00pm-10:00pm is unclear. There is subsequently concern that the number of trucks and associated reversing signals would create offensive noise; and*
- It is unclear whether additional trucks associated with external operators (e.g. couriers) would use the hardstand area and whether they would cause offensive noise and/or increase the intrusive noise level, particularly between 6:00pm and 10:00pm*

*You are requested to provide a response to these matters, which may require input from the acoustic assessor.*

4. Note is made that on Wednesday 30 August 2017, Acoustic Dynamics received a telephone call from Ms Mary Shimon (Northern Beaches Council EHO) regarding our most recent report and the subject section 96 application and Richard Haydon spoke with her regarding this.
5. Consistent with the above request for information, Ms Shimon asked the following two questions regarding the scenarios described and modelled in our report.

### **1. Is the scenario modelled (number of trucks etc) likely to be representative?**

Richard Haydon confirmed to Ms Shimon that we modelled conservative worst-case scenarios and explained that if extreme (very unlikely) scenarios could comply, then compliance could be assured for all times. Ms Shimon was satisfied with this answer. Richard Haydon directed her to the planning report and application to get a better understanding of the more likely actual operating scenarios.

### **2. Why was a barrier which was previously recommend, no longer recommended?**

Ms Shimon proceeded to answer this question herself, confirming her understanding that the INP provides more relaxed acoustic criteria than those which were imposed previously on the basis of flawed/superseded reports and advice from another acoustic consultant and Council's planning department. Richard Haydon confirmed her understanding and Ms Shimon was satisfied with this answer.

### 3 SUPPLEMENTARY INFORMATION

6. In response to Council's letter request detailed above, the following additional information is provided.
7. With regard to noise mitigation, Council asks:

***“Acoustic mitigation measures - Should the acoustic barriers no longer be required, it is requested that the acoustic assessor provide a detailed response indicating why the latest acoustic report no longer requires the erection of acoustic barriers and how the criteria of the INP can be satisfied without these structures.”***

8. Acoustic Dynamics confirms the following:

- i. Within the Acoustic Dynamics' initial acoustic assessment report (2726R001.JH.160427, dated 27 April 2016), applicable acoustic criteria were discussed within **Section 2** of our report, including a discussion of the criteria recommended previously within a report (Ref 2006161/1606A/RINF) titled *“Blackmores Campus - Noise Management Plan”* prepared by Acoustic Logic Consultancy, dated August 2006, subsequently relied upon by Council as operating acoustic criteria (Consent Conditions).
- ii. A discussion of the NSW EPA's Industrial Noise Policy (INP) and applicable criteria provided by this document was also provided in section 2 of our report, along with detail of the noise environment established on the basis of unattended noise logging conducted at 2 locations in November 2015.
- iii. An assessment of noise emission resulting from a maximum operational scenario, described on page 10 of 14, was provided within **Table 3.1** (page 11 of 14) indicating maximum  $L_{A10}$  noise emission levels of **46 dB** and maximum  $L_{Aeq}$  noise emission levels of **43 dB** at the boundary of the nearest residential receiver, 19 Jubilee Ave, during the described evening operating scenario.
- iv. Table 3.1 also presents the Council  $L_{A10}$  (from the Acoustic Logic *“Noise Management Plan”*) and INP  $L_{Aeq}$  criteria for the evening period.
- v. Compliance with the INP criteria is demonstrated for predicted noise emission, however compliance with the *“Noise Management Plan”* (Consent Condition) criteria was not achieved and as such acoustic barriers were recommended.
- vi. **Subsequent to extensive correspondence and discussions with Council, it was agreed that the applicable criteria for the assessment of Blackmores noise emission should be amended to reflect the requirements of the NSW INP.**
- vii. Subsequent to the acoustic report (2726R001.JH.160427, dated 27 April 2016), Council approved a Section 96 change to the DA, which removed the previous noise criteria, replacing these with the NSW EPA INP, which provides a new set of noise criteria for the site.

- viii. Accordingly, a further Section 96 application and acoustic assessment report (3726R005.RH.170731, dated 4 August 2017) were submitted to Council for approval.
  - ix. In July 2017 Acoustic Dynamics undertook further unattended noise logging at two locations agreed upon and approved by Council to establish the existing noise environment at nearby residential receiver locations and subsequently to establish applicable acoustic criteria determined in accordance with the requirements of the NSW INP.
  - x. Acoustic Dynamics also undertook further detailed acoustic modelling utilising operator attended noise measurements and CadnaA noise modelling software to determine predicted  $L_{Aeq}$  noise emission resulting from the operating scenarios described in **Section 3** of our report.
  - xi. An assessment of noise emission resulting from a maximum operational scenario, described on page 8 of 13, was provided within **Table 3.1** (page 10 of 13) indicating maximum  $L_{Aeq}$  noise emission levels of **45 dB** at the boundary of the nearest residential receiver, 19 Jubilee Ave, during the described evening operating scenario.
  - xii. Compliance with the INP criteria is demonstrated for predicted  $L_{Aeq}$  noise emission, and as such acoustic barriers were **not** required, nor recommended.
9. With regard to vehicles utilising the hardstand area, Council asks:
- *“The total number of trucks that would use the hardstand area between 6:00pm-10:00pm is unclear. There is subsequently concern that the number of trucks and associated reversing signals would create offensive noise; and*
  - *It is unclear whether additional trucks associated with external operators (e.g. couriers) would use the hardstand area and whether they would cause offensive noise and/or increase the intrusive noise level, particularly between 6:00pm and 10:00pm”*
10. Acoustic Dynamics confirms the following:
- i. Acoustic modelling and calculations within Acoustic Dynamics’ report (3726R005.RH.170731, dated 4 August 2017) was based on the maximum evening operational scenario, described on page 8 of 13, as follows:
 

**“Evening Scenario (6:00pm to 10:00pm)**

    - Existing mechanical plant installed to service the development;
    - Use of up to two (2) forklifts (with silent reverse alarms) operating concurrently on the hardstand area fronting Jubilee Avenue between the hours of 6pm to 10pm Monday to Saturday (in accordance with Council’s Development Consent);
    - The arrival, manoeuvring and departure of one (1) truck and three (3) trucks with engines idling while in the hardstand area fronting Jubilee Avenue (within a 15 minute period) (includes discharge of air brakes);
    - General loading dock noise (talking, movement of pallets, trucks preparing/securing or un-securing loads); and
    - Arrival of staff throughout the day, evening and night period, utilising the eastern and western driveways.”

- ii. It is understood that Blackmores is satisfied that the scenario detailed above conservatively represents a worst-case evening operational scenario. Further, it would be unlikely that vehicle truck movements on the hardstand during the evening hours would reach the levels described above.
- iii. Blackmores has advised that there would be no trucks associated with external operators (e.g. couriers) during the evening hours (6pm to 10pm).
- iv. It is understood that Blackmores would be prepared to accept consent conditions from Council, based upon the scenario described above.

#### 4 CONCLUSION

Acoustic Dynamics has undertaken a review of Council's request for further acoustic information regarding the subject Section 96 application for hardstand operations at the Blackmores Warriewood campus, and has provided supplementary information/advice in response.

We trust that the above information meets with your present requirements and expectations. Please do not hesitate to contact us on 02 9908 1270 should you require more information or clarification.

Kind Regards


**ACOUSTIC DYNAMICS**



**RICHARD HAYDON**

*Principal, BE(Mech), MIEAust, MAAS, MASA, AAAC Executive*



| Document           | Revision   | Date            | Prepared | Checked | Approved  |
|--------------------|------------|-----------------|----------|---------|---|
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