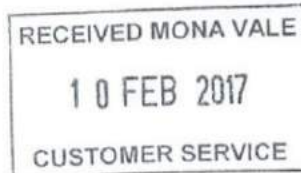


Mr Chris Nguyen
Planner
Northern Beaches Council
Village Park, 1 Park Street
Mona Vale NSW 1660



9th February 2017

Dear Sir:

RE: Application for Modification proposed to amend consent conditions relating to permissible acoustic levels, management of noise generated and hours of operation of the use.

Lot 20 DP 1141261—20Jubilee Avenue, Warriewood NSW 2102

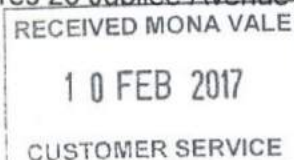
I object to this application to vary the acoustic controls and hours of operations of Blackmores 20 Jubilee Avenue.

1. There is no notification to the affected residents.
2. Contrary to Orderly Planning, allowing an individual variation to the Development Consent contrary to the Development Control Plan to suit one operator, is setting a precedent for all other Warriewood Valley Developments.
3. Warringah's Council 1987 DCP 12, which became Pittwater Council's DCP 9 and then Pittwater's Council Pittwater 21 DCP Appendix 4, needs to remain in force to ensure Orderly Planning
4. Warringah's Councils 1987 Acoustic Study, the basis of the Acoustic controls in DCP 12, DCP 9 and Appendix 4, is a sophisticated, site specific study, ahead of its time.
5. The 2000 EPA Industrial Noise Policy is a primitive and generalised policy, less stringent than Appendix 4, which will place an undue burden on surrounding residents.
6. Warriewood Valley being an amphitheatre has unique characteristics and develops temperature inversion layers which reflect any noise.
7. Pittwater Council has failed to understand the relevance of the Warringah's Councils 1987 Acoustic controls for Warriewood.
8. Pittwater Council has failed to enforce Acoustic Compliance at Blackmores 20 Jubilee Avenue.
9. Pittwater Council has failed to make publicly available the required Acoustic monitoring, part of Blackmores Development Consent.
10. At the time of the NSW Government Standard Template LEP, Pittwater Council has "Superseded" the 1987 Appendix 4 Acoustic Controls with the 2000 EPA Industrial Noise Policy in the DCP.
11. The site specific 1987 Acoustic Controls for Warriewood cannot be superseded by the 2000 less stringent EPA INP, removing "the holistic noise emission targets".
12. Despite numerous requests to Pittwater Council for clarification this matter is unresolved.
13. The 1987 Acoustic Controls must be re-instated in the DCP.
14. There was no notification of this proposed change in the DCP to the affected residents.
15. It could only be oversight or ignorance by Council Staff involved that this has occurred.

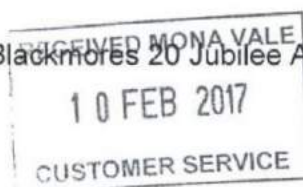
16. Warriewood Valley Stage 1 Industrial Land Release is now mostly complete with all Development Consents subject to the 1987 Acoustic Controls.
17. When the rest of the Valley is operating under the original conditions, it is a nonsense to contemplate altering the Acoustic Control Conditions of the Consent for Blackmores 20 Jubilee Avenue.
18. This would set a precedent making it available for each and every development approval to seek modification.
19. The Acoustic Consultant Acoustic Dynamics claims the increase traffic noise due to an increase in traffic, justifies an increase in the defined background noise and hence, (plus 5 DBA), an increase in allowable noise from Blackmores 20 Jubilee Avenue.
20. At present, Pittwater Council has a detour operating through Jubilee Avenue for 12 months, doubling the "rat run" traffic and noise.
21. Under the Acoustic Dynamic argument this increase in background noise for 12 months, would justify a further increase in allowable site noise at Blackmores 20 Jubilee Avenue.
22. When the 12 months detour is up, would the site noise at Blackmores 20 Jubilee Avenue be again lowered to the pre detoured level? This not Orderly Planning.
23. Warringah Councils 1987 Planning Strategy for Stage One Industrial land Release indicated the closure of both Harris Street and Jubilee Avenue to separate out the Industrial Traffic from the Residential areas.
24. Harris Street was closed by Warringah Council in 1990.
25. Jubilee Avenue remains to be closed.
26. When Jubilee Avenue is closed, the "rat-run" traffic and the associated noise, will again reduce.
27. Under these conditions and using Acoustic Dynamic argument, Blackmores Jubilee Avenue Acoustic controls will then need to then be reduced.
28. Orderly Planning, simple logic and common sense requires the original Acoustic Controls to remain in place.
29. Blackmores 20 Jubilee Avenue is a poorly designed building and not fit for its purpose. These failings were pointed out in 2006 at DA Stage to both Blackmores and Pittwater Council.
30. In contrast Pharmicare (Natures Way) 18 Jubilee Avenue is a well-designed building fit for purpose.
31. Pharmicare (Natures Way) 18 Jubilee Avenue has a surround one way driveway able to accommodate waiting trucks, and an internal loading area that caused no problem for residents
32. Pharmicare (Natures Way) 18 Jubilee Avenue deals with complaint issues in a courteous and efficient manner.
33. In contrast Blackmores 20 Jubilee Avenue treats resident complaints with contempt and derision. (see photograph) (1)
34. Blackmores 20 Jubilee Avenue Development was project managed by Ray White Real Estate and led by a "personality" professional football player and the end result reflect these choices. The Building is not fit for purpose for transport and warehousing.
35. Blackmores Jubilee Avenue 2006 Approval required all work to be carried out inside the building, with trucks to be loaded and unloaded in the 3 loading docks inside the building. (see photographs). (2)



36. The Photograph in the Acoustic Dynamic report shows an empty truck parking area and a rear loading truck in one of the loading docks (see photograph) (3)
37. However, the reality is trucks side loading in the truck parking area, the storage and working on materials outside, and storage and working on products outside. (see photos) (4)(5)(6)(7)
38. At the time of the building design and approval in 2006 side loading trucks were in use and should have been designed for.
39. Acoustic Dynamics Photo shows product stored outside building contrary to the 2006 Consent (see photograph). (3)
40. Acoustic Logic reports 2006 state all product and hence work, must be inside the building due to the Therapeutic Good Administration (TGA) requirements for temperature control.
41. For the benefit for consumers, complaints have been lodged with the TGA regarding the storage of product outside the building, including on hot days. No feedback has been received from TGA.
42. The storage of products outside the building results in much additional noisy work carried on outside the building. Forklift operations in and out of the building and because of the light nature of the product reducing forward visibility, most movements are carried out in reverse with beepers. Forklift operations involving pallet swapping and stacking.
43. Product labelling occurs outside, as is also delivery labelling (see photographs). (8)(15)
44. Pallet storage occurs outside resulting in forklifts operations outside including banging while stacking pallets and the dropping of pallets creating disturbing noise, including all through the night (see photographs). (2)(7)(8)
45. Rubbish disposal into the bins outside results in the banging of rubbish into the bins and the banging of bin lids, including all through the night (see photographs). (2)(4)
46. Rubbish bins trucks picking up and rubbish compactors operate outside. (see photographs). (4)(5)
47. Pharmacare (Natures Way) Jubilee Avenue take responsibility for the trucks servicing their business.
48. In contrast Blackmores 20 Jubilee Avenue claim they "don't own the trucks" and therefore take no responsibility for them.
49. Blackmores 20 Jubilee Avenue failure to take responsibility for the trucks servicing their business, results in traffic chaos in the area. (see photographs) (9)(10)(11)(12)(13)(14)
50. Blackmores 20 Jubilee Avenue appear to have outgrown the present unfit for purpose building. (see photographs)
51. Blackmores 20 Jubilee Avenue has trucks arriving with no room to park in Jubilee Avenue, resulting in repeated regular illegal 3 point turns in the intersection of Jubilee Avenue, Vineyard Street, Warriewood Road and Foley Lane. (16)(17)(18)(19)
52. These trucks, including 40 feet sea container trucks and semi-trailers, blindly reverse back into Foley lane.
53. I know of one near fatality. But Blackmores 20 Jubilee Avenue refuse to take responsibility for this chaos.



54. Pittwater Council who has failed to close Jubilee Avenue as per the 1987 Planning Strategy, also refuses to take responsibility for this traffic chaos stating it is a Police matter.
55. NSW Police say they are unable to act on photographic evidence as they need to see the incident themselves.
56. NSW Police say that the road layout and the factory approvals are a Pittwater Council matter.
57. NSW Police have stated on site that "it would take a fatality before anything is done.
58. In my view, Blackmores 20 Jubilee Avenue is responsible for this traffic chaos, due to its unfit for purpose building design (see photographs).
59. Like Pharmacare (Natures Way) 18 Jubilee Avenue Blackmores 20 Jubilee Avenue could be re-designed to be fit for purpose, with a surround driveway to accommodate all waiting trucks and have an enclosed truck loading area.
60. Blackmores 20 Jubilee Avenue through their consultant Acoustic Dynamics, are attempting to resolve the Acoustic Compliance issues by further "burdening" the local residents.
61. Blackmores 20 Jubilee Avenue are a supposable "profitable business", who either don't want to spend any money to make their building fit for purpose or don't have the interest to do so.
62. It would appear that the Blackmores Motto "Wellbeing" does not apply to its neighbours.
63. Acoustic Dynamics suggestion that the residence at 19 Jubilee Avenue is an Unlawful Dwelling in order to justify its removal from the Acoustic Studies and hence provide a reduction in noise control limits for Blackmores 20 Jubilee Avenue, is unreasonable.
64. The fact Acoustic Dynamics "search of Councils records" failed to find any record of approval does not make 19 Jubilee Avenue an Unlawful Dwelling.
65. Warringah Shire Council lost records in a fire.
66. 19 Jubilee Avenue has been continuously occupied for over 70 years.
67. The change of zoning from Rural to 4B Industrial in 1987 has not changed the residential use of 19 Jubilee Avenue.
68. 19 Jubilee Avenue needs to be included in the Acoustic Planning for Blackmores 20 Jubilee Avenue.
69. Pittwater Council has failed to enforce Acoustic Compliance at Blackmores 20 Jubilee Avenue
70. Pittwater Council has failed to Acoustically monitor Blackmores 20 Jubilee Avenue, as required by the 2006 Development Consent.
71. Pittwater Council has failed to make the Acoustic Monitoring of Blackmores 20 Jubilee Avenue, available to the public, as required by the 2006 Development Consent.
72. The NSW Government is currently reviewing the 2000 EPA INP with a view to increasing permissible noise limits by 40%.
73. If this is approved, does this mean Blackmores 20 Jubilee Avenue will be reapplying for a further relaxation of the Acoustic Controls?



74. 24 Hour trucking creates major noise problems not just on site but for the neighbourhood, district and region.

75. The use of engine braking descending Mona Vale Road and Low Gear climbing of Mona Vale Road are a major noise issue for residents in Warriewood Valley.

76. In 1987 in its Strategic Planning of Warriewood Valley Stage 1 Industrial Land Release Warringah Council assured residents that there would be "No loss of Residential Amenity". Pittwater Council must honour that promise.

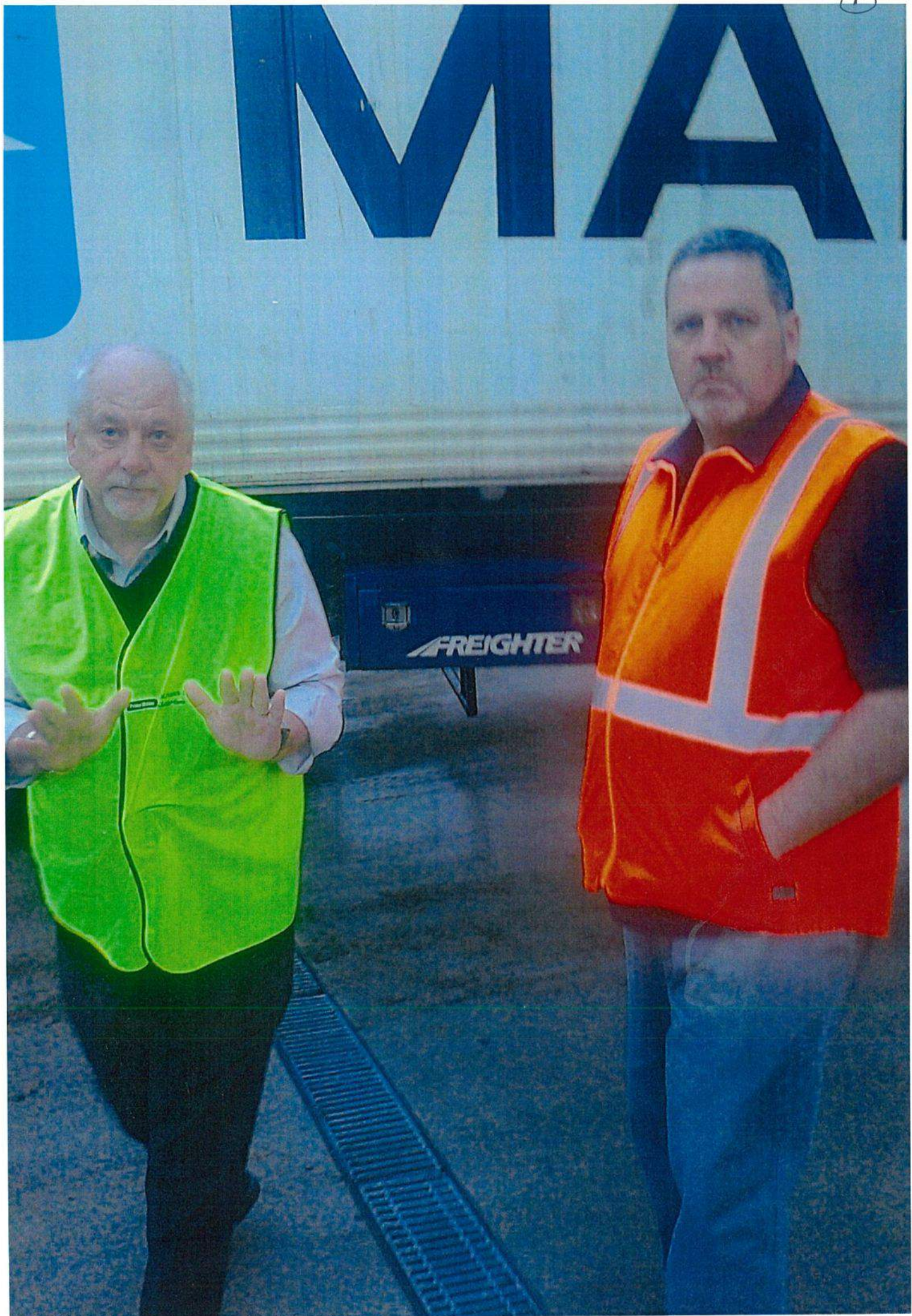
77. Pittwater Council needs to balance the benefits and the burdens of any development and this application by Blackmores 20 Jubilee Avenue is placing unreasonable burdens on the neighbouring residents.

78. The redesign and modification fit for purpose of Blackmores 20 Jubilee Avenue to the standards of its neighbour Pharmicare (Natures Way) 18 Jubilee Avenue, is the only long term solution.

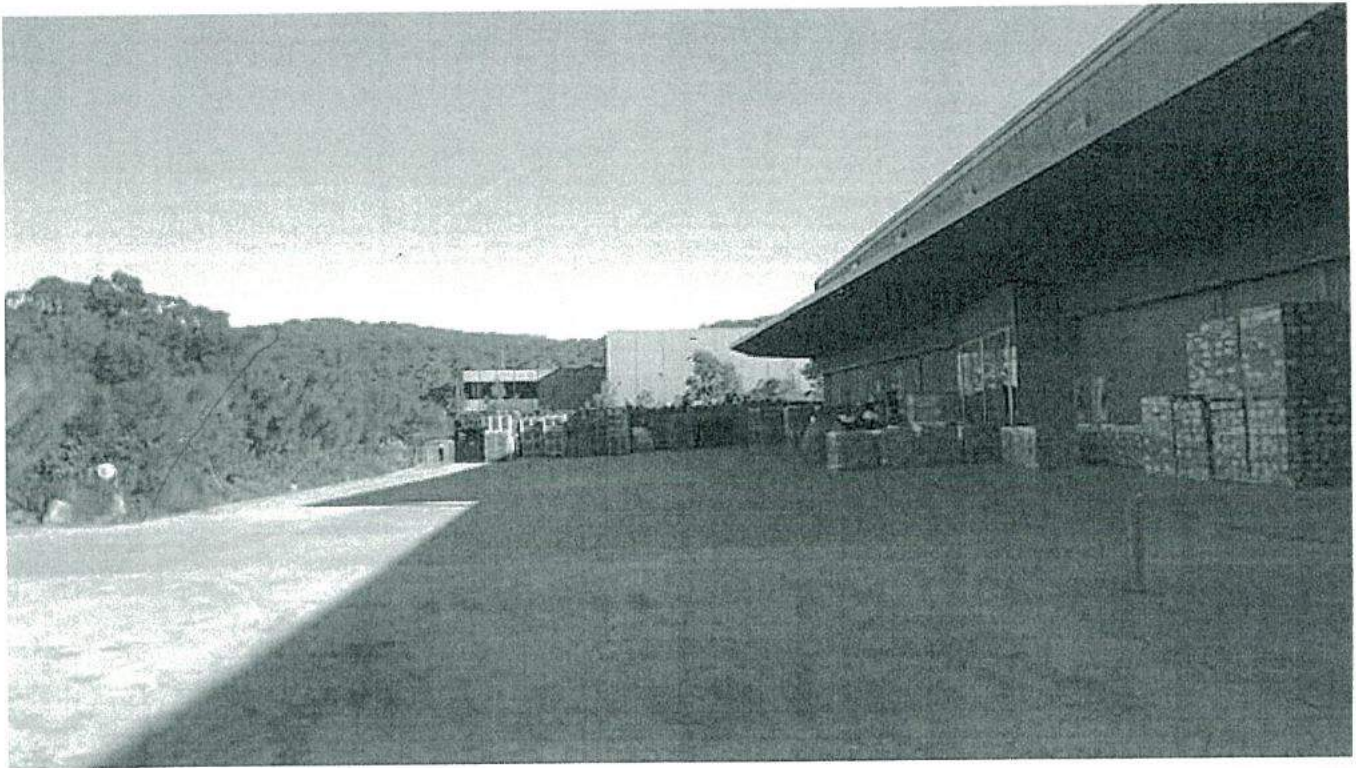
Yours sincerely

Phil Walker
184 Warriewood Road,
Warriewood. NSW 2102









Photograph 1: Hardstand looking West



Photograph 2: Entrance to premises from Jubilee Avenue













11



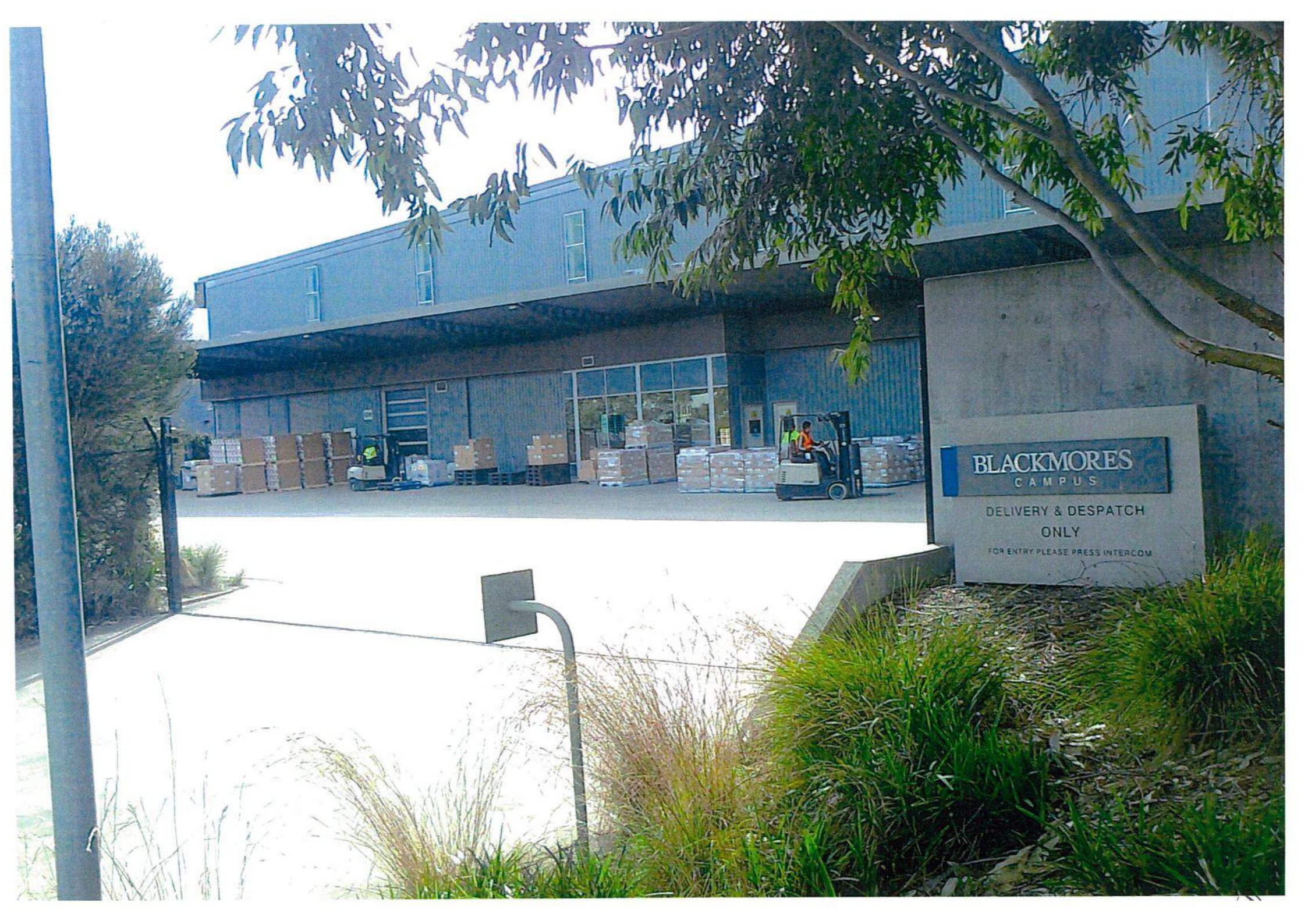


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