

Environmental Health Referral Response - industrial use

Application Number:	DA2022/0869
Date:	29/11/2022
To:	Nick Keeler
Land to be developed (Address):	Lot 1 SP 69948 , 1 / 43 - 45 North Steyne MANLY NSW 2095

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

Environmental Health has reviewed the development application which proposes a 70 seat Restaurant, associated internal fit-out, and new mechanical ventilation.

Hours of operation from 7am – 10pm, Monday to Sunday.

These comments relate to the industrial referral ONLY. Food premises considerations are addressed separately.

The current proposal has a potentially confusing recent history with Shop 1 information supplied by the applicant being confused with Shop 2 (DA 48/09).

The mixing of a restaurant activity within a residential building is a major source of complaints to Council due to noise/vibration smoke and odour, including issues pertaining to the development at shop 2 next door on this same site as an example.

Environmental Health is naturally concerned with such proposals.

Of concern is that there is a valid approval for shop 2 which has already had issues relating to Noise from mechanical ventilation and the issue of a limited shaft to the roof area and requirements for the exhaust system not be external; including also a Civic Court case with Orders issued 4 March 2020. The current proposal relies on a custom built exhaust system and smoke and odour control system, discharging through a unique 110mm diameter pipe at roof level (it is not clear if this impacts on the existing duct of shop 2). We are concerned with the necessary increased air flow of the smaller outlet potentially impacting of noise levels and odour control equipment and concentration of any visible smoke .

The proposed small 110mm dia 600mm high exhaust flue at roof level with fans a lower level is unusual and will require additional fan pressure and potentially noise to work effectively.

The concentration of exhaust and any visible smoke from the kitchen is likely to give rise to complaints from residential occupiers looking towards the iconic Manly Beach from the West.

Environmental Health is not commenting on the visual impacts of the exhaust flue with the exception of the comment that any smoke or odour that issues from the concentrated flow is likely to exacerbate complaints about visual amenity and that the smoke and odour control equipment is capable of managing the said smoke and odour including any overload at peak cooking times, and adequate cleaning/replacement of filters or any other maintenance or operational issue that is likely to result in

complaints to Council.

This has been the instance in other locations where even the Fire Brigade has been called due to filters not being serviced in time or incorrectly placed within a smoke control unit.

An Acoustical Report for Proposed Food and Drink Premises at Shop 1/43-45 North Steyne, Manly NSW was prepared by Koikas Acoustics on 30 September 2022. The Report determined that noise emissions are calculated to be within the acoustic design standards, provided the noise control measures outlined in the report are implemented correctly, however we believe vibration to residential receivers from the kitchen and other areas needs to be further assessed, ideally during actual operation (this could be a condition of any approval).

Importantly, a similar system is likely to be operating in Shop 2 next door with the combined noise and vibration yet to be assessed as a whole.

We are not sure what impact the mechanical ventilation will have on the total noise and vibration generated within the shaft or how this will affect the other approved system operating within the shaft for shop 2, to this needs to be clarified.

All reports or other documentation that relates to shop 2 to should be labelled such as "other information not relating" to the specific application for shop 1 and similarly any documents relating to shop 1 should be clearly labelled shop 1 and be appropriately updated to complement other reports and amended plans.

In summary the following documentation is required to permit further assessment:

1. A set of documents including the mechanical exhaust ventilation system, smoke and odour control equipment plans design and certification, Acoustic (received) amended plans(received) all specifically related to Shop1 only and dated not less than 12 months (from today's date).
2. Details of a kitchen alarm or cut-off of cooking equipment to ensure a "failsafe" for the smoke and odour control equipment to ensure no offensive discharges, including due to poor servicing or equipment failure.
3. A robust Management Plan to manage the numerous noise control obligations and smoke and odour control measures as required by Council and consultants.
4. Confirmation that exhaust ducting and equipment relating to Shop 1 will not impact on that approved for Shop 2 including increased noise and vibration from a second system using the same shaft.

On this basis, Environmental Health does not support the proposal at this time.

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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.