

Environmental Health Referral Response - industrial use

Application Number:	DA2021/2065
Date:	15/11/2021
To:	Penny Wood
Land to be developed (Address):	Lot 2849 DP 822227 , 0 Market Lane 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

Applicant seeks approval for the fit out and use of a temporary wine bar in Market Lane.

The SEE advises the following relevant information for this referral assessment

A temporary 'pop-up' wine garden has been operating successfully in this location since January 2021, and Council through an open tender sought expression of interest (on 12 May 2021) from local venue operators to enter into a longer-term arrangement to continue its operation.

MNT Investments Pty Ltd (the owner and operator a number of other local venues comprising Donny's Bar, Insitu and Cumberland) were the successful tenderer. As part of the tender process, the operator is required to prepare and submit a DA to Council to continue this activity.

2. Use as a temporary wine bar as follows:

- a) Capacity for up to 200 persons (both seated and standing)
- b) Operating hours open to the public are:
 - (i) Sunday to Thursday: 10.00 am and 10.00 pm
 - (ii) Friday and Saturday: 10.00 am and 10.30 pm
- c) Morning set-up to occur between 9.00 am and 10.00 am Monday to Sunday
- d) End of close pack-up to occur between 10.00 pm and 10.30 pm Sunday to Thursday and 10.30 pm and 11.00 pm Friday and Saturday
- e) Live music is to occur from 5.00 pm onwards Monday to Friday only
- f) One-year trial period with an option to extend for a further two-year period on completion of a successful trial period.

The SEE also advises the following regarding noise:

Noise impacts from the proposed temporary outdoor wine bar under a one (1) year trial system will not cause a nuisance to the nearest residential accommodation as a result of its restricted hours of operation and patron capacities. A PoM has also been prepared to ensure the venue is managed responsibly.

While the application will be under a one year trial system (with possible extensions) the noise would not be considered as temporary given the length of time, the number of days a week trading and that a

similar setup has already been ongoing in the short term. There are a number of potential acoustic impacts from the development including noise from patrons and noise from music that need to be considered.

Environmental Health recommends that an acoustic assessment be undertaken by a suitably qualified and experienced consultant in order to assess the acoustic impacts and if required propose acoustic controls to limit amenity impacts of the development. The acoustic assessment should include but not limited to an assessment of noise from patrons and music. The assessment and report is to be in accordance with the NSW EPA Noise Policy for Industry and other relevant guidelines. Given that there is currently a temporary approval for Market Lane that is similar to the proposed development it may be an opportune time to undertake the acoustic assessment while the event is occurring.

Recommendation

Further information required

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.