

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	DA2021/1021
<b>Date:</b>	10/11/2021
<b>To:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 1 DP 127472 , 577 Sydney Road SEAFORTH NSW 2092

### 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 made comments in regard to the proposal on the FOOD PREMISES referral also.

This will require additional information to be submitted. For this industrial referral the main issues relate to potential noise and odour where additional information is sought.

Essentially the proposal is to convert an existing garage to a café on a multi-use site.

The proposal involves the following:

- Works to the existing garage and change of use to a café, including new front and rear façade and floor, new awning to front and rear. The GFA of the new space is 19.7sqm. The proposed hours of operation are 7am-10pm, 7 days;
- Minor adjustments to the external façade of the overall building including removal of satellite dish, new metal screens for air-conditioning, new main entry door and general maintenance works and repainting;
- Strata subdivision into 6 lots plus common property.

Environmental Health is concerned about a number of issues which do not appear to be addressed in the submission and will require additional clarification information to properly assess:

1. The number of proposed seated customers and staff is not provided in relation particularly to sanitary facilities adequacy and if outdoor seating front or rear is proposed.

The new use will require access to toilets which will need to comply with BCA requirements. Toilets shown on plan appear to be shared by a number of occupancies all of which individually or on a shared basis require adequate accommodation.

Where the sanitary facilities are to be shared the applicant is to show total site compliance with the BCA for the increase in occupancy impact on shares toilets or provide additional facilities for the café.

2. The hours of operation (assuming including preparation, deliveries and close down/cleaning) will be to 10pm 7 days a week potentially impacting on adjacent residential premises( within the

current site and neighbouring property). This impact has not been adequately addressed in regard to potential odour and noise to these residential residents (normal business activities 9am to 5pm could be reasonably expected in this area and the proposal exceed this significantly ) Where a business is to operate post 9pm Council would usually consider if an Acoustic assessment is necessary. The applicant needs to address this potential issue.

3. Likewise, the provision of an exhaust system and its termination location of the mechanical ventilation for any cooking activities is not addressed in regard to both potential noise and cooking odour.
4. Similarly the air-conditioning proposed to operate to 10pm; details are required to assess any noise impact on adjacent residential receivers. This also applies to any external refrigeration motors.
5. Proposed fit out details of the café would assist with assessment and ability to comply with Food Standards including size of the kitchen/customer area(internally and externally), cooking appliances, garbage storage and potential grease trap and the like.

## **Recommendation**

REFUSAL(subject to additional information)

09/11/2021

## **General - Additional Information**

The applicant has since responded and addressed/clarified these concerns as below, in summary:

"In relation to customer numbers/toilets the attached letter from our BCA consultant demonstrates that the existing toilets are more than sufficient to meet BCA requirements in this regard.

Further we confirm that the proposed café is take-away only and no seating is intended either internally or externally.

It is also proposed to reduce the hours of operation from the requested 7am – 10pm, 7 days to, 6am-5pm Monday-Saturday and 7am-4pm Sunday.

In relation to noise issues it is considered that the layout plan attached, which shows that no cooking facilities are proposed, and the significant reduction in operating hours, demonstrate that the proposal has minimal potential for noise generation and noise impacts.

Also, in regard to noise generally we are happy to accept a condition of consent that ensures compliance with the relevant noise standards ie that noise measured at the window of any adjacent residential premises be no higher than 5dbA above background at any time."

However importantly Environmental Health seek amendment of the application in regard to the proposed hours of operation proposed : 6am-5pm Monday-Saturday and 7am-4pm Sunday.

The earlier 6am start ( from the originally proposed 7am) may impact on adjoining residential premises. Early opening Takeaway Coffee businesses adjacent to dwellings have resulted in complaints to Council mainly from cars and trucks motors running, double parking or parking in neighbouring driveways to get a coffee "on the run". Such early morning noise can be offensive.

We also note that the subject premises is to be a take-away with no cooking and no eating and therefore has minimal potential for impact.

## **Recommendation**

Environmental Health is now satisfied that subject to conditions we have no objections to the proposal.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

**Recommended Environmental Investigations Conditions:**

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**Hours of Business Operation**

Hours of operation for any business related activity being : 7am-5pm Monday-Saturday and 7am-4pm Sunday

Reason: To minimise noise to neighbouring residential receivers (DACHPGOG5)