

Environmental Health Referral Response - industrial use

Application Number:	DA2023/0803
Proposed Development:	Alterations and additions to the existing Hills Flower Market site
Date:	28/11/2023
To:	Kye Miles
Land to be developed (Address):	Part Lot 1 DP 845094 , 287 Mona Vale Road TERREY HILLS NSW 2084

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

The development the subject of this DA involves alterations and additions to the existing Hills Marketplace development located at No. 287 Mona Vale Road, Terrey Hills. The two proposed new buildings will accommodate an expanded garden centre and rural supplies outlet and a new restaurant that will include a small area for ancillary brewing equipment.

In respect of the new restaurant, it is proposed that it includes a small area for ancillary brewing equipment where some craft beer will be produced on-site [quantities are discussed at page 22]. This type of community interaction in the production stage has become very popular with restaurants today. While a small area for ancillary brewing equipment is proposed within the new restaurant, the principal purpose of the new restaurant will remain as a licensed restaurant. The operation of the brewing equipment is to provide theatre/ambience within the restaurant that will be an ancillary feature of the overall operation of the new restaurant.

And

Development consent is also sought to undertake minor alterations and additions throughout the ground floor level of the existing building including to the area occupied by the existing Garden Centre, Taste Buds Café and the area formerly occupied by Piemonte Restaurant and to carry out minor reconfiguration and expansion of the existing flower shop.

The proposal seeks consent to demolish various existing structures and at-grade parking, to undertake preparatory bulk earthworks, to remove 28 site trees, to comprehensively upgrade the site landscaping including providing substantial compensatory planting, to provide additional atgrade parking and to install new business identification signage.

Development consent is sought to operate a mix of land uses from the Hills Marketplace site encompassing an expanded garden centre with ancillary plant cultivation area, a new restaurant (including ancillary brewing equipment), the existing café/restaurant and a new rural supplies outlet. The existing flower shop is also proposed to continue operating from the Hills Marketplace site.

Our areas of interest are :

Noise

A Noise Impact Assessment by Stantec ref: 301351061, 1/6/2023 states that the development is not

expected to generate excessive noise.

We note a residential dwelling adjacent 285 Mona Vale Road as being the most likely impacted. The main noise sources generated by the development that may impact the local community and environment include:

- Noise emissions from the operation of mechanical plant servicing the proposed development to the surrounding noise-sensitive receivers.
- Traffic generated by the development, including, vehicle movements entering and exiting the car parking spaces provided.
- Noise emissions from the operation of the licensed restaurant which is proposed to operate up to 12:00am.

The proposed development has proposed the following hours of operation:

The café is proposed to operate between the hours of 7:00am – 10:00pm (7 days a week).

The proposed restaurant with ancillary brewing facilities on the south-western boundary will operate between

7:00am – 10:00pm (Sunday – Wednesday) and will extend its operation hours on Thursday – Saturday to midnight (12:00am).

All other retail tenancies have their own specific trading hours, but will operate at any point between the hours of

7:00am – 8:30pm (7 days a week).

External Dining and vehicles leaving site (eg 12:00am) are considered that main noise risk areas as other matters can be acoustically treated. Offensive noise from shouting or yelling will need robust management from the business operator. Details on managing these issues needs addressing. Noise from equipment and plant is yet to be assessed but we consider that this can be managed during works.

A noise assessment under operating conditions is considered the best way of dealing with potential issues.

Additionally the designated "Lawn-Landscaped Garden Common area for the enjoyment of visitors to the site and for consumption of food and beverages purchased on site" requires clarification as to whether this area will be open at night and if so what hours and if liquor is to be consumed?

Sewer

The site has a septic tank and macerator pump which pumps to the private sewer line off site (Council reference WW00620 approved 11 Feb 2021 for 5 years).

Restaurants will most likely require a grease trap to Sydney water requirements.

The pump to sewer agreement will have restrictions and requirements which we are not privy to at this time.

The increased load on this pump to sewer system and its ability to cope without failure (eg rags or other items can easily jamb macerator systems) needs to be documented. A blockage and resulting overflow of a fully occupied site is likely to cause public health and water pollution issues. A fail safe back up plan is required.

Smoke/ odour /water pollution matters.

No issues anticipated.

Environmental Health seeks further comment/detail from the applicant based on the above comments prior to any support being given to the proposal.

ADDITIONAL INFORMATION RECEIVED AND OUR COMMENTS 21/11/2023

The applicant has also advised:

The existing site has a septic tank. Our preliminary design includes a new sewer pump station with emergency storage.

Restaurants will most likely require grease to Sydney water requirements. 1 x 3,000 litres noted grease arrestor is proposed.

The pump to sewer agreement will have restrictions and requirements which we are not privy to at this time. No comment.

The increased load on this pump to sewer system and its ability to cope without failure (eg rags or other items can easily jamb macerator systems) needs to be documented. A blockage and resulting overflow of a fully occupied site is likely to cause public health and water pollution issues. A fail safe back up plan is required.

Our fail-safe back up within the preliminary design includes a Muffin Monster preceding the new sewer pump station, plus an emergency storage tank.

So, the internal sewerage system will have three layers of redundancy-

1. *Essential Power Supply*
2. *Muffin Monster*
3. *Emergency Storage.*

Henry & Hymas will develop the design on behalf of the Applicant and upload to the portal for Construction Certificate.

To progress this matter conditions of approval may be added in lieu of further submissions and therefore Environmental Health will support the proposal.

Further update additional information received by EH 28/11/23 clarifying a number of matters that proposed draft conditions were to address. The applicant has requested that these conditions be deleted to avoid any confusion. This has been done with exception of the Plan of Management condition.

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:

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Plan of Management

Prior to the issue of an Occupation Certificate, a Plan of Management is to be submitted to Council (Environmental Health) for approval .

Such plan shall include:

- A. Measures necessary to comply with the operational measures stated in the Acoustic Assessment by Stantec (Australia) Pty Ltd (rev 004 dated 1.6.2023)
- B. Measures to be taken in dealing with noisy patrons (particularly in the external areas) or vehicles on or leaving site at night time.
- C. Sound levels from and music or any amplification being set by Stantec (Australia) Pty Ltd and managed by staff.
- D. Actions to be taken should there be a blockage or failure (including power) of the macerator/pump to sewer system to ensure that any discharge of effluent does not occur on site or to any adjoining premises or public place. Such action/plan shall include an alarm system on site and if a significant fault, how operations will temporarily cease until resolved.
- E. A register of complaints and actions (if necessary) taken by Management being maintained on site.
Reason: To ensure that wastewater is disposed of in a manner that is not harmful to the environment.

Acoustic Requirements before issue of (OC) Occupation Certificate

Certification of compliance with the assumptions, findings and recommendations Acoustic Assessment by Stantec (Australia) Pty Ltd (rev 004 dated 1.6.2023). The Plan of Management is to incorporate measures to ensure noise nuisances are prevented.

Reason: To ensure acoustic measures are incorporated into the development.

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

Acoustic Requirements - On-going

Compliance with the recommendations within the Acoustic Assessment by Stantec (Australia) Pty Ltd (rev 004 dated 1.6.2023) and any additional requirements at OC review stage.

Reason: To prevent a noise nuisance to any neighbouring receiver.

Plan of Management

The approved Plan of Management is to be complied with on-going and updated as needed.

Reason: To ensure guidance for Staff and Management and to eliminate potential nuisances