

## Environmental Health Referral Response - unsewered land

<b>Application Number:</b>	DA2023/1794
<b>Proposed Development:</b>	Alterations and additions to the existing building and change of use to bed and breakfast accommodation, and construction of a swimming pool
<b>Date:</b>	11/01/2024
<b>Responsible Officer</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 369 DP 752017 , 323 McCarrs Creek Road TERREY HILLS NSW 2084 Lot 425 DP 752017 , 323 McCarrs Creek Road TERREY HILLS NSW 2084

### Reasons for referral

This application seeks consent for development upon unsewered land.

And as such, Council's Environmental Health and Protection officers are required to consider the likely impacts.

### Officer comments

#### General Comments

This application is seeking consent for alterations and additions to an existing dwelling and change of use to bed and breakfast accommodation and construction of a new dwelling at 323 McCarrs Creek Road, Terrey Hills.

The new dwelling is to be constructed so as to be attached to the existing dwelling.

#### Swimming Pool

A swimming pool is proposed for use by both the dwelling proprietor and the bed and breakfast accommodation. The new dwelling will consist of 3 bedrooms.

Under guidance from NSW Health the swimming pool onsite is considered a public swimming pool as it is *used or intended to be used for human bathing, swimming or diving to which the public is admitted, whether free of charge, on payment of a fee or otherwise. This includes pools:*

- *provided at a hotel, motel or guest house or at holiday units, or similar facility, for the use of guests.*
- *situated at private residential premises used for commercial purposes.*

Therefore, the swimming pool will have to comply with Public Health legislation. Conditions will be applied prior to Occupation Certificate.

#### Food Business

The kitchen/food storage area of the dwelling that is used for B&B accommodation becomes a food business under the definition by the NSW Food Authority.

*Examples of home-based food businesses include:*

- *preparing food for sale at markets or school canteens in a domestic kitchen*
- ***bed and breakfast accommodation***
- *home-based childcare for a fee involving provision of food*
- *home-based catering businesses.*

Therefore, the applicant will be required to register their home food business details with Council prior to Occupation Certificate.

### **On Site Wastewater**

This development will result in a total of 5 bedrooms (7 people based on the new draft guideline). A letter from Gary Hobart, Wastewater Management, has stated there is an existing AWTS onsite accredited for a maximum of 10 people. Council accepts this letter to confirm the AWTS is suitable however it is noted through the architectural plans, the new location of the swimming pool appears to be encroaching on the land application area for the existing AWTS.

Please refer to wastewater plan submitted as part of DA2021/2228. The *Environment & Health Protection Guidelines: Onsite Wastewater Management Draft Guidelines 2023* has a buffer range of 3.0-15.0m from LAA to swimming pools. The applicant is to engage a wastewater consultant to assess the location of the land application area in regard to the new proposed swimming pool location. The consultant is to provide a plan identifying the current location of the LAA for the existing AWTS, the location of the AWTS and the proposed location for the disposal of backwash swimming pool water. The pool water disposal location is to be suitably located away from the AWTS LAA so as not to impact upon the existing LAA.

Environmental Health recommends refusal at this time.

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 Health and Protection Conditions:**

Nil.