

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	Mod2021/0983
<b>Date:</b>	16/06/2022
<b>To:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot B DP 316404 , 231 Whale Beach Road WHALE BEACH NSW 2107

### 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

#### Updated comments 16/06/22 to reflect incorrect wording relating to total capacity of persons:

Environmental Health were requested to review the modification to REV2021/0034 for increasing the maximum patronage of the premise to 30 outdoor patrons, 140 indoor and 18 staff, and the potential acoustic impacts on the surrounding sensitive receivers. A review of Revision A of the Acoustic Report dated 7 December 2021 adequately models and addresses noise attenuation from the proposed Retail 1 ground floor. Existing attenuation imposed on the previous consent is sufficient to cater for the proposed modification.

The intent of REV2021/0034 was to combine the proposed patronage from the food premises on the upper levels and combine them into the lower level. This was not reflected in the conditions of consent which is why the modification was lodged by the applicant.

Based on the proposed information provided by the applicant, Environmental Health believes the proposal is adequate for its intended use.

In order to facilitate the modification, some changes to conditions of consent will need to be completed to address the acoustic report and increase in patron numbers.

Condition 1 of the consent will need to include the "Acoustic Report, Revision A" dated 7 December 2021, under heading "Reports/Documentation - All recommendations and requirements contained within". The existing report referenced as "Acoustic Report, Revision B" dated 5 February 2020 must remain as revision B of the acoustic report encompasses considerations around mechanical ventilation and its attenuation, which was not specified in Revision A. Please note that condition 33 of the prior consent references Condition 1, any amendment to Condition 1 will need to be adequately referenced in Condition 33 to ensure Condition 33 references the correct condition after the amendments have been applied.

Condition 99 of the original consent relating to Retail 1 will need to be amended to allow for 30 outdoor, 140 indoor and 18 staff (max. capacity of 188 persons).

### Original comments:

## **Recommendation**

Supported. Subject to amendments to conditions of consent listed above.

Environmental Health were requested to review the modification to REV2021/0034 for increasing the maximum patronage of the premise to 30 outdoor patrons, 140 indoor and 18 staff, and the potential acoustic impacts on the surrounding sensitive receivers. A review of Revision A of the Acoustic Report dated 7 December 2021 adequately models and addresses noise attenuation from the proposed Retail 1 ground floor. Existing attenuation imposed on the previous consent is sufficient to cater for the proposed modification.

The intent of REV2021/0034 was to combine the proposed patronage from the food premises on the upper levels and combine them into the lower level. This was not reflected in the conditions of consent which is why the modification was lodged by the applicant.

Based on the proposed information provided by the applicant, Environmental Health believes the proposal is adequate for its intended use.

In order to facilitate the modification, some changes to conditions of consent will need to be completed to address the acoustic report and increase in patron numbers.

Condition 1 of the consent will need to include the "Acoustic Report, Revision A" dated 7 December 2021, under heading "Reports/Documentation - All recommendations and requirements contained within". The existing report referenced as "Acoustic Report, Revision B" dated 5 February 2020 must remain as revision B of the acoustic report encompasses considerations around mechanical ventilation and its attenuation, which was not specified in Revision A. Please note that condition 33 of the prior consent references Condition 1, any amendment to Condition 1 will need to be adequately referenced in Condition 33 to ensure Condition 33 references the correct condition after the amendments have been applied.

Condition 99 of the original consent relating to Retail 1 will need to be amended to allow for 30 outdoor, 140 outdoor and 18 staff (max. capacity of 188 persons).

## **Recommendation**

Supported. Subject to amendments to conditions of consent listed above.

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:**

Nil.