

Environmental Health Referral Response - commercial use

Application Number:	DA2021/1311
Date:	17/08/2021
To:	Nick Keeler
Land to be developed (Address):	Lot A DP 404349 , 1031 Barrenjoey Road PALM BEACH NSW 2108

Reasons for referral

This application seeks consent for one or more of the following:

- Food premises, or
- Backpackers/Boarding house, or
- Mortuary, or
- Skin penetration, acupuncture, tattoo, beauty salon, or
- Public pool

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

Officer comments

Environmental Health has reviewed the proposal for extended hours of the restaurant/cafe, including acoustic report, capacity of WC and capacity for patrons. We find the proposal satisfactory as it is presented -a total of 36 patrons and indoor speakers to 75 dB(A). Thus, we recommend conditions to comply with the acoustic report, both in the construction of an acoustic barrier, and the operational plan of management.

Please note that if at any point in time in the future, regulatory action on noise is required via a complaint process, the owner of the building and operator/s of the business can expect that noise and impacts on amenity are reasonable only limited to the bounds of the acoustic report. Beyond 36 patrons and 'light' background music from internal speakers, noise is more likely to be considered excessive or offensive, and a nuisance to residential amenity.

Recommendation

APPROVAL - subject to conditions

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 Health and Protection Conditions:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

Operational Noise Controls

Operations must be in accordance with the recommendations within Section 5 of the Acoustic Report prepared by Acoustic Dynamics dated 21 July 2021 (Reference 51261R001.MW.210622).

Any design recommendations and plan of management made by the consultant must be implemented in order to achieve compliance with noted conditions of this consent.

Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To maintain amenity of the surrounding area.

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

Compliance with acoustic report

An acoustic assessment is to be undertaken by a suitably qualified professional such as an acoustic engineer to determine acoustic treatments are in accordance with the recommendations within Section 5 of the Acoustic Report prepared by Acoustic Dynamics dated 21 July 2021 (Reference 51261R001.MW.210622).

Any design recommendations made by the consultant must be implemented prior to issuing the Occupational Certificate in order to achieve compliance with noted conditions of this consent.

Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To maintain amenity of the surrounding area.