

Environmental Health Referral Response - unsewered land

Application Number:	DA2023/1794
Proposed Development:	Alterations and additions to the existing building and change of use to bed and breakfast accommodation, and construction of a swimming pool
Date:	19/06/2024
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	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.

UPDATED REFERRAL

A further wastewater report has been provided by the applicant. The report was prepared by Broadcrest Consulting Pty Ltd, dated February 2024, reference number 3444-WW-A-01. The report proposes a pressure dosed absorption bed for the proposed dwelling.

It is proposed to dispose of effluent from the treatment system servicing the existing dwelling via surface semi-fixed spray irrigation field.

Environmental Health recommends 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:

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Wastewater disposal areas

Proposed works shall not impact on any wastewater disposal (Land Application Areas) building materials and equipment shall not be stored within the wastewater disposal areas on site.

Reason: To protect land and infrastructure in the wastewater disposal area from damage and failure.

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

Wastewater system compliance

All recommendations and required works pertaining to the Effluent Management Area and recommended site modifications contained within the report by Broadcrest Consulting Pty Ltd, dated February 2024 reference number 3444-WW-A-01 being implemented.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To ensure the wastewater disposal system is compliant and will not create a risk to public health.

Pool backwash

Pool backwash must be managed separately from the wastewater system and wastewater land application areas.

Reason: To ensure the wastewater system has been installed correctly to minimise the potential for harm.

Wastewater System

Prior to the issuing of an Occupation Certificate, a copy of a s68 (Local Government Act 1993) approval to operate the wastewater system, and the wastewater system must be activated and effectively operating to the satisfaction of the Principal Certifier.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.