

5.3 RESPONSE TO PETITION RELATING TO ODOUR FROM 7GRAMS CHICKEN, NOS. 212-214 LAKE STREET, PERTH

Attachments: Nil

RECOMMENDATION:

That Council **NOTES** the response to petition relating to odour from 7Grams Chicken.

PURPOSE OF REPORT:

To provide a response to the petition relating to odour from 7Grams Chicken, Nos. 212-214 Lake Street, Perth.

BACKGROUND:

At the Ordinary Meeting of Council on 22 June 2021 a petition was tabled and minuted as Item 5.3 as follows:

“Lynley Coen submitted a petition with 26 signatures requesting that Council assist with the odour of frying chicken from 7 Grams Chicken at 212-214 Lake Street, Perth that has impacted the neighbourhood since mid-November. The emission of odours from the premises to the external environment is offensive and permeates outdoor areas and dwellings and has a detrimental impact on residents’ quality of life.

The signatories appreciate and support the mix of businesses in the area and the intention in raising this issue is not to cause harm to the business but rather to be able to live harmoniously alongside it.

The exhaust filtration being used by the business does not mitigate the emission of nuisance odours. An indication of the failure of filtration is the layer of grease on the footpath in Lake at the front of 7 Grams Chicken.

Residents have complied with Council requests to provide detailed log sheets of occurrences for over 6 months, but nothing has changed.”

Council resolved that the petition be received and a report be prepared for the 27 July 2021 Ordinary Council Meeting.

DETAILS:

Since November 2020, the City has been investigating concerns from residents from four properties who live near to 7Grams Chicken relating to odour nuisance from cooking smells. Odour nuisance is addressed through the *City of Vincent Health Local Law 2004*. These types of investigations can be challenging as the impact of odour can be subjective, making it difficult to obtain objective evidence.

Upon receipt of concerns and log sheets from residents as well as onsite investigation by Environmental Health Officers, it was determined that the business should install a ventilation system in line with the National Construction Code, which requires commercial restaurants to meet with Australian Standard 1668.2-2012 – The use of ventilation and air conditioning in buildings (AS1668.2). The business agreed to this solution and installed a new ventilation system on 3 May 2021 as required by AS1668.2.

This ventilation system was implemented by the business without them first gaining development approval under the City’s Local Planning Scheme No. 2 (LPS 2), which would have been required due to the flue of the ventilation system not being considered to be minor nature development. It should be noted that the City did not advise the business of this requirement prior to them installing the ventilation system. The business would be required to ensure the ventilation system complies with the requirements of LPS 2 once any further requirements relating to mitigation of odour are determined.

Since installation of the system the City received a further odour complaint on 14 June 2021, just prior to receipt of the petition on 16 June 2021. This indicates the solution implemented, which complies with AS1668.2, is still causing concerns for residents.

The City's proposed course of action in response to the petition, includes:

1. Appointment of an environmental odour consultant.
2. Meeting with residents who signed the petition with the City and the consultant.
3. Assessment of the odour by the consultant.
4. Provision of expert advice by the consultant.
5. Require implementation of solutions and compliance with the Building Regulations and LPS 2.

Environmental consultants have been used by businesses and local governments in the past to address similar issues. This would ensure that any measures now implemented to address this issue are first scientifically verified by an independent specialist.

A meeting with residents, the City and the consultant would enable the residents to outline the details of their concerns further and provide specific information as to how they are affected by 7Grams based on the location of their property. This is also an opportunity to respond directly to queries relating to odour nuisance investigations.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

- *City of Vincent Health Local Law 2004;*
- *Building Act 2011;*
- National Construction Code;
- Local Planning Scheme No. 2; and
- Australian Standard 1668.2-2012 – The use of ventilation and air conditioning in buildings.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to consider this report.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

Our community is aware of what we are doing and how we are meeting our goals.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Reduced exposure to environmental health risks

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the City's compliance investigation, including engagement of an odour consultant, would be met through the City's existing operational budget.

COMMENTS:

Odour nuisance can be challenging to investigate and in rare circumstances could require specialised expertise to reach solutions. It is concerning that a nuisance is still being reported after the business

implemented a solution which complies with relevant legislation and Australian Standard. Prior to implementation of further solutions by the business, the City will be seeking expertise from an independent environmental odour consultant to assist to reach a solution which addresses residents and business concerns.