

Environmental Health Referral Response - commercial use

Application Number:	DA2020/1027
Date:	01/10/2020
To:	Jordan Davies
Land to be developed (Address):	Lot 1 DP 1129384 , 0 Stuart Street MANLY NSW 2095

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

General Comments

Application is for the alterations and additions to the existing café Stuart Street, Little Manly Reserve, Manly.

SEE advises the following:

The development proposes a small rear extension including cold storage and freezer rooms and a bin storage area, as well as a reorganisation of the existing interior of the café and an addition to the outdoor seating area.

The proposed works include condenser units for the cold storage that will be located externally on a slab adjacent to the northern side of the building. Despite the nearest residential receptors being located across the road as the condenser units would be required to run 24/7, without any adequate acoustic treatment there could be potential noise concerns for the residents. This could particularly be an issue during the night when background noise is typically lower.

An acoustic assessment in accordance with NSW EPA Noise Policy for Industry will be required prior to the construction certificate being issued in order to evaluate the design of the mechanical plant including the condensers and to recommend any acoustic treatment.

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:

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION
CERTIFICATE**

Plans of Kitchen Design, construction and fit out

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the Food premise complies with the design construction and fit-out requirements.

Plans of Mechanical ventilation

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with the Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings", must be approved by the Certifying Authority for any cooking equipment with an individual or combined power rating level that triggers the requirement for mechanical ventilation under AS1668.2 including any deep frying equipment.

Reason: To ensure that the design, construction and installation requirement for mechanical ventilation complies with the Australian Standard 1668.2.

Noise - Design of Mechanical Plant

Prior to the issuing of any Construction Certificate, an acoustic assessment from a suitably qualified professional such as an acoustic engineer is to be undertaken in accordance with NSW EPA Noise Policy for Industry.

The assessment is to determine if acoustic treatments are required in order to control noise emissions from the mechanical plant so that:

- Any noise emitted will not cause "Offensive Noise" as defined by the Protection of the Environment Operations Act 1997;
- Any noise emitted complies with recommendations within NSW EPA Noise Policy for Industry; and
- The sound contribution of any mechanical plant does not exceed background noise levels at the nearest residential receptors for the day, evening and night time periods.

Any design recommendations made by the consultant must be implemented into the plans prior to issuing the Construction 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 protect surrounding residence from any noise generated by mechanical plant.

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

Acoustic Report

Prior to the issuing of any interim / final occupation certificate an Acoustic Compliance Report, prepared by a suitably qualified professional such as an acoustic engineer, must be submitted certifying that:

- The noise emitted from mechanical plant when operational will not cause “Offensive Noise” as defined by the Protection of the Environment Operations Act 1997;
- The mechanical plant complies with recommendations within NSW EPA Noise Policy for Industry; and
- The sound contribution of any plant does not exceed background noise levels at the nearest residential receptors for the day, evening and night time periods.

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

Certification is to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To protect surrounding residence from any noise generated by mechanical plant.

Registration of Food Business

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

Kitchen Design, construction and fit out of food premises certification

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a suitably qualified and experienced person that the design, construction and fit out of food premises kitchen is compliant with the requirements of Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 ‘Design, construction and fit out of food premises’.

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

Reason: To ensure that the kitchen complies with the design requirements.

Mechanical Ventilation certification

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

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

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place prior to 7am on any day.

Reason: To protect the acoustic amenity of surrounding properties.

Commercial Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.