

## Environmental Health Referral Response - commercial use

<b>Application Number:</b>	DA2021/1021
<b>Date:</b>	10/11/2021
<b>To:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 1 DP 127472 , 577 Sydney Road SEAFORTH NSW 2092

### 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

Essentially the proposal is to convert an existing garage to a café on a multi-use site.

The proposal involves the following:

- Works to the existing garage and change of use to a café, including new front and rear façade and floor, new awning to front and rear. The GFA of the new space is 19.7sqm. The proposed hours of operation are 7am-10pm, 7 days;
- Minor adjustments to the external façade of the overall building including removal of satellite dish, new metal screens for air-conditioning, new main entry door and general maintenance works and repainting;
- Strata subdivision into 6 lots plus common property.

Environmental Health is concerned about a number of issues which do not appear to be addressed in the submission and will require additional clarification information to properly assess:

1. The number of proposed seated customers and staff is not provided in relation particularly to sanitary facilities adequacy and if outdoor seating front or rear is proposed.

The new use will require access to toilets which will need to comply with BCA requirements. Toilets shown on plan appear to be shared by a number of occupancies all of which individually or on a shared basis require adequate accommodation.

Where the sanitary facilities are to be shared the applicant is to show total site compliance with the BCA for the increase in occupancy impact on shares toilets or provide additional facilities for the café.

2. The hours of operation (assuming including preparation, deliveries and close down/cleaning ) will be to 10pm 7 days a week potentially impacting on adjacent residential premises( within the current site and neighbouring property).This impact has not been adequately addressed in regard to potential odour and noise to these residential residents (normal business activities 9am to 5pm could be reasonably expected in this area and the proposal exceed this significantly ) Where a business is to operate post 9pm Council would usually consider if an Acoustic assessment is necessary. The applicant needs to address this potential issue.
3. Likewise, the provision of an exhaust system and its termination location of the mechanical ventilation for any cooking activities is not addressed in regard to both potential noise and cooking odour.
4. Similarly the air-conditioning proposed to operate to 10pm; details are required to assess any noise impact on adjacent residential receivers. This also applies to any external refrigeration motors.
5. Proposed fit out details of the café would assist with assessment and ability to comply with Food Standards including size of the kitchen/customer area(internally and externally), cooking appliances, garbage storage and potential grease trap and the like.

#### **Recommendation**

REFUSAL(subject to additional information)

9/11/2021

#### **General - Additional Information**

Amended information to hand (see also Industrial referral for detail)

#### **Recommendation**

In regard to the use of premises for Sale of Food issues we now have no objections 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 WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

#### **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 person that the design, construction and fit out of food premises kitchen is compliant

with the requirements of 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 and food storage area complies with the design requirements of AS 4674 .

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

### **Food preparation equipment**

All individual apparatuses used for cooking or re-heating of food must not exceed 8kW electrical power input or 29MJ/h gas power input.

Collectively the total power input of all cooking or re-heating apparatuses within the food premises must not exceed:

- 0.5 kW electrical power; or
- 1.8 MJ gas,

per m<sup>2</sup> of floor area of the room or enclosure.

Deep frying is not permitted without externally exhausted mechanical ventilation in accordance with AS1668.2.

Reason: To protect the health, safety and well-being of patrons and staff in addition to the odour amenity of neighbouring properties, prevent breaches of the Food Standards Code and comply with the National Construction Code.

### **Takeaway Food and Drink only**

Business approved for takeaway service only

Reason: Proposed by applicant (to comply with aspects related to sanitary facilities, noise, fit-out and ventilation)