



Environmental Health Referral Response - commercial use

Application Number:	DA2019/0987
To:	Kent Bull
Land to be developed (Address):	Lot 1 DP 1170245 , 0 Wharves And Jetties 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, accupuncture, 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

Environmental Health only have one main reservation that relates to the hours of use (to midnight) in regard to noise.

Although a management plan has been submitted it has not necessarily been assessed by an acoustic engineer.

Likewise mechanical exhaust equipment needs to be assessed.

Council is mindful of complaints concerning other businesses in the general area and therefore is obliged to look closer at this issue. Environmental Health is of the opinion that the potential noise issues can be addressed and therefore it is proposed rather than delay the application that approval be given with conditions addressing our issues.

Smoke and odour matters can be dealt with conditions.

Recommendation

APPROVAL - subject to conditions

Recommended Environmental Health and Protection Conditions:

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

Kitchen Design, construction and fit out of food premises

The construction fit-out and finishes of the food premises must comply 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'. Prior to any Occupation Certificate (OC) being issued certification is to be provided by a suitably qualified person that the fit-out complies with the above requirement.

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

Additionally noise, smoke and odour potential issues shall be taken into consideration and design shall incorporate any necessary measures to avoid any nuisance to any neighbouring occupier.

Reason: To ensure that the design, construction and installation requirement for mechanical ventilation complies with the Australian Standard 1668.2 and noise, smoke and odour nuisances are avoided.

Noise reduction measures

The proposal shall be referred to an acoustic engineer to advise the applicant on any measures to be incorporated to eliminate potential noise nuisances from the use of the premises including, management and use of external areas ; mechanical ventilation, plant and equipment. Such recommendations shall be implemented prior to final occupation and be included as necessary in the Plan of Management ongoing.

Reason: To ensure noise minimisation measures are adopted for implementation and any modifications prior to construction commencing.

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.

Mechanical ventilation

Where Mechanical ventilation is required to be installed in the food premises it must comply with Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings" Prior to any Occupation Certificate (OC) being issued, certification is to be provided by a suitably qualified person that the mechanical ventilation complies with the above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the
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Australian Standard 1668.2.