

## Environmental Health Referral Response - commercial use

<b>Application Number:</b>	DA2021/0339
<b>Date:</b>	25/05/2021
<b>To:</b>	Nick Keeler
<b>Land to be developed (Address):</b>	Lot 5 DP 554506 , 47 Sydney Road 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

Environmental Health have been requested to provide comment on the proposed development for minor alterations of an existing building to operate a cafe. As part of this referral food premise operation of the business, fit out and noise have been considered.

The development proposal advises that the business will operate from 6am to 7pm Mondays Sunday. The EPA noise policy for industry defines daytime as 7am-6pm Monday to Saturday and 8am-6pm on a Sunday. Meaning the proposed use of the site sits in the shoulder periods between night and evening. As background noise is increasing in the morning during this time and decreasing in the evenings the use of the site is expected to maintain acoustic amenity. The site is also located within the business center of Manly where an increased level of noise is expected.

Based on the information provided in the SEE and plans the overall flow of the kitchens areas seem sufficient. Food premise fit out and any required mechanical ventilation is to be conditioned to provide certification that kitchen fit out and mechanical ventilation comply with AS 1668 & AS 4674. Environmental Health recommend approval subject to conditions.

### 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.

## 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 complies with the design requirements.

### **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 Australian Standard 1668.2.