

Environmental Health Referral Response - commercial use

Application Number:	DA2020/1503
Date:	28/01/2021
To:	Maxwell Duncan
Land to be developed (Address):	Lot 1 DP 864459 , 1 / 0 Lawrence Street FRESHWATER NSW 2096

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 a change from an existing building to a child care centre.

The SEE does not mention if food is going to be provided to the children as part of the operation of the child care centre.

If food is going to be provided to the children it is regarded as food for sale under the Food Act 2003. The kitchen will need to be commercial in nature and 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'.

The SEE advises that recent upgrades to the building includes a new kitchen however, this was for the existing use (Girl Guides Hall) and the new kitchen is unlikely to be commercial in nature and comply with the above mentioned requirements. Furthermore, the plans and the SEE indicate that there will be no further works to the kitchen and the plans specify that the flooring within the kitchen is timber. Timber flooring does not comply with the requirements of AS 4674 'Design, construction and fit out of food premises'.

In order for Environmental Health to assess the application the applicant is to confirm if food is going to be provided to the children. If so, the kitchen will need to comply with the above mentioned requirements. This could result in extensive works to the kitchen and an amended application. Applicant should obtain advice from someone that is suitably qualified and experienced to determine if the current kitchen can easily be made complaint with the above mentioned requirements.

If children are to provide their own food there will most likely be a condition that no food for sale be prepared using the existing kitchen.

Recommendation

REFUSAL

New Information – Additional Review 27 January 2021

Applicant has advised that no food will be provided to the children on site, with Children will bring their own food for morning tea and lunch.

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:

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

Use of Kitchen

The existing kitchen is not to be used for the handling of food for sale as defined by the *Food Act 2003*.

Reason: Food safety. The existing kitchen is not certified as being compliant 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'.