

## Environmental Health Referral Response - commercial use

<b>Application Number:</b>	DA2023/0998
<b>Proposed Development:</b>	Alterations and additions to a Community Facility. Crown land - Part Lot 2797 DP820312, Lot 1 DP909023 & Lots 21 to 23 Section 2 DP975183 - Part Reserves D500403 and R64997 for Public Recreation - Freshwater Surf Life Saving Club
<b>Date:</b>	21/01/2025
<b>To:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 1 DP 909023 , 9999 The Esplanade 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, 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

This application is seeking consent for alterations and additions to the Freshwater Surf Life Saving Club. The second floor is to contain a restaurant and outside terrace area towards the north-west. A new cafe toward the north-east, a new recreation hall to accommodate an additional badminton court (3 in total). The proposed restaurant will host a maximum of 163 people and will operate during breakfast, lunch and dinner hours. Cafe will host maximum of 62 people.

Environmental Health require further information and clarification before proceeding with a final assessment.

- There was no acoustic report provided with this application and given the large number of people the new restaurant can cater for, the outdoor terrace/verandah area and the close proximity to the residential receivers along Gore Street, Freshwater (less than 100m), an acoustic report will be required.

A suitably qualified person is to complete an acoustic report to determine if any adverse noise impacts from the development are likely to occur. If so, what suitable mitigation measures can be applied. The acoustic report is to detail all sources of noise from the development once operational and assess whether the noise can cause an adverse impact on residential receivers and if so, what mitigation

measures can be applied to reduce noise to an acceptable level.

The acoustic report is to include the following noise sources, but not limited to, noise from the gymnasium, patron use of the restaurant, including the terrace, music noise (if relevant), badminton noise.

- There is no indication of the hours of operation for the gymnasium and for the restaurant. This will need to be clarified.
- The intended design layout of the kitchen/cafe and kiosk is required at this stage so Council can assess the seating arrangement and view the toilet to patron ratio. Please provide detailed design drawings of the food preparation/eating areas of the club including patron seating area., identifying expected seating arrangements.

Environmental Health recommend refusal at this time.

Update 21/01/2025

Additional information has been forwarded to Council in response to a request for information. Environmental Health is satisfied with this information in relation to the proposed food premises and supports the proposal with a recommendation of a number of conditions of consent.

Further comments relating to other parts of this development are made in an additional Environmental Health "commercial" referral response.

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 Principle certifier. 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 premises complies with the design construction and fit-out requirements.

#### **Mechanical ventilation Plans**

Where Mechanical ventilation is required to be installed in the food premises ,prior to any Construction

Certificate (CC) being issued, detailed plans must be submitted to and approved by the Principle certifier that demonstrate compliance with the following:

- Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

These plans are to be prepared by a suitably qualified person.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

### **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 the 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 occupation certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating 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.

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

#### **Mechanical Ventilation certification**

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate 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 and to prevent amenity impacts.