

## Environmental Health Referral Response - commercial use

<b>Application Number:</b>	DA2021/2545
<b>Date:</b>	29/03/2022
<b>To:</b>	Adam Croft
<b>Land to be developed (Address):</b>	Lot 13 DP 1189590 , 25 Spring Cove Avenue 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

Council has assessed the proposal for a home-based kitchen with particular scrutiny over food safety requirements and production volume as a commercial operation within a residential setting. Accordingly, we reference the NSW Food Authority document "Advisory Guideline for Enforcement Agencies - Risk-based inspection frequencies" in order to determine the overall risk category for the proposal of '5 wedding cakes per week'.

The above guideline refers to such an operation as a "medium" risk business for the fact that the weekly output will likely be greater than 10kg. Medium risk food business are generally deemed unsuitable for a residential premises. Thus, given the information available at the time of assessment, we do not support this application.

However, if the applicant can provide evidence that, either:

- weekly output is less than 10kg, or
- the kitchen is able to be fit-out to Australian Standard 4674 -as a commercial kitchen must be,

Council would be more likely to support the application.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

### Recommended Environmental Health and Protection Conditions:

Nil.