

## Environmental Health Referral Response - commercial use

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| <b>Application Number:</b>             | DA2020/0375   |
| <b>Date:</b>                           | 02/09/2020  |
| <b>To:</b>                             | Penny Wood  |
| <b>Land to be developed (Address):</b> | Lot 8 SP 18046 , 8 / 38 - 42 The Corso 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

This application seeks to change the approved use of the premises to that of a food and drink premise - Restaurant.

The applicant had initially not supplied an acoustic report with the application documentation and there is very little reference in the Statement of Environmental Effects as to how noise from the premises is going to be managed.

The provisions of, and strict compliance with, an acoustic report from a qualified acoustic consultant is crucial to the success of this application as the subject site has been the subject of several noise complaints relating to the generation of amplified music

Accordingly, as a result of this omission approval of this application was not supported.

#### Additional Review - New Information Received

Update - On 9 July 2020 Environmental Health was advised that an Acoustic Report had been lodged and now formed a part of the application documentation.

The Acoustic report appears to adequately address previous noise issues at the premises. Accordingly, conditions will be imposed to maintain the amenity of the surrounding neighbours.

### 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 WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE  
OCCUPATION CERTIFICATE**

**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 person who is eligible as a 'Member' of Environmental Health Australia (EHA) 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.

**Noise from Amplified Music**

Settings for the required RMS compressor limiter shall be set by a suitably qualified person to the requirements of the acoustic report by Koikas Acoustics.

Reason: To ensure noise limitation equipment is correctly installed with correct settings.

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

**Compliance with Acoustic Report**

Full compliance is required with all recommendations outlined in the acoustic report by Koikas Acoustics Pty Ltd dated 22 June 2020

Reason: To preserve the amenity of surrounding properties.

**Noise assessment**

An noise assessment by a suitably qualified acoustic consultant must be done and submitted to the Certifier and a copy to Council (for its records).

This report must demonstrate that recommendations made in the acoustic report by Koikas Acoustics Pty Ltd dated 22 June 2020 have been complied with.

Reason: To preserve the amenity of surrounding properties

**Noise Management Plan**

A Noise Management Plan is to be prepared and kept of site which shall include:

All musical input devices must be connected to the RMS compressor limiter.

The RMS compressor limiter must be installed between the audio system and the speakers to reduce the discrete frequency band (125 Hertz).

The RMS compressor limiter should be caged and padlocked to ensure unauthorised personnel do not tamper with the settings.

Reason: To ensure ongoing noise management by operational staff.

**Food preparation equipment**

All individual apparatuses used for cooking or re-heating of food must not exceed 8kW electrical power input or 29MJ/h gas power input.

Collectively the total power input of all cooking or re-heating apparatuses within the food premises must not exceed:

- 0.5 kW electrical power; or
- 1.8 MJ gas, per m<sup>2</sup> of floor area of the room or enclosure.

Deep frying is not permitted without externally exhausted mechanical ventilation in accordance with AS1668.2.

Reason: To protect the health, safety and well-being of patrons and staff in addition to the odour amenity of neighbouring properties, prevent breaches of the Food Standards Code and comply with the National Construction Code.