

## Environmental Health Referral Response - commercial use

<b>Application Number:</b>	DA2021/2065
<b>Date:</b>	15/11/2021
<b>To:</b>	Penny Wood
<b>Land to be developed (Address):</b>	Lot 2849 DP 822227 , 0 Market Lane 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

Applicant seeks approval for the fit out and use of a temporary wine bar in Market Lane.

The SEE advises:

*A temporary 'pop-up' wine garden has been operating successfully in this location since January 2021, and Council through an open tender sought expression of interest (on 12 May 2021) from local venue operators to enter into a longer-term arrangement to continue its operation.*

*MNT Investments Pty Ltd (the owner and operator a number of other local venues comprising Donny's Bar, Insitu and Cumberland) were the successful tenderer. As part of the tender process, the operator is required to prepare and submit a DA to Council to continue this activity.*

The applicant has advised the following relevant information to this referral assessment in the SEE:

- The existing temporary bar will be removed with a new temporary caravan used for drink service.
- That there will be no food preparation on site with surrounding food premises to service the venue.
- Waste and recycling from the venue will be stored within the dedicated waste area adjacent to the Manly Library Building.
- That the patrons will have access to the sanitary facilities located within the Manly Library foyer. An access pass will be provided to management for out of hours access to these facilities. The applicant has provided a BCA report prepared by Philip Chun Building Code Consulting dated 21 October 2021 (Reference: 21-217486\_BCA\_R02) that has assessed the number of sanitary facilities required and has advised The nearby Library facilities are understood to contain this number of facilities and signage is needed directing patrons to these toilets. The client needs to confirm with Council that the sanitary facilities are available at all times the pop up bar is operational.

As the temporary caravan is selling drinks this is classed as food for sale and therefore the caravan is subject to the requirements under the Food Act 2003. The caravan will also need to be adequately fitted out so that it can be easily and effectively cleaned and does not provide harbourage for pests. Typically mobile food would be subject to a Section 68 approval on Council land however, as this is more semi-permanent in nature and subject to a DA, Environmental Health recommends that the fit out of the caravan be conditioned to ensure it meets the relevant legislation and standards. A separate Section 68 Approval however may still need to be completed.

A potential concern with the outdoor dining is the potential to increase pests/provide pest harbourage. Environmental Health recommends that the Plan of Management be updated with the following to prevent pest harbourage:

- A contract be entered into with a licensed pest controller with regular inspections; and
- Details be included in the plan of management on how the area will be kept in a clean and healthy condition that prevents pest harbourage.

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 Mobile Food design, construction and fit out**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance the Food Act 2003, Standard 3.2.3 of the Australian and New Zealand Food Standards Code and the NSW Food Authority Guideline for Mobile Food Vending Vehicles must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person.

Reason: To ensure that the Food premise complies with the design construction and fit-out requirements.

**Plan of Management Update**

An updated Plan of Management is to be prepared to the satisfaction of Councils Environmental Health Team and the Principal Certifying Authority. Updates to the Plan of Management are to include:

- Pest control measures with a requirement that a contract be entered into with a licensed pest controller with regular inspections; and
- Details be included in the plan of management on how the area will be kept in a clean and healthy condition that prevents pest harbourage.

The updated Plan of Management is to be submitted to Council for review and approval by Councils Environmental Health Team.

Reason: To maintain amenity of the surrounding area..

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

### **Registration of Food Businesses**

All food businesses 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.

### **Construction and fit out of mobile food premises certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided to the Principal Certifying Authority by a suitably qualified person demonstrating that the design, construction and fit out of the mobile food premises is compliant with the requirements of the Food Act 2003, Standard 3.2.3 of the Australian and New Zealand Food Standards Code and the NSW Food Authority Guideline for Mobile Food Vending Vehicles.

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

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

### **Waste Storage Area**

The waste storage area adjacent to the Manly Library Building must be kept in a clean and healthy condition at all times. All waste is to be wholly contained within appropriate waste receptacles.

Reason: To protect amenity of the surrounding area and prevent pest harbourage.

### **Compliance with the Plan of Management**

The requirements of the approved Plan of Management are to be fully implemented from the issue of any interim / final occupation certificate.

Reason: To ensure the premises is maintained in an appropriate manner.