

## Environmental Health Referral Response - commercial use

<b>Application Number:</b>	Mod2021/0005
<b>Date:</b>	06/05/2021
<b>To:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 142 DP 752046 , 1858 Pittwater Road CHURCH POINT NSW 2105 Lot LIC 502589 , 1858 Pittwater Road CHURCH POINT NSW 2105 Lot 320 DP 824048 , 1858 Pittwater Road CHURCH POINT NSW 2105 Lot 1 DP 1148738 , 1858 Pittwater Road CHURCH POINT NSW 2105 Lot 3 DP 1148738 , 1858 Pittwater Road CHURCH POINT NSW 2105

### 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

Environmental Health has been requested to consider this proposal for "Modification of Development Consent A212/63 granted for alterations and additions to install an accessible lift to the motel".

The statement of Environmental Effects lists elements of the proposed development as:

- The enclosure of the existing waste storage and empty keg collection handling areas,
- The relocation of the existing bathroom facilities to facilitate the reconfiguration of the existing shop tenancies,
- The consolidation of 3 shop tenancies to create 2 shop tenancies,
- The expansion of the existing general store and delicatessen to include a new pick up/ take away window, access doors and roofed deck orientated towards the adjacent reserve, and
- The replacement of the existing external fire egress stair at the rear of the property.

The original referral response from Environmental Health referenced the potential non-compliance with the Building Code of Australia (BCA) in relation to sanitary facilities, in particular, the provision of urinals for male patrons as well as "unisex" facilities.

In response, the applicant has submitted amended plans which include the provision of a male urinal within the area of the sanitary facilities.

There are 5 existing toilets that serve the site and the alterations to the toilets will result in a total of 6 toilets which is an increase in the current arrangement.

As this modification application seeks consent for work relating to the retail tenancies and not the restaurant, it is considered appropriate that conditions be recommended to ensure that there is no intensification of use within the retail tenancies, and that there will be a restriction on cooking

### **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 TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

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

The construction fit-out and finishes of any retail tenancy that involves the preparation and/or retail sale of food must 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'. Prior to any Occupation Certificate (OC) being issued certification is to be provided by a suitably qualified person that the fit-out complies with the above requirement.

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

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

### **Restriction on Cooking Within Retail Premises**

No cooking shall be undertaken within the retail tenancies.

Any food related activity shall be restricted to the preparation and warming only of food.

Any intensification of the use of the retail premises in relation to serving of food will be subject to approval by way of a separate development application.

Reason: To promote compliance with the approved use of the premises.

### **Food Preparation Equipment**

No food preparation equipment may be used within the retail tenancies that has:

(i) a total maximum electrical power input exceeding 8 kW; or

(ii) a total gas power input exceeding 29 MJ/h; or

The total maximum power input to more than one apparatus must not exceed—

(i) 0.5 kW electrical power; or

(ii) 1.8 MJ gas,

Reason: To restrict equipment used on the premises that would facilitate cooking.