

## Environmental Health Referral Response - commercial use

<b>Application Number:</b>	REV2022/0004
<b>Date:</b>	22/06/2022
<b>To:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 111 DP 11936 , 16 Bangaroo Street NORTH BALGOWLAH NSW 2093

### 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

Proposal to convert the residential building into a child care centre include Plans that have not changed with regard to fit-out of the kitchen/food premises. We do not have any objections to the proposed fit out and therefore offer the same conditions as for DA2021/0680.

The applicant should know, however, that to comply with Section 5.2 of AS4674, toilets cubicles must be either:

- (a) separated from areas where open food is handled, displayed or stored by an intervening ventilated space fitted with self-closing doors; or
- (b) provided with self-closing doors and mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 s after the cubicle is vacated.

The Master Plans do not provide enough detail to determine whether or not this requirement has been taken into account. It looks as though the kitchen and toilet are adjacent and not separated by an enclosed space, thus its likely the construction will need to be done as per item (b) above.

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 Certifying Authority. 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 premise complies with the design construction and fit-out requirements.

### **Plans of Mechanical ventilation**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with the Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings", must be approved by the Certifying Authority for any cooking equipment with an individual or combined power rating level that triggers the requirement for mechanical ventilation under AS1668.2 including any deep frying equipment.

Reason: To ensure that the design, construction and installation requirement for mechanical ventilation complies with the Australian Standard 1668.2.

## **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 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 interim / final occupation certificate, certification is to be provided from a suitably qualified and experienced person that the design, construction and fit out of food premises kitchen is compliant with the requirements 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'. Details demonstrating compliance are to be submitted to the Principal Certifier.

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

### **Mechanical Ventilation Certification**

Where Mechanical ventilation is required to be installed in the food premises it must comply with Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings" Prior to any Occupation Certificate (OC) being issued, certification is to be provided by a suitably qualified person 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.