

Environmental Health Referral Response - commercial use

Application Number:	DA2022/0869
Date:	06/12/2022
To:	Nick Keeler
Land to be developed (Address):	Lot 1 SP 69948 , 1 / 43 - 45 North Steyne 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

Environmental Health has reviewed the development application which proposes a restaurant , associated internal fit-out, new mechanical ventilation and hours of operation from 7am – 10pm, Monday to Sunday.

The current proposal has a potentially confusing history with Shop 1 often being confused with Shop 2 (DA 48/09) information.

These comments relate to the food premises referral ONLY. Industrial considerations are addressed separately.

1. Ventilation

This will be addressed in the Industrial referral as there are concerns for compliance.

2. Grease Arrestor

It is not clear from the plans where the grease arrestor is located and how it will be emptied without entering the kitchen and food storage areas . Access to a grease arrestor in a commercial kitchen has a high likelihood of contamination of food sources and food contact surfaces. Therefore it must be located outside of all food kitchen and storage areas.eg The bin storage room The applicant needs to address this issue.

3. Waste oil

Based on the proposed operations, including frying, the premises will produce waste oil. There are no details on where waste oil will be stored. Waste oil storage must be provided with a hose tap connected to a water supply, paved with impervious material, graded and either drained to the grease arrestor or provided with a bund that is 110% the capacity of the waste oil tank. Depending of the bin room capacity it may be stored there. The applicant needs to address this issue.

4. Toilets/Sanitary accommodation

The proposal provides seating for a maximum number of 70 patrons. The BCA requires two female toilets and one male toilet and a urinal for a food premises with 70 patrons. The recent amended plans

depict the provision of two unisex toilets which is permitted to address compliance numbers however a male urinal is still required. The applicant needs to address this issue.

Environmental Health does not support the proposal at this time.

UPDATED RESPONSE 6 December 2022

Additional information received from the applicant clarifying matters raised by EH
Environmental Health supports the proposal 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**

Adequacy of Sanitary Facilities - prior to issue of a construction certificate

Provision of adequate sanitary facilities (including a male urinal) being incorporated into the design to comply with BCA requirements for the proposed number of patrons and staff.

Reason: To ensure compliance with BCA Sanitary Facilities requirements.

**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 person, that the design, construction and fit out of food premises kitchen and storeroom 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.

Mechanical Ventilation certification

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system, including smoke and odour control equipment, is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

