

## Environmental Health Referral Response - commercial use

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| <b>Application Number:</b>             | REV2021/0034   |
| <b>Date:</b>                           | 13/09/2021   |
| <b>To:</b>                             | Rebecca Englund  |
| <b>Land to be developed (Address):</b> | Lot B DP 316404 , 231 Whale Beach Road WHALE BEACH<br>NSW 2107 |

### 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

Review of the proposed changes to the development reveal no significant difference in outcomes for food premises. We have no objections, subject to the application of a number of conditions similar to the original proposal.

### 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:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### Odour Control on ventilation systems to kitchens

The ventilation systems to any kitchens must be designed to prevent odour being smelt within any habitable rooms including when windows and doors are open.

Reason: To prevent a negative impact on residents both within the complex and surrounding properties.

### **Music and amplified noise**

No speakers are to be placed in any outside areas of food business.

No music or amplified noise is to be audible within habitable rooms of residents within the complex or surrounding premises including when windows and doors are open.

Reason: To ensure no negative impact on residents within the complex or surrounding premises.

### **Noise and vibration from ventilation systems**

Noise and any vibration from the ventilation systems are not to be audible or felt within any habitable rooms within the complex or surrounding properties.

Reason: To prevent negatively impacting on persons living in the area.

## **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 premises complies with the design construction and fit-out requirements.

### **Mechanical Ventilation Plans**

Detailed plans of mechanical ventilation that demonstrate compliance with Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”, must be submitted to and approved by the Certifying Authority. Any external exhaust discharge must also be above the roofline and discharged in a manner that is not likely to cause an amenity impact. These plans are to be prepared by a suitably qualified person.

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**

### **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 to the Principal Certifying Authority by a suitably qualified person demonstrating 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.

Reason: To ensure that the kitchen complies with Australian Standard design requirements

### **Mechanical Ventilation certification**

Mechanical ventilation 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 to the Principal Certifying Authority 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.

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

### **Deliveries and waste collection to businesses**

All commercial waste collection and deliveries are to be made between 7am and 10pm.

Reason: To ensure person living in the complex and surrounding premises are not affected by noise from deliveries during unreasonable times.