

## Environmental Health Referral Response - commercial use

Application Number:	DA2019/1535
To:	Penny Wood
Land to be developed (Address):	Lot 1 DP 216273 , 11 The Corso 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, 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

Proposal to have a bookstore and bar in one of the Corso-facing ground level tenancies. Appropriate place for such use with regard to noise generated from bar activities. Environmental Health has reviewed the application with keen interest in the noise and food components.

Firstly, toilet facilities need to be addressed. With capacity of approximately 50 patrons, the applicant should consider a urinal in one of the cubicles to meet BCA requirements.

In operating a food business, we'll recommend standard conditions for licensing and fit-out. Further to that, a premise operating as a food business - including bars - needs to have adequate hand washing facilities. To comply with food safety standards a hand wash basin will need to be provided.

With regard to noise, an acoustic report prepared by Koikas Acoustics Pty Ltd recommends some industry standards that will serve as adequate conditions.

Extending on noise conditions, we will also recommend waste collection and delivery times.

### 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****Noise from waste collection and deliveries**

Deliveries and waste collection services (including trade waste) must only occur during the following hours:

- Weekdays – 6:30 am – 8:00 pm
- Weekends and Public Holidays – 8:00 am – 8:00 pm

Reason: To minimise disruption to neighbouring properties.

**Operational noise conditions**

7 am to midnight, the  $L_{A10}$  noise level must not exceed the background by more than 5dB in any 1/1 octave band centre frequency from 31.5Hz to 8kHz inclusive at the boundary of any residential premise.

Midnight to 7 am, the  $L_{A10}$  noise level must not exceed the background noise level in any 1/1 octave band centre frequency from 31.5Hz to 8kHz inclusive at the boundary of any residential premise and must not be audible within any habitable room of any residential premise.

Reason: minimise noise impacts for surrounding residents.

**Compliance with the Plan of Management**

Operations must comply with the Plan of Management submitted with the development application DA2019/1535.

Reason: Effectively manage operational outcomes to minimise any detrimental impacts on amenity.

**Mechanical noise controls**

Noise created by mechanical plant used by the premises must not be audible in a residential premise before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or before 7 am or after 10 pm on any other day. At all other times, use of mechanical plant must not result in noise that exceeds 5 dB(A) above background at the boundary of the nearest residential premise.

Reason: To protect the acoustic amenity of neighbouring properties.

**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 TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK****Compliance with the Management Plan**

Operations must comply with the Plan of Management submitted with this development application - DA2019/1535.

Reason: minimise the impact on amenity.

**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 from a person who is suitably qualified 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.

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 any mechanical ventilation system that the design, construction and installation of the mechanical ventilation system 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.