

Environmental Health Referral Response - commercial use

Application Number:	DA2023/0368
Proposed Development:	Fit out and use of the courtyard for the seating of 100 patrons, operating from 8.00am to 10.00pm (same as existing)
Date:	09/05/2023
To:	Nick England
Land to be developed (Address):	Lot 1 SP 61679 , 1 / 9 - 15 Central Avenue 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

Matters in this referral are only food preparation areas and Sanitary Facilities
The applicant has addressed these issues in the SEE :

"The proposal seeks Council approval to refurbish the existing communal outdoor dining space to improve the amenity and functionality of the space.

The use of the communal commercial courtyard is to remain unchanged, with the capacity restricted to 100 patrons and operation limited to between 8.00 am and 10.00 pm only (in line with current approvals)."

3.1.2 Shop 1 - Insitu

Development Consent No. 648/1999 approved the fitout and use of Shop 1 as a restaurant and bar on 14 February 2000. The consent was subsequently amended numerous times. Of relevance to this application are the following conditions

Modification No. 2 Condition 3 (referred to as DA684/1999 Part 2).

3. The seating both within and outside the shop is not to exceed one (100) seats

Modification No. 6 Condition ANS01 (referred to as DA684/1999 Part 6).

Internal section – 8.00 am to 12.00 midnight –Monday to Sunday

Outdoor section- 8.00 am to 10.00 pm Sunday to Monday (unchanged).

3.1.3 Shop 2 - Ground Zero

Development Consent No. 1278/1998 approved the fitout and use of Shop 2 as a café on 29 March 1999. The consent was subsequently amended on 4 April 2003, with the inclusion of Condition 17:

The shop will operate between the hours of 8.00 am and 10.00 pm Monday to Sunday

3.1.4 Shop 6 – Fat Joes Pizza Joint

Our review of Council's online DA tracker, and files retrieved as part of the GIPA to Council, did not find any record or reference to Shop 6 or its approved use and operating conditions, however it may have been subject to a complying development certificate

Fitout works of the existing commercial courtyard:

- (a) Demolition of the planter boxes along the eastern boundary
- (b) Removal of small palms from within the planters
- (c) Removal and replacement of part of existing rear wall and rebuilding part of this wall along the boundary line
- (d) Construction of a new service area with back of house wash-up (+21.3sqm of GFA)
- (e) Construction of new storeroom (+9.1sqm of GFA)
- (f) New timber pergolas plus new retractable awning
- (g) New internal corridor to provide access to communal sanitary facilities

2. Use of the courtyard as follows:

- (a) Capacity for up to 100 persons (seated only) (same as existing)
 - (b) Operating hours: Monday to Sunday 8.00 am and 10.00 pm (same as existing).
- No change is proposed to the operation of the existing shop tenancies (indoor and out), current liquor licenses and license boundaries are to remain unchanged as a result of this refurbishment

4.4 Sanitary facilities

Patrons will have access to the sanitary facilities located within the building (same as existing). As a result of the proposed works, patrons located within Shop 1 – Insitu and Shop 2 - Ground Zero will no longer need to exit the premises through the rear courtyard to access the communal toilets. Instead now, patrons located within Shop 1 and Shop 2 can access the shared facilities internally.

Environmental Health will add a condition in regard to Sanitary Facilities to ensure when all businesses are operating that access to adequate facilities is available and compliant
On this basis Environmental Health supports the proposal with 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 WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Certification of Sanitary Facilities - prior to occupation certificate

Sanitary Facilities shall comply with BCA requirements when any food business is operating.

Reason: To ensure shared Sanitary Facilities will be adequate.