

Environmental Health Referral Response - commercial use

Application Number:	DA2023/0803
Proposed Development:	Alterations and additions to the existing Hills Flower Market site
Date:	21/11/2023
To:	Kye Miles
Land to be developed (Address):	Part Lot 1 DP 845094 , 287 Mona Vale Road TERREY HILLS NSW 2084

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

The applicant advises:

The development the subject of this DA involves alterations and additions to the existing Hills Marketplace development located at No. 287 Mona Vale Road, Terrey Hills.

The two proposed new buildings will accommodate an expanded garden centre and rural supplies outlet and a new restaurant that will include a small area for ancillary brewing equipment.

In respect of the new restaurant, it is proposed that it includes a small area for ancillary brewing equipment where some craft beer will be produced on-site.

This type of community interaction in the production stage has become very popular with restaurants today. While a small area for ancillary brewing equipment is proposed within the new restaurant, the principal purpose of the new restaurant will remain as a licensed restaurant. The operation of the brewing equipment is to provide theatre/ambience within the restaurant that will be an ancillary feature of the overall operation of the new restaurant.

and also advises:

Development consent is also sought to undertake minor alterations and additions throughout the ground floor level of the existing building including to the area occupied by the existing Garden Centre, Taste Buds Café and the area formerly occupied by Piemonte Restaurant and to carry out minor reconfiguration and expansion of the existing flower shop.

The proposal seeks consent to demolish various existing structures and at-grade parking, to undertake preparatory bulk earthworks, to remove 28 site trees, to comprehensively upgrade the site landscaping including providing substantial compensatory planting, to provide additional at grade parking and to install new business identification signage.

Development consent is sought to operate a mix of land uses from the Hills Marketplace site encompassing an expanded garden centre with ancillary plant cultivation area, a new restaurant (including ancillary brewing equipment), the existing café/restaurant and a new rural supplies outlet. The existing flower shop is also proposed to continue operating from the Hills Marketplace site.

Comment:

Food Premises

The provision of sanitary facilities we are advised is subject to final plans however we are concerned that as facilities are to be partly shared that we need to be satisfied that these will be adequate (including the need for urinals).

Sites where facilities are not adequate or located at distance may be a potential issue.

Therefore we need to know what calculations have been done to ensure compliance with the BCA Part 4F

Kitchen and food storage fit-out details compliance can be dealt with by way of conditions.

Access to grease traps and sewer. This matter is dealt with under the industrial referral.

Environmental Health cannot support the proposal at this time pending additional information.

ADDITIONAL INFORMATION 21/11/2023

The applicant has confirmed Sanitary Facilities complying to BCA as:

Existing

Garden Centre 1 & 2

Ground Floor

- 1 pan
- 1 basin

Mezzanine

- 4 pans
- 1 urinal
- 4 basins

Flower Shop / Café staff

Mezzanine

- 2 pans

- 2 basins

New

Garden Centre Shared Amenity 2 (all tenancies have access)

- 5 pans
- 2 urinals
- 5 basins

Includes DDA compliant facilities

Total proposed (excluding Restaurant 1).

- 12 pans (5 male, 7 female)
- 3 urinals
- 12 basins (6 male, 6 female)

The works proposed will result in a surplus of sanitary facilities, when Restaurant 1 is not operating. and advised also:

Total proposed exclusively for Restaurant 1 (indicative)*

- 7 pans (incl DDA) (2 male, 5 Female)
- 3 urinals
- 6 basins (incl DDA) (2 male, 4 female)

* Note restaurant patrons will also have access to the Garden Centre shared Amenity 2, immediately adjacent.

Total proposed for the development including Restaurant 1

- 18 pans
- 7 urinals
- 18 basins

The works proposed will result in a surplus of sanitary facilities.

Environmental Health therefore now 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 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 Principle certifier. 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

Where Mechanical ventilation is required to be installed in the food premises ,prior to any Construction Certificate (CC) being issued, detailed plans must be submitted to and approved by the Principle certifier that demonstrate compliance with the following:

- Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- Any external exhaust discharge must 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 installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

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 the Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

Sanitary Facilities prior to Occupation Certificate (OC) or Part Occupation

Sanitary Facilities, prior to issue of an Occupation Certificate (OC) or Part Occupation shall comply with BCA for any operating business.

Reason: To ensure adequate sanitary facilities for any operating business.

Kitchen Design, construction and fit out of food premises certification

Prior to the issuing of any occupation certificate, certification is to be provided to the Principal Certifier 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

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate 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 and to prevent amenity impacts.