

## Environmental Health Referral Response - commercial use

<b>Application Number:</b>	DA2024/1222
<b>Proposed Development:</b>	Alterations and additions and use of premises as a food and drinks premises and business identification signage
<b>Date:</b>	29/11/2024
<b>To:</b>	Simon Ferguson Tuor
<b>Land to be developed (Address):</b>	Lot 103 DP 1247294 , 145 Old Pittwater Road BROOKVALE NSW 2100

### 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 statement of environmental effects outlines the proposed development as:

Fit out and use of the existing commercial tenancy as a food and drink premises,

42 seats in total (30 internal seats and 12 external seats),

The restaurant is to be part of the El Jannah franchise,

Business identification signage as shown on the architectural drawings and including illumination and graphics for El Jannah, and

Alterations and additions to the tenancy as shown on the architectural drawings including new roller shutter, new doors, lighting and shop front decals.

Accompanying the proposal are acoustic and odour assessment reports which appear to adequately address any potential concerns in relation to noise/odour from the development and its associated equipment.

The proposal is supported with the recommendation of appropriate conditions of consent

Update - 29/11/2024

On 20/11/2024 the applicant from further information to Council in response to a request for further information.

The response provided information stating the the internal fitout for the premises is to be undertaken under a separate approval, being a Complying Development Certificate, and does not therefore form part of this proposal.

Environmental Health is in support of the proposal and has amended the recommended conditions which form part of this referral response.

### **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:**

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

##### **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 Principal 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.

##### **Mechanical Ventilation - Design Recommendations - Air Quality/Odour Impact Study**

The design of the mechanical ventilation system must incorporate design recommendations contained with the report entitled AIR QUALITY / ODOUR IMPACT STUDY by RWDI Australia Pty Ltd reference number RWDI # 2410723 dated 14 August 2024.

Reason: To prevent odour nuisance.

#### **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 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.