

**DRAFT CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. 714.1/2014****JOINT REGIONAL PLANNING PANEL NO. 2014SYW165****PROPERTY:**

**Lots 1 & 2 DP 204779, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12 DP 231805, Lot 12 DP 521803, Lot 21 DP 536004, Lot B DP 379576, Lot 31 DP 201418, Lot 101 DP 1006165, Lot 101 DP 1085221, Lot 2005 DP 1090149, No. 101 Meadows Road, Mt. Pritchard.**

**DESCRIPTION OF DEVELOPMENT:**

- the demolition of three (3) residential dwellings;
- the partial demolition of the southern side of the existing community club;
- the construction of a new southern extension incorporating restaurants, auditorium and function spaces;
- provision of 7 bus parking spaces and 30 car parking spaces;
- building identification signage totem; and
- landscaping of the new car park and provision of a children's playground

**OWNER:** Mt Pritchard District and Community Club Ltd

**PROPONENT:** Mt Pritchard District and Community Club Ltd, 101 Meadows Road, Mt Pritchard

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**APPROVED PLANS****1. Compliance with Plans**

The development shall take place in accordance with the approved development plans as prepared by WMK Architecture; project number 1140

<b>DRAWING NO.</b>	<b>ISSUE</b>	<b>DATED</b>
DA-000	C	07.11.2014
DA-001	C	07.11.2014
DA-010	C	07.11.2014
DA-011	C	07.11.2014
DA-012	C	07.11.2014
DA-013	C	07.11.2014
DA-016	C	07.11.2014
DA-018	C	07.11.2014
DA-020	C	07.11.2014
DA-021	C	07.11.2014
DA-022	C	07.11.2014
DA-023	C	07.11.2014
DA-050	C	07.11.2014
DA-100	C	07.11.2014

DA-101	C	07.11.2014
DA-102	C	07.11.2014
DA-103	C	07.11.2014
DA-104	C	07.11.2014
DA-500	C	07.11.2014
DA-600	C	07.11.2014
DA-900	C	07.11.2014
DA-901	C	07.11.2014

- Stormwater drainage plan S4B-SK-H100, Issue P3 prepared by Services 4 Buildings Pty Ltd, dated 11 February 2015;
- Landscape plan prepared by Stuart Noble & Associates;

DRAWING NO.	ISSUE	DATED
DA-1410-08	C	14.10.2014
DA-1410-09	C	14.10.2014

except as modified in red by Council and/or any conditions of this consent.

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

**The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.**

### 2. Design Report for Energy Efficiency Installations for Buildings Class 2 - 9

Prior to the issue of a Construction Certificate, a design report shall be submitted to the Certifying Authority, demonstrating that the proposed building complies with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia. The design report shall identify and detail the methods required to achieve compliance with the Building Code of Australia.

### 3. Noise Control Measures and Soil Assessment

Prior to the issue of a Construction Certificate, the following details are required:

- Full details of noise control measures to be employed onsite as referred to in the Acoustic Assessment, prepared by Arup Pty Ltd and dated 3 October 2014, including:
  - A report on the control of construction noise;
  - A report on fixed and operational noise control measures for the loading dock, outdoor dining and terrace areas, entertainment areas and mechanical plant;

A report on all proposed measures shall be submitted to Council for review and comment;

- A soil assessment and Hazardous Materials Survey, as referred to in the Stage 1 Site Assessment, Report No. E22172AA, prepared by Environmental Investigations Australia and dated 23 May 2014, shall be submitted to Council for review and comment;

#### 4. **Final Stormwater Plan**

A final stormwater drainage plan with details suitable for construction prepared by a suitably qualified and experienced stormwater drainage consultant shall be submitted with the application for the construction certificate. Final stormwater plan shall be in accordance with abovementioned stormwater concept plan and shall comply with Fairfield City Council's Stormwater Drainage Policy, Council's Urban Area OSD Handbook, AS3500, the BASIX Certificate and the conditions of this consent.

In particular, final stormwater plans shall include the following;

1. Cross sections through each OSD system showing level of orifice, top water level and invert level at kerb outlet.
2. Runoff routing calculations to demonstrate post developed flows does not exceed pre developed flows from respective site areas.

#### 5. **Roads Act Approval**

Prior to the issue of a Building Construction Certificate, a Roads Act Approval shall be submitted to the Certifying Authority for the construction of inter-allotment drainage servicing Cherry Street and Leo Street and connection into the existing road drainage system in Young Street in accordance with approved plans and specifications at no cost to Council. The alignment of the pipe shall traverse:

- No. 10 Cherry Street (Lot 28 DP 220028),
  - No. 9 Leo Street (Lot 17 DP 220028),
  - No. 12 Leo Street (Lot 16 DP 220028),
  - 29-33 Young Street (Lot 101 DP 1085221), and,
- discharge into the existing road drainage system in Young Street.

For the issue of Roads Act Approval, five (5) copies of plans and specifications giving full details of the design and construction shall be submitted with the application.

#### 6. **Stormwater Drainage Certificate**

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;

- c. The piped drainage system has been designed to an Average Recurrence Interval in accordance with Council's Stormwater Drainage Policy.

**Note:** Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- i. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- ii. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

## 7. On-site Detention Design Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that the drainage system has been designed to comply with:

- a. Method 2 of Council's Urban Area On-site Detention Handbook – February 1997:
  - i. To restrict the total discharge from site to current site discharge for all storms up to and including the 100 year storm events;
  - ii. To restrict the peak discharge from the site for 100 year 9-hour storm event to 140/1/s/ha.

**Note:** If Council is requested to issue the Construction Certificate, three copies of the plans and specifications giving full details of the design and calculations in the form of ILSAX/DRAINS input and output files and details as specified in Council's OSD handbook shall be submitted to the Council.

**Note:** Where Fairfield City Council is nominated to issue a Construction Certificate for on site detention, the following details will be required:

- a. Full details, as per Council's On Site Detention Handbook, of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels, etc.
- b. A plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regrading of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

## **8. Section 94A Levy Development Contributions**

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy as determined at the date of this consent is **\$665,940**.

The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).

## **9. Erosion and Sediment Control Plan**

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan shall be submitted to and approved by the Principle Certifying Authority. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

## **10. Disability Access**

Prior to the issue of a Construction Certificate a report from a suitably accredited person shall be submitted to the certifying authority demonstrating that the proposed building complies with the relevant requirements of the Building Code of Australia, AS1428.1 and Disability (Access to Premises – Buildings) Standards.

## 11. Sydney Water Consent

The plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick check agents details – see Building and Developing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

## 12. Food Requirements

Prior to the release of the Construction Certificate the following shall be submitted for approval by Council:

- Detailed floor plans, sections and elevations showing the location of all equipment, fixtures and fittings in each restaurant, bar, function kitchen, café kitchen and food storage area. The floor plan shall show the food preparation, food storage, food display and wash area locations for each area on the premises.
- Details demonstrating that the flooring in the food preparation areas, bar, washing and storage area of the premises has been designed and constructed so that they can be effectively cleaned; be unable to absorb grease, food particles or water. The floors shall be laid so that there is no ponding of water; and to the extent that is practicable, be unable to provide harborage of pests.
- Where floors are to be flushed with water the intersections of walls and plinths are to be coved in accordance with AS 4674-2004 “Design, Construction and Fit-out of Food Premises”.
- Details showing that the walls and ceiling in the bars, restaurants, function kitchen, café kitchen and food storage areas are designed so that they are sealed to prevent the entry of dirt, dust and pests; unable to absorb grease, food particles or water; and able to be easily and effectively cleaned. The ceilings shall be of a continuous construction so that there are no spaces or joints.

- Details showing an approved mechanical ventilation exhaust system designed in accordance with AS/NZS 1668-The use of Ventilation and Air conditioning in Buildings is provided for each restaurant. In addition to the requirements of AS/NZS 1668.1 and AS 1668.2, an extraction system shall be provided where there is any dishwasher and other washing sanitizing equipment that vents steam into the area to the extent that there is, or is likely to be, condensation collecting on walls and ceilings.
- Details showing that a grease arrestor shall not be located in areas where food, equipment or packaging materials are handled or stored. Access to the grease arrestor for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored (section 2.3.3, AS 4674-Design Construction and Fit-out of food premises).
- Details showing the location of all hand wash basins in the each food preparation area of each restaurant, function kitchen, café kitchen and bars.
- A detail showing that there is a sufficient amount of wash sinks in each food preparation area of each restaurant, bars, function kitchen and café kitchen. A separate equipment wash sink and food preparation wash sinks shall be provided in each food preparation area.

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Fairfield City Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.**

### **13. Construction Certificate Required**

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifying Authority.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 9725 0222.

### **14. Appointment of a Principal Certifying Authority**

Prior to the commencement of any construction works, the person having benefit of a Development Consent, or Complying Development Certificate must:

- a. appoint a Principal Certifying Authority; and
- b. notify Council of the appointment.

### **15. Notify Council of Intention to Commence Works**

The applicant must notify Council, **in writing** of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

## 16. **Kerb and Gutter Status Form**

Prior to the commencement of any construction works on site, the applicant shall return the attached footpath/kerb and gutter form to Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

## 17. **Erosion and Sedimentation Control**

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.11 of the Fairfield City Wide DCP 2013** shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

**Note:** On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

## 18. **Toilet Facility**

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility, or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

## 19. **Required Signage**

For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

- The name, address and telephone number of the principal certifying authority for the work; and
- The name of the principal contractor (if any) of the building work and a telephone number on which that person may be contacted outside working hours; and
- Stating that unauthorised entry to the work site is prohibited.

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.



## **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.**

### **20. Interim / Final Occupation Certificate Required**

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

### **21. Works on Adjacent Roads**

Prior to the issue of the Final Occupation Certificate, the following works are to be completed:

- a. The developer shall remove and replace all damaged or displaced path paving in Leo and Cherry Streets at no cost to Council.

All works to be carried out on adjacent lands under the control of Council, shall be in accordance with the standard requirements and specifications of Council.

### **22. Works-As-Executed Plans for Stormwater Drainage**

Prior to the issue of the Final Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifying Authority.

### **23. On Site Detention – Works-As-Executed**

On completion of the drainage works and prior to Occupation, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Principal Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans. The following details are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.

- b. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
- c. Location and surface levels of all drainage pits, weir levels and dimensions.

- d. Invert levels of - the internal drainage lines.
  - orifice plates.
  - outlet control pit.
- e. Finished floor levels of structures such as units and garages.
- f. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
- g. Verification that a trash screen is installed.
- h. Location and levels of any overland flow paths through the site.
- i. Details of any variations made from approved plans.

#### **24. Registration of Restriction and Covenant over OSD System**

Prior to the issue of the Final Occupation Certificate, proof of the creation of a 'Restriction on Use of Land' and 'Positive Covenant' over the on-site detention system in accordance with Council's Urban Area On-Site Detention Handbook (February 1997)/Council's On-Site Detention Guidelines for Rural Areas shall be submitted to the Principal Certifying Authority.

#### **25. On-Site Detention – Certification of Works**

A Certificate shall be issued to the Principal Certifying Authority upon completion of the drainage works and prior to issue of the Occupation Certificate certifying the following:

- a. That the on-site detention system will function in accordance with the approved drainage design.
- b. Any variations from the approved drainage design.
- c. That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

#### **26. Easement for Stormwater Line**

Prior to the issue of any Occupation Certificate, proof of the creation of an Easement to Drain Water in favour of Council over all Council stormwater lines shall be submitted to the Principal Certifying Authority, at no cost to Council. The width of the easement shall be determined in accordance with Council's Stormwater Drainage Policy – September 2002.

#### **27. Interim Fire Safety Certificate**

Prior to the issue of a final/interim Occupation Certificate, a final/interim fire safety certificate shall be submitted to and approved by the Principal Certifying Authority.

**Note:** An Annual Fire Safety Statement for the building premises dealing with essential fire safety measures shall be submitted to Council in accordance with the requirements of Clauses 177 and 181 of the Environmental Planning and Assessment Regulation 2000.

## **28. Adjustments to Public Utilities**

Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

## **29. Building in Saline Environments**

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

## **30. Certification of Energy Efficiency Installations for Buildings Class 2 - 9**

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate(s) shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in compliance with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia.

## **31. OSD – Marker Plate**

Each on-site detention basin shall be indicated by fixing a standard marker plate, details of which are as follows:

Minimum size: 150mm x 100mm

Material: Non Corrosive metal or 4mm thick laminated plastic

Location: Fixed in a prominent position to the nearest concrete or permanent surface and be above the expected water level in the basin. If in doubt, contact Council on 9725-0222.

Wording: A minimum letter height of 5mm is required.  
The wording is to consist of:-

**THIS IS AN ON-SITE DETENTION STRUCTURE  
DO NOT TAMPER WITH,  
CONTACT FAIRFIELD CITY COUNCIL PRIOR  
TO ANY PROPOSED WORKS IN THIS AREA**

The marker plate is to be attached prior to occupation of the proposed development.

## **GENERAL CONDITIONS**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.**

### **32. Compliance with the Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
  - i. complies with the performance requirements; or
  - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

### **33. Administration Fee for the Lodgement of Certificates**

Where a Principal Certifying Authority has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates, Interim Occupation Certificates, Occupation Certificates and Complying Development Certificates.

### **34. During Construction or Demolition**

During the construction or demolition period, the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.
  - 1. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

**Note:** On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement.

### 35. **Method of Stormwater Drainage**

The stormwater drainage generated from the proposed parking areas over existing dwellings shall be directed to the kerb and gutter on Leo Street and Cherry Street via OSD. Runoff from existing impervious areas shall be connected to existing drainage system.

**Note:** Drainage lines across the footpath shall be of 75mm x 200mm galvanised R.H.S laid at a fall not exceeding 1:40 (A 100mm sewer grade pipe is an acceptable alternative for single lot residential applications).

**Note:** If a street outlet is required it shall be constructed using a 100mm x 50mm galvanised rectangular connector laid into the kerb with the invert of the converter to be 10mm above the invert of the gutter.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

### 36. **Landscaping to be Completed**

The provision and maintenance of landscaping in accordance with the approved landscape plan prepared by Stuart Noble & Associates drawing numbers DA-1410-08 and DA-1410-09, issue C, dated 14 October 2014, including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

### 37. **Driveway Separation from Landscaping**

All driveways shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

### 38. **Carparking - General**

The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2013 – Car Parking, Vehicle and Access Management - Chapter 12:

- a. Thirty (30) off-street car parking spaces on Lots 16 and 17, DP 220028 and
- b. Seven (7) off street bus parking spaces on Lot 218, DP 220028.
- c.

Each space shall be permanently line marked and maintained free from obstruction at all times. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

**39. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All deliveries to the premises shall be made to the loading bay/s provided.

**40. Hours of Operation**

The approved hours of operation for the use of the subject premises are as follows:

Monday to Thursday:	9:00am – 3:00am
Friday:	9:00am – 5:00am

**41. Hours of Operation (Reviewable Condition)**

The approved hours of operation for the outdoor terraces are:

Monday to Sunday:	9:00am – 12:00 midnight
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In accordance with Section 80A (10B) of the Environmental Planning and Assessment Act, 1979, this condition is a reviewable condition and Council may review the condition at any time. Upon the condition being reviewed the operating hours may be varied in accordance with the recommendations of the review. The purpose of the reviewable condition is to enable the extended operating hours to be reviewed should they be subject to complaints regarding noise or other disorderly or antisocial behavior.

Condition No. 40 of the consent is a Reviewable Condition imposed in accordance with Section 80A(10B) of the Environmental Planning and Assessment Act, 1979.

**42. Vehicular Ingress/Egress from Meadows Road**

Vehicular ingress/egress from Meadows Road shall not occur between 12:00 midnight and 8:30am Monday to Sunday, seven days a week.

**43. Acoustic Barrier**

An acoustic barrier 3.0 metres high (1.8 metres masonry and the remaining 1-2 metres in Perspex) shall be erected on Lots 16, 17 and 22, DP 220028. The barrier shall be off-set 600m from the southern boundary of these lots and 'keyed-in' to the existing acoustic barrier on adjoining land.

**44. Use of the Premises**

The use of the premises shall comply with the following requirements:

- a. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- b. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- c. Appropriate signage shall be located outside the building to encourage patrons to minimise noise when leaving the premises.

**45. Octave Band Centre Frequency**

The LA 10\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00am and 12:00midnight at the boundary of any affected residence.

The LA 10\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00midnight and 07:00am.

\* For the purpose of this condition, the LA 10 can be taken as the average maximum deflection of the noise emission from the licensed premises.

**46. Garbage Rooms**

Details of the proposed waste management facilities (garbage rooms) shall be provided to and approved by Fairfield City Council prior to the issue of a Construction Certificate. The waste management facilities shall be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means. The garbage storage room will provide for a designated space for dry recycling facilities.

**47. Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

**48. Public Address System**

No public address system or sound amplifying equipment shall be installed so as to permit the emission of offensive noise, as defined by the Protection of the Environment Operations Act 1997, onto any private premises or public place.

**49. Compliance with Food Act 2003**

The premises shall comply with the requirements of the Food Act 2003, Australia New Zealand Food Standards Code, and the Australian Standard AS 4674-2004 Construction and fit out of food premises.

**50. Food Premises Requirements**

The food premises shall comply with the following requirements:

**Walls**

- a. The walls surrounding the food preparation areas shall be of solid construction.
- b. The walls in the food preparation area of the premises shall be: sealed to prevent the entry of dirt, dust and pests; unable to absorb grease, food particles or water; and able to be easily and effectively cleaned. Walls in food preparation areas shall be finished with one or a combination of the following materials:
  - (i) Glazed tiles.
  - (ii) Stainless or aluminium sheeting.
  - (iii) Polyvinyl sheeting with welded seams.
  - (iv) Laminated thermosetting plastic sheeting.
  - (v) Similar impervious material adhered directly to the wall.

**Floors**

- c. The flooring in the food preparation, storage and bar areas of the premises shall be designed and constructed so that they can be effectively cleaned; be unable to absorb grease, food particles or water; be laid so that there is no ponding of water; and to the extent that is practicable, be unable to provide harborage for pests. Floors in the food preparation areas shall be finished with one or a combination of the following materials:
  - (i) Sealed quarry tiles or ceramic tiles.
  - (ii) Stainless steel.
  - (iii) Polyvinyl sheeting with welded seams.
  - (iv) Laminated thermosetting plastic sheeting.
  - (v) Epoxy resin.
  - (vi) Steel trowel case hardened concrete.
- d. Coving of not less than 25mm in radius shall be provided to the intersections of floors with walls in the food preparation area. The coving shall be integral to the surface finish of both floor and wall in such a manner as to form a continuous uninterrupted surface.



Ceiling

- e. The ceiling in food preparation areas and storage areas shall be finished with impervious sealed material without joints, cracks and crevices. (Note: Drop-in, removable panel ceilings shall not be used in food preparation areas or over areas where open food is stored, displayed or served.)

Washing Facilities

- f. All hand wash basins installed within the premises, including those inside the toilets, shall be supplied with warm running water delivered through a single outlet.
- g. Adequate hand wash basins shall be installed inside the food preparation areas. They shall be located no further than 5m from any place where food handlers are handling open food.
- h. A liquid soap dispenser (that dispenses liquid soap) and a towel dispenser (that dispenses a single-use paper or cloth towel) shall be provided adjacent to or near each hand wash basin.
- i. The wash up sink shall be supplied with hot and cold water

Lighting and Light Fittings

- j. Artificial lighting provided to the premises shall comply with the requirements of AS 1680.1 and AS/NZS 1680.2.4.
- k. In areas where open food is handled or stored, light fittings shall be designed and constructed to prevent contamination of food should the globe or tube shatter and free from any features that would harbour dirt, dust or insects or make the fitting difficult to clean.

Mechanical Exhaust Ventilation System

- l. Where cooking or extensive heating processes or such other processes as may be specified are carried out in the kitchen or in food preparation areas, an approved mechanical exhaust ventilation system shall be installed and operated in accordance with AS/NZS 1668.1 - 1998 and AS 1668.2 – 2012.
- m. The mechanical exhaust ventilation system shall be designed and installed in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012. A certificate (issued by a licensed mechanical ventilation contractor) stating compliance with these Australian Standards shall be submitted to Council.

Coolroom

- n. The open space between the top of the coolroom and the ceiling shall be fully enclosed and kept insect and pest proof.
- o. The coolroom must have a smooth concrete floor, which is to be sloped to the door. A floor waste connected to the sewer must be located outside the coolroom.
- p. The coolroom shall be able to be opened from the inside without a key and fitted with an alarm that can only be operated from within the coolroom.

Fixtures, Fittings and Equipment

- q. All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned.
- r. Service pipes, conduits and electrical wiring shall either be –
  - (i) concealed in floors, plinths, walls or ceiling; or

- (ii) fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces.

#### Toilet Cubicles

- s. The toilet cubicles shall be –
  - (i) separated from areas where open food is handled, displayed or stored by an intervening ventilated space fitting with self-closing doors; or
  - (ii) provided with self-closing doors and mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 seconds after the cubicle is vacated.

#### Waste Management

- t. Waste and recyclable material generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.
- u. A stainless steel cleaner's sink or a floor waste shall be provided for the disposal of waste water. The cleaner's sink or floor waste shall be located outside of areas where open food is handled.

#### Pest Control

- v. Practicable measures shall be taken to exclude and prevent the entry of vermin into the food preparation area through windows and doors. Where premises are enclosed, windows shall be protected against the entry of pests by being-
  - (i) tight-fitting and permanently fixed closed;
  - (ii) fitted with mesh screens that can be removed for cleaning; or
  - (iii) protected by a permanent mesh screen that can be cleaned in place.
- w. Entrances/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by -
  - (i) tight-fitting solid self-closing doors, roller shutters or other means of closing off the entrance; or
  - (ii) tight-fitting self-closing mesh screen doors.

#### Grease Arrestor

- x. A grease arrestor shall not be located in areas where food, equipment or packaging materials are handled or stored. Access to the grease arrestor for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.

#### **Others**

- y. Separate hot and cold water taps, fitted with hose connections, are to be installed in the kitchen at a position of not less than 600mm from the floor.
- z. Adequate facilities shall be provided for the storage of chemicals, cleaning materials and personal items (such as clothing, shoes and handbags).
- aa. The meter box shall have a smooth, washable cover. The top of the cover must be at an angle of 45° and be tight fitting to the wall.

- bb. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, waste water, waste products or other impurities which are a nuisance or injurious to health.
- cc. The use of charcoal or wood as fuel for cooking is not permitted unless with the prior approval of Council.
- dd. Designated hand wash basins shall be provided to each bar, plating area and café kitchen, function kitchen, restaurant and any other area where food is prepared and handled.

#### **51. Odours Complaint**

A smoke and odour impact assessment shall be submitted to Council if any complaints are lodged with Council in relation to the emissions generated as a result of the business. The report must be prepared by a suitably qualified environmental consultant and include modeling of the odour impact on the nearest affected receptor (e.g. residents/property occupants). Any recommendations resulting from the report are to be in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012, as well as the Office of Environment & Heritage Technical Framework – Assessments and Management of Odour from Stationary Sources in NSW (November 2006).

#### **52. Mechanical ventilation system noise complaint**

A noise assessment report shall be submitted to Council if any complaints are lodged with Council in relation to the noise emissions generated as a result of the business. The report must be prepared by a suitably qualified acoustic consultant and shall include details of the noise assessment and necessary works that are required to reduce the noise to a satisfactory level.

#### **53. Food Safety Supervisor**

A food safety supervisor shall be appointed in accordance with Food Act 2003 and a copy of the Food Safety Supervisor Certificate shall be submitted to Council prior to the commencement of the food business.

##### **Notation: Food Business Notification and Food Safety Supervisor**

Under Food Act 2003, a food business must notify the NSW Food Authority of the details of its food business. In addition, certain retail food businesses such as restaurants, cafes, takeaways, club and pubs are required under the Food Act 2003 to appoint at least one trained Food Safety Supervisor (FSS) in their business and notify the NSW Food Authority of the details of the FSS.

You can visit the NSW Food Authority's website at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) for full details of the food business and Food Safety Supervisor requirements.

#### **54. Mechanical Repairs**

The use of the premises involving the maintenance of motor vehicles shall comply with the following requirements:

- a. No motor vehicle or part of a motor vehicle in the custody of the business shall be left standing on any public road or footpath.
- b. All vehicles undergoing or awaiting repair shall be stored wholly within the building.

## 55. **Acoustic Report**

An acoustic report is to be prepared and submitted to Council for its assessment and approval within **three (3) months** of occupation/completion of the development. The report shall include but is not limited to the following information:

- a. Noise measurements taken at the nearing noise sensitive locations as indicated in the Acoustic Assessment, prepared by Arup Pty Ltd and dated 3 October 2014
- b. Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report;
- c. All complaints received from local residents in relation to the operation of the premises/development.
- d. Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from Fairfield City Council, any recommendations provided under point d) above shall be implemented fully.

## 56. **Garbage Storage Area**

The designated garbage/waste storage area as detailed in the approved plans shall comply with the following requirements:

- a. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor.
- b. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements.
- c. The door to the room must be tight fitting and self-closing.