

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-1476/2015, submitted by HB + B Property Pty Ltd, accompanied by Drawing No. DA2101 to DA2106, DA3100 & DA3200, Issue D, prepared by AJ+C Architects, dated 14 June 2016 and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 3) The food premises must be designed, constructed and operated in accordance with the requirements of:
 - a) The NSW Food Act 2003 and Food Regulation 2010
 - b) FSANZ Food Standards Codes 3.2.2 and 3.2.3
 - c) Australian Standard AS 4674-2004 (Construction and Fitout of Food Premises)
 - d) The Building Code of Australia
 - e) The Protection of the Environment Operations Act 1997
 - f) Australian Standard AS 1668 Part 1 and Part 2 (The use of ventilation and air-conditioning in Buildings)
 - g) Sydney Water Corporation (Trade Waste Section)
- 4) A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is "exempt development" under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other relevant legislations.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 5) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 6) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

The final landscape plan shall include the planting of a minimum of 4 x trees known to attain a minimum height of 20 metres at maturity on the site. Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order. The trees shall have a container size not less than 75 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use.

- 7) The landscape plan shall include the provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 8) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Approval also is granted for the removal of the following trees on Council's nature strip:

Tree Species	Location
2 x <i>Lophostemon confertus</i> (Brushbox)	Nature strip forward of 14-20 Eldridge Road

The tree removal works are subject to the following conditions:

- All tree removal works must be carried out by a qualified arborist - minimum qualification Australian Qualification Framework (AQF) Level 3 or equivalent;
- The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;
- The tree removal work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW);
- The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant.
- All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.
- The site must be maintained in a safe condition at all times;
- Appropriate hazard signage to be in place at all times during the tree works.

Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.

- 9) The applicant shall engage a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) and/or equivalent experience - to act as project arborist and to prepare a Tree Management Plan for the development site, and to oversee all works impacting on those trees to be retained.

All trees to be retained and protected, and trees located on adjoining properties within 5m of the subject property boundary, are to be covered by this Tree Management Plan. The Plan shall generally comply with section 2.3.5 of Australian Standard AS 4970-2009 Protection of trees on development sites, and with the requirements detailed in section 8.6 of the [Bankstown City Council Tree Management Manual](#).

The tree management plan shall specifically address the issue of works within the Tree Protection Zones of the 2 x *Eucalyptus saligna* (Sydney Blue Gum) located on the Calidore Lane verge adjacent to the south eastern corner of the site. In particular, the Tree Management Plan must include the design and construction measures required to avoid damaging the root systems of the two trees, together with other tree protection measures necessary to ensure the ongoing viability of the two trees.

A copy of the Tree Management Plan shall be submitted to Council for approval prior to the issue of the Construction Certificate.

- 10) The access road and vehicle footpath crossing shall comply with the following requirements:
- Be constructed on or above the existing soil level. No excavation and soil level changes are permitted within the Tree Protection Zone (TPZ) and the Structural Root Zone (SRZ) of the following trees located on the Calidore Lane verge adjacent to the south eastern corner of the site, with the exception of minor excavation in the TPZ only that may be necessary for the installation of supporting piers or similar. Supporting piers or similar shall be located to avoid existing structural tree roots - this will require tree root mapping carried out the project arborist to confirm the locations.

Tree Species	Location	Protection Zones*
1 x <i>Eucalyptus saligna</i> (Sydney Blue Gum)	Tree 3 in Arborist Report	TPZ 4.6 metres SRZ 2.7 metres
1 x <i>Eucalyptus saligna</i> (Sydney Blue Gum)	Tree 4 in Arborist Report	TPZ 10.2 metres SRZ 3.5 metres

* TPZ and SRZ radius in metres measured from the centre of the trunk of the tree.

- The access road and vehicle footpath crossing shall be suspended reinforced concrete slab, or similar, bridging over the SRZ, with the underside of the slab on existing ground;

- The project arborist is to supervise the construction of the access road and vehicle footpath crossing, and take all measures required to avoid damage to the root system and trunks of the tree;
 - The project arborist shall liaise with Council's Tree Management Planner during the design phase and the construction phase to ensure the works do not damage or destabilise the trees located on Council land.
- 11) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
 - 12) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to www.sydneywater.com.au/tapin

For Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.

Prior to release of a construction certificate Sydney Water must issue either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 13) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 14) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 15) Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$369,662.46 shall be paid to Council.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.

Note: The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.

- 16) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 17) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, at the applicant's expense:
- a) Two Heavy Duty VFC's of maximum width 5.5m on the western side and 9m on the eastern side on Eldridge Road. The developer must not construct any kerb or kerb & gutter across the footway along the driveway edges. The driveway must be configured to comply with Council's standard driveways.
 - b) Remove and Relocate Existing kerb inlet Pit "EX-2" to the end of Calidore Lane and reconstruct as an Extended Chamber type pit with a kerb inlet and lintel.
 - c) Drainage connection to Council's system.
 - d) Replace any damaged 1.2 metre wide concrete footway paving along the sites entire frontage to Eldridge Road.
 - e) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - f) Repair of any damage to the public road including the footway occurring during development works.
 - g) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: Council is required to prepare a site survey and design in order to determine the necessary information. The developer should make application and payment for the Work Permit at least twenty one (21) days prior to the information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

- 18) Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

- 19) An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of a construction certificate.
- 20) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the constructions site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 21) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires the developer to obtain a Works Permit and or a Roadway/Footpath Building Occupation Permit prior to issue of any Construction Certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.

The developer shall construct all proposed works within the public road and footway under the supervision and to the satisfaction of Council. The developer shall arrange for necessary inspections by Council whilst the work is in progress.

The developer shall ensure the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars. The developer shall provide proof of the policy, to Council, prior to commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.

- 22) The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 23) Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 24) For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an on-site stormwater detention system, in accordance with Council's Development Engineering Standards. The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage and on site detention system plan to be generally in accordance with the concept plan 15696_DA, Revision 1, dated 7 December 2015, by Henry&Hymas and in accordance with the requirements contained in Council's Development Engineering Standards. The Engineer shall certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards.
- 25) The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.
- 25) The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 26) All works carried out on site shall be in accordance with the recommendations and conclusion outlined as per the report referenced Acoustic Logic for 14-20 Eldridge Road, Bankstown Opal-Noise Impact Assessment Document Reference 20151488.1/2011A/R1/BW dated 20 November 2015.
- 27) Sight triangles for pedestrian safety at the driveway exit ramp to Eldridge Road and Calidore must comply with AS2890.1:2004 – Fig .3.3. The sight triangles showing clear motorist vision of pedestrians to both Eldridge Road and Calidore Lane are to be shown on the plan complying with AS2890.1:2004.
- 28) All of the relevant and appropriate water conservation and energy efficient requirements of Bankstown DCP 2015 – Part B4 shall be complied with. Details of the proposed measures to demonstrate compliance with the above DCP shall be submitted with the Construction Certificate

CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION

- 29) The building / subdivision work in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
 - b. the person having benefit of the development consent has:
 - i. appointed a principal certifying authority for the building / subdivision work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 30) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 31) The following trees shall be retained and protected from removal and damage for the duration of the development:

Tree Species	Location	Protection Zones*
1 x <i>Eucalyptus saligna</i> (Sydney Blue Gum)	Road verge – Calidore Lane Tree 3 in Arborist Report	TPZ 4.6 metres SRZ 2.7 metres
1 x <i>Eucalyptus saligna</i> (Sydney Blue Gum)	Road verge – Calidore Lane Tree 4 in Arborist Report	TPZ 10.2 metres SRZ 3.5 metres

* TPZ and SRZ radius in metres measured from the centre of the trunk of the tree.

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, the Tree Management Plan prepared by the appointed Project Arborist and approved by Council, together with the following conditions:

- The trees to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings;
- All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site;
- A designated Tree Protection Zone shall be created on site by erecting a tree protection fence at 10.2 metre radius from the trunk of the largest *Eucalyptus saligna* (Sydney Blue Gum) – Tree 4 in the Arborist Report. The fence is to be constructed of chain wire mesh 1.80 metres high supported by steel posts. The fence is to be installed prior to earthworks / construction, shall not be removed or altered, and is to remain in place for the duration of the site works;
- The applicant will display in a prominent location on the tree protection fence a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
 - a. The Development Consent number;
 - b. The name and contact phone number of the nominated consultant arborist;
 - c. The purpose of the protection zone;
 - d. The penalties for disregarding the protection zone;
- No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
- All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
- Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
- Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.
- All roots with a diameter greater than 20mm are to be cut cleanly using sharp hand tools and not torn or ripped by machinery.
- Root mapping is to be undertaken on (subject tree/s) within (specify location to be mapped). All work shall incorporate the recommendations following the root mapping.
- No ripping or rotary hoeing within the Tree Protection Zone of trees to be retained is permitted.
- Any approved excavation within the Tree Protection Zone of protected trees must be carried out by hand under the care and control of a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 or equivalent - to avoid unnecessary damage to tree roots.

- The Project Arborist will certify the works as executed.
- 32) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
 - 33) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
 - 34) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
 - 35) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 36) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 37) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 38) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- 39) The existing bus stop located towards the western boundary of the site in Eldridge Road shall be relocated further east at the developers cost to the satisfaction of the relevant bus company.
- 40) The applicant shall apply to the Bankstown Traffic Committee for the erection of the following signage:
 - a) A 'No Stopping' zone across the western driveway in Eldridge Road is to be provided to improve sight distance to approaching traffic.
 - b) A 'No Stopping' zone is to be provided in the cul-de-sac, north-eastern end, of Calidore Lane to improve sight distance of motorists exiting the access one-way road.
- 41) The applicant shall apply to the Bankstown Traffic Committee for the installation of a Works Zone along the site's frontage in Eldridge Road eight (8) weeks in advance of when construction is scheduled to begin. The Bus Stop shall be temporarily relocated while the Work Zone is in operation. This will be at the applicants cost.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

- 42) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 43) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 44) Prior to the ground floor slab being poured, an identification report by a Registered Surveyor must be submitted to the principal certifying authority verifying that the proposed buildings finished ground floor level and siting to the property boundaries conforms to the approved plans.
- 45) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 46) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.

- 47) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 48) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a. protect and support the adjoining premises from possible damage from the excavation, and
 - b. where necessary, underpin the adjoining premises to prevent any such damage.
- 49) All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 50) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). *Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.*
- 51) A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 52) All works carried out on site shall be in accordance with the recommendations and conclusion outlined in the report by Douglas Partners Preliminary Site Investigation for Contamination with Soil Sampling for Proposed Residential Care Facility 14-20 Eldridge Road Bankstown Prepared For Hansen Yuncken Pty Ltd Project 72087.03.R.001 dated August 2015.
- 53) Any materials being removed from site (including virgin excavated natural materials (VENM)) should be classified for off-site disposal in accordance with EPA (2014) *Waste Classification Guidelines* and be disposed of to an appropriate EPA licensed waste facility.
- 54) Any material being imported to the site should be assessed for potential contamination in accordance with NSW EPA guidelines as being suitable for the intended use or be classified as VENM.

- 55) Any new information which comes to light during works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

If unexpected materials are unearthed, works are to cease until the situation is evaluated and an appropriate response determined by the applicant which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor or occupational hygienist is involved to assist with the assessment of the new contamination information.

Construction requirement for Food Premises (56 to 94)

Conditions relating to Walls

- 56) All walls (including partition walls) within the kitchen, food preparation, storage and display areas must be of solid construction (e.g. Bricks, cement or other approved material). These walls must be finished with glazed tiles; stainless steel or other approved material adhered directly to the wall to the full height of the wall.
- 57) Existing walls within kitchens, food preparation, storage and display areas which are not of solid construction (egg stud walls) must be finished in tiles or other approved material from the floor level to the underside of the ceiling.

Conditions relating to Floors

- 58) The floors within the kitchen, food preparation, storage, display and customer areas must be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent, impervious to moisture and of a light colour.
- 59) If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles must be of a material that is non-absorbent and impervious to moisture e.g. Epoxy grout.
- 60) The intersection of walls with floors and plinths in the kitchen, food preparation, and storage and display areas must be coved to a minimum radius of 25 mm.
- 61) The floors must be graded and drained to floor waste/s connected to the sewer. The floor waste/s to consist of a removable basket within a fixed basket arrestor and is/are to comply with the requirements of Sydney Water.

Conditions relating to Plinths

- 62) All plinths must be constructed of a material which is of solid construction e.g. concrete and impervious to moisture. The plinths must be:
- a) At least 75 mm high;
 - b) Finished level to a smooth even surface;
 - c) Recessed under fittings to provide a toe space of not more than 50 mm
 - d) Rounded at all exposed edges; and

- e) Coved at the intersection of the floor and wall to a minimum radius of 25 mm. All sides must be tiled or a continuation of other approved floor material.

Conditions relating to the Ceiling

- 63) The ceiling must be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas must be painted with a washable paint of a light colour. The surface finish must be free of open joints, cracks, crevices or openings (DROP PANEL CEILING NOT PERMITTED). The intersection of walls and ceiling must be tight jointed, sealed and dust-proof.

Conditions relating to Windows

- 64) Window openings in the kitchen and food preparation areas must be designed and constructed with the sill at least 300mm above the top of any bench, table or equipment. The sill must be splayed outwards at an angle of 45°.
- 65) All openable windows must be provided with tight fitting insect screens capable of being removed for cleaning.
- 66) Architraves, skirting boards and picture rails must be removed.

Conditions relating to Installation of Fixtures and Fittings

- 67) All service pipes and electrical and data conduits must be either:
 - (a) Concealed in floors, walls, ceilings or concrete plinths, OR
 - (b) Fixed with brackets so as to provide at least 25 mm clearance between the wall and the pipe/conduit; AND 100 mm between the floor and the pipe/conduit. Pipes so installed are not to run underneath fittings.
- 68) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass must be designed and constructed so as to prevent the access of vermin and protect the structural integrity of such floor, wall and ceiling as the case may be.
- 69) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage for vermin are NOT PERMITTED to be formed in the construction of the food premises including but not limited to food preparation, food display or storage areas, or in the installation of fixtures, fittings and equipment.
- 70) The hot water service unit must be positioned a minimum of 75 mm clear of the adjacent wall surfaces and mounted a minimum of 150 mm above the floor level on a stand of non-corrosive metal construction (e.g. Stainless steel).
- 71) Refrigeration and frozen food cabinets/units must be supported on wheels, castors or stainless steel legs. If legs are used there must be a clear space of 150 mm between the floor surface and underside of such appliances/units.

Refrigeration and frozen food cabinets/units up to 6 metres in length must be kept a minimum of 200 mm clear of the wall and 400 mm clear where the appliance exceeds 6 metres in length.

- 72) Cooking appliances must be installed in the following positions:
- a. At least 150 mm clear of the wall where such appliances do not exceed 1200 mm in a continuous run;
- 73) At least 300 mm clear of walls where such appliances are between 1200 mm and 2400 mm in a continuous run.
- 74) At least 450 mm clear of walls where such appliances exceed 2400 mm in a continuous run.
- 75) Equipment shall be moveable for cleaning, built into walls with the enclosure completely vermin proofed, butted against walls or other equipment and the joints sealed.

Note: Where cooking appliances are fitted with wheels or castors and provided with flexible connections they may be located hard against the walls and butted against each other.

Conditions relating to Shelving and Benches

- 76) The internal and external surfaces, including exposed edges, to all benches, counters and shelving in the food preparation, storage, display and serving areas must be finished with a rigid, smooth faced and non-absorbent material (e.g. laminate, stainless steel or other approved material) that is capable of being easily cleaned.
- 77) All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall must be completely sealed.
- 78) All shelving being provided for the storage of food, equipment and containers is to have the lowest shelf at least 150 mm above the floor level.

Conditions relating to Cool Room/Refrigeration

- 79) The cool room floor must be constructed of a material that is smooth faced, durable, and impervious to moisture e.g. concrete. The floor must be graded and drained to the door. A floor waste fitted with a basket arrester must be located outside the cool room adjacent to the door.
- 80) Condensation from the refrigeration units and cool room motors must be directed to a tundish installed in accordance with the requirements of Sydney Water Corporation.
- 81) A temperature gauge must be provided to each cool room, chiller, freezer, refrigeration unit, and hot and cold food storage/display units. The temperature gauge must be accurate to one (1) Celsius degree and be readily accessible.

- 82) The cool room and freezer rooms must be fitted with a safety device in accordance with the provisions of GP1.3 of the Building Code of Australia. NOTE: The door must be able must be opened from the inside without a key.
- 83) The top of the cool room must be enclosed with an approved vermin-proof material. Where the room is built in such a position that an inaccessible cavity is formed between the top of the cool room and the ceiling above and/or the wall of the cool room and the existing wall construction, such cavities must be made vermin proof.

Conditions relating to Mechanical Ventilation-Kitchen Exhaust

- 84) A commercial kitchen must be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 & 2 where:
- a. Any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h, OR
 - b. A total maximum power input to more than one apparatus exceeds;
 - (i) 0.05 kW electrical power; or
 - (ii) 1.8 MJ of gas.
 - (iii) Per m² of floor area of the room or enclosure.
 - c. Where cooking operations are likely to cause a nuisance from buildup from oil or grease on the wall or ceiling.
 - d. Where dishwashing operations or equipment are likely to cause a nuisance from condensation forming on the walls or ceilings.
- 85) Provide a mechanical exhaust ventilation system above all cooking appliances. The mechanical exhaust ventilation system must be designed and installed by an appropriately qualified person in accordance with Australian Standard AS1668. On completion of the installation of the mechanical ventilation system a certificate of completion and performance from the design engineer must be submitted to Council certifying that the system has been installed, inspected, commissioned, tested and performs in accordance with Australian Standard AS1668.
- 86) The exhaust flue to the mechanical ventilation system must be located one metre above the highest point of any structure within a 30 metre radius.

Conditions relating to Lighting

- 87) All fluorescent light fittings in food preparation or food storage areas must be fitted with a smooth faced diffuser. The light fittings must be either:
- a. Recessed so that the diffuser is flush with the ceiling; or
 - b. Designed to ensure that no horizontal surfaces exist which would allow dust and grease to accumulate.

Conditions relating to Washing and Cleaning Facilities

- 88) A freestanding hand wash basin must be provided in a convenient position within the toilet/air-lock/kitchen/food preparation/serving areas. The hand wash

basin must be provided with hot and cold water supplied through a single outlet and fitted with an approved hands free mixing device.

- 89) Suitable liquid soap/detergent and single use towel dispenser or other effective hand drying facilities must be fixed to the wall adjacent to the hand wash basin(s).
- 90) A double bowl sink or two compartment tub with hot and cold water supplied through a single spout must be provided in the kitchen/food preparation area. Double bowl sink or tubs must be supplied with water of at least 45 ° C in one bowl for washing purposes; and 80 ° C in the other bowl for rinsing purposes, together with a thermometer accurate to 1 C °.
- 91) A cleaner's sink with a supply of hot and cold water must be provided within or in close proximity to the food preparation area for the purposes of general cleaning.

Conditions relating to Hygiene and Temperature Control

- 92) Hot and cold food display and/or holding appliances must be designed and capable of holding:
 - a. Cold Perishable Foods below 5°C; and
 - b. Hot Perishable Foods above 60°C;

when the appliances are OPERATING UNDER FULL LOAD. Details and specifications of these appliances must be furnished to Council prior to release of the Construction Certificate in support of the above.

- 93) Adequate provisions must be made for the storage of all staff personal effects, cleaning chemicals and equipment e.g. cupboards, lockers etc.

Conditions relating to Grease Arrestors

- 94) A Trade Waste application must be submitted to and approved by the Sydney Water Corporation regarding the installation of any proposed pre treatment equipment, e.g. basket and grease arrestors. A copy of the plumber's certificate of compliance for the installation of pre-treatment equipment and of the Trade Waste Agreement must be furnished to Council prior to occupation of the premises.

Construction requirement for Hairdresser Room (95 to 105)

- 95) The design, construction and operation of the skin penetration and hair salon premises shall comply with all applicable legislation, codes and guidelines, including:
 - a. *Local Government Act 1993;*
 - b. *Local Government (General) Regulation 2005;*
 - c. *Building Code of Australia;*
 - d. *Public Health Act 2010;*
 - e. *Public Health Regulation 2012;*

- f. *Work Health and Safety Act 2011;*
- g. *Work Health and Safety Regulation 2011;*

- 96) Floor surfaces shall be constructed of materials that are smooth, even, non-slip, and impervious to moisture, capable of being easily cleaned with hot water and detergent, durable and unable to absorb oils. The floor surface shall be free from gaps, cracks and crevices to enable easy cleaning.
- 97) The internal walls and ceilings of the premises must be constructed with smooth and impervious materials that are free from gaps, cracks and crevices to enable easy cleaning. Drop-in panel ceilings are not permitted.
- 98) The wall behind the hand wash basin from the floor to a height of 450mm above the top of the hand wash basin and from the centre of the hand wash basin to a distance 150mm beyond each side of the wash basin, must be constructed of, or covered with material that is durable, smooth, impervious to moisture and capable of being easily cleaned (e.g. tiles).
- 99) A hand wash basin must be provided in an accessible and convenient location in close proximity to the hairdressing area and within the waxing rooms. The basins must be freestanding, serviced with hot and cold water through a single spout, able to be mixed at a temperature of at least 40°C.

A supply of soap and single use hand towels must be provided at all times in an appropriate dispenser adjacent to all hand washing basins.

Hand basins are in addition to, and separate from, a kitchenette sink, a sink within toilet facilities, a sink within laundering areas and equipment cleaning sinks.

- 100) Premises where floors are wet washed shall have a suitable cleaners sink. This is in addition to an equipment sink, hand wash basin and kitchenette sink.
- 101) The premises must have a dedicated sink, for the cleaning of equipment and utensils only. The sink must be provided with clean, potable water through a single spout at a temperature of at least 40°C mixed from a hot and cold water supply. The sink must be large enough to enable equipment to be fully immersed under water.
- 102) The internal and external surfaces of storage cabinets, cupboards, work benches and the like must be constructed of, or covered with material that is durable, smooth, impervious to moisture and capable of being easily cleaned.
- 103) Areas used for skin penetration procedures, work space and preparation areas shall be illuminated to a level that complies with Australian Standard/New Zealand Standard *AS/NZS 1680.1:2006, 'Interior and workplace lighting – General principles and recommendations'*.
- 104) To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a. Environmental Planning and Assessment Act 1979;
- b. *Building Code of Australia*
- c. Australian Standard/New Zealand Standard AS/NZS 1668 Set
- d. *Protection of the Environment Operations Act 1997*;
- e. *Occupational Health and Safety Act 2000*.

105) Appropriate ventilation must be provided within the premises to prevent or abate odours that occur from the nail services that may affect clients, employees, the public and surrounding premises.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

106) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.

107) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.

108) Consolidation of the existing allotments must be registered by the office of Land and Property Information prior to the issue of an occupation certificate.

109) An Emergency Response Management Plan shall be prepared and submitted to Council's satisfaction. The Plan shall include the following:

- a) List of chemicals and maximum quantities to be stored at the site;
- b) Identification of potentially hazardous situations;
- c) Procedure for incident reporting;
- d) Details of spill stations and signage;
- e) Containment and clean-up facilities and procedures; and
- f) The roles of all staff in the plan and details of staff training.

110) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

111) A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.

112) Lighting must be provided to the entries of the dwellings, driveways and parking areas to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.

- 113) The premises must be readily identified from the street with the allocated house numbers. Numbering of the development without Council's written approval is not permitted. An official "house numbering" letter will be sent to the applicant indicating the proposed house numbers of the new development. Note: The house numbers of the development are subject to change depending of the type on subdivision that may occur at a later stage.
- 114) A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 115) The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. Where subdivision is not proposed, the surveyor shall show the location of the "On-Site Stormwater Detention System" on an A4 size site plan attached to the Section 88E Instrument to be registered, on the title of the subject property, prior to the issue of the Final Occupation Certificate. Alternatively, where subdivision is proposed, the developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. The surveyor shall show the location of the "On-Site Stormwater Detention System" on the plan of subdivision. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.
- 116) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 117) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.

- 118) A report prepared by an accredited Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of the State Environmental Planning Policy (Infrastructure) 2007, conditions of development consent and recommendations of the report prepared by Acoustic Logic for 14-20 Eldridge Road, Bankstown Opal Document Reference 20151488.1/2011A/R1/BW dated 20 November 2015. The report shall include post construction validation test results.
- 119) Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 120) Trading must not commence until a final inspection has been carried out by Councils Environmental Health Officer and ALL conditions of this consent have been complied with.
- 121) Trading must not commence until an inspection of the premises has been carried out by the Principal Certifying Authority to ensure that the premises including the construction and installation of all equipment, fixtures, fittings and finish therein comply with ALL conditions of consent.
- 122) The food business is to appoint a Food Safety Supervisor (FSS). The Food Safety Supervisor will need to successfully complete a training course at a registered training organisation. You will find a list of approved training organisations together with guidelines on requirements on the NSW Food Authority website - www.foodauthority.nsw.gov.au
- 123) The food premises must be registered with Council by completing the Application for Registration form prior to trading.
- 124) The NSW Food Authority must be notified of the food business in accordance with the provisions of the NSW Food Act 2003. This may be done online at www.foodnotify.nsw.gov.au
- 125) Certification must be provided to the Principal Certifying Authority, prior to occupation, that the fitout of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004. It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.
- 126) Occupation of the premises shall not occur until a *Name of Registration Form Here* has been completed and submitted to Council along with the applicable fee. This form is available online or from Council's Reception.

- 127) Prior to Council issuing an Occupation Certificate, the premises shall be inspected by Council's Authorised Officer to determine compliance with the applicable legislation, guidelines and codes.

Operators are to contact Council's Authorized Officer to organise a final inspection of the premises prior to occupying the premises and commence trade. Council will require a minimum of 48 hours' notice prior to conducting this inspection.

- 128) The applicant is to plant the following replacement trees on the Eldridge Road nature strip forward of the property. The trees shall have a container size not less than 200 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-201:

Tree Species	Location
5 x <i>Corymbia ficifolia</i> cvs. (Dwarf Flowering Eucalypts)	Trees to be planted at 8 metre centres and no closer than 2.5 metres from the edge of the vehicle footpath crossing.

Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:

- Carry out engineering works to protect those services from damage; or
- Relocate the plantings to a more suitable location following written approval from Bankstown City Council; or
- Substitute the approved tree species with an alternative species following written approval from Bankstown City Council.

The trees shall be planted by a qualified landscape contractor and to the satisfaction of Councils Tree Management Officer.

The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting prior to the issue of an occupation certificate. Inspections must be booked at least 5 working days prior to being required.

USE OF THE SITE

- 129) Car parking spaces for forty (40) vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 130) All loading and unloading of goods shall take place within the site or from the adjoining service lane in a manner that does not interfere with parking areas, driveways or landscaping.

- 131) There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.
- 132) All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.
- 133) All chemicals shall be stored, handled and disposed of in accordance with:
- a) AS 1940 – 2004 The Storage & Handling of Flammable and Combustible Liquids.
 - b) NSW EPA 'Storing and Handling Liquids, Environmental Protection, Participants Manual 2007'.
 - c) NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- 134) The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.
- 135) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
- 136) Medical wastes shall be disposed of by an authorised waste disposal contractor. Contractor details are to be submitted to the PCA before the occupation of the premises.
- 137) There are to be no emissions or discharges from the premises which will give rise to an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $LA_{90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $LA_{eq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance)

- 138) The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises

- 139) There are to be no emissions or discharges from the premises which will give rise to an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance)

- 140) The operation of the premises in particular the mechanical exhaust or ventilation systems is not to give rise to the generation of offensive noise as defined in the *Protection of the Environment Operations Act 1997*:

"offensive noise" means noise:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

Conditions relating the use of Hairdressing Room

141) Sharps

- a. If skin penetration procedures that involve the use of sharps are carried out at the premises, there must be an adequate supply of sterile disposable needles at the premises.
- b. A yellow sharps container is to be provided in each treatment area for the disposal of clinical and sharps waste including lancets, syringes, needles and disposable ear piercing equipment immediately after use.
- c. Containers used for the disposal of sharps must comply with the requirements of Australian Standard 4261:1994 'reusable container for the collection of sharp items used in human and animal medical applications' or if they are not reusable Australian Standard 4031:1992 'non-reusable containers for the collection of sharp medical items used in health care areas'.

- d. Clinical and sharps waste must be collected and disposed of by a waste transporter licensed by the NSW Office of Environment and Heritage. A copy of the service agreement must be forwarded to Council prior to the commencement of trade.
- e. Receipts/invoices for sharps waste collection must be kept on site and presented to Council when required.

Disposal of clinical and sharps waste in the general waste is illegal.

- 142) A sufficient number of receptacles made of impervious material and provided with lids must be available for the storage of soiled linen, and general waste.
- 143) Adequate lockers or similar must be provided for the storage of employees' clothing and personal effects
- 144) Cleaned equipment, appliances, utensils and linen are to be stored in a clean, dust free environment, away from soiled equipment, appliances, utensils and linen to prevent contamination.
- 145) Safety Data Sheets (SDS) of all chemical substances used, including such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.
- 146) The chemicals must be stored:
 - a. In accordance with the SDS.
 - b. In a cool, dry and well ventilation cabinet.
 - c. At or near ground level to minimise the possibility of chemicals being accidentally dropped or spilled.
 - d. Out of reach of visitors; and
 - e. In their original containers.
- 147) Any structural alterations (including but not limited to the removal of load bearing members, etc.) are not to be undertaken at the premises without the prior approval of Council.
- 148) Hospital grade disinfectant is to be provided to all client treatment rooms.
- 149) Waste water must be captured on site and either discharged at an appropriately licensed waste facility or to sewer with the permission of Sydney Water in the form of a Trade Waste Agreement.
