

Our ref: F2019/00387

Rodger Roppolo  
Senior Planning Officer, Key Sites Assessment  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney, NSW 2000

Dear Rodger,

**Re: SSD-10285 – Royal Randwick Racecourse – Leger Lawn Development**

I refer to your request for advice notice dated 13 November 2019 in regard to the Royal Randwick Racecourse – Leger Lawn Development State Significant Development (SSD-10285). The proposal is for the construction of a two-storey multi-purpose building (to be known as the Winx Stand), located at the southern end of the existing QEII Grandstand.

Council officers have reviewed the EIS and supporting documentation and provide the following in response. Recommended conditions are attached.

**Urban Design**

- **Disability Discrimination Act 1992**

Section 1.6 of the EIS contains the Secretary's Environmental Assessment Requirements (SEARS) and where these are addressed in the EIS. Council notes that in relation to the SEARs for disabled access under the Disability Discrimination Act 1992, it is stated that these are addressed in Section 7.4 of the EIS. However, Section 7.4 of the EIS deals with "Materials and Façade" with no reference to disability and access.

More specifically, the use of grassed ramps between the terraced landscape area and the forecourt of the Winx Stand will require gradients and fixtures/fittings that are compliant with the Disability Discrimination Act 1992. The overall design and construction of the proposed development must be made compliant with all aspects of the Disability Discrimination Act.

- **Back-of-house facilities**

The proposal will provide extensive areas of back-of-house facilities at the rear of the Winx Stand which appear to be physically and visually accessible to the public. The EIS does not provide adequate information on how these back-of-house facilities are to be visually treated and screened to ensure that the activities do not spill out onto public domain/thoroughfare areas and do not become eyesores when viewed from public domain and thoroughfare areas. The proposal should be appropriately mitigated to address this issue.

**Transport**

Transport officers have reviewed the EIS and supporting documentation and provide the following comments:

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|---|---|--|
| <p><b>English</b></p> <p>If you need help to understand this letter, please come to Council's Customer Service Centre and ask for assistance in your language or you can contact the Telephone Interpreter Service (TIS) on 131 450 and ask them to contact Council on 1300 722 542.</p>  | <p><b>Greek</b></p> <p>Αν χρειάζεστε βοήθεια για να καταλάβετε αυτή την επιστολή, παρακαλείστε να έρθετε στο Κέντρο Εξυπηρέτησης Πελατών της Δημαρχίας (Council Customer Service Centre) και να ζητήσετε βοήθεια στη γλώσσα σας ή τηλεφωνήστε στην Τηλεφωνική Υπηρεσία Διερμηνέων (Telephone Interpreter Service — TIS) τηλ. 131 450 και να ζητήσετε να επικοινωνήσουν με τη Δημαρχία τηλ. 1300 722 542.</p>                                | <p><b>Italian</b></p> <p>Se avete bisogno di aiuto per capire il contenuto di questa lettera, recatevi presso il Customer Service Centre del Municipio dove potrete chiedere di essere assistiti nella vostra lingua; oppure mettetevi in contatto con il Servizio Telefonico Interpreti (TIS) al 131 450 e chiedete loro di mettersi in contatto col Municipio al 1300 722 542.</p>                     |
| <p><b>Croatian</b></p> <p>Ako vam je potrebna pomoć da biste razumjeli ovo pismo, molimo dodite u Općinski služni centar za klijente (Council's Customer Service Centre) i zatražite pomoć na svom jeziku, ili možete nazvati Telefonsku službu tumača (TIS) na 131 450 i zamoliti njih da nazovu Općinu na 1300 722 542.</p>   | <p><b>Spanish</b></p> <p>A la persona que necesite ayuda para entender esta carta se le ruega venir al Centro de Servicios para Clientes [Customer Service Centre] de la Municipalidad y pedir asistencia en su propio idioma, o bien ponerse en contacto con el Servicio Telefónico de Interpretes ["TIS"], número 131 450, para pedir que le comuniquen con la Municipalidad, cuyo teléfono es 1300 722 542.</p>                          | <p><b>Vietnamese</b></p> <p>Nếu quý vị không hiểu lá thư này và cần sự giúp đỡ, mời quý vị đến Trung Tâm Dịch Vụ Hướng Dẫn Khách Hàng của Hội Đồng Thành Phố (Council's Customer Service Centre) để có người nói ngôn ngữ của quý vị giúp hay quý vị có thể liên lạc Dịch Vụ Thông Dịch qua Điện Thoại (TIS) ở số 131 450 và yêu cầu họ liên lạc với Hội Đồng Thành Phố (Council) ở số 1300 722 542.</p> |
| <p><b>Polish</b></p> <p>Jeśli potrzebujesz pomocy w zrozumieniu treści tego pisma, przyjdź do punktu obsługi klientów (Customer Service Centre) przy Radzie Miejskiej i poproś o pomoc w języku polskim, albo zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service — TIS) pod numer 131 450 i poproś o skontaktowanie się z Radą Miejską (Council) pod numerem 1300 722 542.</p> | <p><b>Indonesian</b></p> <p>Jika Anda memerlukan bantuan untuk memahami surat ini, silakan datang ke Pusat Pelayanan Pelanggan (Customer Service Centre) Pemerintah Kotamadya (Council) dan mintalah untuk bantuan dalam bahasa Anda, atau Anda dapat menghubungi Jasa Juru Bahasa Telepon (Telephone Interpreter Service - TIS) pada nomor 131 450 dan meminta supaya mereka menghubungi Pemerintah Kotamadya pada nomor 1300 722 542.</p> | <p><b>Turkish</b></p> <p>Bu mektubu anlamak için yardima ihtiyacınız varsa, lütfen Belediye'nin Müşteri Hizmetleri Merkezi'ne gelip kendi dilinizde yardım isteyiniz veya 131 450'den Telefonla Tercüme Servisi'ni (TIS) arayarak onlardan 1300 722 542 numaradan Belediye ile ilişkiye geçmelerini isteyiniz.</p>   |
| <p><b>Hungarian</b></p> <p>Amennyiben a levél tartalmát nem érti és segítségre van szüksége, kérjük látogassa meg a Tanácsház Ügyfél Szolgálatát (Customer Service Centre), ahol magyar nyelven kaphat felvilágosítást, vagy hívja a Telefon Tolmaés Szolgálatot (TIS) a 131 450 telefonszámon és kérje, hogy kapesolják a Tanácsházat a 1300 722 542 telefonszámon.</p>                            | <p><b>Czech</b></p> <p>Jestliže potřebujete pomoc při porozumění tohoto dopisu, navštivte prosím naše Středisko služeb pro veřejnost (Council's Customer Service Centre) a požádejte o poskytnutí pomoci ve vaší řeči anebo zavolejte Telefonní tlumočnickou službu (TIS) na tel. číslo 131 450 a požádejte je, aby oni zavolali Městský úřad Randwick na tel. číslo 1300 722 542.</p>  | <p><b>Arabic</b></p> <p>إذا أردت مُساعدة لفهم هذه الرسالة، نرجوك الحضور إلى مركز خدمة عملاء المجلس وأطلب المساعدة في لغتك، أو يُمكنك الاتصال بخدمة الترجمة الهاتفية (TIS) على هاتف رقم 131 450 وأطلب منهم الاتصال بالمجلس على رقم 1300 722 542.</p>  |
| <p><b>Chinese</b></p> <p>如果你需要人幫助你了解這封信的內容，請來市政會顧客服務中心要求翻譯服務，或者與電話傳譯服務（TIS）聯繫，號碼是131 450，請他們幫助你打電話給市政會，號碼是1300 722 542。</p>   | <p><b>Russian</b></p> <p>Если Вам требуется помощь, чтобы разобраться в этом письме, то, пожалуйста, обратитесь в Муниципальный Центр Обслуживания Клиентов и попросите оказать Вам помощь на Вашем языке или же Вы можете позвонить в Телефонную Службу Переводчиков (TIS) по номеру 131 450 и попросить их связаться с Муниципалитетом по номеру 1300 722 542.</p>  | <p><b>Serbian</b></p> <p>Ako vam treba pomoć da razumete ovo pismo, molimo vas da dođete do Centra za usluge mušterijama pri Opštini (Customer Service Centre) i zamolite ih da vam pomognu na vašem jeziku, ili možete nazvati Telefonsku prevodilačku službu (TIS) na 131 450 i zamolite ih da vas povežu sa Opštinom na 1300 722 542.</p>   |

- **Safety/Active transport**

Making pedestrian access easier and safer in the area surrounding the Racecourse is paramount to Council. Council officers raise concern about pedestrian safety at the Ascot Street entrance. Council requests that the intersection at Doncaster Street and Ascot Street is signalised to ensure the safety of patrons entering and exiting the Racecourse.

The signalisation of the intersection at Doncaster and Ascot Streets will be consistent with Council's planned cycleway along Doncaster Avenue. This will in turn provide greater active transport connections to the site and improve pedestrian safety in the area.

- **Noise impacts**

Council notes that the existing approval MP10\_0097\_MOD 2 applies to the entire Spectator Precinct which encompasses the Leger Lawn development site. This existing approval provides conditions for the operation of race-day and non-race day events (including maximum patronage capacity). The proposal will operate in accordance with the conditions of the existing approval including Condition A5 which is in relation to non-race day events and functions.

Council understands that the site is currently not working to the full extent of its approval, and the number of events hosted at the Racecourse (particularly non-race day events) will increase as a result of the improved amenity at Leger Lawn as a result of this development. In light of this, Council requests that patrons use the entrance at Alison Road rather than Ascot Street as an entrance/exit in the evenings (particularly after non-race day events) to minimise the potential noise impacts on the surrounding residential area. It is Council's view that this is a better outcome as Alison Road is closer to public transport and the potential noise impacts on residential properties in the surrounding area is minimised.

Further, in relation to service vehicles accessing the site, Council notes two options are provided in the Architectural Design Statement (pp. 27-28). Council requests that Option 1 is chosen as the services route to minimise noise impacts on the surrounding residential properties. Council also requests that the SSD is conditioned to ensure that service vehicles accessing the site do not do so at sensitive hours such as the early morning or late at night to further reduce potential noise impacts.

## **Heritage**

Heritage officers have reviewed the EIS and supporting documentation and provide the following comments:

- **Aboriginal and Historical Archaeology**

The assessments which have been submitted appear sufficient to meet statutory requirements, and their recommendations should be included as conditions in any consent.

- **Royal Randwick Racecourse CMP**

A Conservation and Management Plan (CMP) for the site was prepared by Godden Mackay Logan in December 2006. In terms of built elements on the site, the CMP identifies the significance of buildings and structures within the Spectator Precinct. The Official/Members Stand and the Tramway Turnstile Building Complex are identified as being of exceptional significance. The Totaliser Building is identified as being of moderate significance.



The CMP includes conservation policies for site components and the site overall, and provides a table which sets out the appropriate treatment for the site's individual components in relation to their level of significance. A conservation policy for Site Management requires coordinated planning for the whole site (Policy 10). It is unclear whether the proposal is consistent with the Royal Randwick Racecourse section of *Randwick DCP 2013*. A conservation policy for Site Interpretation requires interpretation as a part of new development (Policy 22).

A conservation policy for Conservation of Significant Landscape Components highlights the need for a Landscape Masterplan (Policy 52). It is unclear whether a Landscape Masterplan has been prepared which would guide landscape design relation to the proposal. Conservation Policy 59 requires conservation of significant historic views including views from the grandstands and the St Leger Reserve Area to the south over the racing and training tracks to the wooded slopes to the east and south east. Conservation Policy 73 provides design principles for new uses and development, including requiring that the significant physical, functional and visual relationships between groups or complexes of heritage landscapes and buildings be maintained. The HIS includes tables addressing consistency with *Randwick DCP 2013* and the CMP for the site.

### **Ecologically Sustainable Development**

Council officers have reviewed the Ecologically Sustainable Development Assessment prepared by GHD at Appendix Q. It is noted that a number of sustainable design considerations have been included within the proposal under each of the key themes within the ESD Framework. There are also a number of strategies that are recommended for future incorporation or investigation as part of the detailed design stages of the project. Council are supportive of these strategies and respectfully requests that ATC consider incorporating as many of the recommended ESD considerations from the report into the project during the detailed design stages. This will ensure the project will reflect leading national and international best practice sustainable building practices to improve environmental performance.

### **Landscaping**

Council officers have reviewed the landscape plans prepared by Mostyn Copper Group at Appendix C and raise that any garden beds/planting that are not open to natural rainfall (due to roof cover etc.) will need to be irrigated, as will the green walls. The proposal should detail a strategy for how rainwater would be harvested for this specific purpose.

In relation to the Queensland Fire Wheel Trees that are proposed as feature trees in the development, while Council officers note that they are decorative, they are slow growing and less suitable than a tree that is native to Sydney and the surrounding area. Suggestions for alternative trees from Council's Street Tree Masterplan that will achieve similar dimensions and have similar form and characteristics are listed for consideration:

- *Backhousia citriodora* (Lemon Scented Myrtle);
- *Brachychiton acerifolius/discolour/populneus* (Illawarra Flame Tree/Lacebark/Kurrajong);
- *Flindersia australis* (Australian Teak);
- *Harpulia pendula* (Tulipwood);
- *Syzygium leuhmannii/paniculatum* (Small Leafed Lilly Pilly/Brush Cherry);
- *Waterhousia floribunda* (Weeping Lilly Pilly).

Further, Council requests that the plans are amended to include the following information:

- A landscaping plan and plant schedule that includes proposed species, botanic and common names, pot size at time of planting, quantity, location, dimensions at maturity and any other details required to fully describe the works.
- A schedule showing the number (as a percentage of total) the endemic, native and exotic species that will be used in all new planning.
- A schedule showing the number of new canopy trees to be planted compared to the number of trees to be removed.
- A lighting strategy for paths and gardens surrounding the development to assist with wayfinding and safety.
- Specifications of soil depths for any planting on podium.

## **Environmental Health**

Environmental Health Officers have reviewed the proposal and provide the following comment:

### • **Acoustics**

GHD has prepared a Noise and Vibration Impact Assessment (NVIA) for the proposed development. The objective of this acoustic assessment is to assess construction and operational noise emission from the redevelopment, and if required, recommend acoustic measures to ensure acceptable residential amenity. Results of the noise assessment are detailed in Section 5 (construction) and Section 6 (operation). Mitigation measures for both construction and operational activities are detailed in Section 7 and should be implemented to achieve relevant noise emission criteria. Based on the noise modelling assumptions and assessment of the operation of the proposed Leger Lawn Redevelopment, the development is predicted to comply with the relevant noise emission criteria presented in Section 3. With the mitigation measures presented in Section 7 implemented, the proposal should not adversely affect the acoustic amenity of the surrounding residential area.

Cumulative impact of the proposal operating in conjunction with the rest of the site must be considered. Criteria from OLGR should apply to the proposal in relation to Liquor Licence compliance or otherwise dictated by OLGR requirements or the Department of Planning, Industry and Environment. It is not recommended any approval for events past midnight on any day is given.

I trust that Council's comments will be taken into consideration for this proposal. Should you have any questions regarding Randwick City's submission, please contact Timothy Walsh, Environmental Planning Officer on 9093 6741 or at [timothy.walsh@randwick.nsw.gov.au](mailto:timothy.walsh@randwick.nsw.gov.au).

Yours sincerely,



Alan Bright  
Manager Strategic Planning

## **Draft conditions**

### **Heritage**

The following heritage conditions should be included in any consent:

#### **Interpretation**

- Should Aboriginal or historical archaeological material be discovered during site investigations or subsequent construction work, a comprehensive Interpretation Strategy and Plan for the remains is to be prepared and implemented in conjunction with the proposed development.

#### **Aboriginal Archaeology**

- The Proponent should continue to consult with the local Aboriginal community in regard to the project.
- A geomorphological assessment should be carried out prior to construction to investigate the underlying sand body to provide further information of the accumulation processes and inform the detailed Archaeological Research Design and Methodology.
- Additional geophysical investigation needs to be carried out after the removal of the temporary stables from the western section of the subject area to supplement exiting information.
- Prior to construction subsurface archaeological investigation must be carried out informed by an Archaeological Research Design and Methodology that will drive the sub-surface investigation of the identified landscape features and their potential for retaining Aboriginal objects and archaeological resources including:
  - Archaeological monitoring of the removal of the imported fill around the selected pylon locations for the staged salvage excavation.
  - Archaeological staged salvage excavation to confirm the presence or absence of Aboriginal objects and archaeological resources at the selected pylon locations within the subject area.
  - Should Aboriginal objects and/or archaeological resources identified at the selected locations, additional pylon locations are to be excavated to identify the spatial distribution of the archaeological resource.
  - Protocol for the handling of any Aboriginal objects and archaeological resources that might be uncovered during the monitoring and the archaeological test excavation.
- The archaeological monitoring and staged salvage excavation should be designed to correspond the stages of the proposed development, including site preparation and construction phases.
- The archaeological monitoring and staged salvage excavation should be undertaken before construction and according to the developed Archaeological Research Design and Methodology and with the participation of the nominated Aboriginal RAPs and appropriately qualified archaeologists.

#### **Historical Archaeology**

- Consultation should be carried out with Community Engagement, Department of Premier and Cabinet (Heritage NSW) to clarify the required permit classification and methodology to complement the Aboriginal archaeological staged salvage excavation of the proposed pylon locations.
- Should an archaeological test excavation be warranted, a detailed Archaeological Research Design should be prepared to support a section 140 permit applications under the Heritage Act 1977.

- If a s.140 permit is warranted, the archaeological excavation should be carried out in line with the ARD to investigate the nature, extent, potential and significance of the archaeological resources.
- Should no archaeological test excavation be warranted, a section 139 exemption permit applications should be submitted to Heritage NSW under the *Heritage Act 1977*.

## **Environmental Health conditions**

*Should the application be approved it is recommended that the following conditions be included in the consent:*

### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either an Accredited Certifier or Randwick City Council. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

## **Land Contamination & Remediation**

1. The following conditions must be satisfied prior to issuing a construction certificate for the development or commencement of any new use of the land (whichever the sooner):

- a) A site contamination investigation must be undertaken by an independent and appropriately qualified environmental consultant and a report must be submitted to and approved by Department of Planning.

The report must provide details on the extent, nature and degree of any contamination upon the land and ground water, having regard to past and current activities and uses that may have occurred on the site.

The report must include details of any required remediation works, having regard to the development and works encompassed in this consent.

The report is to be prepared in accordance with the following requirements and guidelines (as applicable):

- Council's Contaminated Land Policy 1999
- Relevant Guidelines made or approved by the Environment Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites
- National Environment Protection (Assessment of Site Contamination) Measure (NEPM)
- NSW Planning Guidelines to SEPP 55 – Remediation of Land

The report must demonstrate that the land is suitable (or will be suitable after specified remediation works have been carried out) for its intended use and

the works encompassed in this consent. Relevant reports and other documentary evidence must be provided to Council's satisfaction.

- b) Should the report referred to above in sub-clause 1)a) identify that the land is contaminated and the land requires remedial works to ensure that the land will be suitable for its intended use and meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be satisfied (as applicable):
- 1) A Remediation Action Plan (RAP) is required to be submitted to Council prior to commencing any site or remediation works. The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Office of Environment and Heritage/Environment Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites.
  - 2) A written statement is to be provided to the Council from the Environmental Consultant, which confirms that the Remediation Action Plan satisfies the relevant legislative requirements and guidelines and that the land is able to be remediated to the required level and the land will be suitable for the intended development and use.
  - 3) Remediation works are required to be carried out in accordance with the relevant requirements of the *Contaminated Land Management Act 1997*, Guidelines made by the Environment Protection Authority and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999, the *Protection of the Environment Operations Act 1997* and conditions of development consent.
  - 4) The requirements contained within any applicable Site Contamination Report, Remediation Action Plan, Site Management Plan or other strategy associated with the site contamination report and/or remediation strategy approved by Council, form part of this consent and must be complied with.
  - 5) Upon completion of remediation works, a Validation Report must be prepared by a suitably qualified Environmental Consultant and be submitted to the satisfaction of Council prior to commencing any building works upon the site. The validation report is required to confirm and provide details to demonstrate that the site is suitable for the proposed development and use.
- c) Should the report referred to above in sub-clause 1)a) identify that the land is not contaminated or, the land is contaminated but no remediation works are proposed to be carried out (having regard to the extent and nature of the proposed development), the following requirements must be satisfied:
- 1) Prior to issuing a construction certificate for the development, details must be submitted to the satisfaction of Council's Director of City



Planning in writing, to demonstrate that the land is (or will be) suitable for the intended development and use.

- 2) The report and details must be provided by a suitably qualified Environmental Consultant and any requirements, procedures, plans or strategies specified in the report and approved by Council form part of this consent and are required to be complied with.
- 3) Copies of relevant reports, documentary evidence, certification and validation must be provided to Council's satisfaction.
- 4) It is recommended that further classification assessment be undertaken at the time of excavation of soil at the site, testing should include acid sulfate soil assessment and classification. All required measures for acid sulphate soil identified at the site shall be adopted if required in Construction Certificate approved by the certifying Authority.

#### **REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

#### **Land Contamination & Remediation**

2. Fill material that is imported to the site must satisfy the requirements of the NSW *Protection of the Environment Operations (Waste) Regulation 2005* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2008). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.
3. Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of a suitably qualified Environmental Consultant or Site Auditor.
4. The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011* and associated *Regulations*.
5. Any hazardous and/or intractable wastes arising from the works are to be managed and disposed of in accordance with the requirements of WorkCover NSW and the Office of Environment and Heritage/Environment Protection Authority, including the provisions of:
  - Work Health and Safety Act 2011
  - Protection of the Environment Operations Act 1997 (NSW)

- Protection of the Environment Operations (Waste) Regulation 2005
- NSW DECC/EPA Waste Classification Guidelines 2008
- Randwick City Council's Asbestos Policy

#### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the '*Principal Certifying Authority*' issuing an '*Occupation Certificate*'.

*Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.*

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

6. Prior to any occupation certificate being issued for the site or commencing the use of the land as provided in this consent, a Validation Report prepared by a suitably qualified Environmental Consultant must be submitted to the satisfaction of Council. The report must demonstrate that the relevant land contamination conditions in this consent have been satisfied and that the site is suitable for the proposed development.

#### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a '*Construction Certificate*' is issued by either an Accredited Certifier or Randwick City Council. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

7. The design, construction and operation of any food premises including but not limited catering kitchens ,cafe,bars food storage rooms and any coffee bar/s must comply with the following general requirements (as applicable):
  - a) Floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non-slip and non-abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
  - b) Walls of the kitchens and food preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.
  - c) The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, sinks, wash hand basins and equipment.

- d) Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or other approved materials.
  - e) The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non-absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material. 'Drop-down' ceiling panels are not to be provided to food preparation and cooking areas.
  - f) All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
  - g) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
  - h) Adequate fly screens and doors with self-closing devices, are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
  - i) A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.
  - j) Emission control equipment shall be provided in mechanical exhaust systems serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.
  - k) Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.
  - l) Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.
  - m) Cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
  - n) Any space or gaps between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).
8. Prior to a construction certificate being issued for the 'fit-out' of the food business, a certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, which confirms that the proposed design and construction of the food storage room and coffee bar satisfies the relevant requirements of the Food Act 2003, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises.
9. Prior to the issuing of an occupation certificate, the premises must be inspected by The NSW Food Authority to ascertain compliance with relevant Food Safety Standards and the written approval of NSW Food Authority (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

10. Prior to commencement of any food business operations, the food premises must be registered with the NSW Food Authority in accordance with the Food Safety Standards.

### **OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

11. The use and operation of the site must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997*, associated Regulations, Guidelines and Policies.
12. Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly.
13. The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in 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 (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

14. The L10 noise level emitted from the licensed premises shall not exceed the background noise level (L90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
15. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
16. 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 12.00 midnight and 7.00am.
17. 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 to other premises.



18. There are to be no emissions or discharges from the premises which will give rise to a public nuisance, vibration, or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
19. Within three (3) months of an occupational certificate being issued for the development, a written report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development complies with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy and conditions of Council's consent. The report is to be submitted and approved by Council prior to the issuing any occupational certificate.
20. The report should include (but not limited to) the use of all plant and equipment, at all times of the day including the night time period as defined by NSW EPA Industrial Noise Policy. The report should also include but not be limited to the noise generated from all vehicle movements including deliveries, mechanical ventilation, refrigeration compressors, the pool pump and the lift shaft.
21. Deliveries (including the loading and unloading of goods) are restricted to:
  - (a) Monday to Friday: 7:00am – 5:00pm
22. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance. A digital probe type thermometer must also be readily available at all times to check the temperature of food items.
23. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60 degrees C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5 degrees C and keep this food cold at or below that temperature.
24. Food safety practices and the operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:
  - Food handling – skills, knowledge and controls.
  - Health and hygiene requirements.
  - Requirements for food handlers and businesses.
  - Cleaning, sanitising and maintenance.
  - Design and construction of food premises, fixtures, fitting and equipment.

The proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

25. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.
26. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, including for the collection of the sharps container by a licensed waste transporter, to the satisfaction of Council.
27. Any regulated premises (i.e Food business, beauty salon, skin penetration premises etc) not part of this application is required to submit a separate development application to Council for approval.
28. All regulated systems such as cooling towers, warm water system shall be designed and constructed in accordance with NSW statutory requirements details of which shall be provided to the certifying authority for approval. The systems shall be registered with Council and be operated and maintained in accordance with the NSW Public Health Act 2010 including amendments that are current and regulation and guidelines at all times.
29. The requirements of the *Food Act 2003* and *Food Safety Standards* must be complied with at all times.
30. The two weeks prior to any event involving temporary food the applicant is required to ensure that all temporary food stalls, vendors and mobile food vendors have registered their details with Council's Environmental Health Unit, at least. No temporary food operator is permitted to operate without approval. The required Registration Fee must be forwarded to Council with the registration details. Further details can be obtained by telephoning 9093 6973.
31. All waste handling shall be handled in accordance with the approved Waste Management Plan.
32. The operation of events and functions shall be carried out in accordance with approved management plans. These plans should be reviewed and amended if annually. All amendments should be approved by the appropriate Regulatory Authority.