

# **Attachment A**

## **Recommended Conditions of Consent**

## SCHEDULE 1A

### APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of any Occupation Certificate, where indicated.

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/22 dated 4 December 2018 and the following drawings:

Drawing Number	Architect	Date
DW01 Rev 03	Wahbe Drafting	4.12.2018
DW02 Rev 03	Wahbe Drafting	4.12.2018
DW03 Rev 03	Wahbe Drafting	4.12.2018
DW04 Rev 03	Wahbe Drafting	4.12.2018
DW05 Rev 03	Wahbe Drafting	4.12.2018
DW06 Rev 03	Wahbe Drafting	4.12.2018
DW07 Rev 03	Wahbe Drafting	4.12.2018
DW08 Rev 03	Wahbe Drafting	4.12.2018

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

#### (2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) the solid polished brass screw mounted letters proposed on the front face of the awning shall be modified to a painted finish specifying the business name "Pizze Baby" only; and
- (b) no modification to the materials and finishes is permitted above the awning; and

- (c) an area is to be nominated on the approved plans for patrons waiting for takeaway service within the premises.

The modifications are to be submitted to and approved by Council's Area Coordinator Planning Assessments prior to the issue of any Construction Certificate.

**(3) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD**

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the colour and surface schedule, and specifications approved under Condition (1).

**(4) PRIMARY PURPOSE**

The primary purpose of the premises is as a restaurant with the kitchen to be open and substantial food service to be available to patrons at all times during the approved hours of operation. All patrons are to have an allocated seat and the number and location of tables and chairs provided for seated dining must be in accordance with the approved floor plan at all times.

**(5) PLAN OF MANAGEMENT**

- (a) The Plan of Management (POM) checklist accompanying this Development Application has not been approved by this consent.
- (b) The applicant shall provide a Plan of Management for the operations of the premises. The purpose of this Plan is to establish performance criteria for various aspects of the operations of the premises. The Plan of Management must address:
  - (i) Hours of operation approved by this consent;
  - (ii) Amenity of neighbourhood specifically the use of the side passageway and management of patrons waiting for takeaway orders in accordance with Condition 12;
  - (iii) Noise;
  - (iv) The front door providing direct access to St Johns Road and the disabled access via the side passageway shall both be closed after 9.00pm apart from providing entry and egress from the premises;
  - (v) Behaviour of patrons;
  - (vi) Deliveries and waste removal and management;
  - (vii) Maintenance;
  - (viii) Staff; and
  - (ix) Capacity of premises approved by this consent.

A Plan of Management is to be submitted to and approved by Council's Area Coordinator Planning Assessments prior to the issue of any

Construction Certificate. The approved Plan of Management is to be complied with at all times.

**(6) COPIES OF CONSENTS AND MANAGEMENT PLANS**

A full and current copy of all current development consents for the operation of the premises, and the approved Plan of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

**(7) SURVEILLANCE CAMERAS**

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
  - (i) principal entrance/s and exits;
  - (ii) all areas within the premise occupied by the public (excluding toilets);
  - (iii) staircases in multilevel premises; and
  - (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

- (f) All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

**(8) EXTERNAL LIGHTING**

A separate development application is required to be lodged and approved by Council prior to any external floodlighting or illumination of the building or site landscaping.

**(9) HOURS OF OPERATION - MINOR DEVELOPMENT**

The hours of operation are restricted to between 7.00am – 10.00pm Mondays to Saturdays, inclusive and 8.00am – 10.00pm on Sundays.

**(10) CESSATION OF SERVICE**

The premises may only be open for business between the operating hours in Condition (9) above. The operator must cease providing food at the premises 30 minutes before the required closing time.

**(11) MAXIMUM CAPACITY OF PERSONS**

- (a) The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is 48 persons.
- (b) The manager is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (c) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Principal Certifier prior to issue of a Construction Certificate.

Note: Clause 98D of the *Environmental Planning and Assessment Regulation 2000* requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (i) entertainment venue,
- (ii) function centre,

- (iii) pub,
- (iv) registered club,
- (v) restaurant.

**(12) NEIGHBOURHOOD AMENITY**

- (a) Signs must be placed in clearly visible positions within the café/restaurant requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage shall be in bold letters not less than 25mm in height on a contrasting background.
- (b) The management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.
- (c) The use of the side passageway must be to enter and exit the premises only. No loitering in the passageway is permitted at any time including persons waiting for takeaway orders.

**(13) NO SPEAKERS OR AMPLIFIED MUSIC OUTSIDE**

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

**(14) NO SPRUICKING NOISE**

No persons (such as those commonly known as spruickers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

**(15) NOISE FROM GLASS REMOVAL**

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

**(16) CONTROL OF LIGHT INTO THE ENVIRONMENT**

Lighting installed in the open and/or public spaces must comply with AS1158 series-lighting for roads and public spaces. The design and placement must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood, for that purpose lighting must comply with AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting.

**(17) DELIVERIES AND WASTE REMOVAL**

- (a) All deliveries, waste collection and disposal including glass removal and emptying of the grease trap is restricted to between 8.00am – 6.00pm Mondays to Sundays.
- (b) The Plan of Management shall detail all deliveries and waste collection times to ensure the amenity of the neighbourhood.

## SCHEDULE 1B

### PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

#### (18) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to any Construction Certificate being issued.

#### (19) EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Clean Air) Regulation 2010.
- (c) Uses that produce airborne particulate matter must incorporate an effective dust collection system.

#### (20) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

#### (21) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

All proposed work must comply with the *Building Code of Australia* (BCA).

#### (22) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website [www.standards.com.au](http://www.standards.com.au).

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au) or by visiting the website [www.foodstandards.gov.au](http://www.foodstandards.gov.au).



**(23) GREASE AND LIQUID WASTE TRAPS**

- (a) A grease trap if required by Sydney Water must be installed in accordance with Sydney Water requirements and:
- (b) Must be installed by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia;
- (c) The grease trap must be not be located in any kitchen, food preparation or food storage area;
- (d) Be suitably constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
- (e) Be suitably constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.
- (f) In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas and must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

**(24) NOTIFICATION OF CONDUCT OF FOOD BUSINESS**

- (a) The use shall not commence until the food business has notified Council of their food business details in accordance with the Food Act 2003 and The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4.
- (b) An Occupation Certificate must not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

**(25) SANITARY FACILITIES – FOOD PREMISES**

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *Building Code of Australia*, Part F 3.1, 4.8 and 4.9.

**(26) TOILETS FOR FOOD HANDLERS**

- (a) Adequate toilet facilities must be available for food handlers working for the food business. Toilets and associated facilities must be provided in accordance with AS4674 – Design, Construction and Fit-out of Food Premises and the Australia New Zealand Food Standards Code, 3.2.3 - Food Premises and Equipment.
- (b) Details of the location of toilets which are provided exclusively for the use of food handlers and staff working at the business must be submitted for the approval of the Principal Certifier prior to the issue of any Construction Certificate.

- (c) The toilet(s) must be provided with a hand wash basin, with hot and cold running water mixed through a common spout, hand wash soap, hygienic hand drying facilities and hands-free taps.

**(27) WASTE STORAGE AREA**

- (a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment and comply with the Council Policy for Waste Minimisation in New Developments, and must be:
  - (i) Provided with a hose tap connected to the water supply.
  - (ii) Paved with impervious floor materials.
  - (iii) Coved at the intersection of the floor and walls.
  - (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
  - (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the Protection of the Environment Operations Act 1997 or a nuisance.
  - (vi) Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
  - (vii) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
  - (viii) Appropriately managed so that it does not attract pests or create litter.
- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Principal Certifier prior to the issue of any Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of an Occupation Certificate.

**(28) MATERIALS FOR MAKING GOOD**

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

**(29) FOOD PREMISES – ADDITIONAL MECHANICAL VENTILATION REQUIREMENTS**

The cooking appliances must not burn any charcoal, wood or other solid fuel.

**(30) MECHANICAL VENTILATION – ADDITIONAL ODOUR AND SMOKE CONTROLS**

A Professional Engineer (as defined in Volume One of the National Construction Code) must:

- (a) Prior to the issue of any Construction Certificate, specify filtration and odour control systems as part of the proposed mechanical ventilation design and drawings (including specifications of the proposed mechanical kitchen exhaust ventilation system) to ensure that exhaust air can be discharged to the atmosphere in accordance with AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and will not cause a danger or a nuisance to occupants within the building, occupants of neighbouring buildings or members of the public; and
- (b) Certify the design in accordance with the Building Code of Australia and AS1668 - The Use of Mechanical Ventilation and Air conditioning in Buildings; and
- (c) Prior to the issue of an Occupation Certificate inspect the mechanical ventilation and filtration/odour control systems and certify that the system/s have been installed to the approved design; and
- (d) Certify the satisfactory performance of the installed system/s.

**(31) MECHANICAL VENTILATION – CLEANING AND MAINTENANCE PLAN**

- (a) A Cleaning and Maintenance Plan of Management shall be submitted to and approved by Council's Area Coordinator Planning Assessments prior to the issue of Occupation Certificate. The Cleaning and Maintenance Plan must include the following:
  - (i) What type of maintenance and cleaning procedures are to be followed, and at what frequency;
  - (ii) Detail the methods and procedures required to maintain the filtration and odour control system(s) in accordance with manufacturer's specifications, in a clean condition, and in satisfactory working order;
  - (iii) Emergency maintenance and risk management associated with a failure in the system; and
  - (iv) The contact person/s details for emergency maintenance;

Changes to the approved Cleaning and Maintenance Plan of Management can be made in consultation with Council and must be approved by Council in writing prior to implementation.

- (b) The approved Cleaning and Maintenance plan must be:

- (i) implemented during the use of the premises;
  - (ii) kept on the premises at all times and must be available for inspection to Council officers upon request;
- (c) A service log detailing compliance with the approved Cleaning and Maintenance Plan of Management must be kept. The service log is to contain details regarding the cleaning and maintenance of the filtration and odour control system(s) and must be produced and completed accordingly when maintenance and servicing occurs. The service log must be kept updated and kept on the premises at all times and be available to Council officers for inspection upon request.
- (d) The operation of any mechanical ventilation system that has incorporated pollution control equipment for the purpose of treating air impurities, including smoke and odour emissions must be cleaned and maintained in good working order and good repair and in accordance with any manufacturer's instructions.

### **(32) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to any Construction Certificate being issued, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (i) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (ii) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (iii) Each image is to be numbered and cross referenced to a site location plan;
- (iv) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;

- (v) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

### **(33) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the St Johns Road frontage of the site are to be retained and properly protected during construction works.
- (b) To avoid damage to stone kerbs during construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

### **(34) WORKS REQUIRING USE OF A PUBLIC PLACE**

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**(35) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan is to be approved by the Principal Certifier prior to any Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.
- (c) Commercial waste and recycling receptacles and any bulky waste must be stored on the property at all times and must not be placed on the kerbside for collection.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

**(36) COOLROOMS**

Cool room(s), refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *Building Code of Australia*, and:(a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.

- (a) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (b) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (c) Must be fitted with a door that can be opened at all times from inside without a key.
- (d) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from a sounding device.

## **SCHEDULE 1C**

### **DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION**

#### **(37) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the Environmental Planning and Assessment Act 1979.

#### **(38) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**

- (a) A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:
- (b) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (c) The notice is to be durable and weatherproof and is to be displayed throughout the construction period.

- (d) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (e) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (f) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (g) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

**(39) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

No portion of the proposed structure shall encroach onto the adjoining properties.

**(40) ENCROACHMENTS – PUBLIC WAY**

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**(41) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

**(42) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

**(43) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.



- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

**(44) WASTE AND RECYCLING COLLECTION CONTRACT**

- (a) Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.
- (b) Commercial waste service collections and waste storage arrangements must be conducted in accordance with the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places (2013).

## SCHEDULE 2

### PRESCRIBED CONDITIONS

**The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:**

Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A Erection of signs

Clause 98B Notification of *Home Building Act 1989* requirements

Clause 98C Conditions relating to entertainment venues

Clause 98D Conditions relating to maximum capacity signage

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>