

Attachment A

Recommended Conditions of Consent
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CONDITIONS OF CONSENT

SCHEDULE 1

APPROVED DEVELOPMENT / USE AND OPERATION / DURING CONSTRUCTION / COMPLETION

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/467 dated 10 May 2019 and:
 - (i) drawing number CD-1912-101, Issue A, dated 19.03.2019 and prepared by Sturt Noble Associates;
 - (ii) drawing titled ROYAL ROOSTER – CHICKEN PALACE; and
 - (iii) as amended by the conditions of this consent.
- (b) Only the chicken coop structure as annotated in red on the stamped approved plans is approved by this consent. No other structures shown on the stamped approved plans are approved by this consent; and
- (c) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) DESIGN MODIFICATIONS

The design of the chicken coop must be modified as follows:

- (a) The concrete slab upon which the prefabricated chicken coop is to be mounted and must not be dug or excavated into the ground, as annotated in red on the stamped approved plans.
- (b) The concrete slab upon which the prefabricated chicken coop is to be mounted must be a reinforced floating slab 110mm thick, constructed on the surface of the ground, as annotated in red on the stamped approved plans.

(3) KEEPING OF POULTRY

- (a) Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to human health.
- (b) Poultry yards must be kept clean and free from offensive odours at all times.
- (c) No roosters are to be kept on site at any time.
- (d) Measures must be put in place to ensure chickens are contained within the community garden area.

(4) PLAN OF MANAGEMENT

The chicken coop must always be managed in accordance with the Chicken Project Management Plan, dated June 2016 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Chicken Project Management Plan.

(5) COPIES OF CONSENTS AND MANAGEMENT PLANS

A full and current copy of this development consent for the installation and operation of the chicken coop, and the Chicken Project Management Plan must be retained by Bourke Street Community Garden Group and made available to any relevant public authority upon request.

(6) TREES THAT MUST BE RETAINED

The existing trees at the site must be retained and protected in accordance with the following conditions of consent throughout the construction and development.

(7) TREE PROTECTION ZONES

- (a) Before the commencement of works, Tree Protection Zone (TPZ) fencing must be established on the western side of the existing retaining wall between the site of the chicken coop and the boundary wall to the Eastern Distributor, for the entire length of the proposed works. TPZ fencing must be installed and maintained in accordance with the Australian Standard 'AS4970:2009 Protection of Trees on Development Sites'.
- (b) TPZ fencing must be:
 - (i) 1.8m high fully supported chainmesh protective fencing. The fencing shall be secure and fastened to prevent movement. Woody roots shall not be damaged during the establishment or maintenance of the fencing.
 - (ii) Kept free of weed and grass for the duration of works.
 - (iii) Have two signs stating "Tree Protection Zone" and "No Access" attached facing outwards in a visible position. The signs must remain in place until works are completed on site.
- (c) The following works shall be excluded from within 5 metres of any tree:
 - (i) Soil cut or fill including excavation and trenching.
 - (ii) Soil cultivation, disturbance or compaction.
 - (iii) Stockpiling storage or mixing of materials.
 - (iv) The parking, storing, washing and repairing of tools, equipment and machinery.
 - (v) The disposal of liquids and refuelling.

- (vi) The disposal of building materials.
 - (vii) The siting of temporary site offices or sheds.
 - (viii) Any action leading to impacts on tree health or structure.
- (d) Excavation and/or regrading must not occur within 5 metres of any tree. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.
 - (e) All work undertaken within or above the TPZ must be undertaken in accordance with all directions given by the Council's Tree Management Officer.
 - (f) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.
 - (g) Any tree pruning works, including tree roots greater than 40mm in diameter which have been approved by the Council's Tree Management Officer must be undertaken by a qualified Arborist (AQF Level 3 minimum).

(8) 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.

(9) 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*.

(10) NO OBSTRUCTION OF BOURKE STREET FOOTPATH

The public footpath on Bourke Street must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. All loading and unloading associated with construction activity must be accommodated on site.

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>