

Attachment A

Recommended Conditions of Consent
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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 Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2016/635 dated 19 June 2019 and the following drawings prepared by:

Drawing Number	Drawing Name	Prepared by
S00.01	General Notes	Noviion Engineering
S01.01	Retaining Wall Details Sheet	Noviion Engineering
S01.01	Extent of Replacement	Noviion Engineering
-	Plan (Date 14/1/2015)	Rygate Surveyors

and as amended by the conditions of this consent.

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

(2) WORK METHODOLOGY STATEMENT

Prior to the issue of a Construction Certificate, a work methodology statement must be submitted to and approved by Council's Area Planning Manager. The statement is to include the following:

- (a) sequencing of the proposed works, including details of how each stage of the work will be undertaken;
- (b) the minimum qualifications of personnel that are required in order to facilitate the development;
- (c) a schedule of equipment that will be used in the excavation and construction of the retaining wall;
- (d) details of tree sensitive excavation techniques to ensure tree roots are not damaged as part of the works. This may include the use of an air spade or hydro vac excavation;

- (e) plans identifying the staged sections of the boundary wall demolition and replacement. The sections identified in the statement are to be individually labelled to provide clarity in any future correspondence and are to be no longer than two metres in length;
- (f) identify processes that allow enough time for notifying Council's Tree Management Team of root inspections to be undertaken once each section of the boundary wall has been demolished; and
- (g) detail the methodology for supporting the exposed roots and soil in the period between the demolition of the existing wall and the reconstruction of the approved wall.

(3) TREE PRUNING, REMOVAL AND REPLACEMENT

- (a) The consent from Council must be obtained prior to the undertaking of any tree pruning works including tree roots greater than 40mm diameter.
- (b) No trees are to be removed without the written approval of the City's Tree Management Team and Area Planning Manager. It must be substantiated that tree removal was considered as a last resort and is the only feasible outcome.
- (c) The removal of any tree must include stump removal to allow for the potential replanting of trees onsite.
- (d) Adjoining trees conditioned for retention must not be damaged as a result of any tree works.
- (e) All tree works must be undertaken in accordance with the Code of Practice: Amenity Tree Industry - SafeWork NSW.
- (f) Any tree works carried out under this consent must not result in the death of the tree, the creation of a hazard or in excessive or inappropriate amounts of pruning, which result in the overall shape of the tree becoming unbalanced and/or unstable.

(4) ARCHIVAL DOCUMENTATION (MEASURED DRAWINGS AND PHOTOS)

- (a) Prior to a Construction Certificate being issued, measured drawings and a photographic recording of the sections of boundary wall to be demolished and reconstructed is to be prepared to satisfaction of Council's Area Planning Manager.
- (b) The recording is to include the following:
 - (i) Accurate, measured drawings of the subject section of wall. The drawing must include the following: a floor plan (1:50), sections (1:50) and elevations (1:50). The drawings should be cross-referenced to each other, clearly titled, indicate scale, orientation and date of preparation.

- (ii) The photographic recording is to capture the detail of the subject section of wall and is to include an annotated plan denoting the location of the individual images.
- (c) The measured drawings and photographic recording are to inform the reconstruction of the wall.

(5) TREES THAT MUST BE RETAINED

- (a) The existing trees detailed in Table 1 below must be retained and protected in accordance with the conditions of consent throughout the construction and development. Their removal may only be undertaken with written approval provided by the Councils Tree Management Team and Area Planning Manager.

Table 1 – Tree Retention:

Tree No	Botanical (Common Name)	Location
1 and 3-21	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	Within raised garden bed on Booth Street Frontage
2	<i>Lophostemon confertus</i> (Brush Box)	

(6) TREE PROTECTION PLANS

- (a) A detailed Tree Protection Plan and Arboricultural Works Methodology must be submitted to the City for approval prior to the issuing of a Construction Certificate. This plan must include a methodology for the demolition and reconstruction of the retaining wall that ensures the stability, and viability of the trees.
- (b) All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Construction Certificate shall clearly show on all drawings the retention of trees as required by these conditions of consent, the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).

(7) TREE PROTECTION ZONE (TPZ)

- (a) Before the commencement of works, Tree Protection Zones (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and as follows;

TPZ Schedule

Tree No	Species Name	Location	Radius (m)
			From Trunk
1 and 3-21	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	Within raised garden bed on Booth Street frontage	6
2	<i>Lophostemon confertus</i> (Brush Box)		6

(c) Tree Protection Fencing must be installed and maintained prior to the commencement of any works and in accordance with the following:

- (i) A 1.8 metre high fully supported chainmesh protective fencing, secured and fastened to prevent movement shall be installed around Trees 12-21 and be located around the edge of the raised garden area surrounding the trees. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing.
- (ii) The area within the fencing shall be mulched to a depth of 75mm and kept free of weeds and grass for the duration of works.
- (iii) Tree Protection Signage shall be attached facing outwards in a visible position identifying the name and contact details of the site Arborist. All signs must remain in place throughout all work on site.
- (iv) Tree Protection Fencing must not be relocated unless written approval is obtained from the Site Arborist and a copy is provided to Council which outlines alternate protection measures required to ensure all trees remain viable and confirmation that the relocation of the fencing will not impacted the tree/s.

(d) Tree trunk and major limb protection must be undertaken on Trees 1 -11 prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (AQF level 3) and must include:

- (i) Tree trunk/s and/or major branches must be protected by wrapped hessian or similar material to limit damage.
- (ii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion.
- (iii) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.

- (e) The ground surface protection must be installed if construction access is required through any TPZ and part (f)(i) of this condition has been approved:
 - (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
 - (ii) The protective boarding must be left in place for the duration of the construction and development.
 - (iii) The following works must be excluded from within any TPZs:
 - (iv) Excavation except for localised installation of the retaining wall footing and demolition of the existing wall;
 - (v) Soil cut or fill including trenching;
 - (vi) Soil cultivation, disturbance or compaction;
 - (vii) Stockpiling, storage or mixing of materials;
 - (viii) The parking, storing, washing and repairing of tools, equipment and machinery;
 - (ix) The disposal of liquids and refuelling;
 - (x) The disposal of building materials;
 - (xi) The siting of offices or sheds;
 - (xii) Any action leading to the impact on tree health or structure.
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any Tree Protection Zone (TPZ). Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed.
- (g) All work undertaken within or above the TPZ must be:
 - (i) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
 - (ii) Supervised by a qualified Consultant Arborist (minimum AQF Level 5)

(8) TREE ROOT PROTECTION

- (a) Structural Root Zone (SRZ) Schedule for trees located within the raised garden bed on Booth Street frontage.

Tree No.	Botanic / Common Name	SRZ (m) from Trunk
1	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	4
2	<i>Lophostemon confertus</i> (Brush Box)	3
3	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	2.4
4	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	2.4
5	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	2.9
6	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	3.2
7	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	3.2
8	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	3.2
9	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	3.3
10	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	2.1
11	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	3.2
12	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	3.1
13	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	3.2
14	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	3.3
15	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	3.3
16	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	2.6
17	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	2.6
18	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	2.9
19	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	3
20	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	2.6
21	<i>Ficus microcarpa</i> var 'Hillii' (Hills Weeping Fig)	3.5

- (b) Excavation must not occur within the SRZ. 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.
- (c) Without prejudice to clause (a) above] any excavations within the SRZ must be undertaken using non-destructive methods (such as by hand or with an Airspade) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.

- (d) Footings shall be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. Ideally, a minimum of 150mm clearance is provided between the tree root and footing.
- (e) All excavations located within the TPZ must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
- (f) All root pruning must be undertaken by a qualified Arborist with a minimum AQF level 3.

(9) TREE PROTECTION DURING CONSTRUCTION

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within eight metres of the trunk of any tree (including trees in adjoining properties).
- (b) Excavation (except for localised siting of pier) must not occur within four metres of any tree (including trees in adjoining properties). 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.
- (c) Excavations for the footings for the retaining wall where they are within four metres of any tree (including trees in adjoining properties) must be undertaken using non-destructive methods (such as by hand) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (d) Footings shall be relocated / realigned / redesigned if any tree root greater than 40mm in diameter is encountered during excavations. Ideally, a minimum of 150mm clearance is provided between the tree root and footing.

(10) TREE PRUNING

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.

(11) REPLACEMENT TREE PLANTING

Tree planting within the property must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of the Occupation Certificate;

- (a) Any tree that is removed as a result of the development must be replaced onsite. This tree/s must be planted at the completion of all construction works.
- (b) The tree species, when mature, must attain a minimum height of no less than 14 metres and minimum canopy spread of eight metres. Palms,

fruit trees and species recognised to have a short life span are not considered a suitable replacement.

- (c) The species selected must be complementary to the sites heritage landscape status, and approved for planting by the Council's Tree Management Team prior to selection and planting.
- (d) The tree must be grown to Australian Standard 2303:2015 'Tree stock for landscape use'.
- (e) At the time of planting, the container size is to be a minimum of 300 litres and a minimum height of two metres.
- (f) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting.
- (g) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction.
- (h) The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (i) The replacement planting/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (j) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.
- (k) Written confirmation is to be obtained from Council's Area Planning Manager that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.

(12) RECONSTRUCTION AND FOOTING DETAILS

- (a) The construction of the retaining wall footings must be designed to minimise works within the Structural Root Zones of the existing trees.
- (b) Prior to the reconstruction of each section of wall (as identified in the work methodology statement required by Condition 2) detailed drawings of the proposed wall reconstruction are to be submitted to and approved by Council's Area Planning Manager. The drawings are to include:
 - (i) the extent of adjacent tree roots as discovered as part of the root investigations;
 - (ii) be designed around existing roots as far as practical;
 - (iii) detail the extent of any root pruning proposed; and
 - (iv) detail the size and depth of the proposed footings.

- (c) A statement from a structural engineer detailing the proposed design must be provided for each section of the wall to be reconstructed.
- (d) This statement must be endorsed by a certified Structural Engineer, qualified Geotechnical Consultant and an AQF5 Arborist as being acceptable before being submitted to the City.
- (e) It must be substantiated as part of any design submission that tree removal was only considered as a last resort.

(13) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone as detailed below:
 - (i) installation of tree protection measures;
 - (ii) during demolition of any part of the retaining wall; and
 - (iii) during construction of the retaining wall and its footings.
- (b) An Arboricultural Compliance Report which includes photographic evidence and details of the health and condition of trees, must be submitted to Council's Area Planning Manager at each hold-point listed below:
 - (i) certification tree protection measures have been installed in accordance with the conditions prior to the commencement of works;
 - (ii) certification of compliance with each key milestone listed above within 48 hours of completion;
 - (iii) monthly reporting for the duration of construction and development within the site; and
 - (iv) a final compliance report shall be submitted prior to the issuing of the Occupation Certificate.
- (c) An assessment of uncovered tree roots must be undertaken by an AQF5 Arborist and provided to the City after each section of the wall identified in the approved Works Methodology Statement is demolished. This report must;
 - (i) Be prepared by an arborist with a minimum qualification of Diploma of Horticulture (Arboriculture) Australian Qualification Framework (AQF 5) or equivalent, and with demonstrated experience in high level tree assessment and diagnosis.

- (ii) Assess and discuss of the proposed excavation within the setback zones of trees, including non-destructive exploratory root investigation where required in accordance with AS4970.
- (iii) Undertake non-destructive excavation using methods which are sensitive to tree roots, such as the use of hand tools, vacuum excavation, an 'air spade' or similar, to gently remove the soil and expose the existing tree roots where construction activities are likely to impact them, or where root pruning is required to achieve the proposed development design.
- (iv) Roots exposed in this manner must be protected by being covered with wet hessian for the duration of excavation.
- (v) Provide labelled photos of the roots, and the assessment of roots encountered must include their number, diameter, direction of growth, likely structural role, and potential for pruning.
- (vi) Provide recommendations of any design modifications, construction techniques and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition and construction works, and into the long term.

(14) MAINTENANCE OF TREES ON SITE

Any new trees planted on the site must be appropriately maintained on an on-going basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning, fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.

The Body Corporate is to enter into a maintenance contract for the landscaping and maintenance of trees on site. A copy of the contract must be provided to Council prior to the issue of any Occupation Certificate. The contract for the maintenance must be for a period of no less than 3 years following the issuing of any Occupation Certificate.

(15) PROTECTION OF NATIVE WILDLIFE

- (a) In the event that wildlife is found during any approved tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regard to tree pruning, works may only proceed if the animals will not come into direct harm.
- (b) In the event that the tree has nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

SCHEDULE 1B

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

(16) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 19 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(17) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

(18) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(19) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to minimise and manage waste and recycling generated by the proposal.

(20) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council for such structures.

- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
- (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
 - (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

(21) TEMPORARY STRUCTURES (HOARDINGS, SCAFFOLDING AND OTHER STRUCTURES) INSTALLED ON PUBLIC ROADS THAT REQUIRE DEVELOPMENT CONSENT

The following forms of temporary structures (hoardings, scaffolding and other structures) proposed for installation on or above public roads and in connection with the construction of the approved development require Council approval (development consent):

- (a) Type B hoardings that span over roads such as laneways;
- (b) Type B hoardings that propose more than a single storey of site sheds installed on a hoarding deck;
- (c) Type A and Type B hoardings with or without scaffolding that project beyond the side boundaries of adjoining properties;
- (d) fenced work compounds at roadway/footway level;
- (e) hoardings/scaffolding associated with works on heritage-listed buildings;
or
- (f) any other large and/or potentially high environmental impact temporary structures, as determined by Council.

A separate development application must be submitted and approved by Council prior to the installation of any temporary structure listed above.

(22) 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.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(23) 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*.

(24) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

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:

- (a) 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;
- (b) the notice is to be durable and weatherproof and is to be displayed throughout the construction period;

- (c) 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;
- (d) 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;
- (e) 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; and
- (f) all notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

(25) 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.

(26) SURVEY

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

(27) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

(28) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(29) 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.

(30) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) 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, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) 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 approved hours of construction 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.

(31) 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 and Section 138 of the Roads Act 1993 must be obtained.

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>