



Burwood ^{Inc.1874}

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OUT OF HOURS CONSTRUCTION POLICY

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Purpose/Explanations

The purpose of this policy is to outline the circumstances where construction sites may have their approved hours of construction varied.

Scope

The Policy applies to development sites within the Burwood Local Government Area, in the Business Zones (B2, B4 & B6) and General Residential Zone (R1) only.

Applications should not involve out of hours works within low density residential zoned areas.

Public Infrastructure works, State Significant Development on behalf of the Crown, Emergency Services or Disaster Recovery works are exempt from this policy.

Reasons for Out of Hours Construction

Building works are to be carried out in the approved hours of construction set out in the relevant development consent, unless a permit approving variation of those hours has been granted under this policy.

Council will only consider work being undertaken outside normal working hours where it can be shown there are genuine safety, technical or public amenity issues to be addressed.

Applications that seek approval for Out of Hours Construction work based only on the amenity or convenience concerns of the applicant or building occupants will not be considered or approved.

Circumstances where Council may consider an application for extended hours include:

1. The pouring of large transfer slabs where it can be demonstrated by certification from a practising structural engineer that the pour cannot be completed within approved working hours and a control joint cannot be provided in the slab.
2. Where restrictions on size of vehicles or time limits are imposed by Transport for NSW (TfNSW) on State Roads within the LGA and documentary evidence to this effect from TfNSW is provided.
3. Where there are public safety or amenity concerns for adjoining or surrounding residents for works being carried out within approved hours.

In all circumstances, documentary evidence must be provided to support the justification for out of hours construction.

Limitations on Out of Hours Construction

The policy is not intended to apply to works such as rock breaking, excavation, piling, concrete cutting, jack hammering or other major noise generating activities.

Approval will not be given for Out of Hours Construction works to take place after 10pm at night (daylight saving time), 9pm (non-daylight saving time) or before 6am.

Applications for Out of Hours Construction works to take place on a Sunday or a Public Holiday will not be considered.

Any approval for Out of Hours Construction works relates only to the date specified in the permit, usually one day only, permits for a maximum of 2 consecutive days could be considered in exceptional circumstances. Any change of date will require a new application to be lodged.

To be clear, the issuing of a permit under this policy is not an approval for an ongoing variation to the Hours of Demolition/Construction imposed by any conditions in a Development Consent.

Application requirements

Applications must be lodged using the application form approved by the General Manager.

Applications must be accompanied by the fee approved by Council. The application fee is non-refundable in the event the application is withdrawn or not approved.

All applications must be lodged to Council at least 15 working days prior to the date on which the works are proposed to be carried out. Any applications lodged after this time will not be considered.

It is the responsibility of the applicant to provide sufficient information and describe the proposed works in detail, to enable the application to be properly considered. Failure to do so may lead to rejection of the application.

Applications must demonstrate that consideration has been given, and measures have been put in place to address, any perceived impact of the activity on nearby residential and public use buildings (especially those involving sensitive occupants). Examples may include Traffic Control Plans, Noise Abatement Plans, Light Spillage Plans (where lighting on site is required) or Dust Nuisance Plans. If approved, the agreed mitigation measures will form part of the conditions of the permit. Where the Out of Hours Construction requires a road closure or occupation licence, a separate approval will also be required from Council or the relevant Roads authority.

A Draft Notification letter to be distributed to surrounding residents **must** accompany any application for out of hours construction.

Consideration of Applications

Applications will not be considered unless they have been submitted on the approved form and the required fee paid in full.

Council officers will ensure that the merit of each application is considered, including individual circumstances, and that the public interest is maintained at all times.

The matters that will be taken into consideration when considering an application include (but are not limited to) the following:

- Nature of work to be conducted
- Reason for Out of Hours completion
- Residual effect of work (Noise, Traffic, Parking)
- Demographic of area (Residential, Commercial)
- Compliance history of the subject premise
- Current hours of operation
- Mitigating or extenuating circumstances
- Impact of works not being completed

The outcome of the application will be notified to the applicant by way of the issuing of a permit or a notice of refusal at least six (6) days prior to the proposed date of works.

Notification requirements

After a permit has been granted by Council, the applicant must notify all residences, institutions and businesses within a 100 metre radius of the development site of the times the works will be conducted by way of letterbox drop at least five (5) days prior to the work taking place.

The neighbour notification letter must include a contact name and telephone number for a person with responsibility for managing Out of Hours Construction works. That person must be available and on duty at all times whilst works are underway out of hours.

A copy of the Notification letter distributed to residents must be displayed in a prominent position on the site fencing 5 days before the work is to be carried out. A copy of the Notification letter must also be displayed on the web site of the builder/developer.

A copy of any permit provided by Council must be maintained on site and produced as requested by Police or Council officers.

Cancellation of approval and enforcement

An approval for Out of Hours Construction may be cancelled without notice should it be determined that public or residential amenity is being detrimentally affected.

It is the responsibility of the builder and/or person carrying out the works on the site to ensure that mitigating measures are put in place and maintained during the tenure of the extended hours of construction. If it is determined that the mitigating measures have not been maintained or put in place, the approval will be cancelled.

Council will consider the issue of a Penalty Notice for a breach of the development consent, if a permit was not in place for out of hours construction or mitigating measures not implemented.

Related Information

Burwood Development Control Plan 2013.

Review

This policy will be reviewed in 2 years (2025).

Contact

For further information please contact the City Development Team 9911 9911.