



Issued: 9 May 2023 4:29 PM

JUDGMENT/ORDER

COURT DETAILS

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|-------------|-----------------------------------|
| Court | Land and Environment Court of NSW |
| Division | Class 1 |
| Registry | Land and Environment Court Sydney |
| Case number | 2021/00295821 |

TITLE OF PROCEEDINGS

| | |
|------------------|--|
| First Applicant | Kyrich Pty Ltd |
| First Respondent | Wollondilly Shire Council ABN 93723245808 |

DATE OF JUDGMENT/ORDER

| | |
|--------------------|------------|
| Date made or given | 9 May 2023 |
| Date entered | 9 May 2023 |

TERMS OF JUDGMENT/ORDER

The Court orders that:

- (1) The appeal is upheld.
- (2) Development consent is granted to Development Application DA2020/449 for an 87 place childcare centre, with 22 car parking spaces, associated landscaping, earthworks, retaining walls, fencing and drainage works on the land described as Lots 502, 503 and 504 DP 1201968 and Lot 506 DP 1201969 known as 2 and 4-8 Eliza Place, Picton subject to the conditions in Annexure A.
- (3) In accordance with s 8.13(3) of the Environmental Planning and Assessment Act 1979, this development consent takes effect on the date these orders are made.
- (4) The Applicant is to pay the Respondent's costs thrown away pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979, as agreed or assessed.

SEAL AND SIGNATURE



| | |
|-----------|------------|
| Signature | S. Froh |
| Capacity | Registrar |
| Date | 9 May 2023 |

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12

| | |
|--------------------------------|-----------------------------|
| Name | Kyrich Pty Ltd, Applicant 1 |
| Legal representative | JOSHUA ROBERT PALMER |
| Legal representative reference | |
| Telephone | 02 9262 6188 |

FURTHER DETAILS ABOUT Applicant(s)

| | |
|------------------|---|
| First Applicant | |
| Name | Kyrich Pty Ltd |
| Address | 32 Trevellyan Street CRONULLA NSW 2230 |
| Telephone | |
| Fax | |
| E-mail | |
| Client reference | |

Legal representative

| | |
|-------------------------------|---|
| Name | JOSHUA ROBERT PALMER |
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FURTHER DETAILS ABOUT Respondent(s)**First Respondent**

| | |
|--------------------------|--|
| Name | Wollondilly Shire Council ABN 93723245808 |
| Address | 62 - 64 Menangle Street PICTON NSW 2571 |
| Frequent User Identifier | WOLLSC |

ATTACHMENTS TO ORDERS

(295821.21 Bradbury AC Annexure A.pdf)

[attach.]

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA/2020/449/1

Development: 87 place childcare centre, 22 car parking spaces and associated civil and landscaping works.

Site: 2 and 4-8 Eliza Place, Picton being Lots 502, 503 and 504 in DP 1201968 and Lot 506 in DP 1201969

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 09 May 2023

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 2 and 4-8 Eliza Place, Picton NSW 2571 being Lots 502, 503 and 504 in DP 1201968 and Lot 506 in DP 1201969. The conditions of consent are as follows:

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with statutory requirements, the conditions of consent and the approved plans to Council's satisfaction.

- (1) Development Consent is granted for construction of single storey, part two level 87 place child care centre, 22 car parking spaces and associated works, at Lot: 503 DP: 1201968, Lot: 502 DP: 1201968, Lot 504 – DP 1201968, Lot: 506 DP: 1201969, 4-8 Eliza Place, PICTON.
- (2) Development shall take place in accordance with the submitted plans listed below and submitted in respect of Development Application No. DA/2020/449/1, except where varied by the following conditions:

| Plan Name | Prepared by | DWG No | Issue | Date |
|--|-----------------------------|------------------------|--------------|-------------|
| Cover Page | Accurate Design & Drafting | 19242-31 Sheet 1/16 | AE | 29/03/23 |
| Lower Floor Plan | Accurate Design & Drafting | 19242-31 Sheet 2/16 | AE | 29/03/23 |
| Ground floor plan | Accurate Design & Drafting | 19242-31 Sheet 3/16 | AE | 29/03/23 |
| Front & Rear Elevations | Accurate Design & Drafting | 19242-31 Sheet 4/16 | AE | 29/03/23 |
| Side Elevations & Section A-A | Accurate Design & Drafting | 19242-31 Sheet 5/16 | AE | 29/03/23 |
| Site Analysis Plan & Sediment/Erosion Control Plan | Accurate Design & Drafting | 19242-31 Sheet 6/16 | AE | 29/03/23 |
| Streetscape & Schedule of External Finishes | Accurate Design & Drafting | 19242-31 Sheet 7/16 | AE | 29/03/23 |
| Civil Engineering Drawings | D&M Consulting Pty Ltd | Sheets 1 to 21 | J | 26/3/23 |
| Landscape Plan | Moir Landscape Architecture | LP01 – 05 inclusive | O | 30/3/23 |

- (3) Development shall take place in accordance with the recommendations of the following reports:
 - (a) *Amended Acoustical Assessment, prepared by 'The Acoustic Group', reference – 53.5489.R1C:MSC, dated 26 March 2023.*

- (b) *Operational Plan of Management dated 29 March 2023 Version 9, which is to be amended to include:*
 - I. Requirement to keep the transparent acoustic barriers clean on a regular basis
 - (c) *Stormwater Management Report prepared by DMC Civil and Structural Pty Ltd, Revision G, dated 26 March 2023.*
 - (d) *Draft Flood Emergency Response Plan, prepared by Expert Engineering Services Australia – 22-017 dated 8 February 2023.*
 - (e) *Geotechnical Report prepared by Douglas Partners dated January 2023.*
 - (f) *Detailed Site Investigation Report prepared by Consulting Earth Scientists Pty Ltd dated 22 March 2023.*
 - (g) *Report on Salinity Investigation prepared by Douglas Partners dated February 2023*
 - (h) *Report on Preliminary Groundwater Assessment prepared by Douglas Partners dated February 2023*
 - (i) *Updated retaining wall detail and construction procedure for carpark, - prepared by ExpertESA dated 29 March 2023*
 - (j) *Proposed Pedestrian Sight Lines with 5.6m Roadway prepared by Terraflow*
- (4) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. DA/2020/449/1 except where varied by the following conditions of consent.
- (5) All building work must be carried out in accordance with the provisions of the Building Code of Australia /National Construction Code. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- (6) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

2. GENERAL TERMS OF APPROVAL FOR MINES SUBSIDENCE ADVISORY NSW

Issued in accordance with Section 4.47 of the *Environmental Planning & Assessment Act* 1979 for, **general terms of approval are granted for the development described in Schedule 1, subject to the conditions attached in Schedule 2.**

SCHEDULE 1

Ref: **TBA20-02218**

DA: **DA/2020/449/1**

Site Address: **4-8 ELIZA PLACE PICTON**

Lot and DP: **LOTS 502 & 503 DP 1201968 & LOT 506 DP 1021969**

Proposal: **CHILD CARE CENTRE**

Mine Subsidence District: **WILTON**

SCHEDULE 2

GENERAL TERMS OF APPROVAL

GENERAL

Plans, Standards and Guidelines

1. These General Terms of Approval (GTAs) only apply to the development described in the plans and associated documentation relating to **DA/2020/449/1** and provided to Subsidence Advisory NSW.

Any amendments or subsequent modifications to the development may render these GTAs invalid.

If the proposed development is amended or the development consent modified, Subsidence Advisory NSW must be notified to determine if any variations to these GTAs are required.

2. This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

3. Prescribed Design Parameters

Provide certification from a qualified structural engineer that the proposed structure is capable of remaining “**safe, serviceable and any damage from mine subsidence shall be limited to ‘slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable**” if subjected to the subsidence parameters outlined below:

- a) Maximum Horizontal Strains (+/-): 2 mm/m
- b) Maximum Tilt: 4 mm/m
- c) Maximum Radius of Curvature: 10 km

4. The design submitted for approval under Section 22 of the *Coal Mine Subsidence Compensation Act 2017* shall include certification by a qualified structural engineer to the effect that the improvements will remain “**safe, serviceable and any damage from mine subsidence shall be limited to ‘slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable**” taking into consideration the mine subsidence parameters outlined above.

POST CONSTRUCTION

5. Upon completion of construction, work-as-executed certification by a qualified engineer will be required by Subsidence Advisory NSW confirming that construction was in accordance with the plans accepted by Subsidence Advisory NSW.

Dispute Resolution

If you are dissatisfied with the determination of this application an appeal may be formally submitted with the Chief Executive Officer for an independent internal review. The application must be made in writing and must provide reasons why the determination should be changed.

3. AMENDMENTS TO PLANS

(1) The application is approved subject to the following plan amendments and revisions to reports:

(a) Architectural plans are to be amended to show:

- (i) The 1.8 metre fence to the southern boundary is to be a lap and cap timber fence;
- (ii) The 1.8 metre fence along the southern boundary is not to protrude further west than the front elevation of 42 Argyle Street, Picton. There is to be a 1.1 metre lap and cap timber fence installed to the front alignment of the subject site.
- (iii) Addition of an adult sink in the prep room for senior pre-school educators;
- (iv) The dry creek with pump (5) and timber bridge over dry creek (6) is to be relocated to OPA1 (active play elements) with additional deck and timber seating to be provided in OPA 2. Details are to be provided prior to the issue of a Construction Certificate.
- (v) The nappy change area between the Toddler Room and Nursery is to be designed in accordance with the NCC AND National Regulations to ensure appropriate supervision, sufficient bench space adult hand wash basin and baby bath. Details are to be provided prior to the issue of the Construction Certificate and to the satisfaction of the Regulatory Authority at the time of service approval.
- (vi) The exit signs to the Toddler toilets are to be deleted.
- (vii) A balustrade is to be provided to the western side of staff parking area where there is a level change.

(b) Landscape plans are to be amended to show:

- (i) A maximum of three (3) medium canopy trees in the driveway handle.
- (ii) A minimum four (4) medium trees capable of achieving a minimum mature height of 10.0 metres for the purpose of providing shade and reducing radiated heat shall be provided in the carparking area.
- (iii) Replace the proposed *Zelkova serrata* with *Zelkova serrata* 'Green Vase'.

- (iv) That there is sufficient room and distance from below and above ground structures for the trees to be planted to remain viable in the long term and provide shade.
 - (v) The correct maintained heights and species of hedges nominated in the Plant Schedule shall be specified.
 - (vi) The Plant Schedule is to be amended to include details of screening species used at the southwestern corner will be between 1.0 metre and maximum 1.5 metres high at maturity.
 - (vii) Screening species on the eastern boundary of the carpark shall be *Syzygium australe* 'Straight and Narrow' and maintained at a minimum mature height of 3.0 metres.
 - (viii) Tree Soil Vaults providing a minimum soil volume range between 28m³ – 35m³ for each carpark tree, with a minimum depth of 1000mm.
 - (ix) Consistency with the approved architectural and civil engineering plans.
- (c) Civil Engineering and Stormwater Plans are to be amended to show:
- (i) Updated stormwater drainage design that demonstrate compliance with Council's engineering standards and provides comprehensive construction details for all levels, pits, pipes and stormwater management infrastructure.
 - (ii) Updated DRAINS and MUSIC modelling that are consistent with the engineering plans (eg. catchment areas, pervious/impervious area proportions, OSD and water quality bypass areas, pipe sizes and inverts, labelling of all pit/pipe infrastructure *etc*).
 - (iii) Safe access to all stormwater pits, including appropriate stormwater pit dimensions for deeper pits.
 - (iv) Implementation of the ExpertESA bored pile construction procedure.
 - (v) Level 1 geotechnical engineering supervision for all excavations and piling work undertaken adjacent to neighbour property or infrastructure.
 - (vi) Maximum vibration levels and required monitoring on the property boundary during piling and bulk excavation works.
 - (vii) Modifications to the retaining wall design addressing Argyle Street to allow for further landscaping works.
 - (viii) Certification of the engineering designs and plans that they comply with relevant Council and Australian standards.
- (d) Finalised Flood Emergency Response Plan (FERP), which must be generally consistent with the Draft FERP, and amended to provide:
- (i) The process and procedure for appointing flood wardens and deputy flood wardens.
 - (ii) Details of flood and weather monitoring systems to be implemented.
 - (iii) Details of ongoing training and education that will be provided to staff.
 - (iv) The method of communicating flood warnings to parents, carers and staff.
 - (v) That parents will be requested to not attend the facility if there a flood warning has been received.

- (vi) For ongoing review after each flood event affecting access to the facility. Reviews shall be undertaken at least every five years.

These amendments are to be submitted to and approved by the **Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

4. Other General Areas for Conditions

- (1) Waste Collection is to occur twice weekly (maximum) between the hours of 6pm and 7pm, Monday to Friday only and/or 10am and 2pm on Saturday.
- (2) Deliveries are to occur between the hours of 10am and 2.30pm, Monday to Friday only.
- (3) **Tree Management** – Prior to issue of the Construction Certificate, details of the tree vault system (e.g. cell system type, soil volumes, soil media, construction methodology, etc), shall be confirmed in writing by a qualified landscape architect/designer or AQF Level 5 arborist that the designed tree soil vault system is fit-for-purpose, and provided to the Certifying Authority/ Council's Landscape Officer
- (4) The pruning of tree branches for play or vehicle clearance within the children's play areas, driveway and carpark shall be undertaken by a qualified arborist with a minimum Australian Qualification Framework Level 3 who holds appropriate industry insurance/s.
Pruning works shall be undertaken in accordance with AS4373 *Pruning of amenity trees* and Safe Work Australia *Guide to managing risks of tree trimming and removal work*.
No greater than 15% of the trees' crowns shall be removed for vehicle or playground clearance.
- (5) **Landscape Management** – To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over the life of the development following the issue of the Occupation Certificate shall be prepared and provided to Council's Landscape Officer or the Private Certifier's satisfaction with the Construction Certificate Application. The strategy is to address maintenance issues such as plant survival, irrigation, soil testing, weeding, fertilising, pest and disease control, removal of plant stakes, replacement of failed plants, formative tree pruning (performed only by an AQF5 arborist) and other pruning, and the like.

Underperforming turf within children's play areas shall not be replaced with synthetic turf. Porous, soft-fall materials (e.g. mulches, play sand, or similar) would be acceptable.

The approved landscape works are to be consistent with the approved design (including any amendments required by conditions in this Consent), completed to a professional standard and consistent with industry best practice and published standards.

Landscaping provided shall be maintained for the life of the development and in accordance with the approved landscape maintenance strategy. Where vegetation, including trees approved as part of this consent, dies, it must be replaced with new landscaping that achieves a similar height and form to that approved under this development consent.

The trees proposed will not interfere with the waste collection vehicle which has a height of around 3.7m or that these trees will be appropriately pruned to keep them clear of the car parking aisle.

- (6) Lots 502 and 503 in Deposited Plan 1201968 and Lot 506 in Deposited Plan 1201969 shall be consolidated into one title and written notification as to the registration of such consolidation at Land and Property Information is to be submitted to Council prior to release of the Construction Certificate, with the easements, profits a prendre, restrictions and positive covenants currently registered on the title of and which burden lots 502, 503 and 506 and benefit lots, roads, bodies or prescribed authorities other than lots 502, 503 and 506, or which benefit lots 502, 503 and 506 and which burden other lots, to be maintained on the title of the consolidated lot, other than the easements and restriction to be released or modified in accordance with the terms of the letter issued by Wollondilly Shire Council dated 5 April 2023.
- (7) An instrument under the Conveyancing Act 1919 shall be prepared and registered on title which shall provide for the following restrictions on the lots as tabulated as follows:

| Restriction / Positive Covenant | Lots Burdened | Lots Benefited | Authorities to release, vary or modify |
|---|---------------|----------------|--|
| No structure or landscaping, other than turf (which is to be maintained) is to be installed along the eastern boundary of Lot 504 between the splay in the north eastern fence (as approved in DA/2022/40/1 and as identified in the plan <i>Proposed Pedestrian Sight Lines with 5.6m Roadway prepared by Terraflow</i>) and the northern boundary of Lot 504 | Lot 504 | None | Council |

| Restriction / Positive Covenant | Lots Burdened | Lots Benefited | Authorities to release, vary or modify |
|---------------------------------|---------------|----------------|--|
|---------------------------------|---------------|----------------|--|

| | | | |
|---|---------------------------|---------|---------|
| Right of carriageway and easement for services for the proposed access handle as identified in drawing 200774 (Rev J) sheet 3/21 prepared by D&M Consulting dated 26/3/23 and Site Analysis Plan & Sediment/Erosion Control Plan, Accurate Design & Drafting, 19242-31, Sheet 6/16, issue AE, dated 29/3/23 | Lot 502, Lot 503, Lot 506 | Lot 504 | Council |
|---|---------------------------|---------|---------|

- (8) Local Traffic Committee Approval is required for the relocation of the no stopping zones on Eliza Place.
- (9) The colour of carpark is to be a lighter colour to as not to radiate as much heat as asphalt or dark concrete will.
- (10) Prior to the issue of any Construction Certificate, all shoring systems shall be designed for a minimum allowance of 20kPa surcharge on adjoining properties, and factor in any additional existing loads. Shoring systems shall take account of existing retaining structures on adjoining land and shall be designed to ensure that no damage to adjoining land or structures occurs during installation.
- (11) During construction, where possible, excavated material won from the site shall be reused on the site for filling. Any excess fill shall be tested and classified in accordance with the relevant waste classification guidelines, and disposed of at an appropriately licensed waste facility in accordance with the current legislation.
- (12) Prior to the commencement of any construction works: Detailed dilapidation surveys are to be undertaken prior to commencement of any physical works on the site, including external areas and areas within adjoining dwellings where these are adjacent to bulk excavation works, are to be carried out for numbers 10, 12, 14, 16, 18 Eliza Place and 42 Argyle Street, as well as road frontages to the site at Eliza Place and Argyle Street. Copies of dilapidation surveys are to be provided to affected homeowners and Council on completion.
- (13) Prior to the issue of any Construction Certificate, a geotechnical monitoring plan shall be prepared by a geotechnical engineer that is consistent with the Douglas Partners geotechnical report and includes at a minimum the following requirements during construction:
 - (a) Vibration monitoring at the site boundaries
 - (b) Geotechnical supervision during pile installation
 - (c) Inspection of excavations and level 1 supervision of bulk excavations

- (d) Inspections during foundation construction
- (14) Prior to the issue of any Construction Certificate, all engineering plans shall be reviewed and certified by a qualified geotechnical engineer prior to commencement of works.
- (15) During construction, all works are to be carried out in accordance with the recommendations in the Douglas Partners report dated January 2023.
- (16) Prior to the issue of any Construction Certificate: An unexpected finds protocol (UFP) shall be prepared by a suitably qualified environmental consultant to address any expected finds during minor excavations and earthworks.
- (17) During Construction, all earthworks shall be undertaken in accordance with the approved unexpected finds protocol (EFP).
- (18) Prior to the issue of an Occupation Certificate: Stormwater Maintenance Plan is to be provided to Council for review and approval.
- (19) The prep room in the junior and senior preschool rooms are for craft prep only, no food prep.
- (20) Operational Requirement: The facility shall be operated at all times in accordance with the approved FERP. The approved FERP shall be annexed to the plan of management.
- If there is identified risk of flooding by the SES or BoM, parents / carers are to be advised, at orientation and regularly via signs and electronic means, to check the service communication application prior to coming to the service to ensure it is safe to do so.
 - If flooding of the Picton CBD is predicted for a particular day the Centre will notify parents / carers that they should avoid attending the Centre on that day.
 - If unexpected flooding of the Picton CBD occurs during the day after children have arrived, then all children, parents / carers and staff who are at the Centre should shelter in place within the Centre until flooding has subsided from the surrounding streets and it is safe for parents / carers to collect their children; This must be communicated to parents via the service communication application.

5. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance /construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

- (1) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development and/or match those of the existing development within the heritage conservation area.
- (2) Due to the close proximity of Argyle Street (Regional Classified) to the proposed development the subject building/s are to be acoustically treated in order to achieve acceptable interior noise levels as recommended by *AS/NZS 2107 Acoustics - recommended design sound levels and reverberation times for building interiors*. Confirmation by a suitably qualified Acoustic Consultant that the acoustic treatments required in order to achieve acceptable interior noise levels have been satisfactorily installed shall be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.
- (3) The development shall comply with AS1428 – Design for access and mobility in respect of accessibility for people with a disability. Prior to the issue of any Construction Certificate, a report and construction details certifying compliance with this condition prepared by a suitably qualified person shall be provided to Council or the nominated Accredited Certifier".
- (4) All building lights shall illuminate buildings and signs from the top-down rather than bottom-up to reduce light spill into the night sky.

6. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or the nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia (NCC). Where Council is to be the nominated Accredited Certifier Council's Building Services Section may be contacted on 02 4677 1100 if further clarification is required.
- (3) Mechanical plant noise shall be assessed at the most affected point at or within the boundary of the residences (where access is permitted) to confirm it meets the noise criteria nominated in the approved acoustic report. **A report shall be prepared by a suitably qualified acoustical engineer and issued to Council prior to the Construction Certificate.**
- (4) Construction shall not commence until a Construction Certificate has been obtained from Council or a nominated Accredited Certifier.
- (5) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8:00am and 1:00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.

- (6) Excavated or filled area/s adjacent to the building shall be retained and drained to prevent the subsidence of the surrounding area. Where retaining walls exceed 600mm in height, plans and specifications of the retaining wall shall be submitted to Council or a nominated Accredited Certifier and approved before the issue of the Construction Certificate. Where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.
- (7) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development.
- (8) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
 - (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (vii) to a public sewer, or
 - (viii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

Sewage Management Facility has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (9) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (10) There shall be no burning of builder's rubble, felled trees or other material on site.
- (11) Prior to the issue of any Construction Certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:

- (a) Payment of Infrastructure Inspection Fee (if development cost >\$5,000 in residential zones R2, R3 & R5 or for BCA class 2, 3, 5, 6, 7, 8 and 9 construction work in all zones)
- (b) Payment of 1st Structure Restoration Fee (only applies to the first structure on the site)

The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.

- (12) Dust shall be controlled so that it will not leave the construction site.
- (13) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight-fitting lid and be suitable for the reception of food scraps, papers, etc.

7. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public: -

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification. The requirements of the Design Specification shall take preference over any stamped or endorsed plans issued with this consent.
- (2) **Prior to issue of Construction Certificate**, a "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council with the Engineering Plans. The measures shall be in accordance with Council's Construction Specification and the Department of Housing's "Blue Book".
- (3) **Prior to issue of Construction Certificate**, a "Traffic Management Plan" shall be prepared by a suitably qualified traffic controller, that details suitable safety measures, for construction vehicles, that will be implemented whenever construction works are being carried out non site
- (4) **Prior to a Construction Certificate** being issued, the applicant must submit details of stormwater disposal to Council for approval. The flow of stormwater toward the roadways and adjoining properties must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (5) **Prior to any occupation of the development or the issue of any Occupation Certificate**, all civil works (carparking, internal drainage etc.) carried out within the private property shall be inspected and completed to the satisfaction of the Principal Certifier.

8. PROPERTY STORMWATER MANAGEMENT

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to prevent nuisance, damage and hazard during storm events.
- (2) The stormwater discharge from the site shall have adequate control measures installed that limit the post-development discharge rate, at each discharge point, to no more than the pre-development condition as per Wollondilly Shire Council Design Specification D5.16 Stormwater Detention.
- (3) The person or entity having the benefit of this consent shall be responsible for ensuring the ongoing operation of any Onsite Detention System, including the inspection and maintenance, is in accordance with an approved "Onsite Detention Management and Maintenance Plan".
- (4) The development shall manage stormwater runoff from the site through the construction of stormwater drainage as generally in accordance with the concept drainage plans prepared by D & M Consulting 200774, Revision J dated 26 March 2023.
- (5) **Prior issue of Construction Certificate**, an "Onsite Detention Management and Maintenance Plan" shall be prepared, to the satisfaction of the nominated Certifier, outlining the ongoing management, inspection and maintenance required to ensure adequate operation of the Onsite Detention system.
- (6) **Prior to any occupation of the development or the issue of any Occupation Certificate**, the stormwater drainage and Onsite Detention system shall be constructed and operational to the satisfaction of the Principal Certifier.

9. CARPARKING/ACCESS

These conditions have been imposed to:

- (a) **Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
 - (b) **Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**
- (1) To ensure adequate parking is provided on site, the development is required to be provided with a minimum of twenty two (22) off-street car parking spaces designed in accordance with the relevant sections of AS2890.1 and AS2890.6, including the design variations outlined in the Wollondilly Shire Council Design Specification D13 Access and Off-street Carparking.
 - (2) To ensure adequate parking is provided on site, a minimum of one (1) of the provided off-street parking spaces is to be allocated and designed for people with disabilities in accordance with AS 2890.6, including line marking and bollards.
 - (3) In relation to the design of parking spaces, the following User Classifications shall be adopted as outlined in AS2890.1:
 - (a) Designated staff parking spaces may be designed to User Class 1,

- (b) Visitor parking spaces shall be designed to User Class 3,
- (4) Provision shall be made for vehicles to access and leave the site in a forward direction. All vehicle turning manoeuvres must be provided within the site in accordance with the Wollondilly Shire Council Design Specification D13 Access and Off-street Carparking Part D13.15, being forward in reverse out for B85 vehicles.
Note: Where carpark manoeuvring areas and aisle dimensions may not be strictly in accordance with the design specification, vehicle turnpath simulations shall be provided, to the satisfaction of the nominated Certifier, to ensure site and carparking space access can be achieved in accordance with the design specification.
- (5) Stacked parking spaces 18,19, 21 and 22, as shown on Sheet 2/16 of the architectural plans must be allocated only for staff parking through the provision of pavement parking and clearly visible signage indicating staff parking only. All other spaces must be made available for visitor parking.
- (6) Provision must be made for a concrete access driveway that permits two way access with a width of 5.6m at the Eliza Place boundary increasing to a width of 6.0m thereafter as shown on Proposed Pedestrian Sight Lines with 5.6m Roadway prepared by Terraflow and in accordance with the Wollondilly Shire Council Design Specification D13 Access and Off-street Carparking Part D13.15.
- (7) During operation of the Childcare Centre a Parking Safety Policy shall be established and implemented by the operator to ensure the safe operation of the off-street carpark. The policy shall include directions and guidelines around the operation and restrictions of the various car parking spaces and outline the responsibilities of management to ensure optimum off-street parking availability for visitors and staff.
- (8) To provide for the arrest of errant vehicles in the elevated car parking area, barriers must be erected along the edges of the car park which are bounded by a level change of 0.6m or greater. The barriers must be designed structurally for the loading requirements of AS1170.1._
- (9) To increase safety for pedestrians at the interface of the driveway with the Eliza Place footpath, the following devices shall be installed:
- (a) A speed cushion approximately 4m from the boundary on the western side of the driveway.
- (b) "Watch for Pedestrians" signage facing south on the western side of the driveway, a maximum distance of 6m from the northern boundary.
- (10) A continuous accessible path compliant with AS1428.1 must be provided from the footpath entry from Eliza Place and the accessible car parking space to the building entry.
- (11) Gradients are to be shown along the pedestrian path all the way to the centre entry to demonstrate a continuous accessible path of travel.

10. PUBLIC ROADS AND DRAINAGE

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

- (1) Before commencing any works within the road reserve, a road Management Permit must be issued by the relevant Road Authority. A permit may be subject to the provision of design plans and payment of fees and charges.
- (2) Vehicular access from Eliza Place to the carpark shall be provided through the construction of a single 5.6m metre wide concrete kerb/footway crossing in accordance with Council's Design Specification D13 Access and Off-street Carparking. The access must achieve the separation to existing street infrastructure as outlined in Section D13.06 of the Wollondilly Shire Council Design Specification 2016 Revision A.
- (3) **Prior to any occupation of the development or the issue of Occupation Certificate**, a Certificate of Practical Completion for all drainage and access works carried out within the public road shall be obtained from Council's Development Engineering Team.
- (4) **During Construction works**, The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.
- (5) **During Construction works**, all vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

11. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the development on the environment and on adjoining properties.

- (1) Runoff and erosion controls are to be installed prior to the commencement of any site works and incorporate:
 - (a) Diversion of uncontaminated up-site runoff around cleared and/or disturbed areas.
 - (b) Containment of the downslope perimeter of the cleared and/or disturbed area with a silt fence and/or other devices to prevent sediment and other debris escaping from the land.
 - (c) Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated after completion of construction.

- (2) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (3) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

12. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill.

- (1) There shall be no encroachment onto adjoining lands by any fill placed near boundaries.
- (2) Only fill characterised as VENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.

13. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

- (1) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease immediately until the matter is resolved to the satisfaction of the PCA.

14. SERVICES

These conditions have been imposed to ensure that an adequate level of services and infrastructure are provided for this development.

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate for the development.

- (2) The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
 - connection and disconnection approvals
 - diagrams
 - trade waste approvals
 - pressure information
 - water meter installations
 - pressure boosting and pump approvals
 - changes to an existing service or asset, e.g. relocating or moving an asset.
- Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

- (3) The child-care center shall be connected to the reticulated sewage scheme prior to the issue of any Occupation Certificate for the development.

15. WASTE MANAGEMENT

These conditions have been imposed to enquire that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises.

- (1) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application.

16. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation.

- (1) The development shall not be occupied as a residence or domicile.
- (2) The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifier upon completion of the work.
- (3) The premises shall be maintained in a clean and tidy state at all times.
- (4) The footpaths/driveways shall be kept clear of signs, fixtures and goods at all times.
- (5) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission of discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.
- (6) Dust shall be controlled so that it will not leave the site.
- (7) The centre-based child care facility shall be conducted between the hours of 7.00am and 6pm Mondays to Fridays inclusive. The premises are not to be conducted on Saturdays, Sundays and Public Holidays.

- (8) The maximum number of children catered by the centre-based child care facility shall be restricted to 87 children.
- (9) The facility shall comply with Australian Standard AS 1428 for disability access.
- (10) The centre-based child care facility shall meet the relevant controls under the Education and Care Services National Regulations to the satisfaction of the principal Certifying Authority prior to the issue of any occupation certificate.
- (11) Acoustic controls and barriers shall be installed in accordance with the *Amended Acoustical Assessment, prepared by 'The Acoustic Group', reference – 53.5489.R1C:MSC, dated 26 March 2023.*
- (12) The $L_{Aeq,15min}$ noise level from outdoor play shall meet the noise criteria nominated in the approved acoustic report at or within the boundary of any residences. In addition, the cumulative $L_{Aeq,15min}$ noise level from indoor play, use of the driveway/car park and all mechanical plant shall meet the noise criteria nominated in the approved acoustic report.
- (13) The noise suppression and control measures of building elements are to comply with the recommendations of the approved acoustic report, in order to achieve the required noise reduction targets and predicted noise levels and noise criteria nominated in the report.
- (14) The traffic noise levels within any outdoor play areas shall be measured at the time of day representative of the highest traffic noise to confirm the $L_{Aeq,1hour}$ noise level from traffic does not exceed 55dBA. **A report shall be prepared by a suitably qualified acoustical engineer and issued to Council prior to the Occupation Certificate.**
- (15) Mechanical plant noise shall be measured at the most affected point at or within the boundary of the residences (where access is permitted) to confirm it meets the noise criteria nominated in the approved acoustic report. **A report shall be prepared by a suitably qualified acoustical engineer and issued to Council prior to the Occupation Certificate.**
- (16) The use of the outdoor play areas should be restricted to daytime only, between 7am and 6pm in accordance with the schedule set out in the Plan of Management.
- (17) Management of the children in the outdoor play areas are to be in accordance with the approved Plan of Management
- (18) There shall be no amplified music played in the outdoor play area.
- (19) The Noise Control and Complaints Policy shall be strictly adhered to and kept up to date.

- (20) Vehicular and pedestrian gates shall be provided at the southern end of the access handle as shown on the Amended Landscape Plan that are locked after operating hours, except when rubbish is being collected.
- (21) Lighting is to be provided to illuminate the entry driveway carpark and building entry areas while the child care centre is in operation. Lighting within the driveway should be low level bollard lighting, and all lighting shall be designed to be compliant with AS/NZS 1158.1 and directed to avoid light spill to adjoining residential properties.
- (22) Lighting within the car park should be motion sensed when the child care centre is closed to assist in identifying when people are at the site unauthorised and to help identify them. All lighting used at the site should be LED (white lighting) to ensure the lighting provides good visibility.
- (23) CC TV should be installed at the site to monitor the car park building entries. Signage should also be installed within the car park to identify that CCTV is in operation
- (24) A back to base alarm should be installed within the child care centre.
- (25) The centre-based child care facility shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.
- (26) Noise levels from outdoor play, use of the driveway/car park are to be measured within six months after the start of operations to verify compliance with the noise criteria in the approved acoustic report and issued to Council. The measurements must be undertaken when the childcare centre is at a minimum of 80% capacity in each room and actual children numbers counted such that the results can be adjusted to account for the childcare centre is at capacity. Where noise levels are higher than those identified in the approved acoustic report, recommendations of additional noise mitigation or management measures must be provided and implemented within 3 months of the date of testing. If the measures are not implemented within 3 months of the date of testing children numbers must be reduced immediately to achieve the noise criteria and the Plan of Management updated to reflect the changes in numbers and operations.

17. FOOD PREMISES

These conditions have been imposed to ensure the development is undertaken in a safe manner with respect to public health.

- (1) The premises shall be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and Australian Standard AS 4674, Design, construction and fit-out of food premises.
- (2) Upon completion of the work and prior to operation or use, the premises must be inspected by Council's Environmental Health Officer to ensure compliance with

relevant Food Safety Standards. Evidence of a satisfactory inspection result shall be provided to the Principal Certifier prior to issue of any Occupation Certificate.

- (3) Prior to the commencement of business operations, the owner of the business is to complete and submit Council's Food Business Notification Form to Wollondilly Shire Council.
- (4) Details of the certified Food Safety Supervisor for the food business shall be submitted to Council prior to the operation of the food premises.

18. HEALTH

These conditions have been imposed to ensure the development is undertaken in a safe manner with respect to health.

- (1) Details are to be provided for all surface finishes in the kitchen and bottle prep rooms. There are only 2 basins shown in the kitchen - one for hand wash and one for wash up - details are to be provided for all sinks and commercial dishwashers to ensure adequate wash up and sanitising of equipment. These rooms shall be of a commercial standard and in accordance with AS4674 Design, Construction and fit-out of food premises.
- (2) Wall Finish - Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2 metres above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished, must be cement rendered to a smooth even surface and painted with a light-coloured washable paint or sealed with other approved materials.
- (3) Coving - Intersections of the floor with walls and plinths, in the food preparation area and bottle room, shall be coved so that the area can be easily cleaned.
- (4) Dishwashing Facilities - The premises must be provided with a:
 - (a) commercial dishwashing machine capable of achieving a hot water temperature of at least 77 degrees Celsius that is fitted with a temperature thermometer or gauge; and
 - (b) at least one single bowl cleaning sink or tub containing at least one compartment.
- (5) Hand Wash Basins - The premises must be provided with a hand wash basin in, or convenient to:
 - (a) each toilet;
 - (b) each kitchen area.
 - (c) The hand wash basin must be:
 - (i) provided with water at least 40°C from a mixed hot and cold water supply; (b) supplied with liquid soap and an adequate supply of single

- use towels or other suitable hand drying facilities located adjacent to the hand basins;
- (ii) kept in clean and sanitary conditions and in good repair at all times;
- (iii) not used for any other purpose other than the washing of hands.

- (6) Service Pipes - All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.

Or

All service pipes and electrical conduits which are not capable of being concealed within walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surface.

- (7) Exhaust Ventilation - Mechanical exhaust ventilation must be provided where cooking appliances are installed. Exhaust ventilation systems shall be installed in accordance with the requirements of Australian Standard 1668-1991 Parts 1 & 2.

Certification of Exhaust System - Where an exhaust ventilation system is installed, a Certificate of Compliance must be submitted to Council, prior to occupation. The certificate must be issued by a suitably qualified person and verify that the kitchen exhaust system as installed, has been tested and complies with Australian Standard 1668 – 1991 Parts 1 & 2 and the Building Code of Australia.

- (8) Vermin Proofing – All openings in the walls and ceilings/roof throughout the premises shall be made proof against vermin.
- (9) Wall Construction - All walls for the kitchen and bottle prep area must be of a solid impervious construction and closed jointed. Walls may be constructed of brick, concrete, concrete blocks, structural fibrous cement or other similar homogenous material.
- (10) Plinths are to be solid or filled with concrete or similar to ensure that there are no gaps to provide harbourage for vermin.

19. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.

- (1) A separate application under the provisions of the Environmental Planning & Assessment Act, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act and in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Schedule 2 of Wollondilly Local Environmental Plan 2011.

20. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- (1) Prior to the issue of an Occupation Certificate a Compliance Certificate shall be prepared by a qualified Landscape Architect/ Designer or Horticulturist confirming the landscaping has been completed in accordance with the approved Landscape Plans as amended for Construction Certification.

21. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

- (1) No colourbond metal fencing is approved. Fencing behind the building line shall be lapped and capped timber and shall be installed in accordance with the "Amended Acoustical Assessment, prepared by 'The Acoustic Group', reference – 53.5489.R1C:MSC, dated 26 March 2023.

22. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

(1) ERECTION OF SIGNS

- (a) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal Certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the *Environmental Planning and Assessment Regulation 2000* which currently imposes a maximum penalty of \$1,100).

23. ADVICES

- (1) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (2) No works are to commence within the adjoining road reserve or laneway until a Road Management Permit (issued under Section 138 of the Roads Act) has been issued by Wollondilly Shire Council's Infrastructure Strategy and Planning department, as the road authority. Issue of permits, approvals and inspections will be subject to Councils normal Fees and Charges.
- (3) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc that require alterations shall be altered at the applicant's expense and to the satisfaction of Council and the authority concerned.
- (4) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Twenty Million Dollar Public Liability Insurance.
- (6) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Dial before you dig (various services) 1100
 - Telstra (telephone) 1 800 810 443

- Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092
- (7) Prior to the commencement of works you are required to obtain the approval of Sydney Water to commence construction.
- (8) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of “offensive noise” as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.