

## RECOMMENDED CONDITIONS

### **General** **1.1 - General Conditions**

- (1) **Authority requirements** - The development must be carried out in accordance with the following authority requirements:

1. Sydney Water Letter, Ref 218112,203864, dated 15 November 2024.
2. Endeavour Energy Conditions, dated 23 August 2024.
3. Endeavour Energy Email, dated 2 September 2024.

**Condition reason:** To ensure the development complies with Authority requirements.

- (2) **Approved plans and documents** - Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this development consent expressly require otherwise:

Approved plans			
Number	Title	Drawn by	Date
000 Rev C	Cover Page	Sam Crawford Architects	27/11/2024
001 Rev C	Licensing Plan	Sam Crawford Architects	27/11/2024
101 Rev C	Site Plan	Sam Crawford Architects	27/11/2024
110 Rev C	Lower Ground Floor Plan	Sam Crawford Architects	27/11/2024
111 Rev C	Ground Floor Plan	Sam Crawford Architects	27/11/2024
112 Rev C	Roof Plan	Sam Crawford Architects	27/11/2024
113 Rev C	Lower Ground Floor CPTED PL	Sam Crawford Architects	27/11/2024
114 Rev C	Ground Floor CPTED Plan	Sam Crawford Architects	27/11/2024
201 Rev C	North and West Elevations	Sam Crawford Architects	27/11/2024
202 Rev C	South and East Elevations	Sam Crawford Architects	27/11/2024
301 Rev C	Sections	Sam Crawford Architects	27/11/2024

302 Rev C	Sections	Sam Crawford Architects	27/11/2024
401 Rev C	Perspectives	Sam Crawford Architects	27/11/2024
402 Rev C	Perspectives	Sam Crawford Architects	27/11/2024
501 Rev C	Kitchen	Sam Crawford Architects	27/11/2024
502 Rev C	Room 1-2 Wet Areas	Sam Crawford Architects	27/11/2024
503 Rev C	Room 3-4 Wet Areas	Sam Crawford Architects	27/11/2024
504 Rev C	Room 5-6 Wet Areas	Sam Crawford Architects	27/11/2024
601 Rev C	Fence Details	Sam Crawford Architects	27/11/2024
602 Rev C	Fence Details	Sam Crawford Architects	27/11/2024
05-24.00 - 05-24.05 (inclusive)  05-24.10 - 05-24.12  05-24.20 - 05-24.21  Rev D	Landscape Plans	Distinctive Living Design Landscape Architecture	25/11/2024
JEK2163-GEN-003 Rev C	Brand Palette	MAAT	23/4/2024
JEK2163-GEN-004 Rev C	Typeface	MAAT	23/4/2024
JEK2402-D2-001 Rev C	Site Vehicular Directional	MAAT	23/4/2024
JEK2275L-D2-002 Rev C	Site Vehicular Directional	MAAT	23/4/2024
JEK2402-I1-001 Rev C	Primary Building ID	MAAT	23/4/2024
JEK2402-I1-002 Rev C	Primary Building ID	MAAT	23/4/2024
JEK2402-I21-001 Rev C	Secondary Building ID Pedestrian Entry	MAAT	23/4/2024
JEK2402-I21-002 Rev C	Secondary Building ID Pedestrian Entry	MAAT	23/4/2024
JEK2402-I3-001 Rev C	Facility ID, Entry	MAAT	23/4/2024

JEK2402-I42-001 Rev C	Carpark Entry ID	MAAT	23/4/2024
JEK2402-01-001 Rev C	Operational T&Cs	MAAT	23/4/2024
JEK2163B-01-002 Rev C	Noise Advisory	MAAT	23/4/2024
JEK2402-032-001 Rev C	Operational T&Cs	MAAT	23/4/2024
JEK2163-GEN-P11-001 Rev C	External Supergraphics	MAAT	23/4/2024
JEK2402-P11-002 Rev C	External Supergraphics	MAAT	23/4/2024
JEK2402 -P11-003 Rev C	External Supergraphics	MAAT	23/4/2024
JEK2402-P11-004 Rev C	External Supergraphics	MAAT	23/4/2024
JEK2402-P12-001 Rev C	Glazing supergraphic – Play Purpose Potential	MAAT	23/4/2024
JEK2402-GEN-002 Rev B	Sign Hierarchy	MAAT	23/4/2024
JEK2402-MPN-001 Rev B	Lower Ground Site	MAAT	23/4/2024
JEK2402-MPN-002 Rev B	Ground Site	MAAT	23/4/2024
C00.01 Rev A	General Notes	Engineering Studio	3/5/2024
C01.01 Rev A	Sediment & Erosion Control Plan	Engineering Studio	3/5/2024
C02.01 Rev A	Stormwater Drainage Plan	Engineering Studio	3/5/2024
C02.02 Rev A	Lower Ground Drainage Plan	Engineering Studio	3/5/2024
C02.03 Rev A	Stormwater Details	Engineering Studio	3/5/2024
C0.01 Rev A	General Notes	Engineering Studio	3/5/2024

Approved documents		
Title	Prepared by	Date
Acoustic Report for Childcare DA Leppington Park Early Learning Centre Rev 4, Ref 2024.091. RE.01_Leppington ParkELC	Reef Acoustics	13/10/2024

BCA Assessment Report 52 Park Road Leppington, Project number 119081 Rev 2.1	Jensen Hughes	13/6/2024
Waste Management Plan	Dickens Solutions	October 2024
Operational Plan of Management, Park Road Child Care Centre proposed Lot 401, within the subdivision of 44 & 52 Park Road, Leppington	Jeckra	May 2024
Stormwater Management Report for Proposed Childcare Centre at Proposed Lot 401, 52 Park Road, Leppington, Ref 230996-001-R, Rev A	Engineering Studio Civil & Structural	May 2024
Detailed Site Investigation Report Proposed Residential Subdivision Development Lot 33 & 34 DP 28459 No 44-52 Park Road Leppington, Ref JC21388A, Rev R1	GeoEnviro Consultancy Pty Ltd	28/5/2021
Salinity and Geotechnical Investigation Proposed Residential Subdivision Development Lot 33 & 34 DP 28459, No 44 & 52 Park Road, Leppington, Ref JC21388A-r2	GeoEnviro Consultancy Pty Ltd	May 2021

In the event of any inconsistency between the approved plans/documents and a condition of this development consent, the condition prevails.

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

## Building Work

### 2.1 - Before Issue of a Construction Certificate

- (1) **Development on unregistered lots (lot registration)** - Before the issue of a construction certificate, evidence must be provided to demonstrate to the principal certifier's satisfaction, that the subject lot (401) approved under DA/2022/94/1 has been registered with NSW Land Registry Services.

**Condition reason:** To ensure that the lot has gained legal title before the approved building(s) thereon are constructed.

- (2) **Design amendments** - Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:

1. The plans shall be updated to demonstrate that the fire hydrant booster assemblies will be enclosed within a cabinet. The cabinet is to complement the architectural features of the building facade and meet the requirements of Clause 11.2.3 Fire hydrant cabinets of AS 2419.1:2021.
2. The landscape plans shall be amended to remove the two proposed shade sails.

**Condition reason:** To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

- (3) **Public infrastructure alterations** - Before the issue of a construction certificate, any required alterations to public infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlets, service provider pits, street trees or any other public infrastructure) must be approved by the roads authority under the *Roads Act 1993*. Any costs incurred will be borne by the developer. Evidence of the approval must be provided to the certifier.

**Condition reason:** To clarify the timing and need for approval under the *Roads Act 1993*.

- (4) **Fibre-ready facilities and telecommunications infrastructure** - Before the issue of a construction certificate, written evidence from the carrier must be obtained that demonstrates, to the certifier's satisfaction, that arrangements have been made for:

1. The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Written confirmation that the carrier is satisfied that the fibre ready facilities are fit for purpose is also required.
2. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

**Condition reason:** To ensure fibre-ready telecommunications facilities are installed for new development.

- (5) **Glass reflectivity index** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the glass reflectivity index for all glass used externally will not exceed 20%.

**Condition reason:** To ensure all glass used externally has a reasonable maximum level of reflectivity.

- (6) **Long service levy** - Before the issue of a construction certificate, the long service levy must be paid at the prescribed rate to either the Long Service Payments Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986*. This applies to building and construction works with a cost of \$250,000 or more. Evidence of the payment must be provided to the certifier.

**Condition reason:** To ensure the long service levy is paid.

- (7) **Outdoor lighting provision** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the development will be provided with lighting in all outdoor areas that complies with AS 4282 - The Control of Obtrusive Effects of Outdoor Lighting and AS 1158 - Lighting for Roads and Public Spaces.

**Condition reason:** To ensure the provision of lighting in accordance with industry standards and to protect the amenity of the surrounding area.

- (8) **Driveway design** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the approved driveway(s) will comply with AS 2890 - Parking Facilities and Council's Access Driveway Specifications or Heavy Duty Industrial Commercial Vehicle Crossing (as applicable to the development).

A driveway crossing approval must be obtained from Council before the issue of a construction certificate. Evidence of the approval must be provided to the certifier.

**Condition reason:** To ensure that driveways are designed to appropriate standards.

- (9) **Engineering specifications** - Before the issue of a construction certificate, civil engineering plans and information must be prepared by a suitably qualified civil engineer and demonstrate, to the certifier's satisfaction, that the development has been designed to comply with Council's engineering specifications, the approved plans and documents and the conditions of this development consent.

**Condition reason:** To ensure that the development will comply with Council's engineering specifications and the terms of this consent.

- (10) **Performance bond** - Before the issue of a construction certificate, a performance bond must be lodged with Council in accordance with Council's Development Infrastructure Bonds Policy. Fees are payable for the lodgement and refund of the bond. Evidence of the bond lodgement must be provided to the certifier.

**Condition reason:** To ensure that new public infrastructure works undertaken within the existing public domain are constructed to an appropriate standard.

- (11) **Damages bond** - Before the issue of a construction certificate, a bond must be lodged with Council in accordance with Council's Development Infrastructure Bonds Policy. Fees are payable for the lodgement and refund of the bond. Evidence of the bond lodgement must be provided to the certifier.

**Condition reason:** To ensure that any damage to existing public infrastructure is rectified.

- (12) **Structural engineer certificate** - Before the issue of a construction certificate, a certificate must be prepared by a suitably qualified structural engineer and certify, to the certifier's satisfaction, that all piers, slabs, footings, retaining walls and structural elements have been designed in accordance with the approved and applicable geotechnical report(s). The certificate must be accompanied by a copy of the structural engineer's current professional indemnity insurance.

**Condition reason:** To ensure that building elements are designed for the site conditions.

- (13) **Civil engineering plans and information** - Before the issue of a construction certificate, civil engineering plans and information must be prepared by a suitably qualified civil engineer, to the satisfaction of the certifier. The plans and information must include the following elements:

1. Erosion and sediment control measures, including compliance with the NSW Department of Planning, Housing and Infrastructure document 'Guidelines for erosion and sediment control on building sites and the NSW Department of

Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate (the blue book)' (as applicable and as amended from time to time).

2. Earthworks.
3. Water quantity and quality facilities:
  - a. A detailed on-site detention and water quality report.
  - b. An electronic stormwater model.
  - c. A validated Camden Council MUSIC-link report with electronic model.
4. Details of any required augmentation of existing drainage systems to accommodate drainage from the development.
5. For roads and car parks:
  - a. Pavement design.
  - b. Traffic management devices.
  - c. Line marking.
6. Clearly delineate the extent/location of the 5% annual exceedance probability (AEP), the 1% AEP, the probable maximum flood and the flood planning level (FPL) lines and clearly label them as such (only if the site is flood affected). The FPL is defined in Council's Flood Risk Management Policy.

The plans and information must be accompanied by certification from a suitably qualified civil engineer certifying that they comply with Council's engineering specifications.

**Condition reason:** To ensure that civil works are designed to appropriate standards.

- (14) **Detailed landscaping plan** - Before the issue of a construction certificate, detailed landscaping plans must be prepared by a registered landscape architect and demonstrate, to the certifier's satisfaction, the following detailed design requirements:

1. Consistency with the concept landscaping plans approved by this development consent.
2. Compliance with Appendix B of Camden Development Control Plan 2019.

**Condition reason:** To ensure that detailed landscaping requirements are documented.

- (15) **Sydney Water trade waste requirements** - Before the issue of a construction certificate, information must be obtained from Sydney Water and a suitably qualified person and demonstrate, to the certifier's satisfaction, any Sydney Water trade waste requirements and how the development will comply with them.

**Condition reason:** To ensure that provisions have been made for managing trade waste.

- (16) **Food premises and/or storage areas** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the development will comply with the following detailed design requirements:

1. The *Food Act 2003*.
2. The *Food Regulation 2015*.
3. Food Standards Australia and New Zealand Food Standards Code 2003.
4. AS 1668.1 - The Use of Ventilation and Air Conditioning in Buildings - Fire and Smoke Control in Buildings.
5. AS 1668.2 - The Use of Ventilation and Air Conditioning in Buildings - Mechanical ventilation in Buildings.
6. AS 4674 - Design, Construction and Fit-Out of Food Premises.

**Condition reason:** To ensure that food premises and/or storage areas are designed to comply with statutory requirements and industry standards.

- (17) **Mechanical ventilation** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that any room or area not provided with natural ventilation in accordance with the Building Code of Australia will instead be provided with a mechanical ventilation system that complies with the following requirements:

1. AS 1668.1 - The Use of Ventilation and Air Conditioning in Buildings - Fire and Smoke Control in Buildings.
2. AS 1668.2 - The Use of Ventilation and Air Conditioning in Buildings - Mechanical Ventilation in Buildings.

**Condition reason:** To ensure that mechanical ventilation system(s) are provided where natural ventilation is not achieved.

- (18) **Waste rooms** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the waste rooms will comply with the following detailed design requirements:

1. Constructed of solid, impact resistant materials and finished in a smooth, even surface.
2. Smooth, impervious walls to ensure no moisture, oils or similar material can soak in.
3. Impervious, coved and graded floors that will be drained to a floor waste connection.
4. Provision of ventilation in accordance with AS 1668 - The Use of Ventilation in Buildings, lighting, pest proofing and an external hose tap.
5. Roofed with a minimum ceiling height of 2.4m.



**Condition reason:** To ensure that hygienic waste management facilities are provided.

- (19) **Bottle preparation room finishes** - Wall finishes are required to be compliant with AS 4674-2004 to the entire wall from floor to ceiling. Where cupboards are installed, the wall finishes are required to be applied from the bench to the ceiling. All cupboards are required to either be on solid plinths, on legs with 150mm clearance off the floor or on castor wheels.

**Condition reason:** To ensure bottle preparation rooms comply with the Australian Standards.

- (20) **Mechanical Ventilation Commercial Dishwasher** - Mechanical ventilation provision shall be demonstrated above the commercial dishwasher in the kitchen.

**Condition reason:** To ensure sufficient mechanical ventilation is provided in accordance with the legislative requirements.

- (21) **Acoustic Assessment of Plant Equipment and Construction Requirements** - Prior to the issue of a construction certificate, an acoustic assessment of proposed plant and equipment (including air conditioners), and proposed construction requirements outlined in Section 6 of the approved acoustic report shall be made.

Plant and equipment shall be designed and located so that the criteria outlined in Section 4.2.3 and 5.2.2.2 of the approved acoustic report is met.

The internal play room along the eastern façade shall have fixed closed windows and mechanical ventilation provided in accordance with section 6.5 of the approved acoustic report.

Satisfactory documentation shall be provided to the private certifier to demonstrate compliance.

**Condition reason:** To ensure compliance with the acoustic report.

- (22) **Section 7.12 contributions** - Before the issue of a construction certificate, contributions must be made to Council under section 7.12 of the *Environmental Planning and Assessment Act 1979*:

Camden Section 7.12 Development Contribution Plan	
% of development cost	<b>1% OF DEVELOPMENT COST</b>
Amount payable	<b>\$69,597.10</b>

The amount of contribution payable under this condition has been calculated at the date of determination. In accordance with the provisions of the contributions plan, this amount shall be indexed at the time of actual payment in accordance with the consumer price index.

**Condition reason:** To ensure that development makes contributions towards services identified in the applicable contributions plan.

- (23) **Special infrastructure contribution payment** - Before the issue of a construction certificate, a special infrastructure contribution (SIC) is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Evidence of payment of the SIC shall be provided to Council and the certifier.

Alternatively, the applicant must obtain written confirmation from the Department of Planning, Housing and Infrastructure that the SIC is not required to be paid for the approved development.

#### **More information**

A request for assessment by the Department of Planning, Housing and Infrastructure of the amount of the special infrastructure contribution that is required under this condition can be made through the NSW Planning Portal (<https://www.planningportal.nsw.gov.au/special-infrastructurecontributions-online-service>). Please refer enquiries to [SIContributions@planning.nsw.gov.au](mailto:SIContributions@planning.nsw.gov.au).

**Condition reason:** To require a special infrastructure contribution to be paid.

## **2.2 - Before Building Work Commences**

- (1) **Site security and fencing** - Before any building work commences, the site is to be secured and fenced to the satisfaction of the principal certifier.

**Condition reason:** To ensure that access to the site is managed before works commence.

- (2) **Sydney Water approval** - Before any building work commences, the approved construction certificate plans must be approved by Sydney Water to confirm if sewer, water or stormwater mains or easements will be affected by the development. Visit [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply. The Sydney Water approval must be provided to the principal certifier.

For subdivision works certificates, stamped water servicing coordinator must be provided to the principal certifier.

**Condition reason:** To ensure that any impacts upon Sydney Water infrastructure have been approved.

- (3) **Dilapidation report** - Before any building work commences, a dilapidation report must be prepared by a suitably qualified person to the satisfaction of the principal certifier. The report must include:

1. A photographic survey of existing public infrastructure surrounding the site including (but not necessarily limited to):
  - a. Road carriageways.
  - b. Kerbs.
  - c. Footpaths.

- d. Drainage structures.
- e. Street trees.

In the event that access for undertaking the dilapidation report is denied by a property owner, the developer must detail in writing that all reasonable steps have been taken to obtain access to and advise the affected property owner of the reason for the survey and that these steps have failed. Written approval must be obtained from the principal certifier in such an event.

Should any public property or the environment sustain damage during the course of and as a result of works, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the developer's damages bond.

The report must be submitted to the principal certifier and Council 2 days before any building work commences. The development must comply with all conditions that the report imposes.

**Condition reason:** To ensure that any damage caused by works can be identified and rectified.

- (4) **Site management plan (preparation)** - Before any building work commences, a site management plan must be prepared by a suitably qualified person. The plan must demonstrate, to the satisfaction of the principal certifier, that the following site work matters will be managed to protect the amenity of the surrounding area:

1. Erosion and sediment control measures, including compliance with the NSW Department of Planning, Housing and Infrastructure document 'Guidelines for erosion and sediment control on building sites' and the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate (the blue book)' (as applicable and as amended from time to time).
2. Prohibiting offensive noise, vibration, dust and odour as defined by the *Protection of the Environment Operations Act 1997*.
3. Covering soil stockpiles and not locating them near drainage lines, watercourses, waterbodies, footpaths and roads without first providing adequate measures to protect those features.
4. Prohibiting the pumping of water seeping into any excavations from being pumped to a stormwater system unless sampling results demonstrate compliance with NSW Environment Protection Authority requirements and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2018) criteria for water quality discharge.
5. Construction traffic management in accordance with Council's engineering specifications and AS 1742.3 - Manual of Uniform Traffic Control Devices - Traffic Control for Works on Roads.
6. Maintaining a fill delivery register including the date, time, truck registration number and fill quantity, origin and type.
7. Ensuring that vehicles transporting material to and from the site:

- a. Cover the material so as to minimise sediment transfer.
  - b. Do not track soil and other waste material onto any public road.
  - c. Fully traverse the site's stabilised access point.
8. Waste generation volumes, waste reuse and recycling methods, waste classification in accordance with NSW Environment Protection Authority waste classification guidelines, hazardous waste management, disposal at waste facilities, the retention of tipping dockets and their production to Council upon request.
  9. Hazardous materials management.
  10. Work health and safety.
  11. Complaints recording and response.

**Condition reason:** To ensure site management practices are established before any works commence.

- (5) **Erection of signs** - Before any building work commences, a sign must be erected in a prominent position on the site:

1. Showing the name, address and telephone number of the principal certifier for the work.
2. Showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours.
3. Stating that unauthorised entry to the work site is prohibited.

The sign must be:

1. Maintained while the work is being carried out.
2. Removed when the work is being completed.

This condition does not apply in relation to:

1. Building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building.
2. Crown building work certified to comply with the *Building Code of Australia* under Part 6 of the *Environmental Planning and Assessment Act 1979*.

**Condition reason:** Prescribed condition under section 70 of the *Environmental Planning and Assessment Regulation 2021*.

## 2.3 - During Building Work

- (1) **Priority (noxious) weeds management (during work)** - While building work is being carried out, weed dispersion must be minimised and weed infestations must be managed under the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*. Any priority (noxious) or environmentally invasive weed infestations that occur during works must be fully and continuously suppressed and destroyed by appropriate means, to the satisfaction of the principal certifier. All new infestations must be reported to Council.

**Condition reason:** To ensure priority (noxious) weeds are managed in accordance with statutory requirements.

- (2) **Work hours** - While building work is being carried out, all work (including the delivery of materials) must be:

1. Restricted to between the hours of 7am to 5pm Monday to Saturday.
2. Not carried out on Sundays or public holidays.

Unless otherwise approved in writing by Council.

**Condition reason:** To protect the amenity of the surrounding area.

- (3) **Work noise** - While building work is being carried out, noise levels must comply with:

1. For work periods of 4 weeks or less, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 20dB(A).
2. For work periods greater than 4 weeks but not greater than 26 weeks, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 10dB(A).
3. For work periods greater than 26 weeks, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 5dB(A). Alternatively, noise levels must comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

**Condition reason:** To protect the amenity of the surrounding area.

- (4) **Stormwater collection and discharge** - While building work is being carried out, the roof of the approved building work must be provided with guttering and downpipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, must be conveyed to the street gutter, drainage easement or existing drainage system in accordance with the approved stormwater plan(s).

All roof water must be connected to the approved roof water disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier must not permit construction works beyond the frame inspection stage until this work has been carried out.

Connection to the street gutter or drainage easement must only occur at the designated connection point for the site. New connections that require work to an easement pipe or kerb must only occur with Council's approval.

**Condition reason:** To ensure that stormwater is properly collected and discharged.

- (5) **Finished floor level** - Before the development proceeds beyond floor level stage, a survey report must be prepared by a registered surveyor. The report must confirm, to the satisfaction of the principal certifier, that the finished floor level complies with the approved plans and this development consent.

**Condition reason:** To ensure that the finished floor level complies with the approved plans and this development consent.

- (6) **Survey report** - Before concrete is poured, the building(s) must be set out by a registered surveyor and a peg out survey must be prepared. The survey must confirm, to the satisfaction of the principal certifier, that the building will be sited in accordance with the approved plans and this development consent.

**Condition reason:** To ensure that the building(s) will be sited in accordance with the approved plans and this development consent.

- (7) **Pollution warning sign** - While building work is being carried out, a sign must be displayed at all site entrances to the satisfaction of the principal certifier. The sign(s) must be constructed of durable materials, be a minimum of 1.2m x 900mm and read:

'WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (12 22 63) - Solution to Pollution.'

The wording must be a minimum of 120mm high. The warning and fine details must be in red bold capitals and the remaining words in dark coloured lower case letters. The sign(s) must have a white background and a red border.

The sign(s) must be maintained until the works have been completed.

**Condition reason:** To ensure that potential fines for pollution are clearly advertised.

- (8) **Site management plan (during work)** - While building work is being carried out, the approved site management plan must be complied with.

A copy of the plan must be kept on the site at all times and provided to Council upon request.

**Condition reason:** To protect the amenity of the surrounding area.

- (9) **Fill delivery register** - Once building work is completed, the delivery register for the site work must be submitted to Council.

**Condition reason:** To ensure that Council has a record of all fill deliveries to the site.

- (10) **Fill material (virgin excavated natural material)** - Before the importation and placement of any fill material on the site, an assessment report and sampling location plan for the material must be prepared by a contaminated land specialist. The report and plan must demonstrate, to the satisfaction of the principal certifier, that:

1. The report and plan have been endorsed by a practising engineer with specific area of practice in subdivisional geotechnics.
2. The report and plan have been prepared in accordance with:
  - a. The Department of Land and Water Conservation publication 'Site investigation for Urban Salinity'.
  - b. The Department of Environment and Conservation - Contaminated Sites Guidelines 'Guidelines for the NSW Site Auditor Scheme (Third Edition) - Soil Investigation Levels for Urban Development Sites in NSW'.
3. The fill material:
  - a. Provides no unacceptable risk to human health and the environment.
  - b. Is free of contaminants.
  - c. Has had its salinity characteristics identified in the report and specifically the aggressiveness of salts to concrete and steel (refer to the Department of Land and Water Conservation publication 'Site investigation for Urban Salinity').
  - d. Is suitable for its intended purpose and land use.
  - e. Has been lawfully obtained.
4. The sampling of the material for salinity complies with:
  - a. Less than 6,000m<sup>3</sup> - 3 sampling locations.
  - b. Greater than 6,000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2,000m<sup>3</sup> or part thereof.
  - c. A minimum of 1 sample from each sampling location must have been provided for assessment.
5. The sampling of the material for contamination complies with:
  - a. 1 sample per 1,000m<sup>2</sup> or part thereof.
  - b. For volumes less than 1,000m<sup>2</sup>, a minimum of 2 separate samples from different locations must be taken.

**Condition reason:** To ensure that fill material has been adequately assessed before placement on the site.

- (11) **Unexpected contamination finds contingency (general)** - While building work is being carried out, if any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) are encountered, the work must cease immediately until a certified contaminated land consultant has conducted an assessment of the find to the satisfaction of the principal certifier.

Where the assessment identifies contamination and remediation is required, all work must cease in the vicinity of the contamination and Council must be notified immediately. Development consent must be obtained to undertake Category 1 remediation.

**Condition reason:** To ensure a procedure is in place to manage unexpected contamination finds encountered during site works.

- (12) **Car park noise control (during work)** - While building work is being carried out, all car parks must have a coved finish with Slabseal 2000 SR sealant (or a similar equivalent product) applied to concrete floors, to the satisfaction of the principal certifier.

**Condition reason:** To ensure that car parks are adequately finished to protect the amenity of the surrounding area.

- (13) **Fill compaction (non-subdivision)** - While building work is being carried out, all fill must be compacted in accordance with Council's current engineering specifications, to the satisfaction of the principal certifier.

**Condition reason:** To ensure that fill is compacted to appropriate standards.

- (14) **Work near or involving vegetation** - While building work is being carried out, the following requirements must be complied with to the satisfaction of the principal certifier:

1. Existing vegetation (including street trees) not approved for removal must be protected in accordance with AS 4970 - Protection of Trees on Development Sites and Council's engineering specifications.
2. The boundaries of any bushland or waterfront land areas adjacent to the site must be fenced by minimum 1.8m high chain link or welded mesh fencing. The fencing must include signage advising that the vegetation behind it is protected. The fencing must be maintained until the works have been completed.
3. No work (including for vehicular access or parking) that transects vegetation not approved for removal can be undertaken.
4. All vegetation related work must be carried out by a fully insured and qualified arborist. The arborist must be qualified to Australian Qualifications Framework (AQF) Level 3 in Arboriculture for the carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.
5. All tree pruning must be carried out in accordance with AS 4373 - Pruning of Amenity Trees.
6. Where practical, all green waste generated from vegetation work must be recycled into mulch or composted at a designated facility.

**Condition reason:** To ensure that work near or involving vegetation is carried out to industry standards.

- (15) **Archaeological discovery** - While building work is being carried out, the following requirements must be complied with should relic(s) from the past be discovered that could have historical significance, to the satisfaction of the principal certifier:



1. All works in the vicinity of the discovery area must stop.
2. For Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Any requirements of Heritage NSW must be implemented.
3. For non-Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*. Any requirements of Heritage NSW must be implemented.

**Condition reason:** To ensure unexpected archaeological discoveries are managed in accordance with statutory requirements.

- (16) **Compliance with *Building Code of Australia*** - While building work is being carried out, the work must be carried out in accordance with the *Building Code of Australia*. A reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the relevant date (as defined by section 19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*).

This condition does not apply:

1. To the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
2. To the erection of a temporary building other than a temporary structure used as an entertainment venue.

**Condition reason:** Prescribed condition under section 69 of the *Environmental Planning and Assessment Regulation 2021*.

- (17) **Shoring and adequacy of adjoining property** - While building work is being carried out, the person having the benefit of the development consent must, at the person's own expense:

1. Protect and support the building, structure or work on adjoining land from possible damage from the excavation.
2. If necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if:

1. The person having the benefit of the development consent owns the adjoining land.
2. The owner of the adjoining land gives written consent to the condition not applying.

**Condition reason:** Prescribed condition under section 74 of the *Environmental Planning and Assessment Regulation 2021*.

- (18) **Salinity Management Plan** - All proposed construction works that includes earthworks, imported fill, landscaping, roads, buildings, and associated infrastructure

proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plan/s within the reports titled *“Salinity and Geotechnical Investigation Proposed Residential Subdivision Development Lot 33 & 34 DP 28459, No 44 & 52 Park Road Leppington”* prepared by GeoEnviro Consultancy Pty Ltd dated May 2021 reference JC21388A-r2.

**Condition reason:** To ensure compliance with the salinity management plan.

- (19) **Acoustic Barriers** - Acoustic noise barriers are to be constructed in accordance with the Section 6 and appendix A of the approved acoustic report. The barriers are to be constructed of materials that meet the requirements of the approved acoustic report and be free from gaps and penetrations.

**Condition reason:** To ensure compliance with the approved acoustic report.

- (20) **Acoustic Construction Requirements** - The building must be constructed with acoustic requirements in accordance with the recommendations in Section 6 of the approved acoustic report.

**Condition reason:** To ensure compliance with the approved acoustic report.

## **2.4 - Before Issue of an Occupation Certificate**

- (1) **NSW Department of Education approval** - Before the issue of an occupation certificate, a letter from the NSW Department of Education detailing any operational conditions must be submitted to Council.

**Condition reason:** To ensure record of NSW Department of Education requirements.

- (2) **Survey certificate** - Before the issue of an occupation certificate, a survey certificate must be prepared by a registered surveyor and demonstrate, to the principal certifier's satisfaction, that the siting of the building(s) complies with the approved plans and this development consent.

**Condition reason:** To ensure that the building(s) are sited in accordance with the approved plans and this development consent.

- (3) **Driveway crossing construction** - Before the issue of an occupation certificate, evidence must be provided and demonstrate, to the principal certifier's satisfaction, that a driveway crossing has been constructed in accordance with this development consent and the driveway crossing approval.

**Condition reason:** To ensure that the building(s) is provided with vehicular access.

- (4) **Services** - Before the issue of an occupation certificate, the following information from energy, water and wastewater service suppliers must be obtained and provided to the principal certifier:

1. A notice of arrangement for the distribution of electricity from Endeavour Energy to service the approved development.
2. A section 73 compliance certificate from Sydney Water demonstrating that satisfactory arrangements have been made to service the approved development.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to the [Sydney Water website](#) or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

**Condition reason:** To ensure that energy, water and wastewater services are provided for the development.

- (5) **Verge reconstruction** - Before the issue of an occupation certificate, the unpaved road verges directly adjoining the property must be reconstructed with grass species listed in Council's engineering specifications.

**Condition reason:** To ensure that road verges are reconstructed with grass following building works.

- (6) **Landscaping works completion** - Before the issue of an occupation certificate, all of the landscaping works approved by this development consent and the construction certificate must be completed to the satisfaction of the principal certifier. This must include the provision of certification from the supplier of all trees certifying that the trees comply with AS 2303 - Tree Stock for Landscape use.

**Condition reason:** To ensure that all approved landscaping works have been completed to an appropriate standard.

- (7) **Existing street trees inspection** - Before the issue of an occupation certificate, all existing street trees along all public roads adjoining the site must be inspected by Council. Any damage to these existing street trees must be rectified to the satisfaction of Council. Evidence of the inspection and Council's satisfaction of any required rectification works must be provided to the principal certifier.

**Condition reason:** To ensure that existing street trees are inspected for damage and rectified where required.

- (8) **Geotechnical certification** - Before the issue of an occupation certificate, certification must be prepared by a suitably qualified geotechnical engineer and demonstrate, to the satisfaction of the principal certifier, that:

1. All works detailed in any geotechnical report applicable to the site have been undertaken under the engineer's supervision and to the engineer's satisfaction.
2. The assumptions relating to the site conditions made in preparation of the geotechnical report were validated during construction.

**Condition reason:** To ensure that geotechnical works have been complete to appropriate standards.

- (9) **Works as executed plans** - Before the issue of an occupation certificate, works as executed plans in accordance with Council's engineering specifications must be prepared by a suitably qualified person and demonstrate, to the principal certifier's satisfaction, the following requirements:

1. Digital data must be in AutoCAD .dwg or .dxf format and the data projection coordinate must be in GDA94 / MGA Zone 56.

**Condition reason:** To ensure that the completed works are recorded.

- (10) **Development registration with Council** - Before the issue of an occupation certificate, the development must be inspected by and registered with Council. Evidence of the inspection and registration must be provided to the principal certifier.

**Condition reason:** To support Council's regulatory functions related to the development.

- (11) **Private waste collection contract** - Before the issue of an occupation certificate, a private waste collection contract must be entered into for the collection of all waste and its disposal at a waste facility. Evidence of the contract must be provided to the principal certifier and Council.

**Condition reason:** To ensure that a formal arrangement is in place for the private collection of waste.

- (12) **Acoustic compliance report** - Before the issue of an occupation certificate, an acoustic compliance report must be prepared by a suitably qualified acoustic consultant and demonstrate, to the principal certifier's satisfaction, that noise from the development will comply with the following criteria:

1. 7am-6pm - 44db(A).
2. 6pm-10pm - 45db(A).
3. 10pm-7am - 40db(A).

For outdoor play noise:

4. 7am-6pm – 49db(A)

All noise attenuation structures and materials used for the mitigation of noise must be in accordance with the conditions of this development consent.

For any acoustic non-compliance(s), the compliance report must make recommendations for compliance or further mitigation of noise sources, to the satisfaction of Council. The developer must then comply with the recommendations of the compliance report and a further acoustic compliance report must be prepared by a suitably qualified acoustic consultant and demonstrate, to the principal certifier's satisfaction, that the noise criteria in this condition has been achieved.

**Condition reason:** To ensure that operational noise levels will comply with the approved acoustic report.

- (13) **Waste collection agreement** - Before the issue of an occupation certificate, the strata body corporate or community association must enter into an agreement with Council setting out the terms and conditions on which Council would be prepared to provide domestic waste management services on private roads to Council's satisfaction. Evidence of the agreement must be provided to the principal certifier.

**Condition reason:** To ensure that an agreement with Council is in place for the provision of domestic waste management services on private roads.

## 2.5 - Occupation and Ongoing Use

- (1) **Priority (noxious) weeds management (ongoing)** - During occupation and ongoing use of the development, weed dispersion must be minimised and weed infestations must be managed under the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*. All new infestations must be reported to Council.

**Condition reason:** To ensure priority (noxious) weeds are managed in accordance with statutory requirements.

- (2) **Goods, materials, equipment and/or waste storage** - During occupation and ongoing use of the development, all goods, materials, equipment and/or waste must be stored inside the building.

**Condition reason:** To protect the visual amenity of the surrounding area and not impact the public domain.

- (3) **Loading and unloading** - During occupation and ongoing use of the development, all loading and unloading activities must take place within the development's approved loading area.

**Condition reason:** To maintain the visual amenity of the area and off-street car parking spaces and driveways approved for the development.

- (4) **Graffiti removal** - During occupation and ongoing use of the development, all graffiti applied to the development must be removed within 48 hours of its application.

**Condition reason:** To protect the visual amenity of the area surrounding the development.

- (5) **Operating hours** - During occupation and ongoing use of the development, the development is approved to operate within the following hours:

Day	Operating Hours
Monday to Friday	6:30am to 6:30pm

**Condition reason:** To protect the amenity of the surrounding area.

- (6) **Maximum centre-based child care facility places** - During occupation and ongoing use of the development, the development is approved to accommodate 136 children. However, this maximum number must be reduced to any lower number that is separately approved for the facility by the Department of Education.

**Condition reason:** To clarify the maximum number of children approved for the facility.

- (7) **NSW Department of Education requirements** - During occupation and ongoing use of the development, the development must comply with all requirements of the NSW Department of Education. Should the NSW Department of Education requirements be modified at any time, details of the modifications must be submitted to Council.

**Condition reason:** To ensure compliance with and record of NSW Department of Education requirements.

- (8) **Private waste collection contract** - During occupation and ongoing use of the development, a private waste collection contract must be maintained for the collection of all waste and its disposal at a waste facility. Evidence of the contract must be kept on the site.

**Condition reason:** To ensure that a formal arrangement is in place for the private collection of waste.

- (9) **Car park noise control (ongoing)** - During occupation and ongoing use of the development, the coved finish and sealant applied to all car parks must always be maintained to a standard that eliminates tyre squeal noise from being audible.

**Condition reason:** To protect the amenity of the surrounding area.

- (10) **Liquid spills management** - During occupation and ongoing use of the development, the management of liquid spills must comply with the following requirements:

1. Supplies of spill prevention, absorbent and clean-up materials must be kept on site to recover any spilled liquid.
2. Liquid spills must be cleaned up using dry methods (by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin).
3. Materials used for clean-up must be disposed of at a waste facility.

**Condition reason:** To protect the environment from pollution.

- (11) **Offensive noise and noise compliance** - During occupation and ongoing use of the development, the use and occupation of the premises, including all plant and equipment, must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Operational noise must also comply with the NSW Noise Policy for Industry 2017.

**Condition reason:** To protect the amenity of the surrounding area.

- (12) **Landscaping works maintenance** - During occupation and ongoing use of the development, the approved landscaping must be perpetually maintained in a complete and healthy condition.

**Condition reason:** To ensure that approved landscaping works are perpetually maintained to an appropriate standard.

- (13) **Public domain landscaping works establishment period** - Following the completion of all civil works, soil preparation and treatment, initial weed control, planting, turf and street tree installation and mulching, the developer must maintain the landscaping works for 12 months. At the conclusion of this period all landscaping works must be in an undamaged, safe and functional condition and all plantings must have signs of healthy and vigorous growth.

**Condition reason:** To ensure that approved public domain landscaping works are established to an appropriate standard.

- (14) **Pollution control devices** - During occupation and ongoing use of the development, all pollution control devices (including drainage systems, sumps and traps) must be regularly maintained.

**Condition reason:** To protect the environment from pollution.

- (15) **Fire safety schedule** - During occupation and ongoing use of the development, the fire safety schedule issued by Council with this development consent and all fire safety measures detailed therein must be complied with and maintained at all times.

**Condition reason:** To ensure that the required fire safety measures for the development are maintained.

- (16) **Outdoor Play areas** - No music is permitted to be played in the outdoor play areas.

**Condition reason:** To ensure compliance with the approved acoustic report.

- (17) **Acoustic Compliance Report** - A report shall be prepared by an independent acoustic consultant (not previously involved with the project) and shall be carried out at the time the centre achieves 80% attendance rates. The report is to be assessed against the criteria outlined in the approved acoustic assessment 'Acoustic Report for Childcare DA Leppington Park Early Learning Centre 52 Park Road Leppington' prepared by Reef Acoustics dated 13 October 2024 report reference 2024.091.RE01 LeppingtonParkELC Revision 4.

For any non-compliance, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner/occupier. The owner/occupier must then provide a complementary acoustic report to council certifying that all compliance works have been completed and that noise levels comply with the applicable criteria.

**Condition reason:** To ensure compliance with the approved acoustic report.