



Notice of Determination of DA-875/2021

Issued under s4.16(1)(a) of the *Environmental Planning & Assessment Act 1979*

Dear Sir/Madam,

I refer to your Development Application referenced above and advise that it has been **approved** by Canterbury Bankstown Council. The development consent is subject to conditions.

All relevant documentation pertaining to this determination notice is available to access through the [NSW Planning Portal](#).

Prior to the commencement of any building works on the site a construction certificate must be obtained. The construction certificate can be issued by Council.

An application for a construction certificate accompanied with appropriate building work plans and specifications may be submitted to Council through the [NSW Planning Portal](#).

Please contact Council for a fee proposal if you require the assessment of a construction certificate Application and to appoint Council as a principal certifier for the building or subdivision works.

Yours faithfully,
Canterbury Bankstown Council
P: +61 2 9707 9000



NOTICE OF DETERMINATION – CONSENT

Issued under s4.16(1)(a) of the *Environmental Planning & Assessment Act 1979*

Development Application No.	DA-875/2021
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Applicant	ZTA Group Attention: Linda Ibrahim 538 King Georges Rd BEVERLY HILLS NSW 2209
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Land to be Developed	73 Stoddart Street, ROSELANDS NSW 2196 Lot 365 DP 13404
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Approved Development	Demolition of existing structure and construction of a 2 storey childcare with basement parking
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Date of Determination	6 June 2022
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Consent to Operate From	6 June 2022
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Consent to Lapse On	6 June 2027
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SCHEDULE 1 – CONDITIONS

These consent conditions have been imposed after taking into account the matters for consideration in determining a development application pursuant to s4.15 and in accordance with s4.17 of the *Environmental Planning & Assessment Act 1979*.

1. Approved Development

1.1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan Name	Plan No.	Date	Rev.	Prepared By
Site Plan & Analysis	DA01	15.03.2022	C	Zta Architects
Basement Plan	DA02	15.03.2022	C	Zta Architects
Ground Floor Plan	DA03	15.03.2022	C	Zta Architects
First Floor Plan	DA04	15.03.2022	C	Zta Architects
Roof Plan	DA05	15.03.2022	C	Zta Architects
Elevations	DA06	15.03.2022	C	Zta Architects
Elevations	DA07	15.03.2022	C	Zta Architects
Section	DA08	15.03.2022	C	Zta Architects
Finishes Schedule	DA09	15.03.2022	C	Zta Architects
Erosion/ Sediment Controls & Demolition	DA12	15.03.2022	C	Zta Architects
GFA Calculations	DA16	15.03.2022	C	Zta Architects
Calculation- Area Requirements	DA17	15.03.2022	C	Zta Architects
Landscape Plan	21-4508 LO1	15.03.2022	A	Zenith Landscape Design

Note: In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

1.2. The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.

1.3. The development plans shall be amended as follows:

- a) The parking spaces labelled 'visitor' on the basement plan need to be marked as 'P10 Pick-up/Drop-off spaces', as part of any Construction Certificate Plans.
- b) Sight line triangles to pedestrians shall be shown on the site plan at the driveway exit location, in accordance with AS 2890.1-2004 to comply



with Fig 3.3. This must be updated on the plans, as part of any Construction Certificate.

- c) Sight distance for vehicles exiting the site shall comply with AS 2890.1:2004 Fig 3.2. This must be updated on the plans, as part of any Construction Certificate.

2. General Conditions.

- 2.1. The building must comply with the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

- 2.2. A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is "exempt development" in accordance with the relevant legislation.
- 2.3. The detailed site investigation prepared by Coleman Adams Environmental, titled '*Stage 2 Detailed Site Investigation, 73 Stoddart Street, Roselands NSW*', dated 21 February 2022 and all the recommendations stated within the report forms part of the development consent.
- 2.4. The Emergency and Evacuation Plan, prepared by ECS, dated 13/01/2022 and all its procedures forms part of this consent.
- 2.5. The acoustic report submitted in support of this application prepared by Environmental Monitoring Services Pty Ltd, titled '*Noise Impact Assessment, 73 Stoddart Street, Roselands NSW 2196*', reference number EMS21 8890, dated 29 September 2021 and all the recommendations stated within the report, form part of the development consent.

The Principal Certifying Authority shall obtain a report from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above-mentioned acoustic report have been implemented and that the relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate. A copy of the report is to be submitted to Council prior to the issue of any Occupation Certificate.

3. Conditions to be satisfied prior to the issue of a Construction Certificate.



- 3.1. Development Contributions of \$10,078.87 must be paid for this development before the issue of any construction certificate. The contributions are levied and applied under the Canterbury Development Contributions Plan 2013 and Section 7.12 of the *Environmental Planning and Assessment Act 1979*. The contributions will be used to provide, extend or augment public amenities or public services.

Indexing of the contribution amount to be paid: The development contribution payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have occurred since the “Consent to operate from date” which appears on the front page of this Determination Notice.

No construction certificate is to be issued and no construction is to commence until payment of development contributions. The contribution must be paid to Council before the issue of any Construction Certificate. Construction of the development may NOT commence until the development contributions are paid.

A copy of the development contributions plan is available for inspection on Council's website and at Council's Administration offices in Bankstown and Campsie.

NOTE: Development contribution amounts are non-refundable.

- 3.2. The Construction Certificate plans shall include details of the garbage receptacle area. The garbage receptacle area shall not be visible from the street. The garbage receptacle area shall be located within the building or screened from the street by dense landscaping.
- 3.3. Before the issue of a construction certificate, all domestic waste bins servicing the site are to be returned to Council.
- 3.4. The construction certificate plans shall include details of the waste bin storage area. The bin storage area shall not be visible from the street. The bin storage area shall be located within the building or screened from the street by dense landscaping.
- 3.5. The principal certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate which identify that the bin carting route from the communal bin storage room to the waste collection point identified on stamped plans complies with the following requirements as well as the requirements of Council's “Waste Management Guide for New Developments”:
- Is direct and less than 10.0 metres in length,
 - Has a minimum width of 2.0 metres of hard surface;



- c. Is of non-slip material and free from obstacles and steps;
- d. Is not located within a driveway or carpark;
- e. Has a maximum grade of 1:30 (3%); and
- f. Has a layback installed at the collection point.

3.6. The principal certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the temporary bin collection area that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":

(For Collect and Return)

- a. Located less than 30 metres from the communal bin storage room;
- b. Located on the ground floor;
- c. Within 10 metres from the nominated kerbside collection point;
- d. Any doorways a minimum width of 2.0 metres;
- e. Be located fully within the property;
- f. Be of sufficient size to accommodate all bins with additional room for manoeuvring (minimum aisle space of 1.5 metres and 15cm between bins); and
- g. Be clearly separated from car parking bays, footpaths and landscaped areas.

3.7. The principal certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":

- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;
- b. Floors must be finished so as to be non-slip with a smooth and even surface;
- c. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height in accordance with the Building Code of Australia;
- d. Must be compatible with the overall design of the development;
- e. Walls must be constructed of solid impervious material;
- f. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;
- g. Walls, ceiling and floors must be finished in a light colour;
- h. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
- i. A self-closing door openable from within the room;
- j. Must be constructed to prevent the entry of birds and vermin;



- k. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
- l. Any doorways must be 1.2 metres wide and open outwards; and
- m. Designed to fit the following bin allocations:

Number	Bin Size	Bin Type
5	240L	Garbage (Red)
5	240	Recycling (Yellow)

- 3.8. The applicant shall submit a comprehensive BCA compliance report prior to obtain Construction Certificate from Principal Certifying Authority (PCA).

The BCA compliance report (volume-one) shall include

- Section B Structure,
- Section C – Fire resistance,
- Section D – Access and egress,
- Section E- Services and equipment
- Section F – Health and amenity, and
- Section J - Energy efficiency

- 3.9. A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Wastewater treatment equipment is to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. All wastewater treatment devices shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

- 3.10. A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:

- a) A heavy duty VFC of maximum width of 3.5 metres at the property boundary for the basement access driveway.
- b) Drainage connection through an above ground on site detention system and then to Council's system.
- c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
- d) Repair of any damage to the public road including the footway occurring during development works.
- e) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to



any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 3.11. Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. SSCE 210719, sheet nos: D01 to D05, Revision – B dated 21/03/2022 prepared by SSC Engineering.

The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

- 3.12. The layout of the proposed car parking areas associated with the subject development including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions should be in accordance with the Australian Standard AS 2890 parking series.

- 3.13. Stormwater runoff from within the property shall be collected and controlled by means of an above ground on site stormwater detention system (OSD) in accordance with Canterbury DCP 2012. The runoff from the detention storage shall be conveyed to an inspection pit to be located at the front of the site and from there to Council's system. Stormwater runoff from areas naturally draining to the site shall be collected, conveyed and piped to the inspection pit downstream of the detention storage basin.

A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Canterbury DCP 2012. The final stormwater drainage plan shall also be generally in accordance with the concept plan no: SSCE 210719, sheet nos: D01 to D05, Revision – B dated 21/03/2022 prepared by SSC Engineering.

The final plan shall be certified by the design engineer that it complies with Canterbury DCP 2012 and the relevant Australian Standards.



3.14. The subject site is affected by local overland flooding and shall comply with the following:

- a) Proposed buildings shall be located clear of floodways through the site.
- b) Habitable room finished floor level shall be constructed to a minimum of RL 39.40m including freeboard as determined by the Storm Water System Report. All approved construction details shall be consistent with this requirement.
- c) Landscaping within Council's drainage easement/the overland flowpath shall be limited to grassed or paved surfaces only. Where pavers are to be used they shall be constructed integral with a concrete base to prevent scour and uplifting. Final details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to the PCA prior to the issue of the Construction Certificate. A copy of the approved landscaping details shall be submitted to Council for information.

3.15. Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

- a) The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020. Plans and details prepared and signed by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 are to be submitted to the Principal Certifier prior to the issue of the construction certificate.
- b) All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

3.16. Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic Section for a Site, Pedestrian and Traffic Management Plan (SPTMP). This Plan must address the measures that will be implemented for pedestrian safety and traffic management as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:



- a. Proposed ingress and egress points for vehicles to and from the construction site;
- b. Proposed protection of pedestrians, adjacent to the construction site;
- c. Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- e. Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- f. Proposed route for transportation of bulk and excavation materials to and from the development site.

The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest "State Road" via "Regional Roads", with every effort to avoid school zones on public roads. Alternate longer routes will only be considered in order to bypass school zones during school zone hours. If school zones cannot be avoided **no heavy construction vehicle movements are to arrive or depart the site during signposted school zone periods 8:00am - 9:30am and 2:30pm - 4:00pm on school days.**

An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council to rectify damages to public property adjacent to the site as a consequence of building works shall be lodged with Council prior to release of any Construction Certificate. Damage will be rectified as required by Council to remove unsafe conditions. All damage must be rectified upon completion of work to the satisfaction of Council.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

- 3.17. Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on relevant construction certificate plans. The levels at the street



boundary must be consistent with the Street Boundary Alignment Levels issued by Council.

- 3.18. As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act 1993*, Council requires the person having benefit of this Determination Notice to obtain a Works Permit and or a Roadway / Footpath Building Occupation Permit prior to issue of any construction certificate for this development being issued where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a. Dig up, disturb, or clear the surface of a public footway or public road,
- b. Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c. Connect a road (whether public or private) to a classified road,
- d. Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e. Install utilities in, under or over a public road,
- f. Pump water into a public footway or public road from any land adjoining the public road,
- g. Erect a structure or carry out a work in, on or over a public road,
- h. Require a work zone on the public road for the unloading and or loading of vehicles,
- i. Pump concrete from within a public road,
- j. Stand a mobile crane within a public road,
- k. Store waste and recycling containers, skips, bins and/or building materials on any part of the public road,
- l. The work is greater than \$25,000, and
- m. Demolition is proposed.

The person having benefit of this Determination Notice shall construct all works approved within the public road and footway under the supervision and to the satisfaction of Council and shall arrange for necessary inspections by Council whilst the work is in progress.

The person having benefit of this Determination Notice shall ensure that the person or company carrying out the work will carry public liability insurance to a minimum value of twenty million dollars and shall provide proof of the policy to Council, prior to commencing any work approved by the Work Permit including the Road Opening Permit. The policy must remain valid for the duration of the works.



- 3.19. The pump out drainage system for the driveway/access ramp and car parking area/open space area shall be provided in accordance with Council's Canterbury Development Control Plan 2012 Part B5. The Engineer must design the Pump out drainage system to be in accordance with the Australian Standards AS 3500. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifier for approval prior to issue of any Construction Certificate. The Engineer must certify that the Hydraulic design complies with the above relevant standards.
- 3.20. Engineering details and manufacturers specifications for the pumps, switching system and sump pit shall be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of any Construction Certificate.
- 3.21. The basement of the development is located adjacent to a Council Public Road Reserve. Separate approval and Work Permit is to be obtained from Council for any temporary or permanent anchoring works under Council's Public Road.
- 3.22. The layout of the approved car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, and parking bay dimensions) should be in accordance with the AS 2890 parking series.

Furthermore, for internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifier prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 25% and shall comply with AS 2890 parking series. The profile shall be drawn at a reduction ratio of 1 to 25 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile in Council's Development Engineering Standards, (Plan No. S 006) shall be used to design the profile.

4. Conditions to be satisfied prior to construction

- 4.1. The demolition of all structures on the property must be undertaken in accordance with all the following:



- a. Written notice must be issued to adjoining residents a minimum of seven (7) days prior to the commencement of demolition advising of the commencement date,
- b. Written notice must be issued to Council for inspection a minimum of (7) days prior to the commencement of demolition. Written notice must include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolition contractor,
- c. Inspections being undertaken by Council including:
 - i. A pre-commencement demolition inspection when all site works required as part of this Determination Notice are installed on the site and prior to demolition work commencing, and
 - ii. A final demolition inspection when the demolition work has been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this Determination Notice,
- d. Payment of an inspection fee at Council's current rate must be paid prior to inspection. Council requires 48 hours' notice to carry out an inspection,
- e. A sign must be erected at the front of the property showing the name of the licenced demolition contractor, the licence number and a telephone number on which that person can be contact outside of working hours,
- f. All demolition work must be carried out in accordance with Australian Standard 2601-2001 – The Demolition of Structures,
- g. Where asbestos containing materials are to be removed, demolition must be carried out by contractors who have a current SafeWork NSW licence in asbestos removal,
- h. An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work,
- i. Hazardous and intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority,
- j. Demolition procedures must maximise the reuse and recycling of demolished materials to reduce the environmental impacts of waste disposal,
- k. Adhere to the requirements stipulated in the approved Waste Management Plan, and
- l. Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no building work/s is to be carried out at any time on a Sunday or a public holiday.

A copy of the final demolition inspection report must be submitted to the Principal Certifier prior to the commencement of any building work.

- 4.2. A construction certificate is required for the erection of a building in accordance with this Determination Notice.



This Determination Notice does not authorise building work until a Principal Certifier has been appointed as the Principal Certifier for the work by (or with the approval of) the person having the benefit of this Determination Notice.

The following requirements apply before the commencement of building work in accordance with this Determination Notice:

- a. the principal certifier has, no later than 2 days before the building work commences, notified the Consent Authority and the Council (if the council is not the Consent Authority) of his or her appointment as the principal certifier,
 - b. the principal certifier has, no later than 2 days before the building work commences, notified the person having the benefit of this Determination Notice of any inspections that are required to be carried out in respect of the building work,
 - c. the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,
 - d. the person having the benefit of this Determination Notice, if not carrying out the work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involve, and
 - ii. notified the principal certifier of the appointment, and
 - iii. unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,
 - e. the person having the benefit of this Determination Notice has given at least a 2-day notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building.
- 4.3. Prior to the commencement of work, the person having the benefit of this Determination Notice must provide a temporary on-site toilet if access to existing toilets on site is not adequate/available. Temporary on-site toilet facilities must be installed and be adequately maintained throughout the construction period.
- 4.4. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifier for the work, and
 - b) 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



- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

5. Conditions to be satisfied during construction.

- 5.1. Building work, subdivision work or demolition work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.
- 5.2. Building work must be carried out in accordance with the requirements of the BCA.
- 5.3. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —
 - a. All footings/ foundations
 - b. At other stages of construction – any marks that are required by the principal certifier.
- 5.4. All civil and hydraulic engineering works on site must be carried out in accordance with Council's Canterbury Development Control Plan 2012 Part B5. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 5.5. Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 5.6. If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions



must be made for drainage. Separate approval may be required for retaining walls should they be required.

- 5.7. The stormwater drainage system shall be constructed in accordance with Council's Canterbury Development Control Plan 2012 Part B5 and the engineering plans and details approved by the Principal Certifier. Should the person having benefit of this Determination Notice encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, then he / she must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at his / her own expense.
- 5.8. A suitably qualified Professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications and certification from the Civil or Structural Engineer is to be provided upon completion.
- 5.9. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —
 - a. Protect and support the building, structure or work from possible damage from the excavation, and
 - b. Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- 5.10. In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental consultant appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council.

Council may also request that an NSW EPA Accredited Site Auditor is involved to assist with the assessment of any unexpected finds, review any contamination information and prepare a Site Audit Report and Site Audit Statement. The applicant must adhere to any additional conditions which may be imposed by the NSW EPA Accredited Site Auditor.



5.11. All soils to be excavated and disposed of from the site must be analysed and classified by a suitably qualified environmental consultant, in accordance with relevant NSW EPA guidelines, including the 'Waste Classification Guidelines' (NSW EPA, 2014) prior to off-site disposal.

All waste material for disposal to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines. Receipts for the disposal of the waste must be submitted to Council prior to issuing of an Occupation Certificate.

5.12. Any fill imported onto the site must be virgin excavated natural material or excavated natural material, classified as such in accordance the 'Waste Classification Guidelines' (NSW EPA, 2014) or excavated natural material meeting the requirements of the Excavated Natural Material Exemption (NSW EPA, 2014).

Certificates verifying that imported fill is virgin excavated natural material or excavated natural material must be provided to Council prior to the issue of an Occupation Certificate.

All imported fill must be compatible with the existing soil characteristics of the site.

5.13. The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:

- a. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*; and
- b. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*; and
- c. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW; and
- d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and
- e. Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste



- vehicle rego, and confirmation of the waste disposal facility. Records/details are also to be kept of person removing the waste; and
- f. All materials and resources that are to be stored on site during construction works are contained on the site; and
 - g. The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses; and
 - h. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.

6. Conditions to be satisfied prior to occupation.

- 6.1. The occupation or use of the building must not commence unless an occupation certificate has been issued.
- 6.2. An occupation certificate must not be issued until all conditions relating to demolition, building and subdivision works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).
- 6.3. The operator of the premises must register the business with the Compliance Unit of Council and arrange an inspection with Council's Environmental Health Officer.
- 6.4. No occupation certificate may be issued until such time as written confirmation has been received from Council that all waste management facilities and associated access have been constructed in accordance with the requirements of this consent.
- 6.5. Nine (9) Off street car parking spaces shall be provided/maintained for the use of visitor and employees to the premises in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained.
- 6.6. A P10 timed parking across the frontage of the property (with appropriate operation hours of the centre) to facilitate the one (1) picking-up/dropping-off of children to the centre subject to the approval from the Traffic Committee at the Applicant's cost. The Applicant also needs to contact Council three months prior to the operation of the centre for the installation of signage providing sufficient time to report to a future Traffic Committee.
- 6.7. A P10 Minute (7:00AM – 9:00PM & 2:30PM – 6:00PM Mon-Fri) parking, is to be installed within the car parking area for the four (4) pick-up/drop-off



spaces to reiterate the restriction for parents drop - off / pick- up area, at the Applicant's cost.

- 6.8. Prior to the issue of an occupation certificate, a plan of management is to be submitted to Council. The plan of management forms part of the development consent however, in the event of any inconsistency, the conditions of this consent will prevail.
- 6.9. Prior to the issue of any Occupation Certificate, a Business Registration Form must be completed and submitted to Council. This form is available online at www.cbcity.nsw.gov.au. In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.
- 6.10. Prior to the issue of an Occupation Certificate, a pre-occupation premises inspection report is to be undertaken by Council's Environmental Health Officer.
- 6.11. A suitably qualified Professional Civil Engineer shall certify that the driveways, parking bays, and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.
- 6.12. Prior to the issue of any Occupation Certificate, a traffic signalling system must be installed for the use of the basement which identifies that the basement car parking spaces are full and for cars not to enter. This system must be installed to the satisfaction of the Principle Certifying Authority.
- 6.13. Before the issue of the relevant occupation certificate, the person having the benefit of this Determination Notice must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming compliance with Canterbury Development Control Plan 2012 Part B5.

The principal certifier must provide a copy of the plans to Council with the occupation certificate

- 6.14. The developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Bankstown Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Where subdivision is not proposed, the surveyor shall show the location of the "On-Site Stormwater Detention System" on an A4 size site plan



attached to the Section 88E Instrument to be registered, on the title of the subject property, prior to the issue of the Final Occupation Certificate. Alternatively, where subdivision is proposed, the developer shall register, on the title of the subject property, a Restriction on the Use of Land and Positive Covenant, in accordance with the standard terms for "Registration of OSD on title", as outlined in Council's Bankstown Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act. The surveyor shall show the location of the "On-Site Stormwater Detention System" on the plan of subdivision. The developer shall submit evidence of the final registration of the Restriction and Positive Covenant on the title of the property, to Council.

7. Conditions of use.

- 7.1. Nine (9) Car parking spaces approved within the basement are as follows:
 - One Accessible (1), signposted and maintained at all times
 - Four (4) Pick-up/Drop-off spaces, signposted and maintained at all times
 - Four (4) staff parking spaces, signposted and maintained at all times
- 7.2. All parking spaces shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 7.3. One (1) Pick-up/Drop-off along Stoddart Street, signposted and maintained at all times.
- 7.4. All vehicles associated with the development shall enter and exit in a forward direction.
- 7.5. All parts of the premises used for the storage, preparation and handling of food must be designed, constructed and operated in accordance with the requirements of:
 - i. The *Food Act 2003* and *Food Regulation 2015*;
 - ii. Australia New Zealand Food Standards Code;
 - iii. AS 4674-2004, 'Design, construction and fit-out of food premises';
 - iv. AS 1668.2 – 'The Use of Ventilation and Air-Conditioning in Buildings – Mechanical Ventilation in Buildings'
- 7.6. The installation, operation and maintenance of any warm-water system installed on the premises must be undertaken in accordance with the relevant provisions of:
 - i. *Public Health Act 2010*;



- ii. *Public Health Regulation 2012*;
- iii. AS 3666.1-2011, 'Air-handling and water systems of buildings - Microbial control, design, installation and commissioning';
- iv. AS 3666.2-2011, 'Air-handling and water systems of buildings - Microbial control, operation and maintenance';
- v. AS 3666.3-2011, 'Air-handling and water systems of buildings - Microbial control, performance-based maintenance of cooling water systems'; and
- vi. 'NSW Guidelines for Legionella Control in Cooling Water Systems' (NSW Health, 2018)

7.7. Should a noise issue arise, the child care centre owner/operator must employ the services of a qualified acoustic consultant who has not previously been involved with the development, to undertake a noise assessment and complete an acoustic report with recommendations to rectify the noise issue. A copy of the acoustic assessment report must be submitted to Council for approval and from there, noise attenuation works must be implemented. Submission of the acoustic report must be within 30 days from the date requested by Council.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

- 7.8. The applicant must ensure that all activities within the premises comply with the relevant sections of the *Protection of the Environment Operations Act 1997* and Regulations and the Noise Policy for Industry (NSW EPA, 2017).
- 7.9. Any activity carried out in accordance with this approval must not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the *Protection of the Environment Operations Act 1997* and Regulations.
- 7.10. Any lighting of the premises must be installed in accordance with AS/NZS 4282-2019, 'Control of the obtrusive effects of outdoor lighting', to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights must be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.
- 7.11. The child care centre is restricted to a maximum of 42 children at any one time.



- 7.12. Landscaping on the site shall be upgraded as per the relevant DCP. Landscaping shall be maintained under best horticultural practise at all times.
- 7.13. The hours of operation of the use shall be limited to between 7am-7pm on weekdays and closed on weekends.
- 7.14. All loading and unloading of goods shall take place within the site or from the adjoining service lane in a manner that does not interfere with parking areas, driveways or landscaping.
- 7.15. There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.
- 7.16. All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.
- 7.17. The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.
- 7.18. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footway, utility service land, customer and/or employee parking area or the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
- 7.19. Identification number/s are to be conspicuously displayed at the front of the premises.
- 7.20. Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
- 7.21. The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
- 7.22. The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out.



- 7.23. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. All waste generated shall be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request.
- 7.24. The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
- 7.25. All commercial uses must engage and utilise the services of a private waste collection service and must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal.
- 7.26. Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.
- 7.27. Any waste facilities approved under this consent must be maintained in a proper and workmanlike state at all times and must be kept clear and accessible to Council to undertake waste collection services. The facilities must not be altered without before Council approval.
- 7.28. No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.



For further information regarding this notice **DA-875/2021** please contact Kaitlin McCaffery in Development on 9707 9060.

Yours faithfully,



Kaitlin McCaffery
SENIOR PLANNER

end



SCHEDULE 2 – REASONS

- i. To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.
- ii. To ensure compliance with the approved development.
- iii. To ensure compliance with the Bankstown Local Environmental Plan 2015.
- iv. To ensure compliance with the Canterbury Local Environmental Plan 2012.
- v. To ensure compliance with the Bankstown Development Control Plan 2015.
- vi. To ensure compliance with the Canterbury Development Control Plan 2012.
- vii. To record the condition of public infrastructure prior to the commencement of construction.
- viii. To ensure residential amenity is maintained in the immediate vicinity.
- ix. To record the condition of the property prior to the commencement of construction.
- x. To ensure the structural integrity of the building is maintained.
- xi. To ensure the structural integrity of the subject site and adjoining sites during the excavation process.
- xii. To encourage the minimisation of waste and recycling of building waste.
- xiii. To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure.
- xiv. To ensure that appropriate tree protection measures are shown on construction drawings.
- xv. To protect the trees to be retained on the site during construction works
- xvi. To ensure the long-term health of workers on site and occupants of the building is not put at risk unnecessarily.
- xvii. To ensure the safety of children and make person having the benefit of this Determination Notice aware of the need to comply with applicable pool fencing legislation.
- xviii. To ensure that water from a swimming pool cannot be legally disposed of into the stormwater system.
- xix. To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation.
- xx. To ensure noise generated by equipment does not result in offensive noise.
- xxi. To ensure the lawful disposal of construction and demolition waste.
- xxii. To ensure works are carried out in accordance with relevant WorkCover requirements.
- xxiii. Prescribed – statutory.



SCHEDULE 3 - NOTES

- a. Modifications to this Determination Notice may be made in accordance with Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
- b. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Section 8.2 of the *Environmental Planning and Assessment Act 1979* or appeal to the Land and Environment Court pursuant to Sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979*. Any application for a review pursuant to Section 8.2 must be received, assessed and determined by Council within 6 months after the date of receipt of this Determination Notice. It is therefore advisable to lodge the application for review as soon as possible to ensure that assessment is complete within the statutory timeframes. You should seek advice from your legal advisor on the time limits for the lodgement of any appeal.
- c. Sections 9.37 and 9.50 of the *Environmental Planning and Assessment Act 1979* confer the authority to direct any person to comply with the terms and conditions of any consent condition and any person failing to comply with such a direction shall be guilty of an offence under that Act.
- d. Failure to comply with this Determination Notice may result in a fine or prosecution by Council.
- e. If the building work is in proximity of any infrastructure (including water, stormwater, sewer mains, electricity power lines, railway lines and telecommunications facilities or the like), then the relevant infrastructure authority must be consulted before commencing the building work to gain their approval. Any impacts must be considered in the design and construction of the building work/s.
- f. Inspections of the development work must be undertaken as determined by the Principal Certifier. If Canterbury-Bankstown Council has been nominated as the Principal Certifier, then details of inspection type and number required will be provided at the time of the issue of a construction certificate.
- g. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (as is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, a Section 4.55 Amendment to this Determination Notice (or a new development application) is required. Individuals owe asset owners a duty of care that must be observed when working near infrastructure plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
In accordance with the *Telecommunications Act 1997* (Commonwealth), Telstra (and its authorised contractors) are the only companies that are permitted to conduct work on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Commonwealth) and is liable for prosecution.
Damage to Telstra's infrastructure may result in interruption to the provision or essential services and significant costs. If you are aware of any work or proposed work which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.
- h. This Determination Notice does not provide consent to commence building or subdivision work. A construction certificate must be obtained prior to the commencement of any building work and a Subdivision Works Certificate must be obtained prior to the commencement of any subdivision work. Council can provide certification services relating to the issue of a construction certificate or subdivision works certificate if required by the



development consent. Please contact Council for a fee proposal if you require any of these certification services.

