

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON MONDAY 6 JUNE 2022

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Linda Pearson - Expert Member
Mr David Epstein - Expert Member
Mr Peter Menton - Community Representative Bankstown
Mr Ian Stromborg - Community Representative Bass Hill and Revesby

STAFF IN

ATTENDANCE: Ms Maryann Haylock (Local Planning Panel Administration Officer)
Mr Ian Woodward (Manager Development, not present for the closed session)
Ms Robyn Winn (Coordinator Governance and Property Services)
Mr Stephen Arnold (Coordinator Planning West, not present for the closed session)
Mr Warren Terry (Senior Town Planner, not present for the closed session)
Mr Michael Bonnici (Senior Town Planner, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.00 PM.

INTRODUCTION

The Chairperson welcomed all those present and explained the functions of the Canterbury Bankstown Local Planning Panel and that the Panel would be considering the reports and the recommendations from the Council staff and the submissions made by objectors and providing advice to Council on the planning proposal.

APOLOGIES

There were no apologies received.

DECLARATIONS OF INTEREST

The Chairperson advised that all Panel Members had submitted written Declarations of Interest returns prior to the meeting.

The Chairperson also asked the Panel if any member needed to declare a conflict of interest in any of the items on the agenda. There were no declarations of interest.

CBLPP Determination

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **Monday 7 March 2022** be confirmed.

DECISION

1 DA-682/2020 51 HUME HIGHWAY, GREENACRE: CONSTRUCTION OF A NEW BUILDING FOR USE AS A COMMUNITY FACILITY

Site Visit

An inspection of the site was undertaken by the Panel members prior to the public hearing.

Written

A written submission was received for this matter by Mr Abdalla.

Public Addresses

The following people addressed the meeting in relation to this item:

- Mr Ibrahim Fouda
- Mr Elie Sleiman (applicant)

Panel Assessment

Mr Peter Menton was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes that the application and approval is for a community facility only and conditions will be imposed making it clear that the premises cannot be used as a place of public worship or as a funeral home or function centre. Operation of the community facility in compliance with the provisions of the amended Plan of Management, in order to mitigate any adverse amenity impacts will also be a condition of the consent.

CBLPP Determination

THAT Development Application DA-682/2020 for construction of a new building for use as a community facility be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions as set out below:

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.**

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 No.	Plan Name	Issue	Prepared By
01-04	Landscape Plans	24.11.21	Online Landworx
03	Site Plan	C 10.11.21	ES Design
04	Lower Ground Floor Plan		
05	Ground Floor Plan		
06	West/North Elevations		
07	East/South Elevations		
08	Section Views		
09	Driveway Plan and Section		
10	Material and Finishes		

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

- 1.1 Before the issue of a construction certificate, the principal certifier must ensure that the Operational Plan of Management dated November 2021 (prepared by ES Planning) is amended to be consistent with all the section 6 Conditions of Use of this consent. The amended Operational Plan of Management will be the approved Operational Plan of Management (AOPOM).
- 1.2 The premises must be used in accordance with the AOPOM. In the event of any inconsistency between the AOPOM and these conditions then the conditions of consent prevail over the AOPOM.
- 1.3 A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is "exempt development" in accordance with relevant legislation.
- 1.4 The acoustic report submitted in support of this application prepared by Day Design Pty Ltd, titled, Environmental Noise Impact Assessment, report number 6916-1.1R, dated 7 July 2020 and all the recommendations stated within the report, form part of the development consent.
- 1.5 Transport for NSW (TfNSW) has previously resumed and dedicated a strip of land as road along the Hume Highway frontage of the subject property, as shown by grey colour on aerial "X" on Attachment A.

All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Hume Highway boundary.

ATTACHMENT A



- 1.6 All construction vehicles are to access the site via Glover Street. A construction zone will not be permitted on the Hume Highway.

2 Conditions to be Satisfied Before the Issue of a Construction Certificate.

- 2.1 Development Contributions of \$7599.81 must be paid for this development before the issue of any construction certificate. The contributions are levied and applied under the Bankstown Development Contributions Plan 2019—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.

- 2.2 A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a construction certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.
- 2.3 The landscape plan must be prepared in accordance with Bankstown DCP 2015 and must include the following features, notations and specifications:
- a. The location of existing and proposed structures on the subject property/properties, including existing and proposed trees, impermeable areas, landscaped areas, deep soil zones, fixed furniture, shade structures, lighting, and other features,
 - b. Details of earthworks and soil depths, including mounding and retaining walls and planted boxes,
 - c. The location, number, pot size and type of chosen plant species. Details of planting procedures and long-term maintenance (if any), and
 - d. Details of drainage and watering systems (if any).
- 2.4 Approval in accordance with Council's Tree Management Order (TMO) is granted to lop or remove only those trees identified to be lopped or removed on the approved plans. If not indicated on the approved plans, separate approval must be obtained to prune or remove trees on adjoining properties or other trees located on the site. A person(s) who contravenes or causes or permits the TMO to be breached shall be guilty of an offence and liable for prosecution.
- 2.5 Before the issue of a construction certificate or, the person having benefit of this Determination Notice is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- a. Council's development control plan,
- b. the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- c. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The person having benefit of this Determination Notice must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.

- 2.6 The Council approved plans must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) will affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Refer to www.sydneywater.com.au/tapin for Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPINTM.

Sydney Water must issue either a Building Plan Assessment letter which states that the application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 2.7 All fees, levies, bonds and/or contributions as required by this Determination Notice must be paid to the relevant authority/entity.
- 2.8 A long service levy payment which is calculated to be 0.35% of the total cost of the construction work must be paid to the Building and Construction Industry Long Service Payments Corporation. Payment can be made via the [Long Service Portal](https://www.longservice.nsw.gov.au) at <https://www.longservice.nsw.gov.au>.
- 2.9 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.
- 2.10 The person having benefit of this Determination Notice shall apply for a Work Permit and obtain approval from Council, for any of the following applicable engineering works in front of the site, at their own expense:
- a. Heavy duty VFC of maximum width of 6.0metres at the property boundary.
 - b. Footpath reconstruction fronting the subject property on Glover Street
 - c. Removal of all redundant 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 building works, and
 - 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: Council is required to prepare a site survey and design in order to determine the necessary information. The person having benefit of this Determination Notice should make application and payment for the Work Permit at least twenty-one (21) days prior to the information being required and prior to the issue of the construction certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets.

- 2.11 Prior to the issue of a construction certificate, the entire site (includes any structures) is to be assessed for hazardous materials, especially asbestos. A Hazardous Materials (HAZMAT) Report is to be prepared by a Type "A" inspection body accredited by NATA. All recommendations contained within this report are to be implemented and a clearance certificate issued by an appropriately qualified Occupational Hygienist is to be submitted to Council prior to the issue of a construction certificate.
- 2.12 Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, and other requirements as specified below.

This plan shall include details of the following:

- a. Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b. Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- c. Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- d. Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- e. Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Principal Certifying Authority.

- 2.13 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 that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

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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.
- m. Demolition is proposed.
- n. Subdivision is proposed.
- o. A Swimming pool is proposed.
- p. Heavy duty Vehicular Footway Crossing (VFC) of maximum width of 6 metres at the property boundary. All existing and / or new infrastructure located on Council's land in front of the development site is to be provided in accordance with Council's Engineering Standard STD DWG N° S-004. All costs associated in achieving compliance with this condition must be borne by the person having the benefit of this Determination Notice. All work must be completed prior to the issue of any Occupation Certificate,

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.cbcity.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 2.14 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 "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An "Agreement" to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 2.15 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.
- 2.16 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.

- 2.17 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.
- 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.
 - All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.
- 2.18 An all-weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifier for approval prior to the issue of a construction certificate.
- 2.19 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.
- 2.20 Stormwater drainage from the development shall be designed so as to comply with Council's Bankstown Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 in accordance with the above requirements and shall generally be in accordance with the approved concept stormwater plan as shown in the table below. The final plan shall be certified by an appropriately qualified person as defined in the Building and Development Certifiers Regulation 2020 that it complies with Council's Bankstown Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

Drawing number	Revision	Date	Prepared By
H921-S1/5	C	16-11-2021	TAA Consulting Engineers
H921-S2/5	C	16-11-2021	TAA Consulting Engineers
H921-S3/5	C	16-11-2021	TAA Consulting Engineers
H921-S4/5	C	16-11-2021	TAA Consulting Engineers
H921-S5/5	C	16-11-2021	TAA Consulting Engineers

The proposed OSD shall be amended to include provision for overflow that would cater for the 1% AEP flows. The above listed plans shall be amended to reflect the approved architectural plans.

- 2.21 A vacant land charge form is to accompany any Construction Certificate application for the removal of all domestic garbage and recycling bins.
<https://www.cbcity.nsw.gov.au/council/forms/waste-recycling>
- 2.22 A design certificate and detailed plans are to accompany any Construction Certificate application which demonstrate that the waste storage room has been designed to be constructed in accordance with the Waste Management Guide for New Developments and including the following requirements:
- a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.
 - b. The floors must be finished so that is non-slip and has a smooth and even surface.
 - c. The room is to be integrated within the building, a minimum 2.1m unobstructed room height is required in accordance with the Building Code of Australia;
 - d. The walls must be constructed of solid impervious material.
 - e. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.
 - f. Walls, ceiling and floors must be finished in a light colour.
 - g. Is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - h. A self-closing door openable from within the room.
 - i. Must be constructed to prevent the entry of birds and vermin.
 - j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room.
 - k. Any doorways must be 2m wide.
 - l. Designed to fit 1 x 660L recycling bins
 - m. Designed to fit 2 x 660L garbage bins
- 2.23 A design certificate and detailed plans are to accompany any construction certificate application which demonstrate that the bin carting route from the waste storage room to nominated collection point has been designed to be constructed in accordance with the following requirements:
- a. Direct and less than 10 metres,
 - b. Minimum 2m wide hard surface;
 - c. Non-slip, free from obstacles and steps;
 - d. Not within a driveway or carpark, this is considered a conflict point for vehicles and collection staff;
 - e. A maximum grade of 1:30 (3%); and
 - f. Layback installed at the nominated collection point.
- 2.24 Sight triangle is to be marked on Ground floor plan (Dwg No. 19085-05 Issue C dated 10/11/2021) and provided on the exit side driveway, in accordance with AS 2890.1:2004 *Figure 3.3 – Minimum Sight Lines for Pedestrian Safety*. A splay extending 2 metres from the driveway edge along the front boundary and 2.5 metres from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and is to be kept clear of any obstacles. This shall be illustrated on plans submitted with the construction certificate.
- 2.25 If a Works Zone in Glover Street is required, the applicant shall apply to the Canterbury Bankstown Traffic Committee for the installation of a Works Zone at the site's frontage 8 weeks in advance prior to commencement of construction, including payment of the relevant fees and charges. This is subject to recommendation by the Traffic Committee and must be approved by Council and paid for prior to issue of a Construction Certificate.

- 2.26 A Construction Traffic Management Plan (CTMP) / Site Pedestrian Traffic Management Plan (SPTMP) shall be required to be submitted six months prior to the commencement of works on the site, for construction phases of the development / project.

Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council's Traffic and Transport Section for a CTMP / 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 measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- f) 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.

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 TfNSW (formerly 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 Conditions to be Satisfied Before Construction.

- 3.1 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.
- 3.2 Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.
- 3.3 Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
- 3.4 Council's warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site.
- 3.5 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.

3.6 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that the person having the benefit of this Determination Notice apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application can be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Section 73 Compliance Certificates or telephone 13 20 92.

3.7 The tree located on Council's nature strip is approved for removal:

- a. All tree removal works must be carried out by a qualified arborist - minimum qualification Australian Qualification Framework (AQF) Level 3 or equivalent;
- b. The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;
- c. The tree removal work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW);
- d. The tree stump is to be ground to 300mm below ground level.
- e. Investigation to locate underground services shall be the responsibility of the applicant.
- f. All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.
- g. The site must be maintained in a safe condition at all times;
- h. Appropriate hazard signage to be in place at all times during the tree works.
- i. All other street vegetation not specifically identified above is to be retained and protected from construction damage and pruning.

3.8 A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured.

Where the work is located within 3.6m of a public place, then a Type A or Type B hoarding must be constructed appropriate to the work proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of building work/s.

3.9 A sign must be erected in a prominent position on any site on which building 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 is being carried out but must be removed when the work has been completed.

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

4 Conditions to be Satisfied During Construction.

- 4.1 Building work must be carried out in accordance with the requirements of the BCA.
- 4.2 An identification report by a registered surveyor must be submitted to the principal certifier prior to the ground floor slab being poured to verify the buildings wall setback and floor level conform to the approved plans.
- 4.3 The principal certifier must ensure that building work or vegetation removal is only carried out between:
 - a. 7.00 am and 5.00 pm on Monday to Saturday.
 - b. No construction is to be carried out at any time on a Sunday or a public holiday.

The principal certifier must ensure building work or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

- 4.4 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.
- 4.5 All civil and hydraulic engineering works on site must be carried out in accordance with Council's Bankstown Development Engineering Standards. 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.
- 4.6 While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
 - a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
 - b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.
- 4.7 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.

- 4.8 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.

- 4.9 The stormwater drainage system shall be constructed in accordance with Council's Bankstown Development Engineering Standards 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 they must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at their own expense.
- 4.10 There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 4.11 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 a 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.

- 4.12 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.
- 4.13 Any 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.

Any waste material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

- 4.14 If the Duty to Report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 is triggered, Council must be notified within seven (7) days of the notification to the NSW EPA.
- 4.15 All excavations must be kept free from the accumulation of water.
- 4.16 Requirements of the approved waste management plan shall be complied with during all site preparation works and throughout all construction works. When implementing the waste management plan the developer is to ensure:
- a. The disposal of construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*
 - 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*
 - 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
 - d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
 - e. Records are required regarding the details and location of the disposal of 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.
 - f. All materials and resources that are to be stored on site during construction works are contained on the site, 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
 - g. 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

5 Conditions to be Satisfied Before Occupation.

- 5.1 The occupation or use of the building must not commence unless an occupation certificate has been issued.
- 5.2 An occupation certificate must not be issued until all conditions relating to building works have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).
- 5.3 Ten (10) off street car spaces being provided in accordance with the submitted plans.

One (1) of the above car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

- 5.4 An Emergency Response Management Plan shall be prepared and submitted to Council's satisfaction. The Plan shall include the following:
- a. List of chemicals and maximum quantities to be stored at the site;
 - b. Identification of potentially hazardous situations;
 - c. Procedure for incident reporting;
 - d. Details of spill stations and signage;
 - e. Containment and clean-up facilities and procedures; and
 - f. The roles of all staff in the plan and details of staff training.

- 5.5 Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

- 5.6 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.

- 5.7 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.
- 5.8 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 Bankstown Development Engineering Standards. The principal certifier must provide a copy of the plans to Council with the occupation certificate.
- 5.9 The Section 73 compliance certificate under the *Sydney Water Act 1994* must be submitted to the Principal Certifier prior to the issue of an occupation certificate.
- 5.10 Any redundant driveway along Glover Street fronting the development to be removed and reinstated with kerb and gutter and verge to match with remaining at the Applicant's cost.

- 5.11 The footpath along Glover Street fronting the development is to be re-constructed at the Applicant's cost.
- 5.12 An identification report by a registered surveyor must be submitted to the principal certifier to verify the buildings wall and roof eaves setback, floor level and height conform to the approved plans.
- 5.13 The following replacement tree is to be planted on the nature strip forward of the property prior to the issue of a work permit compliance certificate and/or and Occupation Certificate:
- i. 1 x *Melaleuca linariifolia* (Snow in summer) OR 1 x *Harpullia pendula* (Tulipwood) OR 1 x *Syzygium* 'Hot Flush' to be planted no closer than 2.5 metres from the edge of the vehicle footpath crossing, to the south of the driveway in Glover Street and
 - ii. A second tree be with a minimum container size of 75 litres is to be planted within the front setback area adjacent to the boundary with the Hume Hwy towards the north east corner of the tree/s shall have a minimum container size of 75 litres.
 - a. The tree/s shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use.
 - b. The tree is to be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-202.
 - c. All new plantings shall be located so future growth will not be in conflict with electricity wires. All overhead electrical wires between the power pole and approved structures are to be located outside the crowns of existing trees, with sufficient space for the canopy to grow and in accordance with the clearances specified by the energy authority.
 - d. Consideration should be given to the location of new electricity poles and wires so that sufficient space is provided.
 - e. Investigation to locate underground services shall be the responsibility of the developer. Should such services exist and it is reasonable that damage may occur to those services by the new plantings, the following is to occur:
 - Carry out engineering works to protect those services from damage; or
 - Relocate the plantings to a more suitable location following written approval from Canterbury Bankstown Council; or
 - Substitute the approved tree species with an alternative species following written approval from Canterbury Bankstown Council.
 - f. The tree shall be planted by a qualified landscape contractor and to the satisfaction of Councils Tree Management Officer.
 - g. Compliance with this condition is to be confirmed with Councils Tree Management Officer prior to the issue of an occupation certificate. An inspection must be booked with Council after the replacement tree has been planted. Inspections must be booked at least 5 working days prior to being required.
- 5.14 Prior to the issue of any occupation certificate, the owner is to enter into a formal agreement with a licenced private waste contractor to service the commercial portion of the development. The contract is to ensure the removal of all waste from the development site. Prior to entering into an agreement for a private commercial waste collection service, the owner is to ensure that:
- a. The service is functional and meets the operational needs of the development.
 - b. The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.

A copy of the contract is to be forwarded to Council prior to the issue of any occupation certificate.

6 Conditions of Use.

- 6.1 Car parking spaces for ten (10) vehicles 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.
- 6.2 The approved landscaping and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 6.3 The hours of operation of approved activity is confined to 7am – 10pm Monday to Sunday.
- 6.4 The premises must only operate with a maximum of 25 persons for normal events and 50 persons for special events for the life of the development. Special and normal events are as defined in the approved plan of management for the life of the development.
 - a. When music is playing the north and south entrance doors be kept closed at all times except when people are entering and leaving.
 - b. Guests should be encouraged by means of adequate signage to not make an unreasonable level of noise whilst entering and exiting the Community Centre.
- 6.5 Amplified music should not exceed an energy-average sound pressure level (Leq, 15 minute) of 76 dBA when measured at 2 metres from the speakers/stage within the Community Centre. This level equates to a sound power level of 90 dBA which is based on, for example, a live acoustic duo or medium level pre-recorded amplified music.

All amplified music should be controlled through an in-house sound system with levels pre-set to ensure compliance with the relevant criterion where practicable. All amplified music should be played exclusively through an amplifier owned and operated by the owners of the property. The amplifier can be calibrated and a maximum volume level pre-set so that the maximum allowable sound pressure level is not exceeded. The amplifier must be contained in a locked cabinet so that it is not accessible to function guests or entertainers.

Any portable media devices may be plugged externally into the amplifier via a lead outside the lockable cabinet. The calibration of the amplifier will allow for the fact that portable media devices have their own volume controls. Speakers should be located along the eastern wall inside the Community Centre and orientated toward the west. A sound level meter may be purchased from an electronics store so that the owner or property manager may 'spot check' for noise compliance during or prior to functions.

Whilst the sound level meter will not be a type 1 or type 2 instrument, the meter can be calibrated by a suitably qualified acoustical consultant to determine the level the meter displays that is equivalent to 76 dBA (Leq) at 2 metres from the speakers.

In the event that any complaints are received a noise compliance assessment of amplified music noise levels should be undertaken by a suitably qualified acoustical consultant to ensure the recommended noise level is not exceeded. This condition is subject to any action taken under condition 6.15

- 6.6 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.
- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 Identification number/s are to be conspicuously displayed at the front of the premises.
- 6.11 All vehicles associated with the development is to enter and exit the site in a forward direction.
- 6.12 The installation of barbecue or charcoal cooking appliances or the cooking of food at the premises by barbecue or charcoal methods is not permitted.
- 6.13 No mobile food vending vehicles or temporary food premises at permitted to operate at the premises without prior development consent from Council.
- 6.14 The sale of food, as defined in the Food Act 2003 is not permitted on the premises.
- 6.15 Following occupation of the building/premises, should it be found that the predicted noise levels or measures recommended and implemented in the acoustic report referred to in condition 1.4 are inaccurate or not sufficient, or have been incorrectly installed or a noise issue (relating to the development) not previously identified arises (through complaint or otherwise), the owner/ occupier must, upon request by Council, employ the services of a qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment of the development and complete an acoustic report with recommendations to rectify the situation. A copy of this 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.
- 6.16 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).

- 6.17 The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).
- 6.18 Music and other amplified sound played on the premises must not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997. The sound level output must not exceed five (5) dB(A) above the ambient background level at the boundary of the premises. Speakers must not be installed, and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed to direct the playing of music towards the outdoor areas associated with the premises.
- 6.19 The premises must comply with the requirements of the Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016.
- 6.20 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.
- 6.21 The operation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
- 6.22 Any lighting of the premises must be installed in accordance with AS 4282-1997, '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.
- 6.23 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.
- 6.24 The approved waste management plan is to be implemented throughout the ongoing use of the development.
- 6.25 The development must operate in full compliance with Council's Waste Management collection requirements.
- 6.26 No external signage is approved under this development consent. External signage details must be submitted to Council for approval prior to installation.
- 6.27 The nominated collect and return collection point is to be utilised to facilitate the collection of waste and recycling bins for the development.
- 6.28 All businesses must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal. You must be able to show your waste collection contract if it is requested by a Council Enforcement Officer.

- 6.29 No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
- 6.30 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.
- 6.31 Closed Circuit Television (CCTV) surveillance cameras providing internal and external coverage of the premises and back-up 31-day record footage must be maintained for the life of the development.
- 6.32 A back to base monitored alarm system must be provided for the life of the development.
- 6.33 The premises must not be used for the purposes of a Place of Public Worship, Funeral Home and Function Centre (as defined in the Bankstown LEP 2015).
- 6.34 There must be no more than one special event (as referred to in the AOPOM) on any day and the maximum number of persons on the premises at any time during a special event is limited to 50 persons including any management, operation or security persons. When a special event is occurring the premises must not be used for any other approved activity.
- 6.35 The maximum number of people on the premises during any “General meetings / Normal events” is to be determined in accordance with the AOPOM.
- 6.36 Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone’s role and responsibility. This is to include:
- a. Responsibility for cleaning and maintaining waste storage bins and containers
 - b. Responsibility for cleaning and maintaining waste storage room
 - c. Responsibility for the transfer of bins to the nominated collection point
 - d. Method of communication to new tenants and residents concerning the developments waste management system.
 - e. Cleaning up and management of bulky waste
 - f. Responsibility for maintaining the compost bin or worm farm

Vote: 4 – 0 in favour

2 DA-1023/2020 161-163 OLD KENT ROAD, GREENACRE: DEMOLITION OF EXISTING STRUCTURES, CONSOLIDATION OF ALLOTMENTS AND CONSTRUCTION OF A TWO STOREY, 92 PLACE CHILD CARE CENTRE WITH BASEMENT PARKING

Site Visit

An inspection of the site was undertaken by the Panel members prior to the public hearing.

Written

A written submission was received for this matter by Marlene Maatouk and Dani Azzi.

Public Addresses

The following people addressed the meeting in relation to this item:

- Mr Hourani (objector)
- Mr Dani Azzi (objector)
- Ms Maria Maddrell (objector)
- Ms Marlene Maatouk (objector)
- Mr Raymond Saad (applicant)

Panel Assessment

Mr Peter Menton was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes that State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 provides that the proximity of the facility to other childcare centres or the demonstrated need for childcare services are not matters for consideration.

The proposal has been amended to reduce the number of children, and the elimination of an elevated play area originally proposed will reduce the impact of the development on neighbours.

The operation of the childcare centre is required to comply with the Plan of Management.

CBLPP Determination

THAT Development Application DA-1023/2020 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions as set out below:

1. CONDITIONS OF CONSENT

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 No.	Plan Name	Date	Revision	Prepared By
02	Site Plan	18.03.22	C	Architex
03	Basement Level	09.06.20	A	
04	Ground Level	18.03.22	C	
05	Level 1			
06	Roof Level			
07	Site Elevations			
08	Site Elevations			
09	Site Sections			
10	Driveway Section + Bin Room Details			
11	Site Details (Arbor Details)			
16	Outdoor Play Area			
17	Childcare Evacuation Plan			
18	Demolition Plan			

Document No.	Document Name	Date	Revision	Prepared By
SYD2020-1048-R001F	Childcare Centre Acoustic Assessment	31/03/2022	New drawings	Acouras Consultancy
-	Amended Waste Management Plan	July 2021	-	Dickens Solutions
20NL074-T4	Traffic Management Report	24 March 2022	-	LOKA Consulting Engineers
21111RP01	Detailed Site Investigation	31 May 2021	1	Reditus
ES8334	Remediation Action Plan	25 August 2021	0	Aargus
20NL074-A3	Access Review Report	15 July 2021	-	LOKA Consulting Engineers
-	Statement of Environmental Effects	28 July 2021	Final	Think Planners
-	Certification and Assessment for a New Child Care Centre (Appendix B – Plan of Management)	28 July 2021	-	Architex

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

- 1.1 Before the issue of a construction certificate, the principal certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.
 - a. The street number of buildings must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.
 - b. Sight line triangles to pedestrians shall be shown on the site plan at the driveway exit of the development in accordance with AS 2890.1-2004 to comply with Fig 3.3. The design of fencing and landscaping shall be considered in this regard and ensure the retention of the sight lines required. The retaining wall of the OSD shall be designed so as to not obstruct the sight lines. The Construction Certificate plans shall reflect this requirement.
- 1.2 The acoustic report submitted in support of this application prepared by Acouras Consultancy Pty Ltd, titled, 'Mr Raymond Saad, 161-163 Old Kent Road, Greenacre, Childcare Centre Acoustic Assessment', Document Reference: SYD2020-1048-R001F, dated 31 March 2022 and all the recommendations stated within the report, form part of the development consent.
- 1.3 The plan of management submitted in support of this application prepared by 'architex' (Ryleton Pty Ltd) dated 28 July 2021, forms part of the development consent. In the event of any inconsistency, between this plan of management and the conditions of this consent then the conditions of this consent will prevail over the plan of management.
- 1.4 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:

- (a) *The Food Act 2003 and Food Regulation 2015;*
- (b) *Australia New Zealand Food Standards Code;*
- (c) *AS 4674-2004, 'Design, construction and fit-out of food premises';*
- (d) *AS 1668.2 – 'The Use of Ventilation and Air-Conditioning in Buildings – Mechanical Ventilation in Buildings'*

1.5 The food preparation area (kitchen) within the childcare centre must be designed, constructed and operated in accordance with the requirements of:

- (a) *The NSW Food Act 2003 and Food Regulation 2015;*
- (b) *Australia New Zealand Food Standards Code;*
- (c) *Australian Standard 4674-2004;*
- (d) *Australian Standard 1668 Part 1; and*
- (e) *Australian Standard 1668 Part 2.*

1.6 Minimal cooking is permitted on the premises. The combined total power output of all appliances used in the preparation of food is limited any cooking apparatus that has:

- (a) A total maximum electrical power input exceeding 8 kW; or
- (b) A total gas power input exceeding 29 MJ/h; or
- (c) The total maximum power input to more than one apparatus exceeds:
- (d) 0.5 kW electrical power; or
- (e) 1.8 MJ gas per m2 of floor area of the room or enclosure.

1.7 A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is "exempt development" in accordance with relevant legislation.

2. Conditions to be Satisfied Before the Issue of a Construction Certificate.

2.1 Development Contributions of \$21,723.90 must be paid for this development before the issue of any construction certificate. The contributions are levied and applied under the Bankstown Development Contributions Plan 2019-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.

2.2 Prior to the issue of a Construction Certificate, the site is to be remediated in accordance with:

- a) The approved Remedial Action Plan, prepared by 'Stand Right Construction & Electrical Pty Ltd', titled 'Remediation Action Plan, 161-163 Old Kent Road, Greenacre NSW', dated 25 August 2021, Document Number: ES8334;
- b) State Environmental Planning Policy No. 55 - Remediation of Land;
- c) The guidelines in force under the Contamination Land Management Act 1997.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation.

Any variations to the approved Remediation Action Plan must be submitted to and approved in writing by an NSW EPA Accredited Site Auditor and Council prior to the continuing of such work.

- 2.3 A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a construction certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

The landscape plan shall incorporate the following:

- a) 3 x replacement tree/s known to attain a minimum height of 10 metres at maturity in the front setback.
- b) 3 x replacement tree/s known to attain a minimum height of 15 metres at maturity in the rear yard;
 - Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order.
 - Tree species used shall be locally occurring indigenous tree species – refer to Section 14 and Appendix C – Locally Occurring Indigenous Tree Species, in the Bankstown City Council Tree Management Manual;
 - The tree/s shall have a container size not less than 100 litres and shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use
 - The tree/s shall be planted no closer than 3.5metres from the wall of any approved building on the property.
 - The tree/s shall be planted so that future growth is not in conflict with overhead electricity wires or boundary fences.
 - The tree/s shall be maintained for the life of the development.

- 2.4 Approval in accordance with Council's Tree Management Order (TMO) is granted to lop or remove only those trees identified to be lopped or removed on the approved plans. If not indicated on the approved plans, separate approval must be obtained to prune or remove trees on adjoining properties or other trees located on the site. A person(s) who contravenes or causes or permits the TMO to be breached shall be guilty of an offence and liable for prosecution.

- 2.5 Before the issue of a construction certificate or, the person having benefit of this Determination Notice is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- a. Council's development control plan,
- b. the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- c. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The person having benefit of this Determination Notice must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.

- 2.6 The Council approved plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) will affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Refer to www.sydneywater.com.au/tapin for Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPINTM.

Sydney Water must issue either a Building Plan Assessment letter which states that the application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 2.7 All fees, levies, bonds and/or contributions as required by this Determination Notice must be paid to the relevant authority/entity.
- 2.8 A long service levy payment which is calculated to be 0.35% of the total cost of the construction work must be paid to the Building and Construction Industry Long Service Payments Corporation. Payment can be made via the [Long Service Portal](https://www.longservice.nsw.gov.au) at <https://www.longservice.nsw.gov.au>.
- 2.9 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.
- 2.10 The landscape plan shall include the provision for the replacement of all boundary fencing. A new fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material, and shall be designed in accordance with the recommendations contained in the Acoustic Report, prepared by *Acouras Consultancy*, titled '*Childcare Centre Acoustic Assessment*', dated 31 March 2022, Reference No. SYD2020-1048-R001F. In the event that an adjoining property owner does not consent to the replacement of the existing dividing fence, the fence may be placed on the inside face of the existing fence line, within the subject property. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 2.11 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 medium duty VFC at the property boundary.
- b. Construction of new street vehicular crossing stormwater pit as per Standard S-118 and associate 375mm Ø concrete stormwater pipe connecting into existing downstream street stormwater inlet pit.
- c. Drainage connection to Council's system.
- d. Concrete footway paving along the site's entire frontage.
- e. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
- f. Repair of any damage to the public road including the footway occurring during development works.
- g. 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.

- 2.12 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 constructions 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.

- 2.13 Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, and other requirements as specified below.

This plan shall include details of the following:

- a. Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b. Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- c. Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- d. Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- e. Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Principal Certifying Authority.

- 2.14 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 that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained 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.
- m. Demolition is proposed.
- n. Subdivision is proposed.
- o. A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.cbcity.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 2.15 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.
- 2.16 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.
- 2.17 An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifier for approval prior to the issue of a construction certificate.
- 2.18 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. 20NL074, Rev E

dated 22.03.2022, prepared by LOKA CONSULTING ENGINEERS. 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.

- 2.19 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance, aisle widths, aisle lengths, and parking bay dimensions shall be in accordance with the Australian Standard AS 2890 parking series.
- 2.20 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.
- 2.21 The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 2.22 A clear sign shall be provided at entry of the carpark basement level to direct visitors to the pick up and drop off parking spaces. Pick up and drop of parking spaces shall be clearly denoted and marked.
- 2.23 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 Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed **25%** and shall comply with AS 2890.1. 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.
- 2.24 A dilapidation survey must be undertaken by a professional engineer for all of the adjoining properties and is to detail the physical condition of all structures (including driveways, retaining walls, and other outdoor structures such as carports, pergolas, awnings, pools, fencing etc), both internally and externally, including such elements as walls, ceilings, roofs, structural members and other similar elements. The dilapidation survey must consider structural as well as hydrological and geotechnical factors likely to arise from the development. It must be submitted to the Principal Certifier and all costs associated with preparing the survey must be borne by the person having the benefit of this Determination Notice. This survey must be provided in hard copy to the relevant adjoining property owners prior to the issue of a Construction Certificate.
- 2.25 Prior to the issue of a Construction Certificate, the developer is to apply to the Canterbury Bankstown Traffic Committee, and to the satisfaction of Council's Traffic Engineer, for a no stopping zone to be provided along the entire property frontage at the cost of the developer.
- 2.26 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 "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for

damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.

- 2.27 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.
- 2.28 Any retaining walls required for the subject development, shall be designed on accordance with clauses 6.7, 6.8 & 6.9 of the BDCP 2015 – Part B6.
- 2.29 A vacant land charge form is to accompany any Construction Certificate (CC) application for the removal of all domestic garbage and recycling bins.
<https://www.cbccity.nsw.gov.au/council/forms/waste-recycling>
- 2.30 Acoustic glazing for the various spaces are required to reduce noise intrusion into the internal spaces. All windows must meet a minimum Glazing Thickness of 6.38mm laminated. The minimum R_w (Glazing + Frame) is 30. All Windows/doors must be well sealed (air tight) when closed with good acoustic seals around the top and bottom sliders. Mohair seals are not considered to be acoustic seals.
- 2.31 The installation of a 1.8m high barrier along the driveway (relative to ground level) to be shown on all construction certificate plans.
- 2.32 The acoustic barrier fence is to be constructed of a solid material, such as:
- lapped and capped timber fence (30-50mm thick),
 - 75mm thick Hebel,
 - masonry or brick, and
 - There are to be no gaps in the barriers.
- 2.33 The general external construction of the proposed building to be constructed to include:
- External Wall (Minimum R_w – 45)
 - Ground: Brick veneer with internal plasterboard cavity wall and 50-75mm acoustic insulation in wall cavity.
 - Level 1: External weatherboard cladding fixed to FC sheet. Internal plasterboard cavity wall with 50-75mm acoustic insulation in wall cavity
 - Roof and ceiling (Minimum R_w – 45)
 - Metal colorbond roof with internal plasterboard and 50-75mm acoustic insulation in ceiling cavity.

3 Conditions to be Satisfied Before Construction.

- 3.1 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:
 - iv. 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
 - v. notified the principal certifier of the appointment, and
 - vi. 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.
- 3.2 Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.
- 3.3 Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
- 3.4 Council's warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site.
- 3.5 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.
- 3.6 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.
- 3.7 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that the person having the benefit of this Determination Notice apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other

services and building, driveway or landscape design. Application can be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Section 73 Compliance Certificates or telephone 13 20 92.

- 3.8 A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured.

Where the work is located within 3.6m of a public place, then a Type A or Type B hoarding must be constructed appropriate to the work proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of building work/s.

- 3.9 A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifier for the work, and
 - 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
 - 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.

- 3.10 Prior to demolition, the entire site (includes any structures) is to be assessed for hazardous materials, especially asbestos. A Hazardous Materials (HAZMAT) Report is to be prepared by a Type "A" inspection body accredited by NATA. All recommendations contained within this report are to be implemented and a clearance certificate issued by an appropriately qualified Occupational Hygienist is to be submitted to Council prior to the issue of a construction certificate.

- 3.11 Written notice must be given to adjoining residents seven (7) days prior to the commencement of demolition advising of the commencement date.

Written notice is to be given to Council for inspection prior to demolition. Such written notice is to include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolisher.

The following inspections must be undertaken by Council:

- A pre-commencement demolition inspection when all site works required as part of this consent are installed on the site and prior to demolition work commencing; and

- (ii) A final demolition inspection when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

Payment of an inspection fee at Council's current rate will be required prior to inspection. Council requires 48 hours notice to carryout inspection.

Prior to demolition work, a sign must be erected at the front of the property with the demolishers name, licence number and contact phone number.

Demolition work may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no demolition work is to be carried out at any time on a Sunday or a public holiday.

All demolition work must be carried out in accordance with Australian Standard 2601-2001 - The demolition of structures.

Where asbestos containing materials are to be removed, demolition is to be carried out by contractors who have a current SafeWork NSW licence in asbestos removal.

An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work.

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.

Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

A copy of the final demolition inspection report is to be submitted to the principal certifier prior to the commencement of building work.

4 Conditions to be Satisfied During Construction.

- 4.1 Building work must be carried out in accordance with the requirements of the BCA.
- 4.2 The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:
 - a. 7.00 am and 5.00 pm on Monday to Saturday.
 - b. No construction is to be carried out at any time on a Sunday or a public holiday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

- 4.3 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.
- 4.4 All civil and hydraulic engineering works on site must be carried out in accordance with Council's Bankstown Development Engineering Standards. 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.
- 4.5 While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
- a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
 - b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.
- 4.6 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.

- 4.7 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.
- 4.8 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.

- 4.9 The stormwater drainage system shall be constructed in accordance with Council's Bankstown Development Engineering Standards 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 they must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at their own expense.
- 4.10 There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.
- 4.11 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 a 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.

- 4.12 All soils and material, liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, the 'Waste Classification Guidelines' (NSW EPA, 2014), prior to off-site disposal.

The waste classification report, including the results of testing, must be compiled, or reviewed and approved by an appropriately qualified and certified consultant, and must be submitted to and approved by the Principal Certifying Authority before off-site disposal. A copy of the waste classification report must be submitted to Council prior to issuing of an Occupation Certificate.

All waste material must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to Council prior to issuing of an Occupation Certificate.

- 4.13 All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

Any waste material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

5 Conditions to be Satisfied Before Occupation.

- 5.1 The occupation or use of the building must not commence unless an occupation certificate has been issued.
- 5.2 An Occupation Certificate for the completed development must not be issued until all conditions relating to demolition, building have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).
- 5.3 Twenty three (23) off street car spaces being provided in accordance with the submitted plans. This shall comprise of thirteen (13) spaces for staff and ten (10) spaces for visitors. One (1) of the above car parking spaces is to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements, with no visitor spaces being stacked car parking spaces.
- 5.4 An Emergency Response Management Plan shall be prepared and submitted to Principal Certifiers satisfaction. The Plan shall include the following:
 - a. List of chemicals and maximum quantities to be stored at the site;
 - b. Identification of potentially hazardous situations;
 - c. Procedure for incident reporting;
 - d. Details of spill stations and signage;
 - e. Containment and clean-up facilities and procedures; and
 - f. The roles of all staff in the plan and details of staff training.
- 5.5 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.
- 5.6 Prior to occupation, the basement car parking shall be line marked and sign posted in accordance with AS2890.:2004. The one-way carparking circulation shall have directional arrows line marked.
- 5.7 The Section 73 compliance certificate under the *Sydney Water Act 1994* must be submitted to the Principal Certifier prior to the issue of an occupation certificate.
- 5.8 Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 5.9 Lighting must be provided to the entry of the child care centre, driveway and parking area to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 5.10 The premises must be readily identified from the street with the allocated house number. The street numbers must be made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building. Numbering of the development without Council's written approval is not permitted.

- 5.11 A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 5.12 An identification report by a registered surveyor must be submitted to the principal certifying authority to verify the buildings wall and roof eaves setback, floor level and height conform to the approved plans.
- 5.13 Prior to the issue of any Occupation Certificate, the owner is to enter into a formal agreement with a licenced private waste contractor to service the commercial development. The contract is to ensure the removal of all waste from the development site.

Prior to entering into an agreement for a private commercial waste collection service, the owner is to ensure that:

- (a) The service is functional and meets the operational needs of the development
- (b) The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.

A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.

- 5.14 A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 5.15 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 Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 5.16 The Principal Certifying Authority shall obtain a report from a suitably qualified acoustic consultant, not previously involved with the development, stating that the recommendations outlined in the above stated report have been completed and that 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. 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.
- 5.17 Prior to the issue of any Occupation Certificate, a Food Premises 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.
- 5.18 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 Conditions of Use.

- 6.1 Twenty three (23) off street car spaces being provided in accordance with the submitted plans. This shall comprise of thirteen (13) spaces for staff and ten (10) spaces for visitors. One (1) of the above car parking spaces is to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements, with no visitor spaces being stacked car parking spaces.
- 6.2 The approved landscaping and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 6.3 The hours of operation of the use shall be limited to between 7:00am to 6:00pm Monday to Friday, and closed on public holidays.
- 6.4 The acoustic barrier can be constructed of lapped and capped timber fence (40-50mm thick), masonry or brick with a minimum acoustic performance of Rw45. There are to be no gaps in the barriers.
- 6.5 If any pre-recorded music is played in the indoors activity rooms, all doors and windows must be closed.
- 6.6 During outdoor play times, the following maximum number of children in the play areas 1 and 2 (ground level) are to be:
- a) 26 children aged 3-5.
 - b) 15 children aged 2-3.
 - c) children aged 0-2 have no limit.
- 6.7 Centre management must maintain a log of any, and all complaints received for the life of the development.

- 6.8 Centre management must respond to any noise complaint at the time of the event for the life of the development.
- 6.9 A laminated copy of the noise management plan must be displayed in the foyer for the life of the development.
- 6.10 The traffic & parking management plan as contained in the approved plan of management must be issued to all new parents, staff, with a copy to be included on the centre's website for the life of the development.
- 6.11 Children and families will not be allowed to enter the service before opening hours.
- 6.12 The centre must stagger the starting times as follows :
- a Morning Period
 - 3 – 5 years olds Start between 7.00 and 8.00 am
 - 0 – 3 years olds Start between 8.00 and 9.00 am
 - b Afternoon Period
 - 3 – 5 years olds Finish between 6.00 and 7.00 pm
 - 0 – 3 years olds Finish between 4.00 and 5.00 pm
- 6.13 Following occupation of the childcare centre, should it be found that the predicted noise levels or measures recommended and implemented in the acoustic assessment report referred to in condition 1.2 are inaccurate or not sufficient, have been incorrectly installed or a noise issue arises (through complaint or otherwise), the owner/occupier upon request by Council, must employ the services of a suitably qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment and complete an acoustic report with recommendations to rectify the situation. A copy of the acoustic 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 (thirty) days from the date requested by Council.
- 6.14 The childcare centre is restricted to a maximum of ninety-two (92) children at any one time.
- 6.15 Any waste material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.
- 6.16 Any activity carried out in accordance with this approval shall 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.
- 6.17 The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
- 6.18 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.

- 6.19 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.
- 6.20 All waste materials associated with the use shall be stored in containers located either within the building.
- 6.21 The premises is required to be registered with Council so that regular inspections can be carried out to ensure food safety standards are maintained. A business registration form is available on Council's website which must be completed and submitted to Council prior to the operations commencing
- 6.22 Trading of the Child Care Centre must not commence until a final inspection has been carried out by Council's Environmental Health Officer and ALL conditions of consent have been complied with.
- 6.23 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.
- 6.24 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.
- 6.25 Identification number/s are to be conspicuously displayed at the front of the premises.
- 6.26 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.
- 6.27 The operator must organise and chair a Neighbourhood Liaison Committee in accordance with the requirements of Clause 5.5, Part B6 of the Bankstown Development Control Plan 2015. The Neighbourhood Liaison Committee must be formed within six months of the premises commencing operation and the meeting minutes from each meeting must be forwarded to the Council before the following meeting.
- 6.28 Appropriate security measures, including security doors and CCTV cameras, shall be installed at the main pedestrian and vehicular entrance and exits, and the ground floor area of the premises. All CCTV cameras shall have the capacity to store footage for a minimum of 21 days.
- 6.29 All businesses must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal. You must be able to show your waste collection contract if it is requested by a Council Enforcement Officer.
- 6.30 No waste storage containers are to be located or placed outside the approved waste storage area at any time expect for collection purposes.

- 6.31 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).
- 6.32 The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).
- 6.33 If a complaint is received the complaint should be recorded on a Complaint Form. The Complaint Form should contain the following:
- (a) Name, address and contact details of the Complainant;
 - (b) Time and date the complaint was received;
 - (c) The nature of the complaint or incident;
 - (d) The time and date the incident occurred;
 - (e) The name of the employee that received the complaint;
 - (f) Actions taken to investigate the complaint and the summary of the results of the investigation;
 - (g) Indication of what was occurring at the time the incident was observed;
 - (h) Required remedial action;
 - (i) Validation of the remedial action;
 - (j) Summary of feedback to the Complainant and name of employee who gave the feedback.

The register of complaints should be held on the premises for at least 24 months, and shall be reviewed monthly by Management to ensure all complaints are being investigated and resolved in a timely manner. All complaints received shall be reported to Management with initial action/investigation commencing within 7 days. The Complainant must be notified of the results and actions arising from the investigation. A copy of the register of complaints shall be provided to Council or Police immediately upon request.

¹Incident includes:

- (a) Any breach of the Plan of Management (where applicable);
- (b) Any complaint by any person about the operation of the premises;
- (c) Any complaint by any person about noise emanating from the premises; or
- (d) Any event that may cause concern to any person as a result of the conduct and/or an act of any person(s) on the premises.

Vote: 4 – 0 in favour

3 DA-29/2021 126 CHESTER HILL ROAD, BASS HILL: CONSTRUCTION OF A TWO STOREY, 88 PLACE CHILD CARE CENTRE WITH BASEMENT CARPARKING AND LANDSCAPING

Site Visit

An inspection of the site was undertaken by the Panel members prior to the public hearing.

Public Addresses

The following people addressed the meeting in relation to this item:

- Ms Yolanda Buttie (objector)
- Ms Angela Cavalieri (objector)
- Ms Dorothy Rowinski (objector)

- Ms Theresa Ho (objector)
- Mr Ken Collins (objector)
- Mr Adrian Zenere Town Planner (representing applicant)
- Mr Bernard Moroz Town Planner BMA (representing applicant)

Panel Assessment

Mr Ian Stromborg was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes that State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 provides that the proximity of the facility to other childcare centres or the demonstrated need for childcare services are not matters for consideration.

The proposal has been amended to reduce the number of children (from 108 to 88).

The Panel notes that the expert reports indicate that Chester Hill Road is a suitable road for a childcare centre, it is not a classified road and is more than 10 metres wide.

The operation of the childcare centre is required to comply with the Plan of Management.

CBLPP Determination

THAT Development Application DA-29/2021 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions set out below:

DEFERRED COMMENCEMENT REQUIREMENTS (Schedule A)

The following deferred commencement conditions must be complied with to the satisfaction of Council within twenty four months of the date of this deferred commencement consent, prior to the issue of an operational development consent:

1. The applicant/owner is to secure a drainage easement through a downstream property to benefit the existing property (Lot 38B DP 400889 also known as No. 126 Chester Hill Road, Bass Hill).

The developer must register the easement with New South Wales Land Registry Services prior to the issue of the Operational Consent.

The easement is to be registered on the plan of subdivision under provisions of the *Conveyancing Act 1919* No 6. A statement shall be placed on the Section 88B Instrument that nominates Canterbury-Bankstown Council as the authority empowered to release, vary or modify the easements created.

All documentation to demonstrate the above matters is to be submitted to Council for assessment.

2. A stormwater drainage plan for the site shall be prepared by a qualified Professional Civil Engineer and is to be designed so as to comply with Council's Development Engineering Standards.

The plan is to incorporate the easement as required by item 1 of Schedule A of this Deferred Commencement and is to show adequate stormwater drainage into the easement from both the existing dwelling on site and for the to-be-created lot. The plan

must note any required installation/upgrading of the drainage infrastructure, which is to be at the expense of the owner/developer.

The plan and any required documentation is to be submitted to Council for assessment, and are to be deemed of suitable quality and design by Council prior to the issue of an operational consent.

FORESHADOWED CONDITIONS OF APPROVAL (Schedule B)

The following conditions of consent including any other conditions that may arise from resolution of matters listed in Schedule A, will be included in an operational development consent that will be issued by Council after the applicant provides information sufficient to satisfy Council in relation to the condition of the deferred commencement consent:

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

Notes:

1. This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.
2. This Determination Notice operates or becomes effective from the endorsed date of Consent.
3. 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.
4. Sections 9.37 and 9.50 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent and any person failing to comply with such a direction shall be guilty of an offence under that Act.
5. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.
6. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 4.55 of the Environmental Planning and Assessment Act, 1979.
7. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

1 CONDITIONS OF CONSENT

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.

Drawing No.	Plan Name	Date	Issue	Prepared By
DA02	Basement Floor Plan - east	19-04-2022	C2	Archizen Architects
DA03	Basement floor Plan - west			
DA04	Ground floor plan			
DA05	Upper floor plan			
DA06	Elevation : North			
DA07	Elevation : East			
DA08	Elevation : South			
DA09	Elevation :			
DA10	Section: A-A & Vehicular ramp			

Document No.	Document Name	Date	Revision	Prepared By
-	Arboricultural Impact Assessment	20 October 2020	-	Susan Stratton
-	Acoustic Assessment Report	24 December 2020	3	NG Child & Associates
-	Confirmation of Findings & Recommendations of the Original Acoustic Report	2 May 2022	-	NG Child & Associates
20422	Traffic and Parking Assessment Report	24 November 2020		Varga Traffic Planning Pty Ltd
	Traffic and Parking Matters	29 April 2022		Varga Traffic Planning Pty Ltd
-	Statement of Environmental Effects	28 July 2021	Final	Think Planners
11480-ER-1-1	Preliminary Site Investigation with Limited Sampling	25 September 2020	0	Alliance Geotechnical
11480-ER-1-2	Supplementary Contamination Assessment Report	29 October 2021	0	Alliance Geotechnical
11480-ER-1-3	Remedial Action Plan	19 November 2021	0	Alliance Geotechnical
	Operational Waste Management Plan	1 November 2021	B	Elephants Foot

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

- 1.1 Before the issue of a construction certificate, the principal certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

- a. The street number of buildings must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.
 - b. Sight line triangles to pedestrians shall be shown on the site plan at the driveway exit of the development in accordance with AS 2890.1-2004 to comply with Fig 3.3. The design of fencing and landscaping shall be considered in this regard and ensure the retention of the sight lines required. The retaining wall of the OSD shall be designed so as to not obstruct the sight lines. The Construction Certificate plans shall reflect this requirement.
- 1.2. The acoustic report submitted in support of this application prepared by N Childs & Associates dated 24 December 2020 Version 3 and all the recommendations stated within the report, form part of the development consent.
 - 1.3. 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:
 - (a) *The Food Act 2003 and Food Regulation 2015;*
 - (b) *Australia New Zealand Food Standards Code;*
 - (c) *AS 4674-2004, 'Design, construction and fit-out of food premises';*
 - (d) *AS 1668.2 – 'The Use of Ventilation and Air-Conditioning in Buildings – Mechanical Ventilation in Buildings'*
 - 1.4. The food preparation area (kitchen) within the childcare centre must be designed, constructed and operated in accordance with the requirements of:
 - (a) *The NSW Food Act 2003 and Food Regulation 2015;*
 - (b) *Australia New Zealand Food Standards Code;*
 - (c) *Australian Standard 4674-2004;*
 - (d) *Australian Standard 1668 Part 1; and*
 - (e) *Australian Standard 1668 Part 2.*
 - 1.5. Minimal cooking is permitted on the premises. The combined total power output of all appliances used in the preparation of food is limited any cooking apparatus that has:
 - (a) A total maximum electrical power input exceeding 8 kW; or
 - (b) A total gas power input exceeding 29 MJ/h; or
 - (c) The total maximum power input to more than one apparatus exceeds:
 - (d) 0.5 kW electrical power; or
 - (e) 1.8 MJ gas per m2 of floor area of the room or enclosure.
 - 1.6. A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is "exempt development" in accordance with relevant legislation.
2. **Conditions to be Satisfied Before the Issue of a Construction Certificate.**
 - 2.1. Development Contributions of \$21,723.90 must be paid for this development before the issue of any construction certificate. The contributions are levied and applied under the Bankstown Development Contributions Plan 2019—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.

2.2. Prior to the issue of a Construction Certificate, the site is to be remediated in accordance with:

- a) The approved Remedial Action Plan, prepared by ‘Stand Right Construction & Electrical Pty Ltd’, titled ‘ Remediation Action Plan, 161-163 Old Kent Road, Greenacre NSW’, dated 25 August 2021, Document Number: ES8334;
- b) State Environmental Planning Policy No. 55 - Remediation of Land;
- c) The guidelines in force under the Contamination Land Management Act 1997.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation.

Any variations to the approved Remediation Action Plan must be submitted to and approved in writing by an NSW EPA Accredited Site Auditor and Council prior to the continuing of such work.

2.3. A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a construction certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

The landscape plan shall incorporate the following:

- a) 3 x replacement tree/s known to attain a minimum height of 10 metres at maturity in the front setback.
- b) 3 x replacement tree/s known to attain a minimum height of 15 metres at maturity in the rear yard;
 - Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Management Order.
 - Tree species used shall be locally occurring indigenous tree species – refer to Section 14 and Appendix C – Locally Occurring Indigenous Tree Species, in the Bankstown City Council Tree Management Manual;
 - The tree/s shall have a container size not less than 100 litres and shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use
 - The tree/s shall be planted no closer than 3.5metres from the wall of any approved building on the property.

- The tree/s shall be planted so that future growth is not in conflict with overhead electricity wires or boundary fences.
 - The tree/s shall be maintained for the life of the development.
- 2.4. Approval in accordance with Council's Tree Management Order (TMO) is granted to lop or remove only those trees identified to be lopped or removed on the approved plans. If not indicated on the approved plans, separate approval must be obtained to prune or remove trees on adjoining properties or other trees located on the site. A person(s) who contravenes or causes or permits the TMO to be breached shall be guilty of an offence and liable for prosecution.
- 2.5. Before the issue of a construction certificate or, the person having benefit of this Determination Notice is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:
- a. Council's development control plan,
 - b. the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
 - c. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The person having benefit of this Determination Notice must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.

- 2.6. The Council approved plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) will affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Refer to www.sydneywater.com.au/tapin for Sydney Water's Guidelines for building over or next to assets, visit www.sydneywater.com.au 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPINTM.

Sydney Water must issue either a Building Plan Assessment letter which states that the application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 2.7. All fees, levies, bonds and/or contributions as required by this Determination Notice must be paid to the relevant authority/entity.
- 2.8. A long service levy payment which is calculated to be 0.35% of the total cost of the construction work must be paid to the Building and Construction Industry Long Service Payments Corporation. Payment can be made via the [Long Service Portal](https://www.longservice.nsw.gov.au) at <https://www.longservice.nsw.gov.au>.
- 2.9. 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.

- 2.10. The landscape plan shall include the provision for the replacement of all boundary fencing. A new fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material, and shall be designed in accordance with the recommendations contained in the Acoustic Report, prepared by *Acouras Consultancy*, titled '*Childcare Centre Acoustic Assessment*', dated 31 March 2022, Reference No. SYD2020-1048-R001F. In the event that an adjoining property owner does not consent to the replacement of the existing dividing fence, the fence may be placed on the inside face of the existing fence line, within the subject property. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 2.11. 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 medium duty VFC at the property boundary.
 - b. Construction of new street vehicular crossing stormwater pit as per Standard S-118 and associate 375mm Ø concrete stormwater pipe connecting into existing downstream street stormwater inlet pit.
 - c. Drainage connection to Council's system.
 - d. Concrete footway paving along the site's entire frontage.
 - e. Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - f. Repair of any damage to the public road including the footway occurring during development works.
 - g. 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.

- 2.12. 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 constructions 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.

- 2.13. Prior to the issue of any Construction Certificate for this development, the Principal Certifying Authority must approve a Site Operations Management Plan (SOMP). This Plan must address the measures that will be implemented for the ongoing management of operations on and around the construction site, the protection of adjoining properties, and other requirements as specified below.

This plan shall include details of the following:

- a. Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- b. Proposed measures to be implemented, under the separately approved Works Permit issued by Council, for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- c. Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- d. Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.

- e. Proposed measures for protection of the environment, according to the relevant provisions of the Protection of Environment Operations (POEO) Act, 1997 including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

A number of the above matters may require separate approval from Council, particularly those relating to works on or adjacent to Council property. These may be covered by separate conditions of consent contained in this Determination Notice. Appropriate approvals will need to be obtained prior to the approval of this plan.

The approved Site Operations Management Plan is to be implemented prior to the commencement of any works on the site, and an approved copy provided to Council for information. Ongoing compliance with the matters detailed in the SOMP shall be monitored by the appointed Principal Certifying Authority.

- 2.14. 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 that prior to any Construction Certificate for this development being issued, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained 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.
- m. Demolition is proposed.
- n. Subdivision is proposed.
- o. A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.cbcity.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 2.15. 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.
- 2.16. 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.
- 2.17. An all weather pavement shall be designed to withstand the anticipated wheel loads for all areas subjected to vehicular movements. Internal pavements specification prepared and certified by all qualified professional Civil Engineer to comply with the relevant Australian Standards, shall be submitted to the Principal Certifier for approval prior to the issue of a construction certificate.
- 2.18. 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. 20NL074, Rev E dated 22.03.2022, prepared by LOKA CONSULTING ENGINEERS. 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.
- 2.19. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance, aisle widths, aisle lengths, and parking bay dimensions shall be in accordance with the Australian Standard AS 2890 parking series.
- 2.20. 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.
- 2.21. The pump out drainage system for the access ramp and basement car parking area shall be provided in accordance with Council's Development Engineering Standards. Engineering details and specifications shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate.
- 2.22. A clear sign shall be provided at entry of the carpark basement level to direct visitors to the pick up and drop off parking spaces. Pick up and drop of parking spaces shall be clearly denoted and marked.
- 2.23. 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 Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed **25%** and shall comply with AS 2890.1. 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.
- 2.24. A dilapidation survey must be undertaken by a professional engineer for all of the adjoining properties and is to detail the physical condition of all structures (including driveways, retaining walls, and other outdoor structures such as carports, pergolas, awnings, pools, fencing etc), both internally and externally, including such elements as walls, ceilings, roofs, structural members and other similar elements. The dilapidation survey must consider structural as well as hydrological and geotechnical factors likely to arise from the development. It must be submitted to the Principal Certifier and all costs associated with preparing the survey must be borne by the person having the benefit of

this Determination Notice. This survey must be provided in hard copy to the relevant adjoining property owners prior to the issue of a Construction Certificate.

- 2.25. Prior to the issue of a Construction Certificate, the developer is to apply to the Canterbury Bankstown Traffic Committee, and to the satisfaction of Council's Traffic Engineer, for a no stopping zone to be provided along the entire property frontage at the cost of the developer.
- 2.26. 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 "regional road", with every effort to avoid school zones on public roads. The applicant shall nominate the route for approval by Council prior to commencement of any work on the site. An Agreement to Council's satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any Construction Certificate. All damage must be rectified upon completion of work.
- 2.27. 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.
- 2.28. Any retaining walls required for the subject development, shall be designed on accordance with clauses 6.7, 6.8 & 6.9 of the BDCP 2015 – Part B6.
- 2.29. A vacant land charge form is to accompany any Construction Certificate (CC) application for the removal of all domestic garbage and recycling bins.
<https://www.cbcity.nsw.gov.au/council/forms/waste-recycling>
- 2.30. A plan of management approved by the Council is to be submitted to the Principal Certifier prior to the issue of any construction certificate. The plan of management is to include all operational measures for the running of the child care centre including traffic, noise and children management matters as referred to in the conditions of this consent and the approved plans and reports that form part of this consent.

3. Conditions to be Satisfied Before Construction.

- 3.1. 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.
- 3.2. Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.
- 3.3. Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
- 3.4. Council's warning sign for Soil and Water Management must be displayed throughout the construction period at the most prominent point of the site, visible to both the street and site.
- 3.5. 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.
- 3.6. 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.
- 3.7. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that the person having the benefit of this Determination Notice apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application can be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Section 73 Compliance Certificates or telephone 13 20 92.
- 3.8. A fence must be erected around the area of the development site, except where an existing 1.8 metres high boundary fence is in good condition and can secure the area. Any new fencing must be temporary and at least 1.8 metres high. All fencing must be maintained throughout the construction period to ensure that the work area is secured.

Where the work is located within 3.6m of a public place, then a Type A or Type B hoarding must be constructed appropriate to the work proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of building work/s.

- 3.9. 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.

- 3.10. Prior to demolition, the entire site (includes any structures) is to be assessed for hazardous materials, especially asbestos. A Hazardous Materials (HAZMAT) Report is to be prepared by a Type "A" inspection body accredited by NATA. All recommendations contained within this report are to be implemented and a clearance certificate issued by an appropriately qualified Occupational Hygienist is to be submitted to Council prior to the issue of a construction certificate.

- 3.11. Written notice must be given to adjoining residents seven (7) days prior to the commencement of demolition advising of the commencement date.

Written notice is to be given to Council for inspection prior to demolition. Such written notice is to include the date when demolition work will commence and details of the name, address, contact telephone number and licence number of the demolisher.

The following inspections must be undertaken by Council:

- (i) A pre-commencement demolition inspection when all site works required as part of this consent are installed on the site and prior to demolition work commencing; and
- (ii) A final demolition inspection when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

Payment of an inspection fee at Council's current rate will be required prior to inspection. Council requires 48 hours notice to carryout inspection.

Prior to demolition work, a sign must be erected at the front of the property with the demolishers name, licence number and contact phone number.

Demolition work may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no demolition work is to be carried out at any time on a Sunday or a public holiday.

All demolition work must be carried out in accordance with Australian Standard 2601-2001 - The demolition of structures.

Where asbestos containing materials are to be removed, demolition is to be carried out by contractors who have a current SafeWork NSW licence in asbestos removal.

An asbestos clearance certificate issued under the Work Health and Safety Act 2011 must be submitted to Council after the completion of demolition work.

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.

Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.

A copy of the final demolition inspection report is to be submitted to the principal certifier prior to the commencement of building work.

4. Conditions to be Satisfied During Construction.

- 4.1. Building work must be carried out in accordance with the requirements of the BCA.
- 4.2. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:
 - a. 7.00 am and 5.00 pm on Monday to Saturday.
 - b. No construction is to be carried out at any time on a Sunday or a public holiday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

- 4.3. 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.
- 4.4. All civil and hydraulic engineering works on site must be carried out in accordance with Council's Bankstown Development Engineering Standards. 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.
- 4.5. While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
 - b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.
- 4.6. 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.

- 4.7. 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.
- 4.8. 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.

- 4.9. The stormwater drainage system shall be constructed in accordance with Council's Bankstown Development Engineering Standards 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 they must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at their own expense.
- 4.10. There must not be any stockpiling of building spoil, materials, or storage of equipment on the public road during the construction period. The footway and the road reserve must always be maintained in a safe condition. No work can be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

- 4.11. 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 a 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.

- 4.12. All soils and material, liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, the 'Waste Classification Guidelines' (NSW EPA, 2014), prior to off-site disposal.

The waste classification report, including the results of testing, must be compiled, or reviewed and approved by an appropriately qualified and certified consultant, and must be submitted to and approved by the Principal Certifying Authority before off-site disposal. A copy of the waste classification report must be submitted to Council prior to issuing of an Occupation Certificate.

All waste material must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to Council prior to issuing of an Occupation Certificate.

- 4.13. All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

Any waste material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

5. Conditions to be Satisfied Before Occupation.

- 5.1. The occupation or use of the building must not commence unless an occupation certificate has been issued.
- 5.2. An Occupation Certificate for the completed development must not be issued until all conditions relating to demolition, building have been satisfied and Council has issued a Work Permit Compliance Certificate (where applicable).
- 5.3. Twenty three (23) off street car spaces being provided in accordance with the submitted plans. This shall comprise of thirteen (13) spaces for staff and ten (10) spaces for visitors. One (1) of the above car parking spaces is to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements, with no visitor spaces being stacked car parking spaces.

- 5.4. An Emergency Response Management Plan shall be prepared and submitted to Principal Certifiers satisfaction. The Plan shall include the following:
- List of chemicals and maximum quantities to be stored at the site;
 - Identification of potentially hazardous situations;
 - Procedure for incident reporting;
 - Details of spill stations and signage;
 - Containment and clean-up facilities and procedures; and
 - The roles of all staff in the plan and details of staff training.
- 5.5. 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.
- 5.6. Prior to occupation, the basement car parking shall be line marked and sign posted in accordance with AS2890.:2004. The one-way carparking circulation shall have directional arrows line marked.
- 5.7. The Section 73 compliance certificate under the *Sydney Water Act 1994* must be submitted to the Principal Certifier prior to the issue of an occupation certificate.
- 5.8. Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 5.9. Lighting must be provided to the entry of the child care centre, driveway and parking area to promote a high level of safety and security at night and during periods of low light. Lighting provided should be hooded, shielded or directed away from neighbouring dwellings to minimise glare and associated nuisances to residents.
- 5.10. The premises must be readily identified from the street with the allocated house number. The street numbers must be made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building. Numbering of the development without Council's written approval is not permitted.
- 5.11. A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 5.12. An identification report by a registered surveyor must be submitted to the principal certifying authority to verify the buildings wall and roof eaves setback, floor level and height conform to the approved plans.
- 5.13. Prior to the issue of any Occupation Certificate, the owner is to enter into a formal agreement with a licenced private waste contractor to service the commercial development. The contract is to ensure the removal of all waste from the development site.

Prior to entering into an agreement for a private commercial waste collection service, the owner is to ensure that:

- The service is functional and meets the operational needs of the development
- The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.

A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.

- 5.14. A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater detention system.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater detention system.

The engineer's certification of the on-site stormwater detention system should be carried out similar to Council's standard form "On-Site Stormwater Detention System - Certificate of Compliance", contained in Council's Development Engineering Standards.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the final occupation certificate.

- 5.15. 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 Development Engineering Standards and in accordance with the appropriate provisions of the Conveyancing Act.

Note: The location of the "On-Site Stormwater Detention System" shall be shown on the plan of subdivision where subdivision is proposed. Where subdivision is not proposed the location of the "On-Site Stormwater Detention System" shall be included on an A4 size site plan attached to the Section 88E Instrument and registered on the title prior to the issue of the final occupation certificate.

The developer shall submit to Council evidence of the final registration of the Restriction and Positive Covenant on the title of the property.

- 5.16. The Principal Certifying Authority shall obtain a report from a suitably qualified acoustic consultant, not previously involved with the development, stating that the recommendations outlined in the above stated report have been completed and that 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. 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.
- 5.17. Prior to the issue of any Occupation Certificate, a Food Premises 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.
- 5.18. Prior to the issue of an Occupation Certificate, a pre-occupation premises inspection report is to be undertaken by Council's Environmental Health Officer.
- 5.19. External windows and doors are to be fitted with 6.38 mm laminated glass, or acoustic equivalent;

- 5.20. External window and door frames are to be fitted to façade openings with a sealant such as “Bostik Fireban One”, or equivalent.
- 5.21. Full perimeter acoustic seals equal to Schlegel Q-Lon seals are to be fitted to all external windows and doors.
- 5.22. 1800 mm solid form lap & cap timber fence (or acoustic equivalent) with an Rw rating of 20 (minimum) is installed around the ground outdoor play area, as indicated in red in Figure 6.3 of the approved Acoustic report dated 24 December 2020 as prepared by NG Child and Associates.
- 5.23. 1800 mm solid form lap & cap timber fence (or acoustic equivalent) with an Rw rating of 20 (minimum) is installed along the remaining northern and southern property boundaries, as also indicated in red in Figure 6.3 of the approved Acoustic report dated 24 December 2020 as prepared by NG Child and Associates.
- 5.24. Mineral wool-based ceiling insulation equivalent to Bradford SoundScreen™ 2.5 with a minimum Rw rating of 43 to be fitted where possible in the roof void of the childcare centre building.
- 5.25. Validation and certification that any plant & equipment including air conditioning units associated with the proposed childcare centre will not have an acoustic impact greater than 5 dBA above the measured background LA90 RBL, must be provided prior to the issue of an Occupation Certificate.
- 5.26. A Noise Management Plan consistent with the guidelines provided in Section 6.3.9 of the approved Acoustic report dated 24 December 2020 as prepared by NG Child and Associates is prepared and included in the overall Management Plan for the childcare centre.

6. Conditions of Use.

- 6.1. Twenty three (23) off street car spaces being provided in accordance with the submitted plans. This shall comprise of thirteen (13) spaces for staff and ten (10) spaces for visitors. One (1) of the above car parking spaces is to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements, with no visitor spaces being stacked car parking spaces.
- 6.2. The approved landscaping and external work must be maintained post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 6.3. The hours of operation of the use shall be limited to between 7:00am to 6:00pm Monday to Friday, and closed on public holidays.
- 6.4. Following occupation of the childcare centre, should it be found that the predicted noise levels or the measures recommended and constructed in the acoustic assessment are inaccurate, not sufficient, have been incorrectly installed or a noise issue arises (through complaint or otherwise), the owner/occupier upon request by Council, must employ the services of a suitably qualified acoustic consultant who has not previously been involved with the development to undertake a post-occupation assessment and complete an acoustic report with recommendations to rectify the situation. A copy of

the acoustic 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 (thirty) days from the date requested by Council.

- 6.5. The childcare centre is restricted to a maximum of eighty-eight (88) children at any one time.
- 6.6. Management of children in the outdoor play area of the childcare centre is undertaken in accordance with the protocols set out in Section 6.3.2 of the approved Acoustic report dated 24 December 2020 as prepared by NG Child and Associates.
- 6.7. Any waste material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.
- 6.8. Any activity carried out in accordance with this approval shall 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.
- 6.9. The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.
- 6.10. 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.
- 6.11. 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.
- 6.12. All waste materials associated with the use shall be stored in containers located either within the building.
- 6.13. The premises is required to be registered with Council so that regular inspections can be carried out to ensure food safety standards are maintained. A business registration form is available on Council's website which must be completed and submitted to Council prior to the operations commencing
- 6.14. Trading of the Child Care Centre must not commence until a final inspection has been carried out by Council's Environmental Health Officer and ALL conditions of consent have been complied with.
- 6.15. 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.
- 6.16. 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.

- 6.17. Identification number/s are to be conspicuously displayed at the front of the premises.
- 6.18. 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.
- 6.19. The operator must organise and chair a Neighbourhood Liaison Committee in accordance with the requirements of Clause 5.5, Part B6 of the Bankstown Development Control Plan 2015. The Neighbourhood Liaison Committee must be formed within six months of the premises commencing operation and the meeting minutes from each meeting must be forwarded to the Council before the following meeting.
- 6.20. Appropriate security measures, including security doors and CCTV cameras, shall be installed at the main pedestrian and vehicular entrance and exits, and the ground floor area of the premises. All CCTV cameras shall have the capacity to store footage for a minimum of 21 days.
- 6.21. All businesses must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal. You must be able to show your waste collection contract if it is requested by a Council Enforcement Officer.
- 6.22. No waste storage containers are to be located or placed outside the approved waste storage area at any time expect for collection purposes.
- 6.23. 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).
- 6.24. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the 'Assessing Vibration: A Technical Guideline' (NSW Department of Environment and Conservation, 2006).
- 6.25. If a complaint is received the complaint should be recorded on a Complaint Form. The Complaint Form should contain the following:
- (a) Name, address and contact details of the Complainant;
 - (b) Time and date the complaint was received;
 - (c) The nature of the complaint or 1incident;
 - (d) The time and date the incident occurred;
 - (e) The name of the employee that received the complaint;
 - (f) Actions taken to investigate the complaint and the summary of the results of the investigation;
 - (g) Indication of what was occurring at the time the incident was observed;
 - (h) Required remedial action;
 - (i) Validation of the remedial action;
 - (j) Summary of feedback to the Complainant and name of employee who gave the feedback.

The register of complaints should be held on the premises for at least 24 months, and shall be reviewed monthly by Management to ensure all complaints are being investigated and resolved in a timely manner. All complaints received shall be reported to Management with initial action/investigation commencing within 7 days.

The Complainant must be notified of the results and actions arising from the investigation. A copy of the register of complaints shall be provided to Council or Police immediately upon request.

¹Incident includes:

- (a) Any breach of the Plan of Management (where applicable);
- (b) Any complaint by any person about the operation of the premises;
- (c) Any complaint by any person about noise emanating from the premises; or
- (d) Any event that may cause concern to any person as a result of the conduct and/or an act of any person(s) on the premises.

6.26. The child care centre is to operate in accordance with this consent and the approved plan of management (condition 2.30). In the event of any inconsistency between the conditions of this consent and the approved plan of management , the conditions of consent are to prevail.

Vote: 4 – 0 in favour

4 DA-538/2021 21 MARIGOLD STREET, REVESBY: DEMOLITION OF EXISTING STRUCTURES (BEING THOSE ON PROPOSED LOT 21), RETENTION OF EXISTING STRUCTURES (BEING THOSE ON PROPOSED LOT 22), AND TORRENS TITLE SUBDIVISION OF ONE LOT INTO TWO WHICH CREATE LOTS 21 AND 22

Site Visit

An inspection of the site was undertaken by the Panel members prior to the public hearing.

Public Addresses

There was no public address in respect to this item.

Panel Assessment

Mr Ian Stromborg was the Community Panel Member present for the deliberation and voting for this matter.

The Panel agrees with the Council report and recommendation. The Panel is satisfied that the written request under Clause 4.6 for variation of the minimum width frontage development standard control in cl 4.1C(1) of Bankstown Local Environmental Plan 2015 should be upheld.

CBLPP Determination

- A. That the Clause 4.6 variation request prepared by GAT & Associates submitted to council on 10 September 2021 is upheld.
- B. THAT Development Application DA-538/2021 be **APPROVED** in accordance with the Council staff report recommendation.

Vote: 4 – 0 in favour

The meeting closed at 7.06 p.m.

(amended minutes to correct numbering to include condition 2.30 - Item 3) 16 June 2022