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SECTION 4.55(1A) APPLICATION

65 Victor Avenue
Picnic Point

April 2025

11 April 2025

Canterbury-Bankstown Council
PO Box 8
Bankstown NSW 1885

**Subject: Application for S4.55(1A) Modification – DA-310/2022_PAN-216906
65 Victor Avenue, Picnic Point – Approved Childcare Development**

Dear Sir/Madam,

We write on behalf of our client, **Mina Hanna**, regarding the approved childcare development at **65 Victor Avenue, Picnic Point (DA-310/2022_PAN-216906)**. As we progress with the Construction Certificate (CC) process, we have identified several conditions that require modification to ensure compliance with the **Building Code of Australia (BCA) 2022, relevant Australian Standards** and engineering requirements.

This letter has been prepared to accompany the lodgement of an application made under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 (the “**Act**”) to modify conditions of consent pertaining to the approved plans for development.

This Section 4.55(1A) application relates to Notice of Determination of DA-310/2022, granted by Canterbury-Bankstown Council on 13 April, 2023 (the “**consent**”). The consent approved *“Construction of a two storey Centre-Based Child Care Facility for 60 Children with basement parking and associated landscaping.”*

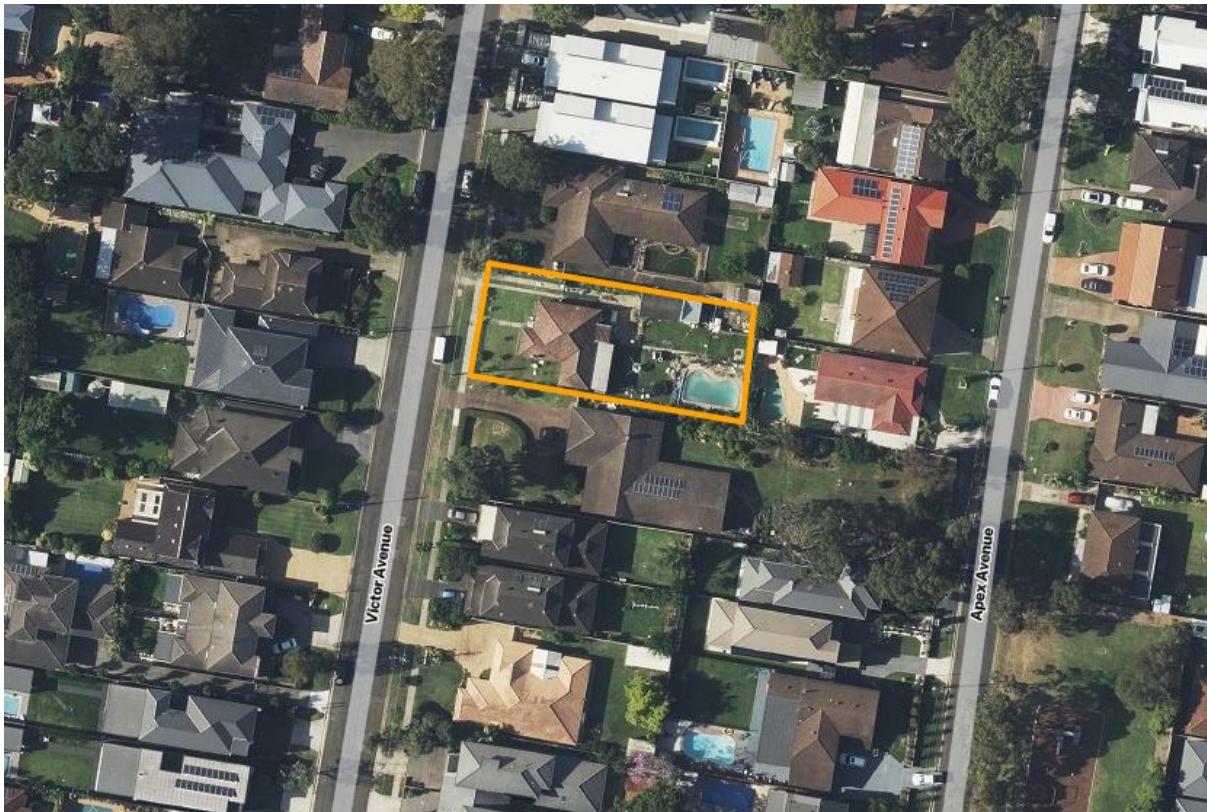


Figure 1: Land to which this application relates

In accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, we seek approval for the following modifications:

1. Deletion and Rewording of Conditions of Consent

The following conditions reference specific reports that are no longer applicable due to updated site investigations. We request that these conditions be reworded to allow for new investigations and reports: Remediation Action Plan (JK Environments) *(to be removed, supported by environmental consultant report)*.

- **Condition 1.6** – will need to be amended as follows:

1.6. Before the issue of a construction certificate, the site is to be remediated in accordance with:

- a. The ~~approved Remedial Action Plan, prepared by JK Environments (JKE), titled 'REMEDIATION ACTION PLAN', dated 22 November 2022, reference E34773Brpt3-RAP;~~ updated Remedial Action Plan, prepared by DRYU, titled "Remedial Action Plan, dated 05 April, 2025, reference DRYU559J_RAP_V1*
- b. State Environmental Planning Policy (Resilience and Hazards) 2021;*
- c. The guidelines in force under the Contamination Land Management Act 1997; and*

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 remedial 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.

- **Condition 2.6** - states as follows and can be deleted as it is not relevant to this development, it requires an intercom system "wired to all units"; however, as the approved development is an **early childhood education centre** with no residential units, this condition is not applicable, we request this condition to be deleted.

~~*2.6. Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry, installed at least 4 metres recessed into the site, when measured from the property boundary with the street. The intercom is to be wired to all units.*~~

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~~*The intercom must comply with Australian Standard AS 1428.2: Design for access and mobility—Enhance and additional requirements—Building and facilities Sections 22 and 23*~~

2. Modifications to Meet Access & Waste Management Requirements

- **Condition 2.10** – The building has been designed to meet BCA access requirements. However, minor adjustments are necessary to achieve full compliance. These modifications include:
 - Adjustments to stair locations and entry points.
 - Fire-isolated egress solutions.

- **Condition 2.31** – The waste storage and collection arrangements require modification to ensure compliance with consent conditions A to F. The following amendments are proposed:
 - Relocating bin storage from the basement to the ground floor.
 - Ensuring a minimum 2m wide bin carting route within site constraints.
 - Providing a layback at the collection point.
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3. Building Design Modifications for BCA 2022 Compliance & Engineering Coordination Basement Modifications:

- New sprinkler pump room with airlock to provide direct egress for firefighting operations.
- Revised bin storage arrangement with double doors.
- Lift and fire stair relocation to improve circulation and safety.
- Traffic and structural adjustments as per engineering advice (e.g., chamfering of basement walls, vehicle swept path considerations, relocated bike parking).

Ground Floor Modifications:

- New bin holding area and compliance with required bin carting route.
- Revised fire stair and lift location for direct egress.
- Fire-rated glass block installation for cot room natural light.
- Removal of planter box to maintain minimum outdoor play area as required.
- Removal of step in the outdoor play area

First Floor Modifications:

- Fire stair and lift adjustments for direct egress.
- Fire-rated glazing to certain windows to meet BCA requirements.
- Relocation of laundry from basement to first floor.

Roof Modifications:

- Change of roof material from metal to concrete for improved drainage and structural efficiency.
 - Roof over staircases to ensure fire-isolated egress for childcare users.
 - Lift overrun amendments for compliance with BCA height requirements.
 - Potential solar panel installation (subject to Section J compliance calculations).
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Justification for Modifications

These modifications are minor in nature and do not substantially alter the approved development.

The changes:

- Do not increase the overall height, footprint, or bulk of the building.
 - Ensure compliance with BCA 2022 and relevant engineering standards.
 - Improve safety, accessibility, and operational functionality of the childcare facility.
 - Respond to coordination requirements from building services, traffic, and access consultants.
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We trust that the above modifications satisfy the requirements for an S4.55(1A) modification and respectfully request Council's review and approval. The proposed modifications are all driven by the necessity for regulatory compliance purposes, and this new application does not have any increases and impacts beyond the already approved development.

Please do not hesitate to contact us should any further clarification be required.

Thank you for your time and consideration.

Sincerely,



Ramy Tawadros,
Director
NSW Registered Architect 9209
Principal Design Practitioner PDP46