



STATEMENT OF ENVIRONMENTAL EFFECTS

46A TOWNSEND STREET
CONDELL PARK

CENTRE BASED CHILD
CARE FACILITY

FEBRUARY 2024

DOCUMENT CONTROL			
ISSUE	DATE	PURPOSE	CHECKED
A	13 February 2024	Issued for Development Application	GA

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Cohesive Planning is based in the Blue Mountains, west of Sydney NSW. Cohesive Planning would like to acknowledge the Gundungurra and Dharug peoples, being the traditional owners of that country. We recognise the connection to country that the traditional owners have and we pay our respects to Elders past and present.

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PURPOSE

This Statement of Environmental Effects has been prepared to accompany the lodgement of a development application for a childcare centre providing places for 49 children aged 0 to 5 years at 46A Townsend Street, Condell Park.

This statement relies on the following plans prepared by ZTA Architects:

DRAWING NO.	ISSUE	DRAWING NAME	DATE
23536 DA000	A	Cover Sheet	18 December 2023
23536 DA100	A	Site Plan and Analysis	18 December 2023
23536 DA101	A	Demolition Plan	18 December 2023
23536 DA102	A	Sediment Control Plan	18 December 2023
23536 DA200	A	Basement Plan	18 December 2023
23536 DA201	A	Ground Floor Plan	18 December 2023
23536 DA202	A	First Floor Plan	18 December 2023
23536 DA203	A	Roof Plan	18 December 2023
23536 DA300	A	Elevations	18 December 2023
23536 DA301	A	Elevations	18 December 2023
23536 DA400	A	Section	18 December 2023
23536 DA500	A	Calculations - GFA	18 December 2023
23536 DA501	A	Calculations – Indoor and Outdoor	18 December 2023
23536 DA600	A	Shadows - Plans	18 December 2023
23536 DA700	A	Finishes Schedule	18 December 2023
23536 DA701	A	3D - Visual	18 December 2023

This statement relies on the following supporting documents:

TITLE	AUTHOR	DATE
Access Report	Access i Pty Ltd	November 2023
BCA Compliance Report	Access i Pty Ltd	30 November 2023
Landscape Certification	Unique Garden Design	23 November 2023
Landscape Plans	Unique Garden Design	21 November 2023
Preliminary Site Investigation	Colemans and Adams	7 December 2023
Quantity Surveyors Report	Property and Building Assessments	17 November 2023
Stormwater Design Certificate	Sydney Structural and Civil	Undated
Stormwater Plans	Sydney Structural and Civil	5 December 2023
Survey	Chami and Associates	21 February 2023
Swept Path Analysis	Transport and Traffic Planning Associates	8 December 2023
Traffic Impact Assessment	Transport and Traffic Planning Associates	December 2023
Waste Management Plan	-	Undated

A site inspection was carried out by the author on 15 December 2023.

1. DESCRIPTION OF THE DEVELOPMENT

1.1 OVERVIEW

The development application involves the demolition of existing structures, the construction of a child care centre and its operation as a 49 place child care centre.

Specifically, the development application proposes:

- Demolition of the existing dwelling and ancillary structures;
- Removal of existing vegetation;
- Construction of a child care centre comprising:
 - Basement level
 - parking for 9 vehicles including 1 accessible parking space;
 - bicycle parking; and
 - waste storage area and bin tug storage
 - Ground floor level comprising:
 - reception;
 - office;
 - cot room;
 - playrooms for 0-2 and 2-3 year olds; and
 - amenities
 - First floor level comprising:
 - kitchen;
 - laundry;
 - playroom for 3-5 year olds; and
 - amenities
 - Outdoor play areas
- New landscaping;
- Acoustic fencing; and
- Associated stormwater and infrastructure.

1.2 OPERATIONAL MATTERS

The child care centre seeks to provide for the following numbers of children with associated educators as based on the *Education and Care Services National Regulations*:

AGE GROUP	NUMBER	REQ'D STAFF	PROP'D STAFF
0 – 24 months	12	1 per 4	3
24 – 36 months	15	1 per 5	3
3 – 5 years	22	1 per 11	2
TOTAL	49		8

The hours of operation proposed by this development application are:

Monday to Friday: 7.00am to 7:00pm
(excluding Public Holidays)

The proposed centre will operate 50 weeks of the year.

Peak drop off times are expected to be between 7.00am – 9.00am each weekday morning. Peak pick-up times are expected to be between 3.30pm – 6.00pm each weekday afternoon.

Families will be made aware that pick-up and drop off is internal to the premises and encouraged to use those parking spaces. The car parking spaces will be time limited to ten (10) minutes during the peak periods.

It is not proposed to prepare food on site for children. Rather, all meals are to be provided by parents.

2. THE SUBJECT LAND

2.1 PROPERTY DESCRIPTION

The subject land is known as 46A Townsend Street, Condell Park.

The legal description for the subject land is Lot 3, DP 385273.

The site has a regular shape with an approximate area of 665m² with the following dimensions:

Southern boundary (Townsend Street frontage):	21.415m
Western boundary (Manahan Street frontage):	23.165m
Northern boundary:	25.075m
Eastern boundary:	26.820m
South western boundary (splay corner):	5.165m



FIGURE 1: AIR PHOTO OF THE SUBJECT LAND AND IMMEDIATE SURROUNDS (SOURCE: SIXMAPS)

2.2 LOCATION AND ACCESSIBILITY.

The subject land is located in the suburb of Condell Park.

The land is 700m to Condell Park shops and 120m to Condell Park High School. Condell Park Public School is 800m away. The land is in proximity to Bankstown Showground.

Main road access is provided by Milperra Road, Edgar Street and Marion Street.

The neighbourhood is located on the East Hills to Lidcombe bus route which links the neighbourhood to East Hills, Panania, Bankstown and Lidcombe with stops opposite the land on Townsend Street and in Manahan Street.

2.3 EXISTING DEVELOPMENT

The subject land is occupied by a single storey dwelling of brick and tile construction dating to the 1960s.

A fibro garage is attached via a carport and awning and sits in the southeast corner of the land. A metal garden shed sits in the northeast corner.



FIGURE 2: EXISTING DWELLING AS VIEWED FROM MANAHAN STREET



FIGURE 3: EXISTING DWELLING AND OUTBUILDINGS AS VIEWED FROM TOWNSEND STREET

2.4 TOPOGRAPHY OF THE SUBJECT LAND

The subject land has a fall toward the south. Drainage from the proposed works can be directed to the existing drainage in the street system.

2.5 VEGETATION OF THE SUBJECT LAND

The subject land has been planted with garden plantings and lawns typical of its suburban garden context. A large tree exists in the rear yard. There is no vegetation on the land that warrants retention.

Street trees comprising callistemons exist in the footway to each frontage. Those trees are proposed to be retained and the driveway is located to avoid those street trees.

Compensatory landscape planting is proposed as demonstrated by the landscape plans, including canopy planting to the front setback and within the outdoor play area.

3. SURROUNDING DEVELOPMENT AND LAND USES

The immediate area is residential in character and comprised of a mix of dwelling types. Original dwelling stock is reflective of the post-war growth of the area, of which several examples remain in the neighbourhood.

Some original dwellings have been subject to replacement over time with examples of duplexes and multi-dwelling housing becoming prevalent in the neighbourhood.

Land to the north is occupied by a 2 storey dwelling of clad and tile construction. Further to the north are examples of duplexes.

Land to the east is occupied by a large duplex.

Land across Townsend Street to the south retains a row of post-war single cottages.

Land across Manahan Street to the west is occupied by a brick duplex. Land further to the west comprises multi-dwelling housing developments.



FIGURE 4: ADJOINING DWELLING FORMS IN MANAHAN STREET



FIGURE 5: ADJOINING DUPLEX HOUSING IN TOWNSEND STREET

4. SECTION 4.15(1) ASSESSMENT

The following assessment has been carried out against the matters for consideration contained in Section 4.15 of the Environmental Planning and Assessment Act, 1979 (the "Act").

4.1 THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

Section 4.15(1)(a)(i) of the Act requires consideration of:

(a) *the provisions of:*

(i) *any environmental planning instrument*

4.1.1 State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposed development has been considered against the provisions of Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021. The following table outlines compliance with the SEPP and is supported by an assessment of relevant criteria contained in the *Education and Care Services National Regulation* and the *Child Care Planning Guideline* at **Appendices A and B** to this Statement respectively.

3.23 Centre-based child care facility—matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the *Child Care Planning Guideline*, in relation to the proposed development.

The proposed development complies with the applicable provisions of the *Child Care Planning Guideline* as demonstrated at **Appendix B**.

3.24 Centre-based child care facility in certain zones—additional matters for consideration by consent authorities

Not applicable as the land is not in an E4, E5, IN1 or IN2 zone.

3.25 Centre-based child care facility—floor space ratio

(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.	The land has an areas of 665m ² . The proposed development has a GFA of 332m ² resulting in an FSR of 0.499:1.
(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.	The FSR prescribed for the land by the Canterbury Bankstown LEP is 0.5:1 with which the proposal complies.

3.26 Centre-based child care facility—non-discretionary development standards

(1)	The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.	Advisory																				
(2)	The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:	-																				
(a)	location—the development may be located at any distance from an existing or proposed early education and care facility	Noted																				
(b)	indoor or outdoor space																					
(i)	for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or	<p>The proposal provides for 50 children:</p> <p>Regulation 107 requires 3.25m² per child, or a total of 159.25m². The proposed development provides 197m² of indoor play area across 3 rooms as follows:</p> <table><tr><th>Age</th><th>No.</th><th>Req'd (m²)</th><th>Prov'd (m²)</th></tr><tr><td>0-24 months</td><td>12</td><td>39.00</td><td>47</td></tr><tr><td>24-36 months</td><td>15</td><td>48.75</td><td>63</td></tr><tr><td>3-5 years</td><td>22</td><td>71.50</td><td>87</td></tr><tr><td>TOTAL</td><td>49</td><td>159.25</td><td>197</td></tr></table>	Age	No.	Req'd (m ²)	Prov'd (m ²)	0-24 months	12	39.00	47	24-36 months	15	48.75	63	3-5 years	22	71.50	87	TOTAL	49	159.25	197
Age	No.	Req'd (m ²)	Prov'd (m ²)																			
0-24 months	12	39.00	47																			
24-36 months	15	48.75	63																			
3-5 years	22	71.50	87																			
TOTAL	49	159.25	197																			
(ii)	for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause	<p>The proposal satisfies the minimum indoor play area requirements.</p> <p>Regulation 108 requires 7m² per child or a total of 343m². The proposed development provides a total of 358m² of outdoor play area.</p> <p>Clause 28 of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> echo the numerical requirements of Regulations 107 and 108 of the <i>Education and Care Services National Regulations</i>, being 3.25m² of unencumbered indoor play space per child and 7m² of usable outdoor play space per child.</p>																				
(c)	site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth	Noted																				
(d)	colour of building materials or shade structures—the development may be of any colour or colour	The development application is accompanied by details of the colours and finishes on Plan DA-																				

<p>scheme unless it is a State or local heritage item or in a heritage conservation area</p>	<p>700 to demonstrate that the colours use in the proposal are appropriate.</p> <p>The land does not comprise a heritage item.</p>
<p>(3) To remove doubt, this clause does not prevent a consent authority from:</p> <p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</p>	<p>Advisory</p>
<p>3.27 Centre-based child care facility—development control plans</p>	
<p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <p>(i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p>	<p>This is a matter of advice to Council as the consent authority.</p>
<p>(2) This clause applies regardless of when the development control plan was made.</p>	<p>This is a matter of advice to Council as the consent authority.</p>

The proposed development satisfies the relevant objectives and controls of State Environmental Planning Policy (Transport and Infrastructure) 2021.

4.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

The history of the land indicates that the land has been used for residential purposes since at some time in the 1960s as shown in the historic air photos below.

The land was wooded into the 1950s and remained undeveloped until later in the 1950s when subdivision took place and dwellings were carried out.

The land was vacant in 1961 with the next air photo in 1969 showing the dwelling on the land.



FIGURE 6: 1951 AIR PHOTO (SOURCE: NSW SPATIAL VIEWER)



FIGURE 7: 1961 AIR PHOTO (SOURCE: NSW SPATIAL VIEWER)



FIGURE 8: 1969 AIR PHOTO (SOURCE: NSW SPATIAL VIEWER)

The subject land has not been used for any of the activities listed in Table 1 of the Contaminated Land Planning Guidelines and is not listed on any contaminated land database and has never been the subject of an EPA clean-up order or other EPA restrictions.

While the risk of contamination is very low, a Preliminary Hazard Analysis has been carried out to satisfy Clause 4.6 of the SEPP noting that the proposal constitutes a change of use of the land. That assessment finds that the risk to human health and the environment associated with soil and groundwater contamination is low in relation to the proposed development for the subject site and is suitable for the proposed development in its current state, subject to the following recommendations:

- Site inspection by appropriately trained personnel during demolition works to identify potential contamination; and
- Preparation of a clearance certificate prepared by a licensed asbestos assessor post-demolition.

4.1.3 State Environmental Planning Policy (Industry and Employment) 2021

Signage to which Chapter 3 of this SEPP applies is not proposed as part of this application.

Separate approval will need to be sought for advertising signage that is not Exempt Development.

4.1.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Consent is sought for the removal of the existing landscaping and large tree under this development application. The removal of vegetation does not exceed the offset thresholds for the biodiversity offset scheme.

4.1.5 Canterbury Bankstown Local Environmental Plan 2023 ("CBLEP")

- Zoning, permissibility and zone objectives

The subject land is zoned R2 Low Density Residential under the CBLEP as shown below.

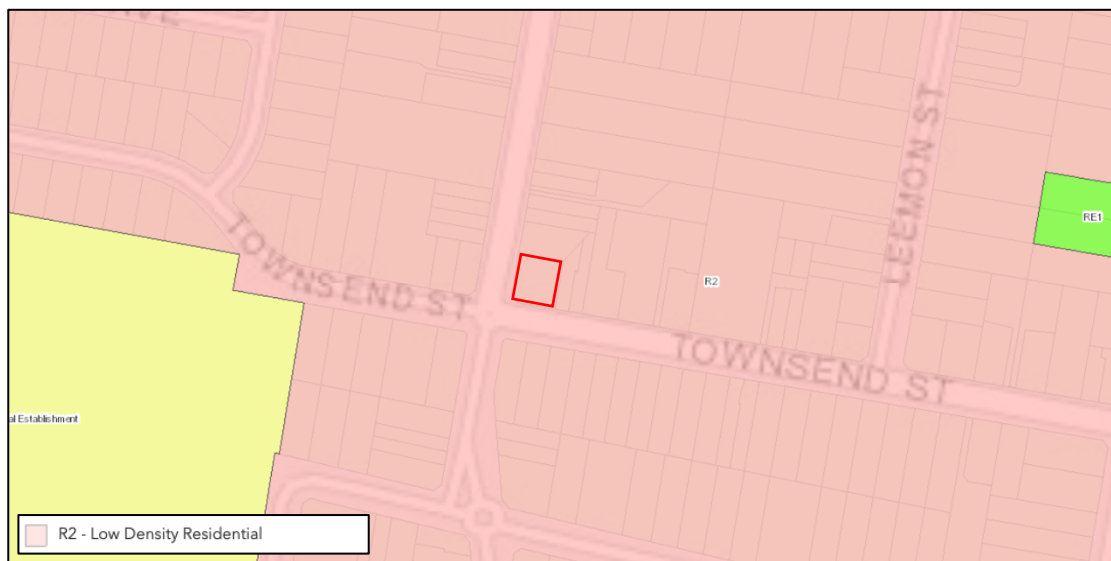


FIGURE 9: EXTRACT OF ZONING MAP (SOURCE: NSW PLANNING PORTAL)

The proposed development comprises a *centre based child care facility* which is defined as follows:

“centre-based child care facility means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Centre based child care facilities are permissible with consent in the R2 Low Density Residential zone.

The objectives of the R2 Low Density Residential zone are as follows:

OBJECTIVE	COMMENT
To provide for the housing needs of the community within a low density residential environment.	Not applicable
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposed development provides facilities that meet the day to day needs of local residents.
To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.	The proposed use is compatible with surrounding residential uses and does not adversely affect the living environment or amenity of the area.
To ensure suitable landscaping in the low density residential environment.	The proposal provides for suitable landscaping.
To minimise and manage traffic and parking impacts.	The proposal minimises and manages the impacts of parking and traffic.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	Not applicable as the land does not adjoin another zone.
To promote a high standard of urban design and local amenity.	The proposal achieves a high standard of urban design and local amenity.

The proposed development meets the relevant zone objectives of the CBLEP.

- Development standards and controls

The following table outlines the relevant controls under the CBLEP and how the proposed development addresses those controls.

CLAUSE	PROVISION	COMMENT	COMPLIES
4.1B	Minimum lot sizes and special provisions of certain dwellings	While no minimum lot size is prescribed for a Centre-based child care facility in the R2 zone, a 20m minimum width at the front building line is prescribed. The lot width at the building line is greater than 20m	Yes
4.3	Height of buildings	An 9m height limit is prescribed for the subject land.	Yes

		The proposed building does not exceed the prescribed 9m height limit.	
4.4	Floor space ratio	An FSR of 0.5:1 is prescribed.	
		The site area of 665m ² allows for a GFA of 332.5m ² . The proposed GFA is compliant at 317m ³ , which results in an FSR of 0.48:1.	Yes
4.6	Exceptions to development standards	No clause 4.6 variation is required as no development standard is breached.	N/A
5.1	Relevant acquisition authority	The land is not earmarked for acquisition.	N/A
5.10	Heritage conservation	The land does not contain an item of environmental heritage and is not within proximity to an item of environmental heritage. The land is not within a heritage conservation area.	N/A
5.21	Flood planning	The land is not mapped as being affected by flooding.	N/A
6.1	Acid sulfate soils	The land is not mapped as being affected by acid sulfate soils.	N/A
6.2	Earthworks	Consent for earthworks associated with the development is sought under this development application.	Yes
6.3	Stormwater management and water sensitive urban design	The development application is required to be accompanied by stormwater plans which demonstrate the development avoids creating significant impacts on adjoining land or the local stormwater systems.	Yes
6.4	Biodiversity	The land is not mapped as being affected by biodiversity.	N/A
6.7	Development in areas subject to aircraft noise	Development consent must not be granted to development for the purposes of dual occupancies, multi dwelling housing, attached	Yes

		<p>dwellings, boarding houses or centre-based child care facilities on land near Bankstown Airport in an ANEF contour over 25.</p> <p>The land is outside the ANEF 25 contour as shown at Appendix D.</p>	
6.9	Essential services	The land has access to all essential services.	Yes
6.13	Special provisions for centre based child care centres	<p>Development consent must not be granted for the purposes of centre-based child care facilities in Area 1 if the vehicular access to the land is from—</p> <p>(a) a classified road, or</p> <p>(b) a cul-de-sac road or a road where the carriageway between kerbs is less than 10m.</p> <p>Access is not from a classified road or cul-de-sac.</p> <p>Access is provided to Townsend Street which has a carriageway width of 10.92m in front of the land.</p>	Yes

The proposed development satisfies the development standards and controls within the CBLEP.

4.2 THE PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT

Section 4.15(1)(a)(ii) of the Act requires consideration of:

(a) *the provisions of:*

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no draft environmental planning instruments applicable to the land or to the development.

4.3 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

Section 4.15(1)(a)(iii) of the Act requires consideration of:

(a) the provisions of:

(iii) any development control plan

A separate detailed assessment of the proposed development against the Canterbury Bankstown Development Control Plan 2023 (the “**CBDCP**”) is provided at **Appendix C** to this Statement.

In summary, the proposed development is compliant with the relevant provisions of the CBDCP with the exception of the carparking provision.

The CBDCP calls for 1 car space per 4 children, requiring 13 (12.25) spaces. The proposal provides 9 spaces.

The shortfall has been considered by the Traffic Impact Assessment, prepared by Transport and Traffic Planning Associates which accompanies the development application. That statement finds that the centre provides 4 staff car spaces and 4 set down/pick up spaces, and 1 accessible space which is sufficient for the facility.

Drop off and pick up can also be achieved from Townsend Street which has an absence of heavy vehicle volumes while providing a generously wide carriageway without direct access to roads with high volumes, high speeds or heavy vehicle volumes.

Townsend Street also provides a concrete footpath along the site frontage servicing pedestrian movements to and from the site.

These conditions allow for a safe and suitable on-street drop- off & pick-up arrangement to support the on-site provision of parking.

4.4 THE PROVISIONS OF ANY PLANNING AGREEMENT

Section 4.15(1)(a)(iiia) of the Act requires consideration of:

(a) the provisions of:

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements or draft planning agreements applicable to the subject land.

4.5 PRESCRIBED MATTERS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

Section 4.15(1)(a)(iv) of the Act requires consideration of:

(a) the provisions of:

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

For the purposes of section 4.15(1)(a)(iv) of the Act, the only relevant matter prescribed by the regulations relates to demolition. A condition of consent can be imposed to that effect.

4.6 THE LIKELY IMPACTS OF THE DEVELOPMENT

Section 4.15(1)(b) of the Act requires consideration of:

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed development is satisfactory with regard to its environmental impacts. The proposed development properly addresses amenity impacts and takes steps to ameliorate any potential adverse impacts.

Discussion of key potential impacts is carried out in **Chapter 5** of this Statement.

4.7 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Section 4.15(1)(c) of the Act requires consideration of:

(c) the suitability of the site for the development

The subject land is serviced by all utilities and has direct public road access. There are no physical constraints affecting the subject land

The subject land is considered to be suitable for the carrying out of a child care centre subject to appropriate acoustic controls being implemented as recommended in the acoustic assessment that accompanies this development application.

4.8 PUBLIC SUBMISSIONS

Section 4.15(1)(d) of the Act requires consideration of:

(d) any submissions made in accordance with this Act or the regulations

In accordance with Council's policy, the application will be placed on public exhibition and submissions invited from any interested parties.

As part of the assessment process, Council will take into consideration any matters raised in any submissions received in response to the public exhibition period. The applicant would be pleased to be afforded the opportunity to respond to and address any submissions.

4.9 THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires consideration of:

(e) the public interest

The proposed development offers a number of positive outcomes for the community. In particular, additional child care placements.

The proposed development is consistent with the objectives and provisions of the relevant planning instruments and policies and thus satisfies the public interest test.

5. THE LIKELY IMPACTS OF THE DEVELOPMENT

5.1 ENVIRONMENTAL IMPACTS

5.1.1 Solar access and overshadowing

The orientation of the land is such that shadows will fall towards Townsend Street. The private open space and principal living area of the dwelling to the east is unaffected by shadowing from the proposal.

6.1.2 Acoustic impacts

A Noise Impact Assessment report supports the development application and makes recommendations as to the height and design of fencing, including the materials used in the fencing, and other operational measures to ensure noise does not unreasonably impact neighbouring properties.

This report defers to those recommendations and supports the imposition of conditions of consent that call up the implementation and adherence to those measures to ensure compliance with the relevant acoustic standards and guidelines.

6.1.3 Visual privacy

The design of the proposed building has had regard to ensuring the visual privacy of adjoining land.

Ground floor windows will be screened by new boundary fencing to protect from direct views between buildings.

Overlooking from the outdoor play areas, particularly the first floor play area, will be mitigated by the proposed acoustic screening.

6.1.4 Traffic

The parking facilities are adequate for the centre and its intended capacity. It is proposed to provide 9 parking spaces within the carpark including 1 accessible space.

Further, the proposal will not have any unsatisfactory traffic implications having regard to the capacity of the road network and the likely peak traffic generation of the proposed centre.

6.2 Economic and Social Impacts

The proposed development will not result in any adverse economic or social impacts.

Rather, the proposal will create short term employment for construction and trades engaged in building the facility. Longer term employment will be provided for childcare workers and facilities maintenance workers.

Ultimately, the development will provide positive opportunities and outcomes to local parents by providing additional childcare places in the neighbourhood and the surrounding area.

6. SUMMARY AND CONCLUSION

The subject development application involves the construction and operation of a 49 place child care centre at 46A Townsend Street, Condell Park. Specifically, the development application proposes:

The development application includes:

- Demolition of the existing dwelling and ancillary structures;
- Construction of a child care centre comprising:
 - Basement level parking, bicycle parking and waste storage area
 - Ground floor level comprising:
 - reception;
 - office;
 - 0-2 and 2-3 year old areas; and
 - amenities
 - First floor level comprising:
 - kitchen;
 - laundry;
 - 3-5 year old area; and
 - amenities
 - Outdoor play areas
- New landscaping;
- Acoustic fencing; and
- Associated stormwater and infrastructure.

The proposed development meets the objectives and provisions of the relevant planning instruments as demonstrated by the assessment tables in this Statement.

The proposed development has been considered against the CDCP and is shown to satisfy the objectives and the relevant provisions of that policy.

The proposed development is a suitable redevelopment of the land which proposes an appropriate number of placements having regard to the size of the land and the proposed facility.

The proposed development is recommended for the granting of consent subject to appropriate conditions.

APPENDIX A

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS CHECKLIST

The relevant provisions of **PART 4.3 PHYSICAL ENVIRONMENT** of the Regulations have been considered in the assessment of the development application within the following table:

PROVISION	COMMENT	COMPLIES
103 Premises, furniture and equipment to be safe, clean and in good repair		
(1) The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.	This is not a matter for consideration at the development application stage.	N/A
(2) Penalty: \$2200.		
104 Fencing		
(1) The approved provider of an education and care service must ensure that any outdoor space used by children at the education and care service premises is enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	The development application provides for fencing to secure the facility and ensure children are unable to go through, over or under the fence.	Yes
(2) This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age.	The centre does not propose to provide services to children above pre-school age.	N/A
(3) This regulation does not apply in respect of a family day care residence or a family day care venue if all the children being educated and cared for at that residence or venue as part of a family day care service are over preschool age.	N/A	N/A
105 Furniture, materials and equipment		
The approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for	This is not a matter for consideration at the development application stage. Notwithstanding, each space allows for adequate furniture and equipment for the education of children appropriate to the ages of those children.	Noted

the education and care of that child.

106 Laundry and hygiene facilities

- (1) The approved provider of an education and care service must ensure that the service has—
- | | | |
|--|--|-----|
| (a) laundry facilities or access to laundry facilities; or | A laundry room is provided on the first floor. | Yes |
| (b) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering— | Nappy change facilities are provided. | Yes |
- that are adequate and appropriate for the needs of the service.
- (2) The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.
- | | |
|--|-----|
| The laundry door can be provided with locks or swipe card access so that it can only be accessed by staff. | Yes |
|--|-----|

107 Space requirements—indoor space

- (1) This regulation does not apply in respect of a family day care residence. N/A N/A
- (2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.
- | Age | No. | Req'd (m ²) | Prov'd (m ²) |
|--------------|-----------|-------------------------|--------------------------|
| 0-24 months | 12 | 39.00 | 47 |
| 24-36 months | 15 | 48.75 | 63 |
| 3-5 years | 22 | 71.50 | 87 |
| TOTAL | 49 | 159.25 | 197 |
- Yes
- (3) In calculating the area of unencumbered indoor space—
- | | | |
|---|--|-----|
| (a) the following areas are to be excluded— | The areas used in calculation of indoor space are shown on plan DA-501 and exclude the areas nominated in subclause (3). | Yes |
| (i) any passageway or thoroughfare (including door swings); | | |
| (ii) any toilet and hygiene facilities; | | |
| (iii) any nappy changing area or area for preparing bottles; | | |
| (iv) any area permanently set aside for the use or storage of cots; | | |
| (v) any area permanently set aside for storage; | | |
| (vi) any area or room for staff or administration; | | |

(vii)	any other space that is not suitable for children;		
(b)	the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service.		
(4)	The area of a verandah may be included in calculating the area of indoor space only with the written approval of the Regulatory Authority.	It is not proposed to use the outdoor undercover play area as an indoor space.	Yes
(5)	A verandah that is included in calculating the area of outdoor space cannot be included in calculating the area of indoor space.	It is not proposed to use the outdoor undercover play area as an indoor space.	Yes
(6)	In this regulation a reference to a child does not include—	Noted	N/A
(a)	a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or		
(b)	an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).		

108 Space requirements—outdoor space

(1)	This regulation does not apply in respect of a family day care residence.	N/A	N/A																
(2)	The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.	<table border="1"> <thead> <tr> <th>Age</th><th>No.</th><th>Req'd (m²)</th><th>Prov'd (m²)</th></tr> </thead> <tbody> <tr> <td>0-36 months</td><td>27</td><td>189</td><td>190</td></tr> <tr> <td>3-5 years</td><td>22</td><td>154</td><td>168</td></tr> <tr> <td>TOTAL</td><td>49</td><td>343</td><td>345</td></tr> </tbody> </table>	Age	No.	Req'd (m ²)	Prov'd (m ²)	0-36 months	27	189	190	3-5 years	22	154	168	TOTAL	49	343	345	Yes
Age	No.	Req'd (m ²)	Prov'd (m ²)																
0-36 months	27	189	190																
3-5 years	22	154	168																
TOTAL	49	343	345																
(3)	In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—	The areas used in calculation of outdoor space are shown on plan DA501 and exclude the areas nominated in subclause (3).	Yes																
(a)	any pathway or thoroughfare, except where used by children as part of the education and care program;																		
(b)	any car parking area;																		
(c)	any storage shed or other storage area;																		

(d) any other space that is not suitable for children.		
(4) A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.	Verandah areas used in the calculation of outdoor spaces have not been applied in the calculation of indoor spaces.	Yes
(5) An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if—	N/A	N/A
(a) the Regulatory Authority has given written approval; and		
(b) that indoor space has not been included in calculating the indoor space under regulation 107.		
(6) In this regulation a reference to a child does not include—	N/A	N/A
(a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or		
(b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).		

109 Toilet and hygiene facilities

The approved provider of an education and care service must ensure that—

- | | | |
|---|---|-----|
| (a) adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and | Toilet areas are provided for each indoor area. | Yes |
| (b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. | The design allows for safe and convenient access and use as well as supervision by staff. | Yes |

110 Ventilation and natural light

- | | | |
|--|---|-----|
| The approved provider of an education and care service must ensure that the indoor spaces used by children at the education and care service premises— | The indoor spaces are designed to facilitate natural light and ventilation to each space. | Yes |
| | Air conditioning units are also provided to offer a temperature that ensures comfort and wellbeing of children. | Yes |

- (a) are well ventilated; and
- (b) have adequate natural light; and
- (c) are maintained at a temperature that ensures the safety and wellbeing of children.

111 Administrative space

The approved provider of a centre-based service must ensure that an adequate area or areas are available at the education and care service premises for the purposes of—	Separate office and meeting spaces are provided on the ground floor.	Yes
(a) conducting the administrative functions of the service; and	A lift access is proposed to the first floor to supplement the internal stairs.	
(b) consulting with parents of children; and		
(c) conducting private conversations.		

112 Nappy change facilities

(1) This regulation applies if a centre-based service educates and cares for children who wear nappies.	Noted.	
(2) The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing.	A nappy change space is provided within the bathroom shared by the 0-24 month and the 24-36 months area.	Yes
(3) Without limiting subregulation (2), the approved provider of the service must ensure that the following are provided—	The nappy change space contains a bench and, to comply with the regulations, is provided with hand washing facilities in the immediate vicinity of the nappy change area.	Yes
(a) if any of the children are under 3 years of age, at least 1 properly constructed nappy changing bench; and		
(b) hand cleansing facilities for adults in the immediate vicinity of the nappy change area.		
(4) The approved provider of the service must ensure that nappy change facilities are designed, located and maintained in a way that prevents unsupervised access by children.		

113 Outdoor space—natural environment

The approved provider of a centre-based service must ensure that the outdoor spaces provided at the	The outdoor space is well designed to enable a range of outdoor play opportunities.	Yes
---	---	-----

education and care service premises allow children to explore and experience the natural environment.

114 Outdoor space—shade

The approved provider of a centre-based service must ensure that outdoor spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Shade is to be provided by both planting and structures.

Yes

115 Premises designed to facilitate supervision

The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.

The facility has been designed to facilitate the supervision of children, both during indoor and outdoor activities.

Yes

123 Educator to child ratios—centre-based services

The minimum number of educators required to educate and care for children at a centre-based service is to be calculated in accordance with the following ratios—

Age	No.	Ratio	Req'd
0-24	12	1:4	3
24-36	15	1:5	3
36+	22	1:11	2
TOTAL	49		8

Yes

- (a) for children from birth to 24 months of age—1 educator to 4 children;
- (b) for children over 24 months and less than 36 months of age—1 educator to 5 children;
- (c) for children aged 36 months of age or over (not including children over preschool age)—1 educator to 11 children;
- (d) for children over preschool age, 1 educator to 15 children.

8 educators are required.

APPENDIX B

CHILD CARE PLANNING GUIDELINES CHECKLIST

PROVISION	COMMENT	SATISFACTORY
3.1 Site selection and location		
C1		
For proposed developments in or adjacent to a residential zone, particularly if that zone is for low density residential uses consider: <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties the setbacks and siting of buildings within the residential context visual amenity impacts (e.g. additional building bulk and overshadowing, local character) traffic and parking impacts of the proposal on residential amenity and road safety 	The proposed development has taken into consideration the amenity of adjoining and nearby residents through: <ul style="list-style-type: none"> siting of new structures location of activity areas within the building acoustic treatment to outdoor play areas 	Yes
For proposed developments in commercial and industrial zones, consider: <ul style="list-style-type: none"> potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions the potential impact of the facility on the viability of existing commercial or industrial uses. 	Not applicable.	N/A
For proposed developments in public or private recreation zones, consider: <ul style="list-style-type: none"> the compatibility of the proposal with the operations and nature of the community or private recreational facilities if the existing premises is licensed for alcohol or gambling if the use requires permanent or casual occupation of the premises or site the availability of on-site parking compatibility of proposed hours of operation with surrounding uses, particularly residential uses the availability of appropriate and dedicated sanitation facilities for the development. 	Not applicable.	N/A

For proposed developments on school, TAFE or university sites in Special Purpose zones consider:	Not applicable.	N/A
<ul style="list-style-type: none"> the compatibility of the proposal with the operation of the institution and its users the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling proximity to sources of noise, such as places of entertainment or mechanical workshops proximity to odours, particularly at agricultural institutions previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like. 		
C2		
<p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> length of street frontage, lot configuration, dimensions and overall size number of shared boundaries with residential properties the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use there are suitable drop off and pick up areas, and off and on street parking the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities 	<p>The location and surrounding land uses are compatible with the proposed development.</p> <p>The site is free of environmental risks and potential contaminants.</p> <p>The building is likely to contain asbestos which will be removed and a clearance issued as part of the demolition process.</p> <p>The development has been designed to take into consideration the amenity of surrounding neighbours.</p> <p>The land is not near incompatible land uses, industries or major roads.</p>	Yes

- it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.

C3

A child care facility should be located:

- near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship
- near or within employment areas, town centres, business centres, shops
- with access to public transport including rail, buses, ferries
- in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.

The subject land is located within reasonable proximity to schools.

Yes

The land is 700m to Condell Park shops and 120m to Condell Park High School. Condell Park Public School is 800m away. The land is in proximity to Bankstown Showground.

Main road access is provided by Milperra Road, Edgar Street and Marion Street.

The neighbourhood is located on the East Hills to Lidcombe bus route which links the neighbourhood to East Hills, Panania, Bankstown and Lidcombe with stops opposite the land on Townsend Street and in Manahan Street.

C4

A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

- proximity to:
 - heavy or hazardous industry, waste transfer depots or landfill sites
 - LPG tanks or service stations
 - water cooling and water warming systems
 - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses
 - extractive industries, intensive agriculture, agricultural spraying activities
- any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site.

The land is not located near any activity that poses a risk to the children, staff or visitors.

Yes

The land is not within an area of any adverse environmental risk such as bushfire or flood.

3.2 Local character, streetscape and the public domain interface**C5**

The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place
- reflect the predominant form of surrounding land uses, particularly in low density residential areas

The proposed development is of a form that is compatible with newer residential development that has occurred in the neighbourhood.

Yes

Colours have been selected to reflect the purpose of the proposed building.

New landscaping is proposed in keeping with the garden style landscaping typical of the neighbourhood.

<ul style="list-style-type: none"> • recognise and respond to predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that respond to and integrate with the existing streetscape and local character • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas • in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved. 	<p>Car parking is integrated into the building within the basement.</p>	
C6		
<p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • integrating existing and proposed landscaping with fencing. 	<p>Site layout and landscaping create a delineation between the public and private domain.</p>	Yes
C7		
<p>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>Not applicable as there is one building and one pedestrian point.</p>	N/A
C8		
<p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/ private open space from adjoining public open space • minimal use of blank walls and high fences. 	<p>The land does not adjoin any public park, open space or bushland.</p>	N/A
C9		
<p>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a</p>	<p>Front fences are avoided by the proposed development in favour of landscaping to delineate between the private and public domains.</p>	Yes

heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.

The site is not a heritage item and is not in a conservation area.

C10

High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.

Not applicable as the land does not adjoin a classified road.

N/A

3.3 Building orientation, envelope and design

C11

Orient a development on a site and design the building layout to:

- ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by:
 - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties
 - placing play equipment away from common boundaries with residential properties
 - locating outdoor play areas away from residential dwellings and other sensitive uses
- optimise solar access to internal and external play areas
- avoid overshadowing of adjoining residential properties
- minimise cut and fill
- ensure buildings along the street frontage define the street by facing it
- ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.

The layout of buildings and open spaces has been designed to ensure visual and aural privacy between the development and adjoining properties.

Yes

Visual privacy is maintained.

Yes

Solar access is achieved to the outdoor play areas. Indoor areas are provided with large areas of glazing to enable natural light.

Yes

Overshadowing impacts to the neighbouring properties are typical of any new residential development that could take place on the land.

Yes

Cut and fill above the basement is minimised.

Yes

The building faces the street.

Yes

C12

The following matters may be considered to minimise the impacts of the proposal on local character:

- building height should be consistent with other buildings in the locality
- building height should respond to the scale and character of the street
- setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility
- setbacks should provide adequate access for building maintenance
- setbacks to the street should be consistent with the existing character.

Building height is commensurate with residential forms in the locality.

Yes

Setbacks are in keeping with the residential setbacks in the local streets and allow for privacy to be maintained and for access for maintenance.

Yes

Where a Local Environmental Plan or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a child care facility in the R2 zone.	An FSR of 0.5:1 is prescribed. The site area of 665m ² allows for a GFA of 332.5m ² . The proposed GFA is compliant at 317m ² , which results in an FSR of 0.48:1.	Yes
C13		
Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	Setbacks are compliant with the DCP.	Yes
C14		
On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	Side and rear boundary setbacks observe the prevailing setbacks required for a dwelling house.	Yes
C15		
Entry to the facility should be limited to one secure point which is: <ul style="list-style-type: none"> located to allow ease of access, particularly for pedestrians directly accessible from the street where possible directly visible from the street frontage easily monitored through natural or camera surveillance not accessed through an outdoor play area. in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	Public access to the building is limited to one access point. Vehicle and pedestrian entry points to the land are appropriate having regard to the layout of the land.	Yes
C16		
Accessible design can be achieved by: <ul style="list-style-type: none"> providing accessibility to and within the building in accordance with all relevant legislation linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	Accessibility has been achieved through the provision of accessible parking, appropriate ramp grades, a level floor plate and a lift.	Yes

3.4 Landscaping

C17

Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.

Use the existing landscape where feasible to provide a high quality landscaped area by:

- reflecting and reinforcing the local context
- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.

Screen planting is provided to all boundaries to enhance and soften the development as appropriate.

Yes

C18

Incorporate car parking into the landscape design of the site by:

- planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings
- taking into account streetscape, local character and context when siting car parking areas within the front setback
- using low level landscaping to soften and screen parking areas.

Carparking is provided within the basement to minimise visual impact.

Yes

3.5 Visual and acoustic privacy

C19

Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.

Not applicable as the development is not within a mixed-use context.

N/A

C20

Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

- appropriate site and building layout
- suitably locating pathways, windows and doors
- permanent screening and landscape design.

Appropriate siting and design respects privacy.

Yes

C21

Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

- appropriate site and building layout
- suitable location of pathways, windows and doors
- landscape design and screening.

Appropriate siting and design respects privacy.

Yes

C22

A new development, or development that includes alterations to more than 50

Refer to separate acoustic assessment.

Yes

per cent of the existing floor area, and is located adjacent to residential accommodation should:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use. An acoustic fence is one that is a solid, gap free fence.
- ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.

C23

A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:

Refer to separate acoustic assessment.

Yes

- identify an appropriate noise level for a child care facility located in residential and other zones
- determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use
- determine the appropriate height of any acoustic fence to enable the noise criteria to be met.

3.6 Noise and air pollution

C24

Adopt design solutions to minimise the impacts of noise, such as:

Refer to separate acoustic assessment.

Yes

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of openings facing noise sources
- using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources.

C25

An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:

Not applicable as the land is not located in proximity to any noise generating activity or major road.

N/A

- on industrial zoned land

- where the ANEF contour is between 20 and 25
- along a railway or mass transit corridor, as defined by *State Environmental Planning Policy (Infrastructure) 2007*
- on a major or busy road
- other land that is impacted by substantial external noise.

C26

Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.

Not applicable as the land is not located in proximity to any noise generating activity or major road.

N/A

C27

A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.

Not applicable as the land is not located in proximity to any pollution generating activity or major road.

N/A

The air quality assessment report should evaluate design considerations to minimise air pollution such as:

- creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution
- using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway
- incorporating ventilation design into the design of the facility.

3.7 Hours of operation**C28**

Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.

Hours of operation are proposed to be 7.00am to 7.00pm, weekdays only.

Yes

C29

Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.

Not applicable as the land is not within a mixed-use zone.

N/A

3.8 Traffic, parking and pedestrian circulation

C30

Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.

See DCP assessment at **Appendix C**.

Yes

Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:

Within 400 metres of a railway or Metro station within Greater Sydney:

- 1 space per 10 children
- 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.

In other areas:

- 1 space per 4 children.

A reduction in car parking rates may be considered where:

- the proposal is an adaptive reuse of a heritage item
- the site is in a B8 Metropolitan Zone or other high-density business or residential zone
- the site is in proximity to high frequency and well connected public transport
- the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, public or commercially operated car parks)
- there is sufficient on street parking available at appropriate times within proximity of the site.

C31

In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.

Not applicable as the land is not zoned industrial, commercial or for mixed use.

N/A

C32

A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:

- the amenity of the surrounding area will not be affected
- there will be no impacts on the safe operation of the surrounding road network.

A Traffic and Parking Assessment accompanies this application which concludes that the proposal will not have any unsatisfactory traffic or parking related implications.

Yes

C33		
<p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic. 	Not applicable as the land does not front a classified road or dangerous goods route.	N/A
C34		
Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	Not applicable as the land is not situated on a cul-de-sac.	N/A
C35		
<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • minimise the number of locations where pedestrians and vehicles cross each other • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction • clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. 	<p>The proposed development has been designed to ensure a safe and separate pedestrian pathway into the site.</p> <p>Deliveries are anticipated to take place from the visitors carpark and can be scheduled for outside of peak drop off and pick up times.</p> <p>Otherwise, deliveries will be made from the street noting the availability of on-street parking.</p> <p>Vehicles are able to enter and leave in a forward direction.</p>	Yes
C36		
<p>Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks 	Not applicable as the development is not within a mixed-use building.	N/A

- drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site
- parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.

C37

Car parking design should:

- include a child safe fence to separate car parking areas from the building entrance and play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards
- include wheelchair and pram accessible parking.

The visitors carparking has been designed with regard to these matters.

Yes

2 Applying the National Regulations to development proposals

See assessment at **Appendix A** to this Statement.

APPENDIX C

CANTERBURY BANKSTOWN DEVELOPMENT CONTROL PLAN CHECKLIST

The relevant provisions of the Canterbury Bankstown DCP 2023 have been considered in the assessment of the development application within the following table.

It should be noted that the provisions of the Child Care Planning Guideline will generally take precedence over a DCP, other than building height, side and rear setbacks and car parking rates.

PROVISION	REQUIRED	COMPLIES
3.2 PARKING		
Off Street Parking Schedule		
Centre-based child care facilities		
Car spaces		
1 car space per 4 children; and 2 additional car spaces for the exclusive use of any associated dwelling	49 children = 12.25 spaces 9 spaces are provided. The shortfall is addressed at paragraph 4.3 of this Statement.	No
Bicycle spaces		
1 space per 4 staff	8 staff = 2 spaces 3 bicycle spaces are provided	Yes
10.1 CENTRE-BASED CHILD CARE FACILITIES		
Traffic management		
2.1 Development for the purpose of child care facilities must not result in a street in the vicinity of the site to exceed the environmental capacity maximum. If the environmental capacity maximum is already exceeded, the development must maintain the existing level of absolute delay of that street.	Refer to the Traffic and Parking Assessment.	-
2.2 Development for the purpose of child care facilities must not result in a street intersection in the vicinity of the site to have a level of service below Level B. If the existing level of service is below Level B, the development must maintain the existing level of absolute delay of that street intersection.	Refer to the Traffic and Parking Assessment.	-

2.3	<p>For the purpose of clauses 2.1 and 2.2, development applications must submit a Traffic Impact Study based on the RTA Guide to Traffic Generating Developments to determine:</p> <p>Existing conditions:</p> <ul style="list-style-type: none"> (a) Existing volumes and environmental capacity of streets adjacent to the development. (b) Existing volumes and level of service of street intersections in the vicinity of the development. (c) Existing public transport services in the vicinity of the development. (d) Existing clearway and peak period parking restrictions that apply to streets adjacent to the development. (e) Existing proposals for improvements to the adjacent road system. <p>Proposed conditions:</p> <ul style="list-style-type: none"> (f) The proposed amount of traffic generation and trip distribution of the development. (g) The proposed parking provision of the development. (h) The proposed safety and efficiency of access between the development and the adjacent road network. (i) The proposed safety and efficiency of the set-down and pick-up areas, service areas and car parks. (j) The impact of the proposed generated traffic on the environmental capacity of streets adjacent to the development. (k) The impact of the proposed generated traffic on the level of service of street intersections in the vicinity of the development. (l) The impact of the proposed generated traffic on road safety and traffic noise. (m) The impact of the proposed generated traffic on other major traffic generating development in close proximity. (n) Whether the development must take certain measures to reduce the impact of the proposed generated traffic to an acceptable level. Measures may include a reduction in child 	<p>Refer to the Traffic and Parking Assessment.</p>	-
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care places or the installation of public traffic management devices at the applicant's expense.

Site Layout and Building Envelopes

3.1	The storey limit for child care facilities is two storeys.	The proposal maintains a 2 storey form as shown in the elevations and sections.	Yes
3.2	Child care facilities in the business zones must solely locate on the first storey (i.e. the ground floor) or the second storey of a building to ensure the safe evacuation of children during emergencies.	Not applicable.	N/A
3.3	Facilities or activities for children aged 0–2 years must solely locate on the first storey (i.e. the ground floor) of a building to ensure the safe evacuation of children during emergencies.	Facilities and activities for children aged 0–2 years are located at the ground floor.	Yes
3.4	The minimum setback for child care facilities in Zone R2 Low Density Residential and Zone R3 Medium Density Residential is:		
	(a) 5.5m to the primary street frontage;	5.5m is provided to Townsend Street.	Yes
	(b) 3m to the secondary street frontage;	3.0m is provided to Manahan Street.	Yes
	(c) 1.5m to the side boundary; and	1.5m is provided to the eastern boundary.	Yes
	(d) the basement level must not project beyond the ground floor perimeter of the child care facility.	The basement is contained within the ground floor plate.	Yes
3.5	The minimum setback for child care facilities in Zone R4 High Density Residential is:	Not applicable.	N/A
	(a) 6m to the primary street frontage;		
	(b) 3m to the secondary street frontage;		
	(c) 1.5m to the side boundary; and		
	(d) the basement level must not project beyond the ground floor perimeter of the child care facility.		

3.6	Council will determine the minimum setbacks for child care facilities in zones other than Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential based on the setbacks of the street and the surrounding buildings.	Not applicable.	N/A
3.7	Council may require development that adjoins land in the business zones, industrial zones or rail corridors to have greater setbacks to protect the amenity of children and staff from air and noise pollutants.	Not applicable.	N/A
3.8	Child care facilities must ensure the siting of outdoor areas (such as a balcony or deck) and outdoor play areas avoids: <ul style="list-style-type: none"> (a) a living area or bedroom of an adjoining dwelling; (b) areas forward of the front building line; (c) a road and driveway that may have noise or a possible pollution impact on children; (d) any other potential noise or pollution source; and (e) any potential traffic hazard locations where an out-of-control vehicle may injure children. 	Outdoor areas avoid: <ul style="list-style-type: none"> (a) living areas and bedroom of an adjoining dwelling; (b) areas forward of the front building line; (c) a road and driveway that may have noise or a possible pollution impact on children; (d) any other potential noise or pollution source; and (e) any potential traffic hazard locations where an out-of-control vehicle may injure children. 	Yes
3.9	Child care facilities must be easily accessible to people with disabilities and must comply with the Building Code of Australia and Australian Standard AS 1428.1-2021, Design for access and mobility.	Refer to the Access Report.	Yes
3.10	The siting and design of carparks and driveways must ensure the safe movements of people and vehicles to and from child care facilities.	Refer to the Traffic and Parking Assessment Report.	Yes
Building Design and Energy Efficiency			
4.1	Child care facilities must make efficient use of natural resources and optimise amenity in the design, construction and occupation of buildings and facilities, such as: <ul style="list-style-type: none"> (a) good orientation and natural light to rooms and play areas; 	Play rooms face north and feature large area of glazing to the north to maximise natural light and ventilation.	Yes

	<ul style="list-style-type: none"> (b) limiting building depth to provide natural cross-ventilation and natural light; (c) minimal use of mechanical ventilation; (d) use of sun shading devices; (e) preventing UV factor to open areas; and (f) ensuring the development adapts to the existing topography by avoiding excessive cut and fill. 		
4.2	The design of buildings should achieve a northern orientation to maximise solar access.	The site orientation and design allows for solar access to be optimised to the play areas.	Yes
4.3	<p>The design of buildings must ensure that:</p> <ul style="list-style-type: none"> (a) At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling. (b) A minimum 50% of the required private open space for a dwelling that adjoins a development receives at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected private open space. 	The orientation of the site and the siting of the development is such that the affected dwelling to the east achieves solar access until after 2pm.	Yes
4.4	<p>Child care facilities with 29 children or less in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential may locate in:</p> <ul style="list-style-type: none"> (a) an existing dwelling house; or (b) a purpose-built facility provided the external building design gives the appearance of a dwelling house. 	Not applicable.	N/A

4.5	Child care facilities with more than 29 children in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must locate in a purpose-built facility. The external building design must give the appearance of a dwelling house.	A purpose built facility is proposed. The proposed building takes on the architectural language of a contemporary dwelling in terms of roof forms, modulation and massing.	Yes
4.6	Development for the purpose of new buildings must incorporate architectural elements to articulate the building form and avoid large expanses of blank walls. Architectural elements may include but not be limited to: (a) Defining the base, middle or top of a building using different materials and colours. (b) Incorporating horizontal or vertical elements such as recessed walls or banding. (c) Incorporating recessed or partially recessed balconies within the building wall. (d) Defining the window openings, fenestration, balustrade design, building entrances, and doors. (e) Using sun shading devices. (f) Any other architectural feature to the satisfaction of Council.	The proposed building is well modulated and avoids expanses of blank walls. The upper storey is defined from the lower storey using balcony areas and feature batons on the façade. The building mass has been modulated which is evident from the floorplate in plan view as well as the roof form. The windows are well defined as are sun shading devices.	Yes
4.7	Development for the purpose of new buildings must provide active frontages to the streets and must orientate buildings and pedestrian entrances to the streets.	The development provides an active frontage to the street and must orientates the buildings and pedestrian entrances to the streets.	Yes
4.8	Development for the purpose of new buildings on corner sites must: (a) present each street facade as a main street facade; (b) incorporate architectural features to emphasise the corner address; and (c) ensure the corner element is in proportion with the scale and articulation of the development.	The proposed building addresses both street frontages. The corner is emphasised through the use of the upper level balcony.	Yes

4.9	Development for the purpose of new buildings must have roof designs that: (a) unify separate or attached buildings with a contemporary architectural appearance; and (b) combine good quality materials and finishes.	The roof design is a contemporary design which is in keeping with the emerging dwelling character in the wider area. The roof will use quality materials and finishes for longevity.	Yes
4.10	The maximum fence height for front fences is 1.8m.	Front fences are not proposed.	Yes
4.11	The external appearance of a front fence along the front boundary of the site must ensure: (a) the section of the front fence that comprises solid construction (not including pillars) does not exceed a fence height of 1m above ground level (existing); and (b) the remaining height of the front fence comprises open style construction such as spaced timber pickets or wrought iron that enhance and unify the building design.	Front fences are not proposed.	Yes
4.12	Council does not allow the following types of front fences: (a) chain wire, metal sheeting, brushwood, and electric fences; and (b) noise attenuation walls.	Front fences are not proposed.	Yes
Acoustic Privacy			
5.1	Air conditioning, mechanical ventilation or any other continuous noise source must not exceed the ambient level at any specified boundary by more than 5dB(A).	Noted. The Protection of the Environment Operations Act prevails with regard to the use of air conditioning plant.	Yes
5.2	The location and design of child care facilities must consider the projection of noise from various activities to avoid any adverse impacts on the residential amenity of adjoining land. For the purpose of this clause, Council requires development applications to submit an Acoustic Report prepared by a suitably qualified acoustic consultant to determine: (a) existing noise levels at the identified sensitive receiver locations;	Refer to the Acoustic Impact Assessment which accompanies the development application.	Yes

- (b) likely noise levels to emanate from the child care facility at the identified sensitive receiver locations;
- (c) whether the development must apply measures to ensure the noise of children playing in outdoor areas does not exceed 10dB(A) above the background noise level;
- (d) whether the location and setbacks of the development are sufficient to protect the acoustic privacy of adjacent dwellings;
- (e) whether the location of outdoor areas should avoid living areas and bedrooms of adjacent dwellings; and
- (f) whether the development must install certain noise attenuation measures to protect the acoustic privacy of adjacent dwellings.

The Acoustic Report must measure the noise readings over a 15 minute period and must provide details of all modelling assumptions including source noise data, noise monitoring positions, receiver heights and locations, prevailing meteorological conditions during the monitoring, confirmation of the methodology adopted along with a copy of the model input and output data.

5.3	The maximum height for noise attenuation walls and fences along the boundary of the site is 2m.	The maximum height for noise attenuation walls and fences along the boundary of the site is 2m as noted in the acoustic assessment.	Yes
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Open Space and Landscape

6.1	The location of outdoor play areas must allow supervision from within the child care facility.	Outdoor play areas allow supervision from within the child care facility. Further, play areas are supervised while in use.	Yes
6.2	Outdoor play areas must: <ul style="list-style-type: none"> (a) locate on a land gradient that is predominantly flat; (b) provide access to shade, particularly between 9.30am and 3.00pm during summer months. This may be in the form of a 	Outdoor play areas are flat and feature a mix of solar access and shaded areas. The surface treatments are appropriate for their purpose.	Yes

	shade structure or natural shade from trees;		
	(c) consider the surface treatment in accordance with best practice guidelines in early childhood environments.		
6.3	Outdoor play areas do not include: <ul style="list-style-type: none"> (a) a driveway, parking area, drying area or other service area, undercroft area, balcony and the like; or (b) deep soil zones; or (c) within residential zones, any above ground terrace, deck or verandah where the height of the floor level is more than 300mm above the ground level (existing). 	<p>The outdoor play area does not include driveways, parking areas and the like. There are no deep soil areas between the acoustic fence and the boundary as the acoustic fencing is 2.0m in height and provided to the boundary.</p> <p>The outdoor play area does not include decks or terraces which create additional levels with the outdoor space.</p> <p>Outdoor play area for the 3-5 year group comprises a level terrace at the first floor level.</p>	Yes
6.4	Outdoor play areas must avoid retaining walls where possible.	Outdoor play areas do not require retaining walls.	Yes
6.5	The maximum height for retaining walls in outdoor play areas is 300mm above the ground level (existing), and must incorporate a safety fence or the like to prevent accidental falls.	Outdoor play areas do not require retaining walls.	Yes
6.6	Retaining walls on the boundary of the site must be masonry construction.	Noted.	-
6.7	Development applications must submit a detailed landscape plan prepared by a qualified landscape architect consistent with Council's Landscape Guide.	A landscape plan is provided.	Yes
6.8	Child care facilities in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential must provide: <ul style="list-style-type: none"> (a) a minimum 2m wide deep soil zone along the primary street frontage and secondary street frontage of the site; and (b) a minimum 1.5m wide deep soil zone around the perimeter of the outdoor play area, to act as a buffer to the fence, provide spatial separation to neighbouring properties and enhance the aesthetic quality of the space. 	The proposal provides landscaping around the perimeter of the land.	Yes

6.9	Council will determine the minimum width for deep soil zones for child care facilities in zones other than Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential based on the setbacks of the street and the surrounding buildings.	Not applicable.	N/A
6.10	Where a child care facility forms part of a dwelling house, the development must provide a minimum 80m ² of private open space for the exclusive use of the dwelling house.	Not applicable.	N/A
Safety and Security			
7.1	The front door and at least one window to buildings must face the street to enable natural surveillance.	The front door and windows face the street to enable natural surveillance.	Yes
7.2	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.	Noted.	-
7.3	Child care facilities must separate the car park and any outdoor play area with a safety fence and gates.	Play areas are separate to the car parking and driveway areas.	Yes
7.4	Child care facilities with more than 15 children must erect (at the expense of the applicant) an unscaleable 1.8m high lapped timber fence or the like along the side and rear boundaries of the site.	Fencing is provided to the side and rear boundaries to prevent climbing.	Yes
7.5	Child care facilities must provide safe access for children and people with disabilities, and fire protection and evacuation requirements.	Drop off and pick up is to be carried out within the basement.	Yes
7.6	Child care facilities in existing buildings must remove any existing contamination such as lead based paints and asbestos insulation.	Not applicable.	N/A
Site Facilities			
8.1	The location and design of utilities and building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans.	See separate assessment.	-
8.2	Utilities and building services are to be integrated into the building design and concealed from public view.		

8.3	Child care facilities must ensure the following facilities are not visible to the street or any nearby public open spaces: (a) waste storage areas; (b) storage of goods and materials; and (c) any clothes drying areas.	Utility areas are not visible to a public place.	Yes
8.4	The location and design of substations must be shown on the plans.	A substation is not required.	N/A
8.5	Substations should locate underground. Where not possible, substations are to be integrated into the building design and concealed from public view.	A substation is not required.	N/A
8.6	Substations must not locate forward of the front building line.	A substation is not required.	N/A
8.7	The design, construction, and operation of kitchens and food premises must comply with: (a) <i>Food Act 2003</i> ; (b) <i>Food Regulation 2010</i> ; (c) FSANZ Food Standards Code; and (d) Australian Standard AS 4674–2004, <i>Design, construction and fitout of food premises</i> .	The design, construction, and operation of the kitchen will comply with the relevant Acts, Regulations and Codes.	Yes

APPENDIX D

BANKSTOWN AIRPORT ANEF CONTOURS BANKSTOWN AIRPORT MASTERPLAN 2019

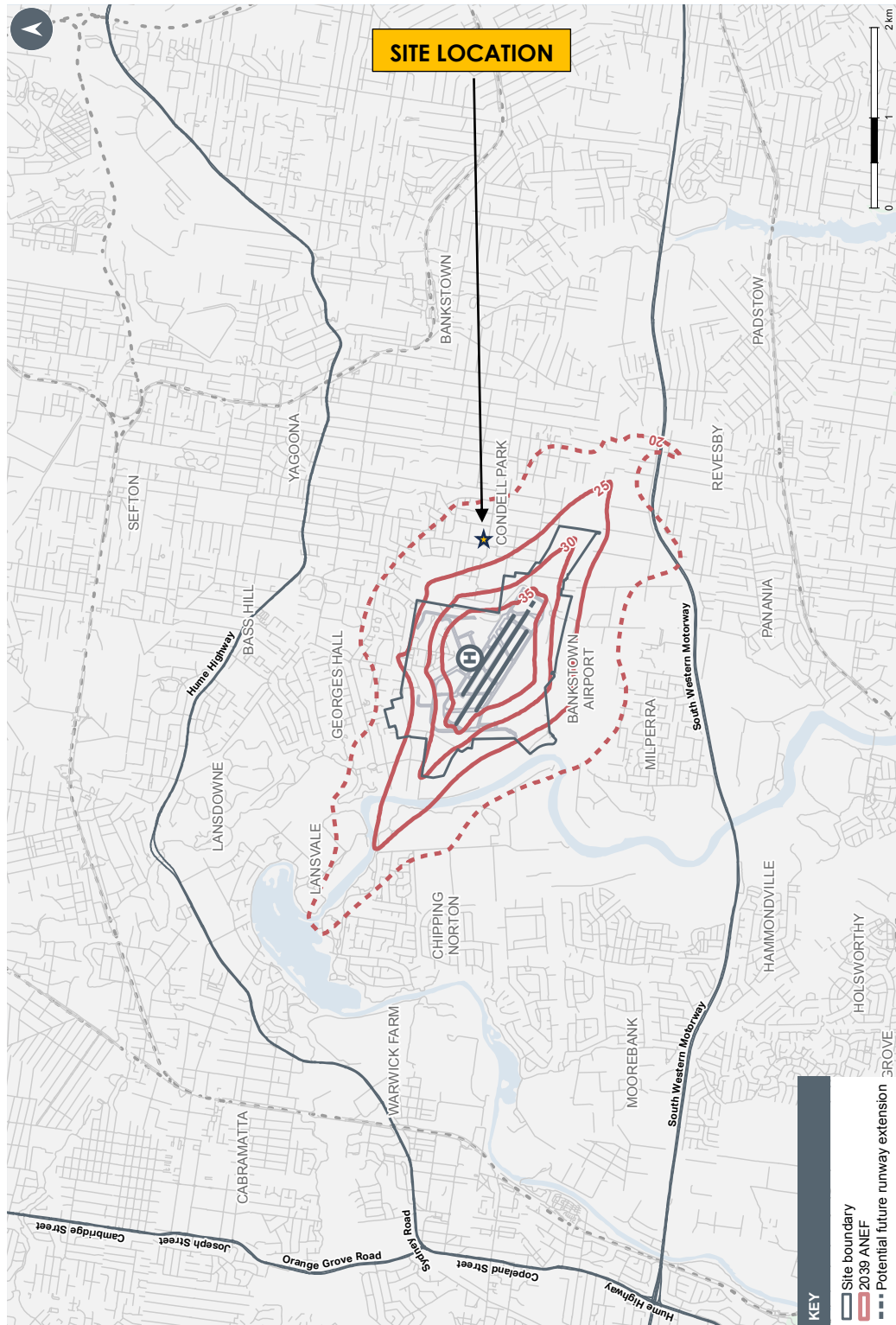


Figure G.1: 2039 ANEF