

ATTACHMENT 9 – Childcare Planning Guideline Assessment

An assessment against Parts 2, 3 & 4 of the Guideline is provided in the tables below:

Requirement	Yes/No	Comments
Part 2 - Design quality principles		
Principle 1 - Context Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.	Yes	The proposed child care centre is centrally located within the Merrylands Town Centre in close proximity to public transport and services.
Principle 2 - Built form Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area. Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.	Yes	The proposed child care centre is within proposed Building B has been integrated to provide safe access from the basement carpark into the centre. The proposed building is contemporary in design and the child care centre is well integrated.
Principle 3 - Adaptive learning spaces Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out. Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately	Yes	The internal layout ensures that there are adequate amenities for both children and adults and that there is an acceptable degree of separation between these. The kitchen and laundry areas have been designed to limit access for children, to ensure safety. The internal play areas are well designed with easy access to toilets, nappy change area and storage. The indoor areas are also well connected with the outdoor areas, with shaded play areas provided.

designed physical spaces offering a variety of settings, technology and opportunities for interaction.		
Principle 4 - Sustainability Sustainable design combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation. Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.	Yes	The centre has been designed with sustainability in mind. The centre receives satisfactory solar access and cross ventilation as indoor spaces are provided with external windows with direct access to the outdoor play areas.
Principle 5 - Landscape Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.	Yes	The Landscape Plan provides a range of shrub and hedge plantings, which serve a landscape and screening function. The proposed outdoor play area will be subject to concurrence as part of a future DA for the use.
Principle 6 – Amenity Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility. Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.	Yes	<p>The child care centre has been designed to provide a high level of amenity to the children. The internal play areas are well designed with easy access to toilets, the nappy change area and storage. The indoor area is also well connected with the outdoor area, with shaded play areas provided.</p> <p>The Landscape Plan demonstrates that the space has been designed to allow for active free play as well as providing equipment for the children. It is noted that the use of the child care centre will be subject to a separate DA, at which stage concurrence for the simulated outdoor area will be sought.</p>
Principle 7 - Safety Well-designed child care facilities optimise the use of the built and natural	Yes	The child care centre has been designed to ensure child safety.

environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately. Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).		The use of the child care centre will be subject to a separate DA which will address all operational matters, including the preparation of a POM.
--	--	---

Part - 3 Matters for consideration		
3.1 Site selection and location		
Objective: To ensure that appropriate zone considerations are assessed when selecting a site. C1 For proposed developments in or adjacent to a residential zone, 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 • traffic and parking impacts of the proposal on residential amenity. 	Yes	<p>The proposal is accompanied by an Acoustic Report which sets out measures to ensure noise impacts are mitigated to adjacent properties.</p> <p>Suitable recommendations for acoustic fencing have been made and these have been included as recommended conditions of consent.</p> <p>Traffic and car parking has been considered and the proposed car parking arrangement will be suitable.</p>
Objective: To ensure that the site selected for a proposed child care facility is suitable for the use. C2 When selecting a site, ensure that: <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"> - size 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 	Yes	<p>The site is located in the Merrylands Town Centre, with good access to public transport and facilities, which is considered acceptable.</p> <p>There are no environmental hazards that could jeopardise the safety of the children.</p> <p>The site is not located in proximity to any incompatible social activities and uses.</p>

<p>sensitive environmental or cultural areas</p> <ul style="list-style-type: none"> • 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 type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • 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. 		
<p>Objective: To ensure that sites for child care facilities are appropriately located.</p> <p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> • 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. 	Yes	The site is centrally located within the Merrylands Town Centre, with good access to transport, services and facilities.
<p>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</p> <p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - 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 	Yes	<p>The site is not located in proximity to any environmental conditions that would be hazardous to children.</p> <p>The site is considered to be suitable for the proposed development having regard to the provisions of SEPP 55 as discussed in the body of this report.</p>

<ul style="list-style-type: none"> • any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 		
3.2 Local character, streetscape and the public domain interface		
<p>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape. C5 The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise 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 • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas. 	Yes	<p>The area is a low to medium density residential zone and surrounding established land uses primarily comprise single and double storey dwellings.</p> <p>The child care centre is retaining the existing single storey residential dwelling, with alterations proposed. The façade treatment identifies the premises as a child care centre, without compromising the existing established streetscape. Landscaping is provided the front area to soften the visual impact of the car parking on the streetscape.</p>
<p>Objective: To ensure clear delineation between the child care facility and public spaces. C6 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>C7 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>	Yes	<p>The child care centre is proposed within a mixed use building and direct secure access is provided from the basement carpark to the centre.</p>
<p>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain. C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage</p>	Yes	<p>No front fencing or retaining walls proposed.</p>

item or within a conservation area front fencing should be designed in accordance with local heritage provisions.		
3.3 Building orientation, envelope and design		
Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade. C11 Orient a development on a site and design the building layout to: <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> - 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. 	Yes	The development is proposed within a mixed use building.
Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised. C12 The following matters may be considered to minimise the impacts of the proposal on local character: <ul style="list-style-type: none"> • 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. 	Yes	The development is proposed within a mixed use building.
Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.	Yes	The development is proposed within a mixed use building.

<p>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.</p> <p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>		
<p>Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</p> <p>C15 The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place. 	Yes	The child care centre is proposed within a mixed use building and direct secure access is provided from the basement carpark to the centre.
<p>Objective: To ensure that buildings are designed to create safe environments for all users.</p> <p>C16 Entry to the facility should be limited to one secure point which is:</p> <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. 	Yes	The child care centre is proposed within a mixed use building and direct secure access is provided from the basement carpark to the centre.
<p>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</p> <p>C17 Accessible design can be achieved by:</p>	Yes	The child care centre is proposed within a mixed use building and direct secure access is provided from the basement carpark to the centre.

<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. <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>		
3.4 Landscaping		
<p>Objective: To provide landscape design that contributes to the streetscape and amenity.</p> <p>C18 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. <p>C19 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • 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. 	Yes	The use of the child care centre will be subject to a separate DA at which stage detailed plans will be provided to address the operational requirements of the child care centre.
3.5 Visual and acoustic privacy		
<p>Objective: To protect the privacy and security of children attending the facility.</p> <p>C20 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	Yes	The child care centre is proposed within a mixed use building, centrally located within the Merrylands Town Centre.

<p>C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 		
<p>Objective: To minimise impacts on privacy of adjoining properties.</p> <p>C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	Yes	The development is situated within a mixed use building which is centrally located within the Merrylands Town Centre.
<p>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</p> <p>C23 A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • 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. <p>C24 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • 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. 	Yes	An Acoustic Report has been submitted with the application and recommended for endorsement as part of the consent. Conditions have been recommended prior to construction, during construction and prior to issue of occupation certificate and post occupation to ensure that acoustic measures are implemented.
3.6 Noise and air pollution		
<p>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</p> <p>C25 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source 	Yes	An Acoustic Report has been submitted with the application and recommended for endorsement as part of the consent. Conditions have been recommended prior to construction, during construction and prior to issue of occupation certificate and post occupation to ensure that acoustic measures are implemented.

<ul style="list-style-type: none"> • 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. <p>C26 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:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 - 2000 • 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. 		
<p>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p> <p>C27 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.</p> <p>C28 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.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p>	Yes	This will form part of a separate DA for the use of the child care centre.

<ul style="list-style-type: none"> • 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		
<p>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</p> <p>C29 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.</p> <p>C30 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.</p>	Yes	This will form part of a separate DA for the use of the child care centre.
3.8 Traffic, parking and pedestrian circulation		
<p>Objective: To provide parking that satisfies the needs of users and demand generated by the centre.</p> <p>C31 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.</p> <p>C33 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:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. 	Yes	The five (5) onsite car parking spaces provided are consistent with the provisions of the HDCP 2013.
<p>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p> <p>C35 Child care facilities proposed within cul-de-sacs or narrow lanes or roads</p>	N/A	N/A

should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.		
<p>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</p> <p>C36 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 • 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. <p>C38 Car parking design should:</p> <ul style="list-style-type: none"> • 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. 	Yes	<p>Separate pedestrian access is provided from the basement where there is a designated drop off/pick up zone for the centre</p> <p>Car parking has been provided in accordance with the provisions of the HDCP 2013.</p>

4. Applying the National Regulations to development proposals		
A. INTERNAL PHYSICAL ENVIRONMENT		
<p>4.1 Indoor space requirements Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. Note: If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP. Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> • passageway or thoroughfare (including door swings) used for circulation • toilet and hygiene facilities • nappy changing area or area for preparing bottles • area permanently set aside for the use or storage of cots • area permanently set aside for storage • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry • other space that is not suitable for children. <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children. When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations. Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated. Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p>	Yes	Sufficient unencumbered indoor space is provided for the proposed number of children.
<p>4.2 Laundry and hygiene facilities Regulation 106 Education and Care Services National Regulations There must be laundry facilities or access to laundry facilities; or other</p>	Yes	A separate laundry facility has been provided.

arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children. Child care facilities must also comply with the requirements for laundry facilities that are contained in the <i>National Construction Code</i> .		
<p>4.3 Toilet and hygiene facilities Regulation 109 Education and Care Services National Regulations A service must ensure that 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 the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. Child care facilities must comply with the requirements for sanitary facilities that are contained in the <i>National Construction Code</i>.</p>	Yes	There is a staff bathroom provided as well as adequate children's pans.
<p>4.4 Ventilation and natural light Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <i>National Construction Code</i>. Ceiling height requirements may be affected by the capacity of the facility.</p>	Yes	Sufficient light and ventilation has been provided to the proposed child care centre.
<p>4.5 Administrative space Regulation 111 Education and Care Services National Regulations A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	Yes	Separate Staff and Admin rooms have been provided.
<p>4.6 Nappy change facilities Regulation 112 Education and Care Services National Regulations Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and</p>	Yes	This will form part of a future DA which stipulates the ages of children attending the centre.

bathing facilities that are contained in the <i>National Construction Code</i> .		
<p>4.7 Premises designed to facilitate supervision</p> <p>Regulation 115 Education and Care Services National Regulations</p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the <i>National Construction Code</i>.</p>	Yes	Suitable sight lines have been incorporated into the internal design of the building.
<p>4.8 Emergency and evacuation procedures</p> <p>Regulations 97 and 168 Education and Care Services National Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. 	Yes	This will form part of a future DA.
B. EXTERNAL PHYSICAL ENVIRONMENT		
<p>4.9 Outdoor space requirements</p> <p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p>Note: If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. 	Yes	Sufficient external play area has been provided for the proposed number of children.

<p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations. Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p>		
<p>4.10 Natural environment Regulation 113 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	Yes	This will form part of a future DA.
<p>4.11 Shade Regulation 114 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	Yes	This will form part of a future DA.
<p>4.12 Fencing Regulation 104 Education and Care Services National Regulations Any outdoor space used by children must be 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. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the <i>National Construction Code</i>.</p>	Yes	This will form part of a future DA.
<p>4.13 Soil assessment Regulation 25 Education and Care Services National Regulations</p>	Yes	

<p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 		<p>The development has been assessed against the provisions of Clause 7 of SEPP 55 and the site is considered suitable.</p>
---	--	---

Education and Care Services National Regulations

The above regulations have been considered in the assessment of the application and proposed development, particularly in relation to Part 4.3 – Physical environment. The development proposal raises no issues with regard to the regulations as the proposal satisfies the requirements of the above regulations as follows:

Requirements	Compliance
<i>Division 1 – Centre-based services and family day care services</i>	
<p>103 Premises, furniture and equipment to be safe, clean and in good repair</p> <p>(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. Penalty: \$2000.</p> <p>(2) This regulation does not apply to a part of a family day care residence that is not used to provide a family day care service.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	Noted. This is a licensing requirement.
<p>104 Fencing</p> <p>(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. Penalty: \$2000.</p> <p>(2) This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age.</p> <p>(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.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	Subject to separate future DA.
<p>105 Furniture, materials and equipment</p> <p>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 the education and care of that child.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	Noted. Licensing requirement.
106 Laundry and hygiene facilities	

<p>(1) The approved provider of an education and care service must ensure that the service has—</p> <p>(a) laundry facilities or access to laundry facilities; or</p> <p>(b) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering—that are adequate and appropriate for the needs of the service.</p> <p>(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.</p> <p>Note. A compliance direction may be issued for failure to comply with subregulation (1) or (2).</p>	<p>Proposed development includes a laundry facility.</p>
<p>107: Space requirements – Indoor space</p> <p>(1) This regulation does not apply in respect of a family day care residence.</p> <p>(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.</p> <p>Penalty: \$2000.</p> <p>(3) In calculating the area of unencumbered indoor space—</p> <p>(a) the following areas are to be excluded—</p> <p>(i) any passageway or thoroughfare (including door swings);</p> <p>(ii) any toilet and hygiene facilities;</p> <p>(iii) any nappy changing area or area for preparing bottles;</p> <p>(iv) any area permanently set aside for the use or storage of cots;</p> <p>(v) any area permanently set aside for storage;</p> <p>(vi) any area or room for staff or administration;</p> <p>(vii) any other space that is not suitable for children;</p> <p>(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.</p> <p>(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.</p> <p>(5) A verandah that is included in calculating the area of outdoor space cannot be included in calculating the area of indoor space.</p> <p>(6) In this regulation a reference to a child does not include—</p> <p>(a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or</p> <p>(b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).</p> <p>Note.</p>	<p>Complies. The proposal is consistent with this requirement.</p> <p>Noted.</p>

A compliance direction may be issued for failure to comply with subregulation (2).	
<p>108: Space requirements – Outdoor space</p> <p>(1) This regulation does not apply in respect of a family day care residence.</p> <p>(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. Penalty: \$2000.</p> <p>(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—</p> <p>(a) any pathway or thoroughfare, except where used by children as part of the education and care program;</p> <p>(b) any car parking area;</p> <p>(c) any storage shed or other storage area;</p> <p>(d) any other space that is not suitable for children.</p> <p>(4) A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.</p> <p>(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—</p> <p>(a) the Regulatory Authority has given written approval; and</p> <p>(b) that indoor space has not been included in calculating the indoor space under regulation 107.</p> <p>(6) In this regulation a reference to a child does not include—</p> <p>(a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or</p> <p>(b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).</p> <p>Note. A compliance direction may be issued for failure to comply with subregulation (2).</p>	Complies. The proposal is consistent with this requirement.
<p>109 Toilet and hygiene facilities</p> <p>The approved provider of an education and care service must ensure that—</p> <p>(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</p> <p>(b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p>	Complies. Adequate toilet pans and facilities have been provided for children.
110 Ventilation and natural light	

<p>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—</p> <ul style="list-style-type: none"> (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. <p>Penalty: \$2000.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Complies.</p>
<p><i>Division 2 – Additional requirements for centre-based services</i></p>	
<p>111 Administrative space</p> <p>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—</p> <ul style="list-style-type: none"> (a) conducting the administrative functions of the service; and (b) consulting with parents of children; and (c) conducting private conversations. <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Complies. Separate Staff and Administration rooms have been provided.</p>
<p>112 Nappy change facilities</p> <ul style="list-style-type: none"> (1) This regulation applies if a centre-based service educates and cares for children who wear nappies. (2) The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing. (3) Without limiting subregulation (2), the approved provider of the service must ensure that the following are provided— <ul style="list-style-type: none"> (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. <p>Penalty: \$1000.</p> <ul style="list-style-type: none"> (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. <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Subject to future separate DA.</p>
<p>113 Outdoor space – natural environment</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.</p> <p>Example. The use of natural features such as trees, sand and natural vegetation.</p> <p>Note.</p>	<p>Subject to separate future DA and concurrence.</p>

A compliance direction may be issued for failure to comply with this regulation.	
<p>114 Outdoor space – shade</p> <p>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. Penalty: \$1000.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	Subject to separate future DA and concurrence.
<p>115 Premises designed to facilitate supervision</p> <p>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.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	Sightlines have been incorporated into the internal design of the development to ensure supervision of children at all times.