ETHOS URBAN

Appendix L – Child Care Guideline Part 2, Part 3 and Part 4 Response Table

Component	Proposal
Part 2: Design Quality Principles	
Principle 1 - Context	The proposed child care centre is located in a mixed use development within the Liverpool Civic Place Precinct which is to be characterised by a range of civic and commercial uses. The surrounding context is also evolving which includes the development of large residential projects in the Liverpool CBD. The proposed centre is located within walking distance of Liverpool Rail Station and will provide a service for both the new residents to the area, new employees within the buildings as well as workers within the CBD. As such, the child care centre is considered highly appropriate for the context.
Principle 2 – Built form	The proposed child care centre is within a mixed use development, on Level 6 of the civic building which comprises ground floor retail and commercial levels up to 11 storeys. The child care centre is afforded a full level, and as such, has views available to the north, south, east and west. The proposed development is of a high architectural quality and the future fit out will appropriately relate to the quality of the base building design.
Principle 3 – Adaptive learning spaces	It is noted that the DA only seeks consent for the location and use of Level 6 as a child care centre. The fit out and operation of the centre will be subject to a subsequent application. Notwithstanding this, FJMTstudio has prepared a test fit out plan in the Design Report which demonstrates that the proposal is capable of accommodating 90 children with a variety of learning and play spaces.
Principle 4 – Sustainability	ESD principles have been integrated into the base building design and will continue to be developed through the detailed design stages. The buildings are to be designed to meet stringent NCC 2019 Section J requirements; the Council commercial building is designed to achieve a 5 Star NABERS Energy Base Building and a 3.5 Star NABERS Water Whole Building ratings; 5 Star Green Star Design & As Built v1.3 certification for the council commercial building. The ESD report prepared by Stantec demonstrates that the proposed design will enhance occupant comfort addressing issues of thermal and visual comfort and indoor air quality.
Principle 5 – Landscape	A comprehensive landscape scheme has been prepared by FJMTlandscape. The child care centre is integrated with a precinct that presents a high quality landscaped setting including the provision of a central public plaza with planters and turfed areas. A detailed landscaping scheme will be developed for the play areas of the child care centre as part of a separate application for the detailed fit out.

Component	Proposal
Principle 6 – Amenity	The base building affords a high level of amenity to the Level 6 child care centre space. The base building allows for a large indoor area as well as a simulated outdoor play area with a louvered opening to ensure the centre achieves natural ventilation. The amenity of the centre and the finer grain design detail will be developed as part of a future application for the fit out of the space.
Principle 7 – Safety	Access to the child care centre will be controlled by restricted lift access. The Level 6 centre provides an outlook in every direction, therefore achieving high levels of passive surveillance. Detailed safety management features will be integrated into the detailed design of the proposal and the childcare centre.
Part 3: Matters for consideration	
3.1 Site selection and location *Objective: To ensure that appropriate zone considerations are assessed when selecting a site.*	✓ With the proposed development, the inclusion and provision of a child care centre is complementary to the primary use of the site as a commercial and civic development. The commercial, library and council chambers and neighbouring multi-residential will require community services such as a child care centre. In this regard, the proposed child care centre is appropriately located.
Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.	
Objective: To ensure that sites for child care facilities are appropriately located.	
Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.	
3.2 Local character, streetscape and the public domain interface *Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.*	✓ The proposed child care centre is not standalone, as it is integrated into a mixed use building on Level 6. Affording the child care centre an entire level ensures there is a clear delineation between the child care centre, other uses and the public domain.
Objective: To ensure clear delineation between the child care facility and public spaces.	
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.	
3.3 Building orientation, envelope and design *Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.*	✓ The proposed child care centre is contained within the civic commercial building to the south of the site. Located on Level 6, it optimises solar access by maximising aspects to the north, south, east and in part to the westerly aspect.

Component	Proposal
Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.	The scale of the child care centre is compatible with adjoining development given its distance and separation. Access is clearly defined and legible with a shared foyer and lift lobby with civic building. Integrated lighting will provide safe navigation to and from the child care from the public realm access points. Further information will be provided with the subsequent detailed design and fit-out application.
Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.	
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.	
Objective: To ensure that buildings are designed to create safe environments for all users.	
Objective: To ensure that child care facilities are designed to be accessible by all potential users.	
3.4 Landscaping *Objective: To provide landscape design that contributes to the streetscape and amenity.*	✓ A comprehensive landscape scheme has been prepared by FJMT Landscape. The child care centre is integrated with a precinct that includes high quality landscaped setting including the provision of a central public plaza with significant tree planting and ground plane interest. A detailed landscaping scheme will be developed for the play areas of the child care centre with the detailed fit-out application.
C18 *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.*	The child care centre will have the benefit of looking over and below onto the new public plaza.

Component	Proposal
C19 *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.*	Car parking is contained within the basement and the child care centre is located on Level 6. As such, no parking is integrated in the landscape design. However, the planting of trees within the public plaza will provide shading to reduce summer heat. The façade design of the buildings is a combination of glass and solid infill paneling to reduce potential glare or reflectivity issues.
3.5 Visual and acoustic privacy *Objective: To protect the privacy and security of children attending the facility.*	✓ Refer to discussion below.
C20 *Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.*	There are no open balconies projecting or overlooking the child care centre.
C21 *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.*	The child care centre is located on Level 6 of the civic building. Therefore, due to its height from the nearest public space there is no adjacent public areas that can overlook indoor rooms and play spaces.
Objective: To minimise impacts on privacy of adjoining properties.	✓ Refer to discussion below.

Component	Proposal
C22 *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.*	There is currently residential accommodation to the north west of the proposed childcare centre, at 300 Macquarie Street. However there are no openings any of its private open spaces and living spaces.
Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments. *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:* *• 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.*	There is currently residential accommodation to the north west of the proposed childcare 300 Macquarie Street. There are no openings on any of its private open spaces and living spaces. The proposed child care centre is not open to the west where residential accommodation is located and mechanical ventilation has been integrated within the base building design. Specifically, mechanical plant and equipment for the main building program is at roof level. Local plant dedicated for the child care will be located on the same floor.
C24 *A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:* *• 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.*	Stantec has prepared an Acoustic Impact Assessment that considers the internal and external noise impacts to and from the child care centre. Further detailed acoustic impact analysis will be provided with the submission of the detailed fit out and operation application.
3.6 Noise and air pollution *Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.*	✓ Refer to discussion below

Component	Proposal
C25 *Adopt design solutions to minimise the impacts of noise, such as:* *• 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.*	Stantec has prepared an Acoustic Impact Assessment that considers the internal and external noise impacts to and from the child care centre. Further detailed acoustic impact analysis will be provided with the submission of the detailed fit out and operation application.
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:* *• 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.*	Stantec has prepared an Acoustic Impact Assessment that considers the internal and external noise impacts to and from the child care centre. Further detailed acoustic impact analysis will be provided with the submission of the detailed fit out and operation application.
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.	✓ Refer to discussion below
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.*	The child care centre is appropriately located and the outdoor play area is not oriented to Terminus Street. Further to this, the site is not in the immediate vicinity of any intrusive or industrial development.

Component	Proposal
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.* *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.*	In light of the above, the proposed child care centre is considered appropriately located, however any detailed air quality monitoring can be conducted and mitigated if necessary during the preparation of the detailed fit out of the childcare centre.
3.7 Hours of operation *Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.*	N/A
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.*	Standard hours of operation of between 7am-6pm weekdays is proposed and can be conditioned.
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.	Standard hours of operation of between 7am-6pm weekdays is proposed and can be conditioned.

Component	Proposal
3.8 Traffic, parking and pedestrian circulation Objective: To provide parking that satisfies the needs of users and demand generated by the centre.	✓ Refer to discussion below
Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.	✓ Refer to discussion below
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.*	The proposal allocates 21 basement car parking spaces to the child care use. 11 of these spaces are allocated for staff and 10 are allocated as drop off / pick up spaces. This is consistent with the relevant Council DCP car parking rate as detailed within the Traffic Impact Assessment.
C32 *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.*	No on-street parking is provided for dedicated child care use or operation.
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:* *• the amenity of the surrounding area will not be affected* *• there will be no impacts on the safe operation of the surrounding road network.*	Refer to the Traffic Impact Assessment.
Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.	

Component	Proposal
C34 *Alternate vehicular access should be provided where child care facilities are on sites fronting:* *• a classified road* *• roads which carry freight traffic or transport dangerous goods or hazardous materials.* *The alternate access must have regard to:* *• the prevailing traffic conditions* *• pedestrian and vehicle safety including bicycle movements* *• the likely impact of the development on traffic.*	Vehicle access is from the safety of an off street below ground car park taking all access to child care facilities off the road network. Pedestrian access is from the safety of the public civic plaza space defined by the new library and the Civic building.
C35 *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.*	The site is and island and bound by roads with basement access off Terminus Street, as such emergency access is not restricted.
Objective: To provide a safe and connected environment for pedestrians both on and around the site.	✓ Refer to discussion below
C36 *The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:* *• 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.*	The proposal is generally compliant, noting that: • A separate pedestrian access from the car park to the facility can be accessed via the core lifts. • Pedestrian entry is separated from the vehicle entry from the street for parents, children and visitors • Delivery and loading areas are located away from the main pedestrian access to the building and in clearly designated, loading bay accessed off Terminus Street • The path of travel from the car parking to the centre entrance is physically separated from any truck circulation or parking areas • Vehicles can enter and leave the site car park in a forward direction.

Component	Proposal
C37 *Mixed use developments should include:* *• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks* *• 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.*	The proposal includes a dedicated loading bay sized for MRV vehicles.
C38 *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.*	Car parking is provided below ground in basement areas and is separated from the building entrances. Accessible parking spaces are located next to the core and lift that connects parking areas to the Level 6 Childcare Lobby.
Part 4: Applying the National Regulations to development proposals	
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 3.25m^2 of unencumbered indoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.	The test fit out confirms that the child care centre level can achieve 292.5m2 of unencumbered indoor space for 90 children. The detailed fit out will be resolved as part of the subsequent application for the fit out and operation of the centre.
It is recommended that a child care facility provide: *• a minimum of 0.3m3 per child of external storage space* *• a minimum of 0.2m3 per child of internal storage space.*	The test fit out confirms that the child care centre level can achieve the storage requirements. The detailed fit out will be resolved as part of the subsequent application for the fit out and operation of the centre.

Component	Proposal
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 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 National Construction Code.	The test fit out confirms that the childcare centre level can achieve the laundry and hygiene requirements. The detailed fit out will be resolved as part of the subsequent DA for the fit out and operation of the centre.
On site laundry facilities should contain: *• a washer or washers capable of dealing with the heavy requirements of the facility* *• a dryer* *• laundry sinks* *• adequate storage for soiled items prior to cleaning* *• an on site laundry cannot be calculated as usable unencumbered play space for children*	The test fit out confirms that the child care centre level can achieve the laundry and hygiene requirements. The detailed fit out will be resolved as part of the subsequent application for the fit out and operation of the centre.
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 National Construction Code.	The test fit out confirms that the child care centre level can achieve the toilet and hygiene requirements. The detailed fit out will be resolved as part of the subsequent application for the fitout and operation of the centre.
Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants	The test fit out confirms that the childcare centre level can achieve the laundry and hygiene requirements. The detailed fitout will be resolved as part of the subsequent application for the fitout and operation of the centre.

Component	Proposal
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 National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.	The child care level has a mix of predominantly fully glazed with solid clad curtain wall façade around all sides. The test fit-out illustrates that the children's activity rooms are located around the outside of the floor plate against the glass giving them more than adequate access to natural light. Ancillary areas, like reception, office and meeting rooms are located in the darker areas of the floorplate. The simulated outdoor areas are also located against the external façade of the building giving great quality of natural light flooding the area. It is proposed that a portion of the windows are manually operated louvres which will allow cross-ventilation through the floor plate.
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.	The test fit out confirms that the child care centre level can achieve adequate administrative space. The detailed fitout will be resolved as part of the subsequent application for the fitout and operation of the centre
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.	The test fit out confirms that the childcare centre level can achieve the nappy change facility requirements. The detailed fitout will be resolved as part of the subsequent application for the fitout and operation of the centre.
Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.	The test fit out confirms that the childcare centre level can achieve the nappy change facility requirements. The detailed fitout will be resolved as part of the subsequent application for the fitout and operation of the centre.
4.7 Premises designed to facilitate supervision - Regulation 115 Education and Care Services National Regulations	
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	The base building allows for an open floor plate. The test fit out confirms that the childcare centre can facilitate high levels of supervision. The detailed fitout will be resolved as part of the subsequent application for the fitout and operation of the centre.

Component	Proposal
Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.	The base building allows for an open floor plate. The test fit out confirms that the childcare centre can facilitate high levels of supervision. The detailed fitout will be resolved as part of the subsequent application for the fitout and operation of the centre.
4.8 Emergency and evacuation procedures – Regulations 97 and 168 Education and Care Services National Regulations	
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: *• 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.*	The detailed fitout will be resolved as part of the subsequent application for the fitout and operation of the centre. In addition a detailed emergency evacuation plan will be prepared and submitted by a qualified specialist.
Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example: *• independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations* *• a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation.*	A fire engineer has been engaged to design for emergency exit. A fire rated 'Safe Haven's' have been provided to assist with egress. This spaces will have direct access to a fire isolated stair. These spaces area are sized in accordance with the number of proposed children at the centre (0.25 sqm per person on the floor). Similarly, emergency air handling systems will be incorporated in the even that emergency egress is required. The detailed fitout will be resolved as part of the subsequent application for the fitout and operation of the centre.
An emergency and evaluation plan should be submitted with a DA	A detailed emergency evacuation plan will be prepared and submitted by a qualified specialist with the fitout and operation of the childcare centre once the future operator has been appointed.

Component	Proposal
4.9 Outdoor space requirements – Regulation 108 Education and Care Services National Regulations	
An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m^2 of unencumbered outdoor space.	The child care centre is located on Level 6 of a mixed use development. For a centre of 90 children a minimum of 630m2 of unencumbered outdoor space is required. It is proposed that the outdoor space will be comprised of a simulated outdoor space.
If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.	In light of the above, it is noted that the proposal may require concurrence of the regulatory authority. Notwithstanding this, exemptions to the provision of real outdoor space have been considered for densely populated areas where outdoor space is a premium (e.g. CBD areas). The proposed child care centre is located within a high density precinct and should be assessed in relation to this. The proposed development contains 21,668m2 of GFA. It is anticipated that the child care centre will service the future workforce within the buildings as well as surrounding residents. It is noted that a similar child care centre in Barangaroo Sydney is operated by Guardian. A child care centre located on an upper level of a dense tower development with all of the outdoor space simulated. This particular development embraces City of Sydney's 2005 DCP Controls for childcare in the inner city. We anticipate taking a similar approach with this proposal. Refer: https://www.guardian.edu.au/childcare-early-learning-centres/nsw/sydney/barangaroo/ The proposed child care design is 100% simulated outdoor space. This design decision being that increasing the real covered outdoor space would not create better or more authentic outdoor experiences for the children. Rather, it would create deep, dark outdoor spaces which are difficult to manage thermally and difficult to adequately light. This allows complete control of the thermal and lit environment and maximises the opportunities of blurring the lines between classroom and play space, formal circulation and informal play circuits. The delineation between indoor and simulated outdoors is broken down by removing walls, windows and doors and replacing them with joinery shelves and other low built elements which divide spaces informally allowing the simulated outdoor space to seamlessly overlap with the activity spaces.

Component	Proposal
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. Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.	The simulated outdoor space will be carefully designed to include a variety of natural elements – undulating landscaped surfaces, sand pits, water play, indoor planting, timber decking, and play equipment normally associated with real outdoor space. Natural materials will include a dry creek bed, timber, artificial grass and other textural materials. Above ground child care centres are becoming more common in mixed use precincts. Recent above ground child care centres with simulated outdoor play areas include: • Australian Technology Park Building 3 – Level 3, 90 children • 21 Harris Street Pyrmont – Level 1, 90 children • Darling Exchange Building, Level 3 and Level 4, 90 Children • Barangaroo Tower 1, Level 1
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.	Where needed, shade will be provided to the simulated outdoor space – this may include areas located near the glazed façade.
Outdoor play areas should: *• have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.* *• provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area* *• have evenly distributed shade structures over different activity spaces.*	As noted above, the outdoor play space will be simulated outdoor space. The final fitout will be subject to subsequent development consent.
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.	All bounding facades to the simulated outdoor space will provide the required fence/barrier requirements Refer to architectural elevations.

Component	Proposal
Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.	This has been provided and will be tracked through next design phase to ensure continued compliance with the NCC.
Design considerations for side and rear boundary fences could include: *• being made from solid prefinished metal, timber or masonry* *• having a minimum height of 1.8 metres* *• having no rails or elements for climbing higher than 150mm from the ground.*	This has been provided.
4.13 Soil assessment – Regulation 25 Education and Care Services National Regulations	
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: *• 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.*	A PSI has been prepared by GOLDER for the Concept DA. It is noted that the proposed child care centre is on Level 6 of the Civic Building and the outdoor play area is contained within the building envelope.
An assessment of soil for a children's service approval application *may require three levels of investigation:* *• Stage 1 - Preliminary investigation (with or without soil sampling)* *• Stage 2 - Detailed site investigation* *• Stage 3 - Site specific human health risk assessment.*	