

STATEMENT OF ENVIRONMENTAL EFFECTS  
Penrith Council

Demolition of existing structures; construction of single-storey two-hundred (200) place child care centre with car parking, fencing, tree removal, landscaping, drainage and associated site works at  
Lot 4211, DP1150762, 15-17 Garswood Road Glenmore Park

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Revision A



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## 1.0 EXECUTIVE SUMMARY

This report has been prepared to accompany a Development Application for a proposed 200 place, single storey child care centre and associated car parking at 15-17 Garswood Road Glenmore Park.

The applicant is a reputable, licensed child care provider with an established track record of operating numerous facilities throughout Sydney under the business name 'Wiggles and Giggles'. Their philosophy is based on high quality 'Play Based Programs' reflecting the 'Early Years Learning Framework' and the regulatory requirements of the National Quality Standards.

The proposed child care centre seeks to cater for a total of 200 children, being 20 x 0-2 years, 30 x 2-3 years, 120 x 3-5 years, and 30 x >5 years after school care with 25 staff operating from 6:30am to 6.30pm, Monday to Friday. Suitable internal and external activity areas are proposed for each age group, along with associated facilities and amenities, in accordance with the Education and Care Services National Regulation. A total of 45 car spaces will be provided on-site. Signage will be provided under Exempt Development provisions.

The site is zoned E4 Environmental Living under Penrith Local Environmental Plan 2010. The proposed development is a permissible use and meets the objectives of the E4 zone by providing suitable services for residents in a convenient location that is compatible with the available infrastructure, services, facilities and environmental capabilities of the land whilst minimising any potential adverse impacts or conflict between land uses within the zone and land uses within adjoining zones. The proposal complies with the requirements of SEPP (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guidelines and generally complies with the main essential criteria set out in the Penrith DCP 2014.

The proposed development has been assessed against the matters for consideration listed in Section 4.15 of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. The proposal is considered satisfactory with regard to relevant matters such as Urban Design, Acoustic, Access, Traffic Impact, Drainage, ESD, Site Contamination, Amenity, Social and Economic Impacts and the like, subject to the imposition of suitable conditions of any consent to satisfactorily control the development. In this regard, it is considered that the subject site is suitable for the proposed development and that the proposal, providing much needed child care services in the locality, is in the public interest.

## 2.0 INTRODUCTION

This report has been prepared to accompany a Development Application for a proposed 200 place, single storey child care centre and associated car parking at 15-17 Garswood Road Glenmore Park.

The proposed child care centre is permissible with consent in the E4 Environmental Living under Penrith Local Environmental Plan 2010. The development is defined as a:

*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 \(NSW\)](#)),*

**Note.**

*An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided.*

*but does not include—*

- (c) a building or place used for home-based child care or school-based child care, or*
- (d) an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or*
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

The area surrounding the site is predominantly characterised by rural residential uses with associated recreational, community, educational and commercial areas. Opposite the site on the southern side of Garswood Road is Penrith Golf Course. The existing built form in the locality and along this section of Garswood Road comprises large single and double storey rural residential dwellings with associated large sheds and outbuildings. Surveyors Creek Public School is approximately 900m to the west. Penrith Anglican College is approximately 1.4km to the south-east.

The subject site is well serviced by nearby bus public transport and enjoys vehicular access to the nearby surrounding regional road network of The Northern Road and M4 via Garswood Road.

The subject site is located within 1km of 1 other existing child care centre.

This statement will address the proposal in the context of the applicable planning legislation including:

- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and Child Care Planning Guideline;*
- *State Environmental Planning Policy No. 55 – Contaminated Land;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *Penrith Local Environmental Plan 2010; and*
- *Penrith Development Control Plan 2014.*

The proposal has also been designed in accordance with the requirements of the *Education and Care Services National Regulations 2012*.

This report is to be read in conjunction with the following associated documents and plans prepared as a part of this Development Application:

- *Architectural Site Analysis, Floor Plans, Roof Plans, Sections and Elevations, Streetscape Elevation, Shadow Diagrams, Schedule of Finishes, Emergency Evacuation Plan*
- *Landscape Concept Plan*
- *Stormwater Management Plan and Erosion and Sediment Control Plan*
- *Survey Plan*
- *Waste Management Plan*
- *Site Contamination Report*
- *Traffic Report*
- *Acoustic Report*
- *Arborist's Report*

### 3.0 BACKGROUND

#### 3.1 Pre-DA Meeting

A Pre-DA meeting (PL19/0081) was held with Council on 19 November 2019.

The current proposal has been designed to address the issues raised and the following comments are provided:

- *Any application received must appropriately identify that the proposal is responsive and compliant with the objectives of the subject sites E4 Environmental Living zoning.*

Comment: The proposal is consistent with the relevant zone objectives as outlined further in this Report.

- *A review of Council's mapping system has identified that a marked watercourse is located upon the subject site and within 40m of the subject parcel of land on 9-13 Garswood Road (Lot 4210, DP 1150762). In this regard, any development application received is required to be referred under the requirements of the Water Management Act 2000 to the Natural Resource Access Regulator for the provision of a Controlled Activity Approval and is therefore considered to be 'Integrated Development' as provided by Clause 4.46 of the Environmental Planning and Assessment Act, 1979.*

Comment: It is noted that Council's mapping system identifies remnant ephemeral watercourse located across the front south-eastern corner of the site and that the Department of Lands topographical map identifies this as a part of a former watercourse extending from the eastern side of the Northern Road as shown in the extracts below.



However, it is considered that this watercourse has since been diverted as a result of recent upgrade works to The Northern Road given no culvert or drain has been provided under The Northern Road, effectively 'cutting off' the upstream section of the former watercourse and leaving a minor overland flowpath from the adjoining property at 9-13 Garswood Road that drains into the piped drainage system within Garswood Road. Therefore, it is considered that the subject site no longer contains a watercourse as defined and, as such, the proposal does not constitute 'integrated development' requiring approval under the Water Management Act 2000.

- *Any application received must provide for appropriate considerations of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and Child Care Planning Guidelines published by the NSW Department of Planning. Supporting documentation must be provided identifying that there is an unmet need in the community for the proposed child care.*

Comment: The proposal is consistent with the requirements of the SEPP and Child Care Planning Guidelines as outlined further in this Report. It is noted that there is no requirement under the SEPP for the proposal to demonstrate an unmet need in the community. In this regard, Clause 26 of the SEPP expressly states that any provision of a DCP in relation to demonstrated need or demand for child care services does not apply.

- *A review of the accompanying plans has identified that the proposal is noncompliant with the maximum height control of 8.5m applicable for the subject site. You are encouraged to provide for a compliant overall building height to allow for a built form more sympathetic with its surrounds. It is noted that Clause 4.6 of the Penrith Local Environmental Plan 2010 provides that development consent may be granted for development even though the development would contravene a development standard.*

Comment: The proposal has been designed to comply with the maximum permitted building height of 8.5m and provides a built form that is sympathetic with its surrounds.

- *Any design received should take due consideration of the existing topography of the subject site. A review of the accompanying plans identifies a built form which is currently provided with an amount of cut to the rear of the building and fill to its front portion which is considered to create an inappropriate relationship with its surrounds and may impede equitable*



*access being provided from either the rear outdoor play area or front car parking spaces.*

Comment: The proposal has been designed having regard to the topography of the site with minimal cut and fill and accommodates suitable design levels for accessibility and parking.

- *Consideration should be given to the positioning of any building so as to maintain an acceptable relationship with adjoining dwellings. This is considered integral to minimise direct visual and amenity loss for adjoining neighbours*

Comment: The siting of the proposal has been designed to maintain an acceptable relationship with adjoining dwellings and does not result in any adverse visual privacy or amenity impacts to adjoining properties.

- *The provision of a child care centre with a capacity for 172 children plus staff is considered to create a significant change to the existing context of the subject site and its surrounds. In this regard, appropriate documentation is to be provided identifying the merit of such a proposal as well as the social impacts created by the intended use.*

Comment: It is acknowledged that the proposed capacity of 200 children plus staff will result in some change to the existing context. However, it is accompanied with separate Traffic and Acoustic Reports prepared by suitably qualified consultants confirming that the design of the proposal has satisfactorily mitigated any potential adverse impacts.

Further, the proposed development is a permissible use and meets the relevant objectives of the E4 zone given the land use is compatible with the available infrastructure, services, facilities and environmental capabilities of the land whilst minimising any potential adverse impacts or conflict between land uses within the zone and land uses within adjoining zones. The proposal complies with the requirements of SEPP (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guidelines and generally complies with the main essential criteria set out in the Penrith LEP 2010 and DCP 2014 as discussed within this report.

Therefore, it is considered that the proposal results in acceptable social impacts given the positive social impacts arise through the provision of essential child care services and ongoing employment opportunities while any potential negative impacts have been satisfactorily mitigated through the design of the proposal.

- *Any application received is to be accompanied with appropriate landscaping for the subject site. In this regard, if the proposal is to maintain a buffer from the outdoor play area to the adjoining rear and side setbacks, a landscape plan is to accompany any proposal giving due consideration to a strong landscaping presence in this for this portion of the subject site.*
- *Consideration is to be given in maintaining the existing open nature presentation of the subject site when viewed from Garswood Road and allowing for the incorporation of an appropriate mix of landscaping including mature trees to the front setback area. Any landscaping scheme should consider its immediate surrounding neighbours and aim to maintain the current context.*
- *As discussed within the Pre DA meeting, it is considered appropriate that the 5 staff overflow spaces be removed and this area further incorporated into the overall landscaping scheme.*
- *The provision of landscaping bays within the proposed car parking area is considered necessary with any application received. In this regard, the size of planted areas and their location within the car parking area should be increased to sustain larger trees interspaced throughout the car park. Your attention is also presented to the 'Cooling the City Strategy' prepared by Penrith City Council, dated August 2015 which should be considered in terms of maximising the understanding of the effects of heat and the importance of cooling in relation to the current proposal.*

Comment: The proposal is accompanied with appropriate landscaping as indicated in the submitted Landscape Plan with suitable landscape buffers maintained from the outdoor play area to the adjoining rear and side setbacks and a suitable mix of landscaping within the front setback and car parking area. The extent of hardstand within the parking area has been minimised with each car space comprising approximately 38% of turf in 1m wide strips to minimise the heat island effect.

- *The proposal will provide for a significant increase in the amount of hardstand on the subject site via the incorporation of a large car parking area. The nature of this parking is not considered to be consistent with its surrounds and in this regard, appropriate justification must be provided as to its merit when viewed from a streetscape perspective and from surrounding properties.*

Comment: The proposed parking area provides for required on-site parking provision and is suitably distanced from the front and side property boundaries and softened with detailed landscape planting and as such, will not result in any adverse streetscape, landscaping, stormwater or amenity impacts.

- *The built form is not considered to provide for an acceptable presentation to its surrounds in its present form. The building is considered void of appropriate articulation to either the ground or first floor with no proportion and symmetry provided to openings or architectural features. In this regard, it is considered appropriate that a redesign of the proposal be provided for to improve its visual presentation. In addition, any application received is to be provided with an external colours and finishes schedule.*

Comment: The design of the proposal provides suitable articulation and visual interest with a variety in finishes and materials as indicated in the submitted architectural plans.

- *Concern is raised in regard to the position of the lift and its ability to provide for equitable access for users of the facility from indoor to outdoor play areas. Consideration should be given to the repositioning of the lift to enable an improved line of access to the lobby/corridor areas of both the ground and first floor. In this regard, repositioning the lift so as to be visible from the main entry and to allow persons exiting the lift on the ground floor (from the first floor) a more direct and shorter access path to the rear outdoor play area is considered appropriate.*

Comment: The design of the proposal provides equitable access for users and complies with the relevant accessibility requirements.

- *Any application received will identify what the proposed hours of operation are to be for the centre.*

Comment: The hours of operation will be from 7:00am to 6:00pm with staff shoulder times 6:30am to 6:30pm.

- *Any application received is to give appropriate consideration to the nature of cut or fill provided across the subject site. You are encouraged to maintain a design which will create minimal disturbance to the existing topography.*

Comment: The proposal will necessitate minimal cut and fill across the site in order to achieve the necessary design levels for stormwater and access. No ground level changes are proposed within 3m of any side and rear boundaries.

- *Consideration of comments provided within this correspondence may create an impact upon the current conceptual design. In this regard, you are encouraged to take a flexible approach to the size and scale of the proposal which may include a reduction in its overall size to cater for a use which is more in line with the capacity of the subject site.*

Comment: The issues raised have been considered as a part of the design of the proposal and the overall size and scale of proposal reflects the capacity of the site given no adverse stormwater, landscaping, bulk and scale, amenity, traffic or acoustic impacts arise.

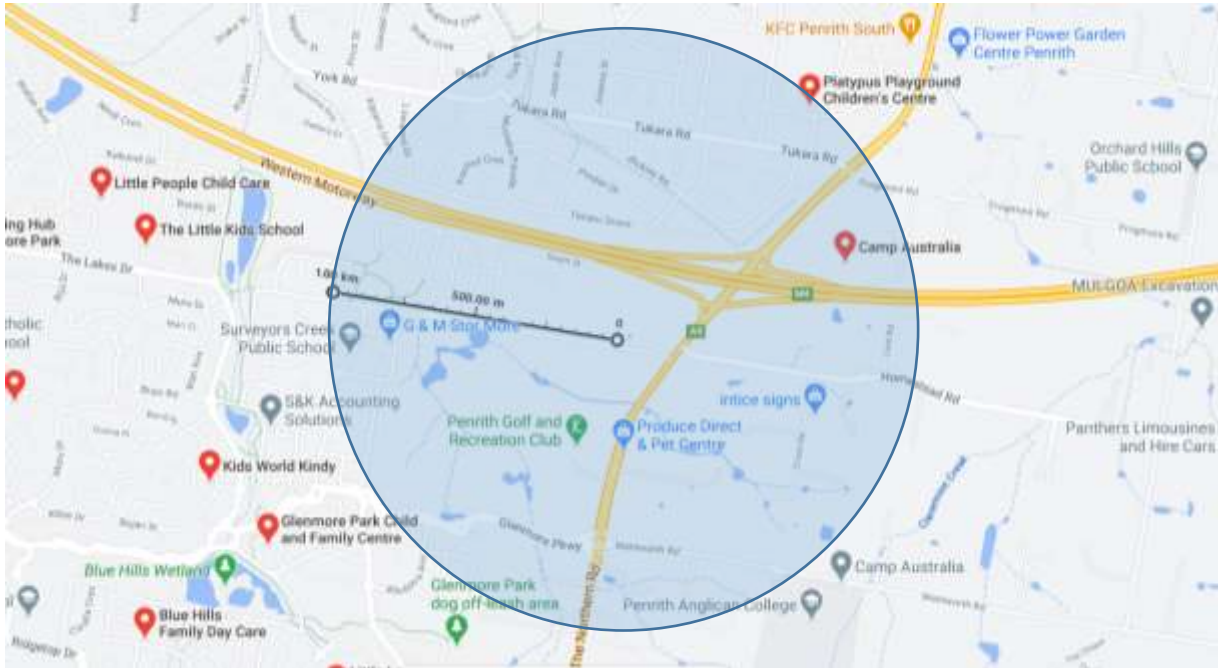
- *Engineering, Traffic, Environmental Management, Waste, and Building Matters*

The proposal is accompanied with a traffic report, acoustic report, arborist report, site contamination report, waste management plan, landscape plan, stormwater drainage plan, shadow diagrams and architectural plans confirming that no adverse impacts arise and that the site is suitable for the proposed development.

## 4.0 SITE LOCATION

### 4.1 Context and Location

The subject site is located on the northern side of Garswood Road between The Northern Road and South Street. The subject site is located within 1km of 1 other existing child care centre.



**Figure 1: Site Location (Source Google Maps)**

The subject site is well serviced by nearby bus public transport and enjoys vehicular access to the nearby surrounding regional road network of The Northern Road and M4 via Garswood Road.

The area surrounding the site is predominantly characterised by rural residential uses with associated recreational, community, educational and commercial areas. Opposite the site on the southern side of Garswood Road is Penrith Golf Course. Surveyors Creek Public School is approximately 900m to the west. Penrith Anglican College is approximately 1.4km to the south-east.



**Figure 2: Site Context (Source NearMaps)**

The existing built form in the locality and along this section of Garswood Road is characterised by large single and double storey rural residential dwellings with associated large sheds and outbuildings and large front setbacks with turf and scattered trees and long driveways.

The subject site is not in the vicinity of any hazardous industries, or LP gas sites, and is considered to be safe from any other environmental health hazards, such as high lead levels, hazardous industries or proximity to cooling tower drift in high rise building areas.

## 4.2 Site Details

The subject land, being Lot 4211 in DP 1150762, is irregular in shape and has a total area of 9024.2sqm. The land is bounded by Garswood Road to the south, and rural residential properties to the north, east and west. The site has a depth of 130.76m, rear width of 87.69m and frontage of 50m to Garswood Road.



Figure 3: Aerial Photo (Source Six Maps)

The proposed development site is currently improved by a detached single storey dwelling with associated structures and scattered trees and low open style rural fencing. Existing driveway access is available to Garswood Road approximately 125m away from the intersection with The Northern Road.

The topography of the development site falls approximately 6.25m across the site from north (rear) to south (front).

The site is unaffected by heritage, land reservation acquisition, scenic landscape values, biodiversity, bushfire, flooding or riparian corridor constraints.

Power and water are available and sewer connection can be made available.

Existing views of the site are provided in the figures below.



Figure 4: Existing streetscape view looking east



Figure 5: Existing streetscape looking west



## 5.0 DEVELOPMENT PROPOSAL

The proposal seeks development consent for the following:

- Demolition of existing structures
- Construction of a 200 place, single storey child care centre with at-grade car parking containing 45 car spaces
- Associated site works, shade structures, acoustic fencing, retaining walls, drainage, tree removal and landscaping works

The design rationale seeks to provide an overall building siting and massing with a high degree of contextual fit in the existing rural residential setting with large open landscaped front setbacks and scattered trees and minimal fencing whilst accommodating the required parking and play areas and minimising any potential adverse amenity impacts. The scale of the proposal reflects the size and capacity of the site to suitably accommodate a single storey articulated built form with compliant setbacks, building height, indoor and outdoor play areas, car parking, landscaping and fencing.

The proposed child care centre accommodates a total of 200 children, being 20 x 0-2 years, 30 x 2-3 years, 120 x 3-5 years, and 30 x >5 years after school care with 25 staff operating from 6:30am to 6.30pm, Monday to Friday.

The overall height of the building is 8.47m to the top of roof where the existing ground level is RL54.33. The building maintains minimum setbacks of 13m to the eastern side boundary, 13.48m to the western side boundary, 10m to the northern rear boundary of 3m, and 84m to the southern front boundary.

The car parking area contains 45 car spaces and is located approximately 65m to 75m away from the southern front boundary and softened with a landscaped front setback area. The extent of hardstand within the parking area has been minimised with each car space comprising approximately 38% of turf in 1m wide strips.

The acoustic fencing is 1.8m high and maintains 3m landscaped setbacks to side and rear boundaries.

Unencumbered internal activity areas are proposed on the ground floor, along with associated nappy change, bottle preparation, sleeping facilities, age appropriate toilets, storage areas, kitchen and administration and first floor laundry, staff room and storage, in accordance with the Education and Care Services National Regulation 2012. Separate outdoor play areas for each age group totalling have been provided with suitable shading and finished with soft fall and artificial turf surfaces. Signage will be provided under Exempt Development provisions.

The building will be constructed of brick, painted render, timber, glazing and lightweight cladding and colourbond rooves. Appropriate colour selections for the windows, gutters and fascias will be utilised to provide variation to the external appearance of the development.

To facilitate vehicular access, separate entry and exit driveways are proposed.

Stormwater drainage is proposed via a pit and pipe system and on-site detention tank and direct connection to the street. In order to achieve the design levels required for access and stormwater cut and fill and retaining walls within the site are proposed, with no ground level changes within 3m of side and rear boundaries.

The proposal seeks to retain the identified high retention value existing mature trees and remove low to moderate retention value exotic trees in order to accommodate the proposal and ensure a safe outdoor play environment. Suitable landscaping within the front setback will be provided to soften the appearance of the development.

In accordance with the accompanying Acoustic Report prepared by Day Design, a Noise Management Plan will be implemented as a part of the operation as follows:

- All staff and parents are provided with a copy of the Centre's Noise Management Plan and its implications for them during their time at the Centre.
- Neighbours should be provided with the name and contact details of the Centre Director, and the invitation to contact that person at any time the Centre is operating.
- Staff arriving prior to 7am should park in the dedicated staff parking spaces.
- All external windows and sliding doors to all indoor play areas shall remain closed during noisy activities such as singing or the use of amplified music.
- Facilitating children/s small group play when outside and encouraging educators to engage in children's play and facilitate friendships between children.
- Crying children should be comforted as quickly as possible and moved indoors.

## 6.0 PLANNING CONTROLS

### 6.1 STATE PLANNING FRAMEWORK

#### 6.1.1 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The above SEPP and associated Child Care Planning Guidelines aim to ensure a consistent approach to facilitating the provision of child care services across NSW and establishes Design Guidelines consistent with the requirements of the National Quality Framework.

The proposal is consistent with the requirements of the SEPP as follows:

#### Clause 22 Centre-based child care facility—concurrency of Regulatory Authority required for certain development

- (1) *This clause applies to development for the purpose of a centre-based child care facility if:*
- (a) *the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the [Education and Care Services National Regulations](#),*  
*or*
  - (b) *the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.*

**Comment:** Not Applicable – the proposed indoor and outdoor play areas comply with the unencumbered space requirements.

#### Clause 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*

**Comment:** Complies – refer to discussion below under Child Care Planning Guideline and Appendix A for compliance under the National Regulations.

#### Clause 25 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.*
- (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,*
  - (b) *indoor or outdoor space*

- (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations 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*
- (ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,*
- (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,*
- (d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.*
- (3) To remove doubt, this clause does not prevent a consent authority from:*
  - (a) refusing a development application in relation to a matter not specified in subclause (2), or*
  - (b) granting development consent even though any standard specified in subclause (2) is not complied with.*

**Comment:** Complies with indoor and outdoor unencumbered space requirements and the subject site is considered suitable for the proposed use given no adverse streetscape or amenity impacts arise.

Clause 26 Centre-based child care facility—development control plans

- (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:*
  - (a) operational or management plans or arrangements (including hours of operation),*
  - (b) demonstrated need or demand for child care services,*
  - (c) proximity of facility to other early education and care facilities,*
  - (d) any matter relating to development for the purpose of a centre-based child care facility contained in:*
    - (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or*
    - (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).*
- (2) This clause applies regardless of when the development control plan was made.*

**Comment:** Complies – refer to discussion below under Child Care Planning Guideline and Appendix A for compliance under the National Regulations.

## Child Care Planning Guideline

Section 1.4 of the Guidelines states:

*The SEPP generally provides that Development Control Plans seeking to regulate development for a child care facility will not apply, except for controls relating to building height, rear and side setbacks and car parking rates. The following table helps different users understand how the Guideline fits with the SEPP, and how they should apply it.*

### Application of Child Care Planning Guideline

SEPP Provision	Proponents	Consent authorities	Regulatory authority: Concurrence / Service Approval
<b>Guideline as a consideration</b>	Use the Guideline when preparing a development application to ensure once built, the development meets the physical requirements for the subsequent service approval application.	Consider Parts 2, 3 and 4 of the Guideline.  Review the National Quality Framework Assessment Checklist.	Assess Concurrence request against relevant sections of Part 4 and the National Quality Framework Assessment Checklist.
<b>Controls in Development Control Plans</b>	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.  Where there is no DCP, use all Parts of the Guideline to inform DA preparation.	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.  Where there are no DCP provisions consider the development application against the matters in the Guideline.	N/A.
<b>Concurrence</b>	Complete and submit National Quality Framework Assessment Checklist.  Prepare DA in accordance with Part 4 of the Guideline and Regulations 107 & 108 of the National Regulations.	Check National Quality Framework Assessment Checklist to assess need for concurrence.  Refer to regulatory authority if insufficient unencumbered indoor or outdoor space provided.	Check National Quality Framework Assessment Checklist to review unencumbered space provisions – indoor and outdoor.  Advise consent authority of determination regarding concurrence.

The proposal has been designed by a registered architect, Gardner Architects, and is consistent with the design quality principles as follows:

### Principle 1 – Context

The proposal as discussed further below:

- achieves good design that responds and contributes to its context, including the key natural and built features of the local area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions; and
- is a well-designed child care facility that responds to and enhances the qualities and identity

of the area including adjacent sites, streetscapes and neighbourhood; and takes 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.

#### *Principle 2 - Built form*

The proposal as discussed further below:

- achieves good design with a scale, bulk and height appropriate to the existing or desired future character of the surrounding area; 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; and a variety of materials, colours and textures; and
- provides an appropriate built form that defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook; and
- is an example of contemporary facility design that is 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.

#### *Principle 3 - Adaptive learning spaces*

The proposal as discussed further below:

- achieves good facility design through site layout, building design, and learning spaces fit-out that 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; and
- achieves a mix of inclusive learning spaces to cater for all students and different modes of learning with appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

#### *Principle 4- Sustainability*

The proposal as discussed further below:

- provides sustainable design with positive environmental, social and economic outcomes via natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs; as well as suitable recycling and

re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation; and

- is a well-designed facility that is durable and embeds 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.

#### *Principle 5 – Landscape*

The proposal as discussed further below:

- achieves well-integrated landscape and buildings, resulting in an attractive development with good amenity; and contributing to the landscape character of the streetscape and neighbourhood; and
- provides well-designed landscapes that make outdoor spaces assets for learning with diversity in function and use, age-appropriateness and amenity; and
- 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.

#### *Principle 6 – Amenity*

The proposal as discussed further below:

- positively influences internal and external amenity for children, staff and neighbours; and contributes to positive learning environments and the well-being of students and staff; and
- achieves good amenity combines through 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; and
- facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.

#### *Principle 7 – Safety*

The proposal as discussed further below:

- optimises the use of the built and natural 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;
- balances safety and security with the need to create a welcoming and accessible environment; and

- provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community, which incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).

The proposal is considered satisfactory with respect to the matters for consideration under Section 3 the Child Care Planning Guideline, (which take precedence over the provisions of a DCP with the exception of building height, side and rear setbacks and car parking rates), as follows:

Matters for consideration

*3.1 Site selection and location*

Council’s DCP provisions relating to the suitability of the site for the purpose of child care centres do not apply. The site is suitably zoned E4 Environmental Living and environmentally safe from potential risks and hazards with suitable access available from Garswood Road. The proposal generally complies with the building height and setback requirements under the LEP and DCP, and is supported by individual Site Contamination, Acoustic and Traffic Reports prepared by suitably qualified consultants confirming that the site is environmentally safe from potential risks and hazards and that the proposal will not result in any adverse acoustic or traffic impacts. Accordingly, the site is considered suitable for the proposal.

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

The proposal has been designed to be compatible with the local character and surrounding streetscape.







27 Garswood Road



7-13 Garswood Road

As shown in the perspective view below, noting that in excess of 50m of landscaped front setback as proposed is out of view, the bulk, form, and massing of the proposal is generally consistent with the requirements of Penrith DCP and provides a high degree of contextual fit within this section of Garswood Road with a large open landscaped area within the front setback as viewed from the street and existing low rural fencing maintaining opportunities for passive surveillance.



### *3.3 Building orientation, envelope, building design and accessibility*

The proposal has been designed to comply with the local building height and setback controls whilst minimising any potential adverse overshadowing or amenity impacts. The proposal is considered to achieve compatibility with the existing and desired future built form character of the locality and this section of Garswood Road.

The siting and design of the building is considered to be a reasonable design response that is not excessive or overbearing in the immediate context and necessary to accommodate safe and convenient access and car parking provision. The design of the proposal provides for a safe environment accessible by all potential users and suitable outdoor play areas with acceptable solar access and shading that responds to the natural environment.

### *3.4 Landscaping*

The proposal provides a landscape design that contributes to the streetscape and amenity through high quality outdoor play areas and removal of unsuitable existing trees, generally of moderate retention value and/or exotic garden species, to be replaced with suitable replacement trees and landscape screen planting.

### *3.5 Visual and acoustic privacy*

The proposal has been designed to ensure no adverse visual or acoustic privacy impacts to adjoining properties through the provision of suitable fencing preventing visual overlooking and acoustic amenity impacts from the indoor and outdoor play areas.

### *3.6 Noise and air pollution*

The proposal is accompanied by an Acoustic Report which provides suitable noise mitigation measures to ensure that outside noise levels are minimised to acceptable levels during operation. Potential impacts from external road noise will also be suitably mitigated as a part of the proposal. The proposal is also accompanied with an Air Quality Assessment, which confirms that the site is not adversely affected by potential air pollution from Great Western Highway or the M4 motorway and is not in the vicinity of any hazardous industries.

### *3.7 Hours of operation*

Standard hours of operation from 7am to 6pm Monday to Friday are proposed with staff 'shoulder times' of 6:30am to 6:30pm compatible with the residential nature of the locality.

### *3.8 Traffic, parking and pedestrian circulation*

The proposal complies with Council's car parking requirements and is accompanied by a Traffic Report which confirms that the proposal has been designed to satisfactorily and safely accommodate the anticipated car parking demands of the use and that no adverse traffic impacts will arise.

### 6.1.2 State Environmental Planning Policy No. 55 (Remediation of Land)

SEPP 55 specifies certain considerations for development on land with respect to the potential for contamination, particularly for sensitive land uses such as development for residential, educational or recreational purposes. The subject site has been used for residential purposes with accessible soils and as such, is suitable for the proposed child care centre use in accordance with the requirements of the SEPP.

Relevantly, Clause 7 states:

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) The land concerned is:*
  - (a) land that is within an investigation area,*
  - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
  - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
    - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
    - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The proposal is accompanied with a Site Contamination Report confirming that the proposed child care use is suitable for the site. Therefore, it is considered that the requirements of Clause 7 – "Contamination and remediation to be considered in the determination of development applications" have been satisfactorily addressed.

## 6.2 LOCAL PLANNING FRAMEWORK

### 6.2.1 Penrith Local Environmental Plan 2010

The subject site is zoned E4 – Environmental Living pursuant to Penrith Local Environmental Plan 2010 as shown in Figure 5 below. The proposed development, being a child care centre, is permissible with consent in this zone.

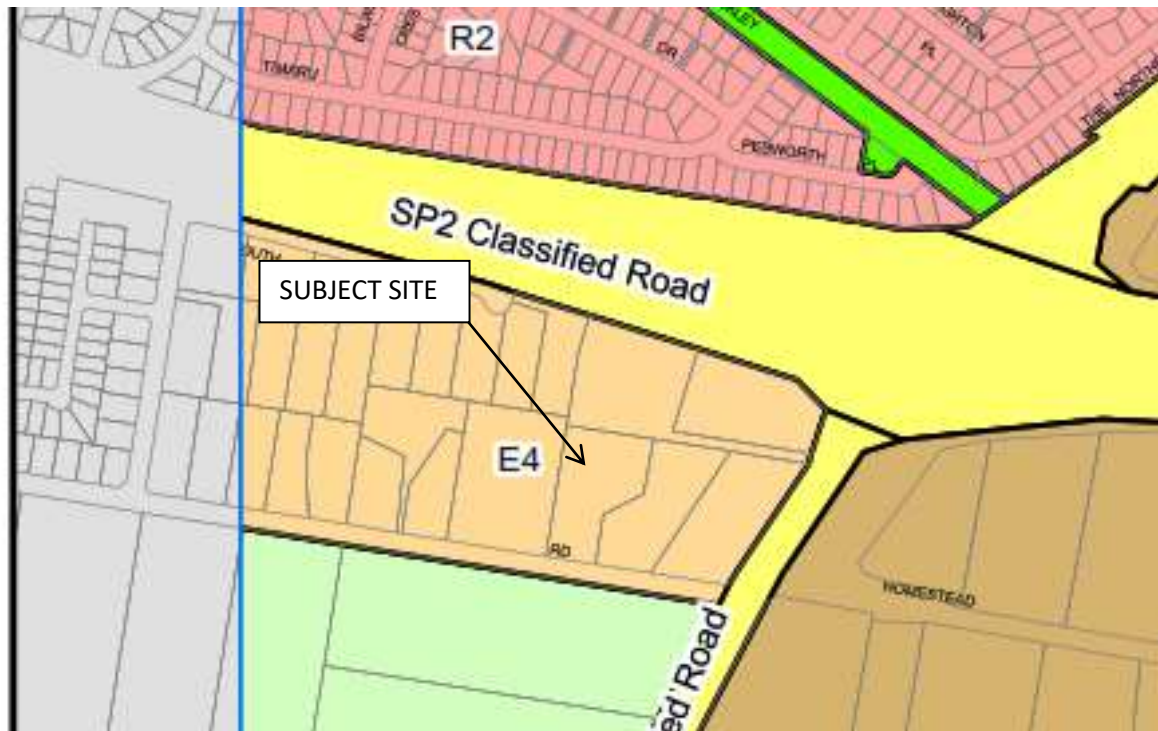


Figure 6: Zoning Map

The objectives of the zone are as follows:

#### 1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.

The proposed child care centre will provide essential child care services, is a permissible use and meets the relevant objectives of the E4 zone given the land use is compatible with the available

infrastructure, services, facilities and environmental capabilities of the land whilst minimising any potential adverse impacts or conflict between land uses within the zone and land uses within adjoining zones.

The following clauses are applicable to the proposal:

- Clause 4.3 Height of Buildings
- Clause 7.1 Earthworks
- Clause 7.4 Sustainable development
- Clause 7.6 Salinity
- Clause 7.7 Servicing

The Height of Building Map provides that a building is not to exceed a maximum height of 8.5m. In this instance, the development provides a maximum height of less than 8.5m and as such, the proposal complies.

The proposed earthworks associated with the car park, access requirements to outdoor play areas and overall stormwater management measures have been designed to ensure no adverse impacts to adjoining properties or the stormwater drainage system and suitable construction methods and soil erosion and sediment control measures will be implemented during construction to ensure no adverse impacts in terms of salinity. Further, the proposed design incorporates suitable sustainability features and will be connected to reticulated water and sewer and will not result in any additional demand on public amenities or services.

## 6.2.2 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014 was prepared and exhibited in accordance with the *Environmental Planning and Assessment Act 1979*. It is a detailed document providing controls and design recommendations for all land as defined pursuant to the DCP. The DCP covers performance and design guidelines and controls related to environmental performance, social performance, amenity issues and design elements.

Noting the operation of the SEPP and associated Child Care Planning Guideline expressly override provisions related to location, site selection, distance separation, capacity, landscaping, location of indoor and outdoor play areas, and play area design, the subject proposal has been assessed against the applicable controls and guidelines of the DCP and is considered to be compliant with the principle standards and consistent with the intent of the development standards.

In addition, it is noted that pursuant to section 4.15(3A) of the *Environmental Planning and Assessment Act 1979*, the consent authority is not to require more onerous standards where a development complies with standards set out under the DCP provisions and is required to take a flexible approach in the application of DCP provisions where a development does not comply with those standards, and allow reasonable alternative solutions that achieve the object of those standards. In this instance, the proposal complies with the relevant standards set out in the DCP and the findings of that assessment are tabulated in Table 1 below.

**Table 1: Compliance Table: Penrith Development Control Plan 2014**

Development Standard	DCP	PROPOSAL	COMPLIANCE
Building Height	8.5m	<8.5m Single storey	YES
Building Setbacks: Front Side Rear	15m 5m 5m	>15m >5m >5m	YES YES YES
Carparking: 1 per 10 places 1 per 1 staff	200/10 = 20 visitors 25 staff	20 visitors 25 staff	YES YES

### 6.3 Section 4.15 Environmental Planning and Assessment Act 1979

This section undertakes an assessment of the proposal in the context of the heads of consideration set out in Section 4.15(1) of the Environmental Planning and Assessment Act as follows:

HEADS OF CONSIDERATION	RESPONSE
<p><i>(a) the provisions of –</i></p> <p><i>(i) any environmental planning instrument, and</i></p> <p><i>(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and</i></p> <p><i>(iii) any development control plan, and</i></p> <p><i>(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,</i></p>	<p>The proposal’s compliance and consistency with the provisions of the SEPP, Child Care Planning Guideline, LEP and DCP have been addressed in detail at Sections 5.1 and 5.2 of this Statement. In general terms the child care centre development is permissible within the R3 zone and is consistent with the aims and objectives of the SEPP, HLEP and HDCP.</p>
<p><i>(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,</i></p>	<p>The likely impacts of the proposal have been addressed in detail at Section 6.1.2 and Section 7 of this Statement. The proposal is considered satisfactory with regard to relevant matters such as Built Form, Access, Amenity, Privacy, Traffic Impact, Stormwater Drainage, ESD and the like, subject to the imposition of suitable conditions of consent to satisfactorily control the development.</p>
<p><i>(c) the suitability of the site for the development</i></p>	<p>The site being a rectangular allotment recently registered to be used for residential purposes has frontage to Garswood Road with moderate through traffic flows. This promotes the site as a relatively safe site for a child care centre with no access required via Great Western Highway. The proposed development is designed with respect to the slope of the site and intended residential uses, while the proposed vegetation details are noted on the Landscape Plan accompanying this application.</p>
<p><i>(d) any submissions made in accordance with this Act or the regulations,</i></p>	<p>This matter would relate to Council’s public exhibition of the development.</p>
<p><i>(e) the public interest.</i></p>	<p>The proposed development is considered to be in the public interest.</p>

## 7.0 KEY CONSIDERATIONS

### 7.1 Design & Planning Principles

The proposed development has been designed to reflect current trends and to accommodate a building form which will be compatible with the Council's vision for the locality. The design has particular regard to:

- the scale and form of development on nearby and adjoining lands;
- the existing and future form of development along Garswood Road;
- the appearance and scale of the buildings when viewed from Garswood Road;
- the high accessibility of the site and likely minimal amenity impacts.

The outcome of these considerations is, it is contended, a development which:

- will be of a high quality appearance and finish;
- compliments the existing and likely scale of development on adjoining land; and
- has minimal impact on the amenity of the locality due to its positioning and orientation.

### 7.2 Traffic and Pedestrian Access/Circulation

The proposed development is for a 200 place child care centre and the traffic generation is considered to be acceptable in this location with a local distributor road and adequate sight distances in a low speed residential environment, as set out in the traffic report. It is thus considered that the development as proposed is an acceptable form of development within this precinct and generates vehicular movements capable of being catered for by the existing road system in this locality.

The proposed development has been designed in order to promote easy accessibility within the development as well as by the general public. Sufficient car parking has been provided to cater for the expected traffic generation of the development.

### 7.3 Streetscape Appearance

The existing streetscape of this locality comprises one and two storey large detached dwellings along this section of Garswood Road.

The finished elevations for the proposed building will be generally compatible with mixed material finishes, brick, timber, colorbond and cladding of existing built form in this locality. The proposed child care centre will be compatible with the scale of built form in this locality. The final design has resulted in a development which will be of a high quality finish and has interesting articulation and material finish variations and variety in its openings.



This will be further complemented by providing suitable landscaping, as a landscape buffer to soften the appearance of the development. Therefore, the proposal will maintain a consistent relationship with the anticipated scale and character of the streetscape.

#### **7.4 Solar Access & Shading**

The height and setback of the proposed development ensures that adequate solar access is maintained and no adverse overshadowing impacts will arise given a minimum of 3 hours solar access is maintained to internal living areas and 50% of minimum private open space to adjoining properties between 9am and 4pm at midwinter as shown on the shadow diagrams accompanying this application. In accordance with the requirements of the Education and Care Services National Regulations 2012, appropriate shading has been provided based on 2.5sqm per child at the critical protection time of 12pm December 22.

#### **7.5 Privacy & Amenity**

The design of the development has had regard to the orientation and design of adjoining buildings in determining the final built form with the intent of minimizing any potential adverse impacts for existing neighbours where possible. In this regard, acoustic mitigation measures in accordance with the recommendations of the Acoustic Report will be provided in order to mitigate any potential acoustic amenity impacts on adjoining residential properties. Details will be provided prior to the issue of any construction certificate.

#### **7.6 Waste Management**

The proposed waste collection system for the development shall be controlled by operators of the child care centre and will be undertaken in accordance with the submitted Waste Management Plan. It is proposed that garbage storage will be provided in a bin enclosure, as illustrated in the development plans, and this will be easily serviced and accessible for users.

All builders waste during the construction phase will be removed from the site at regular intervals and disposed of at an approved waste dump in accordance with the waste management plan attached to this development application. The site will be kept clean and tidy at all times.

#### **7.7 Stormwater Drainage**

A stormwater drainage scheme has been prepared and submitted as part of the development plans for this proposal. The Stormwater Concept Plan attached to the development application provides for the collection of any runoff from the roofs, comprising eaves gutters designed to a 20 year ARI standard. The surface runoffs are collected in an onsite detention system via pits and pipes and transferred to the street.

## **7.8 General Services**

### **7.8.1 Sewer and Water**

Reticulated water and sewer is available to the site, with necessary adjustments and servicing of the proposed development to be in accordance with Sydney Water requirements.

### **7.8.2 Electricity Supply**

Electricity is available to the site and will be connected to the building additions in accordance with the Authority requirements.

## **7.9 Cut and Fill**

In order to achieve the design levels required for access and stormwater cut and fill and retaining walls within the site are proposed, with no ground level changes within 3m of side and rear boundaries. However, this is considered acceptable as the retaining walls are fully contained within the property boundary and no adverse amenity, tree or stormwater impacts arise.

## **7.10 Social and Economic Impacts**

In general terms the proposal is not considered to result in any adverse social or economic impacts that would otherwise not be reasonably acknowledged for a permitted form of development in the zone.

The proposal will provide employment through the construction phase and any temporary construction impacts will be managed by suitable conditions of any approval.

The siting and design of the built form is considered to result in an acceptable streetscape appearance. In this regard, the built form is considered to be a reasonable design response that is a permissible form of development in the E4 zone, complies with relevant building height, setback, and fencing controls, is not excessive or overbearing in the immediate context and accommodates safe and convenient access and car parking provision with suitable landscaped areas within the front setback area. In addition, it is noted that the proposal maintains excellent internal amenity with north facing play areas and high ceilings with clerestory windows to maximise solar access as well as natural cross-ventilation.

The proposal is accompanied with acoustic and traffic reports prepared by suitably qualified consultants that confirm no adverse noise or traffic impacts arise from the subject proposal. Further, suitable offsets to windows are provided to prevent overlooking to adjoining properties and the shadow diagrams confirm that compliant solar access is maintained to adjoining properties.

The proposal will provide child care services for the local area and is suitably located in proximity to nearby schools and regional roads. A Noise Management Plan will be implemented and subject to suitable operational conditions of any approval.

Therefore, the overall social and economic benefits of the proposal are considered to outweigh any potential disbenefits and as such, the proposal is considered to be acceptable subject to suitable conditions.

## **8.0 CONCLUSION**

The proposed development has been assessed against the matters for consideration listed in Section 4.15 of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that the subject site is considered suitable for the proposed development and that the proposal, providing much needed child care services, is in the public interest.

The proposal is consistent with the objectives of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Penrith Local Environmental Plan 2010 and is permissible in the E4 zone with development consent. The proposal also generally complies with the main essential criteria set out in the Penrith Development Control Plan 2014, and is considered satisfactory with regard to relevant matters such as Urban Design, Access, Traffic Impact, Stormwater Drainage, ESD, Site Contamination, Amenity, Overshadowing, Social and Economic Impacts and the like subject to the imposition of suitable conditions of consent to satisfactorily control the development

## 9.0 APPENDIX A – Child Care Regulations

<b>Education and Care Services National Regulation 2012</b>		
<b>Part 4.3 Physical environment</b>		
<b>Clause</b>	<b>Requirement</b>	<b>Comment</b>
<b>103 Premises, furniture and equipment to be safe, clean and in good repair</b>	(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.	All equipment to be installed in accordance with relevant Australian Standards and properly maintained.
<b>104 Fencing</b>	(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.	Suitable fencing with child proof locking mechanism shown on plan
<b>105 Furniture, materials and equipment</b>	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.	Sufficient furniture, equipment and materials have been provided.
<b>106 Laundry and hygiene facilities</b>	(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 (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. (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.	Laundry provided onsite.
<b>107 Space requirements—indoor space</b>	3.25sqm unencumbered space per child (exc. Passageways, door swings, toilets, hygiene facilities, nappy change or bottle prep rooms, cot storage, storage, staff or admin rooms, kitchen)	Provided on plans.

<b>108 Space requirements—outdoor space</b>	7sqm unencumbered space per child (exc. Passageways, thoroughfares, storage areas, carparking, landscaping, any other space not suitable for children)	Provided on plans.
<b>109 Toilet and hygiene facilities</b>	(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 (b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.	Provided on plans.
<b>110 Ventilation and natural light</b>	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— (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.	Provided.
<b>111 Administrative space</b>	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— (a) conducting the administrative functions of the service; and (b) consulting with parents of children; and (c) conducting private conversations.	Provided.
<b>112 Nappy change facilities</b>	(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— (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. Penalty: \$1000. (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.	Provided.

<b>113 Outdoor space—natural environment</b>	<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>Sandpits and detailed landscaping have been provided.</p>
<b>114 Outdoor space—shade</b>	<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.</p>	<p>A minimum of 2.5sqm of shade per child and employee has been provided at 12pm on summer solstice.</p>
<b>115 Premises designed to facilitate supervision</b>	<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>Layout facilitates supervision at all times.</p>
<b>97 &amp; 168 Emergency and evacuation procedures</b>	<p>Procedures for emergency and evacuation as per Regulations 97 and 168</p>	<p>Emergency and Evacuation Plan to be displayed in a prominent position near each exit.</p>