

CUMBERLAND LOCAL PLANNING PANEL

APPENDIX 1

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

Requirement	Yes	No	N/A	Comment
Part 3 Early education and care facilities - specific development controls				
<p>22 Centre-based child care facility - concurrence of Regulatory Authority required for certain development</p> <p>(1) This clause applies to development for the purpose of a centre-based child care facility if:</p> <p>(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</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p> <p>(2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.</p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>There are 92 children to be placed within the child care centre which will not be changing.</p> <p>A minimum of 299 square metres of indoor space would be required (Or 3.25 square metres per child). The centre is provided with 468 square metres of indoor play space.</p> <p>At least 7 square metres of outdoor space per child is required. As such, at least 644 square metres of space would be required. The plans show 825.5 square metres of outdoor play space being provided.</p> <p>Concurrence is not required because adequate indoor and outdoor space is being provided.</p> <p><u>Note</u>:- The development is not reliant on the roof top play space to achieve compliance with this provision.</p> <p>The net increase in playground space is 165 square metres. If the roof space was removed from the calculation, the child care centre would have 660.5 square metres of outdoor play space and compliance would still be achieved. This is showing the rooftop space is an addition over and above what is required and is thus a benefit to the centre and an added amenity feature for the children that should be supported.</p>

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Clause 22 (Continued)				
(3) The consent authority must, within 7 days of receiving a development application for development to which this clause applies: (a) forward a copy of the development application to the Regulatory Authority, and (b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This is noted only.
(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subclause (3). <u>Note.</u> The effect of section 79B (11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) In this clause: Regulatory Authority means the Regulatory Authority for New South Wales under the Children (Education and Care Services) National Law (NSW) (as declared by section 9 of the Children (Education and Care Services National Law Application) Act 2010).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<u>Note.</u> <i>Concurrence to development may be granted subject to conditions. A development consent subject to concurrence may be voidable if it is granted not subject to any conditions of the concurrence. (See section 79B of the Act.)</i>				

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<p>23 Centre-based child care facility—matters for consideration by consent authorities</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Guideline has been used in the assessment of the modification application.
<p>24 Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent authorities</p> <p>(1) The object of this clause is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial.</p> <p>(2) The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial:</p> <p>(a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,</p> <p>(b) whether the proposed development has the potential to restrict the operation of existing industrial land uses,</p> <p>(c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.</p> <p>(3) The matters referred to in subclause (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based child care facility.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not situated within an industrial zone.

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Requirement	Yes	No	N/A	Comment
<p>25 Centre-based child care facility—non-discretionary development standards</p> <p>(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.</p> <p>(2) The following are non-discretionary development standards for the purposes of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:</p> <p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>(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</p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>Compliance is achieved as previously described.</p>
<p>Clause 25 (Continued)</p> <p>(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,</p> <p>(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(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.</p> <p>(3) To remove doubt, this clause does not prevent a consent authority from:</p> <p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>Compliance is achieved.</p> <p>No issues are raised to the site or location.</p> <p>The building materials and colours are determined as being satisfactory and generally not subject to any change.</p>

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<p>design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</p>		<p>The most significant change is the addition of the roof top play area and associated support structures such as a lift and stair access, shade structure, seating and planting. The rooftop play area is open to the elements.</p> <p>The height of the modified building in storeys is acceptable and consistent with the planning controls for the locality.</p> <p>The rooftop play area varies from the building height limit imposed by the Parramatta Local Environmental Plan 2011 in metres however the height variation is determined as being acceptable. The applicant has lodged an appropriate statement addressing the variation to the Parramatta Local Environmental Plan which is determined as being acceptable. The matter is addressed under the Parramatta Local Environmental Plan 2011 below.</p>
<p>Principle 3 - Adaptive learning spaces Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out. Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</p>	Yes	<p>A safe environment is provided where each child has the opportunity to interact and learn.</p> <p>There is suitable connection between the indoor and outdoor spaces and adequate weather protection for the outdoor areas. The main internal playrooms are not affected by the changes sought.</p> <p>The learning spaces encourage students to play and to explore and there are adequate services to promote a positive learning environment for the children.</p>
<p>Principle 4 - Sustainability Sustainable design combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation. Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.</p>	Yes	<p>There are no significant changes to the sustainable features already approved for the development.</p>
<p>Principle 5 - Landscape Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and</p>	Yes	<p>Appropriate external play spaces and landscaping is provided. The additional rooftop outdoor play space is equipped with play equipment, shade structure, seating and landscaping.</p>

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use, age-appropriateness and amenity. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.		
<p>Principle 6 - Amenity</p> <p>Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility. Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p>	Yes	The child care centre is expected to provide children with high quality learning as part of a family and community system. An updated and modified acoustic report has been prepared by Rodney Stevens Acoustics. The report identifies a number of recommendations that should be incorporated into the modified development to ensure satisfactory acoustic amenity is achieved. The report concludes that the development would be able to operate in a satisfactory manner subject to the recommendations being undertaken.
<p>Principle 7 - Safety</p> <p>Well-designed child care facilities optimise 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. Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	Yes	<p>Accessible design has been considered and all children can access all parts of the child care centre. The site is at grade thus ensuring appropriate access within the centre. People in wheelchairs, prams and young children are able to pass through doors.</p> <p>The new rooftop play area is provided with a lift access and as such is accessible to all children.</p>

Child Care Planning Guidelines Matters for consideration

Matters for consideration		
3.1 Site selection and location		
<p>Objective: To ensure that appropriate zone considerations are assessed when selecting a site.</p> <p>C1 For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> • the acoustic and privacy impacts of the proposed development on the residential properties • the setbacks and siting of buildings within the residential context • traffic and parking impacts of the proposal on residential amenity. 	Yes	<p>This is a modification application to an approved child care facility. The changes sought are assessed as being acceptable.</p> <p>An acoustic report prepared by Rodney Stevens Acoustics (Revision 3) Report Number R170062R3 and dated 29 April 2019 has been assessed as being satisfactory. The acoustic report is required to be included into any consent issued due to the recommendations that are made.</p>

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<p>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use. C2 When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • the location and surrounding uses are compatible with the proposed development or use • the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed • the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>N/A</p>	<p>There are no siting issues to address. This is a modification to an approved development consent following an agreement at a Land and Environment Court Section 34 Conference. The matters under this Part have previously been addressed and do not require further assessment.</p>
<p>Objective: To ensure that sites for child care facilities are appropriately located. C3 A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>Yes</p>	<p>The approved child care centre is located adjacent to a bus stop (Route M91). There is a primary school close by and a neighbourhood group of shops (Dellwood Shopping Centre) situated approximately 220 metres to the north. The location of the child care centre is satisfactory.</p>
<p>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards. C4 A child care facility should be located to avoid risks to children, staff or visitors and</p>	<p>Yes</p>	<p>The site is located within a residential area of South Granville and not located within or close to any of the</p>

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<p>adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites. - LPG tanks or service stations. - water cooling and water warming systems. - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses - extractive industries, intensive agriculture, agricultural spraying activities • any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 		<p>following:-</p> <ul style="list-style-type: none"> • heavy or hazardous industry, waste transfer depots or landfill sites. • water cooling and water warming systems. • odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. • extractive industries, intensive agriculture, agricultural spraying activities. <p>There is a service station located 160 metres to the south west which is situated on the corner Blaxcell Street with Guildford Road. The site of the child care centre is far enough away from the service station and no significant adverse impacts would be envisaged.</p> <p>The site has already been determined as being satisfactory for a child care centre and there is no change to site characteristics or to the characteristics of the locality.</p>
3.2 Local character, streetscape and the public domain interface		
<p>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape. C5 The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape. • reflect the predominant form of surrounding land uses, particularly in low density residential areas. • recognise predominant streetscape qualities, such as building form, scale, materials and colours. • include design and architectural treatments that respond to and integrate with the existing streetscape. • use landscaping to positively contribute to the streetscape and neighbouring amenity. • integrate car parking into the building and site landscaping design in residential areas. 	Yes	<p>Generally this is complied with. The design and function of the building is not subject to significant change. The car park and ground floor and first floor is not subject to any change and the changes across the second floor are minor. The building is determined as being satisfactory within the locality.</p>
<p>Objective: To ensure clear delineation between the child care facility and public spaces. C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • integrating existing and proposed landscaping with fencing. 	Yes	<p>Existing approved. No assessment is required under C6, C7 and C8.</p>

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<p>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p> <p>C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/ private open space from adjoining public open space • minimal use of blank walls and high fences. 		
<p>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.</p> <p>C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p> <p>C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>N/A</p>	<p>No assessment is required under C9 and C10.</p>
<p>3.3 Building orientation, envelope and design</p>		
<p>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</p> <p>C11 Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it 	<p>Yes</p>	<p>The new works on the roof top level provides for satisfactory privacy towards the adjoining properties and there is no significant increase in shadowing created by the new works.</p> <p>The applicant has lodged a Clause 4.6 variation to the height variation of the Parramatta Local Environmental Plan 2011 and as part of the variation request, the applicant has:-</p> <ul style="list-style-type: none"> • Provided detailed explanation that the additional works are setback from the surrounding property boundaries and setback further from the boundaries than the storeys below. • Solar access. View sharing, privacy and outlook of the site is maintained.

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<ul style="list-style-type: none"> ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 		
<p>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</p> <p>C12 The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> building height should be consistent with other buildings in the locality building height should respond to the scale and character of the street setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility setbacks should provide adequate access for building maintenance setbacks to the street should be consistent with the existing character. 	Yes	<p>A variation to the building height in metres is identified under the Parramatta Local Environmental Plan 2011. However the applicant has lodged a justification for the height variation. The variation is addressed within the main body of the report.</p> <p>The building setbacks from the front, side and rear boundaries are not subject to any change and there is no change to building levels.</p>
<p>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</p> <p>C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p> <p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	Yes	<p>The street setbacks are approved. There is no change to the street setbacks, side and rear setbacks and hence no assessment is required.</p>
<p>Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</p> <p>C15 The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage contributes to the identity of the place retains and reinforces existing built form and vegetation where significant considers heritage within the local neighbourhood including identified heritage items and conservation areas responds to its natural environment including 	Yes	<p>The built form of the child care centre is generally approved. The change to the child care centre is limited to the second floor but limited in extent and the addition of a rooftop play area for children. The changes to the building are relatively minor in extent but are still consistent with the architectural design of the building.</p>

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<p>local landscape setting and climate</p> <ul style="list-style-type: none"> • contributes to the identity of place. 		
<p>Objective: To ensure that buildings are designed to create safe environments for all users.</p> <p>C16 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>Yes</p>	<p>The entry to the child care centre is approved and no change is proposed.</p>
<p>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</p> <p>C17 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	<p>Yes</p>	<p>The child care centre is approved with accessible spaces, car park area, lift access, appropriate toilets and amenities. The new roof top play area is provided with lift access. There is no change or reduction to the level of servicing that is to be provided on site.</p>
<p>3.4 Landscaping</p>		
<p>Objective: To provide landscape design that contributes to the streetscape and amenity.</p> <p>C18 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>Yes</p>	<p>This is approved. There is no change to the at grade landscaping, car park areas and the play areas on the ground level.</p> <p>The new roof top play area is provided with soft fall areas, planting (Planter boxes) and shade areas for children.</p>

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<p>C19 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas. 		
<p>3.5 Visual and acoustic privacy</p>		
<p>Objective: To protect the privacy and security of children attending the facility. C20 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p> <p>C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	<p>Yes</p>	<p>The degree of privacy from the new roof top play area is satisfactory. In this regard, the roof top play area is provided with a parapet at least 1.4 metres in height which is solid. Additionally, closely spaced timber bollards are to be placed in a position to prevent children from reaching the boundary walls. This enhances privacy to the adjoining properties.</p> <p>The roof top play area will receive intermittent use daily and hence it will not be used full time Monday to Friday.</p>
<p>Objective: To minimise impacts on privacy of adjoining properties. C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>Yes</p>	<p>The comments provided above under C20 and C21 are relevant to this part.</p>
<p>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments. C23 A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. <p>C24 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones. • determine an appropriate background noise 	<p>Yes</p>	<p>An acoustic report has been prepared by Rodney Stevens Acoustics (Revision 3) and dated 29 April 2019 (Reference Number R170062R3). The report provides a number of recommendations on Page 18 to address noise. Council's Environmental Department has advised in a memorandum dated 12 June 2018 that the measures as outlined within the acoustic report should be complied with. Appropriate conditions are provided addressing the matter.</p>

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<p>level for outdoor play areas during times they are proposed to be in use.</p> <ul style="list-style-type: none"> determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 		
<p>3.6 Noise and air pollution</p>		
<p>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</p> <p>C25 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> creating physical separation between buildings and the noise source orienting the facility perpendicular to the noise source and where possible buffered by other uses using landscaping to reduce the perception of noise limiting the number and size of openings facing noise sources using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits locating cot rooms, sleeping areas and play areas away from external noise sources. <p>C26 An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> on industrial zoned land where the ANEF contour is between 20 and 25, consistent with AS 2021 - 2000 along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 on a major or busy road other land that is impacted by substantial external noise. 	<p>Yes</p>	<p>The comments provided above in C23 and C24 are relevant to this part.</p>
<p>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p> <p>C27 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p> <p>C28 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards</p>	<p>N/A</p>	<p>This is not relevant to the modification application and no issues are identified.</p>

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<p>in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. <p>The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</p> <ul style="list-style-type: none"> • 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. 		
<p>3.7 Hours of operation</p>		
<p>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</p> <p>C29 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p> <p>C30 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>Yes</p>	<p>The hours of operation of the child care centre are approved as being 7 am to 6 pm Monday to Friday. There is no change proposed.</p>
<p>3.8 Traffic, parking and pedestrian circulation</p>		
<p>Objective: To provide parking that satisfies the needs of users and demand generated by the centre.</p> <p>C31 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates: Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. In other areas: • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item 	<p>Yes</p>	<p>The car park for the child care centre is not subject to any change. The approved child care centre is provided with 23 off street car parking spaces including two spaces for people with disabilities.</p> <p>There is no increase in the number of places to be provided (Approved at 92). As such, the approved car park is satisfactory.</p>

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<ul style="list-style-type: none"> • the site is in a B8 Metropolitan Zone or other high density business or residential zone • the site is in proximity to high frequency and well connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site. <p>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.</p> <p>C33 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. 		
<p>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p> <p>C34 Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic. <p>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.</p>	<p>Yes</p>	<p>There is no change to the approval given.</p>
<p>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</p> <p>C36 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility 	<p>Yes</p>	<p>The car park level including vehicle access, driveway, pedestrian access points and internal pedestrian movements to and from the car park are not subject to any change. No formal assessment is required.</p>

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<ul style="list-style-type: none"> • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction. <p>C37 Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • 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. <p>C38 Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking. 		
<p>4. Applying the National Regulations to development proposals</p>		
<p>A. INTERNAL PHYSICAL ENVIRONMENT</p>		
<p>4.1 Indoor space requirements Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p> <p><u>Note:</u> If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP. Unencumbered indoor space excludes any of the following:</p>	<p>Yes</p>	<p>A minimum of 299 square metres of indoor play space would be required however the centre is provided with 468 square metres of indoor play space. Compliance is achieved.</p>

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<ul style="list-style-type: none"> • passageway or thoroughfare (including door swings) used for circulation • toilet and hygiene facilities • nappy changing area or area for preparing bottles • area permanently set aside for the use or storage of cots • area permanently set aside for storage • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry • other space that is not suitable for children. <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children. When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations. Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated. Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p>		
<p>4.2 Laundry and hygiene facilities Regulation 106 Education and Care Services National Regulations</p> <p>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 <i>National Construction Code</i>.</p>	Yes	A laundry is provided on the second storey which is not subject to any change.
<p>4.3 Toilet and hygiene facilities Regulation 109 Education and Care Services National Regulations</p> <p>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</p>	Yes	Adequate toilets are approved. There is no change to the approved toilets for the purpose of this application.

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the requirements for sanitary facilities that are contained in the <i>National Construction Code</i> .		
<p>4.4 Ventilation and natural light Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <i>National Construction Code</i>. Ceiling height requirements may be affected by the capacity of the facility.</p>	Yes	Services are not subject to any significant change.
<p>4.5 Administrative space Regulation 111 Education and Care Services National Regulations A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	Yes	The offices on the level 1 and 2 are not subject to any change.
<p>4.6 Nappy change facilities Regulation 112 Education and Care Services National Regulations Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the <i>National Construction Code</i>.</p>	Yes	A nappy change room is approved on Level 2 and is not subject to any change.
<p>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. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the <i>National Construction Code</i>.</p>	Yes	Compliance is achieved.
<p>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</p>	Yes	Compliance is achieved and as per the approval given.

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<ul style="list-style-type: none"> • 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. 		
<p>B. EXTERNAL PHYSICAL ENVIRONMENT</p>		
<p>4.9 Outdoor space requirements Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space. Note: If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP. Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations. Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p> <p>A veranda that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p>	<p>Yes</p>	<p>At least 644 square metres of space would be required. The plans show 825.5 square metres of outdoor play space being provided.</p> <p>Concurrence is not required because adequate indoor and outdoor space is being provided.</p> <p>The development is not reliant on the roof top play space to achieve compliance with this provision.</p> <p>The net increase in playground space is 165 square metres. If the roof space was removed from the calculation, the child care centre would have 660.5 square metres of outdoor play space and compliance would still be achieved. This is showing the rooftop space is an addition over and above what is required and is thus a benefit to the centre and an added amenity feature for the children that should be supported.</p>
<p>4.10 Natural environment Regulation 113 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	<p>Yes</p>	<p>The applicant will need to make an application to the Department of Human Services NSW for a service waiver under Division 5, Clause 87(1) and (2) of the Children (Education and Care Services Law Application) Act 2010 for a waiver to the simulated outdoor environment being a waiver to a prescribed element of the National Quality Standard and the National Regulation.</p> <p>This was already required for the first and second storey playgrounds that are not at ground level.</p>

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		<p>This is not related to the amount of unencumbered outdoor play space requirement but related to the location of the play area.</p> <p>A condition is provided that addresses this which is supported by Council's Children's Services Department.</p> <p>A modified plan of management has been submitted with the modification application and determined as being satisfactory.</p>
<p>4.11 Shade Regulation 114 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	Yes	<p>The new roof top play area is provided with shade being a shade sail, a pergola and small trees.</p>
<p>4.12 Fencing Regulation 104 Education and Care Services National Regulations Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the <i>National Construction Code</i>.</p>	Yes	<p>The new roof top play area is provided with appropriate barriers for safety.</p>
<p>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:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	Yes	<p>This has been addressed during the processing of the original development application. There is no change to site conclusions made and no further reports are required.</p>

Parramatta Development Control Plan 2011
Child Care centres Chapter

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Only the relevant controls are included into the table below addressing the modification sought being the controls not addressed by the State Policy and related Guidelines.

Requirement	Yes	No	N/A	Comments
<p>5.2.3.2 Building siting and design</p> <p>Except where provided by this Section, the child care centre shall comply with the relevant height, floor space ratio, minimum frontage, minimum street and side setback and building envelope controls for the respective Residential zones contained in both the relevant environmental planning instrument applying to the land and any other section applying to this land.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The modification application is not compliant with the height provision in metres of the Parramatta Local Environmental Plan 2011. The height matter has been assessed as being satisfactory under the Parramatta Local Environmental Plan 2011 within the main body of the report.
<p>5.2.3.4 Access and parking</p> <p>Child care centres 1 space for every 4 children in attendance.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The development is provided with 23 car parking spaces. No change is required because there is no change to the approved number of places on site being 92.</p> <p>There is no change to the car park at grade.</p>
<p>5.2.3.7 Outdoor areas</p> <p>Outdoor play spaces are to be:</p> <ul style="list-style-type: none"> located away from the main entrance of the child care centre, car parking areas or vehicle circulation areas; designed to incorporate natural elements, with rocky outcrops, existing trees and gardens that utilise child-friendly species; landscaped with plants that are not noxious, do not have prickles, and do not represent a major allergy or inhalation hazard; integrated with indoor space and provide direct and easy access between those areas (refer to 'Transition Areas' below); of a design and layout to enable clear lines of sight to all areas of the outdoor space to allow direct staff supervision from other areas of the child care centre; a compact square, rectangular or L-shaped area sited on one or two adjoining sides of the building to facilitate functional use by children and 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The new rooftop play space, the subject of this application is provided with adequate seating areas, play areas, soft fall areas and play equipment. Shade is provided in the form of a shade sail and a pergola. Landscaping is provided and enough small tree elements are provided to offer natural shade.</p> <p>The roof top play area is provided with adequate privacy via the use of solid parapets and additional bollards situated 1 metre setback from the parapets. The bollards are spaced 150 mm apart to prevent children from touching the parapet / fencelike structure.</p> <p>The playground is arranged to avoid enclosed corners or areas and allows for adequate supervision.</p>

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<p>effective supervision by staff;</p> <ul style="list-style-type: none"> located with a northern orientation for maximum solar access where possible; adequately shaded in accordance with Shade for Child Care Services published by the NSW Cancer Council and NSW Health Department; located away from existing and potential noise and environmental pollution sources; located away from the living/bedroom windows of surrounding dwellings where possible; located away from areas where objects can be projected down onto play areas where possible; inaccessible from public areas outside the child care centre (except in the case of an emergency evacuation or centre deliveries); adequately fenced on all sides; and designed with an outdoor storage area for the storage of outdoor equipment without being part of the outdoor play area and without inhibiting supervision of children. <p>Further requirements for outdoor play spaces are as follows:-</p> <p>Measures for the protection of outdoor play areas from adverse wind and climatic conditions are to be implemented. Shade structures are to be designed so as to be visually unobtrusive when viewed from neighbouring residential properties.</p> <p>The outdoor play spaces must allow ready egress in the case of an emergency. Outdoor play spaces should be designed in accordance with the requirements included in Quality Area 3 'Physical Environment' of the National Quality Standard in association with the Regulation. In accordance with the National Quality Standard, outdoor spaces are to provide for a variety of play experiences through the provision of distinct and roughly equal-sized subspaces, being:</p> <ul style="list-style-type: none"> open areas for the use of gross motor skills such as running; 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The new outdoor play area is provided with shade sails, a pergola and small trees to provide appropriate shade.</p> <p>The rooftop play area is also provided with soft fall pay areas, seating and play equipment. In this regard, it functions as an appropriate play space for children.</p>
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<ul style="list-style-type: none"> quiet areas for focused play like sandpits (including formal quiet areas for contained play like finger painting); and active areas for busy physical play like climbing. Playgrounds are to comply with AS 1924 Playground Equipment for Parks, Schools and Domestic Use, Part 1 General Requirements and Part 2 Design Construction - Safety Aspects; AS/NZS 4422 - Playground Surfacing - Specifications, Requirements and Test Methods; and AS/NZS 4486 - Playgrounds and Playground Equipment. The design of interesting, stimulating, safe, secure and functional outdoor play spaces is a specialised task requiring the involvement of professionals experienced in the task. Council will require a landscape plan prepared by a qualified landscape architect or other landscape design professional with demonstrated experience in the design of children's play spaces to be submitted with any development application for a child care centre. 			
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