

| EDUCATION AND CARE SERVICES NATIONAL REGULATIONS | |
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| CHAPTER 4 OPERATIONAL REQUIREMENTS | |
| Part 4.3 Physical Environment | |
| Division 1 Centre-Based Services and Family Day Care Services | |
| Objectives/Requirements | Complies? |
| <p><u>103 Premises, furniture and equipment to be safe, clean and in good repair</u></p> <p><i>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.</i></p> | <p>Yes</p> <p>The premises and all equipment and furniture within the premises will be maintained to be safe, clean and in good repair.</p> |
| <p><i>This regulation does not apply to a part of a family day care residence that is not used to provide a family day care service.</i></p> | <p>N/A</p> |
| <p><u>104 Fencing</u></p> <p><i>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.</i></p> | <p>Yes</p> <p>The outdoor area will be enclosed by a 1.8m high timber lapped and capped fence, which will prevent children preschool age or under from going through, over or under it.</p> |
| <p><i>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age.</i></p> | <p>N/A</p> |
| <p><i>This regulation does not apply in respect of a family day care residence or a family day care venue if all the children being educated and cared for at that residence or venue as part of a family day care service are over preschool age.</i></p> | <p>N/A</p> |
| <p><u>105 Furniture, materials and equipment</u></p> <p><i>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.</i></p> | <p>Yes</p> <p>Each child being cared and educated for at the facility will have access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of a child.</p> |
| <p><u>106 Laundry and hygiene facilities</u></p> <p><i>The approved provider of an education and care service must ensure that the service has—</i></p> <ul style="list-style-type: none"> <i>(a) laundry facilities or access to laundry facilities; or</i> <i>(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.</i> | <p>Yes</p> <p>The proposed facility includes laundry facilities within the main building.</p> |

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| <i>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.</i> | Yes The design incorporates a dedicated laundry room, which is not directly accessible from areas accessed or used by children. It is the responsibility of the approved provider to ensure that the laundry and hygienic facilities are maintained in a way that does not pose a risk to children, or that allows access that would place children at risk. |
| <u>107 Space requirements—indoor space</u> <i>This regulation does not apply in respect of a family day care residence.</i> | N/A |
| <i>The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.</i> | Yes The proposed childcare facility will care for a maximum of 110 children at any one time. This results in a minimum required unencumbered space of 357.5m ² . The childcare facility proposes 368.2m ² of unencumbered indoor space and is therefore compliant with this requirement. |
| <i>In calculating the area of unencumbered indoor space—</i> <i>(a) the following areas are to be excluded—</i> <i>(i) any passageway or thoroughfare (including door swings);</i> <i>(ii) any toilet and hygiene facilities;</i> <i>(iii) any nappy changing area or area for preparing bottles;</i> <i>(iv) any area permanently set aside for the use or storage of cots;</i> <i>(v) any area permanently set aside for storage;</i> <i>(vi) any area or room for staff or administration;</i> <i>(vii) any other space that is not suitable for children;</i> <i>(b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service.</i> | Yes None of the areas mentioned within this part were included in the unencumbered indoor space calculation. |
| <i>The area of a verandah may be included in calculating the area of indoor space only with the written approval of the Regulatory Authority.</i> | Noted |
| <i>A verandah that is included in calculating the area of outdoor space cannot be included in calculating the area of indoor space. (6) In this regulation a reference to a child does not include—</i> <i>(a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or</i> <i>(b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).</i> | |
| <u>108 Space requirements—outdoor space</u> <i>This regulation does not apply in respect of a family day care residence.</i> | N/A |

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| <p><i>The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.</i></p> | <p style="text-align: center;">Yes</p> <p>The proposed child care facility will care for a maximum of 110 children at any one time. This results in a minimum required unencumbered outdoor space of 770m². The child care facility proposes 970m² of unencumbered outdoor space and is therefore compliant with this requirement.</p> |
| <p><i>In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—</i></p> <ul style="list-style-type: none"> <i>(a) any pathway or thoroughfare, except where used by children as part of the education and care program;</i> <i>(b) any car parking area;</i> <i>(c) any storage shed or other storage area;</i> <i>(d) any other space that is not suitable for children.</i> | <p style="text-align: center;">Yes</p> <p>None of the areas mentioned within this part were included in the unencumbered outdoor space calculation.</p> |
| <p><i>A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.</i></p> | <p style="text-align: center;">N/A</p> |
| <p><i>An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if—</i></p> <ul style="list-style-type: none"> <i>(a) the Regulatory Authority has given written approval; and</i> <i>(b) that indoor space has not been included in calculating the indoor space under regulation 107.</i> | <p style="text-align: center;">N/A</p> |
| <p><u>109 Toilet and hygiene facilities</u></p> <p><i>The approved provider of an education and care service must ensure that—</i></p> <ul style="list-style-type: none"> <i>(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</i> <i>(b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</i> | <p style="text-align: center;">Yes</p> <p>Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children within differing age groups. These facilities are located and designed in such a way that enables safe and convenient access for the children, with toilets centrally located between each class room and easily accessible from internal and external spaces. The toilet facilities are broken up so children of similar age groups utilise the same facilities.</p> |
| <p><u>110 Ventilation and natural light</u></p> <p><i>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—</i></p> <ul style="list-style-type: none"> <i>(a) are well ventilated; and</i> <i>(b) have adequate natural light; and</i> <i>(c) are maintained at a temperature that ensures the safety and wellbeing of children.</i> | <p style="text-align: center;">Yes</p> <p>The design ensures indoor spaces to be utilised by the children will be well-ventilated and have adequate natural light through the provision of windows along all external walls. Although ongoing temperature control will be the responsibility of the service provider, the design incorporates passive design measures to assist in this, including limiting the amount of glazing on the western interface and providing a deep verandah along the northern elevation. As such, it is considered suitable provision for ventilation, natural light and temperature control has been incorporated into the design.</p> |

| Division 2 Additional Requirements for Centre-Based Services | |
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| Objectives/Requirements | Complies? |
| <p><u>111 Administrative space</u></p> <p><i>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—</i></p> <ul style="list-style-type: none"> <i>(a) conducting the administrative functions of the service; and</i> <i>(b) consulting with parents of children; and</i> <i>(c) conducting private conversations.</i> | <p>Yes</p> <p>Adequate areas have been provided that can be utilised for conducting the administrative functions of the service, consulting with parents of children, and conducting private conversations, through the provision of a reception, program space and private office.</p> |
| <p><u>112 Nappy change facilities</u></p> <p><i>This regulation applies if a centre-based service educates and cares for children who wear nappies.</i></p> | <p>As the proposed centre will provide education and care for children who wear nappies, this regulation applies.</p> |
| <p><i>The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing.</i></p> | <p>Yes</p> <p>Adequate hygienic facilities are provided for nappy changing, with nappy changing areas provided within proximity to the children's play rooms. It is the responsibility of the service provider to satisfactorily maintain these facilities.</p> |
| <p><i>Without limiting subregulation (2), the approved provider of the service must ensure that the following are provided—</i></p> <ul style="list-style-type: none"> <i>(a) if any of the children are under 3 years of age, at least 1 properly constructed nappy changing bench; and</i> <i>(b) hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</i> | <p>Yes</p> <p>The proposed plans for the centre nominate seven (7) nappy changing benches. Adequate hand cleansing facilities for adults are within directly adjacent to the changing areas. Compliance is achieved with this requirement.</p> |
| <p><i>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.</i></p> | <p>Yes</p> <p>The nappy change facilities are located, designed, and maintained in a way that prevents unsupervised access by children, given they are centrally located between each class room and accessed by three (3) doors. It is anticipated that the provider will ensure the ongoing maintenance of these areas.</p> |
| <p><u>113 Outdoor space—natural environment</u></p> <p><i>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.</i></p> | <p>Yes</p> <p>As demonstrated through the proposed Landscape Plan provided in Appendix N, the outdoor space provided will allow children to explore and experience the natural environment.</p> |

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| <p><u>114 Outdoor space—shade</u></p> <p><i>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.</i></p> | <p>Yes</p> <p>As identified in the Landscape Plan provided in Appendix N, the outdoor spaces proposed provides adequate shade through various shade sails in the outdoor environment.</p> |
| <p><u>115 Premises designed to facilitate supervision</u></p> <p><i>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.</i></p> | <p>Yes</p> <p>The facility as proposed is designed in such a way that facilitates the supervision of children at all times, whilst maintaining the rights and dignity of the children. It is anticipated that the service provider will ensure the continuation of this circumstance.</p> |
| <p>Division 3 Additional Provisions for Family Day Care Services</p> | |
| <p>Objectives/Requirements</p> | <p>Complies?</p> |
| <p><u>116 Assessments of family day care residences and approved family day care venues</u></p> <p><i>The approved provider of a family day care service must conduct an assessment (including a risk assessment) of each proposed residence and each proposed family day care venue of the service before education and care is provided to children at the residence or venue as part of the service to ensure that the health, safety and wellbeing of children who are educated and cared for by the service are protected.</i></p> | <p>N/A</p> |
| <p>Part 4.4 Staffing Arrangements</p> | |
| <p>Division 1 Educational Leader</p> | |
| <p>Objectives/Requirements</p> | <p>Complies?</p> |
| <p><u>118 Educational leader</u></p> <p><i>The approved provider of an education and care service must designate, in writing, a suitably qualified and experienced educator, co-ordinator or other individual as educational leader at the service to lead the development and implementation of educational programs in the service.</i></p> | <p>Yes</p> <p>It is anticipated that an appropriate educational leader will be designated prior to operation.</p> |

| Division 3 Minimum Number of Educators and Family Day Care Co-Ordinators Required | |
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| Objectives/Requirements | Complies? |
| <p><u>121 Application of Division 3</u></p> <p><i>This Division prescribes the minimum number of educators required to educate and care for children at an education and care service for the purposes of section 169(1) and (3) of the Law.</i></p> | Noted |
| <p><i>Division 4 sets out the minimum qualifications for educators and Division 5 sets out how many educators are to be early childhood teachers.</i></p> | |
| <p><u>122 Educators must be working directly with children to be included in ratios</u></p> <p><i>An educator cannot be included in calculating the educator to child ratio of a centre-based service unless the educator is working directly with children at the service.</i></p> | Noted |
| <p><i>In this regulation, a reference to an educator includes an early childhood teacher or a suitably qualified person who is counted as an educator under regulation 123(3).</i></p> | |
| <p><u>123 Educator to child ratios—centre-based services</u></p> <p><i>The minimum number of educators required to educate and care for children at a centre-based service is to be calculated in accordance with the following ratios—</i></p> <ul style="list-style-type: none"> <i>(a) for children from birth to 24 months of age—1 educator to 4 children;</i> <i>(b) for children over 24 months and less than 36 months of age—1 educator to 5 children;</i> <i>(c) for children aged 36 months of age or over (not including children over preschool age)—1 educator to 11 children;</i> <i>(d) for children over preschool age, 1 educator to 15 children.</i> | <p>Yes</p> <p>The breakdown of the ages of children to be cared for at the centre is provided below-</p> <ul style="list-style-type: none"> (a) 24 children are to be cared for between the ages of birth to 24 months. This equates to a staffing requirement of 6. (b) 40 children are to be cared for between the ages of 24 months and 36 months. This equates to a staffing requirement of 8. (c) This ratio does not apply to the proposed development, as Chapter 7 of the Regulation provides the minimum the staffing requirements for this age-bracket, specific to NSW (resulting in an additional 5 staff). (d) There will be no children over preschool age. <p>Cumulatively, 19 staff are required at the centre for the maximum capacity of children to be cared for.</p> |
| <p><i>If children being educated and cared for at a centre-based service are of mixed ages the minimum number of educators for the children must meet the requirements of subregulation (1) at all times.</i></p> | Noted |

| CHAPTER 7 JURISDICTION-SPECIFIC AND TRANSITIONAL AND SAVING PROVISIONS | |
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| Part 7.3 New South Wales—Specific Provisions | |
| Division 2 Minimum Number of Educators and Qualifications and Training Required | |
| Objectives/Requirements | Complies? |
| <u>271 Educator to child ratios—children aged 36 months or more but less than 6 years</u> | Noted |
| <i>Regulation 123(1)(c) applies as modified by this section.</i> | |
| <i>The educator to child ratio for children aged 36 months or more but less than 6 years of age is 1 educator to 10 children.</i> | Yes The number of children being cared for by the facility who are aged 36 months or more but less than 6 years is 46. This equates to a staffing requirement of 5. |