

D4 – Child Care Centres

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D4 – Child Care Centres

1. Introduction

This Part sets out objectives and controls to guide the location and design of child care centres with a key focus on ensuring the safety and well being of children and achieving a high standard of amenity for the site and surrounding locality, particularly adjoining residential land uses.

Child care services have the potential to adversely impact on the amenity and character of surrounding areas if not appropriately and sensitively designed to suit the site and its context, or if not effectively managed.

The controls in this Part have been developed to make more detailed provision with respect to planning and designing child care centre developments and deal with issues relating to child care facilities. This Part is intended to ensure quality child care facilities and the protection of local amenity.

2. Roles of State Government and of Council

The construction of new child care facilities, or expansion of existing ones, requires approval from the NSW State Government as well as from Council. At the time of preparing this Part, licensing and regulation of child care centres is managed by the NSW Department of Education and Communities.

To obtain a license, applicants are required to comply with various requirements of the *Education and Care Services National Law* and the *Education and Care Services National Regulations (E&C Regulations)*, which prescribe minimum standards for buildings, facilities and operational practices. The Building Code of Australia also specifies relevant standards for child care centres relating to a number of matters including structural considerations, fire resistance, access and egress, services.

Note:

Applicants should consult with the NSW Department of Education and Communities to determine licensing requirements prior to lodgement of a Development Application with Council. Further information is available at www.dec.nsw.gov.au

3. Objectives

- (a) Specify development controls for the establishment of high quality child care centres.
- (b) Ensure that child care centres respond positively to the context and setting and minimise adverse environmental impact in the locality.
- (c) Ensure that child care centres are located appropriately.

4. What types of child care facilities require Council consent

This Part applies to Development Applications relating to:

- new centres;
- conversion of existing buildings;
- extensions to existing centres;
- extension of the hours of operation of existing centres; and
- increases in the number of children attending existing centres.

In assessing applications, Council will have regard to the provisions of this Part.

These provisions do not apply to home based child care. Applicants for home based childcare should refer to the *Children (Education and Care Services) Supplementary Provisions Regulation 2004*.

This Part of the DCP should be read in conjunction with other relevant Parts.

For heritage items or properties within a Heritage Conservation Area, this Part should also be read in conjunction with the relevant heritage provisions in KLEP 2012 and the Heritage Conservation Area guidelines (if situated within a Heritage Conservation Area)

Most applications for child care centres received by Council involve the conversion or renovation of existing buildings and sites. While this is often the least expensive option for centre operators, difficulties may arise in adapting the building/site to the proposed use. It is important to be aware of the work involved in complying with regulations before purchasing an existing building.

You must carefully consider:

- legislative requirements;
- indoor and outdoor area requirements;
- provision of car parking and manoeuvring areas;
- access for disabled persons, strollers etc;
- plumbing and electrical provisions;
- ventilation and heating;

- fire protection requirements;
- building layout - staff facilities, bathrooms, kitchens, laundries, nappy room etc;
- existing / proposed landscaping, fencing and amenity; and
- effect of proposed centre on adjoining and nearby properties.

If an existing building is to be converted or if there is a likelihood the site may be contaminated, certification from an Australian Standard accredited environmental consultant regarding the status of building materials, particularly the existence of any lead based paints/asbestos insulation and possible soil contamination will be required.

If the proposal involves additions and alterations to a building constructed prior to 1987, Council will require an asbestos survey prepared by a qualified occupational hygienist to be submitted with the development application.

Council recognises that it may be difficult to comply with the requirements of this Part where, for example, an existing commercial or industrial building is proposed to be converted to a child care centre.

In such cases Council will look at the development on its merits. However, such developments must comply to the maximum possible extent with the aims and objectives of this Part of the DCP.

5. Requirements

5.1 Siting, Layout and Design

Objectives

- (a) Child care centres should be appropriately designed and located so they do not cause any adverse environmental impact to nearby properties.
- (b) The design of child care centres should be consistent with the streetscape.

Note: In determining an application for a child care centre in a residential area, the provisions of Part C will be applied, including the height and floor space requirements, except where a specific control is contained within this Part..

Controls

- (1) Child care centres must be sited, designed and operated so that any disturbance to adjacent/nearby properties is minimised.
- (2) Areas within the building used by children must be situated at ground floor level.
- (3) The design of centres must be in character with the streetscape.
- (4) Buildings located in residential areas must be "residential" in external appearance and finishes and visually conform with nearby residential streetscapes.

5.2 Location

Objectives

- (a) Locate child care centres so they do not detrimentally affect residents in terms of noise, loss of privacy, traffic generation and on street parking.
- (b) Ensure that centres are not located in areas which may pose health or safety risks to children using the centre.
- (c) Provide a functional and pleasant environment for staff and children.

Controls

- (1) Sites selected for child care centres should conform to the following desired criteria:
 - (i) Be situated in church or school properties;
 - (ii) Be within or adjoining existing recreation / open space areas;
 - (iii) Be corner sites;
 - (iv) Be located in areas where a proposed centre would have minimal effect on the amenity of adjoining properties;
 - (v) Be of a similar scale and intensity of use to existing development in the area;
 - (vi) Be located in areas of high environmental quality;
 - (vii) Be easily accessible by public transport

- (viii) Not have frontage and/or vehicular access to streets with high traffic volumes (that is 1500-2000 vehicles per day or more) and/or on streets where there is a high demand for on street parking during times of the day when centres are likely to be operating (Refer to Appendix 1);
- (ix) Not be located on roads with carriageways less than 8 metres in width;
- (x) Not be located in dead-end or cul-de-sac streets;
- (xi) Not be affected by on-street parking restrictions such as bus stops, no standing areas, poor sight distances etc;
- (xii) Not be located in or near industrial areas, former service stations or other similar sites where any risk of contamination or health hazard may occur. In such locations, applicants are required to submit with Development Applications, environmental audit reports stating that the site is environmentally safe or detailing the measures to be taken to remove any contamination;
- (xiii) Not be located on sites with a frontage less than 20m. This will ensure that the width of the site is sufficient to allow compliance with the pick up/drop off configuration and car parking requirements.

5.3 Size of Centres

Objectives

- (a) Ensure that child care centres are of a manageable size in terms of various age groups and overall number of children.

Controls

- (1) The maximum number of children who may be enrolled at a child care centre should be as follows:
 - (i) for centres located on sites previously or currently used for residential purposes, no greater than 40.
 - (ii) for centres located on sites not previously or currently used for residential purposes, no greater than 90.

5.4 Off-Street Parking and Traffic Movements

Objectives

- (a) Ensure that adequate parking is available for the dropping off/picking up of children so that it does not cause inconvenience to residents and congestion in nearby streets, or is detrimental to child safety.
- (b) Ensure that adequate parking is provided on site for staff and parents of children attending the centre.
- (c) To consider reduced on-site parking if convenient and safe on-street parking is available, provided that the use of such parking does not affect the amenity of neighbouring properties and the adjacent area.
- (d) To allow for the safe, efficient transfer of children to and from the centre by providing suitable pedestrian and vehicular access onto and within the site.

Controls

- (1) There must be a minimum ratio of parking spaces to children of 1:4. This includes parking for both staff and parents.
- (2) Council may consider a reduction in parking requirements where a study justifies the assumptions that staff and users of the centre will use public transport, or live or work within walking distance or due to other considerations on an individual site's merits. Particular consideration will be given to centres with a high number of staff due to the provision of 0-2 year old spaces (refer to Note below).
- (3) Car park spaces design should comply with Australian Standard 2890- Parking Facilities.
- (4) Where a centre is part of a residential property (dual use), one (1) off street parking space must be provided for the resident. This is in addition to the parking required for the child care centre.
- (5) A maximum of two parking spaces may be "stacked", provided they are clear of the driveway. Stacked parking spaces shall be designated for the use of staff only and are not permitted for the space required for the resident of a dual use site.
- (6) All parking and manoeuvring areas are to be suitably sign posted, drained and line marked.

- (7) Access for motor vehicles, wherever possible, must be separated from pedestrian access by safety fencing and gates.
- (8) Provision should be made for one-way drive through arrangement on the site, which has separate ingress and egress. Within this driveway, provision should be made for a parking/passing bay. Alternative arrangements may be acceptable for corner sites (Figure 1 below).
- (9) All on-site parking must be designed so as to be able to leave the site in a forward direction.

Note: In assessing a request for a reduction in parking requirements, Council will consider a number of factors, including, but not limited to:

- (i) The availability of on-street parking
- (ii) The volume of traffic along the road
- (iii) The width of the road
- (iv) The nature of the road (straight or curved)
- (v) The presence of footpaths on both sides of the road
- (vi) The presence of roadside vegetation
- (vii) The presence of any significant intersection
- (viii) The topography of the surrounding landscape

This list is not exhaustive. There may be other factors that Council may consider in its assessment.

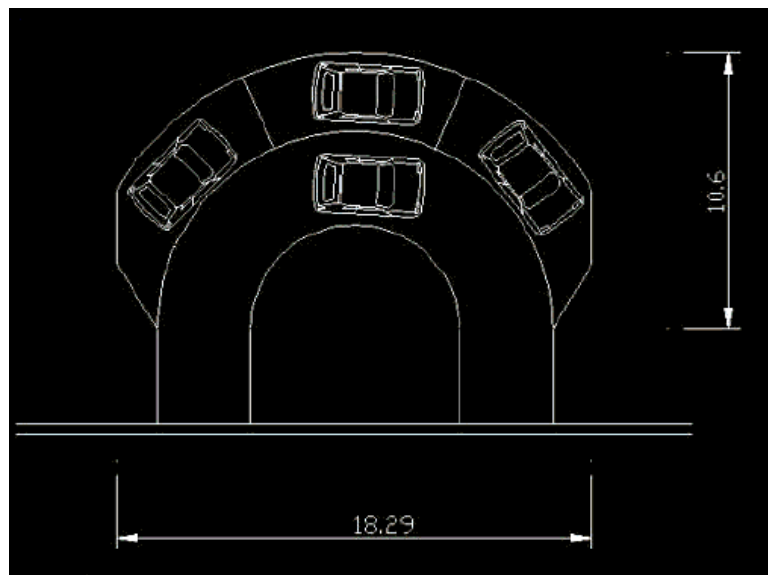


Figure 1. An example of one-way drive through on site with parking/passing bay

5.5 Outdoor Play Areas

Objectives

- (a) Ensure adequate, well designed outdoor play space is provided to cater for children's needs.
- (b) Minimise noise/loss of privacy to adjacent properties.

Controls

- (1) Outdoor and indoor play areas must be clearly identified and dimensioned on the submitted DA plans.
- (2) Locate outdoor and indoor play areas to the north or north eastern portion of the site where practical.
- (3) Locate outdoor play areas away from the main entrance, car parking areas or vehicular circulation areas.
- (4) Provide adequate separation between outdoor play areas and habitable rooms of adjoining residential properties.
- (5) Indoor play areas must have adequate access to sunlight and natural ventilation.
- (6) Dedicate at least 50% of outdoor play areas for unencumbered activity and use a variety of surfaces (e.g. grass, sand, hard paving, and moulding).
- (7) Provide physical shading devices that are integrated into the design of the building. The material and colour of shading devices must be considered in relation to the streetscape and adjoining properties.
- (8) Toilets should be easily accessible from both indoor and outdoor play areas.
- (9) Design and layout of outdoor play areas should maximise clear sight lines and ensure ease of access to the main indoor play areas.

5.6 Facilities to be provided

Objectives

- (a) Ensure the design of a centre services the needs of children, staff and parents.

Controls

- (1) The following list of requirements should be considered in the planning and design of a child care centre.
 - Space requirements
 - Laundry
 - Craft preparation facilities
 - Food preparation facilities
 - Nappy Change Facilities
 - Toilet and Washing Facilities
 - Sleeping facilities
 - Storage facilities
 - Play equipment
 - First aid
 - Fire safety
 - Ventilation, lighting and heating
 - Hot water
 - Fencing
 - Glass
 - Cleanliness, maintenance and repairs
- (2) This list is based on the *Children Education and Care Services Supplementary Provisions Regulation 2012* and is intended as a guide only. Applicants should refer to the Regulation for a complete and detailed list of equipment standards and service requirements.

5.7 Landscaping

Objectives

- (a) Enhance the setting of child care centres and the environmental quality of the neighbourhood.
- (b) Protect the existing landscape features of the site where possible.
- (c) Protect the amenity and privacy of adjoining property owners.

Controls

- (1) Sites must be landscaped to Council's satisfaction. A minimum of 40% of the site should be retained for "soft" landscaping.
- (2) A landscape plan must be submitted to the Council with all development applications. This should meet the following requirements:
 - (i) existing vegetation and other landscaped features should be retained where possible;
 - (ii) new driveways and off-street parking areas should be surfaced in "hard" landscaping;
 - (iii) areas between the building and street alignment which are not used for pedestrian or vehicular access or parking should be landscaped;
 - (iv) screen landscaping to provide privacy to adjoining properties and areas of shade for children; and
 - (v) provision of garden beds adjacent to boundaries to facilitate planting of shrubs / trees and to allow for recycling of green waste.

5.8 Noise

Objectives

- (a) Minimise noise generation from the centre and intrusion of noise from external sources.
- (b) Child care centres must achieve an ambient noise level within the centre not exceeding 40dB(A).

Controls

- (1) Designs should aim to locate playrooms, sleep rooms and playgrounds away from the noise source. Where necessary the impact of noise must be reduced by barriers such as solid fencing, placement of buildings or acoustic treatment within the building.
- (2) Centres must be carefully designed so that noise is kept to a minimum and does not create an "Offensive Noise" as defined in the Protection of the Environment Operations Act 1997. Factors to consider are:
 - layout and orientation of buildings;
 - erection of noise barriers;
 - insulation of external noise sources (e.g. air conditioners);

- window glazing;
- fencing placement, design and materials.

5.9 Health and Safety

Objectives

- (a) Ensure that child care centres operate in a healthy and safe manner.
- (b) Achieve compliance with relevant regulatory requirements.

Controls

- (1) Access should be provided and designed in accordance with AS 1428.1 Design for Access and Mobility, and in all respects comply with Part D of the Building Code of Australia for the relevant class of building. Reference to these requirements should be made in the early stages of the design to ensure the development complies with the relevant standards.

5.10 Hours of Operation

Objectives

- (a) Ensure that child care centres operate at times where they will have least impact on the community and the environment.

Controls

- (1) Council will exercise its discretion in relation to permitted hours of operation taking into consideration the nature of adjoining land uses and the circumstances of the case.
- (2) However, Council will not permit a centre located on a site or within an area used for residential purposes to operate between the hours of 7.00pm to 7.00am on any day of the week.

NOTE: *Centres located on school or church properties, or on sites used for community facilities may not be required to comply with all the abovementioned requirements. Each application will be considered on its merits having regard to the objectives of this section and the circumstances of the case.*

5.11 Signage

Objectives

- (a) Minimise the visual impact of signs.
- (b) Ensure that signs complement the design of the buildings and preserve the streetscape and amenity of the locality.

Controls

- (1) Only one appropriately located and designed external sign which is limited to identifying the name of the centre and hours of operation will be permitted.
- (2) Illuminated signs are not permitted. However signs may be externally lit by spotlights.

5.12 Dual-Use Child Care Centre/ Dwelling

Objectives

- (a) Ensure that premises used as a Child Care Centre and dwelling are suitably managed.
- (b) Avoid overdevelopment of sites used as a combined dwelling / centre.
- (c) Provide adequate separate private open space for the dwelling.

Controls

- (1) An open space area of 50m² must be provided for the exclusive use of the residential component of the dual use. This area must be in addition to the outdoor play area required under any legislation, with respect to the child care component of the dual use.
- (2) One off-street car parking space must be provided for exclusive use of the residents. This space may not be "stacked".

Appendix I – HIGH VOLUME TRAFFIC ROUTES

- Belgrave Street
- Bellevue Parade
- Blake Street
- Blakesley Road
- Boundary Road
- Bowns Road
- Butler Road
- Centre Street, Penshurst
- Chapel Street
- Connells Point Road, between Woniara Road and Mimosa Street
- Cole Street
- Coleborne Avenue (northern side), between Railway Parade and Princes Street
- Derby Street
- Elizabeth Street
- Empress Street
- Finney Street
- Frederick Street, between Oatley Parade and Rosa Street
- Gladstone Street
- Gray Avenue
- Gray Street, between Railway Parade and Princes Highway
- Greenacre Road, between King Georges Road and Mimosa Street
- Harrow Road
- Hillcrest Avenue
- Hogben Street
- Hurstville Road between Renown Park and Oatley
- Jubilee Avenue
- Kensington Street
- King Georges Road
- Lancelot Street
- Laycock Road, between Hillcrest Avenue and Railway Parade
- Leeder Avenue
- Letitia Street, between Wonoona Parade and Neville Street
- Mimosa Street, Oatley
- Mona Street
- Montgomery Street
- Oatley Parade
- Ocean Street
- Ormonde Parade
- Park Road
- Planthurst Road
- Premier Street
- Princes Highway
- Queens Avenue
- Railway Parade (North)
- Railway Parade, Penshurst
- Railway Parade between Kogarah and Hurstville
- Ramsgate Road
- Regent Street
- Rocky Point Road
- Rutland Street, between Lancelot Street and Elizabeth Street
- Short Street
- South Street
- Terry Street, between Princes Highway and Resthaven Road
- The Promenade
- Vista Street
- West Street, between Railway Parade and Cole Street
- West Street, between Princes Highway and Blakesley Road
- Woniara Road