

**Child Care Centres
Development Control Plan**

Repealed by WDCP2015 on 23/05/15

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1 Preliminary

1.1 Introduction

Woollahra Council recently completed its *Children's Services Strategy* (August 2005) which was developed to identify issues, needs and service gaps in the Woollahra local government area (LGA) in relation to families and children aged 11 years and younger. Demographic analysis identified that across the entire LGA, whilst the number of children has increased, the number of child care places has not.

Two principle objectives of the Strategy are to increase pre-school places for children aged 3-5 years and increase long-day care places for children aged 0-2years. The *Children's Services Strategy* identifies the "implementation of development controls to encourage an increase in child care places" as a key strategy to meet the shortfall in child care places.

This development control plan (DCP) has been prepared as a direct response to fulfil the need for additional child care centres. The development controls have been specifically designed so that an assessment of the overall 'public interest' is given adequate consideration in the assessment of development applications.

This DCP applies to the construction, use and operation of a child care centre. Child care centres are services which include centre based long-day care, preschools and home-based child care for 6 or more children.

Note: Home-based child care under the provisions of the *Woollahra Local Environmental Plan 1995* do not require development consent provided less than 6 children are being cared for and the use fulfils the definition of a home occupation*. (*refer to Woollahra LEP 1995 for definition of home occupation). A licence is required from the Department of Community Services (DoCS).

Applicants wanting to operate a child care centre need to obtain approval from Woollahra Council and DoCS to satisfy current State Government regulations and requirements, namely:

- development consent under the *Environmental Planning and Assessment Act 1979* (EP&A Act) is required from Woollahra Council; and
- a licence to operate is required under the *Children and Young Persons (Care and Protection) Act 1998* and the *Children's Services Regulation 2004* (Regulation) from the NSW Department of Community Services (DoCS).

DoCS are responsible for granting licences for all child care centres. The current licensing regulations contain standards and requirements for the layout of buildings used as child care centres and for the maximum number of children, staff, centre amenities and playground areas.

The *Children's Services Regulation 2004* requires that where development consent is required under the EP&A Act, an application for licence may not be made until development consent has been obtained. Therefore, a development application for a child care centre is to be approved prior to the lodgement of a licence application to DoCS.

Prior to submitting a development application to Council you are advised to:

- Read this document carefully and make sure you comply with Council's requirements;
- Talk to your neighbours about the proposed child care facility;
- Consider the requirements of DoCS as specified within the *Children's Services Regulation 2004*;

Note: To ensure that your proposal complies with *Children's Services Regulation 2004*, further information can be obtained from www.community.nsw.gov.au following the links for children's services.

- Consult with an architect to ensure that your plans fulfil the requirements of Council and DoCS;
- Investigate the suitability of the site and building for child care including land contamination, use of lead-based paints and any other toxins/hazards to children; and
- Ensure that the site is not contaminated or affected by Acid Sulfate Soils.

Council recommends that you conduct research into the requirements for establishing Centre Based Child Care Services. Visiting a variety of local community based and privately owned centres will assist in understanding Council's and DoCS requirements.

It should be noted that the granting of development consent for a proposal by Council will not necessarily result in the issuing of a licence from DoCS.

1.2 Name of this plan

This plan is called the 'Child Care Centres Development Control Plan'.

1.3 Land to which this plan applies

This plan applies to all land within the Municipality of Woollahra.

1.4 Definition and permissibility

Child care centre means:

a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) *the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the Education Reform Act 1990, and*
- (b) *the building or place does not provide residential care for any of the children (other than those related to the owner of operator).*

[Woollahra Local Environmental Plan 1995]

Under the provisions of *Woollahra Local Environmental Plan 1995* (LEP 1995), child care centres are permissible (subject to obtaining development consent) in all residential and commercial zones.

1.5 Objectives

The objectives of this plan are:

- i) To encourage high quality child care centres to meet the child care needs of the community and which are in the public interest.
- ii) To ensure child care centres are appropriately designed and located to minimise the adverse environmental impact to surrounding properties in terms of privacy, traffic generation and availability of on-street parking.
- iii) To ensure adequate parking is available for the dropping off and picking up of children and to provide for the safe pedestrian transfer of children to and from the centre.
- iv) To ensure child care centres are appropriately designed to a high level of safety, security, environmental health and amenity for their users.
- v) To ensure the physical environment of child care centres are safe and well equipped in accordance with the applicable statutory requirements and standards.

1.6 Relationship to other legislation

This plan has been prepared under Part 3 of the *Environmental Planning and Assessment Act 1979* and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

Woollahra LEP 1995 applies to the land to which this plan applies. This plan supplements and elaborates on the provisions of the Woollahra LEP 1995. The statutory provisions of Woollahra LEP 1995 take precedence over this plan.

The statutory provisions of any State Environmental Planning Policy and Regional Environmental Plan that apply to the Woollahra Municipality take precedence over this plan.

There are a number of other development control plans, policies and codes that may apply to the land to which this plan applies. In the event of any inconsistency between this plan and other development control plans, policies or codes, this plan prevails unless otherwise specified in this plan or in other plans, policies and codes.

1.7 Approval and commencement of this plan

This plan was approved by Woollahra Council on 10 April 2006 and came into effect on 19 April 2006.

2 Planning, design and location of child care centres

Explanation

This part of the DCP relates to the planning and design of child care centres. The *Children's Services Regulation 2004* provides the requirements for child care centres that must be satisfied prior to the issuing of a licence by DoCS. These requirements include staff-to-children ratios, minimum areas for indoor and outdoor open space and internal amenities.

Although some parts of this DCP refer to the requirements of the *Children's Services Regulation 2004* insofar as it affects the design and layout of a child care centre, the DCP does not include all those provisions. Consequently, applicants are advised to refer to the Regulations in order to ensure that their proposal complies with all relevant provisions.

In terms of the preferential location of child care centres, centres should be located in close proximity to existing public transport nodes and be available to good vehicular access without unduly affecting traffic in surrounding streets. Outdoor play areas should be adequately separated from adjoining properties to ensure that surrounding amenity is not significantly adversely affected.

2.1 Design and siting

Objectives

- 0 2.1.1** To minimise environmental impact to surrounding properties.
- 0 2.1.2** To encourage best practice in the planning and design of child care centres.
- 0 2.1.3** To ensure the child care centre integrates with the character of the existing streetscape and built form.
- 0 2.1.4** To provide for an appropriate size, scale and bulk so as to be sympathetic and consistent with development in the surrounding area.
- 0 2.1.5** To assess any signage associated with the child care centre as part of the entire development application.

Controls

- C 2.1.1** When designing and siting a child care centre, consideration must be given to the following attributes of the site:
 - site orientation and solar access;
 - existing vegetation;
 - topography;
 - retention of any special features/qualities of the site;
 - views to and from the site;
 - access (vehicular and pedestrian) to and from the site;
 - location and uses of surrounding buildings;

- predominant built form and character;
- the provision of windows to allow for access to natural light and views to the outdoors;
- well proportioned windows which allow natural light into rooms; and
- access to natural cross ventilation.

C 2.1.2 Child care centres must be designed in character with the existing streetscape (ie: buildings located in residential areas must maintain an appearance consistent with the nearby residential streetscape).

C 2.1.3 Child care centres must be designed and sited to minimise disturbance to adjacent, nearby and surrounding properties.

C 2.1.4 Details are to be provided of all advertising structures that are proposed to be located on the site.

2.2 Built form

Objective

O 2.2.1 To ensure the built form of child care centres is consistent with Council's existing controls and policies for development in a nominated precinct.

Control

C 2.2.1 The child care centre must comply with the provisions contained in Woollahra LEP 1995 and the relevant development control plan applying to the land.

2.3 Visual and acoustic privacy

Objectives

O 2.3.1 To minimise any adverse impact on the visual and acoustic privacy and amenity of adjoining and surrounding properties.

O 2.3.2 To protect the visual privacy of the children, staff and other users of the child care centre.

Controls

C 2.3.1 The child care centre must be acoustically designed and treated so as to minimise noise impacts to adjoining properties. In this regard, an acoustic study prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) must be submitted with the development application.

C 2.3.2 A centre operation plan must be submitted to Council and must demonstrate how the child care centre will minimise noise impacts on adjoining properties and include, but not being limited to addressing noise generating activities such as: outdoor play areas; vehicular activity and delivery vehicles.

- C 2.3.3** The child care centre must comply with the visual amenity controls of the relevant precinct development control plan.
- C 2.3.4** The location of open spaces, playground areas and balconies/terraces that are accessible to the children must be designed to minimise any direct views to or from such areas to or from neighbouring and surrounding properties.

2.4 Indoor and outdoor areas

Objectives

- O 2.4.1** To ensure that adequate and well designed spaces are provided to cater for the children's needs.
- O 2.4.2** To comply with the DoCS requirements with regard to the provision of adequate indoor and outdoor space for the children.

Controls – Indoor areas

- C 2.4.1** The child care centre must comply with the minimum indoor space provisions as prescribed by the *Children's Services Regulation 2004* (see section 3.1 of Annexure 1).
- C 2.4.2** The design of indoor space is to provide opportunity for casual surveillance at entry and access points to the site.
- C 2.4.3** Indoor spaces and facilities are to comply with the provisions of the *Children's Services Regulation 2004* (see section 3.2 of Annexure 1).

Controls – Outdoor areas

- C 2.4.4** The child care centre must comply with the minimum outdoor space provisions as prescribed by the *Children's Services Regulation 2004* (see section 3.3 of Annexure 1).
- C 2.4.5** The outdoor play spaces are to be:
- located so as to have immediate access to toilets;
 - located (where practicable) to the northern or north-eastern end of the site and not to the south of the building;
 - located away from the main entrance of the child care centre, car parking area or vehicle circulation areas;
 - of a design and layout that enables clear sight lines to all areas from other areas of the child care centre;
 - provide adequate separation from the living/bedroom windows of surrounding dwellings; and
 - adequately fenced on all sides. All gates are to be self-closing and child proof with child proof locks. While all fencing to adjoining public spaces is to be a minimum height of 1800mm.
 - A rainwater tank (minimum capacity of 2,000 litres) must be installed on site.

- At least half the outdoor area is to be unencumbered and available for free vigorous play and is to include a variety of surfaces such as grass, sand, hard paving and mounding. Surfaces shall comply with AS4422 – Playground surfacing.
- An area shall be constructed for the adequate storage of garbage and recycling bins and is to be located on site so as to minimise exposure to noise and odour to adjoining properties.

2.5 Traffic, parking and access

Objectives

- O 2.5.1** To ensure a safe environment for pedestrians (especially children), motorists and cyclists surrounding the child care centre.
- O 2.5.2** To ensure adequate drop-off and pick-up and parking which does not detrimentally affect the availability of on-street parking to surrounding properties.
- O 2.5.3** To ensure that vehicular access to and from the site does not detrimentally affect the traffic safety of surrounding properties.

Controls

- C 2.5.1** The number of on-site car spaces shall be in accordance with Council's Parking Development Control Plan.
- Note:** The off-street parking requirement at the time of adoption of this DCP was 0.5 spaces per 100m² of gross floor area.
- C 2.5.2** On-site parking must be designed to comply with Australian Standard AS 2890.1:2004.
- C 2.5.3** On-site vehicular movements must be separated from pedestrian access by safety fencing, gates or other means.
- C 2.5.4** Provision should be made, where possible, for on-site drop-off and pick-up and for a one-way drive through driveway. Within the driveway, provision should be made for a parking/passing bay.
- C 2.5.5** Where on-site parking, drop-off/pick-up area, or one-way driveway cannot be provided due to site constraints, adequate on-street parking for drop-off/picking-up and parking must be demonstrated.
- C 2.5.6** A Traffic Management Plan prepared by a suitably qualified traffic engineer/ company shall be submitted with the development application.
- C 2.5.7** All new child care centres shall comply with the access requirements contained within Council's Access DCP.

3 Annexure 1 - extract from *Children's Services Regulation 2004*

3.1 Controls – Indoor areas

- A minimum of 3.25m² of unencumbered indoor play space* per child that is exclusively for the use of children is to be provided.

(* Unencumbered indoor space does not include items such as any passage-way or thoroughfare, door swing areas, kitchen, cot rooms, toilet or shower areas located within the building or any other facility such as cupboards and areas set aside for sleeping, staff and administration (*Children's Services Regulation 2004*))

3.2 Indoor facilities

- The Children's Services Regulation 2004 requires that indoor space is to include the following facilities within all child care centres:
 - a room or area that is used only for administration and for private consultation between staff and parents;
 - a room or an area, located away from the areas used by children, that is used for respite of staff;
 - a room or an area that is used only for sleeping for children under 2 years of age;
 - where children under the age of 3 years are being cared for, the child care centre must have laundry facilities, that include at least a laundry tub connected to both hot and cold water;
 - a separate craft preparation facility, including sink, bench top and lockable cupboard. This area must not be located next to a food preparation area or nappy change area. This area is not inclusive of any indoor or outdoor play area;
 - a designated area that is both safe and hygienic for food preparation and storage. It should be designed, located and maintained to prevent children gaining access to harmful substances or equipment and includes a stove or microwave, sink, refrigerator, suitable disposal facilities and hot water supply (Food preparation areas are to be constructed and provided in accordance with the relevant sections of the Australian/New Zealand Food Standards Code. Guidance may be obtained from the National Code and for the Construction and Fitout of Food Premises published by the Australian Institute of Environmental Health and relevant Australian Standards. In the case of any inconsistency between these documents, the Australian/New Zealand Food Standards Code shall prevail.);
 - where a separate kitchen is provided, the kitchen must have a door, half-gate or other barrier to prevent unsupervised entry by children into the kitchen;
 - a designated area that is safe and hygienic for the preparation of bottles for children under the age of two years which must be separated from any nappy-changing areas;

- safe toilets, hand washing and bathing facilities that are appropriate to the ages of children and are consistent with the Building Code of Australia;
- nappy change facilities, with adult hand washing facilities in the immediate vicinity and sanitary storage facilities to cater for children under the age of three years or any child in nappies;
- sleeping areas, with cots, beds, stretchers, mattresses and other bedding to be arranged so as to be in areas that have natural light and allow easy access to and exit of any child;
- storage facilities for indoor and outdoor equipment that are secure and inaccessible to the children;
- storage facilities for children's personal belongings; and
- garbage storage & recycling facilities.

3.3 Controls – Outdoor areas

- A minimum of 7m² of useable outdoor play space* per child that is exclusively for the use of children is to be provided. However, in accordance with *Best Practice Guidelines in Early Childhood Physical Environments* a minimum rate of 15m² of useable outdoor space per child is recommended. Depending on the size and layout of the proposed child care centre it is encouraged to provide in excess of the minimum 7m². This may however not be possible depending on the circumstances of the case.

The outdoor play spaces are to be adequately shaded in accordance with *Shade for Child Care Services* published by the NSW Cancer Council and NSW Health Department. Physical shading devices are to provide sun protection to children and be integrated into the design of the building and the outdoor area; and

(* For the purposes of calculating useable outdoor space, items such as car parking, storage sheds and other fixed items which prevent children from using the space or that obstruct the view of staff supervising children using the space, are to be excluded.)

4 References

- “Discussion paper on planning requirements for Child Care Centres” – Southern Sydney Regional Organisation of Councils, September 2005
- “DCP No. 31 – Child Care Centres” – Rockdale City Council
- “Child Care Centre – DCP No. 5” – Waverley Council
- “Child Care Centres DCP 2005” – City of Sydney.

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