



## Part F ► Land Use Specific Controls

WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015



# Chapter F1

## Child Care Centres

Part F ► Land Use Specific Controls

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# Chapter F1 ► Child Care Centres

## Contents

<b>F1.1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
	F1.1.1 Background .....	1
	F1.1.2 Land where this chapter applies .....	2
	F1.1.3 Development to which this chapter applies .....	2
	F1.1.4 Objectives .....	2
	F1.1.5 Relationship to other parts of the DCP .....	3
	F1.1.6 Relationship to other documents .....	3
<b>F1.2</b>	<b>PREPARING YOUR DEVELOPMENT APPLICATION .....</b>	<b>5</b>
<b>F1.3</b>	<b>PLANNING AND DESIGN OF CHILD CARE CENTRES .....</b>	<b>6</b>
	F1.3.1 Streetscape .....	6
	F1.3.2 Visual and acoustic impacts .....	7
	F1.3.3 Pick-up, drop-off and parking .....	9
	F1.3.4 Design of child care centre: internal layout and design .....	11
	F1.3.5 Design of child care centre: indoor and outdoor areas .....	14



## F1.1 Introduction

### F1.1.1 Background

#### Regulatory framework

Since 1 January 2012 most early childhood education and care services in New South Wales are regulated under a scheme known as the National Quality Framework (NQF). The NQF was agreed to by the Council of Australian Governments and established under an applied law system<sup>1</sup> comprising the *Children (Education and Care Services National Law Applications) Act 2010* and the *National Education and Care Services Regulations*. The Department of Education and Communities (DEC) is responsible for administering the NQF in NSW.

Both Council and the State Government have a role in the approvals process for a child care centre.

From Council, the applicant needs development consent. The consent is issued under the EP&A Act and specifies that the use may be permitted on a specific parcel of land.

In addition to development consent, the applicant requires a service approval (previously called a licence) from the State Government. It is an offence to operate an education and care service without a service approval.

The DEC is responsible for issuing service approvals and assessing child care service providers compliance with the Regulations. The Regulations outline the minimum requirements to operate a service, and include matters such as staff-to-children ratios and minimum areas for indoor and outdoor open space play areas.

The National Quality Standard sets a National Benchmark for the quality of education and care services. Services are later assessed and rated against the standards, including the physical environment (Quality Area 3) and how these impact on the service provided.

The DCP provisions in this chapter reflect the spirit and intent of the NQS by encouraging best practice physical environments in child care services, whilst also addressing neighbourhood and streetscape amenity issues.

#### Child care needs in Woollahra

Child care providers are encouraged to establish centres where the ratio of child care places for different age groups responds to demographic need.

Providers should have particular regard to the *Woollahra Council Child Care Needs Study (2014)* by CRED Community Planning, which identified that the main gap for child care in the Woollahra Municipality is for places for children under 2 years of age.

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<sup>1</sup> The National Law is not a Commonwealth Law. A national applied law is a way of establishing national laws whereby a host jurisdiction (in this case Victoria) passes a law (the *Education and Care Services National Law Act 2010* (Vic)) and other jurisdictions adopt that law or pass corresponding legislation.

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As at the 2011 census, 39% of all 0-5 year olds in the municipality were aged under 2 years. At the time of the study, there were places to service 12.5% of all children aged 0-2; this equated to 169 places for under 2 year olds, which was only 14% of all places offered. In comparison, supply of places for children under 2 years in other nearby council areas is much higher i.e. between 25-28% of all places.

### F1.1.2 Land where this chapter applies

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This chapter applies to all land within the Woollahra Municipality.

### F1.1.3 Development to which this chapter applies

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Development for the purpose of a child care centre requires consent. The controls in this chapter apply to centre based child care, such as:

- ▶ long day care;
- ▶ pre-school care; and
- ▶ out of school hours care.

This includes construction of new centres and expansion or alterations to existing centres.

The chapter does not apply to family day care, home-based child care for less than seven children, including no more than four who ordinarily attend school or informal child-minding services.

#### Remember:

An application to the DEC for a service approval may not be made until development consent has been obtained. However, consent from Council does not guarantee a service approval from DEC.

It is important that an applicant, when preparing the development application to Council, addresses not only the DCP provisions in this chapter, but also the requirements in the National Regulations and Standards, particularly in regards to building design and layout and the provision of amenities such as open space.

### F1.1.4 Objectives

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The objectives of this chapter are:

- 01 To ensure child care centres are appropriately designed to a high level of safety, security, environmental health and amenity for their users, and provide an environment conducive to a high quality child care program.
- 02 To encourage child care providers to establish centres where the ratio of child care places for different age groups responds to demographic need.



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- O3 To ensure that child care centres minimise amenity impacts to surrounding properties in terms of privacy, traffic generation and availability of on-street parking.
- O4 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.

### F1.1.5 Relationship to other parts of the DCP

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This chapter is to be read in conjunction with the other parts of the DCP that are relevant to the development proposal, including:

- ▶ If located in a residential area—the controls in Part B General Residential, or Part C Heritage Conservation Areas, that apply to the land.
- ▶ If located in a business centre—the controls in Part D Business Centres that apply to the land.
- ▶ Part E: General Controls for All Development - this part contains chapters on Parking and Access, Stormwater and Flood Risk Management, Tree Management, Contaminated Land, Waste Management, Sustainability, Signage and Adaptable Housing.

### F1.1.6 Relationship to other documents

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#### National Law for child care services

The Education and Care Services National Law provides a jointly governed, uniform and integrated national approach to the regulation and quality assessment of education and care services across Australia.

The National Law sets out the objectives and guiding principles for the National Quality Framework.

The National Regulations provide detail on the minimum operational and physical space requirements for a child care service. In particular, Schedule 1 of the Regulation includes the National Quality Standard (NQS).

The NQS sets a national benchmark for the quality of education and care services. The NQS is used to assess education and care services to determine quality rating levels.

In NSW the Department of Education and Communities is responsible for assessing child care service providers against the National Quality Standard, and awarding a rating ranging from “Excellent”, “Exceeding National Quality Standard”, “Meeting National Quality Standard”, “Working Towards National Quality Standard” to “Significant Improvement Required”.

The design, layout and amenities provided by a child care centre are important elements contributing to service approval and rating level.

### **Building Code of Australia**

The Building Code of Australia establishes requirements for physical facilities in education and care buildings. Matters addressed include, but are not limited to: food preparation areas, the height of fences, number and size of toilet pans and hand basins, requirements relating to nappy change benches and bathing facilities, visibility of children's bathrooms, and playground surfacing.

### **Food and premises standards**

The Australian Standard 'Design, construction and fit-out of food premises' (AS 4674-2004) applies. The Standard ensures that design, construction and fit-out of food premises are maintained at high standards to facilitate the production of food, and includes requirements for food preparation and food storage areas.

Child care centres must also comply with food standards, and any licencing or notification requirements established by the NSW Food Authority.

## F1.2 Preparing your development application

The following matters are to be considered when preparing a development application (DA) for a child care centre:

- ▶ the National Quality Framework including the National Regulations and Quality Standards;
- ▶ provisions of this DCP;
- ▶ initial consultation with neighbours about the proposed child care facility;
- ▶ suitability of the land for use a child care centre; for example, is the land affected by acid sulfate soils, or does it contain contaminated material; and
- ▶ suitability of the building; for example, does the building contain lead-based paints or any other toxins/hazards to children.

### Site analysis to be submitted with the DA

A site analysis is to be submitted with the DA addressing the following matters:

- ▶ 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;
- ▶ parking and loading arrangements;
- ▶ location and uses of surrounding buildings;
- ▶ predominant built form and character;
- ▶ the provision of well proportioned windows to allow for access to natural light into rooms and views to the outdoors;
- ▶ access to natural cross ventilation;
- ▶ outdoor spaces suitable for children's play areas, including the size and topography;
- ▶ visual and acoustic privacy; and
- ▶ potential contamination.

## F1.3 Planning and design of child care centres

It is important that child care centres are designed to be compatible with the surrounding land uses. This compatibility needs to be reflected in the built form as well as the operation and management of the centre, as these all contribute to potential amenity, noise and privacy impacts.

To help identify and assess the potential impacts of a proposed child care centre on the surrounding area, a centre operation plan, acoustic study and traffic and parking management plan must be submitted with the development application. The centre operation plan should provide details about the proposed number of children (by age and total), the number of staff, hours of operation and a sample daily routine.

### F1.3.1 Streetscape

#### F1.3 Planning and design of child care centres ▶ 1.3.1 Streetscape

Objectives	Controls
<p>O1 To ensure the child care centre integrates with the character of the existing streetscape and built form.</p> <p>O2 To ensure that the size, scale and bulk of the child care centre is sympathetic to and consistent with the bulk and scale of surrounding development.</p>	<p>C1 The child care centre is designed to be consistent with the character of the streetscape. (Refer to the relevant residential or business centre controls in Part B, C or D of this DCP).</p> <p>C2 The child care centre complies with the building envelope controls that apply to the precinct or centre where the centre is proposed. (Refer to the relevant residential or business centre controls in Part B, C or D of this DCP).</p>
<p>O3 To ensure that business identification signs do not detract from streetscape amenity by way of size, colour or location on the site.</p> <p>O4 To ensure that business identification signs in residential areas are discrete and compatible with the residential context.</p>	<p>C3 Refer to Part E of this DCP, Chapter E7 Signage.</p>

### F1.3.2 Visual and acoustic impacts

F1.3 Planning and design of child care centres ► 1.3.2 Visual and acoustic impacts	
Objectives	Controls
<p>O1 To ensure that child care centres are designed and operated to minimise unreasonable noise impacts to adjoining properties and surrounding properties.</p> <p>O2 To ensure that noise from outdoor play areas is not continuous, or of such long duration to have an unreasonable impact on residential amenity.</p>	<p>C1 The child care centre minimises disturbance to adjacent, nearby and surrounding properties by suitable:</p> <ul style="list-style-type: none"> <li>a) design and siting of the facility (including for example, the layout of building, maximising separation between active and open outdoor play areas and the façade of any neighbouring properties, soft close gates, noise barriers, fencing and the use of noise absorbing materials); and</li> <li>b) operational management, such as the programming of noise emitting activities.</li> </ul> <p>Notes:</p> <p>A centre operation plan is to be submitted with the DA. The centre operation plan must address matters including daily program of activities, noise generating activities such as playing music and instruments, outdoor play, child drop-off and pick-up activity, mechanical plant and delivery vehicles.</p> <p>An acoustic study, prepared by a qualified practicing acoustic engineer, is to be submitted with the DA. Reference should be made to the Association of Australian Acoustical Consultants “Technical Guideline Child Care Centre Noise Assessment” for identifying how background noise is to be measured, and for the assumed sound power level of various noise sources.</p> <p>C2 Garbage and recycling bins are located and stored to minimise noise and odour impacts to adjoining properties.</p>

**F1.3 Planning and design of child care centres** ▶ 1.3.2 *Visual and acoustic impacts*

Objectives		Controls	
O3	To protect the visual privacy of the children, staff and other users of the child care centre.	C3	The child care centre complies with the visual privacy controls in this DCP. (Refer to the relevant residential or business centre controls in Part B, C or D of this DCP).
O4	To minimise adverse impacts on the visual privacy of adjoining and surrounding properties.	C4	The location and design of open spaces, playground areas and balconies, terraces or the like, accessible to the children, minimise any direct views to or from neighbouring and surrounding properties.

### F1.3.3 Pick-up, drop-off and parking

Vehicular and pedestrian access needs to provide for the safe transfer of children to and from the centre, as well as minimise detrimental impacts on traffic flow.

When considering a site for a child care centre, generally it is important to consider options available for providing parking and safe drop off and pick up arrangements. For example:

- Sites with on-site parking and drop off facilities, or within business centres, are preferred.
- Sites located on arterial roads should be avoided on safety grounds, as these roads have high traffic volumes and speeds.
- Sites that cannot provide on-site parking and drop off and pick up areas are not encouraged. Council will only consider such proposals if the child care centre is not located on an arterial road, and the applicant can demonstrate that there is adequate on-street parking vacancy rates such that the child care centre users will not unreasonably impact on the availability of on-street parking now or in the future. Council will not provide a dedicated on-street pick-up and drop-off zone for childcare centres.

A traffic management plan is to be submitted with the DA.

F1.3 Planning and design of child care centres ► 1.3.3 Traffic, parking and access	
Objectives	Controls
O1 To ensure adequate parking is provided for staff and visitors.	C1 Staff and visitor parking is provided on-site at the rate set out in Part E of this DCP, Chapter E1 Parking and Access.
O2 To ensure a safe environment for pedestrians (especially children), motorists and cyclists surrounding the child care centre.	C2 On-site vehicular movements are separated from pedestrian access and play areas by safety fencing, gates or other means.
O3 To ensure that drop-off, pick-up and parking activity does not detrimentally affect the availability of on-street parking and traffic flow in the local area.	C3 Development provides an on-site drop off and pick up area, which preferably: <ul style="list-style-type: none"> <li>a) is in the form of a one way driveway;</li> <li>b) incorporates a passing bay; and</li> <li>c) accommodates on-site the number of vehicles expected during the drop off and pick up times based on the 98th percentile queue length.</li> </ul>
O4 To ensure that vehicular access to and from the site does not detrimentally affect the traffic safety of surrounding properties.	C4 A child care centre that cannot provide the drop off and pick up area on-site will only be considered if the applicant can demonstrate that:

**F1.3 Planning and design of child care centres** ▶ *1.3.3 Traffic, parking and access*

**Objectives**

**Controls**

- a) the centre is not located on an arterial road;
- b) there is adequate on-street parking vacancy rates such that the child care centre users will not unreasonably impact on the availability of on-street parking now or in the future; and
- c) the walking catchment does not require the crossing of any arterial, sub-arterial or collector roads that do not have existing pedestrian crossing facilities within the catchment area.

Note: A traffic management plan, prepared by a suitably qualified traffic engineer, is to be submitted with the DA.



### F1.3.4 Design of child care centre: internal layout and design

The physical environment of a child care centre plays a critical role in keeping children safe; reducing the risk of unintentional injuries; contributing to their wellbeing, happiness, creativity and developing independence; and determining the quality of children’s learning and experiences.

Council’s DCP controls for internal layout and design support the requirements in the National Quality Standard regarding “Quality Area 3: Physical environment”, and can assist in providing an environment that contributes to a quality service.

F1.3 Planning and design of child care centres	
► 1.3.4 Design of child care centre: internal layout and design	
Objectives	Controls
O1 To encourage child care providers to establish centres where the ratio of child care places for different age groups responds to demographic need.	C1 Long day care centres are encouraged to include places for children under 2 years old, preferably at least 30% of the total number of places.
O2 To ensure the premises is designed to facilitate safety and supervision.	<p>C2 The design of indoor space provides opportunity for casual surveillance to entry and exit points to the site.</p> <p>C3 Areas regularly accessed by children are designed to allow clear lines of sight to facilitate supervision, particularly from:</p> <ul style="list-style-type: none"> <li>a) indoor to outdoor play areas; and</li> <li>b) indoor and outdoor play areas to children’s bathrooms and nappy changing areas.</li> </ul>
O3 To ensure exposure to natural sunlight and ventilation to reduce the spread of infection and odours.	C4 Indoor play areas have windows on external walls that allow the direct transmission of natural light.
O4 To assist in providing a comfortable environment.	C5 Play areas, cot rooms and bathrooms are naturally ventilated, such as by open windows and doors. Where natural ventilation cannot be reasonably provided, the indoor space may be ventilated through the use of an air conditioning system.

**F1.3 Planning and design of child care centres****▶ 1.3.4 Design of child care centre: internal layout and design**

Objectives	Controls
O5 To ensure that children have convenient access to bathrooms.	C6 Children's bathrooms are directly or easily accessible from indoor and outdoor play areas to facilitate supervision and encourage the independence of children.
O6 To ensure that children's bathrooms and toilet facilities are safe and designed to be developmentally and age appropriate.	C7 Children's bathrooms are designed for easy access and use by children, and include age appropriate toilets, hand basins, and bathing or showering facilities.  Note: To be shown on the DA plans.
O7 To ensure that adequate nappy changing and related facilities are provided in services for children under 3 years.	C8 Nappy change facilities are located and designed to allow visibility to and from the play area.  C9 Nappy change facilities include: a) hand basin for adult hand washing; b) separate baby bath or small inset laundry tub; and c) bench for nappy changing.  Note: To be shown on the DA plans.
O8 To ensure sufficient space is provided for administrative functions.	C10 A room or an office area, separate from the play area used by the children, is provided for administration and private consultation with parents.  C11 A room or area, separate from the play area used by the children, is provided for staff respite.  Note: These are to be shown on the DA plans.

**F1.3 Planning and design of child care centres**

▶ 1.3.4 Design of child care centre: internal layout and design

Objectives	Controls
<p>O9 To ensure that child care centres are designed to ensure quick and safe evacuation in the event of fire or other emergencies.</p>	<p>C12 Where proposed in a multi-storey building, children’s play areas are generally located on the ground level, unless it is demonstrated that adequate emergency access and egress is available. For example, a fire isolated safe haven area may be provided that opens directly onto a dedicated fire-isolated stair.</p> <p>Note: DAs for a child care centre located more than one storey above the ground level may be referred to NSW Fire and Rescue for comment. Emergency evacuation plans should be submitted with the DA.</p> <p>C13 A child care centre located more than one level above ground has a smoke detection system installed throughout the building in accordance with the requirements of Specification E2.2a Clause 4 of the BCA.</p>

### F1.3.5 Design of child care centre: indoor and outdoor areas

Wherever possible, children need opportunities to be outdoors. This can be achieved with integrated and well designed indoor and outdoor environments that are available for use at the same time.

Council's DCP controls support the requirements in the National Quality Standard regarding "Quality Area 3: Physical environment" and may assist a service provider in getting a higher rating under national quality rating and assessment process.

#### F1.3 Planning and design of child care centres

##### ▶ 1.3.5 Design of child care centre: indoor and outdoor areas

Objectives	Controls
<p>O1 To ensure indoor spaces are designed to engage children in quality experiences that provide for learning and development.</p>	<p>C1 The indoor play area provides a minimum 3.25m<sup>2</sup>/child of unencumbered play space.</p> <p>C2 The indoor play area provides craft preparation areas include sinks. These sinks are separate from the kitchen and bathroom sinks.</p> <p>Note: To be shown on the DA plans.</p>
<p>O2 To ensure that age appropriate quiet areas are provided for rest and sleeping.</p>	<p>C3 A separate sleep room is provided for children under 2 years of age.</p> <p>Note: To be shown on the DA plans.</p>
<p>O3 To minimise noise impact to adjoining and surrounding properties.</p>	<p>C4 The active and open parts of the outdoor play area are adequately separated from the living and bedroom windows of surrounding dwellings. (Also refer to Section 1.3.2 Visual and acoustic impacts above.)</p>
<p>O4 To ensure that adequate and well designed outdoor spaces are provided to cater for the children's physical and developmental needs.</p> <p>O5 To ensure that outdoor spaces provide for safe and stimulating environments for children.</p>	<p>C5 The outdoor play area provides a minimum 7m<sup>2</sup>/child of unencumbered outdoor space. Incidental boundary clearances, such as side setbacks, less than 2.5m in depth are not calculated as part of the outdoor play areas.</p> <p>Note: This is a minimum requirement; exceeding the minimum may contribute to a better quality physical environment</p>

**F1.3 Planning and design of child care centres**

► 1.3.5 Design of child care centre: indoor and outdoor areas

Objectives	Controls
	<p>for the children.</p> <p>C6 The outdoor play area provides for both active and quiet play opportunities, and should generally include: an open area of approx. 1/3 of the playground for gross motor activities such as running; approx. 1/3 of the playground for active physical play such as climbing; and approx. 1/3 of the playground for focused play like sandpits, craft (including formal quiet areas for contained play).</p> <p>Note: To be shown on the landscape plan.</p> <p>C7 At least 50% of the outdoor play area is unencumbered and available for free active and physical play.</p> <p>C8 The outdoor play area is to include a variety of surfaces such as grass, sand, hard paving and mounding.</p> <p>Note: To be shown on the landscape plan.</p> <p>C9 The outdoor play area is designed to provide separate areas for different age groups that suit their needs and abilities.</p> <p>Note: To be shown on the landscape plan and addressed in the centre operation plan.</p> <p>C10 The outdoor play areas are:</p> <ul style="list-style-type: none"> <li>a) directly accessible from indoor play areas, preferably at grade;</li> <li>b) located to have immediate access to children’s toilets;</li> <li>c) located (where practicable) to the northern or north-eastern end of the site, and not to the south of the building, for good solar access;</li> <li>d) designed and configured to enable clear sight lines to areas of the playground to facilitate effective supervision;</li> </ul>

F1.3 Planning and design of child care centres	
▶ 1.3.5 Design of child care centre: indoor and outdoor areas	
Objectives	Controls
	<ul style="list-style-type: none"> <li>e) adequately separated from the main entrance of the child care centre, car parking area, vehicle circulation areas and garbage storage; and</li> <li>f) adequately fenced on all sides: all gates are self-closing and child proof with child proof locks; and fencing to adjoining public spaces is a minimum height of 1.8m.</li> </ul>
<p>O6 To ensure the appropriate landscaping of outdoor play areas used by children.</p>	<p>C11 Vegetation is free of toxins or safety hazards such as seeds, poisonous, spikey or potentially dangerous plants.</p> <p>C12 Landscaping provides for:</p> <ul style="list-style-type: none"> <li>a) shade protection;</li> <li>b) delineation of playing areas including small spaces and larger active areas; and</li> <li>c) children to explore and experience the natural environment through the inclusion of plants, trees, edible gardens, rocks and other elements from nature.</li> </ul>
<p>O7 To encourage sustainable water use.</p>	<p>C13 A rainwater tank of at least 2,000 litres is installed on site.</p>