

City of Sydney

Child Care Centres Development Control Plan 2005

October 2005

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Part One – Introduction and Objectives



I.I Introduction

In May 2002 it was estimated that approximately 732,100 children attended Australian government funded child care services and this number had increased by approximately 27% since 1999⁽¹⁾. Nearly half of women with young children in Australia are in the workforce ⁽²⁾, necessitating the increasing need for a range of child care services. The *City of Sydney Child Care Centre Development Control Plan (DCP)* seeks to encourage the provision of high quality child care and Child Care Centres based on best practice principles within the City of Sydney, and to meet the increasing need for Child Care Centres generally. The early years of a child's life are important for their physical, social and emotional development. The City of Sydney is committed to ensuring that Child Care Centres provide environments where children's development is positively fostered; are functionally and economically viable, attractive and sympathetic to the streetscape, appropriate for the surrounding built, natural and social environments, have a minimum adverse impact of surrounding areas and are environments where children's development is positively fostered.

The City of Sydney Child Care Centres DCP provides information on the establishment of and additions to Child Care Centres and lists the requirements that proponents of development applications need to meet. The DCP is based on the provisions of Children's Services Regulation 2004 where relevant and the principles of best practice child care centres.

The City of Sydney encourages the provision of Child Care Centres as there is currently an underprovision of child care places in the local government area. The DCP recommends the provision of child care centres in commercial and residential developments and provides rates of child care provision for both commercial and residential development based upon the supply and demand requirements of residents and workers in the City of Sydney (refer to Section 3.2 of this DCP for these rates).

There are many benefits to be derived from locating child care centres within proximity to work. Such benefits include:

- increased ability to attract and retain staff;
- improved staff morale, motivation and efficiency;
- reduced absenteeism associated with child care difficulties;
- reduced stress associated with work/child care conflicts;
- optimised investment in training and ensured return on investment in employees talent; and
- enhanced business image, public profile and corporate citizenship.⁽³⁾
- Commonwealth Department of Family and Community Services, Census of Child Care Services 2002, Commonwealth of Australia, 2003.
- (2) G Russell & L Bowman, Work and Family Current Thinking, Research and Practice, Commonwealth of Australia, 1999, p 13.
- (3) Commonwealth Department of Workplace Relations http://workplace.gov.au>.

Whilst not generally encouraged, the City of Sydney recognises there may be a need to accommodate above ground level child care centres within higher density areas of the City of Sydney to cater for the child care needs of both the resident and workforce populations. Child Care Centres may be located above ground level where it is not possible to provide them at ground level. However, it is envisaged that such Child Care Centres will only be permitted in areas such as the Central Business District and surrounding high density areas. The approval of an above ground child care centre is subject to an additional range of provisions which are outlined in Part Four of this DCP.

I.2 Overview

The DCP is structured into four parts.

- Part One outlines the specific **objectives** of the *City of Sydney Child Care Centres Development Control Plan* and its application within the City of Sydney.
- Part Two outlines the **general information** regarding the process of making an application for a Child Care Centre. It contains details regarding the Regulatory process for approval and operation of any centre, including the development application and licensing process.
- Part Three outlines **planning and design considerations**. It contains the planning and design requirements for new Child Care Centres, the adaptation of buildings for Child Care Centres and the expansion of existing Child Care Centres.
- Part Four outlines the **planning and design considerations** for Child Care Centres located **above ground floor level**. It contains controls for above ground Child Care Centres in addition to controls provided in Part Three.
- Appendices contain further detailed information referred to in the DCP.

1.3 Objectives

The objectives of this DCP are:

- To encourage the provision of high quality child care which meets the needs of the community, including users of the facility and owners and users of surrounding land uses;
- To encourage best practice in the planning and design of Child Care Centres.
- To enable flexibility in the planning and design approach to provide creative and unique development outcomes and solutions to best practice.
- To ensure that Child Care Centres are appropriately located on sites within the City of Sydney area, which will ensure high levels of safety, security, environmental health, amenity for children.
- To minimise the adverse impacts associated with Child Care Centres on adjoining properties and the surrounding area, as well as the natural and built environment.
- To encourage the provision of child care centres in commercial and residential developments.
- To encourage the sustainable development of Child Care Centres.

I.4 Citation

This Development Control Plan is called the City of Sydney Child Care Centre Development Control Plan.

I.5 Commencement

This DCP was adopted by the Council of the City of Sydney on 12 September 2005 and the Central Sydney Planning Committee on 8 September 2005. The DCP came into force on 10 October 2005.

I.6 Relationship of this plan to other Environmental Planning Instruments

The provisions contained in this DCP are in addition to the provisions of the Local Environmental Plans (LEP's) applicable within the City of Sydney. Where there is any inconsistency between this plan and any LEP's, the relevant LEP will prevail.

This plan repeals The City of Sydney Provision of Childcare in the CBD (prepared by the City of Sydney, 1993).

This DCP applies to:

- the construction of a new purpose built Child Care Centre;
- the conversion or adaptation of an existing building to a Child Care Centre; or
- the expansion or alteration of an existing Child Care Centre.

This DCP does not apply to Definitions of Child Care Centres which are provided in the relevant LEP.

This DCP applies to land where the City of Sydney or Central Sydney Planning Committee is the consent authority as shown in Figure 1.

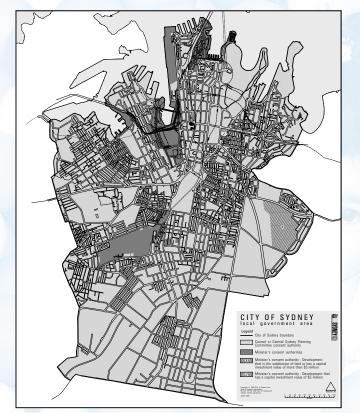


Figure 1 - The City of Sydney

Part Two – General Information

2.1 Regulatory Process

The approval of a Child Care Centre is a two part process. Development consent under the *Environmental Planning and Assessment Act 1979* (EP&A Act) is required from City of Sydney Council and a License to operate is required under the *Children and Young Persons (Care and Protection) Act 1998* and the *Children's Services Regulation 2004* from the NSW Department of Community Services (DoCS).

Children's Services Regulation 2004 requires that where development consent is required under the EP&A Act, an application for license 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 License Application from DoCS.

Approval for the development of a Child Care Centre or the expansion of an existing Child Care Centre requires the lodgement of a development application with the City of Sydney, with the necessary plans and other documentation required for assessment of the proposal against the provisions of this DCP, any other relevant LEP, DCP or Council policy or guideline, the EP&A Act and any other relevant legislation. Appendix B contains information regarding the information required by the City of Sydney to be submitted as part of the development application.

Licensing approval for operation of a Child Care Centre or the expansion of an existing Centre approval is to be obtained from the DoCS as required under the *Children (Care and Protection)* Act 1987. To obtain a license, the Act requires a Child Care services operator to comply with *Children's Services Regulation 2004*.

This DCP contains reference to a number of Children's Services Regulation 2004, but does not comprehensively include all of them. Reference to Regulation 2004 will form part of this Draft DCP where they affect issues that are pertinent to the development approval process. Reference should always be made to the licensing requirements of Regulation 2004 in conjunction with the provisions of this DCP.

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

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Contact details for the Department of Community Services can obtained from http://www.community.nsw.gov.au



2.2 The Nine Steps of the Approval Process

- Step I: Locate a suitable site according to the criteria established by this DCP.
- Step 2: Refer to the relevant LEP's and DCP's to ensure your proposal meets all necessary requirements of the City.
- **Step 3:** Ascertain the requirements for the licensing of the new child care centre by the Department of Community Services. Reference should be made to the relevant legislation, regulations and policies. Refer to the Department of Community Services publication *The Licensing Process for Establishing a New Child Care Centre in NSW* as a guide.
- Step 4: Prepare Development Application documentation for lodgement with the City of Sydney with all the necessary plans and information (refer "Application for Development" form and Appendix B for the required documentation to be included).
- **Step 5:** If necessary, arrange a pre-Development Application meeting with Council officers to confirm the pertinent issues have been addressed and required information for submission.
- **Step 6:** Lodge the Development Application and associated plans and documentation with the City of Sydney.
- **Step 7:** The City of Sydney will undertake the assessment of the development application. Where necessary, the Assessment Officers may request additional information on the development application.
- **Step 8:** Council determines the Development Application (either refusal of consent or issue of development consent subject to conditions).
- **Step 9:** Should consent be granted, prepare a License Application for Department of Community Services (refer to *Children's Services Regulations 2004* for these requirements), including a copy of the development consent, who may issue the License if their requirements have been satisfied.

Part Three – Planning and Design Criteria



Strategy

Part Three of this DCP relates to the planning and design criteria for Child Care Centres. *Children's Services Regulation 2004* outlines a number of requirements for Child Care Centres, including minimum staff to child ratios, minimum areas for indoor and outdoor space and maximum numbers of places for children, and other requirements which impact on the design of a child care centre. Some parts of *Children's Services Regulation 2004* are referred to in this DCP where appropriate and relevant to the assessment of a development application. Please note however that not all the provisions of *Children's Services Regulation 2004* are included, therefore applicants are advised to refer to the Regulation to ensure compliance with all relevant provisions.

3.1 Allocation of Child Care Places

There is a general under-provision of child care places generally within the City of Sydney; however there is a critical shortage of child care places for children under the age of 2 years. In order to meet demand for child care places within that age group the City of Sydney requires that a minimum percentage of child care places be allocated to children under the age of 2 years.

Objectives

- To ensure that Child Care Centres provide a minimum level of child care places for children under the age of two years.
- To ensure that Child Care Centres are consistent with the *Children's Services Regulation 2004* in respect of maximum numbers of child care places.

Controls

- **3.1.1** Child Care Centres shall provide a minimum of 33 % of their child care places to children aged under 2 years.
- 3.1.2 The maximum number of places for children is 90, of whom:
 - (i) no more than 30 may be under the age of 2 years; and
 - (ii) no more than 60 may be of or above the age of 2 years.

3.2 Provision of Child Care Centres in Commercial & Residential Development

Where a Master Plan, Development Plan or Stage I Development Application is required for particular sites in the City of Sydney it is important to consider as part of the process the need for child care facilities within the development, based on analysis of the future needs of the residents and workers on the site and surrounding areas. It is equally important to ensure that where child care facilities are needed that their provision is accommodated during the Master Plan, Development Plan or Stage I Development Application process to ensure the highest possible standard of facilities and amenities is achieved.

Objectives

- To encourage the provision of child care centres in new commercial and residential development based on the need created by the proposed development.
- To ensure that a Child Care Centre is provided where a development is large enough to require its provision.
- To ensure that the provision of Child Care Centres is considered during the Master Plan, Development Plan or Stage I Development Application process of sites within the City of Sydney.
- To ensure that through the redevelopment of sites which results in significant increases in the need for child care facilities, that Child Care Centres are provided on site.
- To ensure that where Child Care Centres are to be provided that during the Master Plan, Development Plan or Stage I Development Application process, the planning and design considerations of this DCP are to be implemented.

Controls

- **3.2.1** An analysis of the needs of residents and workers in relation to child care centres is recommended to be undertaken to establish the demand for child care services. Where there is a viable demand, a child care centre should be provided.
- **3.2.2** Child care places in residential development should be provided on the basis of 6 child care places per 100 households. It is recognised that a minimum viable size for a Child Care Centre is 30 places.
- **3.2.3** Child care places in commercial development should be provided on the basis of I child care place per 1450m². It is recognised that a minimum viable size for a Child Care Centre is 30 places.
- **3.2.4** The planning and design considerations of this DCP shall be applied when incorporating Child Care Centres into Master Plans, Development Plans and Stage I Development Applications.

3.3 Location

Objectives

- To ensure Child Care Centres are located in areas of high environmental quality, without exposure to undesirable health and safety risks from the site and surrounding areas;
- To encourage ease of access to Child Care Centres by all forms of public transport, vehicles, bicycles and walking, and in proximity to public transport nodes and complementary community land uses.
- To encourage where possible the location of Child Care Centres within workplaces.
- To ensure that Child Care Centres are not affected by its location and existing and potential traffic conditions that compromise ease of access and egress, and pedestrian and vehicular safety

- To ensure that site layout and building design take into account the characteristics, constraints and opportunities of the site and its surrounds, and consider the users of surrounding areas with respect to privacy and noise.
- To ensure that sites are free from contamination which may affect children's health.

- 3.3.1 Child Care Centres are to be located in proximity to:
 - (i) public transport, such as trains, buses and light rail; and
 - (ii) complementary community land uses, such as schools, libraries, parks and the like.
- **3.3.2** Where possible, consideration should be given to locating Child Care Centres within workplaces.
- **3.3.3** Child Care Centres are not to be located adjacent to injecting rooms, drugs clinics, brothels and other such uses.
- **3.3.4** Child Care Centres are not to have a direct street frontage or vehicle access point to a classified road, or any other road which in the opinion of the City is unsuitable for a Child Care Centre, having regard to:
 - (i) prevailing traffic conditions;
 - (ii) pedestrian and vehicle safety; and
 - (iii) the likely impact of the development on traffic flows.
- **3.3.5** Child Care Centres shall not be located within cul-de-sacs with minimal circulation area, however the City may consider a proposal for a centre in a cul-de-sac where, in the opinion of the City, the centre has adequate parking and turning space.
- **3.3.6** The location of a Child Care Centre is to take into consideration any environmental health hazard or risk relevant to the site and/or existing buildings within the site or in the surrounding area, having regard to the following:
 - (i) wind tunnels and downdraft created by high rise buildings;
 - (ii) pollution created by car and other vehicle fumes;
 - (iii) proximity to LPG tanks;
 - (iv) existing and potential on and off-site electromagnetic fields (50Hz and radio frequency fields 3KHz 300GHz);
 - (v) contaminated land;
 - (vi) lead in painted surfaces, carpets, furnishings and roof void in existing buildings;
 - (vii) asbestos in existing buildings;
 - (viii) mould and mildew in existing buildings;
 - (ix) proximity to water cooling and water warming systems;
 - (x) proximity to noise sources;
 - (xi) proximity to odour (and other air pollutants) generating uses and sources; and

- (xii) any other identified environmental health hazard or risk relevant to the site and/or existing buildings within the site.
- **3.3.7** A Preliminary Investigation and further action may be required by *State Environmental Planning Policy No.* 55 – *Remediation of Land* and *City of Sydney Contaminated Land DCP* where the land concerned is:
 - (i) land that is within an investigation area,
 - (ii) land on which development for a purpose referred to in Table 1(4),
 - (iii) land which is for the purposes of child care.

Refer to State Environmental Planning Policy No. 55 – Remediation of Land and the City of Sydney Contaminated Land DCP for further information.

- **3.3.8** Remediation of contaminated land shall be in accordance with *State Environmental Planning Policy No.* 55 – *Remediation of Land* and the *City of Sydney Contaminated Land DCP.*
- **3.3.9** Child Care Centres are not to be located within close proximity to mobile phone towers and base stations, transmission line easements or other sources of significant electromagnetic radiation. Where a Centre is to be located within 300m of these electromagnetic sources, a report by a suitably qualified person is to be prepared to assess the potential exposure impacts on the Child Care Centre.
- **3.3.10** The design and siting of a Child Care Centre shall consider the following attributes:
 - (i) Existing vegetation;
 - (ii) Land slope and changes in level;
 - (iii) Site orientation and solar access;
 - (iv) Prevailing winds;
 - (v) Natural drainage;
 - (vi) Retention of any special qualities or features of the site;
 - (vii) Significant noise sources;
 - (viii) Views to & from the site;
 - (ix) Pedestrian and vehicle access;
 - (x) Existing buildings on the site.
 - (xi) Location of surrounding buildings, uses, open space areas adjoining or adjacent the site;
 - (xii) Overshadowing from existing buildings;
 - (xiii) The predominant built form and character;
 - (xiv) Vehicle and pedestrian access; and
 - (xv) Major trees or landmarks on surrounding sites.

(4) Table I of Managing Land Contamination – Planning Guidelines 1998, DUAP/EPA.

3.4 Built Form

The overall built form and appearance of a Child Care Centre will be determined by the provisions of the relevant Local Environmental Plan and Development Control Plan. Reference to the relevant plans and consideration of the surrounding built form will assist in ensuring that new development and alterations and additions to existing buildings are consistent with the streetscape character of the surrounding area and of an appropriate scale and design.

Objectives

• To ensure that new development, including alterations and additions, are consistent with the relevant Local Environmental Plan or Development Control Plan;

Controls

3.4.1 The Child Care Centre shall comply with the relevant height, floor space ratio, setback and building envelope controls as stipulated by the relevant Local Environmental Plan and/or Development Control Plan.

3.5 Indoor Spaces

The following provisions seek to provide versatile and flexible indoor spaces are created to foster developmental growth of children, whilst ensuring their safety and security

Objectives

- To provide attractive and functional indoor spaces which provide positive experiences and developmental growth of children.
- To provide indoor spaces which are safe and functional, and enable adequate staff supervision of children at all times;
- To ensure that Child Care Centres comply with the provisions of *Children's Services Regulation 2004*, and to encourage the use of best practice principles for Child Care Centres where possible.
- To ensure that facilities can comply with the requirements of a food business, where the provision of food is intended.

Controls

Indoor space requirements

- **3.5.1** A minimum of 3.25sqm of unencumbered indoor space⁽⁵⁾ per child that is exclusively for the use of children;
- **3.5.2** The design of indoor spaces within the Child Care Centre is to take into account the following factors:
 - safety and security within the Child Care Centre in relation to occupational health and safety for children, staff and visitors, and external security to ensure that access into the centre is monitored, which may require the installation of camera surveillance, and installation of a security system with access only permitted to authorised persons;

⁽⁵⁾ Unencumbered indoor floor space does not include items such as any passage-way or thoroughfare, door swing areas, kitchen, cot rooms, toilet or shower areas located in the building or any other facility such as cupboards and areas set aside for sleeping, staff and administration (Children's Services Regulation 2004).

- (ii) clear and unobstructed lines of sight to all areas within the Child Care Centre for views of staff and children at all times, especially in toilets, nappy change areas and sleeping areas. The installation of convex mirrors and non recording camera surveillance may be required;
- (iii) easy accessibility between different areas within the Child Care Centre;
- (iv) convenient access from indoor to outdoor spaces;
- (v) the convenient location of children's toilets, nappy change areas and storage cupboards and ensuring clear and unobstructed lines of sight of staff and children. The installation of convex mirrors and non recording camera surveillance may be required;
- (vi) the provision of kitchen areas which enable safe food preparation;
- (vii) the provision of windows to allow for access to natural light and views to the outdoors;
- (viii) windows of indoor play areas are to be located with a northern orientation and shall receive at least three hours of sunlight between the hours of 9am and 3pm on June 21;
- (ix) appropriate external shading of windows;
- (x) access to natural cross ventilation through the appropriate placement of openings;
- (xi) use of safety glass and safety markers at child and adult height is required;
- (xii) the use of energy efficient appliances;
- (xiii) adequate storage and construction of garbage and recycling areas; and
- (xiv) mechanical ventilation of nappy change areas and toilets.
- **3.5.3** *Children's Services Regulation 2004* requires indoor space to include the following facilities within the Child Care Centre, in addition to indoor and outdoor space requirements:
 - a room or an area that is used only for administration of the Child Care service and for private consultation between staff and parents;
 - (ii) a room or an area, located away from the areas used by children, that is used for respite of staff;
 - (iii) a room or an area that is used only for sleeping for children under two years of age;
 - (iv) where children under the age of three years are cared for, the Child Care Centre must have laundry facilities, that include at least a laundry tub connected to both hot and cold water;
 - (v) separate craft preparation facilities, including sink, bench top and lockable cupboard. This area can be located in a play room but is not to be included in the calculation of useable indoor or outdoor floor space, or located next to a food preparation area or nappy change area;
 - (vi) designated area that is safe and hygienic for food preparation and storage, that is 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;

- (vii) 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;
- (viii) designated area that is safe and hygienic for the preparation of bottles for children under two years of age, which is located away from nappy change areas;
- (ix) safe toilets, hand washing and bathing facilities that are appropriate to the ages of children cared for in the Child Care Centre and consistent with the *Building Code of Australia*;
- (x) nappy change facilities, with adult hand washing facilities in the immediate vicinity and sanitary storage facilities for centres catering for under three year olds or any child in nappies;
- (xi) sleeping areas, with cots, beds, stretchers, mattresses and other bedding to be arranged so as to be in an areas that has natural light and allow easy access to and exit of any child;
- (xii) storage facilities for indoor and outdoor equipment that are secure and inaccessible to children;
- (xiii) storage facilities for children's belongings; and
- (xiv) garbage storage & recycling facilities.
- **3.5.4** Children's toilets are to be located so they are directly accessible to children's indoor and outdoor play spaces.
- **3.5.5** 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.
- **3.5.6** New hot water systems are to have a minimum Greenhouse score of 3.5. Hot water systems are to be located as close to kitchen and bathrooms as possible to reduce pipe lengths. Hot water pipes are to be insulated with a minimum of 10mm thick foil outer wrap.
- **3.5.7** The structural fittings and fixtures for all internal rooms shall be selected to enhance non-chemical pest management of the premises with all cracks and crevices being sealed and insect screening provided to openings.

3.6 Outdoor Areas

Objectives

- To ensure generous outdoor play areas that provide a variety of experiences for children, including learning, play, active and quiet time and other developmental experiences;
- To provide outdoor spaces which are safe, secure and functional, and enable adequate staff supervision of children at all times;
- To minimise noise transmission and other nuisances to the surrounding area;

Controls

Outdoor Space Requirements

- **3.6.1** In accordance with best practice principles, outdoor spaces are to provide for a variety of experiences through the provision of different spaces within the outdoor area. These different areas are to be:
 - (i) open areas for activities such as running;
 - (ii) quiet areas and formal quiet areas
 - (iii) active areas
- **3.6.2** A minimum of 7m² of useable outdoor play space⁽⁶⁾ per child that is exclusively for the use of children is to be provided. Plans of outdoor spaces are to demonstrate that they meet this requirement.
- **3.6.3** Best practice Guidelines in Early Childhood Physical Environments⁽¹⁾ recommend a minimum rate of 15m² of useable outdoor space per child. It is encouraged to provide in excess of the minimum of 7m², depending on the size and layout of the proposed Child Care Centre, however it is accepted in high density areas of the City this may not be possible.
- 3.6.4 Outdoor play spaces are to be:
 - located away from the main entrance of the Child Care Centre, car parking areas or vehicle circulation areas;
 - (ii) integrated with indoor space and provide direct and easy access between those areas;
 - (iii) 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;
 - (iv) located with a northern orientation for maximum solar access.
 - (v) located away from existing and potential noise and environmental pollution sources;
 - (vi) where in a predominantly residential area, located away from the living/ bedroom windows of surrounding dwellings;
 - (vii) inaccessible from public areas outside the Child Care Centre, except in the case of an emergency evacuation or centre deliveries such as sand replacement, unless a security system is in place which grants access, in the form of a swipe care for instance, only to authorised persons, such as families and other authorised visitors;
 - (viii) located away from areas where objects can be projected down onto play areas; and
 - (ix) adequately fenced on all sides.
- **3.6.5** A physical division, in the form of a low level fence (600mm high) or a similar structure, is to be maintained between the play spaces provided for children under the age of two years, and children over the age of two years to ensure that younger children have access to adequate spaces and

(7) Walsh, P and NSW Department of Community Services.

⁽⁶⁾ For the purposes of calculating useable outdoor space does not include 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.

equipment. Proposed divisions of play spaces are to be shown on a plan, ensuring that the allocation of play space is appropriate to the numbers of children to be cared for in the Child Care Centre.

- **3.6.6** 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. Refer to Appendix B for further information. Physical shading devices are to provide sun protection to children and be integrated into the design of the building and the outdoor area.
- **3.6.7** Physical shading devices are to provide sun protection to children and be integrated into the design of the building and the outdoor area.
- **3.6.8** Rainwater tanks are required for new Child Care Centres. The rainwater tanks must be plumbed for toilet flushing, laundry and irrigation purposes.

Landscaping

- **3.6.9** A detailed landscape plan prepared by a suitably qualified landscape professional shall be submitted with all development applications for Child Care Centres and shall demonstrate the following elements:
 - (i) separation of outdoor space into active and quiet areas;
 - proposed planting, with a variety of trees and plants to be used which create visual interest for children, and can provide shading where appropriate;
 - (iii) locations of play equipment;
 - (iv) separation of outdoor space according to age ranges, including the locations of low fencing or other structures which divide the outdoor spaces;
 - (v) outdoor spaces which include a variety of surfaces such as grass, sand, soft porous paving and the like. Surfaces shall comply with AS4422 – Playground surfacing.
- **3.6.10** Minimum soil depths for outdoor space and landscaped areas above basement parking shall be a minimum of 600mm.
- 3.6.11 The minimum depth of sandpits is 600mm.
- 3.6.12 Outdoor play equipment is to comply with the Australian Standards.
- **3.6.13** All existing vegetation on the site and on the sites directly adjoining the site are to be assessed in order to ensure they are free of toxins or safety hazards such as seeds, poisonous, spiky or potentially dangerous plants. Landscaping is to be free of toxins or safety hazards such as seeds, poisonous, spiky or potentially dangerous plants.
- **3.6.14** Preference is to be given to plant species that require little or no watering, and planting should be grouped according to species with similar water needs.
- **3.6.15** Areas likely to be subject to high water demand are fitted with a water efficient irrigation system such as drip irrigation with moisture sensors.
- **3.6.16** Irrigation should use rainwater or recycled water in preference to scheme water.

Fencing

3.6.17 Outdoor space is required to be fenced on all sides, and have regard to:

- (i) the safety and security for children;
- the prevention of children climbing over, under or through fences and leaving the premises unsupervised;
- (iii) the prevention of those from outside the centre to access the site through climbing over, under or through fencing;
- (iv) the integration with building design and proposed materials and colour scheme; and
- (v) the integration of existing and proposed landscaping with fencing.
- **3.6.18** Fencing is to be a minimum of 1800mm in height where adjoining public space.
- **3.6.19** Gates are to be self-closing and child proof, with child-proof locks and latches, and able to be permanently locked.

3.7 Visual and Acoustic Privacy

Objectives

- To ensure the privacy of surrounding properties is maintained and protected from overlooking and noise.
- To protect the visual and acoustic privacy needs of children using the Child Care Centres, staff and other users.
- To ensure that noise from Child Care Centres does not adversely impact the amenity of the Child Care Centre itself and surrounding properties.

- **3.7.1** Where noise abatement from or to the Child Care Centre is required, an acoustic report prepared by a suitably qualified acoustic consultant is required to be submitted with the development application, describing and assessing the impact of noise emissions from the Child Care Centre or to the Child Care Centre from surrounding noise sources. The investigation shall include but not be limited to the following:
 - (i) the identification of sensitive noise receivers potentially impacted;
 - (ii) a statement of the proposed hours of operation of the Child Care Centre;
 - (iii) the quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and NSW EPA requirements;
 - (iv) the identification of all noise that is likely to emanate from the Child Care Centre and the subsequent prediction of resultant noise at the identified sensitive receiver locations from the operation of the premises. Where appropriate the prediction procedures shall be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;
 - (v) details of any acoustic control measures that will be incorporated into the proposal; and

- (vi) a statement certifying that the development is capable of operating without causing a nuisance and able to operate without undue noise disturbance from external noise sources.
- **3.7.2** Consideration is be given to the following design mechanisms in respect to noise abatement for properties in the surrounding area:
 - (i) the appropriate design and siting of the Child Care Centres;
 - (ii) the appropriate layout and arrangement of outdoor space and activities;
 - (iii) the location of windows in respect to the location of windows in neighbouring properties;
 - (iv) the appropriate location of outdoor play areas away from main living area or bedroom windows of any surrounding dwellings in predominantly residential areas, and away from external noise sources;
 - (v) the use of acoustic barriers and design, such as screen fencing or planting as noise buffers for external noise sources or transmission of noise from the child care centre to surrounding properties; and
 - (vi) noise abatement measures are to be undertaken to ensure that inside noise levels do not exceed 40dB(A) (Leq 24).
- **3.7.3** Noise impacts on surrounding neighbours will be at the discretion of Council, depending on the proposed hours of operation.

3.8 Parking and Pedestrian Safety

Objectives

- To ensure a safe environment for pedestrians, particularly children, motorists and cyclists around Child Care Centres.
- To ensure that vehicular access and parking provisions of Child Care Centres do not detrimentally affect the traffic safety of surrounding areas.
- To ensure that parking is in accordance with the relevant LEP and DCP.

- **3.8.1** The number of car spaces and other relevant issues shall be in accordance with the provisions of the relevant LEP and DCP.
- **3.8.2** All on-site parking arrangements shall ensure the visual attributes of the streetscape are maintained, particularly having regard to the built form, existing landscaping, tree removal and number of vehicle crossings.
- **3.8.3** Vehicle and pedestrian access points to the centre and parking areas are to be appropriately marked and signposted.
- **3.8.4** All vehicles must be able to enter and leave the site in a forward direction.
- **3.8.5** Parking and vehicle areas are to be separated from any area used by children by appropriate safety fencing and gates.
- **3.8.6** All applications for Child Care Centres involving above 20 children shall be supported by a Traffic Report, prepared by a suitably qualified person, addressing as a minimum the following factors:
 - (i) the prevailing traffic conditions;

- (ii) the likely impact of the proposed development on existing traffic flows and the surrounding street system;
- (iii) pedestrian and traffic safety;
- (iv) justification of any variation to the parking requirements (if any proposed); and
- (v) how impacts of drop off and pick up will be accommodated.
- **3.8.7** Development proposals for centres containing 50 or more children may require referral to the Roads and Traffic Authority as identified in Schedule I of State Environmental Planning Policy No. 11 Traffic Generating Developments.

3.9 Access for People with Disabilities

Objectives

• To ensure all new Child Care Centres, and alterations and additions including any associated spaces such as outdoor space, parking areas and the like, are designed to be accessible for all people within the community.

Controls

3.9.1 All new Child Care Centres, building conversions and additions to existing premises shall comply with the minimum access requirements contained within the *City of Sydney Access Development Control Plan 2004*, the BCA and Australian Standard AS1428 – Design for Access and Mobility.

3.10 Emergency Evacuation

Objectives

• To ensure that Child Care Centres have emergency evacuation plans that ensure the safe evacuation of occupants.

- **3.10.1** Prior to the issue of an Occupation Certificate for the child care centre an evacuation plan complying with AS3745 must be prepared and implemented. The emergency evacuation plan shall consider:
 - (a) the mobility of children and how this is to be accommodated during an evacuation;
 - (b) the location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
 - (c) where the Child Care Centre is part of a larger building or complex, that the emergency evacuation plan is complementary and consistent with other emergency evacuation plans in place; and
 - (d) the supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the Child Care Centre and the child:staff ratios.

3.11 Safety and Security

Objectives

 To ensure that building design and facilities are safe and secure for children, staff and other users.

Controls

- **3.11.1** Child Care Centres are to provide natural and camera surveillance of access points and are to incorporate windows on the front façade to ensure visibility and natural surveillance.
- 3.11.2 Entry to a Child Care Centre is to be limited to one secure point, which is to be:
 - (i) appropriately located to allow ease of access;
 - (ii) adequately signposted;
 - (iii) well lit;
 - (iv) accessible by pedestrians and motorists;
 - (v) safe from pedestrian and vehicle transition areas;
 - (vi) visible from the street, if a separate building or building foyer if located within a multi unit building;
 - (vii) of a sufficient size to prevent congestion, taking into consideration the capacity of the Child Care Centre;
 - (viii) monitored through either natural or camera surveillance;
 - (ix) incorporate a transitional space, which is to be adequately fenced and separated from the entrance.
- **3.11.3** Entry into the Child Care Centre is to be limited to authorised persons only, through the provision of an electronic security system, such as swipe cards and the like.
- **3.11.4** Entry into the Child Care Centre is not to be through outdoor space used by children for security reasons.
- **3.11.5** Children's play spaces are not to be under camera surveillance due to privacy concerns and inappropriate usage.

3.12 Signage

The relevant development control plan relating to signage shall be considered where any signage is proposed as part of the application.

3.13 Operational Controls

Objectives

- To ensure that the hours of operation of Child Care Centres do not adversely impact on the amenity of surrounding properties, particularly in residential areas; and
- To ensure the provision of safe food operations.

Provisions

- **3.13.1** Hours of operation within residential areas shall not extend outside the core areas of 7.00am to 7.00pm unless written justification is submitted to the City seeking otherwise.
- **3.13.2** Consideration may be given to a variation in the hours of operation within residential areas if the proposed Child Care Centre is adjoining or adjacent a commercial or other non-residential land use.
- **3.13.3** Within mixed-use areas or predominantly commerical areas, the hours of operation for each Child Care Centre will be assessed on its merits in terms of compatibility with adjoining or upper level land uses.
- **3.13.4** Child Care Centres are to be managed in a manner that ensures that centre operations, particularly in relation to noise, do not adversely impact on surrounding properties, particularly in predominantly residential areas.
- **3.13.5** Where it is intended to serve food from the Child Care Centre, a food business is required to be registered with Council and notified to the NSW Department of Health.

Prior to commencement of business operations, the food business must be registered with the City of Sydney and notified to the NSW Department of Health (www.foodnotify.nsw.gov.au).

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Part Four – Planning and Design Criteria for Above Ground Child Care Centres



The City of Sydney recognises the need for Child Care Centres within the local government area and encourages their development in accordance with this DCP. There are instances where the built form, height and density of some areas of the City make it difficult to provide the child care centre at ground level and in these instances, Child Care Centres may be able to be located above ground level.

Whilst it is strongly encouraged at all times to provide Child Care Centres at ground level, the City acknowledges that in all instances this may not be possible in all parts of the LGA. The following provisions for Child Care Centres located above ground level are beyond the requirements of the *Building Code of Australia* and Licensing Requirements of the NSW Department of Community Services to ensure these Child Care Centres maintain a high standard of amenity and fire safety. Where a Child Care Centre is provided above ground level, the following special requirements need to be fulfilled, in addition to the general requirements of this DCP and the licensing requirements of DoCS.

4.1 Location

This DCP requires that Child Care Centres be located at ground level in order to ensure a high level of amenity for children and staff and satisfactory fire safety provisions. However the built form, building height and density of some areas of the City may make this requirement unachievable in some instances. So as not to discourage the provision of Child Care Centres within these areas, Child Care Centres may be permitted above ground level where viable alternatives do not exist. These provisions would only normally apply to areas within the City of Sydney, such as the Central Business District and surrounding high density areas.

Objectives

- To encourage the location of Child Care Centres in the City of Sydney.
- To allow the location of Child Care Centres above ground level where no viable alternatives exist.
- To ensure that above ground Child Care Centres are easily accessible and have easy access to other areas (eg. podium or roof terraces).

- 4.1.1 Child Care Centres may only be located above ground level where:
 - (i) it can be demonstrated that there are no viable alternatives for the location of a Child Care Centre at ground level in the building or the surrounding area due to the built form of the building and density of the surrounding area;
 - (ii) in the instance of a heritage item, the location of the Child Care Centre at ground level will detrimentally impact the heritage significance of the item; and
 - (iii) access to open space is available either directly or indirectly.

- **4.1.2** Child Care Centres located above ground level will not be considered by the consent authority where:
 - (i) opportunities exist to provide Child Care Centres at ground level; and
 - (ii) opportunities exist to appropriately plan for the provision and location of Child Care Centres at ground level.
- **4.1.3** Above ground Child Care Centres are to be located no higher than the first floor of a building for emergency evacuation reasons.

4.2 Fire Safety and Emergency Evacuation and Safety

Objectives

 To ensure that adequate fire safety and evacuation controls are provided for above ground Child Care Centres.

Controls

- **4.2.1** A safe haven is to be provided within the Child Care Centre according to the following provisions:
 - (i) Location: Centrally located within the Child Care Centre, and opening directly onto a dedicated fire-isolated stair;
 - (ii) Floor Area: Calculated at a rate of 0.25m² per person for the capacity of the Child Care Centre, including staff;
 - (iii) Materials: minimum FRL of 120/120/120 for walls, floors and ceilings; openings to be protected by 120/120/120 self closing fire doors; and
 - (iv) Ventilation: Served by an independent emergency air handling system that maintains positive air pressure within the safe haven and compliant with AS1668.
- **4.2.2** Where a safe haven is not provided, an emergency lift that complies with AS1735.2 is to be provided to connect the child care centre with the ground floor level and any basement car park levels. The lift must be dedicated for the use of the child care centre only.

4.3 Ventilation

Objectives

• To provide an adequate level of air quality in above ground level Child Care Centres.

- **4.3.1** An independent air handling system must be provided to the child care centre in accordance with the *Building Code of Australia*.
- **4.3.2** High efficiency filters are to be provided to minimise the effects of airborne pollutants.
- **4.3.3** Air filtration is to be in accordance with NSW Department of Health, Code of Practice for the control of Legionnaires disease.

4.4 Indoor Spaces

These provisions are in addition to Part 3.5 of this DCP and only apply to above ground Child Care Centres.

Objectives

- To provide attractive and functional spaces above ground level which cater for the experiences and developmental growth of children throughout the centre.
- To ensure adequate levels of natural light and shading against excessive heat and sun are available within above ground level Child Care Centres.

Controls

- **4.4.1** A reduction in the minimum amount of indoor space per child is not permitted.
- **4.4.2** Indoor areas are to be well proportioned to provide flexibility of activities within the space.
- **4.4.3** Indoor areas should not be interrupted by internal features such as columns.
- **4.4.4** Playrooms are to be designed so as to be enclosed by floor to ceiling height glass.
- **4.4.5** Indoor areas adjacent to public areas shall be screened to prevent direct sight into Child Care Centres

4.5 Outdoor Spaces

These provisions are in addition to Part 3.6 of this DCP and only apply to above ground Child Care Centres.

Objectives

• To ensure that functional and safe outdoor spaces are provided in above ground level Child Care Centres.

Provisions

- **4.5.1** Where the location a Child Care Centre, such as the CBD, makes it impracticable to provide the required amount of useable outdoor play space, the City may permit the provision of some or all of that space in an indoor space that is to be designed and equipped to permit children to participate in activities that promote gross motor skills, provided that:
 - (i) the space is consistent the objectives and controls of Outdoor Space requirements of this DCP;
 - the outdoor space is to be physically separated from the indoor space, with visual and physical access between the two areas for staff supervision and ease of access for children and staff;
 - (iii) the area has a northern orientation for access to natural sunlight; and
 - (iv) the floor to ceiling heights are higher than those of the rest of the Child Care Centre;

- 4.5.2 Where outdoor space is located outside:
 - (i) measures for the protection of outdoor play areas from adverse wind and climatic conditions are to be implemented.
 - adequate fencing is to be provided for the safety of children and to prevent objects being thrown over the edge. Fencing shall be unable to be climbed over, under or through, and include a safety zone and alarm system.
 - (iii) fencing is to be integrated with the building design and not viewed from the street.
- (vi) Fencing is to enable emergency evacuation by the Fire Brigade and an evacuation plan that allows ready egress.

Appendix A – Development Applications Checklist for Child Care Centres



This checklist is specific to the requirements of Child Care Centres in addition to the standard requirements for lodgement of development applications contained within the Application for Development. For further information on standard requirements refer to Application for Development.

Proposed Site Plan – at a scale of 1:100 or 1:200 showing the following:	 Location of the proposed Centre and any other structures on site Location of proposed outdoor play area and transition areas Vehicle entry to the site and off-street parking and vehicle pick up/drop off Placement of fences and gates Levels for the proposed new building and the location of any retaining walls or stairs Pedestrian access points Proposed drainage details
Proposed Floor Plan – at a scale of 1:100 or 1:200 showing all indoor areas as required in Section 3.5.1 of this DCP and containing the following information:	 Proposed floor layout and use of each area; The dimension and total area of all areas (m²); Proposed garbage and recycling storage area; Proposed concept of food preparation and storage areas;
Statement of Environmental Effects	• The statement is to address and respond to each section of this DCP.
Capacity of Centre and Operational Hours, in accordance with Part 3.12 of this DCP.	 Proposed number of children by age groups (0-2 year olds or 3-5 year olds) Staff numbers Proposed hours of operation.
Indoor and Outdoor Space Requirements	Demonstration that the proposed Child Care Centre meets the requirements in relation to indoor and outdoor space per child.
Playground Plan	A report prepared by an suitably qualified person assessing potential exposure impacts to mobile phone towers and base stations, antennae, transmission line easements or other sources of electromagnetic radiation.
Hazardous Materials Report	Where the proposed Child Care Centre is in an existing building, a Hazardous Materials report undertaken by a suitably qualified environmental consultant shall be submitted containing a lead and asbestos assessment of all building materials, carpets and painted areas including the roof void.
Acoustic Report	An acoustic report as outlined in Part 3.7 of this DCP.

Shadow Diagrams, in accordance with Part 3.4 of this DCP.	 Shadows falling on the adjoining properties at 9am, 12pm and 3pm on 21 June. Show the effect, in plan and elevation, of any existing overshadowing and any additional overshadowing from the proposal, particularly in respect of its effect on any windows, private yard spaces or any solar hot water or photovoltaic systems. The plans and/or shadow diagrams are to clearly show: (a) True North; (b) Table of sun angles used to develop the diagrams; and All relevant levels for potentially effected ground planes, window sills and heads, and neighbouring solar collectors (solar water systems and photovoltaic cells).
Preliminary Investigation, in accordance with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land and the City of Sydney Contaminated Land DCP	 The preliminary investigation must be undertaken by a suitably qualified person. Identify any past or present potentially contaminating activities. Provide a detailed appraisal of the site's history and a report based on visual site inspection and assessment. Soil sampling may be warranted where information on site contamination is limited.

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Appendix B – Guidelines for Shade Planning & Design



Children's Services Regulation 2004 requires that Outdoor Space be adequately shaded in accordance with for *Child Care Services* by the NSW Cancer Council and the NSW Health Department. A copy can be obtained from the NSW Cancer Council.

The shade recommendations are minimum guidelines for centre-based child care across NSW and are to be considered with any development proposal for a new centre, a building conversion to a Child Care Centre or the expansion of an existing centre.

 Partial shade is recommended, especially over grass that needs some sun for growth. Natural shade is best. Provide planting to the perimeter of the active play space so as not to create obstacles or safety hazards. Consider arranging planting in clusters so that a group of children can access shade. Deciduous trees will allow for penetration of warmth and light to the play space during winter.
 Shade throughout the year is recommended, particularly over sandpits. A permanent shade system is the most appropriate option. Consider the need for winter warmth and light.
Shade throughout the year is recommended.Consider using a combination of built and natural shade.Consider the need for winter warmth and light.
 Consider using a combination of built and natural shade. Shade throughout the year is recommended over fixed plan equipment and areas where children play for extended periods of time, eg. a digging patch. Place moveable equipment used for active play, eg. climbing frames, in the shade. Consider the need for winter warmth and light.

Fixed Play Equipment	 Safety is a major consideration for shade provision over fixed play equipment. Ensure shade structures over fixed play equipment do no have footholds or grip surfaces that would permit climbing. Ensure the roofline of the shade structure is designed to prevent child access to the roof. Allow a minimum head clearance height of two metres between the deck of the play equipment and the roof of the shade structure. Locate trees and upright posts of shade structures at least 1.9 metres away from the most fully extended part of the play equipment, eg. the side of a climbing platform or the end of an extended swing arc, to ensure sufficient freefall zones. Design shade structures with reference to AS4486: Australian Standard for playgrounds and playground equipment (Part 1: Development, installation, inspection, maintenance and operation) and other current Australian Standards of the day.
Transition Zone <u>s</u>	 Verandas provide permanent shade as well as rain protection – the angle of the roof and extent of overhang should be designed to maximise shade for the major part of the day, especially during summer. Design the roof and overhang to maximise shade for the major part of the day, especially during summer. A veranda width of four metres or more will allow for shaded play space underneath. Select roof materials that minimise heat build up in summer. Insulate the roof with at least a ceiling cavity (and preferably with insulation material too) and provide air flow points. Vertical blinds or louvres at the side of the veranda or terrace can provide additional protection from UVR when the sun is low in the sky. Terraces, for example with a deciduous vine covered pergola or an adjustable shade structure system, provide seasonal shade. Some canopies will also provide rain protection. Retractable or louvred shade canopies should be easily adjustable, ideally by one person at ground level. A combination of fixed roof verandah and terrace spaces may be desirable for some services. Vertical pull down blinds at the side of a verandah or terrace can provide additional protection from UVR during the morning or afternoon.
Baby/Toddler Areas	Shade throughout the year is recommended.Consider using a combination of natural and built shade.Consider the need for winter warmth and light.

Appendix C – Classified Roads in the City of Sydney



Road Name	Section from	Section to
Mitchell Road	Henderson Road	Fountain Street
Henderson Road	Wyndham Street	Mitchell Road
Bourke Street	Botany Road	McEvoy Street
Wyndham Street	Henderson Road	O'Riordan Street
Bourke Street	Wyndham Street	
Crescent Street	Bourke Street	South Dowling Street
Burrows Road	Campbell Road	Canal Road
Campbell Road	Barwon Park Road	Burrows Road
Bourke Road	Huntley Road	Collins Street
Collins Street	Bourke Street	O'Riordan Street
Huntley Street	Euston Road	Bourke Street
Chalmers Street	Redfern Street	Cleveland Street
Chalmers Street	Cleveland Street	Devonshire Street
Elizabeth Street	King Street, Sydney	Bourke Street
Redfern Street	Elizabeth Street	Chalmers Street
Missenden Road	Carillon Avenue	King Street
Fitzroy Street	Bourke Street	South Dowling Street
Foveaux Street	Mary Street	Bourke Street
Moore Park Road	South Dowling Street	Oxford Street
Albion Street	Mary Street	Flinders Street
Campbell Street	Mary Street	Riley Street
Canal Road	LGA boundary	Alexandra Canal
ee Street – Regent Street – Botany Road	George Street	Gardeners Road
Gardeners Road	Kent Road	Southern Cross Road
Sydney Park Road/ Euston Road/ McEvoy Street/ Bourke St/ Lachlan Street/ Dacey Avenue	King Street	Anzac Parade
Carillon Avenue	City Road	Mallet Street
Cleveland Street	City Road	Anzac Parade
Oxford Street	College Street	Centennial Square
O'Riordan Street	Botany Road	Gardeners Road
Regent Street/ Botany Road	Cleveland Street	Gardeners Road
South Dowling Street/ Southern Cross Drive	Oxford Street	Gardeners Road
Flinders Street/ Anzac Parade	Oxford Street	Boronia Street
Henderson Road/ Wyndham Street/ Gibbons Street	Botany Road	Regent Street
King Street/ City Road	Barwon Park Road	Parramatta Road
rskineville Road/ Swanson Street/ Copeland Street/ Mitchell Road/ Fountain Street	King Street	McEvoy Street
The Bradfield Highway	Sydney Harbour Bridge	
The Western Distributor	Sydney Harbour Bridge	Glebe Island Bridge
Pyrmont Bridge Road	Harris Street	Wattle Street
, ,	Pyrmont Bridge Road	Broadway

Road Name	Section from	Section to
Fig Street	Wattle Street	Harris Street
Abercrombie Street	Parramatta Road	Cleveland Street
Allen Street	Harris Street	Western Distributor
Harris Street	Allen Street	Broadway
Broadway	City Road	Harris Street
George Street	Harris Street	Lee Street
Cahill Expressway		
Sydney Harbour Tunnel		
Boundary Street	Oxford Street	Neild Ave
Neild Avenue	Craigend Street	Boundary Street
McLachlan Avenue	Boundary Street	Craigend Street
College Street	Prince Albert Road	Liverpool Street
William Henry Street-Pier Street-Goulburn Street	Wattle Street	Wentworth Avenue