

## 3 Childcare centres

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### 3.1 Introduction

This Guideline provides advice on the basic information required for those who are considering seeking development consent for child care centres. The City of Sydney encourages the provision of child care centres as there is currently an under provision in the local government area. They are encouraged in commercial and residential developments with rates of child care provision for both forms of development based on the supply and demand requirements of residents and workers in the City of Sydney.

#### DISCLAIMER

The information contained here is a guide only. It is recommended that the advice of the Duty Town Planner be sought in conjunction with any enquiries and development applications concerning the use of land for a child care centre within the City of Sydney local government area.

### 3.2 Planning Framework

In short, *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) is the principle planning instrument within the City of Sydney and has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EPAA 1979). It contains the aims, permitted and prohibited land uses, and development

controls for the local government area. Sydney Development Control Plan 2012 (Sydney DCP 2012) supports and compliments the provisions of the LEP by providing more detailed development controls. These plans are available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

Council's guide to lodging a development application also provides advice on the process of submitting a development application to Council. This guide and development application forms are available from the 'One Stop Shop' and the website at: [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

The approval of a Child Care Centre is a two part process. Development consent is required from the City and a license to operate is required under the *Children and Young Persons (Care and Protection) Act 1998* and the *Education and Care Services National Regulation* from NSW Community Services (formerly DoCS). The *Education and Care Services National Regulation* requires that where development consent is required under the EPAA 1979, 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 NSW Community Services. 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 NSW Community Services.

### 3.3 The approval process

**Step 1:** Locate a suitable site according to the criteria established by Sydney DCP 2012.

**Step 2:** Refer to Sydney LEP 2012 and Sydney DCP 2012 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 NSW Community Services. Reference should be made to the relevant legislation, regulations and policies. Refer to NSW Community Services' website at: [www.community.nsw.gov.au](http://www.community.nsw.gov.au) as a guide.

**Step 4:** Prepare DA documentation for lodgement with the City of Sydney with all the necessary plans and information.

**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 DA 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

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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 NSW Community Services (refer to *Education and Care Services National Regulation* for these requirements), including a copy of the development consent, who may issue the License if their requirements have been satisfied.

#### 3.4 Information to be included

- (1) Completed *Development Application* form, which must include:
  - (a) Owners Consent.
- (2) Statement of Environmental Effects (See Council's guide to lodging a DA for information to be included).
- (3) Proposed Site Plan at a scale of 1:100 or 1:200 showing the following:
  - (a) Location of the proposed Centre and any other structures on site;
  - (b) Location of proposed outdoor play area and transition areas;
  - (c) Vehicle entry to the site and off-street parking and vehicle pick up/drop off;
  - (d) Placement of fences and gates;
  - (e) Levels for the proposed new building and the location of any retaining walls or stairs;
  - (f) Pedestrian access points; and
  - (g) Proposed drainage details.
- (4) Proposed Floor Plan at a scale of 1:100 or 1:200 showing all indoor areas and containing the following information:
  - (a) Proposed floor layout and use of each area;
  - (b) The dimension and total area of all areas (m<sup>2</sup>);
  - (c) Proposed garbage and recycling storage area; and
  - (d) Proposed concept of food preparation and storage areas;
- (5) Capacity of Centre and Operational Hours:
  - (a) Proposed number of children by age groups (0-2 year olds or 3-5 year olds);
  - (b) Staff numbers; and
  - (c) Proposed hours of operation
- (6) Indoor and Outdoor Space Requirements:
  - (a) Demonstration that the proposed Child Care Centre meets the requirements in relation to indoor and outdoor space per child.
- (7) Playground Plan:
  - (a) 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.
- (8) Hazardous Materials Report:
  - (a) 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.
- (9) An Acoustic Report.
- (10) Shadow Diagrams (if a building greater than one storey):
  - (a) Shadows falling on the adjoining properties at 9am, 12pm and 3pm on 21 June;

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- (b) 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;
- (c) The plans and/or shadow diagrams are to clearly show:
  - (i) True North;
  - (ii) Table of sun angles used to develop the diagrams; and
  - (iii) All relevant levels for potentially effected ground planes, window sills and heads, and neighbouring solar collectors (solar water systems and photovoltaic cells).
- (11) Preliminary Investigation , in accordance with the requirements of *State Environmental Planning Policy No. 55 – Remediation of Land and Sydney DCP 2012*:
  - (a) Soil sampling may be warranted where information on site contamination is limited;
  - (b) The preliminary investigation must be undertaken by a suitably qualified person;

- (c) Identify any past or present potentially contaminating activities; and
- (d) Provide a detailed appraisal of the site's history and a report based on visual site inspection and assessment.

#### 3.5 Designing for shade

The *Education and Care Services National Regulation* requires that Outdoor Space be adequately shaded in accordance with the publication "Shade Guidelines for Child Care Services" by the NSW Cancer Council and the NSW Health Department. A copy can be obtained from the NSW Cancer Council ([www.cancercouncil.com.au](http://www.cancercouncil.com.au)).

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. When designing a child care centre, the following should be considered for:

- (1) Open Areas:
  - (a) Partial shade is recommended, especially over grass that needs some sun for growth.
  - (b) Natural shade is best.

- (c) Provide planting to the perimeter of the active play space so as not to create obstacles or safety hazards.
  - (d) Consider arranging planting in clusters so that a group of children can access shade.
  - (e) Deciduous trees will allow for penetration of warmth and light to the play space during winter.
- (2) Quiet Areas:
    - (a) Shade throughout the year is recommended, particularly over sandpits.
    - (b) A permanent shade system is the most appropriate option.
    - (c) Consider the need for winter warmth and light.
  - (3) Formal Quiet Areas:
    - (a) Shade throughout the year is recommended.
    - (b) Consider using a combination of built and natural shade.
    - (c) Consider the need for winter warmth and light.
  - (4) Active Areas:
    - (a) Consider using a combination of built and natural shade.

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- (b) Shade throughout the year is recommended over fixed plan equipment and areas where children play for extended periods of time, eg. a digging patch.
  - (c) Place moveable equipment used for active play, eg. climbing frames, in the shade.
  - (d) Consider the need for winter warmth and light.
- (5) Fixed Play Equipment:
- (a) Safety is a major consideration for shade provision over fixed play equipment.
  - (b) Ensure shade structures over fixed play equipment do not have footholds or grip surfaces that would permit climbing.
  - (c) Ensure the roofline of the shade structure is designed to prevent child access to the roof.
  - (d) Allow a minimum head clearance height of two metres between the deck of the play equipment and the roof of the shade structure.
  - (e) 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.
- (6) Transition Zones:
- (a) 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.
  - (b) Design the roof and overhang to maximise shade for the major part of the day, especially during summer.
  - (c) A veranda width of four metres or more will allow for shaded play space underneath.
  - (d) 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.
  - (e) 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.
  - (f) 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.
  - (g) Retractable or louvred shade canopies should be easily adjustable, ideally by one person at ground level.
  - (h) A combination of fixed roof veranda and terrace spaces may be desirable for some services.
  - (i) Vertical pull down blinds at the side of a veranda or terrace can provide additional protection from UVR during the morning or afternoon.
- (7) Baby/Toddler Areas:
- (a) Shade throughout the year is recommended.
  - (b) Consider using a combination of natural and built shade.
  - (c) Consider the need for winter warmth and light.

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### 3.6 Important issues

#### 3.6.1 Location – proximity to classified roads

Within the City of Sydney child care centres are not to have a direct street frontage or a 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:

- (1) Prevailing traffic conditions;
- (2) Pedestrian and vehicle safety; and
- (3) The likely impact of the development on traffic flows.

Classified roads within the City are included within the checklists of this Guideline.

#### 3.6.2 Child care centres with more than 50 children

Development proposals for centres containing 50 or more children may require referral to the Roads and Traffic Authority as identified in Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007*.

#### 3.7 Shade planning and design

The *Children (Education and Care Services) Supplementary Provisions Regulation 2004* requires that outdoor space be adequately shaded in accordance with the publication “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.

#### 3.7.1 Above ground child care centres

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 to cater for the needs of residents and workers. 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.

#### 3.8 Emergency evacuation

- (1) An Emergency Evacuation Plan complying with AS3745 is to be prepared and submitted with the development application. The approved Emergency Evacuation Plan shall be implemented

prior to the issue of an Occupation Certificate for the child care centre.

- (2) The Emergency Evacuation Plan is to particularly address:
  - (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, consistency 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 to staff ratios.

#### 3.9 Council contact details

Should you require further information or assistance, please contact the City's Child Care Coordinator or Duty Town Planner at the 'One Stop Shop':

Tel: 02 9265 9333 (24 hours, 7 days)

Fax: 02 9265 9222

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Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au) or at one of the City's Customer Service Centres:

*Town Hall, One-Stop-Shop* City of Sydney, Town Hall House, Level 2, 456 Kent St, Sydney NSW 2000, (02) 9265 9333, Monday to Friday 8am to 6pm

*Glebe Library and Customer Service Centre*, 186 Glebe Point Road (cnr Wigram Rd), Glebe NSW 2037, Monday to Friday 9am to 5pm

*Green Square, Customer Service Centre* 100 Joynton Avenue, Zetland NSW 2017, (02) 9265 9333, Monday to Friday 9am to 5pm

*Kings Cross, Customer Service Centre*, 50-52 Darlinghurst Road, Kings Cross, NSW 2011, Monday to Friday 9am to 5pm, Saturday 9am to 12noon

*Redfern Customer Service Centre*, 158 Redfern Street, Redfern NSW 2016, Monday to Friday 9am to 5pm, Saturday 9am to 12noon