



Bayside Council

Serving Our Community

Part 7C Child Care Centres

Botany Bay Development Control Plan 2013





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7C.1 Introduction

7C. 1.1 Land to which this Part Applies

The controls in this Part of the DCP applies to land to which this DCP applies where child care centres are permissible. Child care centres are permitted with the consent in the following zones:

- R2 - Low Density Residential
- R3 - Medium Density Residential
- R4 - High Density Residential
- B1 - Neighbourhood Centre
- B2 - Local Centre
- B3 - Commercial Core
- B4 - Mixed Use
- B5 - Business Development
- B7 - Business Park
- RE1 - Public Recreation
- RE2 - Private Recreation

This Part needs to be read in conjunction with:

- Part 1 - Introduction
- Part 2 - Notification and Advertising
- Part 3 - General Provisions
- Part 4 - Residential Zones
- Part 5 - Business Centres
- Part 6 - Employment Zones
- Part 8 - Character Precincts
- Part 9 - Key Sites
- Part 10 – Technical Guidelines*

Note: Child care centres must comply with the all other applicable Parts of the DCP, if there is a discrepancy between **Part 7C - Child Care Centres** and other Parts, the Objectives and Controls of **Part 7C** will always prevail.



7C.1.2 Regulatory Process - Development Consent and Licensing Requirements for a Child Care Centre

The approval of an Early Childhood Education and Care Service or Centre Based Service (which includes long day care, preschool or kindergarten) is a two-part process. Development consent is required first from Council under the Environmental, Planning and Assessment Act 1979 and Service Approval (a license) to operate is then required from the NSW Department of Education and Communities (DEC) – Early Childhood and Education Directorate (ECECD) in accordance to the Education and Care Services National Regulations (2011) and the Education and Care Services National Law (2010).

A Development Application for a Centre Based Service (child care centre) must be approved by Council, prior to the lodgement of a Service Approval from the NSW Department of Education and Communities - Early Childhood Education and Care Directorate.

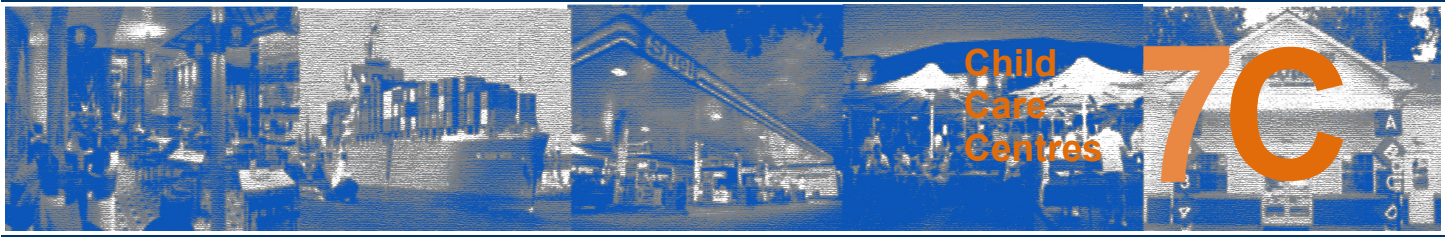
Furthermore, child care centres are required to comply with a new national framework (National Quality Framework). The National Quality Framework is implemented in the *Children (Education and Care Services National Law Application) Act 2010* and supporting National Regulation, the Australian Children's Education and Care Quality Authority (ACECQA). This Act and Regulation are the primary regulatory scheme for children's services across Australia, and are focused on requirements that are closely linked to positive outcomes for children such as staff qualification's and staff to child ratios.

Applicants are encouraged to contact Department of Education and Communities - Early Childhood Education and Care Directorate to ensure that the proposed *Early Childhood Education and Care Service* complies with the regulations.

Note - Granting of development consent by Council will not necessarily result in the issue of a *Service Approval* (license) from the *Department of Education and Communities -Early Childhood Education and Care Directorate*.

7C. 1.3 General Objectives

- O1** To ensure child care centres are compatible with the surrounding area;
- O2** To minimise the disruption to local traffic;
- O3** To promote the establishment of child care centres to meet the needs of the community; and
- O4** To ensure child care centres are appropriately designed with a high level of safety, security and amenity.



7C.2 Design, Layout and Location

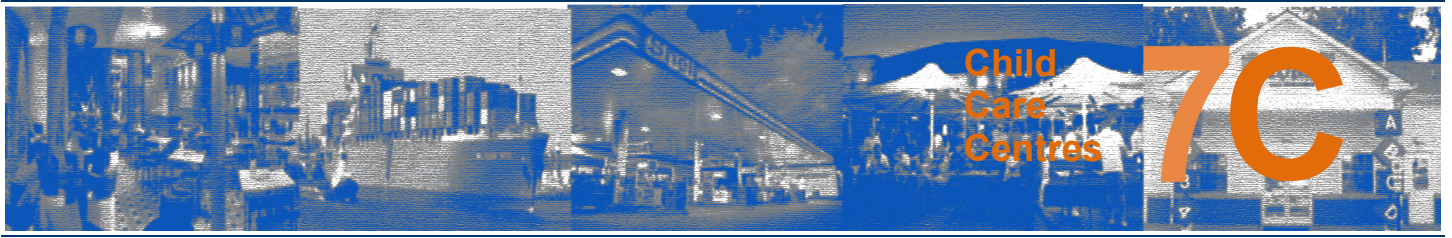
Objectives

- O1** To ensure *Early Childhood Education and Care Service* are compatible with the scale and character of surrounding areas;
- O2** To preserve the amenity of surrounding areas;
- O3** To ensure *Early Childhood Education and Care Service* are located in areas of high environmental qualities;
- O4** To protect the visual and acoustic privacy needs of children using the child care centres, staff and other users;
- O5** To ensure *Early Childhood Education and Care Service* comply with *National Quality Framework including Education and Care Services National Regulations (2011) and the Education and Care Services National Law (2010) and National Quality Standards*.
- O6** To ensure *Early Childhood Education and Care Service* are of a high visual quality which enhances the streetscape character.

Controls

General

- C1** The design and siting of a *Early Childhood Education and Care Service* shall consider:
 - (i) Existing vegetation;
 - (ii) Site orientation and solar access;
 - (iii) Natural drainage;
 - (iv) Significant noise sources;
 - (v) Views to and from the site;
 - (vi) Pedestrian and vehicle access;
 - (vii) Existing buildings on site;
 - (viii) Location of surrounding buildings, uses, open spaces adjoining or adjacent to the site; and
 - (ix) The predominant built form and character.
- C2** New development must be sited to follow the prevailing front setback pattern of the street. If the development is located in a residential zone, the building envelope must comply with **Part 4 – Residential Development**.



- C3** *Early Childhood Education and Care Service* should be single storey in height. However a maximum two storey height limit applies for child care centres. In the case of two storey building, the ground floor of the building must include the main child care centre component (including children's indoor play areas, toilet facilities, sleeping area, staff offices and other ancillary rooms etc) with the upper storey of the building used only for the purposes of storage and staff training facilities.

Part 4.3 Physical Environment - in the National Regulation 2011 prescribes information for Early Childhood Education and Care Services to adhere to as follows:

Part 4.3 Physical environment

Division 1 Centre-based services and family day care services

103 Premises, furniture and equipment to be safe, clean and in good repair

104 Fencing

105 Furniture, materials and equipment

106 Laundry and hygiene facilities

107 Space requirements—indoor space

108 Space requirements—outdoor space

109 Toilet and hygiene facilities

110 Ventilation and natural light

Division 2 Additional requirements for centre-based services

111 Administrative space

112 Nappy change facilities

113 Outdoor space—natural environment

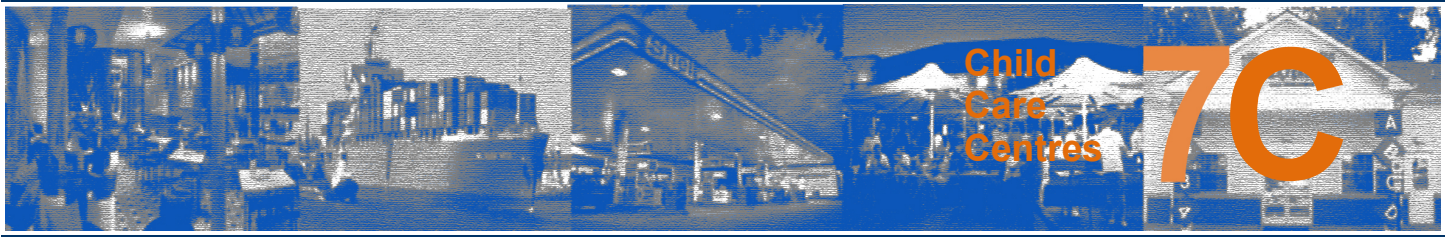
114 Outdoor space—shade

115 Premises designed to facilitate supervision

- C4** The building form and design of the *Early Childhood Education and Care Service* shall be consistent with the streetscape character.
- C5** *Under the National Quality Framework, an Approved Provider must apply for and be granted a Service Approval for each Education and care service it wants to operate.*

Design

- C6** *Early Childhood Education and Care Service* shall be designed and sited to maintain solar access for a minimum period of three hours between 9am and 3pm on 22 June to key areas of the centre including indoor and outdoor play areas.
- C7** Where various uses or activities are proposed to be undertaken, a Site Plan is required and must specify the location of where uses or activities are proposed to be undertaken.
- C8** *Early Childhood Education and Care Service* shall be designed in a manner that utilises cross ventilation as the primary ventilation control system.



Facilities and Layout

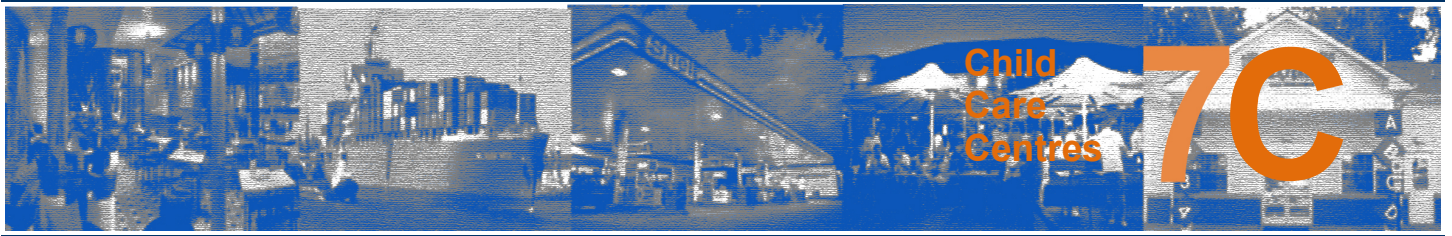
- C9** Building dimensions and facilities and the design of internal and external layout *must* comply with the National Quality Framework and any associated requirements of the *Department of Education and Communities Regulatory Authority*.

Access

- C10** The building shall provide for access for people with a disability by a continuous path of travel from the street and or parking area into and within every room and outdoor area uses by children and staff. Access shall be designed in accordance with AS 1428.1 and comply with Part D of the Building Code of Australia.

Location

- C11** A Location Analysis shall be submitted with a development application. The Location Analysis shall be in the form of a map that indicated the following within a 750 metre radius:
- (i) All existing child care centres, including the capacity of each centre;
 - (ii) Schools;
 - (iii) Parks; and
 - (iv) Community facilities.
- C12** *Early Childhood Education and Care Service* shall not have a direct street frontage or vehicle access point to a classified road, or any other road which in the opinion of Council is unsuitable for a child care centre, having regards to:
- (i) Prevailing traffic conditions;
 - (ii) Pedestrian and vehicle safety; and
 - (iii) The likely impact of development on traffic flows.
- C13** *Early Childhood Education and Care Service* are not permitted in the following locations:
- (i) Cul-de-sacs;
 - (ii) Flood risk areas;
 - (iii) On or adjacent to contaminated land;
 - (iv) Adjacent to or in view of the entrance of drug clinics and brothels; or
 - (v) Land subject to aircraft noise above the 25 ANEF contour.



C14 The location of *Early Childhood Education and Care Service* shall take into consideration any environmental risk or hazard including:

- (i) Pollution created by cars and other vehicle fumes;
- (ii) Proximity to LPG tanks;
- (iii) Existing and potential on and off-site electromagnetic fields (50Hz and radio frequency field .KHz – 3000 GHz);
- (iv) Contaminated land;
- (v) Flooding;
- (vi) Lead in painted surfaces, carpet, furnishing 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; and
- (xi) Proximity to odours.

Open Space

C15 Outdoor play space must not be occupied by any motor vehicles during operation hours.

C16 Outdoor play areas between the front alignment of the building and the street are not permitted.

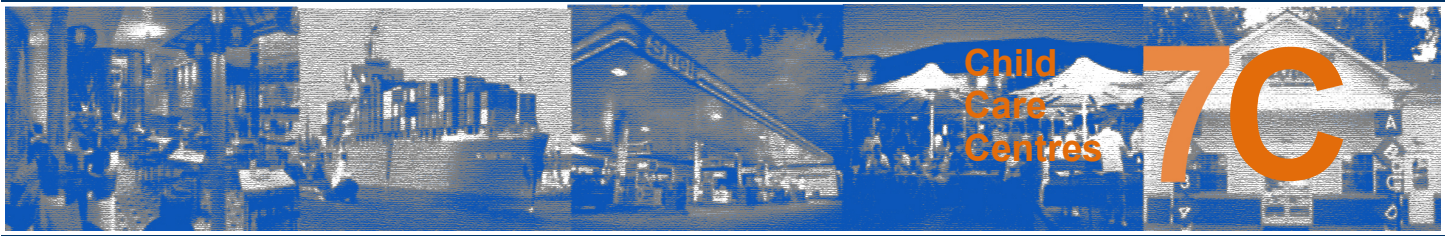
Noise and Vibration

C17 Sleep rooms and play areas are to be located away from undesirable noise sources.

C18 An acoustic report shall be prepared by a suitably qualified acoustic engineer and shall include:

- (i) Relevant noise criteria based on the Office of Environment and Heritage guidelines;
- (ii) All sources of noise;
- (iii) Noise emission levels; and
- (iv) Proposed mitigation measures.

C19 Where an *Early Childhood Education and Care Service* adjoins a residential property, noise generated by the centre must not be more than 5dB(A) above the ambient (L90) background noise level, as measured at any point on the adjoining residential property.

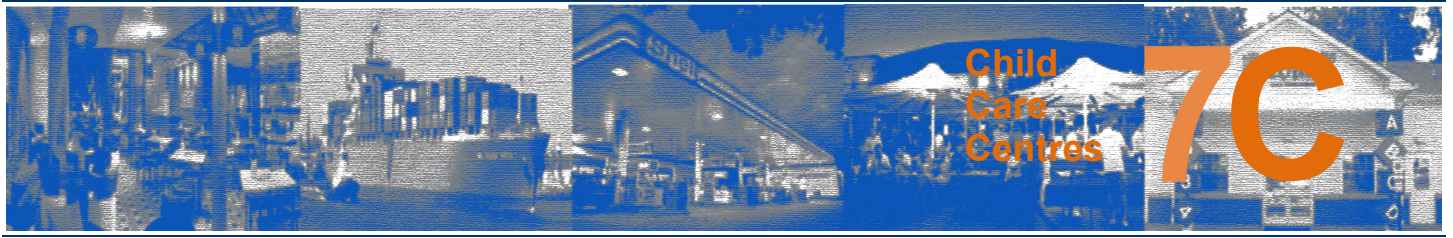


Landscaping

- C20** No area within an *Early Childhood Education and Care Service* may contain plant species that are characteristic of the following:
- (i) Plants known to be poisonous or that produce toxins;
 - (ii) Plants with high allergen properties;
 - (iii) Plants with thorns, spiky or prickly foliage; or
 - (iv) Any plant species that Council considers may place the health, safety or welfare of the Early Childhood Education and Care Service users at risk.
- C21** Where adjacent a residential landuse, appropriate buffer planting or landscape screening shall be provided on site boundaries incorporating tall hedges and small trees. The minimum width of these landscape areas is 1.5 metres.
- C22** The front setback area of all child care centres is required to be fully landscaped (excluding approved vehicle accessways/parking) in accordance with **Part 3L - Landscaping**.
- C23** All *Early Childhood Education and Care Service* at street level shall contain appropriate landscape buffer/screen planting across the road frontage.

Safety and Security

- C24** *Early Childhood Education and Care Service* are to provide natural surveillance of access points and are to incorporate windows on the front façade to ensure visibility and natural surveillance.
- C25** Entry to an *Early Childhood Education and Care Service* is to be limited to one secure point, which is to be:
- (i) Sign posted;
 - (ii) Well lit;
 - (iii) Accessible by pedestrians and motorists, with priority given to pedestrians;
 - (iv) Visible from the street;
 - (v) Of sufficient size to prevent congestion;
 - (vi) Monitored though natural surveillance; and
 - (vii) Provided with a covered area (minimum 5m²) over the door.
- C26** Entry to an *Early Childhood Education and Care Service* is not permitted through any outdoor play area.



7C.3 Operational Requirements

Objectives

- O1 To ensure the an *Early Childhood Education and Care Services* are compatible with the surrounding land uses;
- O2 To ensure impacts are minimised on the surrounding areas; and
- O3 To ensure the hours of operation do not have a detrimental impact on the surrounding areas.

Controls

General

- C1 The proposed development must not interfere with the amenity of the neighbourhood.

Staff

- O7 Staff ratios must comply with *National Quality Framework including Education and Care Services National Regulations (2011) and the Education and Care Services National Law (2010) and National Quality Standards*.

Hours of Operation

- C2 The hours of operation of child care centres in a residential zone are limited to 7am to 7pm Monday to Friday (excluding public holidays).

Plan of Management

- C3 A Plan of Management (POM) is required to be submitted with a development application. A POM is a written report which describes how the ongoing operation of the child care centre will be managed to reduce its impact upon the amenity of surrounding properties.

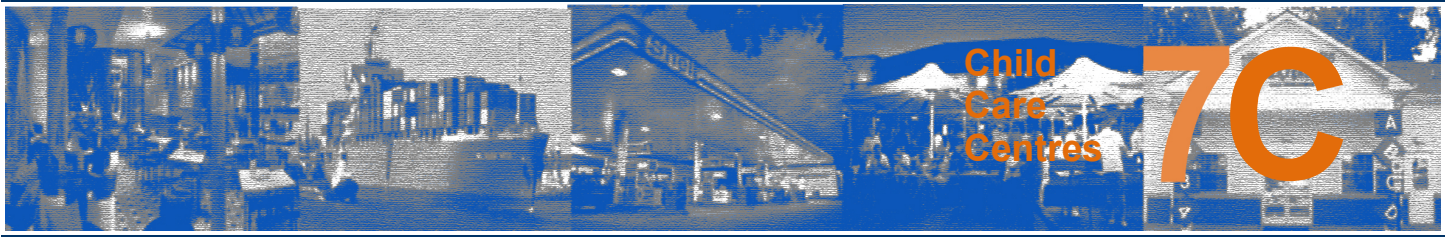
The POM allows Council to exercise control over the ongoing operation of a premises by requiring, as a condition of consent, that the premises operate in accordance with the POM. A condition of consent may require that a POM be regularly revised and submitted to Council.



The POM must provide all details relevant to the operation of the premises. As a minimum the following must be included:

- (i) Title;
- (ii) Objectives;
- (iii) Operational details;
- (iv) Hours of operation;
- (v) Staffing details;
- (vi) Guidelines for staff for using the site facilities and equipments;
- (vii) Deliveries and loading/unloading;
- (viii) Managing drop offs and pick ups;
- (ix) Security details;
- (x) Noise Impact Assessment;
- (xi) Complaint recording and handling process; and
- (xii) The review process to continuously improve the POM.

The traffic movements, hours of deliveries, use of parking areas and garbage collection must be managed through the POM where a child care centre is close to residential premises.



7C.4 Parking and Access

Objectives

- O1** To ensure vehicular and pedestrian access and servicing are suitable for the proposed use;
- O2** To ensure parking and vehicular access does not impact the amenity of the surrounding area; and
- O3** To reduce congestion on public roads.

Controls

- C1** The proposed development must not interfere with the amenity of the neighbourhood.
- C2** Drop off/ pick up spaces are to be provided. The number of spaces required is determined by the following:
 - (i) The maximum number of children the centre has approval for; and
 - (ii) One (1) drop-off /pick-up space per 20 children.
- C3** The dimension of pick-up / drop-off spaces shall be designed in accordance with User Class 3A as defined in AS2890.1.
- C4** All pick-up / drop-off spaces shall be located close to a lift, ramp or building entrance and clearly sign posted and line marked. Signage and line marking shall comply with AS2890.1.
- C5** The number of carparking spaces required shall be in accordance with **Part 3A - Car Parking**.
- C6** Walking routes through the parking area of the child care centre shall be clearly delineated with appropriate marking, pedestrian crossing and signposting.
- C7** Development Applications shall submit a Car Parking and Traffic Assessment Study and must address (but not limited to) the following:
 - (i) Existing prevailing traffic conditions;
 - (ii) The likely traffic generation rate of the proposed centre;
 - (iii) The current level of service for key intersection in the locality of the site;
 - (iv) The predicted level of service for key intersections in the locality of the site;
 - (v) The likely impact of the proposed development on existing traffic flows upon the local road network;
 - (vi) The suitability of the proposed access arrangements into or from the car parking area in the centre, taking into account current and future anticipated traffic conditions; and
 - (vii) Any pedestrian and traffic safety issues.



For traffic generation rates the Road and Maritimes Services (RMS) traffic generation rate (refer to **Table 1**) is to be used as a guide:

Table 1 - Traffic Generation Rate for Child Care Centres

Centre Type	Peak Vehicles Trips/ Child		
	7:00am - 9:00am	2:30pm - 4:30pm	4:00pm - 6:00pm
Pre-school	1.4	0.8	-
Long-day care	0.8	0.3	0.7
Before / after care	0.5	0.2	0.7