

## CHILD CARE CENTRES

### Introduction

- 10.1 Risk Assessment
- 10.2 Building Height and Setbacks
- 10.3 Parking and Access
- 10.4 Dual-Use and Multi-Use Facilities

### REFER TO

SEPP Transport and Infrastructure 2021

### REFER TO

Child Care Planning Guideline

## INTRODUCTION

### ***Child Care Centres to which this Part applies***

This Part applies to all types of child care centres except the following services:

- i) Home Based Care
- ii) Family Day Care
- iii) Mobile Care Services
- iv) Out-of school-hours (OOSH) Care Services

**Note:** Child care services not covered by this Part may require Council approval prior to operation. Please contact Council's Community Service Department if you wish to obtain information relating to the establishment and operation of these services.

**Note:** Child care centres are regulated by the *Education and Care Services National Regulations 2011*, under the *New South Wales Children (Education and Care Services National Law Application) Act 2010*.

**Note:** Mobile and Occasional Care Services are regulated by the *Children (Education and Care Services) Supplementary Provisions Act 2011* and *Children (Education and Care Services) Regulation Provisions 2012*.

**Note:** Home Based Care services are now required to register with a family day care service

**Note:** For all definitions and abbreviations refer to Part 1B Dictionary.

### ***Purpose of this Part***

This Part has been created to guide the design development of high quality child care centres in Ku-ring-gai so as to:

- i) meet the aims and objectives within KLEP;
- ii) encourage a positive, proactive approach to identifying and responding to the child care needs of the community; and
- iii) provide a clear planning framework for guidance towards the establishment of centres that incorporate these aims.

### ***Obtaining consent from Council***

This Part complements the provisions of the *Children (Education and Care Services National Law Application) Act 2010* and the *Education and Care Services National Regulations 2011*.

All child care centres require consent from Council and a license from the Department of Education (DoE) before they may operate. In the consideration of a development application (DA), Council will assess matters such as the design of the centre and how the centre fits into its surrounding environment. DAs will be assessed against the *SEPP (Transport and Infrastructure) 2021*, the Department of Planning and Environment (DPE) *Child Care Planning Guideline*, and the controls of this DCP. The DA is to be prepared in accordance with Council's Development Application Guide.

Once Council has granted a consent, a license application is to be

## INTRODUCTION (continued)

prepared and submitted to DoE (refer to the Regulations 2011 for details). In assessing the licence application, DoE will consider how the centre is likely to operate and the ability of the proposal to meet the provisions of the Regulations 2011. As DoE considers the licence application after consent has been granted, the applicants DA lodgement is required to include a signed statement, as required under Part 2.2 'Service Approvals' of the Regulation 2011.

**Note:** Part 2.2 'Service Approvals' of the Regulations 2011 states that applicants applying for a license from DoE are to provide the department with a statement in writing signed by the applicant and by a person who is entitled to use the title "architect", "architectural draftsmen" or architectural assistant" under the *Architects Act 1921* or who is accredited by the Building Designers Association of NSW Inc. In relation to the design of the class of building concerned, that the premises complies with the Part 4.3 'Physical Environment' facilities and equipment requirements of the Regulations 2011 applicable to centre based children's services. A statement of any respect in which the premises do not comply with these requirements signed in this manner is also to be provided.

It should be noted that compliance with the numerical controls contained in this Part does not necessarily guarantee that Council will grant consent to an application.

### **Obtaining further information**

Information relating to the DoE requirements for establishing child care centres can be found at <https://education.nsw.gov.au/>.

### **State Environmental Planning Policy and Relevant Guideline**

*State Environmental Planning Policy (Transport and Infrastructure) 2021* determines that any development application for a child care centre facility is to comply with the requirements of the DPE *Child Care Planning Guideline* (Guideline) and certain provisions of Council's DCP.

The Guideline stipulates design quality principles to be achieved in child care centres as follows:

#### Principle 1 – Context

*Design is to respond and contribute to context.*

#### Principle 2 – Built form

*Achieve a scale, bulk and height appropriate to the surrounding area.*

#### Principle 3 – Adaptive learning spaces

*Deliver high quality learning spaces for staff and children.*

#### Principle 4 – Sustainability

*Provide positive environmental, social and economic outcomes.*

#### Principle 5 – Landscape

*Integrated buildings and landscaping to provide context fit and amenity*

#### Principle 6 – Amenity

*Positively influence internal/external amenity for children, staff and neighbours.*

#### Principle 7 – Safety

*Reduce health/safety risk and optimise built/natural areas for learning and play.*

## 10.1 RISK ASSESSMENT

### Objectives

- 1 *To protect health and safety of the facilities' users.*
- 2 *To avoid child care centres adversely affecting local traffic management and local amenity.*
- 3 *To ensure safe pedestrian movement within the child care centre.*
- 4 *To encourage child care centres in locations that enable safe access.*
- 5 *To ensure that centres above ground floor do not compromise the safety of the child care centre users.*
- 6 *To ensure the provision of safe outdoor areas with appropriate landscaping.*
- 7 *To ensure a safe, functional and educational environment for children of all ages.*

### Controls

#### **Exposure to Radio Frequencies**

- 1 New child care facilities within 500m of a mobile phone base station, as measured from the transmitter to the nearest point of the subject site, are to be accompanied by a report that demonstrates that the site is safe for use. The report is to:
  - i) show that the site will not be exposed to Radio Frequency fields in excess of the criteria stated in the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) 'Radio Protection Standard – maximum exposure levels to radio frequency fields – 3kHz to 300GHz';

**Note:** For more information, visit the ARPANSA website at: [www.arpansa.gov.au](http://www.arpansa.gov.au)

  - ii) be prepared using the 'Radio Frequency EME Exposure Levels – Prediction' methodology; and
  - iii) be prepared by a suitably qualified person.
- 2 Proposals to establish new child care centres within 70m of a power line carrying in excess of 33 kilovolts (as measured from the ground point directly above an underground power line or directly below an overhead power line to the nearest point of the subject site) are to be accompanied by a report that demonstrates the site is safe for use. The report is to:
  - i) show that the site will not be exposed to Electromagnetic Field Exposure (EMF) in excess of the limits stated in the International Commission on Non-ionising Radio Protection's (ICNIRP) Guidelines for Limiting Exposure to Time-Varying Electric, Magnetic and Electromagnetic Fields (up to 300GHz);
  - ii) be prepared in accordance with the methodology set out in the guidelines; and
  - iii) be prepared by a suitably qualified person.

**Note:** The ARPANSA recommended publication 'Electromagnetic Fields and Human Health: Power Lines and FAQs' prepared by Professor John E Moulder states "depending on the type of line and its current, magnetic fields become less than those produced by a typical residence at a distance of 20-70m".

**Note:** 33 kilovolts is the typical voltage carried by a distribution line from a substation or transmission line to a neighbourhood area. Applicants should consult Transgrid and Integral Energy for information relating to the location of power lines and power line easements in excess of 33 kilovolts.

**Note:** For more information, visit the ICNIRP website at: [www.icnirp.org](http://www.icnirp.org)

#### **Roadways**

- 3 Proposals to establish new child care centres within 125m of a major roadway is to be accompanied by reports that demonstrates the site is safe for use.

**Note:** The distance is to be measured from the edge of the road reserve, closest to the proposed site, to the nearest point of the subject site.

## 10.1 RISK ASSESSMENT (CONTINUED)

### Controls

The reports is to:

- i) provide a comparison between the air, noise and soil qualities experienced by the centre and the guidelines set by the NSW Department of Environment and Conservation's Environment Protection Authority (EPA); and

**Note:** For more information, visit the EPA website at: <https://www.epa.nsw.gov.au>

- ii) be prepared by an environmental scientist and/or an environmental engineer.

**Note:** Refer to Part 1B Dictionary for definition of major road.

- 4 The applicant is to demonstrate that there will be no significant impact to safety and amenity due to vehicular manoeuvrability and traffic movement where a new child care centre is to be established
  - i) in a cul-de-sac or road with no through public access; and/or
  - ii) in a residential street,

- 5 New child care centres proposed on sites adjoining a major roadway (as listed in Part 10.1) are not to have vehicular access from that road unless it can be adequately demonstrated that alternative vehicular access to that development is neither practicable nor can be provided by another road (not being a road listed in Part 10.1)

**Note:** Depending on the size of the centre, such access arrangements may require the concurrence of Council's Traffic Committee and the Roads and Maritime Services.

**Note:** The list above is by no means exhaustive. Council requires that air, noise and/or soil testing be carried out for all proposals. Additionally where child care centres are proposed in the vicinity of roads that carry high traffic, a report is to be prepared demonstrating the impacts that traffic generated by the centre will have on the roadway.

- 6 Separate and safe pedestrian pathways are to be provided into the site and into the child care building. Pedestrian paths are not to be combined in a shared zone with vehicular access driveways.

### **Business Zones**

- 7 The child care centre is to be located at ground level where achievable and in areas where the opportunity for natural landscaping comprising deep soil planting is possible.
- 8 Where child care centres are located on the first floor level (or above) the application is required to address child safety, privacy, and amenity impacts for both the child care centre occupants and premises.
- 9 Where centre facilities are provided for use by children above ground level:
  - i) a safe refuge area is to be provided which opens directly to a dedicated fire-isolated stair; and

## 10.1 RISK ASSESSMENT (CONTINUED)

### Controls

- ii) the minimum floor area of refuge is to be calculated at the rate of 0.25m<sup>2</sup> per person (staff and children).

### Outdoor Areas

- 10 No landscaped area within the child care centre is to contain plant species that have the following characteristics:
- i) plants known to be poisonous or that produce toxins;
  - ii) plants with high allergen properties;
  - iii) plants with thorns, spikes or prickly foliage; and
  - iv) plant species that Council considers may place the health, safety and welfare of the centre's users at risk.
- 11 Outdoor play spaces are to be located away from public roads
- i) in the side or rear setback of the site; and
  - ii) away from driveways, carparks and other sources of noise and fumes.

**Note:** Where it is not possible to locate outdoor play spaces in the side or rear setback of the centre, the applicant will be required to demonstrate that appropriate safety precautions have been implemented.

- 12 Separate outdoor play spaces are to be provided for children aged under 3 years and children aged between 3 and 5 years, with a clear line of sight for supervision of both areas.
- 13 The average noise level in the outdoor play spaces is not to exceed 55 dB(A) originating from external sources, during the centre's operating hours.

**Note:** Council requires an acoustic assessment be undertaken by a suitably qualified acoustic consultant that is to include recommended noise attenuation measures.



Figure 10.1-1  
Example of good design of outdoor play areas

## 10.2 BUILDING HEIGHT AND SETBACKS

### Objectives

- 1 To integrate the child care centre and ensure it is compatible with the scale and character of surrounding areas.
- 2 To be sympathetic to the amenity of neighbouring properties.
- 3 To provide attractive, site responsive and practical designs.
- 4 To support Ku-ring-gai's unique character of built form in a quality landscape setting, including canopy trees.
- 5 To ensure landscaped setbacks are compatible with the streetscape and adjoining residential properties.
- 6 To enable ground water infiltration to limit heat island effects and promote outdoor comfort within the site.

### Controls

#### **Building Heights**

- 1 Building height is to be consistent with neighbouring dwellings, integrate with the predominant street character and minimise overlooking, bulk and scale impacts to neighbours.

#### **Building Setbacks**

- 2 Minimum side and rear setbacks are to comply with the setback requirements of the predominant adjoining residential development type of that location, as stated at:

Location	DCP Section
Low Density Residential areas	Part 4
Medium Density Residential areas	Part 6
High Density Residential areas	Part 7
High Density Mixed-Use and Business areas	Part 7, Part 8 and Part 9

#### **Deep Soil Setbacks**

- 3 The child care centre is to be designed to provide deep soil areas that protect and retain existing trees and mature vegetation within setback areas and across the site.
- 4 Deep soil setback areas are to incorporate planting style and species selection that is appropriate to the locality including:
  - i) screen planting that can attain heights of 4m for single storey centres. Screen planting may need to exceed 4m in height for centres that are more than one storey.
  - ii) medium size trees (6-8 metres) to tall trees (10-13 metres).

#### **Low Density Residential Areas Deep Soil Provisions**

- 5 Lots with the following sizes are to support a minimum number of medium sized trees (6-8 metres) to tall trees (10-13 metres):

Lot size	Number of trees
Less than 850m <sup>2</sup>	1
850m <sup>2</sup> to 1,000m <sup>2</sup>	3
1,001m <sup>2</sup> to 1,500m <sup>2</sup>	5
Over 1,500m <sup>2</sup>	7 or as directed

**Note:** Council may require street tree planting in accordance with the Public Domain Plan.

**Note:** Refer to *Section C Part 21.2* and *Section B Part 19* of this DCP for the proportion of trees required to consist of locally occurring native species, and other planting controls to protect biodiversity.

## 10.2 BUILDING HEIGHT AND SETBACKS (CONTINUED)

### Controls

- 6 Where the child care site adjoins a low density residential area or land approved for use for a low density residential purpose, deep soil is to be provided within all as follows (refer to Figure 10.2-2):
- i) a minimum of 1 metre of unrestricted deep soil area is to be provided to each of the side boundaries; and
  - ii) a minimum of 2 metres of unrestricted deep soil area, to be used by plants that require deep soil, is to be provided to the rear boundary; and
  - iii) a minimum of 3 metres of unrestricted deep soil area, to be used by plants that require deep soil, is to be provided to the primary street frontage.

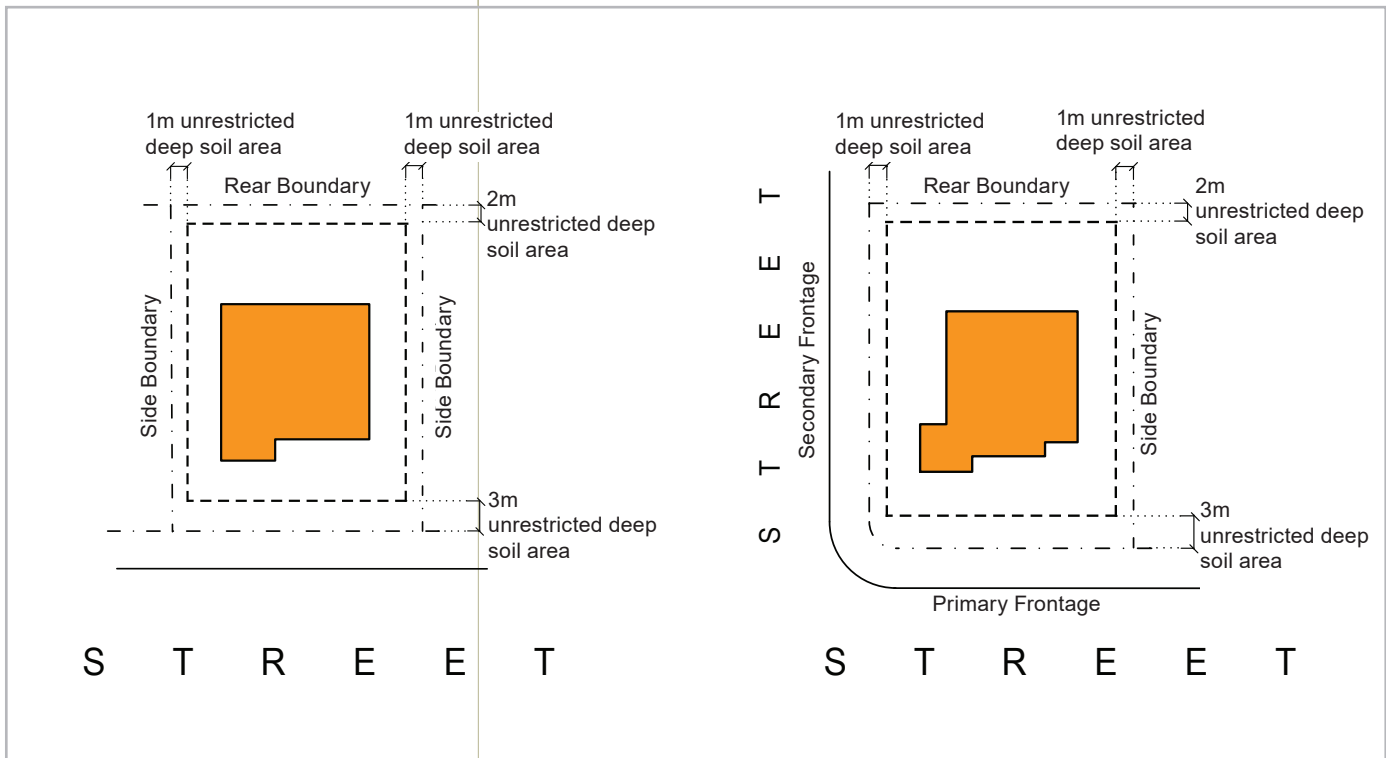


Figure 10.2-2: Single frontage sites (left) and corner sites (right): minimum unrestricted deep soil area for low density residential areas



10.3 PARKING AND ACCESS

Further controls that may apply	
	SECTION C PART 22.1 - Equitable Access PART 22.2 - General Access and Parking

**Objectives**

- 1 To provide safe vehicular access and on-site manoeuvrability.
- 2 To provide car parking that satisfies the demand generated by the centre.
- 3 To design car parking areas that are compatible with the character of the surrounding area.
- 4 To locate and design car parking to minimise disruption to local traffic.
- 5 To ensure car parking does not affect the safety of the children.
- 6 To ensure car parking does not create adverse impact on the visual quality and character of low density residential areas.

**Controls**

- 1 Newly constructed child care centres are to provide car parking within the basement of the building.
- 2 The following car parking is to be provided on site:
  - i) 1 space per 2 staff; and
  - ii) 1 space per 6 children, of which at least one space is to be accessible for people with a disability. Refer to Section C Part 22.1.

**Note:** If the number of children and/or staff were to increase after approval, additional car parking space will be required.

**Note:** Car parking spaces, circulation areas, roadways and ramps are to comply with AS2890.1.
- 3 The following bicycle parking is to be provided on the site:
  - i) 1 space per 10 staff or part thereof.
  - ii) Consideration of a bicycle drop-off/pick-up area for parents.

**Note:** Bicycle parking provision are to comply with Austroads Guidelines and Australian Standards.
- 4 Driveway access for child care centres in low density areas are to be a maximum of 3.7m in width. Greater widths will be considered for child care centres with 50 or more children.
- 5 Child care centres located on a corner site proposing a one way loop road entering from and exiting to different roads are to be designed in a manner that discourages “shortcuts” being taken through the site.
 

**Note:** In order to achieve this, on-site traffic calming measures may be required.
- 6 Where a child care centre is located within a commercial building or mixed use development, the parking spaces are to be grouped together and conveniently located near the access point to the centre.



Figure 10.3-1  
Childcare Centre parking and access

**Objectives**

- 1 *To encourage multi-use facilities that are compatible with child care centres.*
- 2 *To encourage self-contained dwellings within dual-use facilities.*
- 3 *To maintain the amenity in both the residential and child care components of dual-use facilities.*

**10.4 DUAL-USE AND MULTI-USE FACILITIES****Controls****General**

- 1 Any components of the multi-use and dual-use facility that are not part of the child care centre are to complement the operation of the child care centre. Such activities include toy libraries, baby health care services or the like.

***Dual-Use facilities located on sites for residential purposes***

- 2 Dual use facilities which involves a residential component may only be located on sites zoned for residential purposes.
- 3 The residential dwelling and child care centre component of the dual use facility is to be contained within a single building.
- 4 Any existing or proposed swimming pools are to be securely fenced, meeting the requirements of the Swimming Pools Act, 1992.
- 5 Clearly defined, separate entrances are to be provided for both the residential dwelling and the child care centre components of the building.
- 6 The dual use facility is to be designed so as to ensure a high level of amenity for the occupants of the residential dwelling. This is to be achieved by positioning living rooms, bedrooms and other habitable rooms away from common walls with the child care centre.
- 7 A minimum 25sqm of private open space is to be provided for the residential dwelling of the dual use facility.
- 8 The residential dwelling of the dual use facility is to be equipped with the following that are solely for use by the dwelling's occupants:
  - i) a kitchen;
  - ii) a laundry;
  - iii) a bathroom; and
  - iv) storage space that is to be in accordance with the storage requirements in this DCP for the relevant dwelling type.

**Note:** Access between the residential dwelling and child care centre of the dual use facility is permissible; however, this is to be designed so that children attending the centre cannot access the residence.

- 9 In addition to the parking requirements for the child care centre, a minimum of one off-street car parking space is to be provided for the exclusive use of the residential dwelling.