



Draft **Child Care** ○ **Planning Guideline**

Planning and designing
quality child care facilities
in NSW



Planning &
Environment

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Child Care

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Minister's Foreword



New South Wales is growing. A burgeoning population is a sign of NSW's success. This growth is a by-product of the strength of the New South Wales economy, which is the fastest growing in the nation. People want to live here, they want to start their families here and they want to grow their families here. NSW is the state of opportunity.

Population growth is contributing to the strong demand for child care. By 2036, there will be over 250,000 more children under 12 years of age in NSW with a projected demand for 2,700 more long day care centres by 2036. The NSW Government is taking proactive steps in planning for our growing population's future.

The community have told us they want more quality child care that is more affordable, flexible and closer to home and jobs. To achieve this, a system that has clear regulation and planning arrangements is required.

The proposed changes will streamline planning approvals for child care services to increase the supply of facilities and support families who are struggling to access quality care.

Early childhood education is important to families, communities and our future. It helps parents to participate in employment which benefits their quality of life and our economy and encourages healthy child development.

An early childhood education facility must provide a safe environment in which each child has opportunities to explore, interact and learn. They should include areas that embrace the natural environment and provide shade, create early learning experiences. Designing facilities with staff in mind, delivers functional spaces that allow for better supervision of children.

This Guideline will assist industry to deliver early childhood education facilities that are of the highest standard.

The policy and the Guideline will align NSW planning controls with the National Quality Framework for early education and care. NSW is the first state to achieve this outcome. The Guideline presents information to assist developers to design and construct early childhood education facilities to meet the National Quality Framework requirements.

The NSW Government has worked closely with industry, councils and stakeholders in the development of the draft policy and this Guideline. On behalf of the NSW Government I would like to thank all of those involved.

I encourage all stakeholders to consider the Draft State Environmental Planning Policy (Educational Establishments and Child care Facilities) 2017 and this Guideline and provide their feedback.

The Hon. Anthony Roberts MP
Minister for Planning

1



Introduction

This part provides an introduction to the guideline and how and when to use it.

1.1 About this Guideline

This Guideline aims to provide consistency in planning outcomes and encourage design quality in the delivery of centre-based child care in NSW.

It contains matters to be considered by consent authorities when assessing development applications for centre-based child care under the Draft State Environmental Planning Policy (Educational Establishments and Child care Facilities). It also sets out design criteria. If a development application for centre-based child care satisfies the design criteria, a consent authority cannot refuse consent on the basis of design, as per clause 23(2)(c) of the Draft State Environmental Planning Policy (Educational Establishment and Child care Facilities).

This Guideline informs state and local government, industry and the community about good design in centre-based child care facilities. It demonstrates how design can maximise the safety, health and overall care of young children while being attractive, sympathetic to the streetscape, appropriate for the setting and have minimal adverse impact on surrounding areas. The advice and criteria in this Guideline will help achieve a high level of design and deliver a regulatory environment that is practical, financially viable for child care providers and aligned with the National Quality Framework.

Terminology in the Guideline

The main form of development to which the Guideline applies is centre-based child care. The *Standard Instrument Local Environment Plan Amendment* defines centre-based child care as a building or place used for the education and care of children that provides any one or more of the following:

- long day care
- occasional child care
- out-of-school-hours care (including vacation care),
- preschool care
- a family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*)

but does not include:

- a building or place used for home-based child care or school-based child care
- an office of a family day care service
- a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned
- a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility
- a service that is concerned primarily with the provision of private tutoring, or lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity
- a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

The above definition does not apply to mobile child care or school-based child care, which are separately defined in the *Standard Instrument Local Environmental Plan* or the Draft State Environmental Planning Policy (Educational Establishment and Child care Facilities).

Terms used in this Guideline, other than those defined in the National Quality Framework, have the same meaning as those within the *Environmental Planning and Assessment Act 1979* and the *Standard Instrument Local Environmental Plan*.

The National Quality Framework

The Australian Government's National Quality Framework consists of the Education and Care Services National Law, the Education and Care Services National Regulations and the National Quality Standards.

The term education and care service is used to refer to services regulated under the National Law. It means any service providing or intended to provide education and care on a regular basis to children under 13 years of age other than:

- a school providing full-time education to children, including children attending in the year before grade 1 but not including a preschool program delivered in a school or a preschool that is registered as a school
- a preschool program delivered in a school if the program is delivered in a class or classes where a full-time education program is also being delivered to school children; and the program is being delivered to fewer than 6 children in the school
- a personal arrangement
- a service principally conducted to provide instruction in a particular activity
- a service providing education and care to patients in a hospital or patients of a medical or therapeutic care service
- care provided under a child protection law of a participating jurisdiction
- a prescribed class of disability service
- a service of a prescribed class.

In NSW, these services generally take the form of:

- long day care
- family day care (including care provided in an educator's residence and care provided at a venue other than a residence)
- preschool, which may be standalone, and preschool, where combined with a kindergarten at a school
- outside school hours care situated on and off school sites, including vacation care

The legislation has been adopted by all states. In addition, NSW regulates the following child care services through the *Children (Education and Care Services) Supplementary Provisions Act 2011* and *Children (Education and Care Services) Supplementary Provisions Regulation 2012* for:

- home based education and care services, where the care is provided by the educator as a 'sole trader'
- mobile education and care services
- centre-based occasional care services.

The State Supplementary Provisions align the services which it regulates with the National Quality Framework.

The National Quality Framework includes a range of controls which regulate children's education and safety, staffing, partnerships with families and the community, the physical environment and use of the child care facility.

A service approval is required to operate a child care facility and can only be issued by the regularity authority, the Department of Education, after the building has been completed and an occupation certificate issued. Considering service approval requirements at the development application stage will reduce the chance of non-compliance and expensive retrofitting post construction.

Division 3 of the Draft State Environmental Planning Policy, the definitions in the Standard Instrument Local Environmental Plan and this Guideline, endeavour to bring the relevant physical aspects of the regulatory framework of the National Quality Framework into the NSW planning system.



Why has the Guideline been prepared?

This Guideline has been prepared to:

- provide matters for consideration by consent authorities when assessing development applications for centre-based child care facilities under the Draft State Environmental Planning Policy (Educational Establishments and Child care Facilities);
- set design criteria for centre-based child care facilities so that if a development application satisfies the design criteria, a consent authority cannot refuse consent on these grounds; and
- provide guidance on how to design a centre-based child care facility to comply with local, state and national regulations.

Who is the planning Guideline for?

The Guideline has been prepared to:

- assist developers, builders, child care providers and other professionals to prepare development applications for centre-based child care facilities
- assist planning professionals in state and local government assess development proposals for centre-based child care facilities
- inform the wider community about expectations for centre-based child care facilities.

Although the Guideline is primarily for centre-based child care facilities, it can also be used as a best practice guide for other types of early childhood education and care facilities.

Planning objectives

The planning objectives that underpin this Guideline include:

- To promote the provision of high quality centre-based child care which meets the needs of the community.
- To Promote high quality design and planning of centre-based child care facilities to provide a high level of safety, security, environmental health and amenity for their users in accordance with the National Quality Framework for Early Childhood Education and Care.
- To ensure that centre-based child care facilities are compatible with the existing streetscape, context and neighbouring land uses.
- To minimise adverse impacts to adjoining properties and the neighbourhood, including the natural and built environment.
- To deliver certainty to applicants, operators and the community on the planning requirements for centre-based child care facilities.



1.2 Structure of the Guideline

The Guideline has four parts:

Part 1 – Introduction

An introduction to how and when to apply the Guideline.

Part 2 - Guide for Complying with the National Quality Framework

Clause 21 of the Draft State Environmental Planning Policy (Education and Child care Facilities) states that the consent authority must take Part 2 of the Child care Planning Guideline into consideration when assessing a development application for centre-based child care.

This part provides advice on how to meet the physical environment requirements of the National Regulations. It explains the terms used, and how they may be met in development applications and applications for service approval. It aims to ensure that development applications are consistent with the requirements of the National Regulations to provide greater certainty to industry about service approval outcomes.

Part 3 - Matters for Consideration and Design Criteria

Clause 21 of the Draft State Environmental Planning Policy (Education and Child care Facilities 2017) states that a consent authority may take Part 3 of the Child care Planning Guideline into consideration when assessing a development application for centre-based child care. Design may not be used as a ground of refusal, if the application meets the design criteria in this part.

The objective of good design underpins the guidelines. The design criteria are intended for new centre-based child care facilities, alterations and additions to existing facilities, and conversion of existing buildings for use as a child care service. They define the qualities of good design in child care.

The criteria will apply across NSW to minimise the impacts of child care developments on the environment. The criteria in this part will over-ride controls in a development control plan if there is any inconsistency between the two.

This part also provides considerations for designing a centre-based child care facility in particular situations, such as in residential areas, commercial and industrial areas and mixed use developments.

Part 4 - Delivery

This part assists proponents to prepare development applications and specifies the information that should accompany them.

It also provides information required to obtain a service approval, including compliance with Clauses 103 – 115 of the National Regulations. The content is relevant to development applications and should be provided for all new centre-based child care facilities.

This part has advice for consent authorities on best practice when assessing applications, including suggested conditions of development consent.

Appendices and Glossary

This part provides templates and checklists that should be submitted with a development application and a glossary of commonly used terms.

1.3 Applying the Guideline

Assessment and matters for consideration under Draft State Environmental Planning Policy (Educational Establishments and Child care Facilities)

The Draft State Environmental Planning Policy (Educational Establishments and Child care Facilities) 2017 provides state wide planning controls for early education and care facilities. It states a consent authority must take Part 2, and may take Part 3, of this Guideline into consideration, before determining a development application for a centre-based child care facility.

A consent authority may not apply criteria that are more onerous than that in the Guideline. A consent authority may not apply all the criteria in Part 3 if a less prescriptive approach is preferred. Proposals that meet the Guideline cannot be refused on any grounds within it.

Non-discretionary development standards

Draft State Environmental Planning Policy (Educational Establishments and Child care Facilities) 2017 contains non-discretionary development standards. This prevents a consent authority from imposing more onerous standards or from refusing a Development application on the basis that they have not been complied with. Those standards relate to:

- proximity to other child care facilities or schools
- indoor and outdoor space provided that clause 107 and clause 108 of the Education and Care Services National Regulations are satisfied
- colour schemes for proposals that are not heritage items or in a heritage conservation area
- site area, site coverage or site dimensions
- design criteria (provided the design criteria in Part 3 of the Guideline are satisfied).

If a development application for centre-based child care meets the design criteria in Part 3 of this Guideline, the consent authority must not refuse the application on those grounds.

Relevant environmental planning instruments

A centre-based child care facility must be permissible on the land under the local environmental plan.

Controls prescribed within local environmental plans, such as zoning and floor space ratio, take precedence over this Guideline.

Development control plans for centre-based child care

A development control plan that applies to the land will also be a matter of consideration for a development application under section 79C of the Environmental Planning & Assessment Act. However, under the Draft State Environmental Planning Policy, a provision in a development control plan that specifies a requirement, standard or control in relation to the matters set out in clause 24 of that draft policy will not apply. Clause 24 includes:

- reference to ages, age ratios, groupings, numbers or the like of children
- glazed areas
- operational or management plans or arrangements
- demonstrated need or demand for child care services
- proximity of facility to other early childhood education and care facilities
- fencing
- laundry and hygiene facilities
- space requirements – indoor space
- space requirements – outdoor space (including natural environment and shade)
- toilet and hygiene facilities
- ventilation and natural light
- administrative space
- nappy change facilities
- any matter provided in the Child care Planning Guideline
- any other matter which is addressed under the Children (Education and Care Services) National Law (NSW) or the Children (Education and Care Services) Supplementary Provisions Act 2011.

Guide for Complying with the National Regulations

This part contains advisory guidance on how to meet the physical environment requirements of the Education and Care National Regulations

2.1 National Regulations and Quality Standards

Clause 21 of the Draft State Environmental Planning Policy (Education and Child care Facilities) states that a consent authority must take this part of the Guideline into consideration when assessing a development application for centre-based child care.

Part 4.3 Physical Environment of the Education and Care Services National Regulations (clauses 103 – 115) sets out physical environment requirements for early education and care services. The term education and care service is used to refer to services regulated under the National Law which are the subject of this part. It means:

“any service providing or intended to provide education and care on a regular basis to children under 13 years of age other than—

(a) a school providing full-time education to children, including children attending in the year before grade 1 but not including a preschool program delivered in a school or a preschool that is registered as a school; or

(b) a preschool program delivered in a school if—

(i) the program is delivered in a class or classes where a full-time education program is also being delivered to school children; and

(ii) the program is being delivered to fewer than 6 children in the school; or

(c) a personal arrangement; or

(d) a service principally conducted to provide instruction in a particular activity; or

(e) a service providing education and care to patients in a hospital or patients of a medical or therapeutic care service; or

(f) care provided under a child protection law of a participating jurisdiction; or

(g) a prescribed class of disability service; or

(h) a service of a prescribed class”

Defined in Children (Education and Care Services) National Law (NSW) No 104a

A child care facility is the premises of an education and care service.

The physical environment of an early education and care service, must be safe, suitable and provide a rich and diverse range of experiences that promote children’s learning and development.

The information in this part will assist proponents to interpret and apply the requirements of the National Regulations when preparing development and service approval applications.

This Part explains the quantitative indoor space requirements and the qualitative requirements, such as the provision of laundry facilities or services, hygiene and toilet facilities, natural light and ventilation and administrative space, (sections 2.2 – 2.6). It is followed by an explanation of the quantitative requirements for outdoor space, and advice on achieving quality outdoor environments and ensuring children’s safety.

Parts 2.2 (indoor space) and 2.7 (outdoor space) of the Guideline contain requirements that, if not satisfied in a development application, will trigger a concurrence requirement under clause 20 of the Draft State Environmental Planning Policy.

Appendix 2 contains a self-assessment checklist on National Quality Framework matters that should be completed and submitted with the development application. Submitting the checklist with a development application will assist the consent authority to determine whether the concurrence clause should be triggered.

Good design assists higher service performance

Assessment and rating of the education and care services is carried out in accordance with/under the National Quality Framework (NQF). The way the environment is designed, equipped and organised determines the way spaces and resources are used. This has the potential to maximise children's engagement and positive experiences.

Education and care services are evaluated against a number of quality areas and minimum standards which services are encouraged and expected to meet.

Suitable, well-planned and engaging design promotes participation and interaction by every child in the built and natural environment. It provides a space where children can experience quality care in a safe and healthy environment.

These elements are critical for a service to meet or exceed the National Quality Standards and provide quality education and care for children. The standards are contained in Schedule 1 of the Education and Care Services National Regulations.

General space requirements

An indication of the functional area allocations required for centres of various sizes is provided in section 2.13 of this Part. The functions may not necessarily require separate rooms but must be able to be configured flexibly to meet program needs. In centres where circulation can be minimised, sizes may be reduced and in some configurations larger areas may be needed for circulation.

The best practice example shows an optimal layout and outlines recommended space allowances for new single storey, standalone developments.



2.2 Indoor Space

Regulation 107 Education and Care Services National Regulation

An education and care service premises must provide for every child being educated and cared for within the centre to have a **minimum of 3.25m² of unencumbered indoor space**. This requirement does not apply to family day care residences.

Unencumbered indoor space excludes the following:

- any passageway or thoroughfare (including door swings) used for circulation
- any toilet and hygiene facilities
- any nappy changing area or area for preparing bottles
- any area permanently set aside for the use or storage of cots
- any area permanently set aside for storage
- any area or room for staff or administration
- any kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen
- any other space that is not suitable for children.

All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children, with a space dedicated to one group of children not divided into multiple rooms.

When calculating indoor space requirements, the area of any additional child is excluded when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.

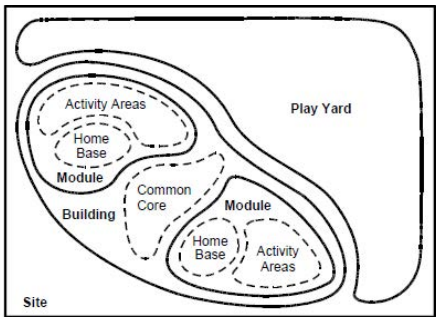


Figure 2-2 Bubble diagram of a functional child care facility arrangement and the relationship between spaces.

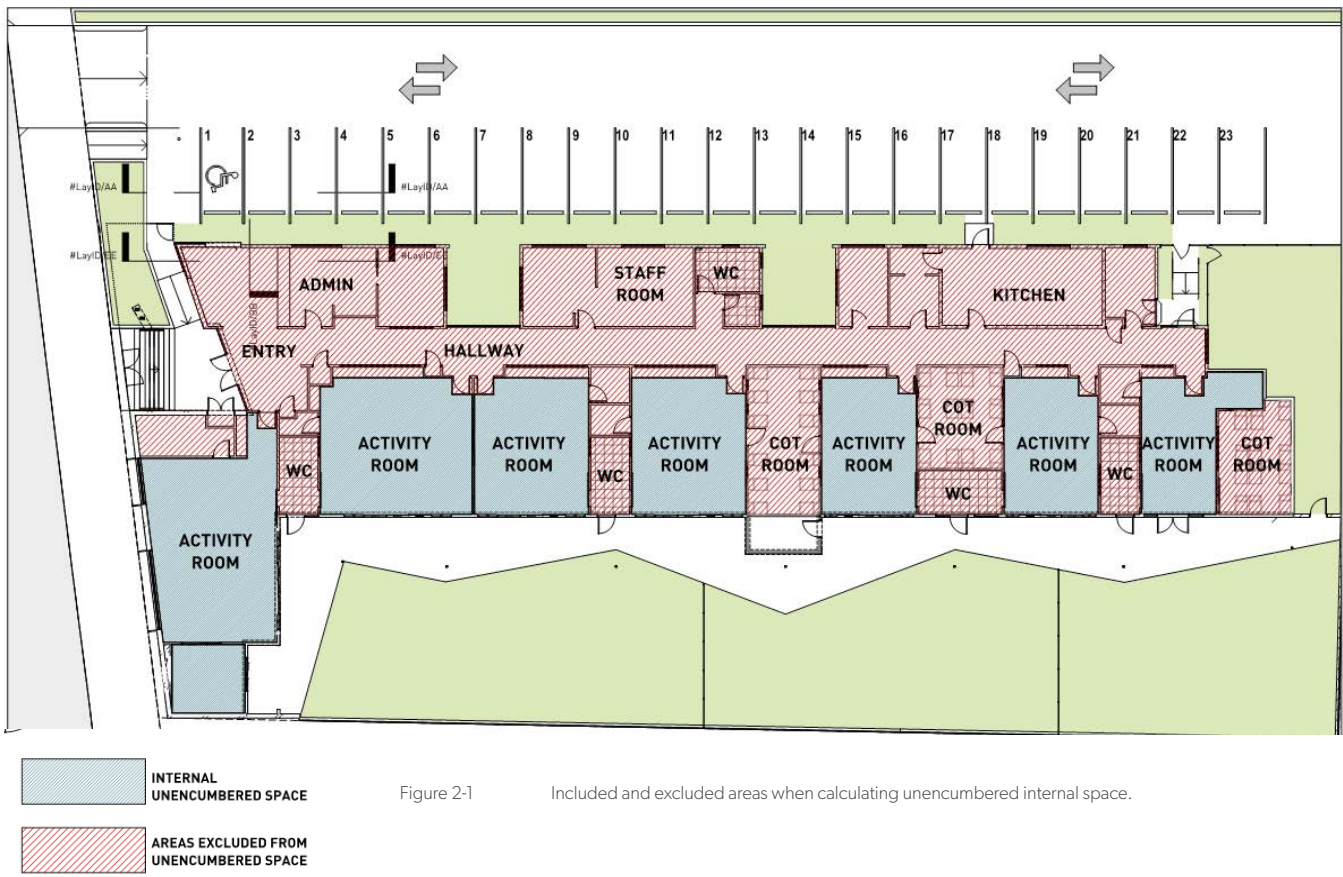


Figure 2-1 Included and excluded areas when calculating unencumbered internal space.

Verandahs as Indoor Space

In certain circumstances external verandahs may be included when calculating the unencumbered indoor space however written approval from the Department of Education is required.

For a verandah to be included as indoor space, any opening must be able to be fully closed during inclement weather.

If a verandah is to be included within the unencumbered indoor space calculations, it can only be counted once and cannot be counted as outdoor space.

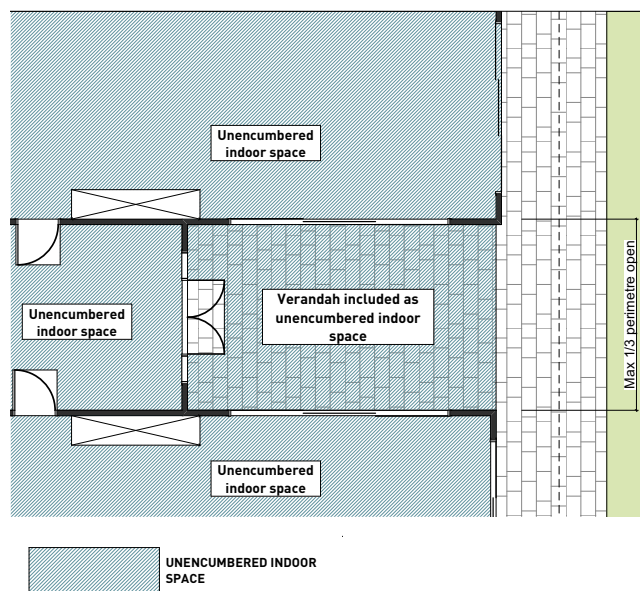


Figure 2-3

An outdoor verandah can be included as unencumbered indoor space with written approval. In spatial calculations this can only be counted once.

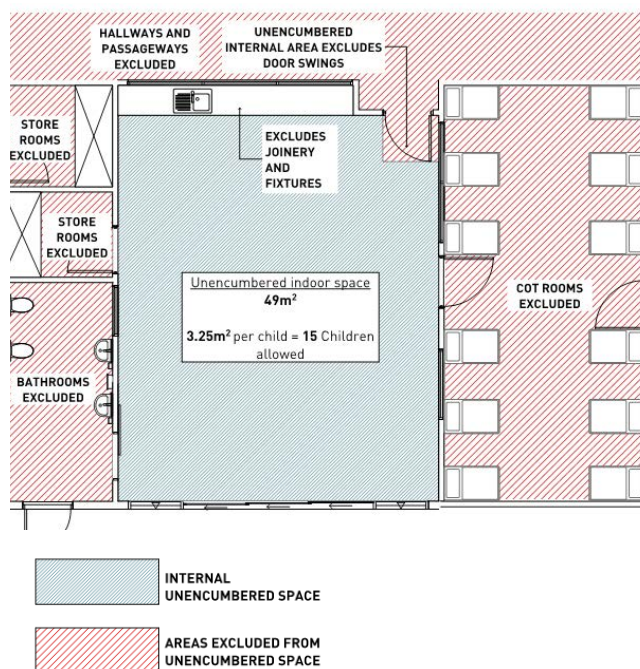


Figure 2-4

Areas to include and exclude when calculating unencumbered internal space. Door swings and joinery is excluded.

Storage

Storage areas including joinery units are not to be included in the calculation of indoor space. Adequate storage is to be planned from the outset and designed to meet the needs and requirements of the centre.

The National Regulation states that unencumbered area excludes storage. To achieve a functional unencumbered area free of clutter, a centre based service should provide:

- a minimum of 0.3m³ per child of external storage space
- a minimum of 0.2m³ per child of internal storage space.

These areas need to be considered when designing and calculating the spatial requirements of the centre.

Storage does not need to be in a separate room or screened. There should be a mixture of safe shelving and storage that children can assess independently.

Storage of items such as prams, bikes and scooters should be located adjacent to the building entrance.

Bag storage is preferred to be provided in the form of pigeon hole joinery units, 300mm wide x 300mm high, with an overall structural height of no more than 1000mm. Where bag hooks with a covering shelf are used, these should have protective timber coverings and are not to be provided for children under the age of 3.

Storage for hazardous substances, medicines, first aid equipment and anything that may present a danger to children should be located in an area or cupboard inaccessible to children.



Figure 2-5 A mixture of lockable cupboards and open shelves provides an effective mixture of storage.



Figure 2-6 Storage of items doesn't always need to be within cupboards—provide shelves and tub storage for items commonly used by children.



Figure 2-7 Ample storage ensures an organised and functional learning environment.

2.3 Ventilation and Natural Light

Regulation 110 Education and Care Services National Regulation

Natural light

An education and care service premises must make sure that the indoor spaces contain ample natural light, ventilation and thermal comfort.

Child care facilities must:

- be well ventilated (this can be through a mixture of natural cross ventilation and air conditioning)
- have adequate natural light
- be temperature controlled to avoid extremes in temperature which can be harmful to small children.

Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creating comfortable learning environments through pleasant conditions. Natural light contributes to a sense of wellbeing, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. It is important that education and care service premises are designed with that in mind, providing windows facing different orientations and using skylights where necessary.

Child care facilities should have:

- a window in an external wall with a total minimum glass area of not less than 10 per cent of the floor area of the room.

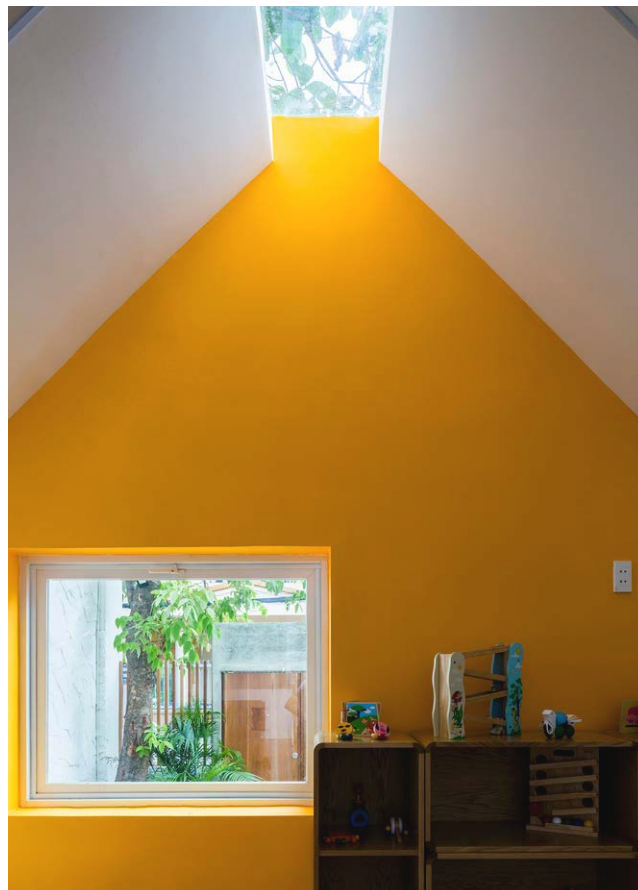


Figure 2-9

Skylights can help improve natural light into activity rooms.



Figure 2-8

Clerestory windows are effective at adding natural light to activity rooms.



Figure 2-10

Skylights provide additional natural light and reduce reliance on artificial lighting.

Natural Ventilation

Natural ventilation is the movement of sufficient volumes of fresh air through a building to create a comfortable indoor environment. Sustainable design practice incorporates natural ventilation by responding to the local climate reducing the need for mechanical ventilation and air conditioning. To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes.

Child care facilities should:

- ensure natural ventilation is available to each of the children's indoor activity rooms
- have unobstructed window openings equal to at least 5 per cent of the floor area served.



Figure 2-12 Natural light and ventilation is critical for a healthy environment to learn and play in



Figure 2-11 Louvres can be incorporated to allow for ventilation when doors are closed.

Ceiling Heights

Ceiling height is measured internally from finished floor level to finished ceiling level. The height of a ceiling affects the amenity of a centre and the perception of space. Well designed and appropriately defined ceilings can create spatial interest and hierarchy within the centre.



Figure 2-13 High ceiling heights create great spatial qualities which promote natural light and ventilation.



Figure 2-14 High ceiling heights provide good proportion in long and wide rooms.

Consideration should be given when room depth exceeds ceiling height by 2.5 times to ensure that there is minimal need for artificial lighting during the day. Natural lighting should provide a lighting level of 200lux to the rooms.

Ceiling heights should be proportional to the room size with the use of raked ceilings and exposed trusses used to create a sense of space and visual interest.



Figure 2-15 Raked ceiling can provide visual interest and define spaces.

2.4 Laundry

Regulation 106 Education and Care Services National Regulation

Laundry and hygiene facilities are a key consideration for education and care service premises. It is a requirement of both the Education and Care Services National Regulations and the Building Code of Australia to provide laundry facilities or access to laundry facilities. The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.

On-site Laundry

On-site laundry facilities must contain:

- a washer or washers capable of dealing with the heavy requirements of the centre
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning.

External Laundry Service

If a centre cannot accommodate onsite laundry facilities then external laundering arrangements must be provided. Any external laundry facility providing services to the centre must comply with AS4146 Laundry Practice.

When an external laundry service is to be engaged, storage and the collection point for soiled items should be located in an area that has separate external access, away from children. This is to prevent clothes being carried out through public areas and to reduce danger to children during the drop off and collection of laundry.

All laundry facilities, either on-site or off-site, must be capable of dealing with soiled clothing, nappies, linen and any item suitable for laundering. Appropriate storage of soiled items must be provided in a way that does not pose a risk to children.

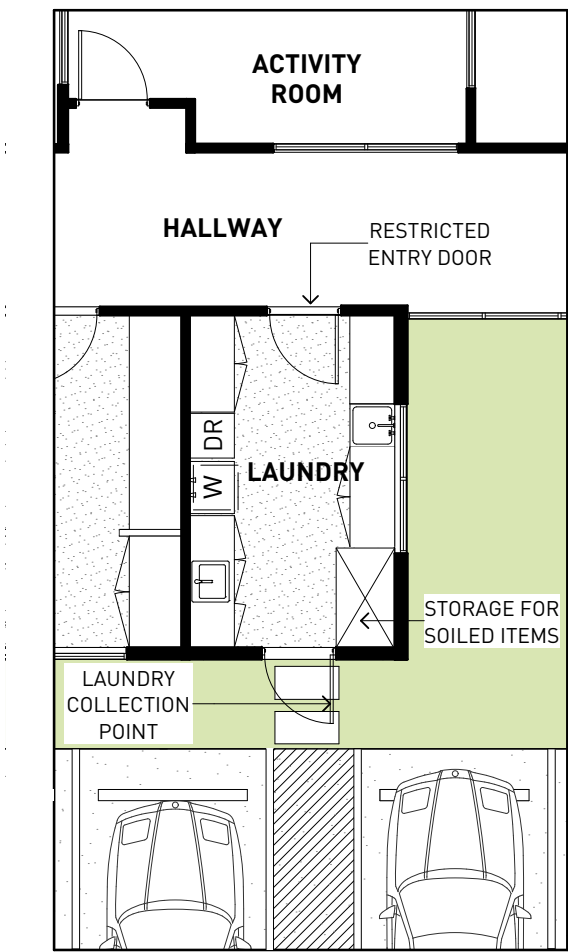


Figure 2-17 A typical child care facility laundry layout. External access may be provided if laundry is done off site or for deliveries.



Figure 2-16 Where space is at a premium, laundry services can be carried out by external laundry providers.



Figure 2-18 A typical child care facility laundry with plenty of storage

2.5 Administrative Space

Regulation 111 Education and Care Services National Regulation

The approved provider of a centre-based service must ensure that an adequate area or areas are available at the child care facility for the purposes of—

- conducting the administrative functions of the service
- consulting with parents of children
- conducting private conversations.

Administrative spaces will require closing doors for privacy, glass partitions to ensure supervision from the administrative space, sufficient space for a desk and at least two chairs, and lockable storage units and filing cabinets to ensure child safety and privacy of client information.

When designing administrative spaces, care and consideration should be given to functions which can share spaces and those which cannot. It may be inappropriate to locate general seating/waiting areas in locations also used for personal meetings between staff and parents/carers. Consideration should also be given to appropriate sound proofing of meeting rooms if located adjacent to public areas, or in large rooms where sound can easily travel.

Administrative spaces should be designed to ensure equitable use by parents and children at the centre. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheel chair.



Figure 2-20 Reception spaces in administrative areas should be welcoming to adults and children and be designed for equitable access by all

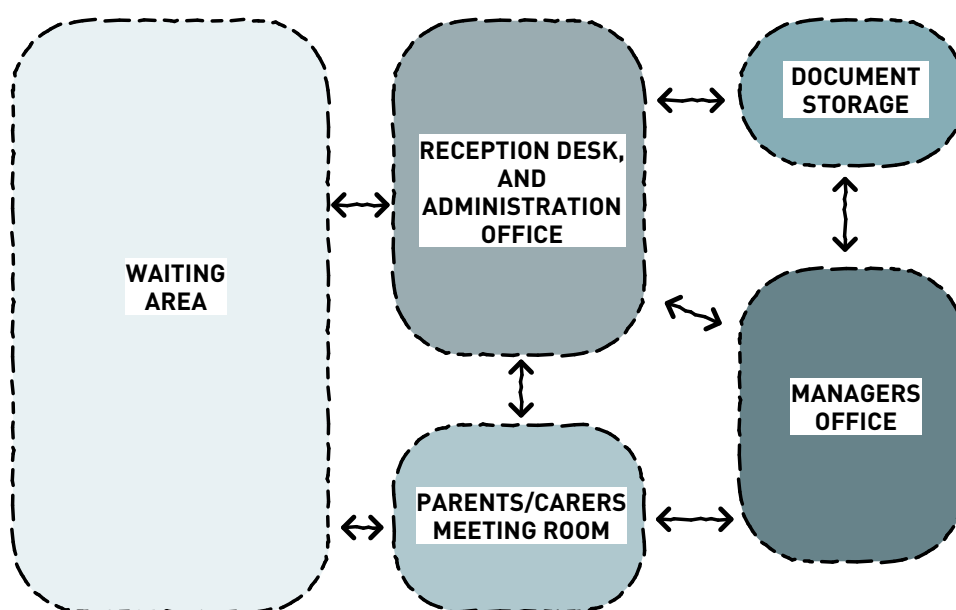


Figure 2-19 Bubble diagram showing relationships between administrative spaces within a child care facility. Requirements of rooms and functions may vary depending on the size and individual requirements of the facility.

2.6 Toilets

Regulations 109 and 112 Education and Care Services National Regulation

Toilets and hygiene facilities must be provided and designed for children being educated and cared for at the centre as well as adults who work and visit the centre.

The minimum number of facilities required for children, staff and visitors is outlined in the Building Code of Australia.

Toilet and hygiene facilities for children must be:

- designed for use by children e.g. junior toilet pans, low level sinks and hand drying facilities
- designed to have a sink and handwashing facilities for adults in all bathrooms
- conveniently located for children with direct access from both activity rooms and outdoor play areas
- designed to allow supervision by staff with windows into bathrooms and no doors on cubicles
- external windows shall be placed in a location that prevents observation from neighbouring properties or from side boundaries.

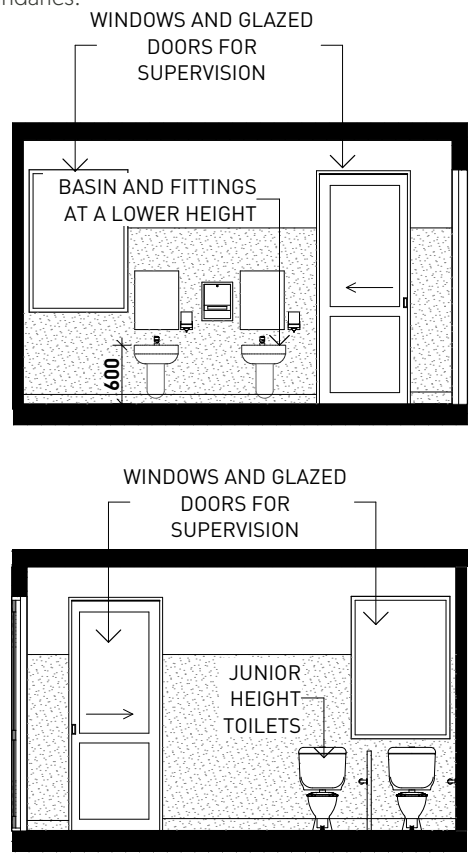


Figure 2-21 Bathroom facilities including toilet pans for use by children at a lower height.

Nappy change facilities

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children and supervision of the remainder of the room. These requirements are further detailed in the Building Code of Australia.

Centre based child care premises that cater for children under three years of age must:

- provide 1 properly constructed nappy changing bench not less than 0.9m² in area, at a height of not less than 850mm and no greater than 900mm from the finished floor level
- provide a bench type baby bath within 1m from the nappy change
- provide hand cleansing facilities for adults in the immediate vicinity (within 1m) of the nappy change area
- provide a space not less than 800mm high, 500mm wide and 800mm deep for the storage of steps
- position baby change facilities to be to permit staff members changing a nappy to have visibility of the activity and play area at all times.

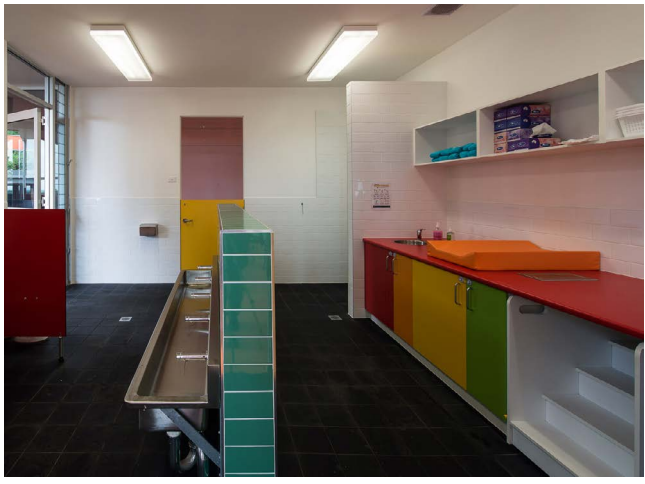


Figure 2-22 Baby change facilities located in the bathroom.

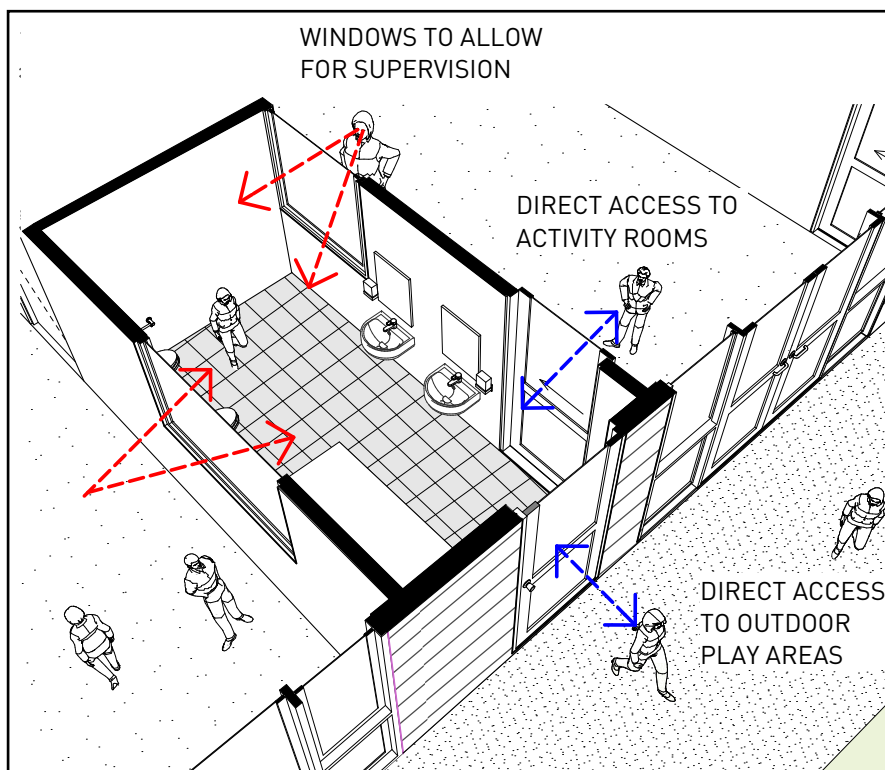


Figure 2-23 Bathroom facilities to have direct access to outdoor areas and activity rooms. Supervision requirements need to be considered in the design to prevent blind spots.



Figure 2-24 Windows from activity rooms provide supervision into the bathrooms.

2.7 Outdoor Environment

Regulations 108, 113 Education and Care Services National Regulations

An education and care service premises must provide for every child being educated and cared for within the centre to have a **minimum of 7.0m² of unencumbered outdoor space**. This requirement does not apply to family day care residences.

Unencumbered outdoor space excludes the following:

- any pathway or thoroughfare, except where used by children as part of the education and care program
- any car parking area
- any storage shed or other storage area
- any other space that is not suitable for children
- any area of dense hedges or plantings along boundaries which are too thick in planting and are areas designed not for children to play in.

All unencumbered outdoor spaces must be within a secure and fenced area.

When calculating outdoor space requirements, the area of any additional child is excluded when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.

Shade

Education and care services must ensure that outdoor spaces used by children are protected and adequately shaded to prevent overexposure to ultraviolet radiation from the sun. Providing the correct balance of sunlight and shade to play areas is important for the health and wellbeing of children and staff. Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promote healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year.

Outdoor play areas should:

- provide solar access throughout the year to at least 30 per cent of the ground area
- provide shade in the form of trees or physical shade structures that provide protection from ultraviolet radiation to at least 30 per cent of the outdoor play area
- shade structures should be evenly distributed over different activity spaces and not just consolidated over one area.

It is recommended that no more than 60 per cent of outdoor space is covered.



Figure 2-25 Covered outdoor space to be open on at least one third of the perimeter.



Figure 2-26 An indoor space is designed to be a simulated outdoor space.

Natural Environment

Exploration and learning from outdoor play and the natural environment is very important to the development of children. The provider of a centre based service must ensure that children are provided with natural outdoor environments in which to explore and play.

Exemptions for outdoor space requirements are only granted where an equivalent area of indoor space, simulated to provide an outdoor environment is provided. This simulated outdoor space is provided in addition to indoor space and cannot be counted twice when calculating areas.



Figure 2-28

Dense planting along boundaries and other areas not suitable for children is to be excluded when calculating outdoor unencumbered space.

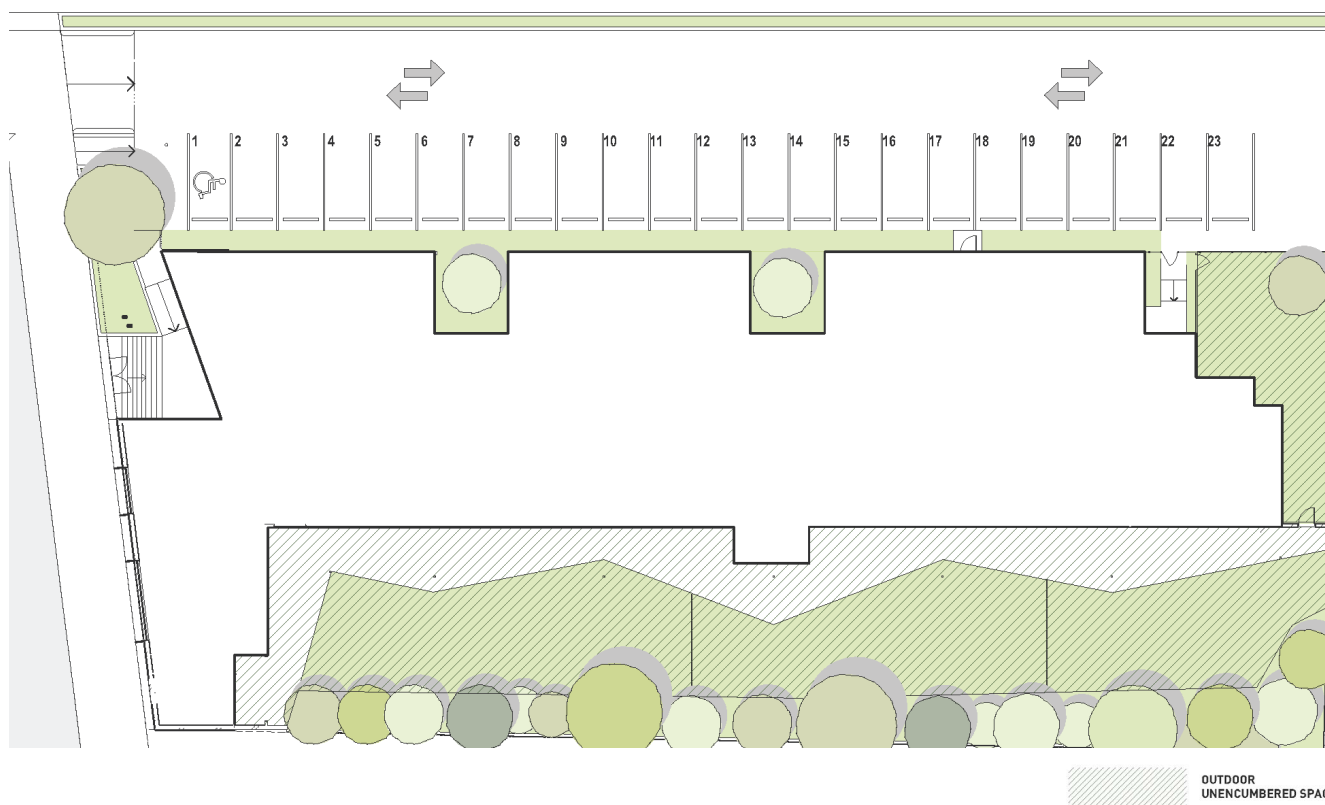


Figure 2-27 Areas to be included when calculating outdoor unencumbered space.

Verandahs as Outdoor Space

Where a covered space such as a verandah is to be included as outdoor space it must:

- be open on at least one third of its perimeter
- have a clear height of 2.1m
- have a wall height of less than 1.4m where a wall with an opening forms the perimeter.

A verandah that is included in the area of indoor space cannot be included in the area of outdoor space.

Simulated outdoor environments

Where site constraints restrict the provision of outdoor play areas, indoor areas may be calculated as part of the required outdoor space. Simulated outdoor environments should only be proposed where the outdoor space requirements cannot be met. Proponents should aim to provide the requisite amount of unencumbered outdoor space in all development applications.

Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play.

Simulated outdoor environments should have:

- a combination of different floor types including wooding decking, pebbles, grass, bark and artificial grass
- sand pits
- furniture made of logs and stepping logs
- dense indoor planting
- green (vegetated) walls
- climbing frames
- vegetable gardens
- water play areas
- windows and access to natural light and ventilation in excess of that required for an internal space
- skylights can give a view to the sky.

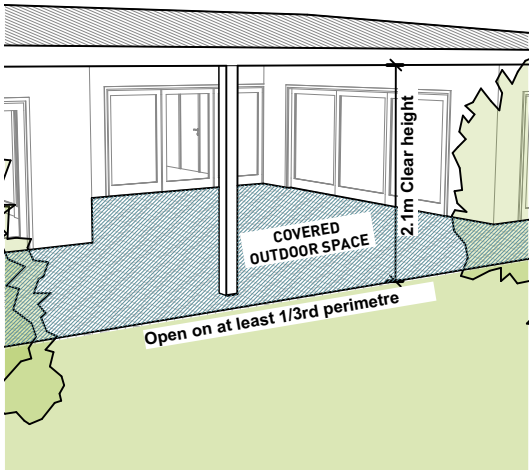


Figure 2-29 Covered areas such as verandahs can be included in outdoor space calculations.



Figure 2-30 Shade structure can be a fixed structural element or a shade sail.



Figure 2-31 Natural environments are important for growth and play.

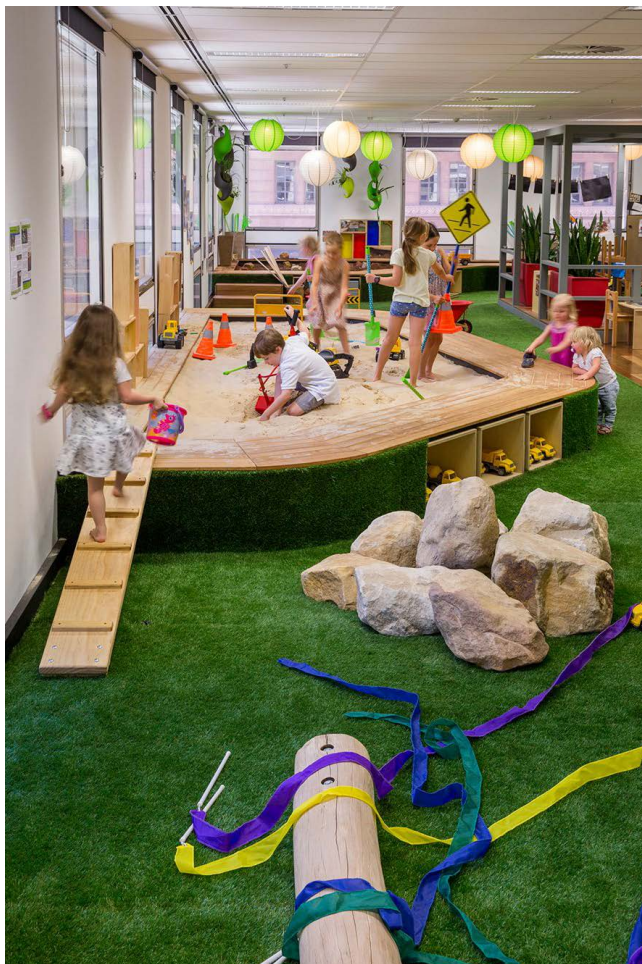


Figure 2-32 Simulated outdoor environments contain sand pits, rocks and element from the natural environment.

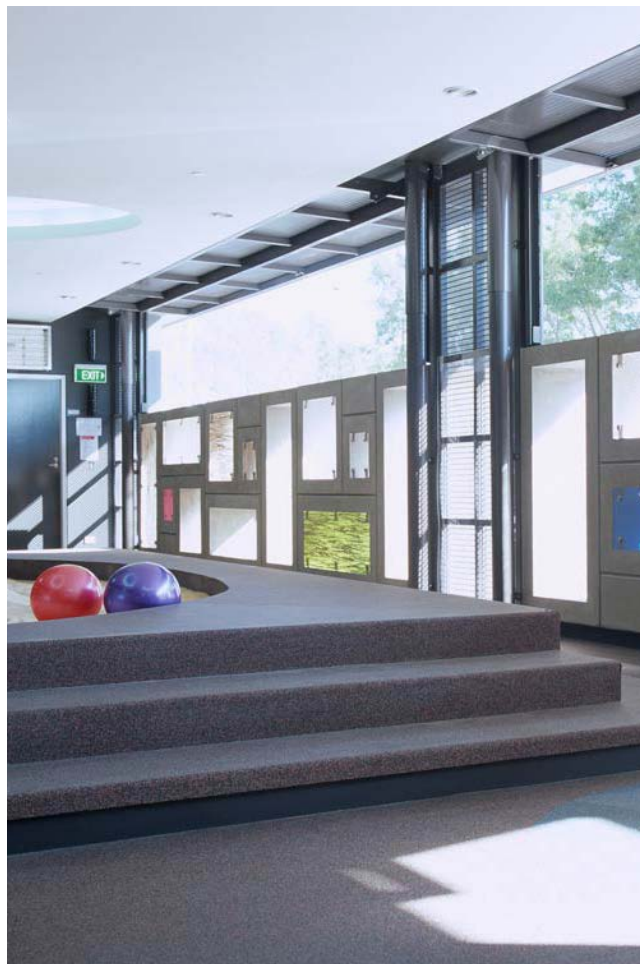


Figure 2-34 Natural ventilation is important to health and amenity. Openable windows located up high are effective at providing ample ventilation.



Figure 2-33 Simulated outdoor environments are only permitted under approval by the Department of Education.



Figure 2-35 Fixed structures can provide a balance of light and shade to outdoor play areas.

2.8 Fencing

Regulation 105 Education and Care Services National Regulation

Front Fencing

Fencing is required around outdoor spaces used by children. This fencing must be designed to prevent children preschool aged or under from being able to go over, under or through the fence into areas external to the outdoor play space.

Improved streetscape outcomes can be achieved where the fence is visually permeable with a height no more than 1.5m. Setting back the fence from the boundary can allow for hedge planting that can provide screening to the play areas and contribute to the landscape character.

On sloping sites, fences and walls should be stepped so not part is higher than 1.8m.

Fencing for the purposes of fencing around outdoor spaces should:

- be a minimum height of 1.2m and no more than 1.5m preferred
- be made from transparent or semi-transparent construction
- have a flat top (a loop or rod top to fence pickets for fences under 1.5m in height increases the risk of hanging points should a child attempt to climb over)
- have no climbing points between 100mm and 900mm from the ground
- have no gaps between pickets greater than 100mm
- any gates to have self closing hinges to AS2890.

Side and Rear Fencing

Side and rear boundary fence design should ensure the safety of children within the education and care service premises. All side and rear boundary fences, including boundary fences within outdoor play areas, must:

- be made from solid prefinished metal, timber or masonry
- have a minimum height of 1.8m
- have no rails or elements for climbing higher than 150mm from the ground.

In residential areas boundary fencing should also consider the acoustic and visual privacy for the neighbouring properties.

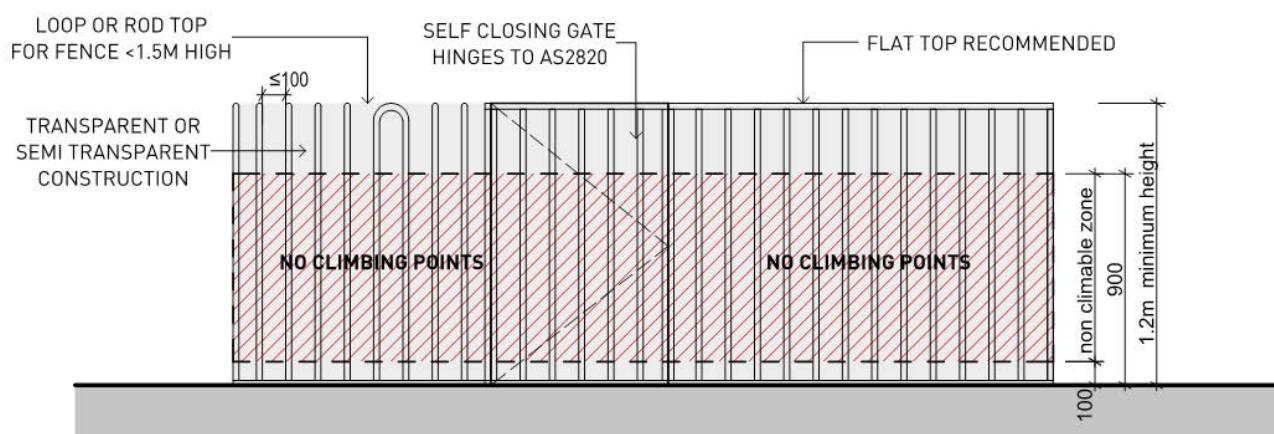


Figure 2-36 Heights and requirements for child care facility fencing

2.9 Design to Facilitate Supervision

Regulation 115 Education and Care Services National Regulation

Child care facilities must be designed to allow for the supervision at all times of all facilities that a child may use, including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces. The centre must be designed in a way that ensures supervision is maintained throughout use. The dignity of the child must be factored in during the design of supervision:

- In toilet areas, solid cubicle walls up to 1.2m high but without doors provide dignity whilst still allowing for supervision.
- Any windows into bathrooms or nappy change areas are to be away from view of visitors to the centre, the general public or neighbouring properties.
- Reflecting mirrors may be used in situations where lines of sight may be compromised by the need for privacy and dignity.

Avoid layouts of rooms that facilitate hidden corners where supervision is poor, or multi room activity rooms for single groups of children.

The use of multi-level rooms should be avoided as supervision will often be compromised or require additional staffing to properly supervise children. If multi-level spaces are used, consider providing areas which can be closed off and used only when under supervision in a controlled activity.



Figure 2-37 Glazed doors and internal windows allows for supervision into rooms within the child care facility.

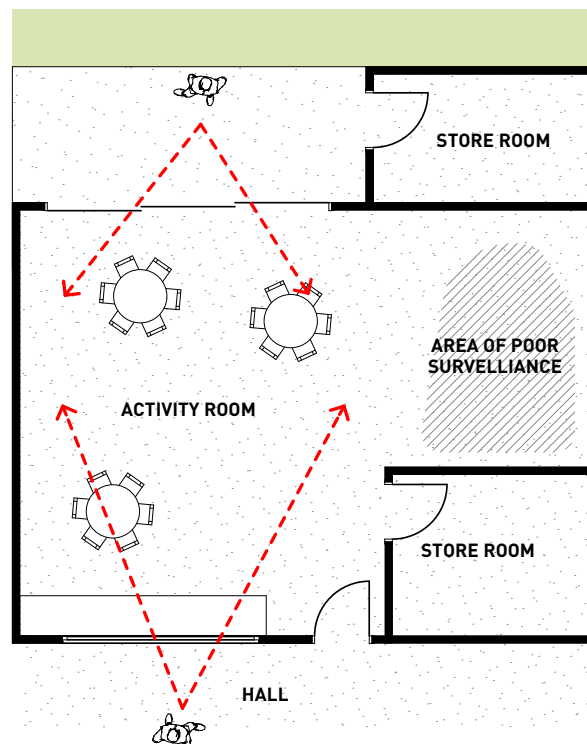


Figure 2-38 Avoid tucked away areas as these reduce effective supervision.

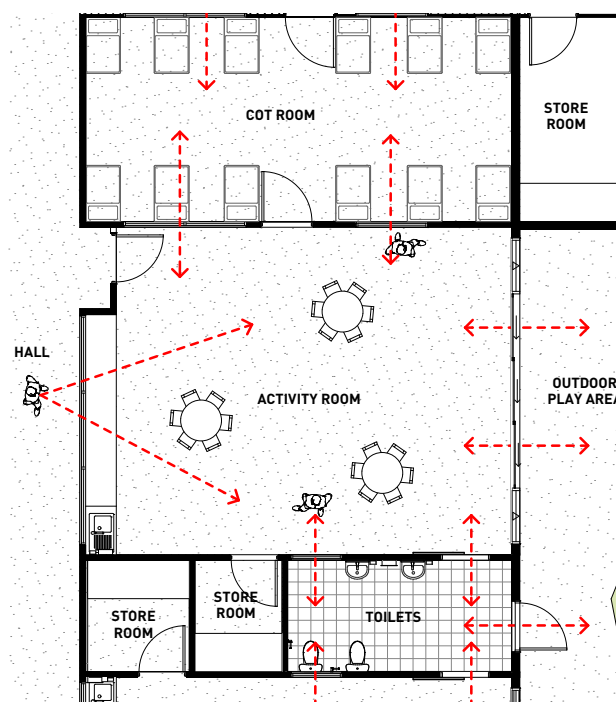


Figure 2-39 Good design of spaces allows for effective supervision between all areas children will occupy.

2.10 Emergency and Evacuation

Regulation 97 and 168 Education and Care Services National Regulation

Facility design and features should provide for the safe and managed evacuation of children and staff from a child care facility in the event of a fire or other emergency.

Depending on the particular features and location of a centre, compliance with the minimum Building Code of Australia for egress and evacuation may not be sufficient to provide safe evacuation, safeguard children and staff from illness or injury, and provide protection from fire and smoke. Evacuation from multi-storey buildings and mixed use developments may require additional fire safety measures.

Fire stairs

The Building Code of Australia allows a maximum opening between rails in a fire stair in balustrades of 460mm. To ensure optimal safety and to protect children and staff, proponents should consider making the openings between rails in fire stairs to a maximum of 125mm. A low height handrail can also be provided.

Mixed use and multi-storey buildings

For security and safety reasons, independent emergency escape routes from the centre to the ground level should be considered to separate children from other building users. Where not feasible, a safe haven or separate emergency lift should be considered.

Safe haven in multi-storey buildings

Provide a fire isolated safe haven where children and staff can muster during the initial stages of a fire alert or other emergency to enable staff to account for all children prior to commencing evacuation using an adjoining fire isolated exit.



Figure 2-40 Typical evacuation bag containing products useful for a child care facility

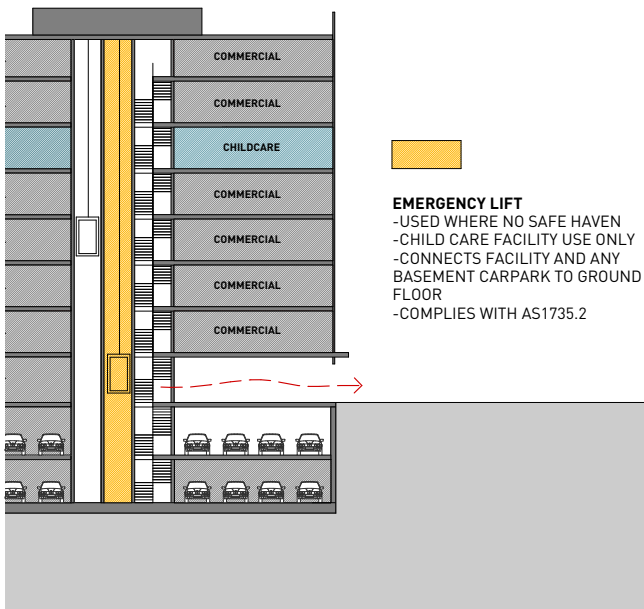
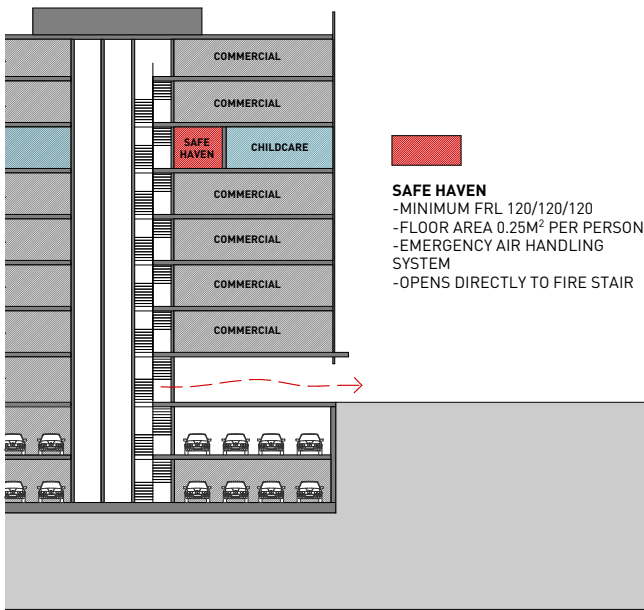


Figure 2-41 Emergency exit strategies for child care facility in mixed use and multi-storey buildings.

2.11 National Construction Code

The Building Code of Australia (BCA) is part of the National Construction Code (NCC). The BCA achieves its authority through adoption in the building statutes of each state and territory. In NSW the BCA is called-up in the Environmental Planning and Assessment Regulation 2000.

A child care facility has a building classification of 9b under the BCA being an assembly building.

Glass

Regulation 117 Education and Care Services National Regulation

Glass used in a child care facility that is accessible to children must be glazed with safety glass or treated with a product that prevents glass from shattering if broken. All glazing used in the child care facility must meet the requirements of B1.4 of the NCC.

Barriers to Prevent Falls

In external and internal spaces that are higher than 1m about ground or floor level consideration needs to be given to increasing heights of balustrades. The design of the balustrade must be done to ensure that it does not facilitate climbing. Balustrades may need to exceed the minimum height requirement of 1m in areas where children may stack toys or equipment and be able to climb over the balustrade.

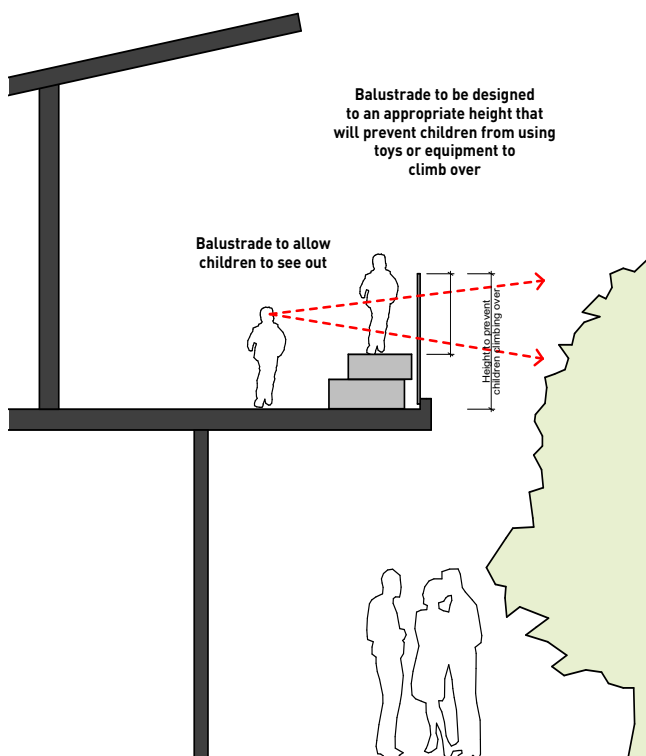


Figure 2-42 Balustrade design to prevent falls while still allowing children to look out

2.12 Soil Assessment

Regulation 25 Education and Care Services National Regulation and State Environmental Planning Policy No. 55

Soil Assessment

The Department of Education, as regulatory authority under the National Law, requires an assessment of soil at a site proposed for use as an education and care service, and in some cases, sites already in use for such purposes. Soil assessment is used when considering whether the proposed location is satisfactory for the purpose.

With every service application and development application one of the following is required:

- a soil assessment for the site of the proposed education and care service premises; or
- if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect, specifying when the soil assessment was undertaken; or
- a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.

When the Soil Assessment is required

A soil assessment may be required when children have access to the soil at the service. A soil assessment is not needed if no outdoor space is offered (some restricted approved services), or if the outdoor space has no exposed soil (ie if it is located on the roof of a building).

Where children will have access to soil the Department of Education requires a preliminary investigation of the soil. This includes sites with or without buildings and existing approved children's services where:

- the application is to alter or extend the premises
- the alteration or extension requires earthworks or deep excavations (exceeding a depth of 1 metre)
- the works are going to take place in an area used for children's outdoor play or will be used for children's outdoor play after the work is completed
- a soil assessment has not been undertaken at the children's service.

Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks. These alterations do not require a soil assessment.

Soil assessment in children's services

Assessing the soil for a children's service approval application may require three levels of investigation:

Stage 1: Preliminary investigation (with or without soil sampling).

Stage 2: Detailed site investigation.

Stage 3: Site-specific human health risk assessment.

An environmental engineer will be able to prepare a soil assessment and determine the type of investigation required.

2.13 Best Practice Example

Below is a sample plan of a facility designed with a best practice layout. The arrangement of rooms is in a linear style with activity rooms and administration areas located off a central hallway.

Children's bathrooms and cot rooms are located between activity rooms to allow direct and easy access from both internal and external play areas.

Administration and services rooms such as the laundry and kitchen are located nearest to the parking. This allows for separate access for deliveries away from children and their play areas.

The following table sets out optimum space requirements for child care facilities of varying capacities. It aims to demonstrate the space allowances that may be made when designing facilities, with an emphasis on single storey standalone developments. Modifications of existing facilities, mixed use developments, and conversions of buildings to new facilities may also consider how the space allowances could be applied. The calculated site areas should be viewed as a guide only and are not design criteria for the purposes of the draft State Environmental Planning Policy.



Typical Space Requirements for different size centres

Spaces	Indicative area (m ²)							
NUMBER OF PLACES	20	30	40	50	60	70	80	100
INTERNAL SPACES (activity and withdrawal spaces to be unencumbered)								
Main Activity Space	65	97.5	130	162.5	195	227.5	260	325
Teacher Prep / Staff	10	12	14	16	18	20	22	25
Foyer / Entry	10	18	24	27	30	32	35	35
Administration Space	10	10	10	10	10	10	10	20
Kitchen	12	12	14	16	18	20	20	20
Staff / Meeting Room	8	10	12	14	16	19	22	25
Sleep Room	25	30	35	50	55	65	70	85
PLUS 10% CIRCULATION TO THE FIGURES ABOVE								
Storage	10	15	20	25	30	35	40	45
Laundry	8	8	8	8	8	8	8	8
Children's Toilets	10	10	20	30	30	30	40	40
Access / Staff Toilet - To include shower	14	14	14	14	14	14	14	14
Cleaner's Room (can be cupboard)	2	2	2	2	2	2	2	2
EXTERNAL SPACES								
Shed	5	10	10	15	15	45	20	20
Outdoor Learning Space - Minimum (7m2)	140	210	280	350	420	490	560	700
Plus allowance for structures and encumbered space.	60	75	80	90	100	110	120	130
Parking requirements*	5	8	10	13	15	18	20	25
Area for parking and circulation (on grade)	215	305	365	455	515	605	715	815
Typical site area required.**	618	858	1062	1314	1510	1772	2002	2363

*Parking based on 1 space per 4 children. Can be reduced to 1 per 10 when less than 400m from train station and 1 per 10 in a high rise building.

** Based on a single storey child care facility, rounded to nearest m²

Matters for Consideration and Design Criteria

This Part provides the guidance to achieve high quality amenity, design and environments. These are matters for consideration for the purpose of clause 21 of the Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 as well as design criteria for the purposes of clause 23(2)(c) of the Draft State Environmental Planning Policy.

Overarching Design Criteria

The overarching design criteria are principles for designing the overall development. They establish the broad design context. They are in addition to the specific design criteria.

Good design is integral to creating sustainable and liveable communities. Designers and decision makers seek to achieve high quality design by creating places and buildings that respond, in creative and practical ways to enhance the function and identity of a place.

There is growing appreciation of the significant role that good design can play in education environments with increasing evidence that children's learning outcomes are closely related

to the quality of learning environments. Factors such as air quality, ventilation, natural lighting, thermal comfort and acoustic performance have been shown to have a profound impact on student learning, engagement, social interactions and competencies. They also contribute to wellbeing through creating a sense of belonging, self-esteem and confidence.

A Design Statement Template in Appendix 1 is provided to assist applicants demonstrate how a development proposal addresses the matters for consideration and design criteria in this Part.

1. Context

Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Well-designed centre-based child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.

Well-designed centre-based child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the centre-based child care facility and surrounding communities.

2. Built Form

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.

Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Contemporary centre-based child care facility building design can be distinctive and unique in form to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.

3. Adaptive Learning Spaces

Good centre-based child care facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is reflected in the site layout, building design, and fit-out of learning spaces.

Good centre-based child care facility design achieves a mix of inclusive learning spaces to cater for all students, faculty and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

4. Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Well-designed centre-based child care facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions, and reduced operational costs.

Centre-based child care facilities can offer learning opportunities for students and the community in relation to sustainability, resource efficiency and design innovation.

5. Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

6. Amenity

Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.

Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.

Well-designed centre-based child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.

7. Safety

Well-designed centre-based child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.

Good centre-based child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed centre-based child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).

Siting the Development

3A Location

Centre-based child care facilities are not suited to every site. The location and physical context of a centre-based child care facility should be safe and healthy for children. Centre-based child care facilities should also be compatible with the surrounding land uses.

The range of matters to consider will vary according to the location and setting of the site and the type of development being proposed. The table on the following page summarises examples of relevant considerations by land use typology across NSW.

To minimise the potential for land use conflicts the following matters should be considered for new development and alterations and additions to existing buildings.

Child care in or adjacent to a residential zone

Where the development is the only use on a site zoned for residential purposes, or adjoining land zoned for residential purposes, consider:

- the acoustic and privacy impacts of the proposed development on the residential properties
- the setbacks and siting of buildings within the residential context.

Child care in industrial zones

Where a proposed development is on land located in development is on land zoned IN1 General Industry or IN2 Light Industry consider:

- whether the proposed use is compatible with neighbouring land uses, in particular with regard to its proximity to sensitive or hazardous land uses
- whether the proposed use has the potential to inhibit or restrict the operation of existing industrial land uses
- whether the location of the facility will pose a health or safety risk to children, staff or visitors.

Commercial and industrial zones

Where the development is the only use on a site zoned for commercial/industrial purposes, or adjoining land zoned for commercial/industrial uses, consider:

- the potential for local environmental or amenity issues such as air or noise pollution, to impact on the health and wellbeing of children, staff and visitors the proposed centre-based child care facility;

- the potential for local traffic conditions to have a detrimental effect on the safety of the children, staff or visitors to the proposed centre-based child care facility
- the potential for the proposed centre-based child care facility to reduce the viability of existing commercial or industrial areas
- in retail centres, the potential for the proposed centre-based child care development to adversely impact on the streetscape and active street frontages.

Mixed-use development

Where the construction of a new centre-based child care facility, or alterations and additions to existing facilities, includes a use other than child care that is located on the same site, either in the same or in separate buildings on the site consider:

- in high rise buildings, the provision of fire safety and evacuation facilities that are suitable for use by children
- proximity and access to, and compatibility with, other uses such as light industrial uses, commercial offices, licensed premises and gaming rooms
- any objectives and design criteria for the area.

Retrofit of existing buildings

Retrofitting and design of buildings, particularly warehouses and commercial spaces, may consider the safety, wellbeing and amenity of the children who will use the centre by:

- ensuring that there is adequate natural light and windows
- checking existing glazing is safety glass and meets the relevant *Building Code of Australia* and *Australian Standards*
- undergoing a *National Construction Code- Section J* assessment by a qualified energy consultant to ensure that the insulation and thermal comfort of the retrofitted building is suitable for a centre-based child care facility
- having an appropriately licenced person determine if any existing building materials contain asbestos, or existing paintwork contain lead and have removal of contaminated materials carried out by licenced professionals
- considering the location of drop off, parking and play areas in areas that are predominantly light industrial or commercial, noting that the use of heavy trucks on these roads can pose a safety risk to children and the location of play areas should be away from main roads to minimise accident risk
- when retrofitting ground floor commercial buildings with

large windows to the street front, considering the privacy to the children in the centre, while still maintaining an appealing streetscape frontage, through use of privacy screens and balancing privacy, natural light and a quality street frontage

- locating the entry to centres located in a mixed use commercial building to minimise safety risks presented by movement of people and possibly goods.

Priority consideration by land use type

Urban / rural typology	Considerations
High rise mixed use developments in city or town centres	Fire safety and evacuation plans in high rise buildings allow safe passage of small children from the building
	Proximity to sensitive and uses such as brothels
	Storage space for prams and strollers for families who walk
High density, low rise urban areas	Use of outdoor space - noise
	Traffic and off street parking
	Proximity to hazardous uses
	Location on busy roads
Low density residential / suburban	Built form
	Built form – context
	Traffic and parking
	Noise and other amenity impacts
Industrial areas	Size of centre
	Proximity to hazardous uses
	Types of vehicles, volume
	Health and environmental impacts – air/ noise pollution
Commercial areas	Proximity to transport
	Parking and traffic generation
	Amenity of the commercial centre
	Impact on viability and operation of existing uses

Design Criteria 3A

The objective is to ensure that sites for early childhood education and care facilities are appropriately located

1. A centre-based child care facility is not to be located on a site adjoining a high rise building, or a busy road, or an odour generating use or other potential health hazard if the centre cannot be designed to avoid negative health and amenity impacts to children and staff
2. A centre-based child care facility is not to present an unsafe risk to children, staff or visitors from:
 - wind tunnels and downdraft created by high rise buildings
 - pollution created by car and other vehicle fumes
 - proximity to LPG tanks
 - contaminated land
 - lead in painted surfaces, carpets, furnishings and roof void in existing buildings
 - asbestos in existing buildings
 - mould and mildew in existing buildings
 - proximity to water cooling and water warming systems
 - proximity to noise sources
 - proximity to odour (and other air pollutants) generating uses and sources
 - existing and potential on and off-site electromagnetic fields 50Hz and radio frequency fields 3KHz – 300GHz)
3. A Noise Management Plan is required where centre-based child care facility is proposed in any of the following locations:
 - Industrial zoned land
 - an ANEF contour
 - along a railway or mass transit corridor, as defined by the ISEPP
 - on a major or busy road
 - other land that is impacted by substantial external noise.
4. Centre-based child care facilities should not be located adjacent to incompatible uses that could negatively impact on:
 - child protection and safety; and
 - children's health.

3B Building Envelopes - Heights and Setbacks

A building envelope is determined by the permissible building height and site setbacks.

Building height is an important component of the building envelope. It helps shape the desired future character of a place relative to its setting and topography. It defines the proportion and scale of streets and public spaces and has a relationship to the physical and visual amenity of the public and private realms. Variations in building height create visual interest, respond to topography and emphasise elements of the urban context. Building height should be informed by decisions about daylight and solar access, roof design and use, wind protection, residential amenity, landform and heritage. Height must have regard for the scale of adjoining development.

Setbacks govern space between proposed buildings and other elements in the environment. Usually, setbacks are expressed as distance of building from property boundaries. However, they can also refer to the separation between multiple buildings on a single site. They relate to the height of the building. Setbacks are important to the amenity of new development and buildings on adjacent sites.

Setbacks to the street establish the alignment of buildings along a street frontage, spatially defining the width of the street. Combined with building height and road reservation, street setbacks define the proportion and scale of the street and contribute to the character of the public domain.

Where there are no building height or setback controls in the relevant local environmental plan or development control plans, the following matters may be considered to minimise the impacts of centre-based child care facilities on local character:

- building height should be consistent with other buildings in the locality
- building height should respond to the scale and character of the street
- setbacks should allow for adequate privacy for neighbours and children at the proposed centre-based child care facility
- setbacks should provide adequate access for building maintenance
- setbacks to the street should be consistent with the existing character.

Design Criteria 3B

The objective of this design criteria is to ensure that the scale of the centre-based child care facility is compatible with adjoining development and the impact on buildings on adjoining properties is minimised.

1. The height of a building is not to exceed the height in an LEP or DCP that applies to the land.
2. If there is no height limit in an LEP or DCP then the maximum height of building is:
 - Residential zoned land - 8.5m
 - In any other zone - 12m.

The objective of this design criteria is that setbacks from the boundary of a centre-based child care facility are to be consistent with the predominant development within the immediate context

3. The minimum setback to a classified road is 10m
4. The setback to the road frontage is to be at least:
 - the average setback of the two closest buildings where there are existing buildings within 50m; or
 - where there are no buildings within 50m, the same as required for the predominant adjoining land use.
5. On land in a residential zone, the setback to a side boundary is to consider the side setback patterns of adjoining development.

3C Landscaped Area

Landscaping of centre-based child care facilities can play an important role in integrating facilities into the surrounding streetscape and context. Good integration of facilities with the surrounds benefits neighbours and future residents.

Landscaping is important in educational spaces (see Section 2.8). Centre-based child care facilities that provide opportunities for outdoor learning, with good connections to internal learning areas, can integrate interpretive and educational opportunities within the landscape plan. Landscaping can also assist in providing shaded areas for outdoor play.

To maximise the benefits of the existing landscape and provide a high quality landscaped area, the following matters may be considered:

- landscaping should reflect and reinforce local context where it is feasible
- natural features of the site, such as trees, rocky outcrops and vegetation communities should be incorporated into landscaping where ever feasible
- existing stands of trees, particularly in rear setbacks, should be identified and retained to provide a natural source of shade for play areas
- spatial configurations of landscaped areas should assist supervision and minimise opportunities for bullying and antisocial behaviour
- outdoor learning, socialisation and recreation can be enhanced by the use and positioning of urban furniture/ play equipment in configurations that facilitate interaction
- planting for shade and solar access is enhanced by:
 - appropriately scaled trees near the eastern and western elevations
 - a balance of evergreen and deciduous trees to provide shade in summer and sunlight access in winter
 - shade structures such as pergolas for balconies and courtyards.

Design Criteria 3C

The objective of this design criteria is to provide landscape design that contributes to the streetscape and amenity.

1. Landscape features including trees and rock outcrops should be retained where feasible.
2. Appropriate planting with a minimum mature height of 2m should be provided along the boundary to residential properties to provide screening. This planting area is to be excluded from any outdoor play area calculation.
3. Landscaping in the front setback should positively contribute to the streetscape and neighbouring amenity.

The objective of this design criteria is to provide a safe learning environment for children and contribute to their learning outcomes.

4. No area within the centre-based child care facility is to contain plant species that have the following characteristics:
 - plants known to be poisonous or that produce toxins
 - plants with high allergen properties
 - plants with thorns, spikes or prickly foliage
 - plant species that may place the health, safety and welfare of the centre's users at risk.
5. The outdoor play area is designed to provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.



Figure 3-1 Retain existing trees where possible.



Figure 3-3 Direct access to outdoor play areas from indoor activity areas is important.



Figure 3-2 Rocky outcrops can be retained and used within the landscape.



Figure 3-4 Outdoor play areas are important for growth and development.

3D Local Character and Context

A detailed understanding of the overall site context is the starting point for creating a well-designed and integrated centre-based child care facility. Context is the character and setting of the area within which the facility will sit. This character and setting is influenced by environmental/physical, economic and social factors.

Understanding the history of a place, how it developed, the people who live there and how it functions encourages developments that are more effectively and appropriately designed and positioned.

The key priorities to consider when responding to character and context are:

- Communities – understanding social dynamics can help developments reinforce local communities.
- Place – drawing inspiration from indigenous character and heritage can strengthen local identity.
- Natural resources – maximising use of the sites intrinsic resources can create more sustainable developments.
- Connections – understanding existing street and road linkages can help develop an effective and integrated movement framework.
- Feasibility – ensuring schemes are economically viable and deliverable.
- Vision – understanding the aspirations of the site within the setting of the wider area.

These elements are inter-related and all rely on each other to make a well-designed sustainable place which responds well to context.

Design Criteria 3D

The objective of this design criteria is for the built form, articulation and scale to relate to the local character of the area and the context.

1. Provide a design statement that explains how the built form of the development contributes to the character of the local area, including how it:
 - respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage
 - retains and reinforces existing built form and vegetation where significant
 - considers heritage within the local neighbourhood
 - responds to its natural environment including local landscape setting and climate
 - contributes to the identity of the place.

A design statement template is provided at Appendix 1.

3E Public Domain Interface

The public domain interface is the transition area between the centre-based child care facility, its private or communal space at the street edge and the public domain. The built form at the edges defines the spatial proportions of the street and the street edge.

The interface of the development contributes to the quality and character of the street. Subtle variations through planting and boundary treatments such as walls and fencing can create an attractive and active public domain with a pedestrian scale. Long, high blank walls or fences can detract from the appearance of the public domain and impact on the safety of pedestrians and users of the facility.

Windows overlooking the street can improve safety and social interaction through passive surveillance.

Key components to consider when designing the interface include entries, fences and walls, changes in level, service locations interactions with outdoor play spaces and the location and size of street facing windows. The design of these elements can influence the real or perceived safety and security of children and the identity of the development.

A centre-based child care facility needs to address the streetscape in scale and rhythm of built form. Avoid play areas located against front boundaries and instead provide landscape in front of the fence or play area. A desirable outcome is to have main play areas located away from front setbacks.

To establish clear delineation between the centre-based child care facility and public spaces, the following matters may be considered:

- creating a threshold by providing a clear transition between public and private realms. This transition can include fencing to provide safety to children entering and leaving the facility.
- windows from the facility should face the public domain, provide passive surveillance to the street and visual interest. Windows can also provide a connection between the facility and the community and may include changing displays.
- Areas where people can be hidden or concealed should be avoided.

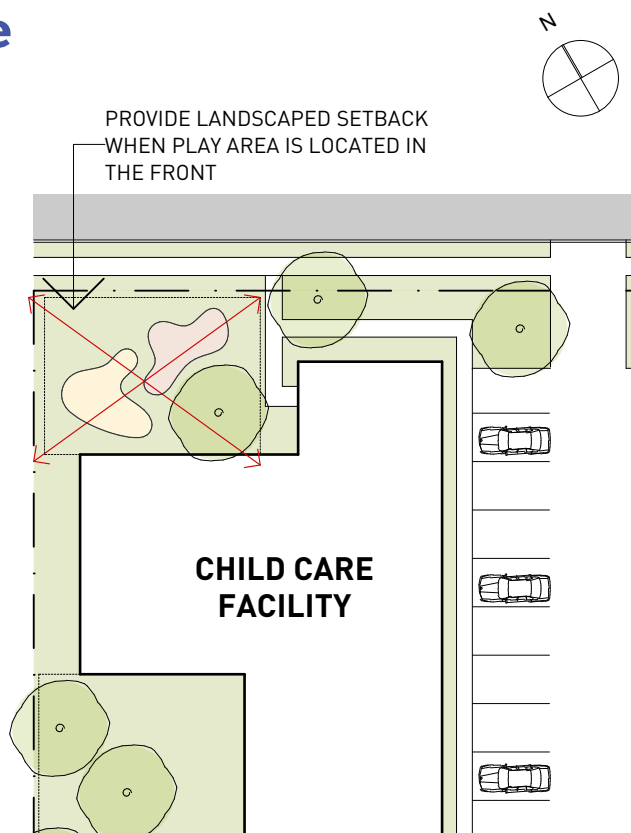


Figure 3-5

Provide a landscape buffer if play areas face the streetscape.



Figure 3-6

Have some windows orientated to the streetscape for supervision as well as visual interest.

- On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the centre-based child care facility should be differentiated to improve legibility for visitors and children by:
 - changes in materials
 - plant species
 - colours.
- The visual prominence of an underground car park should be minimised and located at a low level where possible. Where it is more than 1m above ground level, ventilation should be integrated with the overall façade design by using ‘hit and miss’ brickwork, or integrated with the cladding finishes so it is concealed.
- Ramping for accessibility should be minimised by considering building entry locations and where ground floor levels are in relation to footpath levels.
- Where development adjoins public parks, open space or bushland, the design should positively address this interface and adopt some of the following design solutions:
 - clearly defined street access, pedestrian paths and building entries;
 - paths, low fences and planting which delineate communal/private open space from adjoining public open space; and
 - minimal use of blank walls, fences and ground level parking.
- Retention of existing trees and generous planting in the front setback should provide a positive contribution to the streetscape.

Design Criteria 3E

The objective of this design criteria is that front fences and retaining walls do not dominate the public domain and instead, respond to and compliment the context and character of the area.

1. Front fences and walls within the front setback are to use visually permeable materials and treatments.
2. The maximum fence height within the front setback is 1.5m, with an average no greater than 1.7m.
3. Where the fence or retaining walls exceed 1.2m in height it is to be setback at least 0.6m from the street boundary and provide planting with a mature height of at least 1m between the fence and the boundary.
4. High solid acoustic fencing is only to be used to shield the centre from the noise from classified roads. The walls are to have a maximum height of 2.1m and be setback at least 1.5m from the property boundary with landscape planting provided between the wall and the boundary, with a mature height of at least 1.5m.

The objective of this design criteria is to ensure the design of fencing provides for safety and amenity, suits the purpose for which it is required and contributes positively towards the streetscape.

5. Fencing and gates are to be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.
6. Gates are to be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.
7. The maximum fence height within the front setback is 1.5m, with an average no greater than 1.7m on sloping sites.
8. Where the proposed development has a frontage to public space, or is in a retail or commercial area, the centre it is to provide shopfront windows and openings that provide views into the centre or contain display windows.

3F Pedestrian and Vehicle Access

Providing safe vehicle and pedestrian access and providing for the safe movement of children on the site is paramount to the operation of a centre-based child care facility. Planning and design of centre-based child care facilities should aim to deliver a safe environment for pedestrians, particularly children, motorists and cyclists on the site. Vehicular access and parking should not detrimentally affect the traffic safety of surrounding areas. Providing suitable parking arrangements for staff, parents, visitors, emergency vehicles and service vehicles will improve convenience. Designing car parking arrangements to enhance the streetscape character and have minimal visual impact will benefit the neighbourhood.

To provide a safe environment for pedestrians, cyclist and motorists, consideration may be given to the following:

- providing separate pedestrian and vehicle entries from the street
- providing pedestrian paths that are wide enough so that two prams can pass each other
- providing clear and safe pedestrian paths from car parking areas to the building entry
- establishing separate loading facilities that are be clearly designated or have deliveries carried out outside the operational hours of the centre
- deliveries to the centre occurring outside the typical drop off and pick-up times
- where car parking is provide in a basement:
 - locate car park entries behind the building line;
 - integrate basement entries with the overall building façade
 - locate the driveway to one side at the lowest point on the site to reduce visual prominence.
- restrict vehicle access to the site from classified roads
- in mixed use developments:
 - clearly defined, separate entrances are to be provided for the centre-based child care facility components of the building; and
 - parking for the centre-based child care facility should be clearly separated from parking for other uses.

- car parking within the front setback should consider the context - it may be appropriate to limit car parking in the front setback in areas with predominantly landscaped setbacks
- provide planting to larger car parking areas to provide shade to the cars and reduce summer heat that can radiate into the building. Consider planting 1 medium size tree for every 4 car spaces.

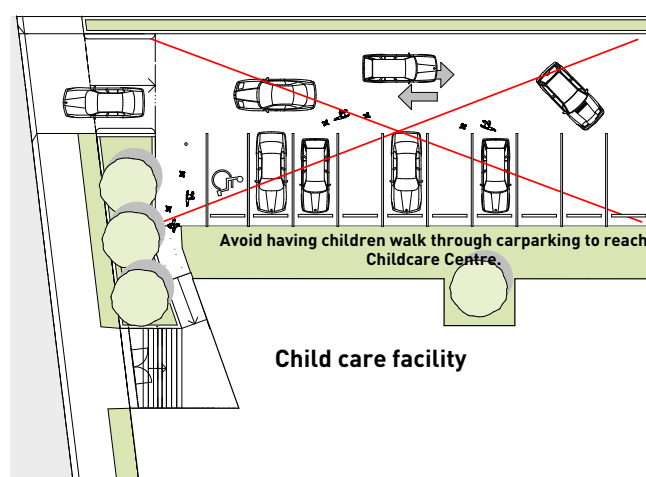


Figure 3-7 Diagram showing poor carpark design resulting in children having to walk through traffic to reach the centre.

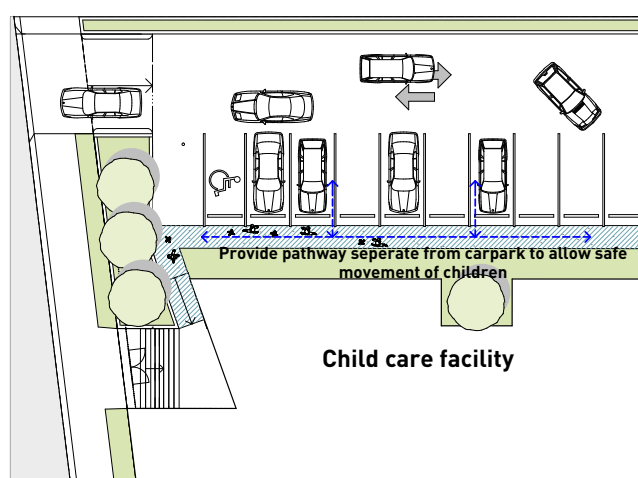


Figure 3-8 Diagram showing good car park design with separate path allowing access to and from cars without the need to walk through traffic.



Figure 3-9 In mixed use buildings, carparking for childcare should be located closest to the lift or to the childcare component of the building.



Figure 3-10 Separation of parking and pedestrian foot paths

Design Criteria 3F

The objective of this design criteria is to provide a safe, connected environment for pedestrians and clear entrance to the facility.

1. The main centre entry is to be directly visible from the street frontage.
2. Separate pedestrian access is to be provided from the car park to the centre entry without the need to walk through the vehicle aisle. Include defined pedestrian crossings within larger car parking areas.
3. Car parking areas are to be separated from the building entrance and play areas by a child safe fence.
4. Vehicles are to enter and leave the site in a forward direction.
5. In commercial or industrial zones and mixed use development, the path of travel from the car parking to the centre entrance is to be physically separated from any truck circulation or parking areas.

The objective of this design criteria is to ensure that parking at the centre-based child care facility does not dominate the streetscape.

6. Basement car parking not to protrude more than 1m above finished ground level except at the entrance to the car park.
7. Centre-based child care facilities in commercial and mixed use developments in retail centres should avoid positioning parking on the active street frontage.

The objective of this design criteria is to provide vehicle access from the street in a safe environment that does not disrupt traffic flows

8. Centre-based child care facilities are not to have direct street frontage access to a classified road, or any other road which in the opinion of the consent authority is unsuitable for a centre-based child care facility, having regard to:
 - the prevailing traffic conditions
 - pedestrian and vehicle safety including bicycle movement
 - the likely impact of the development on traffic.

3G Orientation

Orientation refers to the position of a building and its internal spaces in relation to its site, the street, the subdivision and neighbouring buildings, vistas and weather factors such as sun and wind. Building orientation influences the urban form of the street and building address. In residential areas facility orientation directly affects residential amenity including solar access and visual and acoustic privacy.

To maximise amenity through solar access, visual and acoustic privacy, consideration may be given to:

- the amenity of adjoining properties in the location
- locating outdoor play areas away from residential dwellings to reduce noise impacts
- minimising privacy impacts to residential properties by locating outdoor play areas away from adjoining dwellings
- avoid overshadowing of adjoining residential properties by increasing setbacks to the south;
- respond to the local topography by minimising cut and fill
- utilise sloping sites to accommodate car parking under the building footprint
- ensure buildings along the street frontage define the street by facing it and with direct access from the street where possible
- orientate the internal play rooms to maximise solar access and daylight.

Design Criteria 3G

The objective of this design criteria is for the centre to respond to the streetscape and site while optimising solar access and opportunities for shade within the development.

1. The main entry to the child care facility should face a public street.
2. The site and building layout allow solar access to internal and external play.
3. Windows are provided facing the street.
4. Develop a site layout that minimises potential noise and overlooking impacts by facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties and facing play equipment away from common boundaries with residential properties

The objective of this design criteria is that overshadowing of adjoining residential properties is minimised during winter

5. Where the centre is adjacent to a dwelling:
 - The window to a living room of an adjoining dwelling that is more than 3m from the boundary is to receive more than 2hrs of solar access between 9am and 3pm on the winter solstice (June 21)
 - Where the above criteria is not satisfied, the proposed development ensures solar access to neighbouring properties is not reduced by more than 20 per cent.
 - Where private open space and living room windows of an adjoining dwelling cannot be verified the proposed development is accommodated within a building envelope defined by a 35° plane at 3.6m above the boundary.
6. In mixed use developments only, where a centre-based child care facility is located above ground level:
 - Outdoor play areas protect children from wind and other climatic conditions including down drafts from buildings and nearby buildings; and
 - A child safe barrier at the edge is at least 1.8m high but has visual transparency to all views from children playing on the ground.

Amenity

3H Visual Privacy

Visual privacy allows residents on adjacent properties to occupy their private space without being overlooked by centre-based child care facilities and centre-based child care facilities are not to be overlooked by neighbouring properties.

Privacy is influenced by the activities in each of the spaces where overlooking may occur, the times and frequency these spaces are being used, the expectations of occupants for privacy and residents' willingness to reduce overlooking with screening devices.

To provide visual privacy between buildings and for neighbouring buildings, consider the following design solutions:

- on sloping sites, use of landscaping to provide privacy
- internal spaces should be located and oriented to maximise privacy
- privacy screens can be used where windows above ground floor may have direct views in to residential properties
- privacy screens should not completely restrict views of the centre to the sky and surrounding area.



Figure 3-11 Privacy screens and walls provide privacy to play areas in busy environments whilst still providing visual interest.

Design Criteria 3H

The objective of this design criteria is to protect the privacy and security of children attending the centre, without restricting the opportunity for children to view safely out from the centre's indoor and outdoor play areas to assist their visual development.

1. Indoor areas adjacent to public areas shall be screened to prevent direct sight lines into child care facilities where appropriate whilst maintaining an opportunity for children to view community life.
2. Direct overlooking of indoor amenities and outdoor play spaces from public areas should be minimised through design features that could include:
 - appropriate site and building layout
 - suitable location of pathways, windows and doors
 - permanent screening and landscape design.

The objective of this design criteria is to minimise the adverse impact on privacy of adjoining properties.

3. Direct overlooking of adjoining main internal living areas and private open spaces should be minimised through:
 - appropriate site and building layout
 - suitable location of pathways, windows and doors
 - landscape design and screening.

31 Acoustic Privacy

Acoustic privacy involves reducing sound transmission between activity rooms and outdoor play areas and between the centre-based child care facility and its neighbours. Designing for acoustic privacy requires a consideration of the site context, surrounding uses, building separation, the location of public and private open spaces and the arrangement of internal spaces in a building.

For constrained sites near a rail corridor, major roads or underneath flight paths, refer to section 20 Noise and Pollution.

Design and site layout should be used to respond to reduce acoustic impacts. Outdoor areas in close proximity to residential uses can be designed to encourage more passive activities. At least 50 per cent of the outdoor play areas should be able to be used for at least 70 per cent of the operational time.

To further minimise the risk of reduced acoustic privacy to neighbouring premises, consider:

- locating outdoor play areas away from residential dwellings and other sensitive uses
- providing physical barriers between the outdoor areas and the noise receivers
- using acoustic attenuation measures to reduce reflected noise
- where located within a mixed use building that contains apartments, treat windows of dwellings to satisfy the noise design criteria
- submit a noise management plan which may be incorporated into the facility management plan
- design and site layout should be used to respond primarily to reduce acoustic impacts. Outdoor areas in close proximity to residential uses can be designed to encourage more passive activities. At least 50 per cent of the outdoor play areas should be able to be used for at least 70 per cent of the operational time.

Design Criteria 31

The objective of the design criteria is to minimise the impact of the child care centre on the acoustic privacy of neighbouring residential developments.

1. For new development or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation:
 - provide a 2m high acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is solid, gap free fence with minimum panel surface density of 12.5kg/m²)
 - located external play areas within 10m of the boundary fence at least 1.2m below the top of the boundary fence
 - ensures that mechanical plant or equipment is screened from view of habitable rooms (including balconies, patios, decks and verandas) of an adjoining sensitive use by solid, gap free material and construction e.g. acoustic fence, building, or enclosure.
2. A suitably qualified acoustic professional is to certify that:
 - cumulative noise emissions from the centre-based child care facility, including the operation of any mechanical plant and equipment and air conditioning must not exceed the LAeq, 15 minute noise level for the project specific noise level for the type of receiver affected as determined in accordance with the NSW EPA Industrial Noise Policy.
 - the LAeq,15 minute noise level emitted from the use must not exceed the LA90, 15 minute noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence (measured with all external doors and windows closed) or noise sensitive commercial premises.

3| Noise and Pollution

Centre-based child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise and poor air quality. Other hostile and noisy environments such as industrial areas and substations may impact on the amenity and wellbeing of the children and staff.

The location of centre-based child care facilities should be selected to avoid or minimise the potential impact of external sources of noise, air pollution and other hazards.

To minimise impacts of noise and pollution at the centre-based child care facility, the following design solutions may be applied:

- create physical separation between buildings and the noise or pollution source
- orientate dwellings perpendicular to the noise source and where possible buffered by other uses
- landscape to reduce the perception of noise and act as a filter for air pollution generated by traffic and industry
- limit the number and size of openings facing noise sources
- provide door seals to prevent noise transfer through gaps
- use double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)
- use materials with mass and/or sound insulation or absorption properties (e.g. solid balcony balustrades, external screens and soffits)
- ensure mechanical plant or equipment is screened from view of habitable rooms (including balconies, patios, decks and verandas) of an adjoining sensitive use by solid, gap free material and construction e.g. acoustic fence, building, or enclosure
- locate cot rooms away from external noises sources.

Design Criteria 3|

The objective of the design criteria is to ensure that outside noise levels are controlled to acceptable levels.

1. Outdoor play areas are to have a background external noise level not exceeding 55dBA (LA90 24 hrs).
2. The noise level Leq,1 hr from road, rail traffic or industry at any location within the indoor play or sleeping areas of the centre-based child care facilities during the hours when the centre is operating must not exceed 40dB(A).
3. The Lmax, slow noise level from aircraft at any location within the indoor play or sleeping areas of the centre-based child care facility during the hours when the centre is operating must not exceed 50 dB(A) in accordance with AS2021.
4. Environmental noise intrusion from external noise sources into the child care facility will not exceed the repeatable maximum LAeq, 1 hour of:
 - 35 dB(A) within designated sleeping areas, and
 - 40 dB(A) (LAeq, 1hr) within other internal spaces for playing and learning.
5. A Noise Management Plan is required where a centre-based child care facility is proposed in any of the following locations:
 - on industrial zoned land
 - an ANEF contour
 - along a railway or mass transit corridor, as defined by the ISEPP
 - on a major or busy road or
 - other land that is impacted by substantial external noise.

Configuration

3K Accessible Design

Centre-based child care facilities need to allow equitable access by all members of the community, including those with disabilities. They should also provide suitable play areas for children with disabilities.

Accessible design can be achieved by considering the following:

- link all key areas of the site by pathways that are accessible to prams, wheelchairs and the like
- provide accessibility to and within the building in accordance with the Disability Discrimination Act 1992, Disability (Access to Premises-Building) Standards 2010 and the National Construction Code
- provide a continuous path of travel to and within the building in accordance with AS1428.1: Design and Access for Mobility
- minimise conflicts by placing door handles at a higher height than specified in AS1428.1, to prevent children from accessing restricted places such as kitchens, waste room and store rooms. (Such instances should only occur in areas that do not form part of the accessible path of travel. Consider using locks instead, as the impact of higher handle heights may have on future staff with disabilities could result in the potential for Disability Discrimination Action to be taken.)

Design Criteria 3K

The object of the design criteria is that the centre is accessible to all potential users of the facility.

1. All key areas of the site are to be linked by pathways that are accessible to prams, and wheelchairs including between all car parking areas and the main building entry.

2. Access between the street entry and car parking and main building entrance is to have an accessible path of travel that complies with AS1428.1 consisting of paths and ramps. Platform lifts should be avoided where possible.

Note: The National Construction Code requires access for persons with a disability from the street to the building entry. Consideration may also need to be given to responsibilities under the Disability Discrimination Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010.

3L Car and Bicycle Parking

Car and bicycle parking in a centre-based child care facility should be determined in relation to the availability, frequency and convenience of public transport. Car parking should be integrated with the building and landscaped design to minimise visual impact on the streetscape. The design of all car parking bays for use by parents and guests should allow for full opening of all doors and follow the dimensions set out in Table 1.1 of AS2890.1:2004 Parking facilities- Off-street parking.

If a proposed development does not meet the rates in this section, an alternate rate may be proposed and justified in a traffic and parking study that takes into account the unique circumstances of the site and context.

- Car parking within a basement can provide optimum use of the site area and minimise visual impacts.
- Accessible parking is to be clearly marked and located as close as possible to the primary entrance to the building.
- Car parking areas should include a designated footpath from the car park to the building entrance and to the footpath on the street to ensure the safety and welfare of pedestrians, parents, staff and children.
- Car parking areas are to be designed in a manner that allows vehicles to travel in a forward direction at all times except when entering or leaving a parking space.
- Where a centre-based child care facility is located within a mixed use development, the parking spaces are to be located and grouped together and conveniently located near the access point to the facility.
- Parking is to be incorporated into the landscape design of the site. Use low level landscaping on two to three sides to soften and screen parking areas.
- Use light coloured paving materials or permeable paving systems.
- Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.
- Ventilation grills or screening devices for car parking openings should be integrated into the façade and landscape design.
- Delivery and loading areas should be provided away from the main pedestrian access to the building.
- Provide bicycle parking suitable for the context and user needs of the centre.

Design Criteria 3L

The objective of the design criteria is to provide parking that satisfies the demand generated by the centre.

1. Off street car parking should be provided at the rates for child care facilities specified in a DCP that applies to the land.
2. Where a DCP does not specify car parking rates, off street car parking is to be provided at the following rates
 - Where the site is within 400m of a metropolitan train station – 1 space per 10 children
 - In other areas – 1 space per 4 children.
3. Accessible parking is to be provided at one space per 30 children.
4. For small centres in areas with convenient and safe on- street parking spaces this parking may be considered as an offset to off-street parking if it can be demonstrated it does not affect the safety and amenity of the adjacent area.
5. Commercial or industrial zones and mixed use developments only:
 - Use of on-street parking can only be considered where the adjoining uses do not raise conflicts with child safety such as high levels of vehicle movement or conflicts with trucks and large vehicles – particularly in industrial areas.

The objective of the design criteria is that the design of the car spaces allows sufficient room for the unloading of prams and safe access for vehicles

6. Car parking spaces are to comply with the requirements of AS2890.1:2004 Parking facilities – Off street car parking .
7. All parking except for designated staff spaces are to have the width of the parking spaces to comply with User Class 3 in section 2.4 of AS2890.1:2004 Parking facilities- Off-street parking.
8. Designated staff parking may be provided as tandem spaces.

3M Form and Articulation

Architectural form is one of the most important elements of good design. It defines the building as viewed from a distance. Good form and proportion make a strong contribution to local character.

Centre-based child care facilities can be a central focal point for a community. They can be provided in buildings that reflect the aspirations of the community and contribute to the identity of a place.

The architectural form is described by building mass, its stepping elements, solid and void relationship, the silhouette created by the roof form.

The following elements can contribute to a positive form:

- Quality roof design provides a positive addition to the character of an area and can form an important part of the skyline. Roofs also provide opportunities for open space, where appropriate and can add to the sustainability of a building's performance.
- Articulation and facade design are the finer details and provide additional visual interest and reinforce the architectural form.
- The design of facades contributes greatly to the visual interest of the building and the character of the local area. While facades that face the street have an impact on the public domain, side and rear facades often influence the amenity of neighbouring buildings.
- The aesthetics and articulation of a building add further detail and complement the architectural form.

- Articulation can assist in refining the form and enhancing it with scale and proportion.
- High quality facades are a balanced composition of building elements, textures, materials and colour selections.
- The quality of the streetscape impacts on local amenity and identity. In order to contribute to the character of the local area, development should recognise predominant streetscape qualities, such as building form, scale, materials and colours
- Utilise materials and finishes that meet the expected standards for community buildings ensuring consistency of finish, well-considered use of colour and texture, durability of surface finishes and fixtures, resistance to damage and vandalism, minimal recurrent maintenance and good amenity and a positive visual impact.
- Reduce the apparent bulk and visual impact by breaking down the roof into small roof elements.
- Provide a balanced composition of solid and void.
- Ensure materials are used in a way that complements the intent of the built form.



Figure 3-12 An example of an articulated form which creates visual interest and breaks up what would normally be a large building mass.

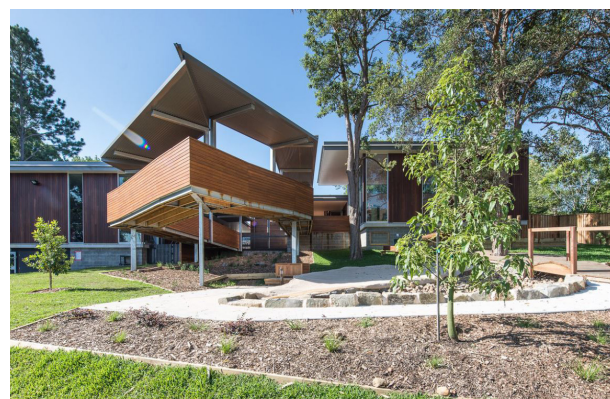


Figure 3-13 An articulated roof form provides visual interest and a focal point.

- Provide building facades with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:
 - well composed horizontal and vertical elements
 - variation in floor heights to enhance the human scale
 - elements that are proportional and arranged in patterns
 - public artwork or treatments to exterior blank walls
 - grouping of floors or elements such as balconies and windows on taller buildings.
- Create shadows on the facade throughout the day with building articulation and deeper window reveals.
- Use colour to provide accent and texture changes to provide visual interest.
- Consider the environmental impacts of material selected, for example, use timber from sustainable sources.
- Consider long term maintenance in the selection of external materials such as minimising the use of painted and rendered surfaces.
- Where the centre-based child care facility forms part of a shop front or active street frontage, the street façade should be activated within windows, openings or display windows.

Design Criteria 3M

The objective of the design criteria is to promote well designed buildings of high architectural quality that contribute to the local character.

1. Indicate in a design statement how the architectural form will provide a building that contributes to the identity of the place.
2. The roof design is integrated with the overall building form.
3. Information and advertising signs and structures are to be compatible with the architectural style and size of centre-based child care facility buildings, and with built development on adjoining land. This is to ensure information/advertising signs and structures do not intrude adversely on the character of the streetscape/ area within which they are visible.

Note: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 contains development standards for signage as exempt development.

Environment

3N Energy Efficiency

Passive environmental and energy efficient design gives a child care facility the ability to manage its consumption of energy, while delivering thermal performance and thermal comfort. It also enhances daylight access, provides increased amenity for its occupants and reduces energy costs.

The energy efficiency of child care facilities can be enhanced by considering the following matters:

- maximise the use of natural daylight within internal space to minimise artificial light use
- provide insulation to the walls and windows to improve thermal performance and reduce the use of energy for heating and cooling
- provide ceiling fans to assist with cooling and increase comfort
- select mid to light coloured roofs which absorb less heat in summer
- use smart glass in north or west elevations
- maximise thermal mass in the floors and walls of north facing rooms
- provide overhang and shading devices such as awnings, blinds and screens to control solar access in summer
- utilise available tools, such as Green Star, to plan and assess sustainability performance
- provide monitors that extend the energy efficiency measures to become learning activities for the children
- install appliances with high star ratings for reduced energy consumption
- consider installing solar hot water for heating water if possible
- consider installing movement sensors for lighting in rooms that are infrequently used
- consider installing light sensors to control the artificial lighting in areas that receive natural daylight.

Design Criteria 3N

The objective of the design criteria is to reduce energy consumption within child care facilities

1. Energy efficiency measures to reduce energy consumption could include:
 - low energy lighting
 - high efficiency appliances
 - photovoltaics for energy generation.

Note: The National Construction Code contains minimum requirements for energy consumption, glazing, insulation and building sealing.

30 Water Management and Conservation

Water sensitive urban design includes the integrated management of water in urban areas. It takes into account all of the elements of the urban water cycle including drinking water, rainwater, wastewater, stormwater and groundwater.

Best practice water management considers water measures at all stages of a project, from initial site planning measures that maximise deep soil areas for water infiltration, to detailed building design that captures and recycles stormwater and wastewater for building services.

Some measures to improve water management are:

- reduce potable water by installing water efficient fittings, appliances, individual metering and rainwater reuse
- provide drought tolerant, low water use plants within landscaped areas
- introduce recommended design solutions:
 - runoff is collected from roofs in water tanks and plumbed into toilets, laundry and irrigation
 - porous and open paving materials are maximised
 - rainwater reused for landscape and toilet flushing
 - locate detention tanks under paved areas, driveways or in basement car parks
 - rainwater tanks may be incorporated in the overall site design to facilitate learning about recycling water, water reuse, and allow children to actively participate in watering gardens.

Design Criteria 30

The objective of the design criteria is to minimise Potable water use.

1. Install fittings with a rating of at least 3 stars.
2. Install a rainwater tank to provide rainwater for use in the landscape areas or toilets.

The objective of the design criteria is that urban stormwater is treated on site before being discharged to receiving waters.

3. All stormwater drainage collected as a result of the development must comply with the relevant Council's Stormwater Policy.

Note: All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:

- If approval is required under section 68 of the Local Government Act 1993, be approved under that act
- If approval is not required under 68 of the Local Government Act 1993, comply with the requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.

The objective of the design criteria is that flood management systems are integrated into site design.

4. Detention tanks are to be located under paved areas, driveways or in basements.

3P Waste Management

The minimisation and effective management of waste from centre-based child care facilities contributes to the visual and physical amenity of the building while limiting potentially harmful impacts on the environment.

Minimising waste is relevant throughout the building’s life cycle. Centre-based child care facilities should include safe and convenient storage and collection of waste and recycling. Waste management should be considered early in the design process.

The storage of waste can have significant visual impacts on the private and public domain and should be located away from key areas such as entries and children’s play areas.

Each council area will have its own requirements for waste collection and should be consulted prior to preparing any application.

The following can assist efficient water management:

- provide adequately sized storage areas for recycling, general and garden waste located discreetly away from the front of the development or in the basement car park
- separate waste collection from children’s play areas and have secure access
- prepare a waste management plan should be prepared that considers child safety and potential conflict with children at collection times
- screen garbage collection, loading and servicing areas behind structures which are integrated into the overall design
- provide green waste composting that can be re-used within the landscape if possible.

Design Criteria 3P

The objective of this design criteria is that waste facilities are designed to minimise impacts on streetscape, building entry and amenity of the building occupants.

1. Storage areas for waste and recycling bins should be provided:
 - within a screened enclosure that is part of the over building design, or
 - within a basement car park, and
 - located behind the front building line.
2. In mixed use developments, waste for the facility is to be separated from other uses within the development.
3. The number and type of bins provided is to be in accordance with the relevant council Policy.

Note: Refer to council policy for waste collection, size of bins and frequency of collection. Some policies may require waste vehicle access into the site. Adequate space may need to be provided for waste vehicle circulation. A combination of design and management plans can avoid conflict with children.

Delivery

This section provides guidance on the delivery of centre-based child care facilities across NSW, including information to assist proponents to prepare development applications and information for consent authorities assessing applications.

4.1 Pre Development Application Meetings

Early in the design phase, a pre-development application meeting may be held with the local council and building designer to focus on achieving the best siting, built form and design outcomes. Working with council should help avoid unnecessary delays with the application. Representatives from the Department of Education may wish to attend the meeting.

The pre-development application meeting provides opportunities for feedback on specific concept plans for the site. At the meeting relevant planning policies and site constraints can be discussed.

Proponents should contact the relevant council for advice on requirements for pre-development application meetings.



4.2 Submitting a Development Application

Preparing development applications

Clause 25 of the Education and Care Services National Regulations requires that plans for a service approval application must be prepared by a building practitioner. To align with this requirement, it is recommended that development applications be designed and prepared by an architect registered in NSW under the Architects Act 2000 or a building designer accredited by the Building Designers Association.

The development application should demonstrate that:

- the proposal has been prepared in accordance with the provisions of Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- the proposal meets the requirements of the National Quality Framework as outlined in Part 2 of this guideline
- the proposal addresses the overarching design criteria in Part 3 of this guideline
- the proposal considers the matters, objectives and criteria regarding impacts of the development on the surrounding environment cited in Part 3 of this guideline
- any other relevant requirements in a local or state environmental planning instrument.

The plans, sections and elevations may also be accompanied by three dimensional views of the development within its context.

Submission requirements for development applications are within the *Environmental Planning and Assessment Regulation 2000*.

Documentation accompanying the development application

To facilitate smooth development application processing, consistent assessment of applications across NSW and compliance with the National Quality Framework, it is strongly recommended that proponents submit the self-assessment checklist at Appendix 2 with a development application. The checklist will demonstrate whether or not a development application complies with regulations 104 – 117 of the Education and Care Services National Regulations.

It is also strongly recommended that documentation prepared for a development application satisfy the requirements for the service approval, for efficient approval processes. Plans accompanying a development application for a centre-based child care facility should address the following matters, which are also required to be addressed in a service approval application, as prescribed in Clauses 25 and 97 of the Education and Care Services National Regulations:

- the location and street address of the proposed education and care service premises
- the location of all buildings, structures, outdoor play areas and shaded areas
- the location of all entries and exits
- the location of all fences and gates, specifying the type of fence or gate used or to be used
- the location of toilet and washing facilities, nappy changing areas and any food preparation areas
- the boundaries of the premises
- the landscape of, or landscaping plans for, outdoor spaces that will be used by the child care facility, specifying the natural environments that are or will be provided
- a floor plan indicating unencumbered indoor and outdoor spaces suitable for children
- the location of any associated children's service
- calculations, carried out by a building practitioner, of the areas referred to in regulations 107 and 108 relating to unencumbered indoor and outdoor space
- the elevation plans of the premises

- a copy of the service's proposed water safety policy if a swimming pool or other water hazard is situated at the proposed child care facility
- one of the following:
 - a soil assessment for the site of the proposed education and care service premises or
 - if a soil assessment for the site of the proposed education and care service premises has previously been undertaken, a statement to that effect, specifying when the soil assessment was undertaken or
 - a statement made by the applicant that states that, to the best of the applicant's knowledge the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.
- an emergency and evacuation floor plan.

Design Statement

A Design Statement should be prepared by the building designer or architect to explain how the overarching and specific design criteria in Part 3 are achieved. If the design criteria are not met, the statement should describe how an alternate solution meets their intent, possibly supported by reports or diagrams.

The Design Statement will assist the assessment process by:

- clarifying how the development meets the relevant criteria and
- acting as a checklist to ensure that each application is complete and addresses the requirements under the Regulations, the Draft State Environmental Planning Policy and the Child Care Planning Guideline.

A template for the Design Statement is provided in Appendix 1.

Specialist Studies

A range of specialist studies may be required by the consent authority to support a development application. It is recommended that proponents review Appendix 3 which includes a checklist of potential specialist studies. For example, a development application that will affect a heritage item or is located within a heritage conservation area, should be accompanied by a report from a heritage consultant. This may include a full conservation plan or recommended external treatments to ensure the proposed development is compatible with the heritage values of the area.

Similarly, an acoustic or air quality assessment for proposed developments located in industrial areas, near heavy transport corridors such as railways, or near a flight path, may be required to identify sources and mitigating measures against potential noise or air pollutants.

Referral of development applications to the Regulatory Authority

Under the Draft State Environmental Planning Policy, development applications for a centre-based child care facility that do not comply with the unencumbered indoor and outdoor space requirements of clauses 107 and 108 of the National Regulations, will require the concurrence of the Regulatory Authority (currently the Secretary of Education). Part 2 of this Guideline sets out the space requirements under the relevant sections on Indoor Space and Outdoor Space.

The Regulatory Authority will have 28 days to review the application and provide concurrence to the proposed development. In determining whether to grant or refuse concurrence, the Regulatory Authority must consider any requirements applicable to the proposed development under the National Law.

Concurrence will be assumed if 28 days pass since concurrence was sought. A consent authority must include any conditions of the concurrence within the development consent.

This process can assist the proponent make any necessary changes to their development plans.

4.3 Development Approvals

This section recommends processes, conditions of consent and explanatory notes that councils may use to enforce compliance with the provisions of the Draft State Environmental Planning Policy and the National Regulations.

Compliance with a concurrence

A development application can be approved once concurrence from the Regulatory Authority, if required, has been received. A development application may be refused on other grounds, even if concurrence is granted. That is, concurrence of the *Regulatory Authority* does not automatically mean that the development application will be approved by the consent authority.

Where a development application has received concurrence, the consent authority must impose any conditions of concurrence on any consent that is granted, otherwise the consent is voidable. Sections 79B(9) and (10) of the *Environmental Planning and Assessment Act* apply.

The following provides an example for an appropriate condition of development consent:

"The child care facility must be developed in accordance with the approved plans and the concurrence from the Secretary of Education dated 1 April 2017."

The development as constructed must comply with any concurrence granted by the *Regulatory Authority*.

National Construction Code

Standards for the construction of child care facilities are set out in the National Construction Code (NCC), which includes the Building Code of Australia and the Plumbing Code of Australia. Compliance with the Building Code of Australia and relevant Australian Standards is required to obtain a Construction Certificate. The standards in the Building Code of Australia are adequate to ensure the safety of children and adults within child care facilities. There is no justification for Councils imposing requirements on child care facilities that extend beyond the scope of the Building Code of Australia.

The following provides an example for an appropriate condition of development consent:

"The centre-based child care facility must be designed and constructed in accordance with the National Construction Code."

Staged development

Staged developments will need to describe and illustrate in the stage one development application sufficient detail on indoor and outdoor space for a consent authority to determine if the application needs the concurrence of the Regulatory Authority.

Development proposals that receive the concurrence of the Secretary of the Department of Education at stage one, may also need to be referred for concurrence at a later stage, if the indoor and outdoor space requirements are altered.

The following provides an example for an appropriate condition of development consent to achieve compliance with the National Quality Framework at each stage

Stage 1

"A separate development application must be submitted for the design and construction of the centre-based child care facility proposed within this staged development, accompanied by documentation demonstrating compliance with the Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guideline."

Stage 2

"The centre-based child care facility must be developed in accordance with the approved plans any the concurrence to this approval received from the Regulatory Authority"

The condition ensures that adequate information is submitted during the subsequent stage to enable assessment of the child care facility.

Modifications to a development consent

Applications to modify a development consent will be referred to the Regulatory Authority if the indoor and outdoor space does not comply the National Regulations.

The following provides an example of an appropriate note on a development consent regarding the need for a new concurrence if a modification of consent is sought.

If a development is modified to meet the requirements of a service approval, the applicant must first confirm with the consent authority if an amended or new consent is required, including the need for further consultation with the Regulatory Authority.”

Alerting applicants to the need to obtain a Service Approval

A condition of consent can alert the applicant to the need to obtain a Service Approval.

The following provides an example for an appropriate condition of development consent

“Following issue of the Occupation Certificate and prior to commencing the service, the applicant must obtain a Service Approval from the Regulatory Authority”

This condition advises that a subsequent approval is required prior to commencing operation.

4.4 Exempt and Complying Development

Exempt Development

Certain minor development can be carried out as exempt development under the *State Environmental Planning Policy (Exempt and Complying Codes) 2008*.

This may allow minor alterations to an existing child care facility without the need for a development application. However exempt development may affect the validity of a Service Approval. For example, if exempt development reduces the area of unencumbered outdoor play space, a new Service Approval may be required.

Home-based child care, school-based child care, mobile child care and the temporary relocation of a centre-based child care facility following an emergency can be carried out as exempt development, subject to development standards.

Complying Development

Certain alterations and additions to an existing child care facility can be carried out as complying development under Part 5 of *State Environmental Planning Policy (Exempt and Complying Codes) 2008*.

School based child care is permitted as complying development where some building works are proposed to accommodate child care uses.

4.5 Service Approvals

Prior to commencement of operations, a centre-based child care facility is required to obtain a service approval from the Department of Education under the Education and Care Services National Regulations.

The National Quality Framework, through the National Quality Standards, contain a number of education and building requirements that must be met prior to Service Approval being issued, including:

- educational program and practice
- children's health and safety
- physical environments, including indoor and outdoor play spaces
- staffing arrangements
- relationship with children
- collaborative partnerships with families and communities
- leadership and service management.

A child care provider cannot apply to the Department of Education for a Service Approval until the development has been constructed and an occupation certificate has been issued by the local council or a private certifier. If the development does not meet the National Regulations (but meets state and local planning requirements), a Service Approval may not be issued. Developers who have addressed the physical environment requirements of the National Regulations during the design and development application stage will be well positioned to obtain a service approval and avoid the need for costly works to meet National Standards.

The guidance provided in Part 2 of this guide will assist the applicant to design a facility that meets the physical environment requirements of the National Regulations as well as the planning controls relating to the development application. Designing facilities at the same time to meet national, state and local planning requirements, streamline the approvals process and reducing costs to child care providers and industry.

Policies or procedures to support an application for a Service Approval

All applicants will be required to submit policies and procedures for the following matters when applying for a service approval:

- health and safety
- incident, injury, trauma and illness
- infectious diseases
- emergency and evacuation
- delivering and collecting children to and from the facility
- excursions
- child safe environment
- staffing
- interactions with children
- enrolment and orientation
- governance and management of the service (refer any issue raised in managing noise emissions etc.)
- acceptance and refusal of authorisations
- payment of fees
- dealing with complaints.

The above information could be provided in a collated single Plan of Management for submission with the application for a service approval.

Conditions of consent may be applied by consent authorities with regard to any matters considered in the development application process that will support an application for a service approval, including an emergency and evacuation plan, parking and drop off arrangements, layout to optimise supervision and child safety, and a noise management plan.



Appendices

This part includes checklists for information required at different stages in the planning process

Appendix 1 Design Statement Template

This template is to be used as a guide to assist designers in preparing the design statement, required as part of a complying development application and development application. A version in Microsoft Word (.doc) format can be downloaded from www.planning.nsw.gov.au

Project Details

Project:

Project Address:

Building Designer / Architects Name:

Proposed hours of operation:

I confirm that I was responsible for designing the development, and that the development meets the Design Quality Principles and the Design Criteria.

The design is also consistent with Part 4.3 of the ***National Early Childhood Education and Care Regulations***.

The design does / does not comply with the areas referred to in regulations 107 and 108 relating to unencumbered indoor and outdoor space.

Signature of Designer

[Designers Name]

[Registration Details]

Context Analysis

[Insert context analysis including: Aerial photo with development in a 200m radius]

The context can be described as:.....

Overarching Design Criteria

The development as designed achieves the overarching design criteria:

1. Context

2. Built Form

3. Adaptive Learning Spaces

4. Sustainability

5. Landscape

6. Amenity

7. Safety

Streetscape and Local Character Analysis

[Insert a panoramic streetscape photo that includes development within 20m on each side of the development site on both sides of the street]

The character of the streetscape can be described as:.....

The intended future character of the area can be described as:....

Site Analysis

[Insert an aerial photo of the site and development within 10m of the boundary, provide annotations that indicate:

- Vegetation
- Access points
- Neighbouring buildings and their uses
- Potential areas that need protection
- Natural features – waterfeatures, rock outcrops
- Topography
- Services
- Views to and from the site
- Front setback dimensions

Appendix 2 National Early Childhood Education and Care Checklist

The development is designed to achieve the requirements of Part 4.3 Physical Environment of the Education and Care Services National Regulation..

In the table below confirm that the requirements have been met and direct the assessing planner to where they can find the evidence. (eg drawing number / part of drawing)

This could be a reference to part of the drawings, a table or some other report. Evidence can also be provided in this table.

Regulations to be demonstration in development application

Regulation	Proposed	Complies (Tick or Cross)
104. Fencing or barrier that encloses outdoor spaces <ul style="list-style-type: none"> Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. 	Indicate height, materials and style on plans.	
106. Laundry and hygiene facilities <ul style="list-style-type: none"> The proposed development includes laundry facilities or access to laundry facilities or hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering. Laundry / hygienic facilities are located where they do not pose a risk to children 	Onsite or off site facilities	
107. Unencumbered indoor space <ul style="list-style-type: none"> The proposed development includes at least 3.25 square metres of unencumbered indoor space for each child. 	Number of children: Required area Provided Area: Verandah included in calculation:	
108. Unincumbered outdoor space <ul style="list-style-type: none"> The proposed development includes at least 7 square metres of unencumbered outdoor space for each child. 	Number of children: Required area Provided Area: Verandah included in calculation: Simulated outdoor area:	
109. Toilet and hygiene facilities <ul style="list-style-type: none"> The proposed development includes adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service 	Required no. toilets No. toilets Required no handbasins No. hand basins	

<p>110. Ventilation and natural light</p> <p>The proposed development includes indoor spaces to be used by children that —</p> <ul style="list-style-type: none"> • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensures the safety and wellbeing of children. 	<p>Indicate on plans and elevations how natural ventilation and lighting is achieved.</p>
<p>111. Administrative space</p> <p>The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.</p>	<p>Indicate administrative space on plans</p>
<p>112. Nappy change facilities</p> <p><i>(To be completed only if the proposed development will service children who wear nappies)</i></p> <ul style="list-style-type: none"> • The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench. • The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children. 	<p>Indicate nappy change on plans</p>
<p>113 Outdoor space—natural environment</p> <ul style="list-style-type: none"> • The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment 	<p>Indicate on landscape plans</p>
<p>Clause 114 Outdoor space—shade</p> <ul style="list-style-type: none"> • The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun 	<p>Indicate shade on landscape plans</p>
<p>Clause 115 Premises designed to facilitate supervision</p> <ul style="list-style-type: none"> • The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children. 	<p>Indicated on floor plans</p>

Application for service waivers and alternate solutions

Provide a brief description for each item that a service waiver and/or alternate solution will be requested:

Clause _____

Description: _____

Clause _____

Description: _____

Appendix 3 Checklist of Specialist Studies or Technical Considerations in Development Applications

Requirement	Matters to address	When this is assessment required
Aboriginal Heritage Assessment	As required by the relevant Local Environmental Plan and Development Control Plan	New child care facilities located in areas of aboriginal heritage significance as identified in the Local Environmental Plan
Access plan	Disabled access to, within and around the facility	All child care facilities
Acoustic Assessment	Noise generated by the child care facility External noise impacts on the child care facility	All child care facilities located: <ul style="list-style-type: none"> • adjacent a railway or major road • within or adjacent to Business, Mixed Use or Industrial zoned land or adjacent to industrial land uses
Air Quality assessment	Any quality guidelines issued by the NSW Environment Protection Authority	All child care facilities located: <ul style="list-style-type: none"> • adjacent a railway or major road • within an ANEF 25 contour • within or adjacent to Business, Mixed Use or Industrial zoned land or adjacent to industrial land uses
Arborist Report	Refer relevant Local Environmental Plan and Development Control Plan	All child care facilities proposing removal or impacts on existing trees and vegetation
Archaeological Assessment	Refer relevant Local Environmental Plan and Development Control Plan	New child care facilities located in identified areas of archaeological significance
Bushfire Risk Report	Refer relevant Local Environmental Plan and Development Control Plan S 100B Rural Fires Act 1997	Child care facilities located in identified areas of bushfire risk
Electromagnetic Field assessment	Guidelines or research issued by the Australian Government Radiation Protection and Nuclear Safety Agency	Child care facility within 100 metres of a high voltage transmission line easement, a mobile phone tower, or any other source of electromagnetic radiation
Environmental Hazards Report	Refer relevant SEPP, Local Environmental Plan and Development Control Plan with respect to Coastal Protection, Mine Subsidence, Land Slip	All child care facilities
Flooding Assessment	Refer relevant Local Environmental Plan and Development Control Plan	Child care facilities located in an identified flood area
Hazardous Materials Report	Lead and asbestos assessment of all building materials, carpets and painted areas including roof void	Child care facilities within existing buildings, particularly in industrial and commercial developments
Heritage Impact Statement	Refer relevant Local Environmental Plan and Development Control Plan	Child care facilities located in areas of identified heritage significance
Land contamination assessment	Requirements of State Environmental Planning Policy No. 55 - Remediation of Land and any Contaminated land planning guidelines gazetted pursuant to s 145C of the Environmental Planning and Assessment Act, 1979.	All child care facilities

Requirement	Matters to address	When this is assessment required
Landscape Plan	Part 4.3 Physical Environment of the Education and Care Services National Regulations Guidelines to Shade, Cancer Council NSW 2013 Fact Sheet - Sun Protection Using Shade, Australian Government Radiation Protection and Nuclear Safety Agency March 2015	All child-care facilities
Statement of Environmental Effects	Statement prepared by a suitably qualified planning professional to address the environmental impacts in accordance with the provisions of the EP&A Act, relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plan	All child care facilities
Stormwater Plan	Proposed method to connect into Council's stormwater system - Refer relevant Development Control Plan	All new child care facilities
Traffic and transport assessment	Matters required under State Environmental Planning Policy [Infrastructure] 2007 (or any later Amendments) in relation to the impact of rail or road noise or vibration. Access and turning provisions for service and emergency vehicles, such as ambulances, delivery, garbage collection and maintenance vehicles. Other matters including: <ul style="list-style-type: none"> likely/projected trip generation; parking requirements, including the design of parking areas, and any pick-up and drop-off facilities; current road safety conditions, including an accident history in the locality; and the expected impact of the proposed development on the existing and future traffic conditions. 	All child care facilities: <ul style="list-style-type: none"> in residential or industrial zones with places for 90 or more children in centres (other than neighbourhood centres) or commercial zones

Appendix 4 List of Sources

Published fact sheets, guidelines, reports, council reports

Australian Government Radiation Protection and Nuclear Safety Agency March 2015	<i>Fact Sheet - Sun Protection Using Shade</i>
Cancer Council NSW 2013,	<i>Guidelines to Shade, Shade Handbook</i>
Lane Cove Council	<i>Lane Cove DCP Review 2015: Child Care And Parking</i>
Productivity Commission Inquiry Report Overview and Recommendations, No. 73, 31 October 2014	<i>Childcare and Early Childhood Learning</i>
Roads & Traffic Authority	<i>Traffic Generating Developments</i>
UTS: Centre for Local Government	<i>Best Practice Guideline for the Planning and Development of Child Care Facilities: Final Review Report, September 2013</i>

Websites

Australian Children's Education and Care Quality Authority	<i>National Quality Framework Reference Materials</i>
Australian Government Radiation Protection and Nuclear Safety Agency Website	<i>Impacts of Electromagnetic Radiation</i>
NSW Environment Protection Authority	<i>AIR quality guidelines</i>

Legislation and Statutory Instruments

<i>Education and Care National Regulations 2012</i>
<i>Children (Education and Care Services) National Law (NSW) No 104a</i>
<i>Environmental Planning and Assessment Act, 1979</i>
<i>Rural Fires Act 1997</i>
<i>State Environmental Planning Policy No 33 - Hazardous and Offensive Development</i>
<i>State Environmental Planning Policy No. 55 - Remediation of Land</i>
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>
<i>State Environmental Planning Policy [Infrastructure] 2007</i>

Glossary

Accessible path of travel

Define a continuous accessible path of travel as an uninterrupted route to or within premises or buildings and providing access to all services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other impediment which would prevent it from being safely negotiated by people with disabilities.

Acoustic privacy

A measure of sound insulation between dwellings, between dwellings and communal areas, and between external and internal spaces.

Adaptive reuse

The conversion of an existing building or structure from one use to another, or from one configuration to another.

Amenity

The 'liveability', comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in the public, communal and private domains and includes the enjoyment of sunlight, views, privacy and quiet. It also includes protection from pollution and odours.

Aircraft noise

Aircraft noise is identified as contours on the Australian Noise Exposure Forecast (ANEF) Map. The higher the ANEF contour value, the greater the exposure to aircraft noise.

BCA

Building Code of Australia

Building line

The predominant line formed by the main external face of the building. Balconies or bay window projections may or may not be included depending on desired streetscape.

Building height

As defined in the *Standard Instrument - Principal Local Environmental Plan*.

Business zones

Land identified on a Land Zoning Map within a local environmental plan as a B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park or B8 Metropolitan Centre zone.

Busy road or rail line

As defined in *State Environmental Planning Policy (Infrastructure) 2007* and Development Near Rail Corridors and Busy Roads – Interim Guideline

Clerestory

High level windows that can be part of a wall above a lower roof

Core

Vertical circulation (lift and/or stairs) within a building. A single core may include multiple lifts serving the same floor area

Daylight

Consists of both skylight (diffuse light from the sky) and sunlight (direct beam radiation from the sun). Daylight changes with the time of day, season and weather conditions

Facade

The external face of a building, generally the principal face, facing a public street or space.

Floor Area - room

Measured within the finished surfaces of the walls, but excludes any area occupied by wardrobes, kitchens or fixed storage.
any fixed storage.

Floor Space Ratio

As defined in the *Standard Instrument - Principal Local Environmental Plan*.

Guide to Traffic Generating Developments

Guide to Traffic Generating Developments, published by Roads and Maritime Services (formerly RTA) and available on its' website.

Landscaped Area

As defined in the *Standard Instrument - Principal Local Environmental Plan*.

NCC

National Construction Code

Silhouette

A building outline viewed against the sky.

Sloping site

A site with a slope of 15 per cent or greater.

Soffit

The undersurface of a balcony or other projecting building element.

Solar access

The ability of a building to continue to receive direct sunlight without obstruction from other buildings or impediments, not including trees.

Street setback

The space along the street frontage between the property boundary and the building. Refer to building line or setback as defined in the *Standard Instrument - Principal Local Environmental Plan*.

Sunlight

Direct beam radiation from the sun

Unencumbered indoor space

As defined by regulation 107 of the Education and Care Services National Regulations.

Unencumbered outdoor space

As defined by regulation 107 of the Education and Care Services National Regulations.

