

7 April 2017

Director, Industry and Infrastructure Policy  
Department of Planning and Environment  
PO Box 39  
Sydney NSW 2001

Dear Director

**Subject: Lake Macquarie City Council Submission on Draft SEPP (Educational Establishments and Child Care Facilities) 2017**

Council staff would like to thank the Department of Planning and Environment for the opportunity to comment on the *Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (the draft SEPP).

Council staff supports the primary purpose of the draft SEPP, which is to facilitate the delivery of educational establishments and child centres. The draft SEPP includes planning provisions that are generally consistent with Council's existing provisions, or provide enhanced design outcomes. However, Council staff would like to suggest the following minor changes to clarify and/or improve outcomes from the draft SEPP:

**1. Inclusion of new definitions for child care facilities in local environmental plans**

The draft SEPP proposes to create clear and consistent definitions for child care facilities in local environmental plans. The proposal is supported, however, the draft definitions provided are confusing and require review and amendment. Specifically, the draft SEPP defines an 'early childhood education and care facility' as any of the following:

- 'centre-based child care' which includes 'family day care services', and a
- 'home-based child care' which includes 'family day care residence'.

The definition is confusing as a 'family day care service' is defined as a 'centre-based child care', and a 'family day care residence' is defined as 'home based child care'.

Council staff are unsure why family day care services and family day care residences have been categorised differently, given they are similar activities. Council staff consider that family day care services and family day care residences should be defined as 'home-based child care'. A practical action to achieve this would be to remove clause 5(e) from the *Draft Standard Instrument (Local Environmental Plans) Amendment Order (No 2) 2016*.

Our Ref: F2007/01473-02 Your Ref:

## **2. Replace Council Development Control Plan provisions with a new child care planning guideline**

The proposed replacement of Council Development Control Plan provisions relating to child care facilities with the draft Child Care Planning Guideline is supported. The draft Guideline provides more comprehensive development standards than contained in Council's Development Control Plan, and promotes high quality design of child care facilities. However, Council staff would like to suggest the following minor changes to clarify and/or improve the draft Guideline:

- All new developments must have integrated, or direct access, between indoor and outdoor environments.
- Any rooms with 20+ children must have 3 toilets minimum. (Council's current requirement is 1 toilet per 8 children, and the current proposal of 2 toilets in the draft Guideline is limiting for large groups of children. A definition of what an accessible toilet is should also be included).
- One properly constructed nappy change bench is required under the Guideline, and the requirement should be expanded to include "per room intended for children under 3 years of age".
- The outdoor area required to be shaded throughout the day should be increased to 40-50% minimum. Areas where children stay for an extended period (e.g. sandpit or craft area) should also be either fully or almost entirely shaded.
- Natural environments should include the word "variety" so as to promote *varied* natural play areas
- Figure 2-33 states that simulated outdoor environments are only permitted under approval by the Department of Education. Clarification on how the referral process will operate and documentation requirements for the referral is needed.
- Greater consideration needs to be given to evacuation from split or multi-level buildings. Council is currently encountering development proposals for child care facilities where baby rooms are located on the top storey of a building and a stairway is the only emergency exit. Should emergency evacuation need to occur large numbers of babies would need to be physically carried down the stairs by a limited number of staff. An assessment demonstrating that babies can be safely evacuated from upper storeys in the event of an emergency should be included in the guideline. Alternatively, locating baby rooms on ground floor level could be a design solution.
- Enhanced acoustic guidelines are needed and should deal with what are the acceptable maximum levels of noise to be emitted from a child care facility (e.g. to adjacent houses) and emitted to the child care facility (e.g. from roads and industrial facilities). The guidelines should also require acoustic assessments to be based on all children over the age of 18 months being outside at the same time. Council encounters many acoustic reports that only reflect the levels of a portion of children outside at one time. Should a child care facility be approved based on only a portion of children outside at one time, Council compliance measures to limit the number of children outside would be very difficult to implement.
- The location of child care facilities needs to have regards to the following matters: if the land is flood prone, a contaminated site or located next to a hazardous facility. The latter should include services stations, which can be located in residential (due to historical approvals), business and industrial zones.

### **3. RMS traffic certificates for complying development proposals**

The draft SEPP states that proposals for school expansions that increase traffic by more than 50 students will need a certificate from RMS certifying that traffic impacts on surrounding roads are acceptable. In many cases, RMS may not be the relevant authority that manages the roads, and instead Council may be the relevant authority. Given this, the relevant road authority should be responsible for providing a traffic certificate. Procedures and fees would need to be set according to allow the relevant road authority to produce a certificate.

Should you require further information, please contact me on 4921 0368.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Grant Alderson', with a long horizontal flourish extending to the right.

Grant Alderson  
**Senior Strategic Land Use Planner**  
**Integrated Planning Department**