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State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

I am writing this submission on behalf of Kurri Kurri and District Preschool Kindergarten Inc. Please see the Appendix for more information on Kurri Preschool.

We have read the draft SEPP (Educational Establishments and Child Care Facilities) 2017 and Draft Child Care Planning Guideline and while we applaud some of the aims, content and design criteria, we have major concerns in other areas. We understand that early childhood education and care has to be affordable and convenient for families but its fundamental purpose is to provide the best outcomes for children and we don't believe this is at the core of the draft SEPP. Our concerns include the following parts of the SEPP quoted below, followed by our comments:

23 Centre-based child care—non-discretionary development standards

*(1) The object of this clause is to identify development standards for particular matters relating to centre-based child care that, if complied with, **prevent the consent authority from requiring more onerous standards for those matters.***

(2) The following are non-discretionary development standards for the purposes of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purposes of centre-based child care:

*(a) **location—the development may be located at any distance from an existing or proposed early childhood education and care facility,***

In other words, the fact that there are 3 other established child care businesses in town is not enough to stop a Council from approving a 4th or 5th. This may be applicable in a densely populated area such as Sydney where there is a shortage of centre based child care places, but it is not sensible in regional areas such as Kurri. Back in 2006, ABC Learning lodged a development application for an ABC Learning Centre in Kurri. It was refused by Council (ostensibly on insufficient parking grounds), taken to the Land and Environment Court (LEC), approved and subsequently built, just in time for ABC Learning to go belly up. The centre was taken over by Mission Australia and to this day, has **vacancies on every day of the week, in every age group** – supporting our argument at the time that it wasn't required.

Cessnock Council eventually gave their Social Planner the task of reviewing requirements for early childhood education and care services in the LGA. The resulting report *An Analysis Of Current And Future Service Needs Within The Cessnock Local Government Area* is on the Councils website at <https://www.cessnock.nsw.gov.au/resources/file/Community/Early%20Childhood%20Facilities%20Discussion%20Paper.pdf>, and includes the following (my bolding):

Kurri Kurri and Surrounds Planning Area

*3. In undertaking an analysis of Pre Schools and Child Care Services within the Kurri Kurri and Surrounds planning area, it is believed that the required number of Pre Schools and Child Care facilities currently exceed the suggested planning standards. Given this and based on current population, **service expansion in the immediate future is not required.***

However service growth should be further determined in situations where residential land rezoning is proposed.

*In terms of planning for future growth, Council is aware that two planning approvals have been granted and/or are being progressed for the release of approximately 2,000 residential lots of land (approximately 5,000 people) within the Heddon Greta/Cliffield area. These two planning proposals both include the construction of two (in total) early childhood facilities. This service expansion combined with current service availability places **this planning area in a good position to meet the needs of the community over the next fifteen to twenty years** (assuming both developments proceed).*

Fast forward to 2016, and there is **another** child care centre proposed for Rawson St Kurri! **DA 8/2016/667/1 PROPOSED CHILD CARE CENTRE, 119 RAWSON ST, KURRI KURRI.** Perhaps the State Government thinks that more centres will drive prices down? In fact, 2 half full centres will charge higher fees than one full centre, as they struggle to pay for the staff required to meet legislated staff:child ratios. Staff costs are far and away the biggest cost in running centre based child care and **centres need to be full or close to it to be viable.**

The proposed SEPP should require developers to use **the latest demographic data and demonstrate that their development is justified**, rather than getting away with misleading statements like *“The development will have a positive impact on the local economy while providing a valued but scarce community need – child care.”*

At pre-lodgement meetings, Council Officers need to make developers aware of studies that have already been done into **the need** for more child care places.

The State Government reviews the demographic data and plans for the **need for new schools** - they should also plan for **the need for early childhood education and care places.** They could even build preschools on school sites, or nearby, then hand them over to a not-for-profit community management committee to run.

23 Centre-based child care—non-discretionary development

*(1) The object of this clause is to identify development standards for particular matters relating to centre-based child care that, **if complied with, prevent the consent authority from requiring more onerous standards for those matters.***

(2) The following are non-discretionary development standards for the purposes of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purposes of centre-based child care:

*(b) **indoor or outdoor space***

*(i) for development to which clause 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the **unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those clauses,***

In other words, Councils can't refuse consent for a development that meets the minimum standard, even when those Councils already have DCPs that have adopted "Best Practise" guidelines, with more generous allowances! This will give developers the green light to propose plans which comply **only** with the minimum standards. **This is outrageous and short sighted!** In a State where **22% of children aged 5-16 are overweight or obese**, reducing the amount of space they have to run around in at child care services is **insane policy!** Perhaps the Dept of Planning should check this out with the Ministry of Health who are tasked with achieving a 5% reduction in overweight/obese children by 2025!

During the ABC Learning application process, we obtained an expert opinion which said of ABC's proposed 8m²/child of outdoor playspace *"This represents a very small increase of only 1m² per child over and above minimum licensing requirements and is **not of sufficient size to deal with the major problems associated with constrained tight playground space**. It should be noted that in practice **7m² does not work** and limits effective implementation of the outdoor teaching program."*

Our preschool has approximately **4 times** the minimum requirement for outdoor play space and would comply with the *Department of Community Services: Best Practice Guidelines in Early Childhood Physical Environments (five publications): 1996–2000*. This space allows us to have swings, a flying fox, a bike track, sand pit, dirt pit, frog pond, trampoline and still enough room for a game of football! There can be 50 children in the playground at once but all with enough space to conduct their own group activities without impinging on others. This is half the secret to avoiding conflict, aggression and excessive noise – **providing sufficient space!** It also allows us to have real grass - even the ABC representative addressing Cessnock Council back in '06 confessed that they had to use artificial grass because they **couldn't keep real grass alive due to the high foot traffic!** Having a larger playground allows centres to have real grass – surely that should be **a given in child care centres**, particularly in regional areas?

If the Dept of Planning was to confer with the Dept of Education, they would find that more not-for-profit centres have been assessed and rated as "Exceeding the National Quality Standards" than have private centres. I would hazard a guess that part of the story for Quality Area 3: Physical Environment is that the not-for-profit centres have larger playgrounds, more conducive to implementation of an outdoor teaching program that engages with the natural environment!

The current application for a 2 storey child care centre in Kurri with a **first floor play space** for 3-5yr olds is simply not appropriate in a regional town where land is cheap and the **only** other 2 storey buildings in the town centre are historic pubs!

We believe that the (*outdoor unencumbered space requirements*) of the *Education and Care Services National Regulations* requires **urgent review**. In the meantime, this SEPP needs to allow Council's to make a **sensible decision** about **what is acceptable to their community for outdoor play space**.

23 Centre-based child care—non-discretionary development standards

(3) *To remove doubt, this clause does not prevent a consent authority from:*

- (a) *refusing a development application in relation to a matter not specified in subclause (2), or*
- (b) *granting development consent even though any standard specified in subclause (2) is not complied with.*

As if allowing the **minimum** requirements for outdoor playspace was not bad enough, this clause above allows Consent Authorities to grant consent even where the minimum standard is **not met!** We'll end up with children like caged chickens, who don't have legs strong enough to support themselves because they're never used!! There must at least be extenuating circumstances when a child care service is approved without the minimum outdoor playspace eg they walk on a daily basis to a nearby park. The clause above could be amended as shown below:

*(b) granting development consent even though any standard specified in subclause (2) is not complied with. **The intent of the standard must be met through a relevant condition of consent.***

22 Centre-based child care in Zone IN1 or IN2—additional matters for consideration by consent authorities

*(1) The object of this clause is to **minimise land use conflicts** with existing developments on surrounding land and to ensure the **safety and health** of people using or visiting centre-based child care on land in Zone IN1 General Industrial or Zone IN2 Light Industrial.*

*(2) The consent authority must consider the following matters before determining a development application for development for the purpose of centre-based child care on land in **Zone IN1 General Industrial or Zone IN2 Light Industrial**:*

*(a) whether the proposed development is **compatible with neighbouring land uses**, including its proximity to restricted premises, sex services premises or hazardous land uses,*

*(b) whether the proposed development has the **potential to restrict the operation of existing industrial land uses**,*

*(c) whether the location of the proposed development will pose a **health or safety risk to children, visitors or staff**.*

We are concerned that the suitability of the site for the **education** of children doesn't come into the assessment of proposals in industrial areas. **What external stimulation is there for children in these industrial estates?** What natural environment is there nearby? What parks or libraries or shops are available within easy walking distance for excursions? Compare it to most existing centres, where children see and learn from police, ambulances, fire trucks, cranes, cars, cattle trucks etc going by. An industrial estate might provide very limited stimulation. There may also be very limited natural environment nearby and the environment they play in may be artificial due to minimum outdoor spaces. An additional point for consideration is required:

*(d) **whether the location of the proposed development will provide sufficient stimulation for the education of children***

When we look at the Draft Child Care Planning Guidelines, we are again **not convinced** that the best outcomes for children are informing the contents. It seems to be more about **controlling the impacts** of centre based child care on the neighbours. Here is just one example (my bolding):

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**.

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)

Has any thought been given to what this looks like to a 102cm tall 4 yr old on the inside? It suggests that children are being walled in and denied external stimuli which provide valuable teaching moments and triggers for exploration by the children. It would also cut down on breezes/airflow and make for a hotter environment for children. **Surely some more child friendly solutions can be found?**

There are some good things in the Planning Guideline – particularly in relation to energy efficiency, water conservation and waste management. What is misunderstood, is that all these things could be discussed with the children and form the basis of great explorations and learning, which actually spread from the centre back into families and the community. This won't happen if they are all hidden away from the children in the basement! The Guideline seems to be missing the point that everything is about education and that includes energy efficiency, water conservation and waste management.

The SEPP seems to be largely aimed at streamlining the retrofitting of child care centres into existing urban environments. Something that is lacking is policy on **planning for child care centres in new developments**. If developers are told from the outset that a suitable corner block (with existing native vegetation) in new housing developments must be reserved for a child care centre, this could remove many of the impacts on neighbours, in part by reducing the number of neighbours. The child care building itself, correctly sited, will naturally distance the neighbours and protect them from playground noise. The fence around the playground can then be like any other school fence – unclimbable but see-through, facing onto the street **so children can see what is going on in their community!** If a generously sized playground is included ie **at least twice** the minimum standard, this will likely **further reduce noise**.

We realise child care has to be affordable and convenient for families but, at the end of the day, it has to provide **the best outcomes for children** and has to have **children as a primary focus**. We don't believe that the draft SEPP (Educational Establishments and Child Care Facilities) 2017 achieves this in its current form. It is more about churning through approvals to meet demand, which, in some cases, doesn't even exist. **Serious discussions with serious early childhood education and care professionals are urgently required before this draft is finalised.**

Yours sincerely,

Janet Murray
Project Officer

Appendix: Kurri Kurri and District Preschool Kindergarten Inc

Kurri Preschool is a community based not-for-profit preschool that has operated in the Lower Hunter since 1972. Kurri Kurri is in the lower Hunter Valley, approximately 35km from Newcastle. It was identified as the 16th most disadvantaged postcode area out of 587 in NSW, in the 2002 Vinson report “Community Adversity and Resilience – the distribution of social disadvantage in Victoria and NSW”. 2011 ABS data for Socio-Economic Indexes for Areas (SEIFA) show Kurri Kurri (at 896) to be more disadvantaged than the Cessnock LGA as a whole (936.4), while Cessnock is the most disadvantaged LGA in the Hunter Statistical Division.

Our preschool provides a service to approximately 100 children per week, between 8.30am and 4pm, in compliance with the State Governments Start Strong Program. The preschool is open for 40 weeks/year. Our program is collaborative between families, the community, staff and children. It is a play based program which embraces, challenges and extends the interests of the children. Children are viewed as capable, being “active participants in their own development” (Shonkoff 2000). We run a “father inclusive” practice where dads are encouraged to attend the centre and take an active interest in their children’s education

We offer a high quality early childhood education program - the Preschool has been assessed against the National Quality Standards and rated as “Exceeding the National Quality Standard” overall and in all 7 quality areas. We are committed to ensuring the best outcomes for our children and children generally.