

## SECTION 5 CHILD CARE FACILITIES

### 5.1 INTRODUCTION

Well located and designed child care facilities, whether they be home based, centre based or school based, contribute to the well being of children. Children and their caregivers require high quality service in facilities that enhance the occupants' well being. Services must meet State Government standards and offer a safe, healthy and accessible environment.

The design of child care facilities must serve the needs of children, babies, care giving staff, clerical staff, kitchen staff, cleaning staff and parents. The design must provide adequate space for each of these groups, and take into account their needs in using and working in the facility.

Child care facilities can have adverse impacts on the amenity and safety of an area, especially residential areas, through increased noise, traffic and parking impacts, and need to be considered in any development proposal.

#### 5.1.1 General objectives

To ensure that child care facilities:

- O1 provide affordable, high quality child care, in convenient locations, that meet the needs of the resident and working population;
- O2 operate without adverse impacts on the local area; and
- O3 guide applicants in providing best practice child care environments.

#### 5.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications for the construction of or alterations and additions to centre based child care facilities.

This section does not apply to either home-based child care or school-based child care facilities which satisfy the exempt development or complying development requirements under Chapter 3 – Educational establishments and Child Care Facilities to [SEPP \(Transport and Infrastructure\) 2021](#). However, many of the objectives and provisions for centre based child care facilities may be useful for those wishing to establish such a service.

#### 5.1.3 Relationships to other sections

Where relevant, this section of the DCP should be read in conjunction with the following Sections of the DCP:

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 1 – Residential Development;
- (c) Part B: Section 2 – Commercial Development and Mixed Use Development;
- (d) Part B: Section 3 – Non-residential Development in Residential Zones;
- (e) Part B: Section 9 – Advertising and Signage;
- (f) Part B: Section 12 – Access;
- (g) Part B: Section 13 – Heritage and Conservation; and
- (h) Part B: Section 15 – Bushland Areas.

Where there is an inconsistency between this Section and Sections 2 and 3 to Part B of the DCP, the requirements under this Section of the DCP prevails.

### 5.1.4 Relationship to other documents

This Section has been prepared with regard to:

- (a) Chapter 3 – Educational establishments and Child Care Facilities to [SEPP \(Transport and Infrastructure\) 2021](#);
- (b) The Department of Planning and Environment's [Child Care Planning Guideline](#);
- (c) North Sydney Council's [Family and Children's Services Strategy](#);
- (d) North Sydney Council's *Child Care Centres Best Practice Guide*;
- (e) North Sydney Council's *Best Practice Guidelines for Above Ground Floor Child Care Centres*, prepared by KU Children's Services (2019);
- (f) NSW Cancer Council's [Shade for Early Childhood Services](#);
- (g) the [Children \(Education and Care Services\) Supplementary Provisions Act 2011](#);
- (h) the [Education and Care Services Regulations](#);
- (i) the [Children \(Education and Care services\) Supplementary Provisions Regulation 2019](#);
- (j) the [National Quality Standard for Early Childhood Education and Care and School Age Care \(2018\)](#);
- (k) the Association of Australian Acoustic Consultants' *Technical Guidelines – Child Care Centre Noise Assessment*.

In this manner, and consistent with the requirements outlined within the Education and Care Services Regulations, a License is required from the Department of Education (DoE) prior to operation of the proposed child care facility. Applicants should consult with DoE to determine licensing requirements prior to lodgement of a development application with Council. It should be noted that the granting of development consent by Council will not necessarily result in the issuing of a licence from DoE.

In the case where an inconsistency exists between this Section of the DCP and the NSW [Education and Care Services Regulations](#) or the [Children \(Education and Care services\) Supplementary Provisions Regulation 2019](#), these Regulations and their successors will prevail.

All applications are required to comply with:

- (a) the performance based standards in the *National Quality Standard for Early Childhood Education and Care and School Age Care* (2009) and its successors;
- (b) the performance based standards in the NSW [Education and Care Services Regulations](#) and the [Children \(Education and Care services\) Supplementary Provisions Regulation 2019](#) and their successors; and
- (c) the relevant provisions contained within:
  - (i) the Building Code of Australia (Child Care Centres are classified as 9b buildings); and
  - (ii) Australian Standards 1428.3.

**Note:** *The Building Code of Australia and National Building Code are currently undergoing review by the Australian Building Code Board with respect to child care facilities located above ground level and may result in more onerous requirements than that outlined in this Section of the DCP.*

## 5.2 LOCATION

### Objectives

- O1 To ensure that the users of child care facilities are not affected by adverse noise or air quality or by the presence of inappropriate land uses.

**Child Care Facilities**

**Provisions**

- P1 Centre based child care facilities must not front a state road (as defined under the [Roads Act 1993](#)).
- P2 Child care facilities must not be located adjacent to or within 100m of a sex service premises or a restricted premises, injecting room, drug clinic or the like.
- P3 An electro-magnetic field and radio frequency impacts assessment must be undertaken where the source is within 300m of a proposed child care facility.

**5.3 SITING**

It is preferable to provide child care facilities at the ground floor level as they enable high levels of access to soft landscaped outdoor play spaces and enable more efficient and safer evacuation if the need arises. However, Council acknowledges that locating facilities at the ground level may not always be possible due to the high levels of density of development in some areas (e.g. North Sydney, St Leonards, Neutral Bay town centres).

**Objectives**

- O1 To provide access to naturally landscaped outdoor play areas.
- O2 To ensure the safe evacuation of children in the event of an emergency.

**Provisions**

- P1 Child care facilities should be located at ground level wherever possible.
- P2 Council may consider approving a child care facility located above ground floor level, subject to the following criteria being met:
  - (a) A fire isolated safe haven is provided within the facility, where children and staff can muster during the initial stages of a fire alert or other emergency.
  - (b) The safe haven must be physically open onto either:
    - (i) a fire stair dedicated to the facility, incorporating handrails designed for children to hold onto and prevent children from falling through; or
    - (ii) an emergency fire rated lift dedicated to the facility.
  - (c) The safe haven should be of such a size to cater for the maximum capacity of the centre and is to be excluded from the indoor space controls per child (best practice is to provide a minimum of 0.25sqm per child and staff).
  - (d) An Emergency Evacuation Plan, prepared by the intended operator of the facility must be submitted with the development application. The Emergency Evacuation Plan must demonstrate how the child care facility may be evacuated independently of any other use within the building. Details of the evacuation proceeds for the remainder of the building will also need to be provided.
  - (e) Indoor play areas are not impeded by internal features such as columns.
  - (f) The minimum area of indoor play spaces are to be increased by the same amount of any decrease in the minimum outdoor play space requirements, unless it can be adequately demonstrated that safe access to an off-site outdoor play area can be provided.
  - (g) Outdoor areas are provided with protection from adverse weather.
  - (h) Outdoor areas are oriented to the north to maximise solar access and natural light and views.

**5.4 CAPACITY AND COMPOSITION**

**Objectives**

- O1 To ensure that impacts from child care facilities can be appropriately controlled.



O2 To ensure that a reasonable distribution of child care places is provided for all age groups.

O3 To ensure that appropriate numbers of staff are provided.

**Provisions**

P1 A centre based child care facility should not provide more than 90 child care places.

*Note: To ensure a reasonable level of amenity is achieved for adjoining properties, a maximum provision of 75 child care places is considered to be best practice.*

P2 Where a centre based child care facility provides more than 75 child care places, the facility must provide for small group care (i.e. provision must be made for separate entrances and playgrounds for different age groups).

P3 Due to the desirability of providing additional child care places for children under the age of 2 years, a component of child care places in Long Day Care services must be allocated to children under the age of 2 years.

P4 The ratio of staff to children must comply with those permitted under the *National Quality Standard for Early Childhood Education and Care and School Age Care (2018)*.

## 5.5 ENTRY

**Objective**

O1 To ensure that patrons can easily identify the entrance to the facility and be protected from inclement weather.

O2 To ensure the safety of children using the facility.

**Provisions**

P1 Entrances to centre-based and school-based child care facilities are clearly marked by appropriate signage.

P2 Weather protection, such as an awning, is provided to the main entry to the building containing a centre based or school-based facility and are designed and constructed to complement the building to which it is attached.

P3 Where a centre-based child care facility is located within a building that also accommodates other uses, a separate and clearly marked entrance for the child care facility must be provided.

## 5.6 ACCESS AND MOBILITY

**Objectives**

O1 Safe and easy access within, into and out of the child care facilities.

**Provisions**

P1 Child care facilities must be designed in accordance with Australian Standard 1428.3 (Design for Access and Mobility. Part 3: Requirements for children and adolescents with physical disabilities).

## 5.7 SAFETY AND SECURITY

**Objectives**

O1 To ensure all users are capable of entering and leaving the child care facility in a safe manner.

**Provisions**

P1 On site parking spaces and set-down and pick-up areas are well lit.

P2 Entry gates are located within sight of staff in the office.



**Child Care Facilities**

- P3 Bells, alarms or other suitable mechanisms are to be provided on the entry gate to alert staff as to when someone is entering or leaving the child care facility.
- P4 An Emergency Evacuation Plan must be submitted to Council with any development application.
- P5 Entry to a child care facility should be limited to one secure point, which is to be:
  - (a) appropriately located to allow ease of access;
  - (b) adequately signposted;
  - (c) well lit;
  - (d) accessible by pedestrians and motorists;
  - (e) safe from pedestrian and vehicle transition areas;
  - (f) visible from the street if located within a separate building, or building foyer if located in a multiple occupancy building;
  - (g) of sufficient size to prevent congestion, taking into consideration the capacity of the child care facility;
  - (h) monitored through either natural or camera surveillance; and
  - (i) incorporate a transitional space which is to be adequately fenced and separated from the entrance.

**5.8 AIR QUALITY**

It is important to consider the health of children in the local area by providing for them an environment which, ideally, protects them from pollution, and if this is not possible, at least manages (and thereby minimises) their exposure to pollutants. This can be achieved by considering the location and design of a child care facility, and aspects of its operation.

Applications where the environmental risk assessment report indicates that exposure to pollutants cannot be reduced to the satisfaction of Council, may be refused on these grounds.

**Objectives**

- O1 Minimise the health impacts from air pollution on children.

**Provisions**

- P1 All applications must be accompanied by an Air Quality Assessment Report to determine the level of pollutants within and surrounding the site of the proposed child care facility.
- P2 Child care facilities located on or adjacent to:
  - (a) major roads (including state and regional);
  - (b) roads where there is an average daily traffic rate of more than 5,000 vehicular trips per day; or
  - (c) sites where the external noise level exceeds 55 dBA (L<sub>A90</sub> 24 hours),  
must incorporate the use of pollution reduction measures such as:
    - (d) air conditioning systems; and
    - (e) play areas located away from pollution sources.

**5.9 DROP OFF AND PICK UP OF CHILDREN**

**Objective**

- O1 To ensure the safe and efficient transfer of children to and from the child care facility.



**Provisions**

- P1 Must provide car parking in accordance with Part B: Section 10 – *Car Parking and Transport* of the DCP.
- P2 In addition to P1 above, one designated disabled access and one designated emergency vehicle space must be provided on site in the *R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, SP2 Infrastructure (Educational Establishment)* and *C4 Environmental Living* zones, and within close proximity in the *E1 Local Centre, E2 Commercial Centre, MU1 Mixed Use* and *E3 Productivity Support* zones (e.g. on-street directly adjacent to the centre).
- P3 Provide accessible parking spaces for the set down and pick up of children, no more than 50m from the child care centre.
- P4 Car parking provisions do not substantially modify the streetscape.
- P5 Spaces are clearly marked to reflect that they are for the exclusive use of the child care users between the peak am and pm hours of the centre (i.e. 7.30am-9.30am and 4.30pm-6.30pm).
- P6 Where the parking is provided underground, that parking is located within 20 metres of a lift which has access to the child care centre.
- P7 Secure, undercover pram storage should be provided at 1 space for every 2 children under two years of age.

**5.10 PLAY SPACES**

Well designed indoor spaces enhance the well being of the users of the child care facility. The quality of the indoor space affects the level of child involvement and the type of interaction between staff and children.

Indoor space requirements refer to areas used by children for sleeping, eating and playing, and by staff for the caring of children and undertaking duties within the centre. Passageways, kitchens, toilets and shower areas, or other facilities such as cupboards, are not included when calculating this floor area.

Children require outdoor space so they can move freely and engage in vigorous play. Outdoor space also offers sensory stimulation, provided by different surfaces, exposure to fresh air, sunlight, wind and even rain.

Ideally outdoor space will be exposed to the sky to provide direct sunlight, breezes and fresh air, and will have access to shelter and shade. However, it is recognised that in some instances, such as within commercial zones, the provision of this type of space can be difficult, and outdoor space may also be in the form of:

- (a) Podium levels - Particular consideration must be given to access to daylight and sunlight, the safety fencing of outdoor play areas, noise and fire exits.
- (b) Rooftops - Particular consideration must be given to the impact of winds, plant and machinery on nearby rooftops, safety fencing of the play area, and fire exits.
- (c) Indoor / outdoor areas - Particular consideration must be given to isolating the children from the effects of noise, pollution and winds, and access to natural light and air. Planting, climbing equipment and visual features must provide an interesting and stimulating experience for the children.

**5.10.1 Indoor spaces**

**Objectives**

- O1 Ensure that adequate indoor space is provided for children and staff to learn and grow.

**Child Care Facilities**

**Provisions**

- P1 A minimum of 3.25m<sup>2</sup> of unencumbered indoor floor space per child care place must be provided.  
*Note: To ensure a reasonable level of amenity is achieved, provision 4.5m<sup>2</sup> per child care place is considered to be best practice.*
- P2 In addition to P1, a minimum of 10m<sup>2</sup> of unencumbered indoor floor space per employee must be provided to accommodate office space/s, staff room/s, sick bay area/s and adult toilet and shower facilities, located within the licensed floor area.
- P3 Playroom spaces are to be designed such that they are not impeded by internal building features such as columns.

**5.10.2 Transition Areas**

A Transition Area comprises an indoor or outdoor area which performs an important role in helping extend children’s play into the outside areas (e.g. covered verandah or terrace).

**Objectives**

- O1 Outdoor play in all weather conditions.
- O2 Integration of indoor and outdoor play spaces.
- O3 Transition areas that are safe, comfortable and of a functional size.

**Provisions**

- P1 Transition areas must be located between the indoor space and outdoor space and be able to be supervised from outside of the area.
- P2 The area may be included in calculations of outdoor unencumbered space.  
*Note: To ensure a reasonable level of amenity for the users of the facility, the provision of Transition Areas in addition to the minimum requirements for indoor and outdoor spaces is considered to be best practice.*
- P3 The area should be a minimum of 4 metres wide.
- P4 The transition area must be designed to allow indoor and outdoor activities to be conducted undercover.
- P5 The transition area must be designed in a manner that offers protection from unfavourable weather conditions, including strong winds and rainfall.

**5.10.3 Outdoor space**

**Objectives**

- O1 Ensure that outdoor spaces allow children to play and experience sunlight, breezes and fresh air.
- O2 Ensure that outdoor spaces provide an environmentally, safe and healthy area for play.

**Provisions**

- P1 A minimum of 7m<sup>2</sup> of open space per child care place must be provided.  
*Note: To ensure a reasonable level of amenity is achieved, provision 10m<sup>2</sup> per child care place is considered to be best practice.*
- P2 Must not be located directly adjacent to a state road.
- P3 Ensure that exposure to adverse weather and environs such as external noise, pollution and winds is minimised.
- P4 Locate seating and outdoor play equipment in shaded areas.
- P5 Ensure outdoor space has a northern orientation with access to views and receives a minimum of 2 hours direct sunlight per day.



- P6 Ensure outdoor space is adequately shaded in accordance with guidelines set out in the NSW Cancer Council's *Shade for Early Childhood Services* publication.
- P7 Physical shading devices are to provide sun protection to children and to be integrated into the design of the building.
- P8 The playground space should be a compact square, rectangular or L-shaped area sited on one or two sides of the building, to facilitate functional use by children and effective supervision by staff.
- P9 Use plant species in landscaping that are not harmful to children or the environment. Avoid the use of noxious and environmental weeds (as listed on Council's website).
- P10 A detailed landscape plan prepared by a qualified landscape architect or other design professional with demonstrated experience in the design of children's play spaces must be submitted with any development application for a child care facility. The landscape plan must illustrate:
  - (a) the separation of play areas for different age groups including the location of low fencing, planting and other structures which divide the areas but allow for interaction between the ages;
  - (b) the separation of outdoor play space into active and quiet zones;
  - (c) the type and placement of any fixed play equipment;
  - (d) the location and type of shade structures;
  - (e) the use of a variety of surfaces such as timber decking, artificial grass, sand etc. Surfaces are to comply with AS 4422 – Playground Surfacing;
  - (f) the use of a variety of textures, shapes and forms, with a blend of natural and artificial materials and plantings, that are highly interactive with the children and stimulate the senses;
  - (g) storage areas which can be used by staff without leaving the children;
  - (h) access to water should be available in the playground so that staff can fill up water troughs of supply water to the sandpit to enhance children's play;
  - (i) drainage;
  - (j) sandpits that:
    - (i) have a minimum depth of 450mm;
    - (ii) are designed to minimise the spillage of sand, preferably with an edge that can be swept; and
    - (iii) incorporate a cover when not in use.
  - (k) Outdoor play spaces located above ground level must be enclosed by a combination of walls and fences a minimum of 1800mm high to prevent children from falling or climbing out of the space and to prevent items from being thrown out of the space.

#### 5.10.4 Indoor-Outdoor spaces

##### Objectives

- O1 To ensure useable outdoor space is provided for children regardless of locational constraints.

##### Provisions

- P1 Indoor-outdoor spaces will only be considered in locations where it can be proven that the required level of outdoor space can not be provided.

**Note:** *The North Sydney Centre, St Leonards and mixed use areas of Crows Nest, Milsons Point, Neutral Bay and Cremorne are examples of where the provision of indoor-outdoor spaces may be considered acceptable.*



**Child Care Facilities**

- P2 A landscape plan must be prepared by a qualified professional and submitted with any proposal for a child care facility, detailing the same variety of elements and design considerations as outdoor spaces (refer to Section 5.10.3).
- P3 Spaces are to be provided with natural light through windows and skylights.
- P4 Spaces must incorporate higher floor to ceiling heights than indoor spaces.
- P5 Spaces should be provided with access to natural air flows and the ability for children to see out.
- P6 Spaces to be provided with a sandpit and associated drainage for water play.
- P7 Spaces should include a variety of natural materials.
- P8 Spaces must be physically separated from indoor spaces with visual and physical access between the two areas for staff and children.
- P9 Spaces are not impeded by internal features such as columns.

**5.10.5 Play Equipment**

**Objectives**

- O1 To ensure the safety of children using play equipment.

**Provisions**

- P1 Any outdoor play equipment must comply with Australian Standards and include appropriate ground surfacing. The surface around and underneath play equipment must comply with Australian and NZ Standard AS/NZS4422:1996.

**5.10.6 Fences**

**Objectives**

- O1 To ensure that fences complement the exist design features of the building, and adjoining buildings where appropriate.
- O2 To ensure that fences provide maximum protection for children.

**Provisions**

- P1 All fences within and bordering child care facilities are to meet the Australian Standards for safety. The design and height of fencing should prevent children from scaling, or crawling under the fence.
- P2 Use materials and finishes for fences that complement characteristic visual elements in the surrounding physical environment and do not dominate the streetscape.
- P3 If perimeter fences of the outdoor space are close to a major road or a hazard, make them higher than the Australian Standard of 1200mm.
- P4 Provide a childproof self-locking mechanism on all gates.
- P5 Fences to outdoor play spaces located above ground level should be a minimum of 1800mm high.

**5.11 VISUAL AND ACOUSTIC PRIVACY**

Good management of privacy issues ensures the child care facilities are well integrated within the local context.

While child care facilities are beneficial within a community, there can be noise issues arising from the operation of the facility, which can be addressed by considering the location and orientation of outdoor space, driveways, parking and access. In residential areas the location of windows and doors can influence noise impacts on nearby homes.



### 5.11.1 Visual privacy

#### Objectives

- O1 To ensure that both the users of the facility and adjoining property owners are afforded appropriate levels of visual privacy.

#### Provisions

- P1 Provide screening by trees, fencing and window coverings to minimise overlooking and noise impacts.
- P2 Locate any play structures at least 3m from any property boundary located adjoining a residential property.

### 5.11.2 Acoustic privacy

#### Objectives

- O1 To ensure that the operation of the child care facility does not adversely impact on the acoustic amenity of adjoining properties.

#### Provisions

- P1 All applications must be accompanied by an Acoustic Report prepared by a suitably qualified acoustic consultant.
- P2 Noise levels (measured at any point on the boundary of the site between the proposed Centre and adjoining property) do not exceed 5dB(A) above the L<sub>90</sub> background level during the hours of operation. Council may consider a variation to this requirement, but only if the applicant can adequately demonstrate that an alternative method of controlling the impact as outlined in the Association of Australian Acoustic Consultants' *Technical Guidelines – Child Care Centre Noise Assessment*.
- P3 Where practical, locate noisy areas such as outdoor play areas, vehicle access and pathways away from habitable windows of adjoining dwellings.
- P4 Consideration is given to using appropriate noise reduction measures, such as:
- (a) Appropriate location of areas of high noise generation;
  - (b) Double glazing on windows;
  - (c) Acoustic fences; and
  - (d) Construction materials incorporating sound insulation properties.