

## Child Care Planning Guidelines Compliance Table – DA 16-2022-97-1 – 12 Sproule Street Nelson Bay

Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021 provides that a consent authority must take into consideration the Child Care Planning Guideline when assessing a development application (DA) for a centre based child care facility ('child care facility'). The Child Care Planning Guidelines informs local government promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations and aligns with the National Quality Framework.

The planning objectives of this Guideline are to:

- promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations
- ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses
- minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment
- deliver greater certainty to applicants, operators and the community by embedding the physical requirements for service approval into the planning requirements for child care facilities.

The applicable sections of the Child Care Planning Guidelines are the Part 2 design criteria, Part 3 Matters for Consideration and Part 4 which contains the National Regulations requirements.

Consideration	Assessment Comment
1.3 Objectives	The Proposal achieves the objectives of the Guideline. It is noted that the provisions of the guideline may take precedence over a DCP.
2 Design Quality Principles	The design is consistent with the objectives of the design quality principles contained within Part 2 of the Child Care Planning Guideline.
3.1 Site selection and location <ul style="list-style-type: none"> <li>• <i>C1 Objective: To ensure that appropriate zone considerations are assessed when selecting a site.</i></li> <li>• <i>C2 Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.</i></li> <li>• <i>C3 Objective: To ensure that sites for child care facilities are appropriately located.</i></li> <li>• <i>C4 Objective: To ensure that sites for child care facilities do not incur risks</i></li> </ul>	<p>The site is appropriately zoned for a child care facility and suitably located nearby a residentially dense area. Noise attenuation measures are to be incorporated to mitigate impacts to adjoining residential properties. The proposal incorporates sufficient setbacks from neighbouring residences to avoid the adverse impacts of overshadowing and overlooking.</p> <p>In addition, the site:</p> <ul style="list-style-type: none"> <li>• Is not bushfire prone.</li> <li>• Is only partially flood affected at the front of the site, adjacent the road verge.</li> </ul>

<p><i>from environmental, health or safety hazards.</i></p>	<ul style="list-style-type: none"> <li>• Is not contaminated, as shown in the contamination report submitted with the application.</li> <li>• Is sized and located appropriately for a development of the type, size and scope of the Proposal, and will not result in adverse environmental impacts on the surroundings.</li> </ul>
<p>3.2 Local character, streetscape and the public domain interface</p> <ul style="list-style-type: none"> <li>• <i>C5 Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</i></li> <li>• <i>C6, 7 &amp; 8 Objective: To ensure clear delineation between the child care facility and public spaces.</i></li> <li>• <i>C9 &amp; 10 Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</i></li> </ul>	<p>The proposed centre-based childcare facility has been designed to be appropriate with regard to its setting within a low density residential area. The proposal is of an appropriate scale in terms of height, bulk and scale and incorporates sufficient setbacks to ensure the proposal does not dominate the local character of the area or overshadow or overlook adjoining properties.</p> <p>Appropriate acoustic fencing is proposed along the shared boundary between the children's play area and residential land to the east.</p> <p>Landscaping on the perimeter of the site, provides additional amenity for users of the site whilst, providing screening from adjoining properties.</p> <p>The proposal incorporates clearly defined and sign posted entrances and spaces. The proposal is not located near a heritage item or place.</p>



<p>3.3 Building orientation, envelope and design</p> <ul style="list-style-type: none"> <li>• <i>C11 Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</i></li> <li>• <i>C12: Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining development and the impact on adjoining buildings is minimised.</i></li> <li>• <i>C13 &amp; 14 Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</i></li> <li>• <i>C15 Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an areas character.</i></li> <li>• <i>C16 Objective: To ensure that buildings are designed to create safe environments for all users.</i></li> <li>• <i>C17 Objective: Objective: To ensure that child care facilities are designed to be accessible by all potential users.</i></li> </ul>	<p>The design and proposed landscaping provide a visually appealing design with the broader school site.</p> <p>Adverse overshadowing and privacy impacts have been avoided through incorporation of appropriate setbacks, building orientation and location of windows. The proposal is of an appropriate scale in terms of height, bulk and scale and incorporates sufficient setbacks to ensure the proposal does not dominate the local character of the area or overshadow or overlook adjoining properties.</p> <p>The building, car park, play space and landscaping are designed to protect the privacy and acoustic environment of nearby residences.</p> <p>The site is sloping, and involves cut and fill. Building design aims to minimise earthworks and to take advantage of the slope.</p> <p>The entry to the centre is well defined and accessible to those with mobility disabilities. The proposal achieve compliance with requirements for access for people with a disability, i.e. Premises Standards, Building Code of Australia, and Australian Standards for accessibility, and minimise the risk of action under the Disability Discrimination Act.</p>
<p>3.4 Landscaping</p> <ul style="list-style-type: none"> <li>• <i>C18 &amp; 19 Objective: To provide landscape design that contributes to the streetscape and amenity.</i></li> </ul>	<p>The proposal includes a suitable landscape design which incorporates suitable shade trees combined with amenity landscaping and screening where appropriate. Overall, the landscaping positively contributes to the built form, providing an enhanced natural environment.</p>
<p>3.5 Visual and acoustic privacy</p> <ul style="list-style-type: none"> <li>• <i>C20 &amp; 21 Objective: To protect the privacy and security of children attending the facility</i></li> <li>• <i>C22 Objective: To minimise impacts on privacy of adjoining properties</i></li> <li>• <i>C23 &amp; 24 Objective: To minimise the impact of child care facilities on the</i></li> </ul>	<p>The application included the submission of a Noise Assessment, which has assessed the cumulative noise impact of the proposed development and adjacent land-uses on the centre-based childcare facility. The report found the proposal to be consistence with the relevant childcare centre guideline criteria for both external and internal areas of</p>

<p><i>acoustic privacy of neighbouring residential developments.</i></p>	<p>the centre-based childcare facility. The report was reviewed by Council's Environmental Health Officer who supported the findings.</p> <p>The proposal includes secure fencing around the proposed outdoor play area, promoting the privacy and security of children.</p>
<p>3.6 Noise and air pollution</p> <ul style="list-style-type: none"> <li>• <i>C25 &amp; 26 Objective:</i> To ensure that outside noise levels on the facility are minimised to acceptable levels.</li> <li>• <i>C27 &amp; 28 Objective:</i> To ensure air quality is acceptable where childcare facilities are proposed close to external sources of air pollution such as major roads and industrial development,</li> </ul>	<p>The Noise Assessment submitted with the proposal incorporates both inside and outside noise level assessment on the facility. The report found that noise impacts were reduced due to the setback of the siting and location of the development and could be suitably managed through the implementation of acoustic fencing.</p> <p>The development is not located near a classified road and is appropriately set back from the local roads surrounding the site, thereby providing a suitable separation distance between the facility and pollution source.</p>
<p>3.7 Hours of operation</p> <ul style="list-style-type: none"> <li>• <i>C29 &amp; 30 Objective:</i> To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</li> </ul>	<p>The proposed hours of operation between 6:30am - 6pm Monday to Friday. The operational hours will not adversely impact the amenity of surrounding properties. As discussed elsewhere in this report, the recommendations made in the noise assessment will provide appropriate mitigation measures to reduce noise pollution.</p>
<p>3.8 Traffic, parking and pedestrian circulation</p> <ul style="list-style-type: none"> <li>• <i>C31-35 Objective:</i> To provide parking that satisfies the needs of users and demand generated by the centre.</li> </ul>	<p>As discussed in detail against Section B8 of the DCP in the Council assessment report, the proposed car parking satisfies the requirements of the DCP.</p>
<p>4.1 Space requirements—indoor space (Regulation 107)</p>	<p>Section 4.1 requires that every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space. It is recommended that a child care facility provide: a minimum of 0.3m<sup>3</sup> per child of external storage space and a minimum of 0.2m<sup>3</sup> per child of internal storage space.</p> <p>The indoor space and storage requirements of the national regulations for the Centre</p>

	<p>based childcare are met as detailed on the plans and as noted below:</p> <ul style="list-style-type: none"> <li>• Number of children: 84</li> <li>• Required Area: 273m<sup>2</sup></li> <li>• Provided Area: 306m<sup>2</sup></li> </ul> <p>The indoor space and storage requirements of the national regulations for the OOSH are met as detailed on the plans and as noted below:</p> <ul style="list-style-type: none"> <li>• Number of children: 105</li> <li>• Required Area: 341m<sup>2</sup></li> <li>• Provided Area: 484m<sup>2</sup></li> </ul> <p>The proposal is consistent with the storage standards, providing formal storage and locker areas for each room as well as other internal storage areas which are in excess of the minimum requirements. Formal and informal outdoor storage is also proposed.</p>
4.2. Laundry and hygiene facilities (Regulation 106)	<p>Section 4.2 requires that there must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p> <p>A specific laundry room is appropriately located within the building away from children, thereby satisfying this Regulation.</p>
4.3 Toilet and hygiene facilities (Regulation 109)	<p>Section 4.3 requires a service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Age appropriate amenities are provided within each room in accordance with the Regulation as shown on the plans.</p>
4.4 Ventilation and natural light (Regulation 110)	<p>Section 4.4 requires services be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p>



	<p>Good ventilation will be achieved through a mixture of natural cross ventilation and air conditioning. The proposal complies with the light and ventilation and minimum ceiling height requirements of the National Construction Code.</p>
4.5 Administrative space (Regulation 111)	<p>Section 4.5 requires a service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p> <p>An office is appropriately located away from children's rooms, meeting the requirements of Regulation.</p>
4.6 Nappy change facilities (Regulation 112)	<p>Section 4.6 requires that 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.</p> <p>Nappy change facilities are provided for in the babies and toddler rooms in a location which enables simultaneous supervision of children.</p>
4.7 Premises designed to facilitate supervision (Regulation 115)	<p>Section 4.7 requires a centre-based service ensures that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p> <p>Surveillance from all rooms has been optimised through the use of glass windows and doors and suitable layout.</p>
4.8 Emergency and evacuation procedures (Regulation 97 and 168)	<p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including the following:</p> <ul style="list-style-type: none"> <li>• instructions for what must be done in the event of an emergency</li> </ul>

	<ul style="list-style-type: none"> <li>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</li> <li>• a risk assessment to identify potential emergencies that are relevant to the service.</li> </ul> <p>An Evacuation Plan consistent with the requirements of Regulation 97 and 168 is required to be prepared prior to the commencement of operation of the childcare centre by the operator and would be recommended as a condition of consent in the event the application is approved.</p>
4.9 Outdoor space requirements (Regulation 108)	<p>Section 4.9 requires that an education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.</p> <p>The outdoor space requirements of the national regulations for the Centre based childcare are met as detailed on the plans and as noted below:</p> <ul style="list-style-type: none"> <li>• Number of children: 84</li> <li>• Required Area: 588m<sup>2</sup></li> <li>• Provided Area: 702.3m<sup>2</sup> or 624m<sup>2</sup> after discounting the deck area by 33% for movement areas.</li> </ul> <p>The outdoor space requirements of the national regulations for the OOSH are met as detailed on the plans and as noted below:</p> <ul style="list-style-type: none"> <li>• Number of children: 105</li> <li>• Required Area: 705m<sup>2</sup></li> <li>• Provided Area: 1,970m<sup>2</sup></li> </ul> <p>Therefore, the amount of outdoor space is sufficient for the number of children at the centre.</p>
4.10 Natural environment (Regulation 113)	<p>Section 4.10 provides that a facility must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>The proposed landscape plans indicate there will be appropriate opportunity for</p>

	children to explore and experience the natural environment.
4.11 Shade (Regulation 114)	<p>Section 4.11 provides that a facility must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p>The covered areas adjacent the building, combined with proposed shade sails and tree canopy provide shading to approximately 30% of outdoor areas, in compliance with the requirements of this section.</p>
4.12 Fencing (Regulation 104)	<p>Section 4.12 requires that any outdoor space used by children is 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. Design considerations for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> <li>• being made from solid prefinished metal, timber or masonry</li> <li>• having a minimum height of 1.8 metres</li> <li>• having no rails or elements for climbing higher than 150mm from the ground.</li> </ul> <p>2m high solid panel acoustic fencing is proposed for the eastern and southern boundaries. Appropriately high fencing (minimum 1.8m) is proposed at all other locations to enclose the outdoor space. All access gates will be fitted with childproof locks.</p>
4.13 Soil Assessment (Regulation 25)	<p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>A Phase 1 Preliminary Investigation for Contamination, prepared by Qualtest Laboratory, Document ID NEW19P-0150-AA, Rev 0 and dated 24 October 2019 has been submitted with the application. The preliminary investigation involves a site history assessment and site walkover, and</p>



	<p>collection of soil samples. The preliminary investigation report concludes that based on the site history, field observations, and laboratory results, the site can be made suitable for the proposed redevelopment.</p> <p>Following assessment against SEPP Resilience and Hazards, it is considered that the site is not contaminated and the site is considered suitable for the proposed centre-based childcare facility.</p>
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