

# Development Control Plan



## Child Care Centres

Sutherland  
Shire  
Council



9.3/08  
edition 3



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## 1. Where does the Plan apply?

This plan applies to all land in the Shire where child care centres are permitted to which the following plans apply:

- (a) Sutherland Shire Local Environmental Plan 2000,
- (b) Sutherland Shire Local Environmental Plan – Menai Town Centre 1992,
- (c) land at Sandy Point administered under the County of Cumberland Planning Scheme being Sandy Point Suspension Area, and
- (d) Sydney Regional Environmental Plan No.17 - Kurnell Peninsula (1989).

## 2. What is the purpose of the Plan?

The plan provides guidelines for the establishment of child care centres, particularly in residential zones.

The principles of this plan may also be relevant to other proposed development near existing child care centres.

This plan should be read in conjunction with the Regulations for Children Services produced by the New South Wales Dept. of Community Services (DOCS). Check also with DOCS for further guidelines on Vocational Care and Afterschool Care.

## 3. What are the objectives of the plan?

The objectives of this plan are:

- a) Child Care Centres of high quality and which are compatible with neighbouring land uses.
- b) Child Care Centres that are not located or designed so as to pose a health or safety risk to children using the centre.
- c) Adequate, convenient and safe parking for residents, staff and visitors which does not dominate the streetscape.
- d) Child care centres that integrate into the existing residential environment and are unobtrusive in terms of size, bulk, height and the amount of landscaped area provided.
- e) The amenity of adjoining neighbours retained and not detrimentally affected by noise emissions from the site.
- f) The retention and enhancement of significant existing vegetation, both indigenous and exotic, where new development is proposed.

## 4. Can the Plan be varied?

Objectives and standards have been set for all aspects of the plan. Each application will be considered on the individual circumstances and merits of the case in terms of the achievement of the objective stated. The standards are the guidelines to achieving the stated objectives and an applicant may request a variation to any standard, provided the objectives are still achieved.

There are two types of standards:

**The Development Standard** required or contained in the Sutherland Shire Local Environmental Plan 2000.(SSLEP 2000) as amended. Any proposal to vary those standards must be accompanied by a formal objection to the standard under the provisions of the State Environmental Planning Policy No.1.

**Other Standards** set out in this plan which are generally more detailed and not statutory.

Any variation to any of these standards must be supported by a statement demonstrating how the objectives are satisfied.

Any submission in support of a variation to a standard must be in writing and demonstrate an ability to achieve the objectives.(refer to Council's "Guideline to Seek a Variation to a Standard").

## 5. Making an application

It is recommended that intending applicants consult directly with Council's Application Assessment Staff prior to preparing detailed development plans.

Pre-application consultation with staff can assist in the time taken to assess applications and reduce amendments required to plans. A prerequisite of consultation is the preparation of a Site Analysis and possibly a Development Concept Plan.

To submit a Development Application, you will need to complete a Development Application form and submit the following:

1. Five (5) copies of plans, elevations and sections, fully dimensioned and to scale (preferably 1:100), including the type of materials proposed to be used.
2. Five (5) copies of a written assessment of the proposal, addressing each section of this plan showing how the proposal meets the objectives of each section.

3. A detailed site analysis and declaration.
4. A full survey plan, prepared by a registered surveyor, indicating existing site levels at the corners of the proposed buildings, the site contours and the proposed floor levels using a fixed datum point related to Australian Height Datum.
5. Details of proposed site drainage and, where stormwater is required to drain through an adjoining property, written agreement from that landowner.
6. Five copies of shadow diagrams for 10 am and 2 pm in mid-winter, both existing and as would result from the proposal.
7. Fees.
8. Notification Plans.

Applicants are advised to use the services of an architect to prepare plans. The Development Application should take into account identified site constraints and objectives of the Development Control Plan.

**Note:**

**Council will not accept a development application unless a site analysis is submitted with the application.**

## 6. Site analysis

All development requires perceptive and effective site planning. Good site analysis and design skills are therefore essential in achieving a pleasant living environment for occupants and minimising the impact on neighbours.

A site analysis establishes the development context by showing graphically the constraints and opportunities on the site in relation to natural elements and existing buildings in the immediate surroundings. It should influence the design and minimise negative impacts on the amenity of adjoining developments and to complement neighbourhood character.

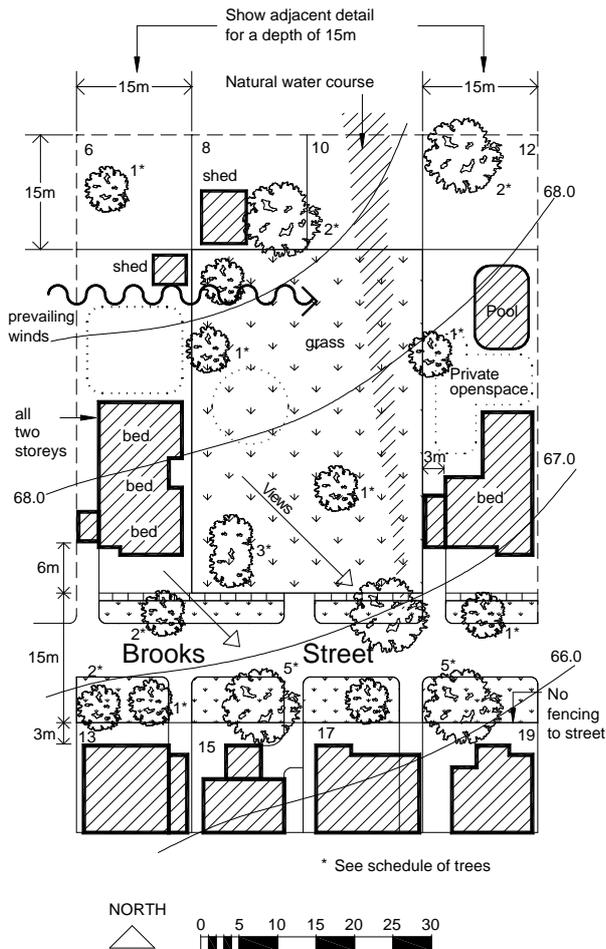
A site analysis is to be submitted with a development application and should indicate (where relevant) **in relation to the site:**

1. **Contours** – at 1m intervals and related to Australian Height Datum.
2. **Existing vegetation** – in particular major trees on the site and street trees, identified by size and botanical names or common names.
3. **Buildings** – location and uses of existing buildings.
4. **Views** to and from the site.
5. Location of **utility services** and stormwater drainage lines and street crossings.
6. **Orientation**, microclimate and noise sources.
7. Any **contaminated soils** and filled areas.
8. Fences, **boundaries** and easements.
9. Any **other significant site features** eg rock outcrops.

And in **relation to the surrounding area.**

1. Location, use and height of **adjacent buildings** – locating window openings facing the site boundary, private open space and shadows cast on development site.
2. **Views and solar access** enjoyed by adjacent residents.
3. **Major trees** on adjacent properties.
4. The **built form and character** of adjacent and nearby development.
5. The **difference in levels** between the site and adjacent properties.

The site analysis can be hand drawn but must be to scale, and must be accompanied by a declaration that the information provided is correct and true in every detail. A written statement should also be prepared explaining how the development design has responded to the site analysis and should include an assessment of the bush fire hazard on the site and/or on the adjoining site.



Site analysis can improve design responses. This is an example of site analysis information for a small infill site.

## 7. Public notification

Before considering an application for development, Council must advertise or notify in accordance with Council's adopted DCP for Notification of Development Applications. Council will advise adjoining property owners and those who, in the Council's opinion, may be affected by the proposed development should it proceed.

Those notified are invited to comment within 14 days, or 28 days if the advertising occurs during December.

Proposals must also be advertised in the local press for comment within the same 14 or 28 day period. An advertising fee is required to be paid at lodgement of development applications.

In assessing and determining an application, Council will take into account matters raised in any submission received.

## 8. What is a child care centre?

This plan adopts the following definition for child care centres which is contained within the Sutherland Shire Local Environmental Plan 2000. This will include long day care centres, preschools and occasional care centres (accommodating children for 2 hours or more).

*Child care centre* means a building or place used for the purpose of supervising or caring for children which:

- i) Caters for 6 or more under school age children, whether or not those children are related to the owner or operator of the building or place; and
- ii) May include an educational function; and
- iii) May operate for the purpose of gain, but does not include a building or place providing residential care for those children.

## 9. Roles of State and Local Government

The State Government is responsible for licensing child care centres under the Children (Care and Protection) Act. In this regard the NSW Department of Community Services (DOCS) has separate regulations which must be satisfied.

Sutherland Shire Council is responsible for land-use planning and building standards in the Shire. This is regulated through Plans and Policies prepared under the Environmental Planning and Assessment Act and the Local Government Act.

This Development Control Plan is intended to be complementary to DOCS requirements. It identifies particular issues over which Council has care and control. Whilst DOCS requirements are not reiterated in any detail in this plan, it must be noted that Council will not grant approval to any proposal which is not supported in principle by DOCS. Similarly, initial support from DOCS **does not** guarantee Council approval.

## 10. Approvals required

Child Care centres require development approval from Council. In addition the activity must be licensed by the State Department of Community Services (DOCS).

**It is necessary that you consult with DOCS prior to making a formal development application to Council.** A letter of general support for the proposal from DOCS must be submitted with your development application.

Council's Environmental Services staff may be consulted prior to submitting an application for advice on your proposal. Council's Community Services Division may also be contacted for information on existing Child Care Services and gaps in services in the Shire.

### Key Steps in Gaining Council Approval:

#### a) Consultation

Identify Council and DOCS requirements before selecting a site or preparing a preliminary plan

#### b) Development Application (DA)

Submit a DA with Council supported by a letter from DOCS

## 11. Expansion of existing centres

Where an expansion to an existing child care centre is proposed then development consent must be obtained. Such changes may include additional numbers of children or extended hours of operation. Any changes will be assessed in-line with the objectives and controls of this plan.

**Note: The expansion of existing child care centres with a frontage to an Arterial road will not be supported due to parking, traffic, safety and air quality concerns.**

## 12. Selecting a suitable site

There are a wide range of sites in the Shire which are suitable for child care centre development. However there are also many unsuitable sites which must be avoided. If there are doubts over the suitability of any site, particularly regarding health or safety risks to children, then those sites must be rejected. To assist in the selection of suitable sites for child care centres the following objectives and controls apply.

**Please note that whilst the following issues are highlighted they are not conclusive.**

In assessing your development application Council will consider the proposal in accordance with s.90 of the Environmental Planning and Assessment Act. This will include other important issues such as building design and streetscape, privacy impacts, landscaping and impacts on the environment.

## 13. Locational constraints

### Objectives:

- a) Location of child care centres in areas of high environmental quality.
- b) Favourable relationships between child care centres and adjoining land uses in terms of air quality, noise, traffic and parking impacts.
- c) Location and positioning of child care centres that does not expose children to uncertain health or safety risks by application of the “precautionary principle”.

### Standards:

#### a) Arterial Roads:

Air quality near major roadways is recognised as a health concern for young children. Main road locations also experience problems relating to traffic, safety, noise, access and parking. To avoid such problems child care centres are not supported within 125m distance from a major roadway as nominated below. (The 125m distance is measured from the edge of the road reserve to the nearest point of the site.)

For any child care centre proposal within 125m from a major roadway Council will require air testing to be carried out and the results submitted for assessment with the Development Application. Suitable testing of background noise levels will also be required.

#### Major Roads

1. Alford's Point Road
2. Captain Cook Drive
3. Heathcote Road
4. Kingsway
5. McKell Avenue
6. Menai Road
7. New Illawarra Road
8. Old Princes Highway (between Acacia Road and Linden Street)
9. Port Hacking Road, North
10. President Avenue
11. Princes Highway
12. Proposed Arterial Road (as identified on Sutherland Shire Planning Instruments)
13. Taren Point Road
14. The Boulevard

#### b) Other main roads:

Where child care centres are proposed near other heavily trafficked roads suitable testing of air quality and noise levels may be required.

#### c) Dead End Streets:

Dead End Streets or cul-de-sacs present traffic movement and parking problems. Child care centres will not be supported on lots with a main or secondary frontage to such streets.

#### d) Traffic Study:

A traffic study will be required in areas where concern over vehicle movements or carparking exist ie: narrow carriageways, poor sight distance, impediments to on street parking, or where another Child Care Centre is within 100m.

#### e) Mobile Phone Towers/Transmission Lines etc.:

The above facilities are recognised as a health risk. Child Care Centres shall be no closer than 50m to mobile phone towers or antennas or transmission line easements or other similar electromagnetic radiation sources.

#### f) Industrial Sites:

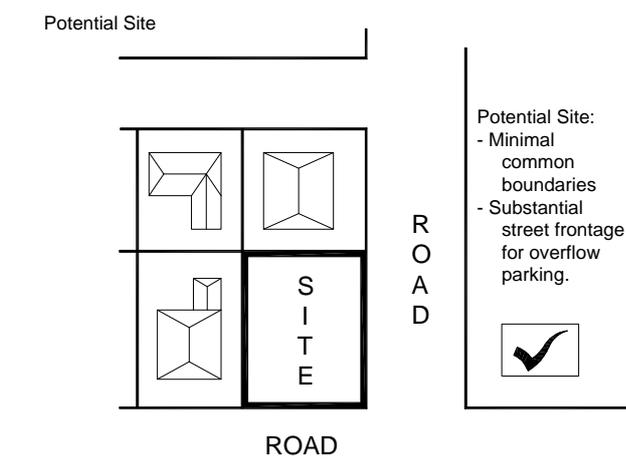
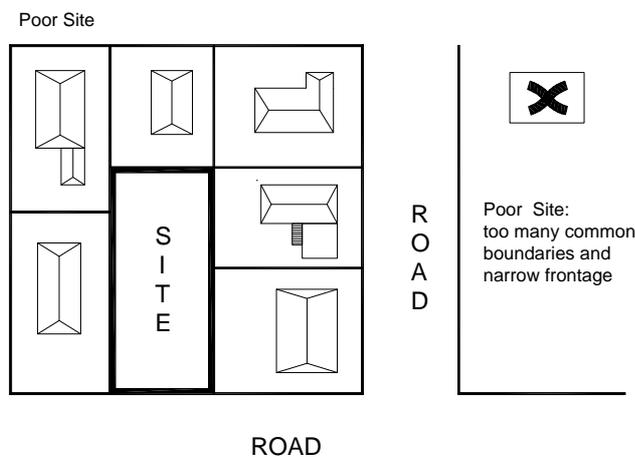
Child care centres are not recommended within Industrial zoned land. Concerns over environmental quality and land use conflicts exist. Any child care centre proposed within or adjoining industrial land will automatically require additional environmental survey details and associated testing.

#### g) Noise/Privacy impacts on neighbours:

In residential areas child care centres must be located on lots which have minimal common boundaries so as to reduce noise and privacy impacts on adjoining neighbours. Special considerations must be given to the position of outdoor play areas in relation to adjoining living/bedrooms.

Council may require the provision of an acoustic consultants report which include recommended noise attenuation measures. Noise levels (measured at any point on the boundary of the site between the proposed Child care centre and adjoining property), should not exceed 5dBA above the L90 background level during the hours of operation of the Centre.

## 14. Car parking requirements



Adequate carparking must be available so as to accommodate the peak parking demand of the Centre. All parking must afford safe access to the centre and should be provided on-site. However in residential areas particular care must be taken to ensure on-site parking does not result in excessive hardstand areas which detract from the overall streetscape.

The residential streetscape must be preserved. Where a suitable balance cannot be achieved between on-street parking, on-site parking and streetscape issues, then the number of children must be reduced accordingly.

### Objectives:

- Adequate carparking on-site so as to avoid inconvenience to nearby residents or congestion in the roadway.
- Parking and manoeuvring which ensures safe setdown and pickup of children.
- Carparking arrangements that do not substantially modify the aesthetics of the streetscape in residential areas.
- Child care centres in areas which provide good access for pedestrians and to public transport.

### Standards:

- Off-street parking must be provided at the rate of one space for every four children in attendance.
- Consideration could be given to reducing the parking required if convenient and safe on-street parking is available provided that the use of such parking does not adversely affect the amenity of the adjacent area.
- Long stay staff parking must be separate from the short stay, visitor parking. Both must be provided in a convenient location, allowing safe movement of children to and from the centre.
- Where a child care centre includes a residence then one additional on site car space is required.
- A drive-through carparking option is required on suitable sites. The drive-through provides on-site short term visitor parking, (which are counted as car parking spaces) and enhances access and pedestrian safety via oneway vehicle movements.
- Stacked car spaces shall be restricted to two vehicles only.

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## 15. Maximum capacity

Whilst child care centres are a permitted land use in the residential zones they are also a commercial activity which in turn must not result in any adverse impacts upon the residential environment. In this regard Council will limit the size, location, operating hours and other matters as necessary to satisfy the zone objectives.

### Objective:

- a) Child care centres that are compatible with existing land uses and do not alter the immediate character of existing residential areas.

### Standards:

- a) Child care centres shall be limited in size to a maximum of 40 children in residential zones.
- b) Where a Child Care Centre is proposed within 100m radius of another existing or proposed Centre in a residential zone the application will be subject to further assessment of the cumulative impact, including the requirement of a traffic study.

## 16. Can there be dual use?

Child care centres may be approved in residential zones with or without a residential component. To gain this approval however the proposal must be compatible with the surrounding residential area. Where residences are included these must provide suitable residential amenity.

### Objective:

- a) Child Care Centres that include a dwelling in a residential zone must not result in overdevelopment of the site.
- b) Child Care Centres and onsite residences which are compatible and are provided with separate facilities.

### Standards:

- a) A clearly distinct outdoor area associated with the use of the dwelling must be provided (in addition to child care outdoor play areas) for the exclusive use of residents. The private outdoor area for the residents must be suitably orientated and landscaped, and have a minimum area of 50m<sup>2</sup>.
- b) Separate kitchen, bathroom, laundry and amenities shall be provided for the use of the residents.

## 17. Landscaping

In selecting a suitable site for child care development you must ensure that the proposal will not affect significant existing trees.

In addition, landscape treatment must address the specific needs of children.

### Objectives:

1. Child care development that does not affect significant existing vegetation.
2. Child care development that ensures children are not exposed to toxic, spiky or other hazardous plant species.
3. Provide a safe outdoor play environment.
4. The retention and enhancement of significant existing vegetation, both indigenous and exotic, on redevelopment.
5. Provide a landscape which maintains a tree canopy.
6. Provide a landscape which visually reduces the bulk and scale of the new development.

### Controls:

- a) the site analysis must identify existing significant trees on site.
- b) development must be designed to preserve existing significant trees. A 3 metre minimum setback from structures is required for trees to be retained.
- c) landscaping must avoid spiky, toxic or hazardous plant species which may be injurious to children.
- d) Compliance with landscaped area standards and objectives relevant to the zone.
- e) The playground environment must be designed to comply with all relevant standards including;  
Plan it. (1995) - Guidelines for planning early childhood outdoor supervised play environments in New South Wales. Kidsafe NSW.  
Playgrounds and Playground Equipment. AS/NZS 4486.1:1997. Development, installation, inspection, maintenance and operation. Standards Association of Australia.

Playground Surfacing. AS/NZS 4422:1996. Specifications, requirements and test method. Standards Association of Australia.

- f) Compliance with landscape area standards.
- g) Landscape works must not utilise spiky, toxic or hazardous plant species.
- h) Provision of tree canopy of the site to achieve at minimum 50% shade coverage of playground area at tree's maturity.
- i) Street tree planting is required along street frontages within the footpath area in accordance with Council's Urban Tree Policy (1992), or any applicable Development Control Plan.
- j) Tree and shrub planting is to be provided along the boundaries which adjoin residential properties. The screen planting is to provide a minimum height of 1.8 metres.

**In addition to the above controls you should refer to Council's Landscape Development Control Plan.**

## 18. What particular building requirements apply?

Child Care Centres must comply with the **Building Code of Australia (BCA)** which specifies particular requirements for toilet, bathroom, kitchen and laundry facilities. Other key areas of assessment under the BCA include, fire egress, structural compliance and disability access (AS1428.2 1992 and AS1428.3)

The **Department of Community Services (DOCS)** also requires specific design criteria in-line with the Regulations and Licensing Guidelines for Centre-based Child Care Services. This includes minimum floor space requirements for play areas, minimum outdoor areas and relevant sleep and rest areas. DOCS should be consulted for further advice prior to submitting a Development Application with Council.

In addition to the above matters Council requires all child care centres to be designed to include the following so as to ensure achievement of the overall objectives of this DCP.

### Each Child Care Centre must:

- a) have at least one playroom, office and staff room, toilets, a kitchen, laundry, lockable cleaners store and outdoor and indoor storage areas. The office should be located adjoining the entry for security and include minimum floor space of 10m<sup>2</sup> per person for director and clerical staff.
- b) be located at ground level and avoid any steps. Suitable graded access ramps should be provided. The main entry area must be enclosed by a Child Proof Fence.
- c) provide clear 'pathways' between functional areas, both inside and outside, which do not cross playroom or toilet facilities.
- d) include passive design elements to facilitate staff surveillance of children, particularly from inside the centre to outside play areas.
- e) include suitable storage areas for toys, personal belongings and furniture in addition to playroom areas.
- f) landscaping of play areas to include native plants but exclude any spiky, toxic or dangerous species.

- g) have an outdoor play area that includes:
  - i) immediate access to toilet and hand washing facilities
  - ii) such design that will enable one staff person to see all parts of the playground at all times.
  - iii) at least 50% of outdoor play area shaded.
  - iv) suitable ground surfaces for play equipment and play activities, consideration being given to a range of surfaces and soft impact under play equipment.
  - v) equipment that promotes usage by children with disabilities.
  - v) location away from busy roads.
- h) in a centre where babies under the age of 2 years are cared for; have a sleep room with an individual cot for each baby with a maximum of 10 cots per room.
- i) in a centre where children under the age of 3 years are to be cared for;
  - i) have a nappy change area located adjacent to the cot room and there must be good vision from the nappy change area to the play room to enable adequate supervision of children.
  - ii) have a bottle preparation area in a separate enclosed area which is not accessible to children but has vision into the main area.

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## 19. Origin

### **Edition 1:**

This Development Control Plan was adopted by Council on 18 March 1996 (ECH Minute No. 306-96). The Plan came into force on 28 March 1996.

### **Edition 2:**

Adopted by Council on 3 November 1997 (EHC 136-98). In effect from 18 November 1997.

- (a) Amended to upgrade standard of presentation
- (b) Minor alterations which make the document consistent with the Sutherland Shire Local Environmental Plan 1993 as amended and other Development Control Plans.

### **Edition 3:**

Minor alterations which make the document consistent with Sutherland Shire Local Environmental Plan 2000.

<b>Action</b>	<b>Date</b>
Council Endorse Plan	5 February 2001 (EHC 213-01)
Public Notice (draft)	20 February 2001
Exhibition - Start	20 February 2001
Exhibition - Finish	20 March 2001
Council Decision	30 April 2001
Public Notice (final)	8 May 2001
In Effect	8 May 2001