

# 7.1

## MISCELLANEOUS DEVELOPMENT CHILD CARE CENTRES







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## Part 7 **Miscellaneous Development**

### **7.1 Child Care Centres**

#### **7.1.1 Objectives**

- 01** To accommodate the demand for children's education and care in the land where this DCP applies, particularly where there is a geographical or aged related undersupply.
- 02** To provide a range of children's services that are safe, provide good quality education and care, and that accommodate children with special needs and those from culturally and linguistically diverse communities.
- 03** To ensure that child care centres are compatible with the context, particularly the residential context, in terms of built form, building design and the amount of landscaped area provided.
- 04** To enhance the amenity of neighbours and avoid detrimental impact from the operation of child care centres.
- 05** To ensure that child care centres have adequate, convenient and safe parking.

#### **7.1.2 Application**

Under Inner West LEP 2022 child care centres are permitted with consent in the following zones:

- R1 - General Residential;
- R2 - Low Density Residential;
- R3 - Medium Density Residential;
- R4 - High Density Residential;
- B1 - Neighbourhood Centre;
- B2 - Local Centre;
- B4 - Mixed Use;
- B5 - Business Development;
- B7 - Business Park;
- IN2 - Light Industrial;
- RE1 Public Recreation; and
- RE2 - Private Recreation.

For the purpose of this DCP, child care centres provide education and care (whether on an occasional or long day care basis) for 0 - 6 year old children not attending a school.

This section does not apply to family day care or a home based child care (in a home that provides care for fewer than five children), or to a regular child minding service provided in connection with a recreational or commercial facility (such as a gymnasium).

## National Quality Framework

From 1 January 2012 most education and care services for children (called children's services) are regulated under the National Quality Framework. The framework provides guidelines and performance standards for the quality of education and care in child care centres, and the standards of space and design that need to be complied with under the Education and Care Services National Law 2011 and Regulation 2011. The MDCP 2011 controls are in addition to the National Quality Framework and indicate how a child care centre should fit in with the context and surrounding land uses.

## Compliance with licensing requirements

Before submitting a development application applicants are required to refer to the National Quality Framework to determine the requirements for licensing, so that these can be incorporated into the design of the child care centre. Applicants are required to lodge a statement with the development application that the proposal will comply with the Education and Care Services National Law 2011 and Regulation 2011, and the National Quality Standard.

## Planning context

Council's strategic direction is to achieve child care centres that support the desirable physical and social characteristics of the area by:

1. Conserving the physical character where relatively intact and of good quality;
2. Maintaining the traditionally diverse population and housing mix; and
3. Ensuring new development is in context with surrounding development and has minimum adverse impact on environmental quality or residential amenity.

**NB** *Refer to Section 2.1 (Urban Design) for principles of urban design and other guidelines).*

**NB** *Development applications for child care centres in the R2 – Low Density Residential Zone will be assessed in accordance with the relevant controls in Section 4.1 of this DCP relating to low density residential development and the relevant objectives and controls in Section 7.1.*

**NB** *Development applications for child care centres in the R1 – General Residential Zone, R3 – Medium Density Residential Zone, R4 – High Density Residential Zone, RE1- Public Recreation and RE2 – Private Recreation Zone will be assessed in accordance with the relevant controls in Section 4.2 of this DCP relating to multi dwelling housing and residential flat buildings and the relevant objectives and controls in Section 7.1.*

**NB** *Development applications for child care centres in the B1 - Neighbourhood Centre Zone, B2 - Local Centre Zone, B4 - Mixed Use Zone, B5 - Business Development Zone and B7 - Business Park Zone will be assessed in accordance with the relevant controls in Section 5 of this DCP relating to commercial and mixed use development and the relevant objectives and controls in Section 7.1.*

**NB** *Development applications for child care centres in the IN2 – Light Industrial Zone will be assessed in accordance with the relevant controls in Section 6 of this DCP relating to industrial development and the relevant objectives and controls in Section 7.1.*





- NB** *Minimum access requirements for child care centres are detailed in Section 2.5.10.*
- NB** *Acoustic and visual privacy requirements for child care centres are detailed in Section 2.6.*
- NB** *Car parking requirements for child care centres are detailed in Section 2.10.*
- NB** *Where a child care centre is on the site of a heritage item or within a heritage conservation area, the proposal will also need to comply with the relevant heritage controls contained in Part 8 of this DCP.*
- NB** *Child care centre proposals also need to comply with the relevant precinct controls contained in Part 9 of this DCP.*

## Controls

### Minimum requirements

- C1** Child care centres in two storeys, or more, buildings must have at least one lift access to all floors, including to any basement parking.
- C2** Locate any lift adjacent to the entry (or main entry if more than one) and adjacent to drop off area and parking that parents will use.

### *Access for children and their parents*

- C3** Locate the main entry and sign on area as close as possible to the drop off area or parking that parents will use.

### *Residential zones*

- C4** The premises should remain residential in external appearance and finishes and be consistent with the nearby residential streetscape and landscape.
- C5** Child care centres in a residential zone will be assessed for impact on residential amenity.
- C6** Child care centres in a residential zone will only be acceptable where adverse impacts on the amenity of residents in the neighbourhood can be avoided or minimised to an acceptable level.
- C7** Potential impacts to be considered include, but are not limited to, traffic generation and parking demand, privacy, solar access, and noise.

### *Safety and wellbeing*

- C8** Do not locate a child care centre on a state road.
- C9** Lodge supporting documentation (prepared by a suitably qualified person) with the application to demonstrate there will not be negative impact on the health and wellbeing of children and staff of the child care centre in relation to:
- i. Air quality;
  - ii. Soil quality;
  - iii. Lead and other metals;
  - iv. Dust, fumes and chemicals;
  - v. Traffic; and
  - vi. Nearby land uses (such as industrial, telecommunications, sex services premises).

## ***Aircraft noise***

- C10** Do not locate a child care centre on that is in an ANEF contour of 25 or greater.
- C11** Where appropriate provide noise attenuation in accordance with the Association of Australian Acoustical Consultants document Guideline for Child Care Centre Acoustic Assessment (September 2010). The following maximum noise levels are appropriate:
- i. **Road, Rail Traffic and Industry**
    - a. The noise level Leq,1 hr from road, rail traffic or industry at any location within the outdoor play or activity area during the hours when the child care centre is operating must not exceed 55 dB(A); and
    - b. The noise level Leq,1 hr from road, rail traffic or industry at any location within the indoor play or sleeping areas of the child care centre during the hours when the centre is operating must not exceed 40dB(A).
  - ii. **Aircraft**
    - a. The Lmax, slow noise level from aircraft at any location within the indoor play or sleeping areas of the child care centre during the hours when the centre is operating must not exceed 50 dB(A) in accordance with AS2021.

## ***Clustering***

- C12** If within 200 metres of another child care centre demonstrate:
- i. The concentration will not have an adverse impact with respect to noise, loss of privacy, traffic generation and on street parking, and
  - ii. The need for additional children's places in the location, supported by demographic and statistical analysis.

## ***Open space***

- C13** Take advantage of existing site conditions, identifying both desirable and undesirable elements, and emphasise the natural or garden environment.
- C14** Ensure that the external areas are free from lead contamination.
- C15** Do not locate between the front alignment of the building and the street, or in a side set back.

## ***Visual and acoustic privacy***

- C16** Lodge an acoustic report (prepared by a suitably qualified acoustic consultant) with the application that demonstrates:
- i. That noise from any source will not adversely impact on the occupants of the child care centre, and
  - ii. That noise generated by the child care centre will not impact on occupiers of nearby premises or land.
- C17** Incorporate measures to minimise noise impacts on neighbouring properties, such as:



- i. Orientating the facility with regard to neighbouring property layout, including locating playgrounds and playroom windows and doorways away from neighbouring bedrooms;
- ii. Using double-glazing where necessary;
- iii. Fencing that minimises noise transmission and loss of privacy (such as lapped and capped timber fencing, cement block, brick).

**C18** Do not increase building bulk or detrimentally affect building appearance through use of privacy screens or other impact reduction measures.