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Department of Planning, Industry and Environment

# Child care planning guideline

Delivering quality child care for NSW

September 2021



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## Acknowledgement of country

The Department of Planning, Industry and Environment acknowledges the traditional custodians of the land and pays respect to Elders past, present and future.

We recognise Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

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Child care planning guideline -  
Delivering quality child care for NSW

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NSW Department of Planning, Industry and Environment

# 1. Introduction

## 1.1 About this Guideline

This Guideline establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in NSW.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (the Education SEPP) determines that a consent authority must take into consideration this Guideline when assessing a development application (DA) for a centre-based child care facility ('child care facility').

It also determines this Guideline will take precedence over a Development Control Plan, with some exceptions, where the two overlap in relation to a child care facility.

Child care facilities are essential pieces of economic and social infrastructure that support better labour participation and allow communities to thrive. They bring significant social benefits including support for working families and a focal point for building social connections in communities. However, these facilities can have other impacts on the neighbours and the surrounding environment that need to be carefully considered through the design and assessment of the facilities.

This Guideline informs state and local government, industry and the community about how good design can maximise the safety, health and overall care of young children. At the same time, it aims to deliver attractive buildings that are sympathetic to the streetscape and appropriate for the setting while minimising any adverse impacts on surrounding areas. It will help achieve a high level of design that is practical and aligned with the National Quality Framework.

The Guideline will provide a consistent statewide planning and design framework for preparing and considering DAs for child care facilities.

## 1.2 Who is the Guideline for?

The Guideline is to assist and inform:

- developers, builders, child care providers and other professionals when preparing DAs for child care facilities

- planning professionals in state and local government when assessing development proposals by ensuring they know what defines a quality and compliant child care facility that can achieve subsequent service approval
- the wider community about planning and design considerations for the delivery of quality child care facilities.

## 1.3 What are the planning objectives?

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.

## 1.4 Where does this Guideline fit?

The Education SEPP generally provides that Development Control Plans seeking to regulate development for a child care facility will not apply, except for controls relating to building height, rear and side setbacks and car parking rates. For child care facilities in R2 Low Density Residential zones a floor space ratio of 0.5:1 applies, unless the relevant council's Local Environmental Plan or Development Control Plan specify an alternative floor space ratio. The following table helps different users understand how the Guideline fits with the Education SEPP, and how they should apply it.

The Guideline will also assist users whose proposals do not require development consent choose appropriate sites and locations and raise awareness of potential issues and impacts (for example providers seeking to temporarily re-locate after an emergency).

**Table 1 - Application of Child Care Planning Guideline**

<b>Education SEPP Provision</b>	<b>Applicants</b>	<b>Consent authorities</b>	<b>Regulatory authority: Concurrence / Service Approval</b>
Guideline as a consideration	Use the Guideline when preparing a development application to ensure once built, the development meets the physical requirements for the subsequent service approval application.	Consider Parts 2, 3 and 4 of the Guideline.  Review the National Quality Framework Assessment Checklist.	Assess Concurrence request against relevant sections of Part 4 and the National Quality Framework Assessment Checklist
Controls in Development Control Plans	The provisions of the Child Care Planning Guideline will generally take precedence over a Development Control Plan, other than building height, side and rear setbacks and car parking rates. For child care facilities in R2 Low Density Residential zones a floor space ratio of 0.5:1 applies, unless the relevant council's Local Environmental Plan or Development Control Plan specify an alternative floor space ratio.  Where there is no Development Control Plan, use all Parts of the Guideline to inform DA preparation.	The provisions of the Child Care Planning Guideline will generally take precedence over a Development Control Plan, other than building height, side and rear setbacks and car parking rates. For child care facilities in R2 Low Density Residential zones a floor space ratio of 0.5:1 applies, unless the relevant council's Local Environmental Plan or Development Control Plan specify an alternative floor space ratio.  Where there are no Development Control Plan provisions consider the development application against the matters in the Guideline.	N/A
Concurrence	Complete and submit National Quality Framework Assessment Checklist.  Prepare DA in accordance with Part 4 of the Guideline and Regulations 107 and 108 of the National Regulations.	Check National Quality Framework Assessment Checklist to assess need for concurrence.  Refer to regulatory authority if insufficient unencumbered indoor or outdoor space provided.	Check National Quality Framework Assessment Checklist to review unencumbered space provisions – indoor and outdoor.  Advise consent authority of determination regarding concurrence.

**Note:** The regulatory authority, as defined in the National Law and Regulations, is the Secretary of the NSW Department of Education.

## 2. Design quality principles

This Part outlines the design quality principles.

The design quality principles establish the broad design context guide of all new proposals for child care facilities, regardless of whether they are stand alone, part of a mixed-use development, modifications or retrofits of existing buildings or seeking to occupy premises without incurring new building works.

Good design is integral to creating sustainable and liveable communities. There is growing appreciation of the significant role that good design can play in education with increasing evidence that learning outcomes are closely related to the quality of learning environments. Factors such as air quality, ventilation, natural lighting, thermal comfort and acoustic performance have been shown to have a profound impact on learning, engagement, social interactions and competencies. They also contribute to wellbeing through creating a sense of belonging, self-esteem and confidence.

### **Principle 1 - Context**

Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.

Well-designed child care facilities take advantage of its context by optimising access by walking and public transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.

### **Principle 2 - Built form**

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.

Good design achieves an appropriate built form for a site and the building's purpose in terms of

building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.

### **Principle 3 - Adaptive learning spaces**

Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces' fit-out.

Good design achieves a mix of inclusive learning spaces to cater for all children and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

### **Principle 4 - Sustainability**

Sustainable design combines positive environmental, social and economic outcomes.

This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.



## Principle 5 - Landscape

Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

## Principle 6 - Amenity

Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of children and staff.

Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.

Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.

## Principle 7 - Safety

Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.

Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).

Well designed vehicular parking and access minimise traffic safety risks on children and staff.



### 3. Matters for consideration

This Part covers matters for consideration.

The considerations give guidance to applicants on how to design a high quality proposal that takes account of its surroundings and any potential environmental impacts the development may cause and to be mindful of potential impacts that may arise from existing uses and conditions within a locality.

The matters support the design principles and must be considered by the consent authority when assessing a DA for a child care facility. Child care facilities can be developed in a broad range of locations and need to be flexible in how they respond to the requirements and challenges this brings.

#### 3.1 Site selection and location

Not all sites will be suitable for child care facilities. This Guideline aims to help applicants choose a suitable site for a new service or facility. The most important question for each applicant is: Is the neighbourhood a good “fit” for the proposal?

The location and physical context of a child care facility should be safe and healthy for children. There are several environmental hazards to be aware of when locating a new proposal, for example, bush fire and flood prone land, and contaminated land. In addition, local councils may identify areas of significant hazard in their planning instruments and policies.

Child care facilities should also be compatible with the surrounding land uses. The predominant issues will vary depending on the location and setting of the site, the type of development being proposed, and the type of surrounding land use.

Issues will differ depending on how urbanised or how rural the area is. While matters such as fire safety and evacuation may be a priority in a multi-storey building in metropolitan areas, impact on residential amenity may be more significant in suburban areas and potential impacts from agricultural activities such as aerial spraying or odours may be more important in rural areas.

Another important consideration is the location of child care facilities with regard to road safety. Child care facilities should be located where pedestrian and vehicular conflicts are minimised. Appropriately locating child care facilities and pedestrian paths can reduce the likelihood of incidents involving pedestrians and traffic from occurring and can reduce the severity of these incidents.

Road safety and traffic efficiency concerns can arise from child care facilities being located with direct access to roads with higher traffic volumes, higher operating speeds and more heavy vehicles. Where possible, locating child care facilities on sites adjoining and with access to local roads minimises the potential for conflicts between child pedestrians and traffic in the first instance.



## Considerations

**Objective: To ensure that appropriate zone considerations are assessed when selecting a site.**

### C1

For proposed developments in or adjacent to a residential zone, particularly if that zone is for low density residential uses consider:

- the acoustic and privacy impacts of the proposed development on the residential properties
- the setbacks and siting of buildings within the residential context
- visual amenity impacts (e.g. additional building bulk and overshadowing, local character)
- traffic and parking impacts of the proposal on residential amenity and road safety

For proposed developments in commercial and industrial zones, consider:

- potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions
- the potential impact of the facility on the viability of existing commercial or industrial uses.

For proposed developments in public or private recreation zones, consider:

- the compatibility of the proposal with the operations and nature of the community or private recreational facilities
- if the existing premises is licensed for alcohol or gambling
- if the use requires permanent or casual occupation of the premises or site
- the availability of on-site parking
- compatibility of proposed hours of operation with surrounding uses, particularly residential uses
- the availability of appropriate and dedicated sanitation facilities for the development.

For proposed developments on school, TAFE or university sites in Special Purpose zones consider:

- the compatibility of the proposal with the operation of the institution and its users
- the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling

- proximity to sources of noise, such as places of entertainment or mechanical workshops
- proximity to odours, particularly at agricultural institutions
- previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like.

**Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.**

### C2

When selecting a site, ensure that:

- the location and surrounding uses are compatible with the proposed development or use
- the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards
- there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed
- the characteristics of the site are suitable for the scale and type of development proposed having regard to:
  - length of street frontage, lot configuration, dimensions and overall size
  - number of shared boundaries with residential properties
- the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas
- where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item.
- there are suitable and safe drop off and pick up areas, and off and on street parking
- the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use
- the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities

- it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.

**Objective: To ensure that sites for child care facilities are appropriately located.**

### C3

A child care facility should be located:

- near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship
- near or within employment areas, town centres, business centres, shops
- with access to public transport including rail, buses, ferries
- in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.

**Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.**

### C4

A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

- proximity to:
  - heavy or hazardous industry, waste transfer depots or landfill sites
  - Liquefied Petroleum Gas (LPG) tanks or service stations
  - water cooling and water warming systems
  - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses
  - extractive industries, intensive agriculture, agricultural spraying activities
- any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.



## 3.2 Local character, streetscape and the public domain interface

A detailed understanding of the overall site context will help create a well-designed and integrated child care facility. Context is the character and setting of the area within which the facility will sit. This character and setting is influenced by environmental, physical, economic and social factors.

Local character is what makes an area distinctive. It is created by the way built and natural elements in both the public realm and private domain interrelate with one another. Built form, bulk, scale and height as well as landscaping and good design all play a part in ensuring the character of an area is maintained while still allowing for new development to occur. Good design in the built environment is informed by and derived from its location, context and social setting.

The key priorities when responding to character and context are:

**Communities** - understanding social dynamics can help developments reinforce local communities.

**Place** - drawing inspiration from indigenous character and heritage can strengthen local identity.

**Natural resources** - maximising use of the intrinsic resources of the site can create more sustainable developments.

**Connections** - understanding existing street and road linkages can help develop an effective and integrated movement framework.

**Feasibility** - ensuring schemes are economically viable and deliverable.

**Vision** - understanding the aspirations of the site within the setting of the wider area.

Streetscape impacts are integral to local character and identity. Streetscape is particularly important in areas with a strong unified, environmental, architectural, design, planting or cultural character such as scenic protection areas, environmental protection areas or heritage and urban conservation areas.

The public domain interface is the transition area between the child care facility, its private or communal space at the street edge and the public domain. The interface contributes to the quality and character of the street.

Key components to consider when designing the interface include entries, fences and walls, changes in level, service locations interactions with outdoor play spaces and the location and size of street facing windows.

New development should also appropriately consider surrounding identified heritage items and identified heritage conservation areas. Local heritage provisions may apply to the proposal.

## Consideration of local character

The local character of the surrounding neighbourhood should be considered when designing a child care facility. Child care facilities can have impacts on a local area, including traffic, noise, privacy impacts. These facilities may affect different localities in different ways depending on the existing development types and local character of the area.

**Neighbours** - Adjoining neighbours and those immediately surrounding the site may experience impacts from a proposed child care facility. Well-designed child care facilities reflect the local character, including adjacent sites and properties. Design should consider elements such as building orientation, building envelope (height and setbacks), floor space ratios, roof facades, construction material, positioning of open play space, if the site is a heritage item or in a heritage conservation area and car parking.

**Neighbourhood** - Well-designed child care facilities minimise adverse impacts, including on the natural and built neighbourhood. Facilities should reflect the neighbourhood, streetscapes and local character of the area, including nearby heritage items and heritage areas. The contextual fit of well-designed facilities can also be achieved by using landscaping to positively contribute to neighbourhood amenity.

## Considerations

**Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.**

### C5

The proposed development should:

- contribute to the local area by being designed in such a way to respond to the character of the locality and existing streetscape
- build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place
- reflect the predominant form of surrounding land uses, particularly in low density residential areas
- recognise and respond to predominant streetscape qualities, such as building form, scale, materials and colours

- include design and architectural treatments that respond to and integrate with the existing streetscape and local character
- use landscaping to positively contribute to the streetscape and neighbouring and neighbourhood amenity
- integrate car parking into the building and site landscaping design in residential areas
- in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved.

**Objective: To ensure clear delineation between the child care facility and public spaces**

### C6

Create a threshold with a clear transition between public and private realms, including:

- fencing to ensure safety for children entering and leaving the facility
- windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and a connection between the facility and the community
- integrating existing and proposed landscaping with fencing.

### C7

On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.

### C8

Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:

- clearly defined street access, pedestrian paths and building entries
- low fences and planting which delineate communal/private open space from adjoining public open space
- minimal use of blank walls and high fences.

**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.**

### C9

Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.

### C10

High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.

## 3.3 Building orientation, envelope, building design and accessibility

Orientation refers to the position of a building and its internal spaces in relation to its site, the street, the subdivision and neighbouring buildings, vistas and weather factors such as sun and wind. Building orientation influences the urban form of the street and building address. In residential areas, orientation of the facility may directly affect residential amenity including solar access and visual and acoustic privacy.

The building envelope is determined by the permissible building height and site setbacks. The following elements of building design make up the overall form.

**Building height** - helps shape the desired future character of a place relative to its setting and topography.

**Setbacks** - are usually expressed as the distance of a building from property boundaries. Setbacks are important to the amenity of new development and buildings on adjacent sites. Setbacks to the street establish the alignment of buildings along a street frontage. Combined with building height and road reservation, street setbacks define the proportion and scale of the street and contribute to the character of the public domain.

**Floor space ratios** - of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. Floor space ratios can be used to define and regulate the bulk and scale of developments.

**Architectural form** - defines a building as viewed from a distance and makes a strong contribution to local character. Aesthetics and articulation can assist in refining the form and enhancing it with scale and proportion by providing a balanced composition of solid and void.

**Roof design** - forms an important part of the skyline and may provide opportunities for open space. Roof design can reduce a building's bulk and visual impact.



**Facades** - contribute to the visual interest of the building and the character of the local area. They have an impact on the public domain where they face the street and may influence the amenity of neighbouring buildings.

**Materials and finishes** - including consistency of finish, durability of surface finishes and fixtures, resistance to damage and vandalism, and minimal recurrent maintenance provide visual interest and create good amenity and a positive visual impact.

Buildings for child care services must be designed so that they are safe and secure for children, staff and other users.

Child care facilities need to allow equitable access by all members of the community, including those with disabilities. They should also provide suitable play areas for children with disabilities.

## Considerations

**Objective: To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade.**

### C11

Orient a development on a site and design the building layout to:

- ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by
  - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties
  - placing play equipment away from common boundaries with residential properties
  - locating outdoor play areas away from residential dwellings and other sensitive uses
- optimise solar access to internal and external play areas
- avoid overshadowing of adjoining residential properties
- minimise cut and fill
- ensure buildings along the street frontage define the street by facing it
- ensure where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.

**Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.**

### C12

The following matters may be considered to minimise the impacts of the proposal on local character:

- building height should be consistent with other buildings in the locality
- building height should respond to the scale and character of the street
- setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility
- setbacks should provide adequate access for building maintenance
- setbacks to the street should be consistent with the existing character.

Where a Local Environmental Plan or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a child care facility in the R2 zone.

**Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.**

### C13

Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.

### C14

On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.



**Objective: To ensure that buildings are designed to create safe environments for all users.**

### C15

Entry to the facility should be limited to one secure point which is:

- located to allow ease of access, particularly for pedestrians
- directly accessible from the street where possible
- directly visible from the street frontage
- easily monitored through natural or camera surveillance
- not accessed through an outdoor play area.
- in a mixed-use development, clearly defined and separate from entrances to other uses in the building.

**Objective: To ensure that child care facilities are designed to be accessible by all potential users.**

### C16

Accessible design can be achieved by:

- providing accessibility to and within the building in accordance with all relevant legislation
- linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry
- providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible
- minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.

**Note:** The National Construction Code and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.



## 3.4 Landscaping

Landscaping of child care facilities can play an important role in integrating facilities into the surrounding streetscape and context. Good integration of facilities benefits neighbours and future residents.

Special attention is required when designing landscaping for sites on bush fire prone land (for detailed guidance refer to Planning for Bush Fire Protection and NSW Rural Fire Service website.) The type, location and ongoing maintenance of landscaping within the Asset Protection Zone (APZ) is a necessary Bush Fire Protection Measure.

### Considerations

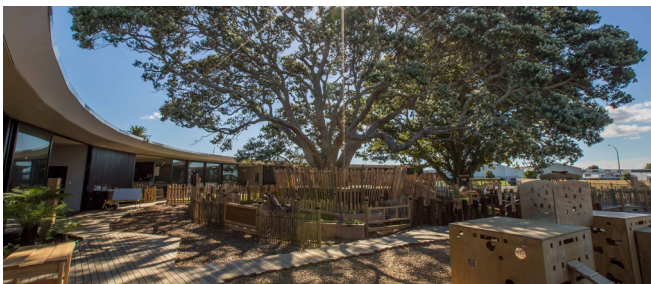
**Objective: To provide landscape design that contributes to the streetscape and amenity.**

#### C17

Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.

Use the existing landscape where feasible to provide a high quality landscaped area by:

- reflecting and reinforcing the local context
- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.



#### C18

Incorporate car parking into the landscape design of the site by:

- planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings
- taking into account streetscape, local character, pedestrian safety and context when siting car parking areas within the front setback
- using low level landscaping to soften and screen parking areas.

## 3.5 Visual and acoustic privacy

Visual privacy is about allowing residents on adjacent properties to occupy their private space without being overlooked by child care facilities and ensuring child care facilities are not overlooked by neighbouring properties. Privacy is influenced by the activities in each of the spaces where overlooking may occur, the times and frequency these spaces are being used, the expectations of occupants for privacy and residents' willingness to reduce overlooking with screening devices.

Acoustic privacy involves reducing sound transmission between activity rooms and outdoor play areas of the child care facility and its neighbours. Design and site layout are the main ways of reducing acoustic impacts for example:

- site context and orientation of the building
- building design including the location of public and private open spaces and the arrangement of internal spaces
- physical relationship to surrounding uses
- building separation and providing physical barriers between the outdoor areas and the noise receivers.

Outdoor areas near residential uses can be designed to encourage more passive activities. Acoustic attenuation measures can be used to reduce reflected noise and once a facility is operating the installation of public address systems should be discouraged.

### Considerations

**Objective: To protect the privacy and security of children attending the facility.**

#### C19

Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.

#### C20

Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

- appropriate site and building layout
- suitably locating pathways, windows and doors
- permanent screening and landscape design.

**Objective: To minimise impacts on privacy of adjoining properties.**

**C21**

Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

- appropriate site and building layout
- suitable location of pathways, windows and doors
- landscape design and screening.

**Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.**

**C22**

A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use. An acoustic fence is one that is a solid, gap free fence
- ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.

**C23**

A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:

- identify an appropriate noise level for a child care facility located in residential and other zones
- determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use
- determine the appropriate height of any acoustic fence to enable the noise criteria to be met.



## 3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff. The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

The Protection of the Environment Operations Act 1997 provides the statutory framework for managing air emissions in NSW and should be consulted when proposing facilities in or close to industrial areas. The Protection of the Environment Operations (Clean Air) Regulation sets air emission standards for different industries.

### Considerations

**Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.**

#### C24

Adopt design solutions to minimise the impacts of noise, such as:

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of openings facing noise sources
- using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources.

#### C25

An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:

- on industrial zoned land
- where the ANEF contour is between 20 and 25
- along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007
- on a major or busy road
- other land that is impacted by substantial external noise.

**Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.**

#### C26

Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.

#### C27

A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.

The air quality assessment report should evaluate design considerations to minimise air pollution such as:

- creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution
- using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway
- incorporating ventilation design into the design of the facility.

## 3.7 Hours of operation

The hours of operation of child care facilities should not adversely impact the amenity of surrounding properties, particularly in residential areas. However, there is increasing demand for child care services outside the standard 7.00am – 7.00pm period as working hours become increasingly flexible for both shift and office workers. Hence there is a need to strike a balance between the needs of families and compatibility with the surrounding uses in an area.

### Considerations

**Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.**

#### C28

Hours of operation where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.

#### C29

Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.



## 3.8 Traffic, parking and pedestrian circulation

Site access from the public road to the site is important to ensure safety. At the same time, a safe pedestrian environment is essential on the site.

Car parking areas need to ensure the safety of all visitors to the site, whether it is a stand-alone facility or part of a mixed use residential, commercial or industrial development.

On- and off-site conflicts with children, visitors and users of the facility should be minimised through a combination of design and management plans. For example, drop off, parking, play areas and pedestrian access points in light industrial or commercial areas need to be carefully sited, away from heavy vehicle traffic and main roads to minimise risk of accidents.

Providing suitable parking arrangements for staff, parents and visitors will facilitate a quality environment and convenience for users. Car parking rates are generally measured as a function of capacity, that is, spaces per number of children and staff. The capacity of a facility will be determined by several factors dictated by compliance with requirements under the National Quality Framework. These include:

- the amount of unencumbered space provided within a facility
- the reigning staff / child ratio provisions.

The number of car parking spaces provided on the site should be determined relative to the availability, frequency and convenience of public transport and the safety and amenity consequences of parking overflowing into adjoining streets. Facilities located in inner urban and high-density areas may require fewer off street car parking spaces than in lower density areas with limited access to transport, employment and services.

Car parking within a basement can provide optimum use of the site area and minimise visual impacts.

Where basement car parking is provided, design should aim to:

- locate car park entries behind the building line
- integrate entries with the overall building façade. Design options include ventilation grills, louvres, screening devices, 'hit and miss' brickwork and similar cladding finishes
- minimise visual prominence. This can be done by stepping car park levels or using split levels on sloping sites
- direct visitors to this parking to minimise on-street parking.

Bicycle parking should be provided suitable for the context and user needs of the centre.

## Considerations

**Objective: To provide parking that satisfies the needs of users and the demand generated by the centre and to minimise conflicts between pedestrians and vehicles.**

### C30

Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.

Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:

Within 400 metres of a railway or Metro station within Greater Sydney:

- 1 space per 10 children
- 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.

In other areas:

- 1 space per 4 children.

A reduction in car parking rates may be considered where:

- the proposal is an adaptive reuse of a heritage item
- the site is in a B8 Metropolitan Zone or other high-density business or residential zone
- the site is in proximity to high frequency and well connected public transport
- the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, public or commercially operated car parks)

- there is sufficient on street parking available at appropriate times within proximity of the site.

### C31

In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.

### C32

A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses, to optimise the safety and convenience of the parking area(s) and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:

- the amenity of the surrounding area will not be affected
- there will be no impacts on the safe operation of the surrounding road network.

**Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.**

### C33

Alternate vehicular access should be provided where child care facilities are on sites fronting:

- a classified road
- roads which carry freight traffic or transport dangerous goods or hazardous materials.

The alternate access must have regard to:

- the prevailing traffic conditions
- pedestrian and vehicle safety including bicycle movements
- the likely impact of the development on traffic.

### C34

Child care facilities proposed within cul-de-sacs or via narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.

**Objective: To provide a safe and connected environment for pedestrians both on and around the site.**

### C35

The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings and defined/separate paths included within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors
- pedestrian paths that enable two prams to pass each other
- delivery, loading and vehicle turnaround areas located away from the main pedestrian access to the building and in clearly designated, separate facilities
- minimise the number of locations where pedestrians and vehicles cross each other
- in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas
- vehicles can enter and leave the site in a forward direction
- clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations.

### C36

Mixed use developments should include:

- driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks
- drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site
- parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.

### C37

Car parking design should:

- include a child safe fence to separate car parking areas from the building entrance and play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards
- include wheelchair and pram accessible parking.



## 4. Applying the National Regulations to development proposals

This part covers:

### Internal physical environment

This section describes the specific regulations that apply to internal physical environment matters, references related construction standards and provides design guidance on how the regulations may be met.

### External physical environment

This section describes the specific regulations that apply to external physical environmental matters, references related construction standards and provides design guidance on how the regulations may be met.

### Best practice example

This section outlines the recommended layout for a stand-alone child care facility by bringing together the internal and external physical environmental matters. The underpinning principles may also be applied to mixed use developments which include a centre-based child care facility in commercial, industrial or high-density zones.

### National Quality Framework Assessment Checklist

The checklist will assist applicants to demonstrate that the development is designed to achieve the requirements of Part 4.3 Physical Environment of the Education and Care Services National Regulations.

The physical environment of a child care facility must be safe, suitable and provide a rich and diverse range of experiences that promote children's learning and development.

This fundamentally underpins the National Regulations covering education and care services, which need to be met before a child care facility can be given service approval to operate. The good design of a child care facility is a major contributor to ensuring these Regulations are addressed and service approval processing is quick and efficient.

The SEPP states that if the requirements of the National Regulations relating to the amount of unencumbered indoor and outdoor space are not met in a DA in NSW, the concurrence of the regulatory authority will be required. In determining whether to grant or refuse concurrence, the authority must consider all requirements applicable to the proposal under the Regulations.

The following advice and information will assist child care developers and operators in applying the requirements of the National Regulations when preparing DAs. The minimum construction standards contained in the National Construction Code relating to child care facilities also apply.





# A. Internal physical environment

## 4.1 Indoor space requirements

### Regulation 107

#### Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.

#### **If this requirement is not met, the concurrence of the regulatory authority is required under the Education SEPP.**

Unencumbered indoor space excludes any of the following:

- passageway or thoroughfare (including door swings) used for circulation
- toilet and hygiene facilities
- nappy changing area or area for preparing bottles
- area permanently set aside for the use or storage of cots
- area permanently set aside for storage
- area or room for staff or administration
- kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen
- on-site laundry
- other space that is not suitable for children.

All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces must allow for the safe supervision of children, within each space.

When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in Regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in Regulation 124(5) and (6) of the National Regulations.

Applicants should also note that Regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.

Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.

### Design guidance

#### Verandahs as indoor space

For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space (refer to Figure 1).

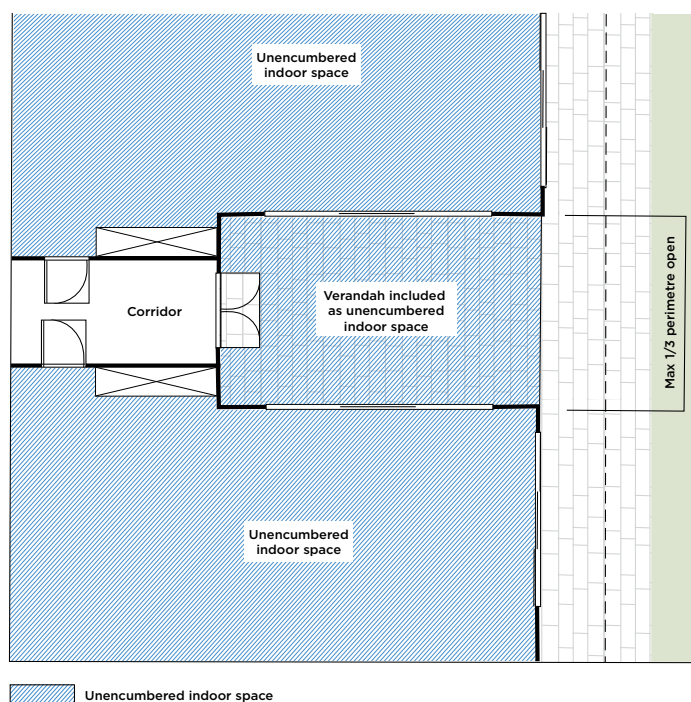


Figure 1 An outdoor verandah can be included as unencumbered indoor space with written approval. In spatial calculations this can only be counted once.

### Storage

Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas need to be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:

- a minimum of 0.3m<sup>3</sup> per child of external storage space
- a minimum of 0.2m<sup>3</sup> per child of internal storage space.

Storage does not need to be in a separate room or screened, and there should be a mixture of safe shelving and storage that children can access independently.

Storage of items such as prams, bikes and scooters should be located adjacent to the building entrance.

Where an external laundry service is used, storage and collection points for soiled items should be in an area with separate external access, away from children. This will prevent clothes being carried through public areas and reduce danger to children during drop off and collection of laundry.

## 4.2 Laundry and hygiene facilities

### **Regulation 106**

#### **Education and Care Services National Regulations**

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 is not accessible by, and does not pose a risk to, children.

Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.

### **Design guidance**

Laundry and hygiene facilities are a key consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of children accommodated.

#### **On site laundry**

On site laundry facilities should contain:

- a washer or washers capable of dealing with the heavy requirements of the facility
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning
- an on-site laundry cannot be calculated as useable unencumbered play space for children (refer to Figure 2).

#### **External laundry service**

A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.

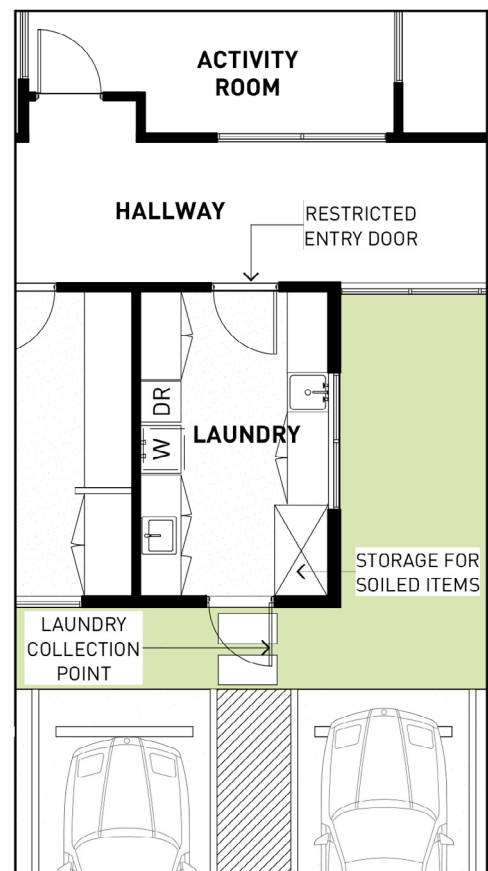


Figure 2 A typical child care facility laundry layout. External access may be provided if laundry is done off site or for deliveries.



A typical child care facility laundry with plenty of storage.



Windows from activity rooms provide adequate supervision into the bathrooms.

### 4.3 Toilet and hygiene facilities

#### **Regulation 109**

#### **Education and Care Services National Regulations**

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.

Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.

#### **Design guidance**

Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to Figure 3). Design considerations could include:

- junior toilet pans, low level sinks and hand drying facilities for children
- a sink and handwashing facilities in all bathrooms for adults
- direct access from both activity rooms and outdoor play areas
- windows into bathrooms and cubicles without doors to allow adequate supervision by staff
- external windows in locations that prevent observation from neighbouring properties or from side boundaries.

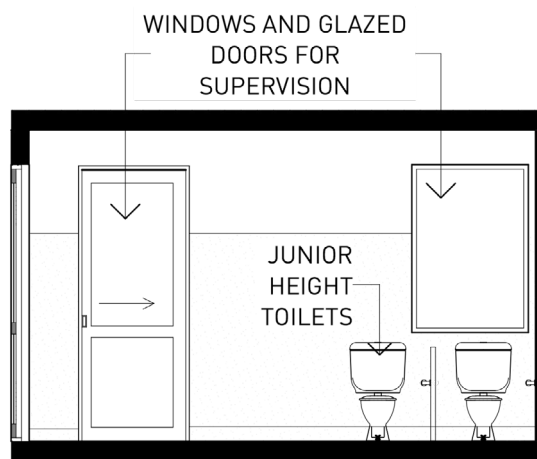
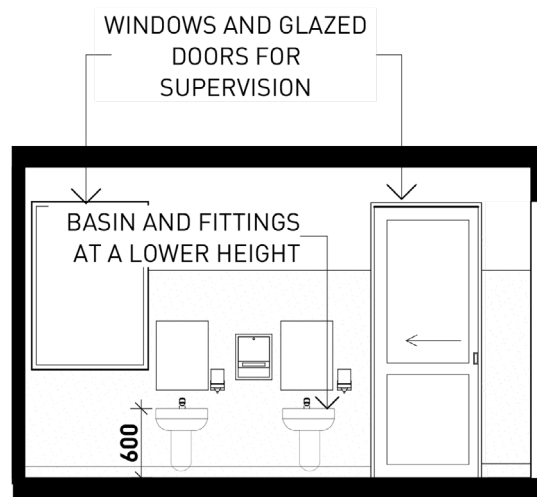


Figure 3 Bathroom facilities including toilet pans for use by children at a lower height.

## 4.4 Ventilation and natural light

### Regulation 110

#### Education and Care Services National Regulations

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.

### Design guidance

#### Ventilation

Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility.

To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.

#### Natural light

Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights.

Designers should aim to minimise the need for artificial lighting during the day, especially in

circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.



Louvres can be incorporated to allow for ventilation when doors are closed.



Clerestory windows are effective at adding natural light to activity rooms.



High ceiling heights provide good proportion in long and wide rooms.

## 4.5 Administrative space

### Regulation 111

#### Education and Care Services National Regulations

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.

### Design guidance

Design considerations could include closing doors for privacy and glass partitions to ensure supervision.

Note: Areas or rooms for staff and administration are excluded in the calculation of unencumbered indoor space under National Regulation 107.

When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot (refer Figure 4). Sound proofing of meeting rooms may be appropriate where they are located adjacent to public areas, or in large rooms where sound can easily travel.

Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheel chair.



Reception spaces in administrative areas should be welcoming to adults and children and be designed for equitable access by all.

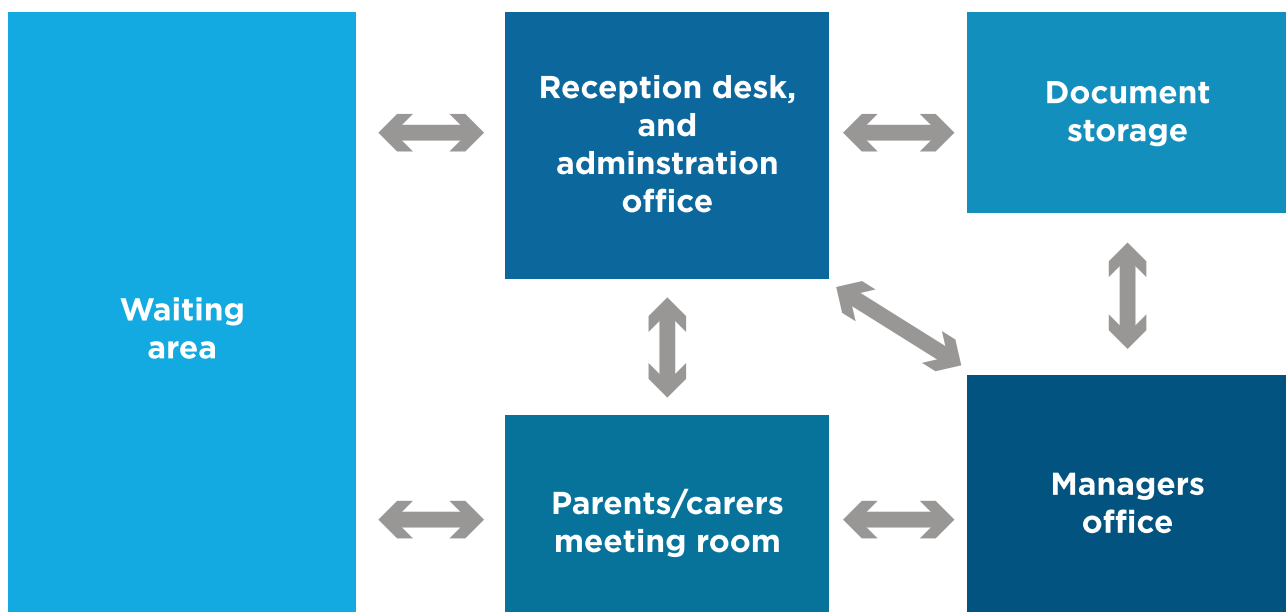


Figure 4 Diagram showing relationships between administrative spaces within a child care facility. Requirements of rooms and functions may vary depending on the size and individual requirements of the facility.

## 4.6 Nappy change facilities

### **Regulation 112**

#### **Education and Care Services National Regulations**

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.

Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.

#### **Design guidance**

In circumstances where nappy change facilities must be provided, design considerations should include:

- properly constructed nappy changing bench or benches
- a bench type baby bath within one metre from the nappy change bench
- the provision of dedicated hand cleansing facilities for adults in the immediate vicinity of the nappy change area
- a space to store steps
- positioning to enable adequate supervision of the activity and play areas.



## 4.7 Premises designed to facilitate supervision

### Regulation 115

#### Education and Care Services National Regulations

A centre-based service must ensure 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 adequate supervision of children at all times, having regard to the need to maintain their rights and dignity.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.

#### Design guidance

Design considerations should include:

- solid walls in children’s toilet cubicles (but no doors) to provide dignity whilst enabling supervision
- locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties
- avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children
- avoiding multi-level rooms which compromise, or require additional staffing, to ensure adequate supervision. If multi-level spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities (refer to Figures 5, 6 and 7).

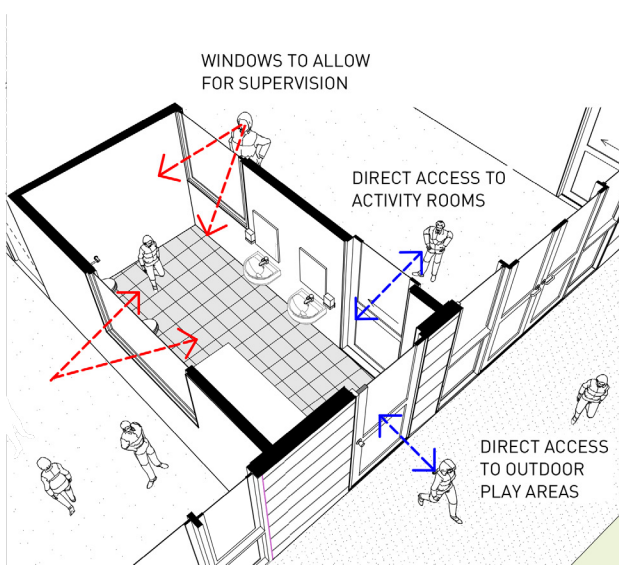


Figure 5 Bathroom facilities to have direct access to outdoor areas and activity rooms. Supervision requirements need to be considered in the design to prevent blind spots.

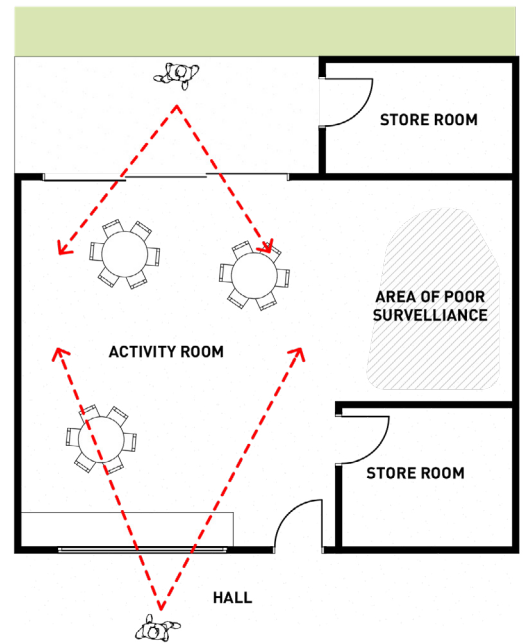


Figure 6 Avoid tucked away areas as these reduce effective supervision.

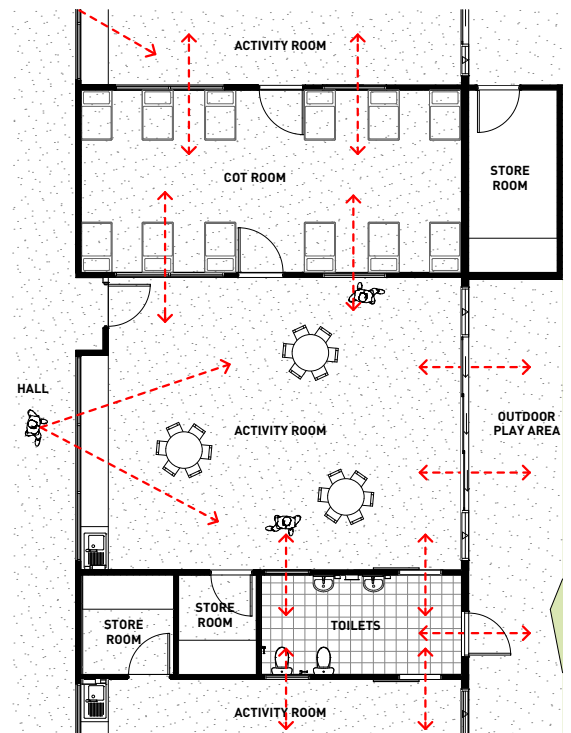


Figure 7 Good design of spaces allows for effective supervision between all areas children will occupy.

## 4.8 Emergency and evacuation procedures

### Regulations 97 and 168

#### Education and Care Services National Regulations

Regulation 168 sets out the list of procedures that an education and care service must have, including procedures for emergency and evacuation.

Regulation 97 sets out the detail for what those procedures must cover including:

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service.

Risks associated with multi-storey buildings, including the appropriate child-to-staff ratios and emergency and evacuation plans, need to be assessed in the context of the service approval. These matters need to be considered by the Quality Assurance and Regulatory Services Directorate, Early Childhood Education on behalf of the Secretary of the NSW Department of Education.

There are circumstances where a service approval may approve a maximum number of children that is lower than the development consent, for example due to complexities related to evacuation. The lowest maximum number of children should prevail, whether it be in the development consent or the service approval to further the health, safety and well being of children. That said, the applicant may still apply to modify either the service approval or the development consent to increase the maximum number of children.

#### Design guidance

Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

This should take into consideration the number and age of the occupants, emergency and evacuation plans, the location of the facility and the relevant fire safety measures within the building.

Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:

- independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations
- child appropriate handrails and barriers if shared fire stairs are utilised
- a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation.

For all child care facilities, an emergency and evacuation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings
- how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.

#### Fire safety of centres in high rise buildings

The design and construction of new child care facilities must comply with the requirements of the National Construction Code. Specific fire safety provisions apply to certain child care facilities including those in multi-storey buildings.





## B. External physical environment

### 4.9 Outdoor space requirements

#### **Regulation 108**

#### **Education and Care Services National Regulations**

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.

If this requirement is not met, the concurrence of the regulatory authority is required under the Education SEPP.

Unencumbered outdoor space excludes any of the following:

- pathway or thoroughfare, except where used by children as part of the education and care program
- car parking area
- storage shed or other storage area
- laundry
- other space that is not suitable for children.

When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in Regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in Regulation 124(5) and (6) of the National Regulations.

Applicants should also note that Regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.

A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.

#### **Design guidance**

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for

landscaping purposes and not for children's play (refer to Figure 9 and 10).

When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.

#### **Verandahs (covered outdoor space) as outdoor space**

Where a covered space such as a verandah is to be included in outdoor space it should:

- be open on at least one third of its perimeter
- have a clear height of 2.1 metres
- have a wall height of less than 1.4 metres where a wall with an opening forms the verandah perimeter
- have adequate flooring and roofing
- be designed to provide adequate protection from the elements (refer to Figure 8).



Outdoor play areas are important for growth and development.

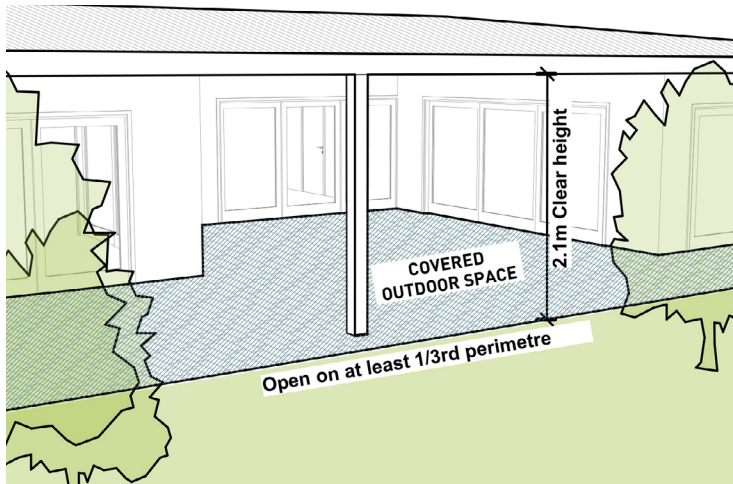


Figure 8 Covered areas such as verandahs can be included in outdoor space calculations.



Figure 9 Dense planting along boundaries and other areas not suitable for children should be excluded when calculating outdoor unencumbered space.

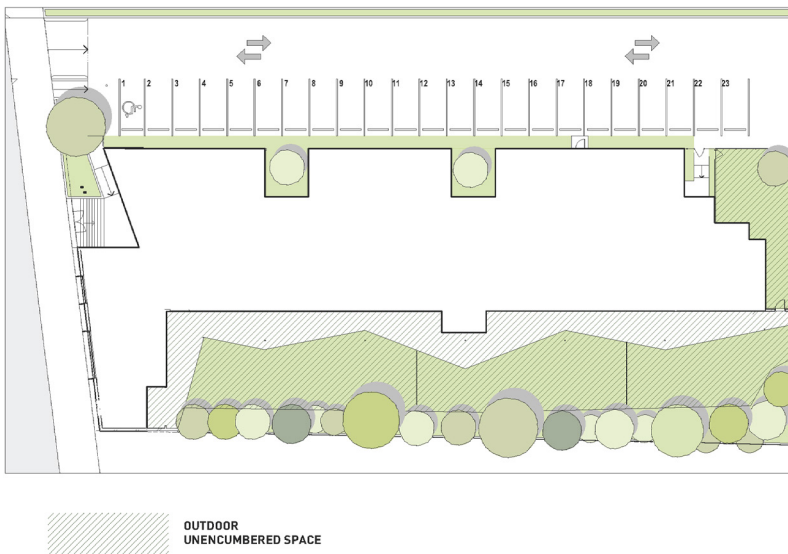


Figure 10 Areas to be included when calculating outdoor unencumbered space.

## Simulated outdoor environments

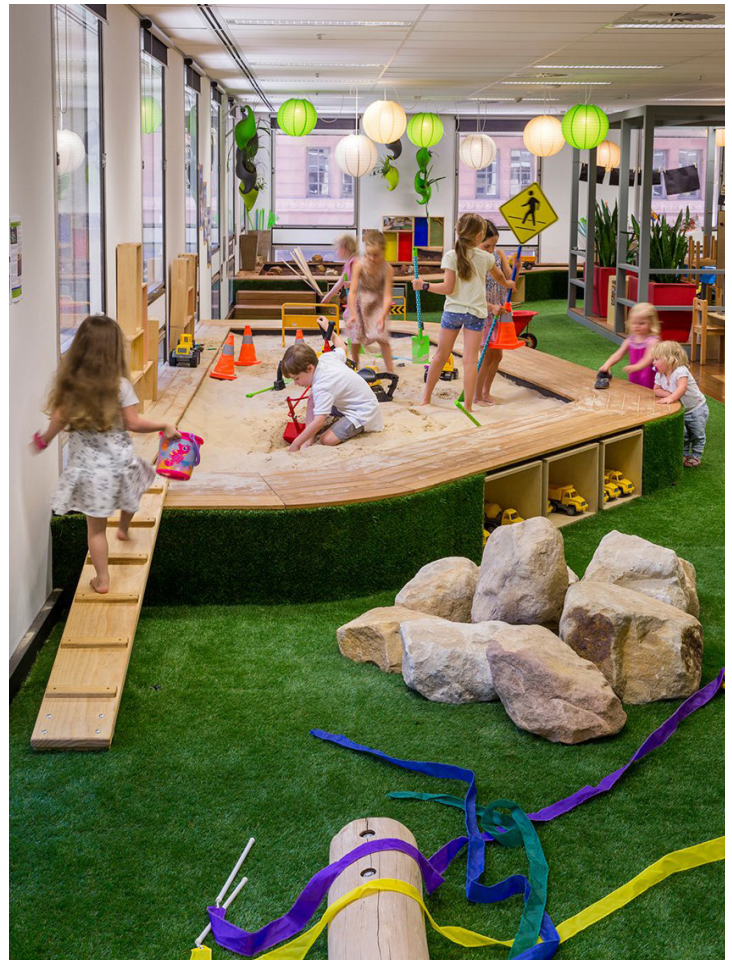
Applicants should aim to provide the requisite amount of unencumbered outdoor space in all development applications.

A service approval will only be granted in exceptional circumstances when outdoor space requirements are not met. For an exemption to be granted, the preferred alternate solution is that indoor space be designed as a simulated outdoor environment.

Simulated outdoor space must be provided in addition to indoor space and cannot be counted twice when calculating areas.

Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play. Simulated outdoor environments should have:

- more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility
- skylights to give a sense of the external climate
- a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment
- sand pits and water play areas
- furniture made of logs and stepping logs
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.



Simulated outdoor environments contain sand pits, rocks and elements from the natural environment.



An indoor space designed to be a simulated outdoor space.

## 4.10 Natural environment

### **Regulation 113**

#### **Education and Care Services National Regulations**

The approved provider of a centre-based service must ensure that the outdoor spaces allow children to safely explore and experience the natural environment.

#### **Design guidance**

Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.

Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health and safety of the centre's occupants, such as those which:

- are known to be poisonous, produce toxins or have toxic leaves or berries
- have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches.

The outdoor space should be designed to:

- provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- ensure adequate supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.



Natural environments are important for growth and play.

## 4.11 Shade

### **Regulation 114**

#### **Education and Care Services National Regulations**

The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

### **Design guidance**

Providing the correct balance of sunlight and shade to play areas is important for the health and well-being of children and staff. Combining built and natural shade will often be the best option.

### **Solar access and sun protection**

Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. However, exposure to ultraviolet radiation in childhood significantly increases the chances of getting skin cancer later in life.

Outdoor play areas should be provided with controlled solar access throughout the year, including protecting children and staff from ultraviolet radiation from the sun and play equipment from becoming hot. Well-designed play spaces provide comfortable and safe areas for children to engage in activities for improved health and well-being.

Outdoor play areas should:

- have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m<sup>2</sup>) of the 7.0m<sup>2</sup> of outdoor space per child required.
- adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area
- have evenly distributed shade structures over different activity spaces.

### **Natural shade**

Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide

shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended.

Dense shrubs can also provide shade. They should be planted around the site perimeter so they don't obstruct supervision. Pruning shrubs on the underside may create shaded play nooks underneath.

Planting for shade and solar access is enhanced by:

- placing appropriately scaled trees near the eastern and western elevations
- providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.

### **Built shade structures**

Built structures providing effective shade include:

- permanent structures (pergolas, sails and verandahs)
- demountable shade (marquees and tents)
- adjustable systems (awnings)
- shade sails.

Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 metres. The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.



Shade structure can be a fixed structural element or a shade sail.

## 4.12 Fencing

### Regulation 104

#### Education and Care Services National Regulations

Any outdoor space used by children must be 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.

This Regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.

Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.

#### Design guidance

Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding area. In general, fencing around outdoor spaces should:

- prevent children climbing over, under or through fences
- prevent people outside the facility from gaining access by climbing over, under or through the fence

- not create a sense of enclosure
- if the outdoor space is being fenced internally, then the fence must be at least 1.2m high.

Design considerations for side and rear boundary fences should include:

- being made from solid prefinished metal, timber or masonry
- having a minimum height of 1.8 metres
- having no rails or elements for climbing higher than 150mm from the ground.

Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards, Austroads and Transport for NSW traffic management guidance. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems (refer to Figure 11).

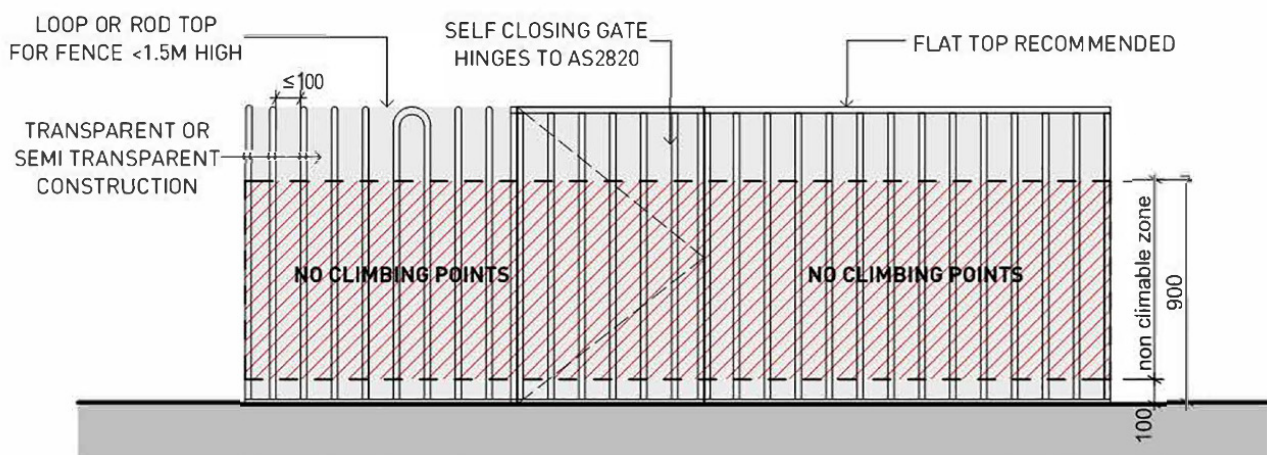


Figure 11 Heights and requirements for child care facility fencing.

## 4.13 Soil assessment

### **Regulation 25**

#### **Education and Care Services National Regulations**

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.

With every service application one of the following is required:

- a soil assessment for the site of the proposed education and care service premises
- if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken
- a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.

### **Design Guidance**

To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process.

Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil. This includes sites with or without buildings and existing approved children's services where:

- the application is to alter or extend the premises
- the alteration or extension requires earthworks or deep excavations (exceeding a depth of one metre)
- the works are going to take place in an area used for children's outdoor play or will be used for children's outdoor play after the work is completed
- a soil assessment has not been undertaken at the children's service.

Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment.

An assessment of soil for a children's service approval application may require three levels of investigation:

- Stage 1 - Preliminary investigation (with or without soil sampling)
- Stage 2 - Detailed site investigation
- Stage 3 - Site specific human health risk assessment.

## C. Best practice example

Figure 12 is a sample plan of a facility designed with a best practice layout. The arrangement of rooms is linear with activity rooms and administration areas located off a central hallway.

Children's bathrooms and cot rooms are located between activity rooms to allow direct and easy access from both internal and external play areas.

Administration and services rooms such as the laundry and kitchen are located nearest the parking. This allows for separate access for deliveries away from children and their play areas.

The best practice example shows an optimal layout for new single storey, standalone developments. However, many of the underpinning principles apply equally to modifications of existing facilities, mixed use developments, and conversions of buildings to new facilities.

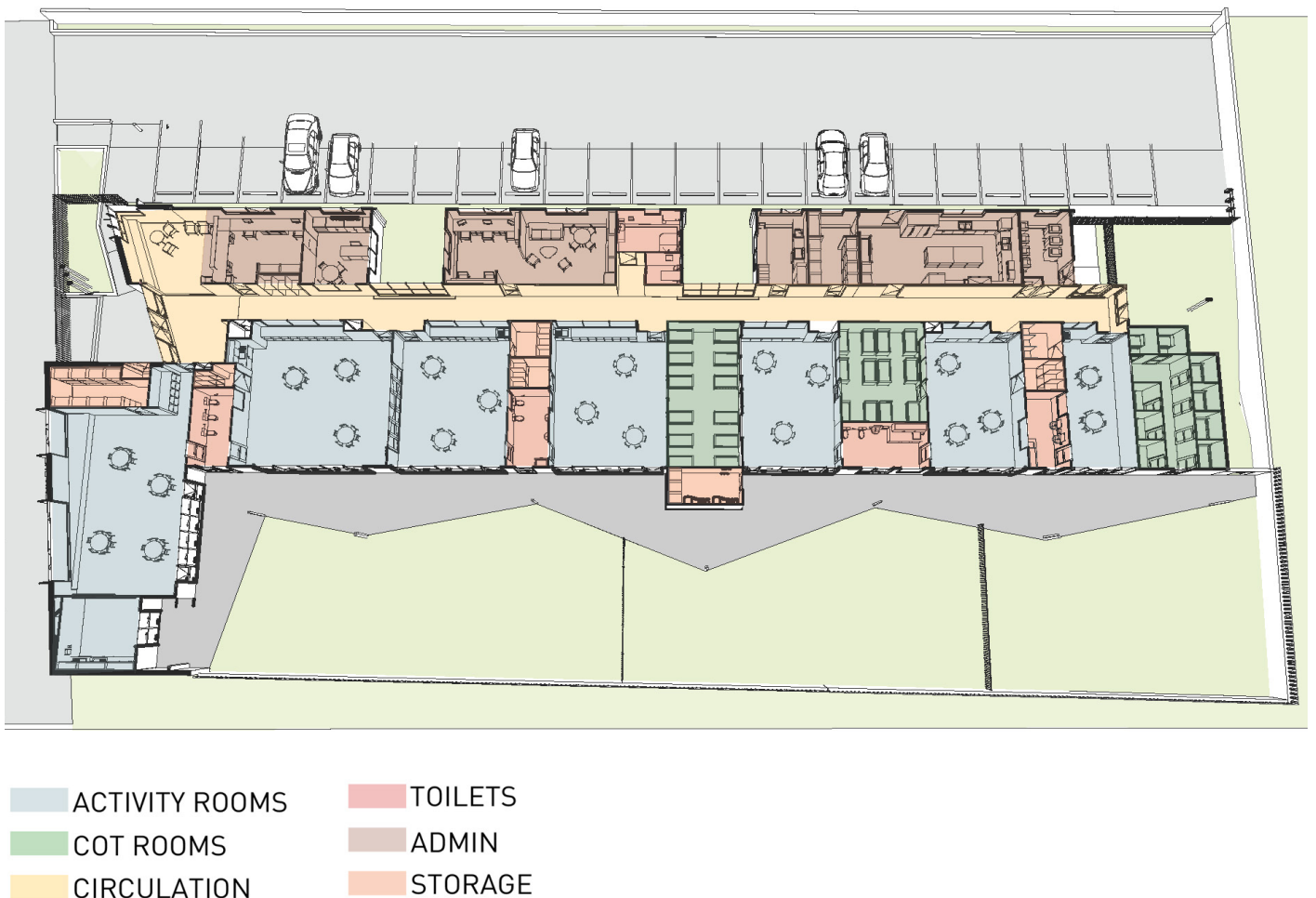


Figure 12 Cutaway plan showing arrangement and relationship between rooms within a child care facility.



## D. National Quality Framework Assessment Checklist

**Table 2 - Assessment checklist**

REGULATION	PROPOSED	COMPLIES (TICK OR CROSS)
<p><b>104. Fencing or barrier that encloses outdoor spaces.</b></p> <p>Outdoor space that will be used by children will be 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.</p> <p>Note: This clause does not apply to a centre-based service primarily for children over preschool age or a family day care residence or venue for over preschool age children.</p>	<p>Indicate height, materials and style on plans.</p>	
<p><b>106. Laundry and hygiene facilities</b></p> <p>The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering.</p> <p>Laundry / hygienic facilities are located where they do not pose a risk to children</p>	<p>On-site or off-site facilities</p>	<p>On-site Off-site</p>
<p><b>107. Unencumbered indoor space</b></p> <p>The proposed development includes at least 3.25m<sup>2</sup> of unencumbered indoor space for each child.</p> <p>Refer to Regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space.</p>	<p>Number of children: Required area: Provided Area:</p>	
<p><b>108. Unencumbered outdoor space</b></p> <p>The proposed development includes at least 7.0m<sup>2</sup> of unencumbered outdoor space for each child.</p> <p>Refer to Regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out-of-school-hours care services.</p>	<p>Number of children: Required area: Provided Area</p>	
<p><b>109. Toilet and hygiene facilities</b></p> <p>The proposed development includes adequate, developmentally and age-appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.</p> <p>The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</p>	<p>Show number of toilets and hand basins on plan</p>	

**Table 2 - Assessment checklist**

REGULATION	PROPOSED	COMPLIES (TICK OR CROSS)
<p><b>110. Ventilation and natural light</b></p> <p>The proposed development includes indoor spaces to be used by children that –</p> <ul style="list-style-type: none"> <li>• will be well ventilated; and</li> <li>• will have adequate natural light; and</li> <li>• can be maintained at a temperature that ensures the safety and well-being of children.</li> </ul>	<p>Indicate on plans and elevations how natural ventilation and lighting is achieved.</p>	
<p><b>111. Administrative space</b></p> <p>The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.</p> <p>Note: This space cannot be included in the calculation of unencumbered indoor space – see Regulation 107.</p>	<p>Indicate administrative space on plans</p>	
<p><b>112. Nappy change facilities</b></p> <p>(To be completed only if the proposed development is for a service that will care for children who wear nappies)</p> <p>The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</p> <p>The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.</p>	<p>Indicate nappy change on plans</p>	
<p><b>113. Outdoor space—natural environment</b></p> <p>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.</p>	<p>Indicate on landscape plans</p>	
<p><b>114. Outdoor space—shade</b></p> <p>The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>Indicate shade on landscape plans</p>	
<p><b>115. Premises designed to facilitate supervision</b></p> <p>The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.</p>	<p>Indicate on floor plans</p>	

## 5. Glossary of terms

**Table 3 - Glossary**

Word	Meaning
Acoustic privacy	A measure of sound insulation between dwellings, between dwellings and communal areas, and between external and internal spaces.
Adaptive reuse	The conversion of an existing building or structure from one use to another, or from one configuration to another.
Amenity	The 'liveability', comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in the public, communal and private domains and includes the enjoyment of sunlight, views, privacy and quiet. It also includes protection from pollution and odours.
ANEF	Australian Noise Exposure Forecast (refer <a href="http://www.airservicesaustralia.com">www.airservicesaustralia.com</a> ).  Aircraft noise is identified as contours on the Australian Noise Exposure Forecast (ANEF) Map. The higher the ANEF contour value, the greater the exposure to aircraft noise.
Building line	The predominant line formed by the main external face of the building. Balconies or bay window projections may or may not be included depending on desired streetscape.
Building height	As defined in the Standard Instrument - Principal Local Environmental Plan.
Busy road or rail line	As defined in State Environmental Planning Policy (Infrastructure) 2007 and Development Near Rail Corridors and Busy Roads – Interim Guideline.
Centre-based service	As defined in the <i>Education and Care Services National Regulations</i> .
Child care facility	Term used as an abbreviation of <i>centre-based child care facility</i> .
Centre-based child care facility	As defined in the Standard Instrument - Principal Local Environmental Plan.
Classified Road	As defined in the Roads Act 1993. (Note: Classified road includes all State Roads and specified Regional Roads. Regional roads comprise two categories: those regional roads that are classified under the Roads Act 1993 and those regional roads that are not classified. Local roads are not classified.)
Concurrence	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 includes a provision that consent cannot be given by a local council for a centre-based child care facility under certain circumstances unless the Regulatory Authority (currently NSW Department of Education) grants concurrence.
DA	Development Application.
Daylight	Consists of both skylight (diffuse light from the sky) and sunlight (direct beam radiation from the sun). Daylight changes with the time of day, season and weather conditions.
Dwelling	Dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile (as defined in the Standard Instrument).

**Table 3 - Glossary**

<b>Word</b>	<b>Meaning</b>
Education and care service	As defined in the <i>Children (Education and Care Services) National Law (NSW) 104a</i> .
Education and care service premises	As defined in the <i>Children (Education and Care Services) National Law (NSW) 104a</i> .
Facade	The external face of a building, generally the principal face, facing a public street or space.
Floor Space Ratio	As defined in the Standard Instrument - Principal Local Environmental Plan.
Landscaped Area	As defined in the Standard Instrument - Principal Local Environmental Plan.
National Construction Code	The National Construction Code contains the minimum technical provisions for the design and construction of new buildings, and plumbing and drainage systems in new and existing buildings. The National Construction Code is made up of the Building Code of Australia and the Plumbing Code of Australia.
National Law	Refers to the <i>Children (Education and Care Services) National Law (NSW) 104a</i> .
National Regulations	Refers to the <i>Education and Care Services National Regulations</i> .
National Quality Framework (NQF)	'National Quality Framework' is made up of the Children (Education and Care Services) National Law, the Education and Care Services National Regulations, the National Quality Standard (Schedule 1 of the Regulations), an assessment and rating scheme, and an approved learning framework. The National Quality Framework regulates children's education and safety, staffing, partnerships with families and the community, the physical environment and use of child care facilities throughout Australia.
Regulatory authority	As defined in <i>Children (Education and Care Services) National Law (NSW) 104a</i> and <i>Children (Education and Care Services National Law Application) Act 2010 No 104</i> . In NSW, this is the Secretary of NSW Department of Education.
Education SEPP	<i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> .
Sloping site	A site with a slope of 15 per cent or greater.
Solar access	The ability of a building to continue to receive direct sunlight without obstruction from other buildings or impediments, not including trees.
Street setback	The space along the street frontage between the property boundary and the building. Refer to building line or setback as defined in the Standard Instrument - Principal Local Environmental Plan.
Sunlight	Direct beam radiation from the sun
Unencumbered indoor space	As defined by Regulation 107 of the <i>Education and Care Services National Regulations</i> .
Unencumbered outdoor space	As defined by Regulation 108 of the <i>Education and Care Services National Regulations</i> .



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