



STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP Education and Child Care) was gazetted on 1 September 2017. SEPP Education and Child Care standardising planning controls for educational establishments and child care centres across NSW. It incorporates planning provisions relating to child care centres, schools, universities and TAFEs.

Child Care Planning Guideline

Under SEPP Education and Child Care, a consent authority must take into consideration the Child Care Planning Guideline (the Guideline) when assessing a DA for a centre based child care facility. The Guideline provides a consistent, state wide planning and design framework for preparing and considering DAs for child care facilities. As determined under SEPP Education and Child Care, the Guideline will take precedence over a Development Control Plan where there are inconsistencies in relation to controls for child care facilities (with the exception of building height, rear and side setbacks and car parking rates).

Part 3 of the Guideline includes matters which must be considered by the consent authority when assessing a DA for a child care facility. An assessment of the proposal under *Part 3* is provided in **Table 1** below.

If a DA satisfies the design criteria, a consent authority cannot refuse the DA on the basis of design. The SEPP prevents a council from imposing more onerous standards or refusing a DA on the basis that they have not been complied with, and the standards include proximity to other centres, indoor and outdoor space requirements, colour schemes if not heritage affected, site area/coverage/dimensions and other stated design criteria in *Part 3* of the guideline.

Part 4 of the Guidelines provides the requirements for internal and external areas of Childcare facilities as per the National Quality Framework (NQF). The National Quality Framework Assessment Checklist has been completed for the proposal to address the National Regulations, this is included in **Table 2** with input from the Architect.



Table 1 – Part 3 - Child Care Planning Guideline

Matters for Consideration	Proposed	Complies
3.1 Site selection and location		
<p>For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> • the acoustic and privacy impacts of the proposed development on the residential properties • the setbacks and siting of buildings within the residential context • traffic and parking impacts of the proposal on residential amenity. <p>For proposed developments in commercial and industrial zones, consider:</p> <ul style="list-style-type: none"> • 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. 	<p>The site is zoned B2 Local Centre. The B2 zone continues on the opposite side of Evans Avenue. The R4 High Density Residential zone is located to the east and south of the site on the opposite side of Barber Avenue. The RE1 Public Recreation zone adjoins the site to the west.</p> <p>The child care centre is proposed at podium level in the north -western corner. As a result, the centre is separated by Evans Avenue to any neighbouring residential property. Within the development, the child care centre is co located with other commercial uses and is sufficiently separated from the residential apartments.</p> <p>An Acoustic Report has been prepared by Pulse Acoustics and took into account the childcare centre. A more focused assessment will be prepared and submitted as part of the future use and fit-out DA.</p> <p>Car parking and the cumulative traffic impacts of the development have been addressed in Traffic Assessment prepared by CBRK which confirmed that the minor increase in traffic generated by MOD 4 would have minimal impact on the operation of the road network (compared to the approved development), with key intersections continuing to operate at a satisfactory or better level of service during peak periods.</p> <p>The potential health impacts will be investigated, and appropriate mitigation measures implemented and will be documented at DA stage.</p> <p>The childcare centre has been considered as part of the broader redevelopment of the site, is separated from the primary retail mall at ground level and is therefore not anticipated to have any impacts on the viability of existing commercial uses.</p>	<p>Capable of complying</p>
<p>The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</p>	<p>The child care centre is located at podium level. Therefore, the child care centre is not affected by any of these environmental risks.</p>	<p>Capable of complying</p>

Matters for Consideration	Proposed	Complies
<p>There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</p>	<p>Potential environmental contaminates on the land where considered as part of the original assessment under MP09_0146.</p> <p>In accordance with condition B12 of the Project Approval - A Stage 2 Detailed Site Investigation shall be completed in accordance with the Contaminated Land Management Act 1997 and SEPP55. Following completion of the Stage 2 Detailed Site Investigation, if required a Stage 3 Remedial Action Plan shall be prepared and remediation of the site shall be carried out.</p>	<p>Capable of complying</p>
<p>The characteristics of the site are suitable for the scale and type of development proposed having regard to:</p> <ul style="list-style-type: none"> • size 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 	<p>The site is considered to be suitable for a child care centre for the following reasons:</p> <ul style="list-style-type: none"> • the child care centre is located at podium level as part of a mixed use development. • the site has no shared boundaries with a residential zone or residential property. • the proposal forms part of the broader Eastlakes Shopping Centre redevelopment – a mixed use development incorporating retail, commercial and residential uses. The compatibility of uses has been a key consideration in the design of the scheme. • the location of the child care centre and its proximity to residential apartments within the site itself was a key consideration in the design of the scheme. • the location of the child care centre is suitable for the site’s classification as the focal point of the Eastlakes local centre. • the proposal is not considered to have any adverse environmental impacts on the surrounding area that cannot otherwise be mitigated at DA stage. 	<p>Complies</p>
<p>Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are to be suitable for the proposed use.</p>	<p>Not applicable.</p>	<p>N/A</p>
<p>There are to be suitable drop off and pick up areas, and off and on street parking.</p>	<p>Dedicated drop off/ pick up areas and off street parking has been provided at Basement Level 2.</p>	<p>Complies</p>

Matters for Consideration	Proposed	Complies
<p>The type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use.</p>	<p>The child care centre is located at lower podium level, and as such does not have direct frontage from a road. It is intended that the majority of children will access the centre directly from the basement or via the ground floor shopping centre if arriving via foot.</p> <p>A dedicated childcare lift has been provided.</p> <p>The site features frontages to Evans Avenue and Barber Avenue which are local roads, and are not major roads.</p>	<p>Complies</p>
<p>A childcare facility should be located near or within employment areas, town centres or business centres. Child care facilities should have access to public transport and should have pedestrian connectivity to local shops, business and services.</p>	<p>The proposal forms part of the broader Eastlakes Shopping Centre redevelopment which is the focal point of the Eastlakes Local Centre.</p> <p>The site has good access to public transport, and direct access to local shops and services below. The site is also in close proximity to several employment centres.</p>	<p>Complies</p>
<p>2. Local character, streetscape and the public domain interface</p>		
<p>Facilities should provide a clear transition between public and private realms by including fencing to ensure the safety of children and windows facing the public domain to provide opportunities for passive surveillance.</p>	<p>The proposal provides a clear transition between the publicly accessible commercial podium and residential components.</p> <p>It is intended that window face out toward the outdoor play area which overlooks the public domain of Evans Avenue and Eastlakes Reserve.</p>	<p>Complies</p>
<p>3. Building orientation, envelope and design</p>		
<p>Optimise solar access to play areas.</p>	<p>The child playground area is located on lower podium with a southern orientation. The area receives sunlight from the north and west. It is also partially shielded from harsh overexposure by Building J and Building G.</p>	<p>Complies</p>
<p>Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours</p>	<p>The child care centre is setback from the building edge to maximise privacy and minimise noise impacts.</p> <p>A focused acoustic assessment will be undertaken as part of the subsequent DA for use and fit-out and appropriate mitigation measures will be incorporated, if required.</p>	<p>Capable of complying</p>

Matters for Consideration	Proposed	Complies
<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • 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 	<p>Building height has been assessed and dealt with elsewhere as part of the MOD 4 application.</p> <p>The child care centre is setback from the boundary, with outdoor play area in front. This will assist in mitigating privacy and noise impacts with appropriate measures to be introduced at the DA stage for the outdoor play area if deemed necessary.</p>	Complies
<p>Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</p>	<p>A Wind Report has been prepared and is submitted at Appendix H.</p> <p>A focused wind assessment will be undertaken as part of the subsequent DA for use and fit-out and appropriate mitigation measures will be incorporated, if required.</p>	Capable of complying
<p>Ensure that child care facilities are designed to be accessible by all potential users.</p>	<p>Equitable access to the child care centre and facilities is provided.</p>	Complies
<p>3.4 Landscaping</p>		
<p>Landscape design is to contribute to the streetscape and amenity.</p>	<p>Landscape design to be detailed at DA stage.</p>	Capable of complying
<p>3.5 Visual and acoustic privacy</p>		
<p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through appropriate site and building layout and permanent screening and landscape design.</p>	<p>The indoor portion of the childcare centre is setback from the boundary, minimising opportunities for overlooking from public areas.</p> <p>Appropriate mitigation measures to address overlooking of the outdoor play area will be detailed at DA stage such as screening devices and the like (if deemed necessary).</p>	Capable of complying

Matters for Consideration	Proposed	Complies
3.6 Noise and air pollution		
Ensure that outside noise levels on the facility are minimised to acceptable levels.	A focused acoustic assessment will be undertaken as part of the subsequent DA.	Capable of complying
<p>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:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 - 2000 • 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 	A focused acoustic assessment will be undertaken as part of the subsequent DA.	Capable of complying
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.	<p>The site is not located on a major road or in close proximity to industrial development.</p> <p>An air quality assessment can be prepared at DA stage if deemed necessary.</p>	Complies
3.7 Hours of operation		
Hours of operation within areas 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.	<p>Noted.</p> <p>Approval for hours of operation will be sought as part of the subsequent DA.</p>	Capable of complying

Matters for Consideration	Proposed	Complies
<p>3.8 Traffic, parking and pedestrian circulation</p>		
<p>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.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> • 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. <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered in certain circumstances as described in guideline.</p>	<p>Car parking has been provided in accordance with the Botany Bay DCP 2013.</p> <p>The DCP has the following minimum parking rates for child care centres:</p> <ul style="list-style-type: none"> - 1 space per two employees; plus - 1 spaces per five children; plus - 1 pick-up and set-down spaces per 20 children. <p>Based on a 75 place child care centre and some 15 staff, the proposed child care facility would require an additional 27 parking spaces.</p> <p>The proposal provides 27 spaces allocated to the child care centre. (9 staff parking on Basement Level 1, 6 staff parking and 12 childcare parking on Basement Level 2).</p>	<p>Complies</p>
<p>Provide a safe and connected environment for pedestrians both on and around the site.</p>	<p>Safe and connected pedestrian access has been considered and addressed elsewhere as part of the MOD 4 application.</p>	<p>Complies</p>
<p>Part 4 – Applying the National Regulations to a proposal (refer to separate Assessment Checklist)</p>		
<p>4.8 Emergency and evacuations procedures</p>		
<p>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.</p>	<p>There is a dedicated fire stair serving the childcare.</p> <p>From the childcare there’s also access to one of the scissor stairs connected to the residential core of Building D above.</p>	<p>Complies</p>
<p>An emergency and evaluation plan should be submitted with a DA and should consider the location of a safe congregation point and how children will be supervised during an evacuation event.</p>	<p>Noted. An emergency and evacuation plan will be prepared as part of the subsequent DA for use and fit-out.</p>	<p>Capable of complying</p>

Table 2 – Part 4 - Applying the National Regulations – National Quality Framework Assessment Checklist

Regulation	Proposed	Complies
<p>104. Fencing or barrier that encloses outdoor spaces.</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>It is intended that the outdoor space will include a barrier or fence that is of a height that complies with the relevant requirements.</p>	<p>✓</p>
<p>106. Laundry and hygiene facilities</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>The fit-out of the childcare centre will be subject to a future DA. Provision for laundry facilities or alternatives arrangements will be detailed at the time of the DA.</p>	<p>✓</p>
<p>107. Unencumbered indoor space</p> <p>The proposed development includes at least 3.25 square metres 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>The area of the indoor area is 742.9sqm.</p> <p>Based on a 75 child capacity, this equates to approx.. 9.9sqm of unencumbered indoor space per child.</p>	<p>✓</p>
<p>108. Unencumbered outdoor space</p> <p>The proposed development includes at least 7.0 square metres 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>The area of the indoor area is 555.9sqm.</p> <p>Based on a 75 child capacity, this equates to approx. 7.4sqm of unencumbered indoor space per child.</p>	<p>✓</p>
<p>109. Toilet and hygiene facilities</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>The fit-out of the childcare centre will be subject to a future DA. Provision for toilet and hygiene facilities will be detailed at the time of the DA.</p>	<p>✓</p>

Regulation	Proposed	Complies
<p>110. Ventilation and natural light</p> <p>The proposed development includes indoor spaces to be used by children that –</p> <p>Will be well ventilated; and</p> <p>Will have adequate natural light; and</p> <p>Can be maintained at a temperature that ensures the safety and well-being of children.</p>	<p>The fit-out of the childcare centre will be subject to a future DA.</p>	<p>✓</p>
<p>111. Administrative space</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>The fit-out of the childcare centre will be subject to a future DA. Provision for administrative spaces will be detailed at the time of the DA.</p>	<p>✓</p>
<p>112. Nappy change facilities</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>The fit-out of the childcare centre will be subject to a future DA. Provision for nappy change facilities will be detailed at the time of the DA.</p>	<p>✓</p>
<p>113. Outdoor space—natural environment</p> <p>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.</p>	<p>The proposed development includes outdoor spaces. The design of the outdoor spaces will be detailed as part of the subsequent DA.</p>	<p>✓</p>
<p>114. Outdoor space—shade</p> <p>The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>The design of the outdoor spaces including shade structures will be detailed as part of the subsequent DA.</p>	<p>✓</p>

Regulation	Proposed	Complies
<p>115. Premises designed to facilitate supervision</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>The fit-out of the childcare centre will be subject to a future DA.</p>	<p>✓</p>
<p>Emergency and Evacuation Procedures</p> <p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of fire or other emergency.</p> <p>An emergency and evaluation plan should be submitted with a DA and should consider the location of a safe congregation point and how children will be supervised during an evacuation event.</p>	<p>Noted.</p> <p>An emergency and evacuation plan will be prepared as part of the subsequent DA for use and fit-out.</p>	<p>✓</p>