

# Interim Development Assessment Policy 2013



 Tel
 (02) 9716 1800
 260 Liverpool Road Ashfield NSW 2131

 Fax
 (02) 9716 1911
 PO Box 1145 Ashfield NSW 1800

www.ashfield.nsw.gov.au

## PART C19- CHILD CARE CENTRES

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## SECTION 1 PRELIMINARY

#### 1.0 Introduction

**Ashfield Local Environmental Plan (LEP) 2013** is Council's main planning control for development in the Ashfield Council Local Government Area..

Part C19 of Ashfield Interim Development Assessment Policy 2013 supports the LEP by providing additional objectives and development standards for Child Care Centres. This document provides information on the establishment of and additions to Child Care Centres and lists Council requirements that proponents of development applications need to meet in addition to other statutory requirements

Most education and care services for children around Australia are regulated under the National Quality Framework (NQF). Service types covered by the NQF are regulated under the National Law and Regulations. More details can be found on National Quality Framework pages at:

#### http://www.dec.nsw.gov.au/what-we-offer/regulation-and-accreditation/early-childhoodeducation-care/regulatory-framework/national-guality-framework

Some service types are not covered by the NQF. These services are covered by their own Act and Regulation - the Children (Education and Care Services) Supplementary Provisions Act 2011, and the Children (Education and Care Services) Supplementary Provisions Regulation 2012. Service types regulated under the Supplementary Act and Regulation include home based, mobile and occasional care services. These services are collectively referred to as "state regulated education and care services". The Children (Education and Care Services) Supplementary Provisions Regulation 2012 commenced on 1 September 2012 and is a re-make of the former 2004 regulation of the same name.

Part C19 of Interim Development Assessment Policy 2013 applies to all land in the Ashfield Municipality. It applies to all new Child Care Centre development, existing buildings to be adapted or converted to a Child Care Centre, expansion of existing Child Care Centres, or when major refurbishment and upgrades are proposed.

#### Objectives

Part C19 of Ashfield Development Interim Assessment Policy 2013 are as follows:

- (a) encourage the provision of high quality childcare and Child Care Centres based on best practice principles.
- (b) ensure that Child Care Centres provide environments where children's development is positively fostered, are functionally and economically viable, attractive and sympathetic to the streetscape, appropriate for the surrounding built, natural and social environments, have a minimum adverse impact of surrounding areas and are environments where children's development is positively fostered.

## How to use this Part of Ashfield Interim Development Assessment Policy 2013

Ashfield Interim Development Assessment Policy 2013 is a multi-layered document. The objectives and development standards of this Part of Ashfield Interim Development Assessment Policy 2013 cannot be read in isolation. A development application must consider all relevant Parts of Ashfield Interim Development Assessment Policy 2013.

Part A contains an index of the parts and sections in the Ashfield Interim Development Assessment Policy 2013 and guidelines on how to use the Policy; including the steps you need to follow before you prepare your development application.

## Relationship of Part C19 to other planning documents

Council will assess a development application according to:

- (a) Section 79C of the Environmental Planning and Assessment Act, 1979;
- (b) State Environmental Planning Policies;
- (c) Ashfield Local Environmental Plan 2013;
- (d) Ashfield Interim Development Assessment Policy 2013;
- (e) Section 94 Contribution Plans;
- (f) Ashfield Stormwater Management Code;
- (g) Policies, legislation or studies adopted or recognised by Council that are relevant to the development application.

## Lodging a Development Application

Our development application forms can be downloaded (www.ashfield.nsw.gov.au) or contact Council on 9716 1800. The form contains a self-assessment checklist to help you complete your application.

You should also check whether your proposal is 'exempt' (no application required) or is a 'complying development' (can be certified by Council or a private certifier).

Prior to lodging a development application to Council you are also advised to:

- **Read** this document carefully and other relevant Parts of Ashfield DCP 2007 and check that you comply with all of Council's requirements;
- **Talk** to neighbours about the proposed Child Care Centre explain how it is proposed to be designed and how it is intended to operate;
- **Consult** with an architect to ensure that your plans fulfil the requirements of Council and DoCS;

- **Investigate** the suitability of the site and building for child care including land contamination.
- Assess the past use of lead-based paints and any other toxins/hazards on the property such as asbestos that could harm people. Detail proposed remediation requirements/strategies in your development application if there is a potential problem - refer to State Environmental Planning Policy No. 55 - Remediation of Land at Listing of State Policies remediation requirements, and also to the Work Cover web site at www.workcover.nsw.gov.au

**Note:** If you are proposing a major or complex development or if your proposal is likely to have significant heritage impacts, you should make an appointment to see our pre-lodgement development advisory panel or use our heritage advisory service before you lodge your development application. Call Council on 9716 1800.

## **SECTION 2 - PLANNING AND DESIGN GUIDELINES**

This outlines the general planning and design requirements for initially establishing a Child Care Centre, or otherwise undertaking modifications or upgrade works. It incorporates requirements for the planning and design process including initial site analysis/selection investigations, building design, design of external areas and management and operation practices

## \* Appendix 2 – Possible Site Layouts

Shows possible site layouts for Child Care Centre developments in different development scenarios.

## Principles

- 2.1 The following principles apply.
  - a. Minimise adverse impacts on adjoining properties
  - b. Ensure an acceptable level of amenity and accommodation in Child Care Centre premises such that they meet the needs of both children and staff and minimise adverse impacts on adjoining properties;
  - c. Provide appropriate guidelines and requirements that contain the necessary information for persons wishing to establish or modify a Child Care Centre;
  - d. Ensure the appropriate level of fire safety within all Child Care Centres and that acceptable levels of service provision are maintained;

## Location Criteria for New Child Care Centres

2.2 Child Care Centres are currently permitted with consent of Council within residential and certain business zones in Ashfield LEP 2013.

#### objectives

- a. Encourage the provision of Child Care Centres within close proximity to public transport nodes in Ashfield LEP 2013 in accordance with Council's sustainability principles and for ease of access for Child Care Centre clients;
- b. Encourage the location of Child Care Centres within areas where there is appropriate access to services and facilities for employment, education entertainment and recreation.

## controls

(a) Child Care Centres are to be located in places which have good traffic access and in safe locations which have good vehicular access without unduly affecting traffic flow or parking provision in surrounding streets. Where a new child care centre is to be established in a cul-de-sac or other no-through road, the applicant must clearly demonstrate that there will be no significant impact to residential amenity or vehicular manoeuverability.

- b. New Child Care Centres proposed on sites adjoining a classified road are not to have vehicular access from that road unless it can be adequately demonstrated that alternative vehicular access to that development is neither practicable nor can be provided by another road.
- c. The location of a Child Care Centre is to take into consideration any environmental health hazard or risk relevant to the site and/or existing buildings within the site or in the surrounding area, having regard to the following:
  - proximity to **Dangerous Goods** new Child Care Centres must not be located within 100m of a dangerous good of a quantity requiring a license to be held under the Dangerous Goods Act 1975 and Regulation as measured from the location of the dangerous good to the nearest point of the subject site.
  - existing and potential on and off-site electromagnetic fields (50Hz and radio frequency fields 3KHz – 300GHz); refer to requirement for report at Appendix 1
  - potentially contaminated land a preliminary investigation report is requiredrefer **Appendix 1**.
  - lead in painted surfaces, carpets, furnishings and roof void in existing buildings; and asbestos in existing buildings – refer to requirement for report at Appendix 1
  - proximity to noise sources, odour (and other air pollutants) generating uses and sources; and any other identified environmental health hazard or risk relevant to the site and/or existing buildings within the site - refer Appendix 1
  - do not locate Child Care Centres in close proximity to brothels.

## Site Planning

2.3 Good site planning is required for all new development, and is particularly useful for Child Care Centres to avoid negative impacts on the amenity of adjoining neighbours and ensure a sympathetic relationship with adjoining development, which is important to their long-term success. A *Site Analysis* is required to establish the site context and should be reflected in the design, addressing the constraints and opportunities of the site and its context. Refer to **Part B of Ashfield IDAP 2013**.

Note: For new Child Care Centres in residential zones, unless rear lane access is available, larger lot sizes will usually be necessary in order to provide adequate areas for car parking, vehicle drop-off areas, outdoor play spaces and acoustically treated landscaped buffer zones to adjacent properties.

## objective

Enhance amenity through careful building layout and design.

#### control

A <u>Site Analysis</u> is to be submitted with the application and is to examine and define the development context of the site and its surrounds, in terms of both its local and broader context and how the proposed development will "fit" within this context.

## Building Form and appearance

2.4 The overall built form and appearance of a Child Care Centre will be determined to a large extent by the immediate context of the site and the desired future character of the area.

**Appendix - Site Layouts -** contains sketches showing possible site configurations for different development scenarios.

#### objectives

- a. developments, including alterations and additions are to be consistent with any character and design objectives contained in the relevant Parts of Ashfield Interim Development Assessment Policy 2013; and
- b. developments must not adversely impact on adjoining properties through loss of privacy, noise, overshadowing and view loss.

## control

Child Care Centres including dual use facilities must comply with development standards/ heritage provisions of the Ashfield Local Environmental Plan (LEP) 2013 and the *primary controls* detailed below applicable to residential zones (if located in a residentially zoned area). Other applicable Parts of this Interim Development Assessment Policy must also be complied with. For example, in residential zones, in addition to the *primary controls* set out below, relevant provisions of Parts C5, C11 and C15 dealing with general appearance, building setbacks, effect on adjoining properties, overshadowing and access/design of parking areas / minimum number of parking spaces apply to Child Care Centre developments. If the property is affected by heritage controls read Parts C7 and C10 and the heritage provisions of the Ashfield Local Environmental Plan (LEP) 2013 including specific LEP provisions relating to Haberfield Conservation area.

Note: If a property is affected by heritage provisions, these prevail over the requirements of this and any other relevant Parts of this Interim Assessment Policy to the extent of any inconsistency.

## primary controls – R2 and R3 zones

- Maximum floor space ratio can be determined by reference to the Floorspace ratio map in Ashfield LEP 2013
- Maximum Building Height can be determined by reference to the Building Height Map in Ashfield LEP 2013

#### Landscaped area/landscape setting

2.5 Front and rear garden landscaped areas are to be provided consistent in form and character with adjoining and nearby properties. Densely landscaped "buffer" areas are to be provided along "sensitive" boundaries with adjacent residential properties and to screen parking areas order to provide amenity for neighbouring properties and reduce noise nuisance. There is a minimum landscape area requirement in Haberfield of 50% see **Ashfield Local Environmental Plan (LEP) 2013.** 

#### controls - commercial zones

In commercial or other zones specific reference should be made to the applicable Parts of **Ashfield Interim** Development Assessment Policy 2013 dealing with the Ashfield Town Centre, (Part C3) the Haberfield Conservation Area (commercial properties section - Part C7) ) and to Summer Hill (Part C14) . Refer also where necessary to any relevant site specific controls in this Policy and to relevant development standards in the **Ashfield Local Environmental Plan**.

## Sustainability, Energy Efficiency & Solar Access

2.6 Child Care Centres should be carefully designed to meet sustainable development principles.

#### objective

The design of any new building or substantial additions to Child Care Centres should aim to, use best design practice for sustainable buildings, maximise natural airflow and minimise reliance on mechanical heating and cooling. Recycling and composting facilities should be provided on the site. The design should reflect the site analysis drawings having regard to optimal orientation for both indoor and outdoor play areas.

#### controls

Refer to **Part J of the Building code of Australia- Energy Efficiency** applicable to sustainable design of **Class 9B** buildings and advisory data in **Part D2 of Ashfield Interim** Development Assessment Policy 2013

## Design of Child Care Centres and minimum requirements for various facilities

- 2.7 The Children (Education and Care Services) Supplementary Provisions Regulation 2012" has various design standards. These include requirements for:
  - Indoor Children Spaces
  - Outdoor children spaces
  - Sleeping room areas
  - Storage areas
  - Food preparation and kitchen
  - Toilets
  - Laudry
  - Nappy change areas
  - Office rooms
  - Staff respite rooms
  - Ancillary facilities

#### objectives

- a. achieve good standards of accommodation appropriate to the establishment of new purpose built Child Care Centres, conversion or adaptation of existing buildings to a Child Care Centre, expansion of existing Child Care Centres, and major refurbishment or upgrades of existing Child Care Centres.
- b. building design and layout is to encourage child interaction and play, but must also maintain privacy and amenity for adjacent residents. Layout should carefully consider the impact of Child Care Centres on adjoining properties, where both noise disturbance and visual intrusion are critical issues to be minimised. Upper levels if provided should be used for staff/ administration rooms/storage purposes.

#### controls - indoor areas

• Reference should be made to the relevant Commonwealth and State legislation governing the interior design requirements for Child Care Centres.

#### controls - outdoor areas

• Reference should be made to the relevant Commonwealth and State legislation governing the outdoor area design requirements for Child Care Centres.

#### **Acoustic Impacts**

2.8 One of the main concerns that adjoining residents have when a new Child Care Centre is proposed is the impact of noise on their existing amenity.

#### objective

Minimise noise intrusion and loss of privacy to adjacent properties, particularly residential properties.

## controls

Design to minimise noise and loss of privacy by- -

- i. locating windows offset or in different positions relative to the location of windows in neighbouring properties;
- ii. positioning outdoor play areas away from main living area or bedroom windows of any adjoining dwelling;
- iii. using solid screen fencing and dense landscaping as noise/privacy control measures;
- iv. erecting acoustic barriers as a noise buffer to external noise sources from surrounding land uses and incorporating passive design considerations within the building to minimise noise intrusion;
- v. installing double glazing or use of glass blocks/obscure fixed glazing/highlight windows (for light penetration and to maintain privacy – (not suitable where natural ventilation is also required);
- vi. an *Acoustic Report* prepared by a suitably qualified acoustical consultant must be submitted with development application, describing and assessing the impact of likely noise emissions from the proposal. The investigation shall include but not be limited to the following:
  - identification of sensitive noise receivers potentially impacted by the proposal;
  - quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and
  - in accordance with relevant Australian Standards and NSW EPA requirements);
  - formulation of suitable assessment criteria;
  - details of any acoustic control measures that will be incorporated into the proposal;
  - identification of noise that is likely to emanate from the Child Care Centre and the subsequent prediction of resultant noise at the identified sensitive receiver locations from the operation of the premises;
  - a statement certifying that the development is capable of operating without causing a nuisance;
  - a statement that noise arising from within the premises shall not result in an 'offensive noise' (as defined in the Protection of the Environment Operations Act, 1997) at any adjoining residential premises.

## Accessibility

2.9 Access for mothers with prams/people with disabilities is important in relation to Child Care Centres.

#### objective

Ensure all new Child Care Centres and building conversions, plus associated spaces (including communal open space, parking areas and the like) are designed to be accessible for all people within the community.

#### controls

- a. All new Child Care Centres (or building conversions or additions to existing premises) are required to comply with the minimum access requirements contained specified in **the** Building Code of Australia. Compliance needs to be demonstrated at the Development Application stage in terms of general design considerations such as room/wall locations, access way widths and gradients.
- b. Child care centres must be located on the ground floor of the building that they occupy.

## Landscaping design

2.10 Landscaping is an important component of any child care centre development- It can improve the setting of buildings, provide shade for children and enhance privacy

#### objectives

Provide high quality landscaping that softens built form, provides shade and privacy, minimises run-off and is safe for children.

#### controls

a. Landscaping of new child care centres shall be designed to minimise the visual impact of the building on the streetscape, minimise run-off, provide shade for children and maximise privacy for neighbours.

b. The landscape design of the child care centre shall reflect the prevailing landscape character of the area and should relate to existing streetscapes in terms of scale and planting style.

c. No area within the child care centre may contain plant species that are characteristic of the following:

- plants known to be poisonous or that produce toxins;
- plants with high allergen properties;
- plants with thorns, or spiky or prickly foliage; or
- any plant species that Council considers may place the health, safety and welfare of the centres users at risk.

d. Notwithstanding any other control contained within this Part, significant existing landscaping features, such as canopy trees, are to be retained.

## Traffic, parking and access

2.11 Any proposals for Child Care Centres should ensure adequate provision is made for both residents and staff or the owner/manager to minimise off-site impacts.

#### objectives

- a. Provide and design parking to comply with the provisions of **Part C11** of this Policy.
- b. Ensure a safe environment for pedestrians (especially children), motorists and cyclists surrounding the Child Care Centre.
- c. Ensure adequate drop-off and pick-up and parking which does not detrimentally affect the availability of on street parking to surrounding properties.
- d. Ensure that vehicular access to and from the site does not detrimentally affect the traffic safety of surrounding properties.
- e. Provide easy access by mothers with children in prams and for people with disabilities.

#### controls

a. The number and design of on-site car spaces and access ways shall be in accordance with **Part C11.** A temporary pick-up and drop-off area incorporating a passing bay is to be provided on site so that vehicles can enter or leave the site moving in a forward direction without conflicting with other traffic/parking movements.

**Note:** The basic off-street parking requirement at the time of adoption of this Part was **1 space per 4 children** - this figure includes staff parking. A **Traffic and Parking Assessment Report**, which also addresses traffic safety issues, is required to be submitted with applications. Refer to **Part C11** for more information.

- b. The centre, pedestrian access and children's play areas are to be separated by safety fencing and minimum 2 self-locking gates/barriers from the road and from parking and vehicle access areas.
- c. Long stay staff parking must be separate from short stay, visitor parking. Both must be provided in a convenient location, allowing safe movement of children to and from the centre.
- d. Children with parents/carers should not walk and be exposed to interact with movement of vehicles within a car park. Separate pedestrian paths (minimum 1.2 metres in width) should be provided, identified and located to allow safe movement of children with parent/carers to and from vehicles within the short stay visitor parking areas. These pedestrian paths should not form part of any vehicle aisle movement areas or car parking spaces.

- e. Ramps and lifts should be provided where necessary along pedestrian paths and in any basement car parks where required to allow access to the centre by mothers with prams and for people with disabilities.
- f. Parking spaces for people with disabilities must be provided near the entrance to the Centre.
- g. Access should be provided for goods deliveries separated from areas used by staff and parents

#### **Operational Aspects**

2.12 An important aspect of minimising potential impacts of Child Care Centres is ensuring that they are managed properly.

#### objective

Ensure that suitable management practices are in place to minimise impacts on adjoining owners and ensure that a suitable amenity is maintained for residents living within the Child Care Centre.

#### controls

A **Centre Plan of Management** is to be submitted with each development application for a Child Care Centre (including new and existing Child Care Centres) to ensure that the proposed premises will operate in a manner that maintains a high level of amenity. An appropriate form of centre management with responsibility for the operation, administration, cleanliness and fire safety of the premises, including compliance with the **Centre Plan of Management** and an **Emergency Management and Evacuation Plan** must be provided for the premises.

The Centre Plan of Management shall address the following as a minimum:

- Maintenance and fire safety in the building;
- A schedule indicating compliance with the accommodation standards and outdoor play area requirements of the Children's Services Regulation.
- Measures to minimise unreasonable impact to the habitable areas of adjoining premises;
- Proposed staffing arrangements, including location and contact details of the centre manager;
- Prominent display of appropriate rules re. visitor policy, operating hours of outdoor play areas;
- Waste minimisation and recycling;
- Professional cleaning details (as a minimum facilities such as kitchens and toilet areas must be cleaned to a professional standard at daily.
- Provision of safety and security measures this may include but not be limited to such things as: internal signage indicating the centre manager and contact number,

emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing and security gates, keys for security entrance doors be made available to essential services such as fire brigade in case of emergency.

#### Waste

2.13 Child Care Centres may make private contracting arrangements for garbage disposal or alternatively Council can collect waste. Child Care Centres are subject to Council's collection service, details of which can be obtained from Council's Customer Service Centre on 9716 1800.

#### objective

Ensure that appropriate waste and recycling facilities are provided which meet Council and Environmental Protection Authority (EPA) requirements.

#### control

Waste and recycling facilities on the premises shall be provided in accordance with the requirements of **Part D1** of Ashfield Interim DAP 2013- Waste Minimisation, and the specific requirements of any other Part of this DCP applicable to the development.

Note: If contaminated sharps are generated, non-reusable sharps containers shall be provided in accordance with AS 4301, for safe disposal. Final disposal must be undertaken by Environmental Protection Authority (EPA within the Department of Environment and Conservation) licensed contaminated waste contractors.

## **Fire Safety**

2.14 Fire safety is particularly important for residents of buildings such as Child Care Centres. The design of new buildings or additions and ongoing fire safety measures including emergency evacuation measures will need to comply with the mandatory provisions of The Building Code of Australia applicable to Class 9B Buildings and the Environmental Planning and Assessment Regulation 2000 relating to fire safety.

#### objective

Ensure the safety of Child Care Centre occupants in the event of fire.

#### controls

- a. A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the Child Care Centre entry/reception area.
- b. A floor plan must be permanently fixed to the inside of the door of each room to indicate the available emergency egress routes from the respective rooms.

- c. Prior to releasing an occupation certificate for the building, an Emergency Management and Evacuation Plan must be prepared for the building and approved by the Principal Certifying Authority. Staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.
- d. Premises must provide annual certification for the following:
  - Essential fire safety measures to comply with the *Environmental Planning and* Assessment Regulation 2000
  - Compliance with the Centre Plan of Management approved for the premises; and,
  - Compliance with fire safety measures and **Emergency Management and Evacuation Plans** mandated in the Building Code of Australia.

#### Appendix 1

### **DA Checklist**

The following checklist is specific to the requirements of Child Care Centres and complements/clarifies Council's standard requirements for lodgement of development applications. The requirements for reports concerning hazardous materials, mobile phone base stations, high voltage power lines and classified roads are of course dependent on the characteristics of the proposed centre.

Capacity of Centre and Operational Hours	<ul> <li>Proposed number of children by age groups (0-2 year olds or 3-5 year olds)</li> <li>Staff numbers</li> <li>Proposed hours of operation.</li> </ul>
Indoor and Outdoor Space Requirements	Demonstration that the proposed Child Care Centre meets the requirements in relation to indoor and outdoor space per child.
Hazardous Materials Report	Where the proposed Child Care Centre is in an existing building, a Hazardous Materials report undertaken by a suitably qualified environmental consultant shall be submitted containing a lead and asbestos assessment of all building materials, carpets and painted

	areas including the roof void.
Acoustic Report	An acoustic report as specified in this Part.
Traffic and Parking Assessment Report	Traffic/Parking report as outlined in this Part. <b>Refer also Part C11</b> .
Mobile Phone Base Stations Report	Proposals to establish new child care within 500m of a mobile phone base station, as measured from the transmitter to the nearest point of the subject site, must be accompanied by a report that demonstrates that the site is safe for use. The report must: a) show that the site will not be exposed to Radio Frequency fields in excess of the criteria stated in the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) ' <i>Radio Protection</i> <i>Standard – maximum exposure</i> <i>levels to radiofrequency fields –</i> <i>3kHz to 300GHz</i> '1; b) be prepared using the 'Radio Frequency EME Exposure Levels – Prediction' methodology; and c) be prepared by a suitably qualified person
High Voltage Power Lines Report	Proposals to establish new child care centres within 70m of a power line2 carrying in excess of 33 kilovolts (as measured from the ground point directly above an underground power line or directly below an overhead power line to the nearest point of the subject site) shall be accompanied by a report that demonstrates the site is safe for use. The report must: a) show that the site will not be exposed to Electromagnetic Field Exposure (EMF) in excess of the limits stated in the International Commission on Non-ionising Radio Protection's (ICNIRP) <i>Guidelines</i> <i>for Limiting Exposure to Time-</i> <i>Varying Electric, Magnetic and</i>

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	<i>Electromagnetic Fields</i> (up to 300GHz)4; b) be prepared in accordance with the methodology of these guidelines; and c) be prepared by a suitably qualified person.
Classified Roads Report	Proposals to establish new Child Care Centres within 40m of a classified roadway measured from the edge of the road reserve to the nearest point of the subject site, shall be accompanied be a report that demonstrates the site is safe for use. The report must: a) provide a comparison between the air, noise and soil qualities experienced by the centre and the guidelines set by the NSW Department of Environment and Conservation's Environment Protection Authority (EPA); and b) be prepared by a suitably qualified person.
Contaminated Land Report	A preliminary contamination report is required. Refer to State Environmental Planning Policy No.55 and to Workcover requirements.
Centre Management Plan & Emergency Management & Evacuation Plan	See Operational Aspects – pages 15-16 of this Part for data required.

## Appendix 2- Site Layouts (diagrams not to scale)

1.



1. Possible development of single block with the benefit of rear lane access. Note landscape buffer areas. 2.



2. Possible development of double block with side access to screened parking area.