

CHAPTER 3 EDUCATIONAL ESTABLISHMENTS AND CHILDCARE FACILITIES	
PART 3.2 GENERAL	
Division 1 Consultation and Notification	
3.11 Consideration of Planning for Bush Fire Protection	
Objectives/Requirements	Complies?
(1) <i>This section applies to development for the purposes of an educational establishment or school-based childcare that this Chapter provides may be carried out without development consent.</i>	N/A
Division 5 Complying Development	
3.18 General Requirements for Complying Development	
Objectives/Requirements	Complies?
(1) <i>This section applies to any development that this Chapter provides is complying development.</i>	N/A
PART 3.3 EARLY EDUCATION AND CARE FACILITIES—SPECIFIC DEVELOPMENT CONTROLS	
3.22 Centre-based Child Care Facility – Concurrence of Regulatory Authority required for certain Development	
Objectives/Requirements	Complies?
<p>(1) <i>This section applies to development for the purpose of a centre-based child care facility if—</i></p> <p>(a) <i>the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</i></p> <p>(b) <i>the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</i></p> <p>(2) <i>The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.</i></p>	<p>Yes</p> <p>The proposal complies with both the indoor and outdoor unencumbered space requirements as specified by the <i>Education and Care Services National Regulations</i>. As such, the provisions of Section 3.22 do not apply.</p>

3.23 Centre-based Child Care Facility—Matters for Consideration by Consent Authorities	
Objectives/Requirements	Complies?
<i>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</i>	<p>Yes</p> <p>The proposed development is consistent with the <i>Child Care Planning Guideline</i>, an assessment of which is provided as Appendix H.</p>
3.24 Centre-based Childcare Facility in certain zones—Additional Matters for Consideration by Consent Authorities	
Objectives/Requirements	Complies?
<p>(1) <i>The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in a prescribed zone.</i></p> <p>(2) <i>The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in a prescribed zone—</i></p> <p style="padding-left: 20px;">(a) <i>whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,</i></p> <p style="padding-left: 20px;">(b) <i>whether the proposed development has the potential to restrict the operation of existing industrial land uses,</i></p> <p style="padding-left: 20px;">(c) <i>whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.</i></p> <p>(3) <i>The matters referred to in subsection (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based child care facility.</i></p> <p>(4) <i>In this section—</i> <i>prescribed zone means any of the following land use zones—</i></p> <p style="padding-left: 20px;">(a) <i>Zone E4 General Industrial,</i></p> <p style="padding-left: 20px;">(b) <i>Zone E5 Heavy Industrial,</i></p> <p style="padding-left: 20px;">(c) <i>Zone IN1 General Industrial,</i></p> <p style="padding-left: 20px;">(d) <i>Zone IN2 Heavy Industrial.</i></p>	<p>N/A</p> <p>The development site is zoned R1, which is not a prescribed zone for the purposes of Section 3.24, and therefore this clause does not apply.</p>

3.25 Centre-based Child Care Facility—Floor Space Ratio	
Objectives/Requirements	Complies?
<p>(1) <i>Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.</i></p> <p>(2) <i>This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.</i></p>	<p>N/A</p> <p>Section 3.25 does not apply because the site is zoned R1.</p>
3.26 Centre-based Child Care Facility—Non-Discretionary Development Standards	
Objectives/Requirements	Complies?
<p>(1) <i>The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</i></p>	<p>Noted</p>
<p>(2) <i>The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—</i></p> <p>(a) location—<i>the development may be located at any distance from an existing or proposed early education and care facility,</i></p> <p>(b) indoor or outdoor space</p> <p>(i) <i>for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</i></p> <p>(ii) <i>for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</i></p> <p>(c) site area and site dimensions—<i>the development may be located on a site of any size and have any length of street frontage or any allotment depth,</i></p>	<p>Yes</p> <p>(a) Noted. The proposed childcare centre may be located at any distance from any existing or proposed similar centres.</p> <p>(b) The proposed childcare centre complies with both the required indoor and outdoor unencumbered space.</p> <p>(c) Noted. The development site may be any size and have any length of street frontage.</p> <p>(d) Noted.</p>

(d) colour of building materials or shade structures —the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	
3.27 Centre-based Child Care Facility—Development Control Plans	
Objectives/Requirements	Complies?
<p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility—</p> <ul style="list-style-type: none"> (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based child care facility contained in— <ul style="list-style-type: none"> i. the design principles set out in Part 2 of the Child Care Planning Guideline, or ii. the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). <p>(2) This section applies regardless of when the development control plan was made.</p>	<p style="text-align: center;">Noted</p> <p>Any reference to the matters identified here in a development control plan do not apply to the proposed child care facility.</p>

PART 3.7 GENERAL DEVELOPMENT CONTROLS	
3.58 Traffic-Generating Development	
Objectives/Requirements	Complies?
<p>(1) <i>This section applies to development for the purpose of an educational establishment—</i></p> <p>(a) <i>that will result in the educational establishment being able to accommodate 50 or more additional students, and</i></p> <p style="padding-left: 20px;"><i>i. an enlargement or extension of existing premises, or</i></p> <p style="padding-left: 20px;"><i>ii. new premises,</i></p> <p><i>on a site that has direct vehicular or pedestrian access to any road.</i></p> <p>(2) <i>Before determining a development application for development to which this section applies, the consent authority must—</i></p> <p>(a) <i>give written notice of the application to Transport for NSW (TfNSW) within 7 days after the application is made, and</i></p> <p>(b) <i>take into consideration the matters referred to in subsection (3).</i></p> <p>(3) <i>The consent authority must take into consideration—</i></p> <p>(a) <i>any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</i></p> <p>(b) <i>the accessibility of the site concerned, including—</i></p> <p style="padding-left: 20px;"><i>i. the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></p> <p style="padding-left: 20px;"><i>ii. the potential to minimise the need for travel by car, and</i></p> <p>(c) <i>any potential traffic safety, road congestion or parking implications of the development.</i></p> <p>(4) <i>The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.</i></p>	<p style="text-align: center;">N/A</p> <p>As the proposed development is not defined as an <i>educational establishment</i>, this section does not apply.</p>