

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Clause	Provision	Compliance
Part 3 Early education and care facilities – specific development controls		
23. Centre-based child care facility – matters for consideration by consent authorities	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.	The Child Care Planning Guidelines have been considered as part of the concept DA and will be further considered in the Detailed DA.
25. Centre-based child care facility – non-discretionary development standards	<p>(1) The object of this clause 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.</p> <p>(2) 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:</p> <p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>(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</p> <p>(ii) 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,</p> <p>(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <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.</p> <p>(3) To remove doubt, this clause does not prevent a consent authority from:</p> <p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</p>	<p><b>Able to comply/further detail at Detailed DA stage</b></p> <p><b>Location:</b> There are no child care centres within the immediate vicinity.</p> <p><b>Indoor play space area:</b> The proposal offers 1,347m<sup>2</sup> that exceeds the minimum requirement of 90 child spaces based on the rate of 3.25m<sup>2</sup> unencumbered indoor play space/child</p> <p><b>Outdoor play space area:</b> The proposal includes a total area of 1,027m<sup>2</sup> outdoor space which exceeds the minimum requirement for 90 child space based on the rate of 7m<sup>2</sup> usable outdoor play space/child</p> <p><b>Site area and dimensions:</b> The site is 1.21ha in size and has dimensions of between 97m and 149m along the street frontages.</p> <p><b>Colour of building:</b> to be determined at Detailed DA stage.</p>
26 Centre-based child care facility—development control plans	(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	The child care centre controls in the SDCP 2012 have been considered in <b>Appendix 12</b> and do not specify any provisions in

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	<p>development for the purpose of a centre-based child care facility:</p> <ul style="list-style-type: none"> <li>(a) operational or management plans or arrangements (including hours of operation),</li> <li>(b) demonstrated need or demand for child care services,</li> <li>(c) proximity of facility to other early education and care facilities,</li> <li>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:                             <ul style="list-style-type: none"> <li>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</li> <li>(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).</li> </ul> </li> </ul> <p>(2) This clause applies regardless of when the development control plan was made.</p>	<p>relation to subclause (1).</p>