



# DEVELOPMENT AND COMPLIANCE – CHILD CARE CENTRES

## WHAT IS A CHILD CARE CENTRE?

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and The Hills Local Environmental Plan 2019 defines an early education and care facility to mean:

*“a building or place used for the education and care of children, and includes any of the following:*

- a. a centre-based child care facility,
- b. home-based child care,
- c. school-based child care.”

Uses as identified within the group term above are defined by State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Standard Instrument and The Hills Shire Council’s Local Environmental Plan as below:

### **Centre-based child care facility means:**

- a. *“a building or place used for the education and care of children that provides any one or more of the following:*
  - ii. long day care,
  - iii. occasional child care,
  - iv. out-of-school-hours care (including vacation care),
  - v. preschool care, or
- b. *an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),*

*Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided. but does not include:*

- c. *a building or place used for home-based child care or school-based child care, or*
- d. *an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or*
- e. *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- f. *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children’s parents are using the facility, or*
- g. *a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- h. *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.”*

### **home-based child care means:**

- a. *“a family day care residence (within the meaning of the Children (Education and Care Services) National Law (NSW)), or*

*Note. A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the Children (Education and Care Services) National Law (NSW).*

- b. *a dwelling used for the purposes of a home based education and care service (within the meaning of the Children (Education and Care Services) Supplementary Provisions Act 2011), at which the education and care*

service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.”

#### **School-based child care means:**

“a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

Note. Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.”

#### **IS APPROVAL FROM COUNCIL REQUIRED?**

Development Consent is not required for the operation of home based child care. However, a written submission detailing the proposed service together with an assessment fee in accordance with the adopted fees and charges is required.

All other child care centre applications need to obtain Council’s consent before proceeding. This means that a development application must be lodged with Council for determination.

#### **IS A CHILD CARE CENTRE PERMISSIBLE IN YOUR ZONE?**

Child care centres are permissible in the following zones:

- RU2 and RU6 Rural zones
- R1, R2, R3 and R4 Residential zones
- All Business zones
- IN1 and IN2 Industrial zones
- RE1 Public Recreation zones

Refer to LEP 2019 or the Land use Matrix (on Council’s website).

#### **HOW DO I DESIGN A CHILD CARE CENTRE?**

When designing a child care centre, consideration is to be given to SEPP (Educational Establishments and Child Care Facilities) 2017, Childcare Planning Guideline and the National Quality Framework for early education and care services, which are all available on the Department of Planning website.

Obtain a copy of Council’s Development Control Plan 2012 (DCP 2012) Part A – Introduction and Part B Section 6 – Business and other relevant sections of DCP 2012, available via free download on Council’s website under the Development section or purchased at Council’s Customer Service Centre for a minimal fee in accordance with Council’s Fees and Charges. Developments must be designed in accordance with the controls in this document.

It is advised to discuss your proposal with your neighbors to consider any suggestions and thereby avoid delay in the process of the application at a later date.

Department of Community Services (DOCS) are the

regulatory body in relation to the licensing of child care centres.

Other related documents and contacts include the Children and Young Persons (Care and Protection) Act 1998 No 157 and Children’s Services Regulation 2004.

#### **IS IT NECESSARY TO DISCUSS THE APPLICATION WITH A COUNCIL OFFICER?**

Yes. Applicants are advised to consult with the Duty Town Planner who can assist with any enquiries prior to formally preparing the application and accompanying documentation. No booking is required.

#### **DO I NEED TO ATTEND A FORMAL PRE-LODGE MEETING?**

Yes. After discussing your proposal with the Duty Town Planner, it is mandatory to attend a formal pre-lodgement meeting to consult with planning staff to discuss the draft proposal in more detail. Pre-lodgement meetings are held every Friday morning and can be arranged through the Duty Town Planner.

#### **I AM READY TO LODGE A DEVELOPMENT APPLICATION?**

All applications for child care centres are to be submitted on the standard development application form, signed by ALL owners of the subject site.

The Duty Town Planner will check all applications to ensure the submission requirements are satisfied and pre lodgement meeting issues are addressed. Please lodge applications before 4:00pm to ensure it can be processed before end of day.

#### **FEES**

Submission of a development application must be accompanied by the development application fee. A Schedule of Fees and Charges can be obtained from Council’s Customer Service Centre or Council’s website. Hard copies must also be accompanied by a CD, DVD or USB with electronic files containing all information. This requirement also applies to additional or amended information during the development assessment process where an electronic version of your application is not submitted a scanning fee in accordance with the Council’s adopted Fees and Charges schedule will be required.

#### **FURTHER INFORMATION**

If you are unsure, please ask — time spent early may avoid delays later.

#### **Customer Service Centre:**

3 Columbia Court, Norwest NSW 2153

**Phone:** 9843 0555

**Duty Town Planner:** 9843 0469

**Hours:** 8:30 am to 4:30 pm, Monday to Friday

**Website:** [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au)

#### **DISCLAIMER**

*This fact sheet provides a summary of the major issues concerning child care centres. Any person using this document must do so on the basis that not every scenario and issue can be addressed, and discussion with relevant staff at Council’s Customer Service*