

# Education and Child Care SEPP

February 2017

## Child Care Facilities

### Why are changes to early childhood education and care facilities being proposed?

- The NSW Government has committed to improving the quality and availability of child care centres in NSW. To make it easier for child care providers and developers to deliver high-quality early childhood education and care facilities, the NSW Government is proposing a range of changes to the planning system.
- In some cases, local, state and national planning and building requirements do not align. The proposed changes will bring national planning and building requirements for early childhood education and care facilities into NSW planning law, streamlining controls and making it easier for child care providers and developers to deliver high-quality child care facilities.
- A proposed new education State Environmental Planning Policy – *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* will contain national and state planning requirements in one place.

### What are the proposed changes?

- The proposed new SEPP will:
  - Align national definitions and categories of early childhood education and care facilities with state planning definitions;
  - Enable some types of early childhood education and care facilities to be considered as exempt or complying development;
  - Adopt key requirements from the National Quality Framework into the SEPP for assessment of early childhood education and care facilities;
  - Introduce standards for applications that councils cannot refuse a development application for;
  - Make it easier for temporary relocation of early childhood education and care facilities in the event of an emergency.
- The proposal will also update all Local Environmental Plans across NSW to include the national definitions of early childhood education and care facilities as well as permitting child care facilities in all R2 Low Density Residential and IN2 Light Industrial zones.

### What early childhood education and care services are covered by the changes?

- The changes will cover four types of early childhood education and care facilities:
  - Centre-based child care, including long day care, occasional child care, out-of-school-hours care (including vacation care), preschool care, and family day care service (excluding the office and home-components of the service);
  - School-based child care, including a service located within a school site used to provide out-of-school-hours care (including vacation care);
  - Home-based child care including family day care residence or a dwelling used for home based education and care service not exceeding seven children under the age of 13 years, including no more than four who don't attend school;
  - Mobile child care which visits a premise, area or place for the purpose of providing child care.

## What early childhood education and care services are not covered by the changes?

- The National Quality Framework does not cover the following services and are not part of the changes:
  - schools providing full-time education to students;
  - preschool programs delivered in schools if the programs are delivered in classes where a full-time education program is also being delivered and the program is delivered to fewer than six children in the school (composite classes)
  - personal arrangements (for example a nanny);
  - services principally conducted to provide instruction in a particular activity (for example, language classes or ballet classes);
  - services providing education and care to patients in a hospital or patients of a medical or therapeutic care service;
  - care provided under a child protection law;
  - disability services;
  - Other ad hoc child care services (for example, child minding at a gym or hotel).

## What child care facilities are proposed to be exempt development?

- Exempt development means low impact changes for certain residential, commercial and industrial properties. Examples of exempt development includes: decks, garden sheds, carports and fences.
- The following types of child care services are proposed to be exempt development:
  - Home-based child care on all land, including bushfire prone land;
  - Mobile child care; and
  - The temporary relocation of child care facilities due to emergencies.
- Home-based child care is already exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, unless located on bushfire prone land. The proposed changes will update the Codes SEPP to allow home-based child care to be exempt development on bushfire prone land, as long as strict bushfire safety controls are met, including:
  - An Asset Protection Zone is provided around the dwelling;
  - A Bushfire Emergency Management and Evacuation Plan is prepared and updated;
  - The dwelling is not located in Bushfire Attack Level zones BAL-40 or BAL-FZ (flame zone).

## What is complying development and what child care facilities are proposed to be complying development?

- Complying development is a combined planning and construction approval for straightforward development that can be done through a fast track assessment by a council or private accredited certifier. Complying development applies to homes, businesses and industry and allows for a range of construction such as a new house, alterations and additions to a house, new industrial buildings, demolition of a building and changes to a business use.
- Complying development applies to larger building works than exempt development and 'sign off' by a building professional (known as a certifying authority) is needed.

- The following types of child care services are proposed to be complying development:
  - School-based child care, where some development is needed to meet the National Quality Framework or additional space to accommodate the service is required within the school;
  - Some minor alterations and additions to school-based and centre-based child care facilities.

## What happens if my proposed centre does not meet the exempt or complying development controls?

- If the proposal does not meet all of the exempt or complying development standards, a development application must be submitted to council. Council officers will assess the application under the *Child Care Planning Guideline*.

## What information is available to help me design my child care centre?

- Planning and design of centre-based child care facilities will be guided by standards and advice in the *Child Care Planning Guideline*, which will replace most council Development Control Plans.
- The draft Education and Child Care SEPP requires councils must consider Part 2 of the Guideline, outlining the National Quality Framework requirements, when assessing development applications for centre-based child care. Part 3 contains design criteria councils may consider when assessing development applications for centre-based child care. However, councils may not refuse any development application that meets these criteria. It is strongly recommended proponents adopt the design criteria in this Part. A copy of the draft planning guideline can be viewed at <http://planspolicies.planning.nsw.gov.au/>.

## Will I still need Service Approval?

- A Service Approval will be required, regardless of whether the facility is assessed as exempt or complying development or local development. Providers must lodge an application with the Department of Education.

## Consultation on the proposed SEPP

### Who has been consulted on the policy development?

- The Department of Planning and Environment has undertaken preliminary consultation with State agencies, peak industry bodies and education providers. Comments received from these bodies have been considered by the Department in its initial development of the draft SEPP.

### How do I comment on the proposed changes?

- You can view and comment on the changes until 24 March 2017 at [www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals)
- All submissions will be made public in line with the Department's objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. Before making a submission, please read our privacy policy at: [www.planning.nsw.gov.au/privacy](http://www.planning.nsw.gov.au/privacy)

### Where can I find out more?

- Call the Department of Planning and Environment's Information Centre on 1300 305 695.

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- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email: [education.sepp@planning.nsw.gov.au](mailto:education.sepp@planning.nsw.gov.au)