



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Child Care) Order 2017

under the

Environmental Planning and Assessment Act 1979

DAVID HURLEY, Governor

I, General The Honourable David Hurley AC DSC (Ret'd), Governor of New South Wales, with the advice of the Executive Council, and in pursuance of section 33A of the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 30th day of August 2017.

By His Excellency's Command,

ANTHONY ROBERTS, MP
Minister for Planning

Standard Instrument (Local Environmental Plans) Amendment (Child Care) Order 2017

under the

Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is the *Standard Instrument (Local Environmental Plans) Amendment (Child Care) Order 2017*.

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Land Use Table

Omit “child care centre” from Direction 4. Insert instead “centre-based child care facility”.

[2] Land Use Table, Direction 5

Omit “Child care centres”.

Insert “Centre-based child care facilities”, “Early education and care facilities” and “School-based child care” in alphabetical order, with appropriate punctuation.

[3] Land Use Table, Zones RU5, R1, R3, R4, B1, B2, B3, B4, B5, B7, B8

Omit “Child care centres” wherever occurring.

Insert instead “Centre-based child care facilities”.

[4] Land Use Table, Zone R2

Insert “Centre-based child care facilities” and “Respite day care centres” in alphabetical order in item 3, with appropriate punctuation.

[5] Dictionary

Omit the definition of *child care centre*. Insert in alphabetical order:

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:
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) 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.

[6] Dictionary, definitions of “early education and care facility” and “school-based child care”

Insert in alphabetical order:

early education and care facility means 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.

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.

[7] Dictionary, definition of “home-based child care”

Omit the definition of ***home-based child care***. Insert instead:

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.