

## A7 - CHILD CARE CENTRES

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## A7 - CHILD CARE CENTRES

### A7.1 INTRODUCTION

#### A7.1.1 *Aims of this Section*

- Present the Tweed Shire Council's requirements for the siting of Child Care Centres.

#### A7.1.2 *Land to which this Section applies*

The Section applies to all land within the Tweed Council area where Child Care Centres are permitted with Council's consent.

#### A7.1.3 *How to use this Section*

Where a development is proposed on land to which this Section applies Council shall take the provisions of this Section into consideration in determining the application.

Compliance with the provisions of this Section does not necessarily imply that Council will grant consent to an application. Council must, in relation to development applications, also take into consideration those matters listed under Section 90(1) of the Environmental Planning and Assessment Act 1979.

In special circumstances, Council may consent to an application which departs from the provisions of this Section.

In preparing an application for development, there are a number of specific steps that should be followed:

- Step 1:** Check the zoning of the site under Tweed LEP 2000 to ensure that the proposed development is permissible and to determine what related provisions apply.
- Step 2:** Establish what other Sections or Policies apply to the site.
- Step 3:** Familiarise yourself with the location requirements in this Section (A7.2).

#### A7.1.4 *How does this Section relate to other Sections and Environmental Planning Instruments?*

##### **Within Part A**

This Section is generally consistent with the other Sections from Part A of this DCP. Where there is an inconsistency then the higher standard/requirement shall prevail.

##### **Between Part A and Part B**

In the event of any inconsistency between this Section and a Section from Part B of this DCP, the provisions of the Section from Part B shall prevail.

This Section contains provisions relating to the siting of Child Care Centres in the Tweed Council area.

Where an inconsistency arises between this Section and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument prevails. An environmental planning

instrument means a State Environmental Planning Policy, a Regional Environmental Plan or a Local Environmental Plan.

This Section should be read in conjunction with:

- Section A2 - Site Access and Parking Code.
- Section A4 - Advertising Signs Code.

## **Landscape Manual**

### **A7.1.5 Definitions**

(a) 'Child Care Centre' is defined in the Tweed LEP 2000, as follows:-

*"land used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:*

- (a) *the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the Education Act 1990;*
- (b) *residential care is not provided on the land for any of the children (other than those related to the owner or operator);"*

## **A7.2 LOCATION REQUIREMENTS**

### **A7.2.1 Residential Areas**

- (a) In residential zones Council shall strongly favour the location of child care centres adjacent to non-residential uses such as retailing uses (neighbourhood shopping centres), schools, community facilities and the like.
- (b) The development of child care centres on "infill" sites within low density residential areas shall not be favoured unless:-
  - (i) The lot has a minimum area of 800m<sup>2</sup>, a 3.0 metre perimeter landscape buffer with adjacent properties and a minimum 1.8 metre high intervening fence. If the proposed building and play areas comprising the Child Care Centre are 10 metres or more from any adjacent dwelling, then the 3.0 metre landscape buffer and 1.8 metre high fence is not required. Some landscaping and fencing will still be required, however, each application will be treated on its own merits;
  - (ii) The applicant can demonstrate that noise emanating from the use of the child care centre will not be detrimental to the amenity of adjacent residents;
  - (iii) Car parking is provided in such locations that will minimise disturbance to adjacent neighbours by the frequent arrival and departure of cars; and
  - (iv) The overall traffic impact to the immediate neighbourhood is not detrimental to the amenity.
- (c) For new urban release areas there should be planned provision within a development control plan for a particular release area to locate child care centres immediately adjacent to retailing, commercial and community uses

and which are essentially located to provide convenient access to the population served.





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