

Development approval pathways for schools

This fact sheet outlines the planning approval requirements for activities commonly undertaken at schools.

Chapter three of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) sets out the planning rules applicable to educational establishments. The T&I SEPP lists the types of development that can be carried out using one of the following pathways:

Exempt development are minor developments that do not require a planning approval where they are carried out within the boundaries of the existing school and comply with the relevant development standards. Exempt development can be carried out on land mapped as bushfire prone land and heritage listed items provided there is no more than a minimal impact on heritage significance. Exempt development can be carried out at both government and non-government schools.

Complying development are projects that can be approved through a combined planning and construction approval if the proposal meets the specified development standards. Complying development can be carried out on heritage listed schools if an exemption under the *Heritage Act 1977* has been issued but cannot be carried out land mapped as bushfire prone land. Complying development certificates can be issued by either a council or a private certifier for works at both government and non-government schools.

Development permitted with consent are those developments that require development consent from a consent authority, either the local council for smaller development or the Minister for Planning under the State significant development pathway for more significant developments. Development permitted with consent is applicable to government and non-government schools.

Development permitted without consent is only applicable to government schools projects undertaken by the Department of Education or Schools Infrastructure NSW.

For the purposes of the T&I SEPP, an educational establishment includes a government or a non-government school that is registered under the *Education Act 1990*. Other commercially run educational facilities such as tutoring centres, cooking schools, art schools, sports academies and the like are not considered educational establishments and cannot use the T&I SEPP provisions.

Exempt development

The full list of exempt development can be found in [s3.39](#) and [schedule 5](#) of the T&I SEPP.

Access ramps and chair hoists	To provide access to buildings, carparks, public transport or recreational areas
External building alterations	Includes the enclosure of balconies and walkways, repairs and renovations to buildings
Internal alterations	Non-structural changes to the interiors of existing buildings
Car parks	Open at grade car parks, including boom gates and security booths
Demolition	Demolition of buildings and structures less than 250m ² in area and that are not heritage listed
Fences	Security fences up to 3m height along road frontages and boundaries
Signage	Non-electronic identification or directional signage up to 8m ² in surface area
Landscaping, walking paths, bbqs, shelters and shade structures	Including irrigation schemes and routine maintenance
Play equipment	Setback 1.2m from any fence
Pre-schools	Up to 50 children and carried out within existing school buildings
Temporary portable classrooms (demountable classrooms)	Single storey portable classrooms for 48 months
Sports fields and courts	Excluding synthetic surfaces
School based childcare (out of hours and vacation care)	Between 7am-7pm, and can be a commercially run centre

Exempt development

The full list of exempt development can be found in [s3.39](#) and [schedule 5](#) of the T&I SEPP.

Tree removal or pruning

Where a qualified arborist has identified a safety risk and a replacement tree is planted

Complying development

The full list of complying development can be found in [s3.40](#) and the applicable development standards in [schedule 6](#) of the T&I SEPP.

Development by any person within the boundaries of an existing or approved school for:

- Library, administration or office premises
- Gym or indoor sporting facility/hall
- Teaching facilities including classrooms, labs, lecture theatres
- Cafeteria, canteen, kiosk or shop selling school related items
- Halls, outdoor learning areas, awnings and canopies
- Car parks

Subject to the development standards in [schedule 6](#) which include:

- Maximum height 4 storeys/22m
- Front, rear and side setbacks
- Design and materials
- Landscaping
- Waste storage areas
- Drainage

Alterations and additions to existing buildings; restoration, replacement or repair of damaged buildings

Subject to the development standards in [Schedule 6](#).

Pre-schools (new buildings or use of existing buildings)

New buildings are subject to the development standards in [schedule 6](#)

Pre-schools of 50 or more children will require a traffic certificate from the relevant roads authority under [s128](#) of the [Environmental Planning and Assessment Regulation 2021](#).

Complying development

The full list of complying development can be found in [s3.40](#) and the applicable development standards in [schedule 6](#) of the T&I SEPP.

Demolition	Demolition of buildings and structures greater than 250m ² that are not heritage listed
Minor alterations and additions to campus student accommodation	Where the proposal does not increase the gross floor area or height of the building.

Development with consent

The full list of developments permitted with consent are listed in [s3.36](#) of the T&I SEPP

Development of a school by any person on land in a prescribed zone.	Subject to provisions in the applicable LEP and any DCPs Development for a new school with an estimated cost of works over \$20m, or alterations and additions over \$50m are State significant development (excluding student accommodation).
Alterations and additions to an existing school or development of a school by any person within the boundaries of an existing or approved school.	
Development of a centre-based childcare facility by any person within the boundaries of an existing or approved school.	
Development of student accommodation by any person within the boundaries of an existing or approved school.	