

1. INTRODUCTION

The location of Child Care Premises or Family Day Care needs to take account of the City's expectation that new premises will be developed in an orderly and proper manner, which ensures the community has access to child care services that are appropriately integrated within various parts of the City.

This policy outlines the matters which applicants need to consider in selecting suitable sites for Child Care Premises, or establishing a Family Day Care operation, and matters the City takes into account when considering an application for planning consent. The policy draws together and elaborates on the requirements specified in the Town Planning Scheme.

2. APPLICATION OF POLICY

This policy will guide the City in determining development applications for Child Care Premises or Family Day Care.

3. OBJECTIVES

- a) To promote the provision of Child Care Premises/Family Day Care in accordance with community needs;
- b) To encourage applicants to undertake appropriate planning in the establishment of Child Care Premises/Family Day Care;
- c) To provide guidelines for the selection of suitable sites for Child Care Premises/Family Day Care and their development requirements; and
- d) To minimise the impacts of Child Care Premises/Family Day Care on the amenity, form and function of neighbourhoods.

4. POLICY STATEMENT

Policy Statements 4.1 to 4.5 provide criteria which inform the assessment of applications for Child Care Premises and Policy Statement 4.6 deals with Family Day Care.

4.1 Location Criteria

- 4.1.1 Sites in close proximity to community facilities, local centres, schools and public transport networks are a preferred location for new Child Care Premises.
- 4.1.2 Child Care Premises should not be located so to adversely affect the level of service provided by a road or create road safety concerns, to the City's satisfaction.

4.1.3 Larger Child Care Premises (considered those which accommodate more than 50 children) are not generally considered suitable in Residential zones. Where such facilities are proposed in Residential zones they will only be supported where:

- a) The proposal will not have a significant detrimental impact to the residential amenity of adjoining and nearby properties;
- b) Arrangements will be in place to manage the use of outdoor areas to minimise any impacts on the residential amenity of adjoining and nearby properties;
- c) Traffic generated from the facility will not detrimentally affect the level of service provided by the local road system;
- d) The site has certain attributes to distinguish it as possibly being acceptable in a Residential zone (such as the site being surrounded by roads and/or reserves, the land being in excess of 1000m² in size or there being non-residential land uses or zones on one or more sides); and
- e) Other relevant requirements are complied with.

4.2 Site Requirements

4.2.1 Sites with access to reticulated sewer are preferred unless the land's capability and suitability for on-site effluent disposal is demonstrated to the City's satisfaction and/or the Health Department.

4.2.2 Sites shall be of sufficient size to accommodate parking and access requirements, servicing infrastructure, landscaping, outdoor play areas and setbacks to adjoining properties to the satisfaction of the City.

4.2.3 Regular shaped sites in excess of 1000m² are preferred, as these sites generally enable accommodation of required facilities and appropriate setbacks/buffers between the Child Care Premises and adjoining properties.

4.2.4 For sites that are on roads which are part of the *Road Freight Network*, a transport noise assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 *Road and Rail Transport Noise and Freight Considerations in Land Use Planning* (or standards which supersede it) shall be undertaken. Any noise amelioration measures recommended in the noise assessment report shall be incorporated into the development at the appropriate stages as determined by the City.

4.3 Car Parking and Traffic Management

- 4.3.1 The City may require the submission of a traffic impact assessment certified by an appropriately qualified traffic engineer in order to determine the level and impact of traffic generated, impact on off-site and on-site car parking and appropriate means of addressing such impacts.
- 4.3.2 Car parking and vehicular access requirements shall be consistent with the Town Planning Scheme.
- 4.3.3 Pick up and set down facilities shall be provided.
- 4.3.4 Car parking areas shall be landscaped to the satisfaction of the City.
- 4.3.5 Site selection, layout and vehicle access points shall provide for safe and efficient traffic movement and have regard for the impact of traffic on the local road system.
- 4.3.6 For sites with more than one street frontage, access shall be provided from the lowest order road unless otherwise required and/or approved by the City.
- 4.3.7 All vehicles shall be able to leave the site in a forward gear.

4.4 Building Design and Site Layout

- 4.4.1 The scale and design of new buildings shall be consistent with the character of the existing or desired streetscape in the locality.
- 4.4.2 Fencing of a suitable height and materials shall provide a safe, screened and secure site which also achieves a high standard of streetscape amenity. Boundary fencing separating play areas from adjoining residential properties shall be constructed of materials that will reduce noise impacts where appropriate.
- 4.4.3 Designs shall be able to demonstrate the use of passive solar design principles and provide shaded outdoor play areas to protect children from the dangers of prolonged sun exposure.
- 4.4.4 Within Residential zones and on land adjoining a residential use, building setbacks shall be provided to the minimum requirements of the Residential Design Codes (all openings of a Child Care Premises are to be regarded as “major openings” under the Residential Design Codes for assessment purposes).

4.5 Conditions on Hours of Operation and Noise Emissions

- 4.5.1 Operating hours shall consider the need to protect residential amenity where applicable. This may require the City to impose additional conditions on Child Care Premises where non-standard operating hours are proposed (Standard Hours: 7am and 7pm excluding Sundays and Public Holidays).
- 4.5.2 Where the potential exists for a Child Care Premises to have an impact on the amenity of adjoining property with respect to noise, the City may require the submission of a report by an appropriately qualified acoustic consultant in order to determine the level of noise emissions and ways to address such emissions.

4.6 Criteria Applicable to Family Day Care

The following criteria are intended to ensure that premises approved for Family Day Care are of a suitable size and configuration, and are operated in a manner that will not impact neighbours' residential amenity.

Location Criteria

- 4.6.1 A dwelling proposed to be used for Family Day Care shall have a minimum external 'playing space' of 40m², with a minimum dimension of 6m, located adjacent to the dwelling and within an area set aside for the exclusive use of the occupants of the dwelling.
- 4.6.2 Family Day Care should not be located on rear loaded (i.e. laneway) lots due to insufficient on-site parking and potential traffic conflicts.
- 4.6.3 The use of a Multiple Dwelling for Family Day Care is not permitted.

Car Parking

- 4.6.4 An on-site carparking facility for pick up and set down shall be provided, in addition to meeting the carparking requirements of the dwelling under the Residential Design Codes.
- 4.6.5 On-street carparking and other forms of carparking within the public realm shall not be 'credited' toward Family Day Care proposals as those bays should be available for public use rather than satisfying the requirement of commercial uses whose carparking should be provided on-site where it is immediately accessible by customers.
- 4.6.6 A minimum depth of 4.5m is required where a carparking bay is proposed between a garage and a footpath within the verge.

Operational Criteria

4.6.7 Operating hours shall be restricted to 7am and 7pm Monday to Friday, as operations outside those hours have the potential to impact neighbours residential amenity. Proposals involving hours outside this standard will be considered carefully and in detail, dependent on scale. It is recommended that such events be limited to 'by appointment only'.

4.6.8 A draft operational Management Plan should be provided with a development application for Family Day Care, outlining the proposed days/hours of operation, number of children, daily routine, etc.

RELATED DOCUMENTS AND NOTES

Notwithstanding the provisions of this policy, compliance with relevant state and federal government requirements is required. It is the applicant's sole responsibility to consult with all other relevant authorities and obtain any other required approvals.

Any applicant considering development of a Child Care Premises should also obtain and consider any information the state Department of Environmental Regulation or their successors has about the contamination status of a given site. It should be emphasised that the absence of a report to DEC is no guarantee that a site is uncontaminated. In summary, it is the sole responsibility of the applicant to:

- Exercise duty of care to ensure that the site is suitable for use as a child care service;
- Seek and consider any information held by DEC about the contamination status of the site; and
- Seek and consider any other information about the contamination status of the site, irrespective of whether or not it has been reported to DEC under the Contamination Sites Act 2003 or standards which supersede it.

Related Documents (the City accepts no responsibility for the accuracy/validity of this list as the documents may be subject to change by third parties):

- *The Community Services (Child Care) Regulations 2006;*
- *The Community Services (Family Day Care) Regulations 2006;*
- *Child Care Services Act 2007;*
- *Child Care Services Regulations 2007;*
- *WAPC Planning Bulletin 72/2009 – Child Care Premises 2009;*
- *Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997;*
- *Health Act 1911;*
- *Health (Food Hygiene) Regulations 1993;*
- *Education and Care Services National Law (WA) Act 2012;*
- *Education and Care Services National Law (WA) Regulations 2012; or*
- the standards which supersede any of the above.

D106/6/03 Development Services Committee 9 June 2003 - Adopted by Council 16 June 2003
D160/9/04 Development Services Committee 13 Sept 2004 - Adopted by Council 20 Sept 2004
D27/4/12 Development Services Committee 16 April 2012 - Adopted by Council 23 April 2012
D49/9/17 Development Services Committee 19 Sept 2017 - Adopted by Council 26 Sept 2017