

## Child Care Premise and Family Day Care

**Policy Type: Local Planning Policy**  
**Policy Owner: Director Urban Planning**

**Policy No. LPP1.12**  
**Last Review Date: [17 August 2021](#)**

### Policy Objectives

To provide for the establishment of child care and family day care premises within the City of Melville, whilst ensuring that their location, siting and design is compatible with the surrounding built form, and avoids significant adverse amenity impacts.

### Policy Scope

This policy applies to the assessment of all applications for planning approval in respect of the child care premises proposals including extensions to existing approved centres.

This policy also ~~applies to the assessment of Home Occupation applications for~~ provides a summary of the planning framework relating to family day care.

### Definitions / Abbreviations Used In Policy

LPS6	Local Planning Scheme No. 6
R-Codes	State Planning Policy 7.3 Residential Design Codes Volume 1 and Residential Design Codes Volume 2 – Apartments
Regulations	Planning and Development (Local Planning Schemes) Regulations 2015

#### Child Care Premises

LPS6 includes the definition of 'Child Care Premises as follows:

- (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or*
- (b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided;*

#### Family day care

Defined as per 'Family Day Care' in the Regulations as follows:

*means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided;*

For clarity it is noted the Education and Care Services National Regulations 2012 provides an indication of the maximum number of children who can be cared for at a 'Family Day Care'



A family day care educator must not educate and care for more than 7 children at a family day care residence or approved family day care venue at any one time.

### **Home occupation**

Defined in LPS6 as follows:

~~Means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –~~

- ~~(a) — does not employ any person not a member of the occupier's household;~~
- ~~(b) — will not cause injury to or adversely affect the amenity of the neighbourhood;~~
- ~~(c) — does not occupy an area greater than 20 square metres;~~
- ~~(d) — does not display a sign exceeding 0.2 square metres;~~
- ~~(e) — does not involve the retail sale, display or hire of goods of any nature;~~
- ~~(f) — in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and~~
- ~~(g) — does not involve the use of an essential service of greater capacity than normally required in the zone.~~

## **Policy Statement**

### **Family Day Care**

~~1.0 In accordance with Table 3-Zoning Table in Clause 17 of LPS 6, An application to commence 'Family Day Care' is a Permitted or 'P' use in the 'Residential' and Centre (C3 and C4) zones. In the Centre Zones (C1 and C2), land use permissibility is assessed in accordance with applicable structure plan or activity centre plan provisions.~~

~~1.02.0 Under the provisions of the Regulations, as a 'P' use', Family Day Care is exempt from the need to obtain development approval. will be assessed as a home occupation pursuant to LPS6 and must comply with the definition of a home occupation (outlined above) with the exception of (c) as it is acknowledged that Family Day Care businesses, by their nature, often occupy an area greater than 20m<sup>2</sup>.~~

~~2.03.0 In addition, family day care Prospective Family Day Care operators are advised to make enquires with the City's Environmental Health and Building Services and to determine if any permits or approvals are required. premises must meet the following criteria:~~

~~3.04.0 2.1 — In addition to the above Family Day Care providers may require approval from the state government and No more than seven children, including the applicant's own children, shall be cared for at any one time are advised to make relevant enquiries in this regard.~~



- ~~2.2 — Access to a suitable drop-off/pick up car parking space must be available in addition to the car parking bay(s) required for the dwelling in the R-Codes. This could include a designated car parking bay, unimpeded driveway parking space or embayed on-street parking. The drop-off/pick up bay is to be located in a position which:~~
- ~~(a) — provides easy access to the dwelling, and~~
  - ~~(b) — does not interfere with sightlines nor prejudice road safety.~~

## Child Care Premises

### 3.0 Locations

- 3.1 ~~In accordance with Table 3-Zoning Table Clause 17 of LPS 6,~~ Child Care Premises located within the Residential zone are classed as an 'A' use ~~pursuant to LPS6, which means that they are~~ capable of development approval following advertising in accordance with Clause 64 of the Regulations. Where Child Care Premises are proposed within the Residential zone the following will be taken into account in the assessment of whether the location is appropriate:

*Preferred site characteristics are:*

- (a) Corner sites - to improve the ability for access and to limit the impacts upon adjoining residential properties.
- (b) ~~Located close to~~Within a walkable catchment, or abutting shopping of activity centres, workplaces, schools, community facilities, public open space and civic facilities.
- (c) Well served by footpaths, dual access paths and public transport.
- (d) ~~Of A~~adequate size to provide suitable areas of play space and parking.
- ~~(e)~~ Located on Local Distributor and District Distributor Roads; or -
- ~~(e)~~(f) Located on the following Primary Distributor roads, Canning Highway, Leach Highway and South Street, where suitable access and egress arrangements are achieved using a road other than the Primary Distributor, to the satisfaction of the decision maker.

*Undesirable-Less desirable characteristics are:*

- (a) Sites within cul-de-sacs.
  - (b) Sites with battleaxe access leg (or similar) configuration or shared access.
- 3.2 ~~In accordance with Table 3 – Zoning Table in Clause 17 of LPS 6,~~ Child Care Premises within the Centre (C3 and C4) zone and the, Mixed Use, Service Commercial, Light Industry, Private clubs institutions, and places of worskhip zones are 'P' (permitted) or 'D' (discretionary) uses pursuant to LPS6. . In the Centre (C1 and C2) zone, land use permissibility is in accordance with any applicable structure plan or activity centre plan.



3.3 Under the provisions of the Regulations, development approval is not required for a 'P' use where there is no works component or where the works component is also exempt from approval. In principle, the establishment of Child Care Premises in these locations the above mentioned zones is supported in land use terms given their proximity to shopping centres, workplaces and public transport. However, where development approval is required, however a design, car parking, traffic and amenity assessment will be undertaken.

#### 4.0 *Siting and Design*

- 4.1 Where a The design of Child Care Premises is located in a Centre, Mixed Use, Service Commercial or Private clubs, institutions and places of worship zones, the design should respect and be compatible with existing and future development within the immediate surrounding area taking into account the planning framework such as LPS6, Activity Centre Plans and local planning policies.
- 4.2 Where a Child Care Premises is proposed within a Residential zone, the design and resultant built form will be assessed against the relevant provisions of LPS6, the R-Codes (for open space, setbacks, visual privacy and overshadowing) and local planning policies. This will ensure such development is compatible with the residential character of the area.
- 4.3 Fencing along the primary and secondary street (if applicable) should be of permeable design in accordance with the R Codes and Local Planning Policy. Solid fencing portions will be assessed on their individual merit taking into account the need for noise mitigation and security.

## 5.0 *Noise and Amenity*

- 5.1 Where a Child Care Premises is proposed to be located adjacent to residential property(s), an acoustic impact assessment may-shall be requested to demonstrate that the proposal will satisfy the relevant noise regulations.
- 5.2 Outdoor playing spaces should be sited to minimise any adverse noise impact towards occupiers of adjoining residential properties. ~~The use of solid masonry dividing fences can mitigate adverse noise impacts.~~

## 6.0 *Landscaping*

- 6.1 ~~The City may require the submission of a~~ landscaping plan detailing all hard and soft landscaping, including shade structures shall be provided with a development application.

## 7.0 *Car Parking and Traffic Generation*

- 7.1 Car parking ~~will-shall~~ be required-provided in accordance with Local Planning Policy LPP1.6 Car Parking and Access. ~~(Non-Residential).~~
- 7.2 Parking areas must be sited and designed to allow vehicles to enter and exit ~~the property~~ in a forward gear.
- 7.3 Planning applications for new Child Care Premises, and those that propose to increase numbers within existing child care centres/premises by more than 10 additional children, must be accompanied by a Transport Statement prepared by a suitably qualified and experienced traffic engineer. Proposals will not be supported if the form, function and safety of the surrounding road network is deemed to be compromised.

## 8.0 *Hours of Operation*

- 8.1 Where a Child Care Premises is located adjacent to a property used for residential purposes, the hours of operation of the premises ~~are~~ may be limited to 7am to 7pm Monday to Friday and 8am to 7pm during weekends. Note: The limit on hours of operation does not prevent staff attendance outside of the operating times.

## 9.0 *Signage*

- 9.1 The City's requirements for advertising and signage are outlined in Local Planning Policy LPP2.2 Outdoor Advertising and Signage.



**References that may be applicable to this Policy**

Legislative Requirements:	Planning and Development Act 2005 <sup>4</sup> Planning and Development (Local Planning Schemes) Regulations 2015 <a href="#">Education and Care Services National Law Act 2012</a> <a href="#">Education and Care Services National Regulations 2012</a>
Child Care Services Act 2007	Child Care Services (Child Care) Regulations 2006 Child Care Services Regulations 2007
Procedure, Process Maps, Work Instructions:	Planning Application Procedure
Other Plans, Frameworks, Documents Applicable to Policy:	Local Planning Scheme No. 6 State Planning Policy 7.3 Residential Design Codes Volume 1 and Residential Design Codes Volume 2 – Apartments <a href="#">Planning Bulletin 72/2009 Child Care Centres</a>
Delegated Authority No:	DA – 020: Planning and Related Matters

**ORIGIN/AUTHORITY**

Planning and Development Services Committee  
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16/7/1996

**Item No.**

**REVIEWS**

Special Planning and Development Services Committee  
Ordinary Meeting of Council  
Policy Review Team  
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27/06/2000  
17/08/2010  
21/08/2013  
18/02/2014  
18/08/2015  
20/09/2016  
6/8/2019

P00/1004  
P10/3152  
  
P14/3456  
P15/3648  
P16/3718