



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
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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 child health and safety 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 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.

Policy Statement

Family Day Care

- 1.0 In accordance with Table 3-Zoning Table in Clause 17 of LPS 6, '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.
- 2.0 Under the provisions of the Regulations, as a 'P' use', Family Day Care is exempt from the need to obtain development approval.
- 3.0 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.
- 4.0 In addition to the above Family Day Care providers may require approval from the state government and are advised to make relevant enquiries in this regard.

Child Care Premises

1.0 *Locations*

- 1.1 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 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) Within a walkable catchment, 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 adequate size to provide suitable areas of play space (both indoor and outdoor) and parking.
- (e) Located on Local Distributor and District Distributor Roads;

Undesirable characteristics are:

- (a) Sites within cul-de-sacs.



- (b) Sites with battleaxe access leg (or similar) configuration or shared access.
 - (c) Sites located on the following Primary Distributor roads, Canning Highway, Leach Highway and South Street, in order to minimise the potential for harmful traffic fumes, excessive noise levels and road safety risks impacting on the health of children, staff and visitors to the child care centre and surrounding road users.
- 1.2 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, Private clubs institutions, and places of worship 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.
- 1.3 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 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 a design, car parking, traffic and amenity assessment will be undertaken.

2.0 *Siting and Design*

- 2.1 Where a 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.
- 2.2 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.
- 2.3 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.



3.0 *Noise and Amenity*

- 3.1 Where a Child Care Premises is proposed to be located adjacent to residential property(s), an acoustic impact assessment shall be requested to demonstrate that the proposal will satisfy the relevant noise regulations.
- 3.2 Outdoor playing spaces should be sited to minimise any adverse noise impact towards occupiers of adjoining residential properties.

4.0 *Landscaping*

- 4.1 A landscaping plan detailing all hard and soft landscaping, including shade structures shall be provided with a development application.

5.0 *Car Parking and Traffic Generation*

- 5.1 Car parking shall be provided in accordance with Local Planning Policy LPP1.6 Car Parking and Access.
- 5.2 Parking areas must be sited and designed to allow vehicles to enter and exit in forward gear.
- 5.3 Planning applications for new Child Care Premises, and those that propose to increase numbers within existing child care 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.
- 5.4 Use of car stackers or tandem parking arrangements is considered not desirable”.

6.0 *Hours of Operation*

- 6.1 Where a Child Care Premises is located adjacent to a property used for residential purposes, the hours of operation of the premises 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.

7.0 *Signage*

- 7.1 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 Planning and Development (Local Planning Schemes) Regulations 2015 Education and Care Services National Law Act 2012 Education and Care Services National Regulations 2012
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 Planning Bulletin 72/2009 Child Care Centres
Delegated Authority No:	DA – 020: Planning and Related Matters

ORIGIN/AUTHORITY

Planning and Development Services Committee
Formerly Planning Policy 27

16/7/1996

Item No.

REVIEWS

Special Planning and Development Services Committee
Ordinary Meeting of Council
Policy Review Team
Ordinary Meeting of Council
Ordinary Meeting of Council
Ordinary Meeting of Council
Administrative Review
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Ordinary Meeting of Council

27/06/2000
17/08/2010
21/08/2013
18/02/2014
18/08/2015
20/09/2016
6/8/2019
17/08/2021

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