

Local Planning Policy No. 2.5

CHILDCARE PREMISES

1. HEAD OF POWER

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to development across the whole of the City.

2. PURPOSE

Background

These provisions comprise the basis for the consideration of Development Applications for Child Care Premises and related land uses with particular regard for the impact of the proposal on the amenity of the immediate locality and the health and safety of children.

This Policy has been prepared to assist those who seek Planning Consent for a Child Care Premises including Outside School Hours Care. The City Local Planning Scheme No. 20 ("The Scheme") and this Policy will be used by staff when assessing a Development Application for a Child Care Centre.

Objectives

The objectives of this Policy are to:

1. Provide for the establishment of Child Care Premises in an orderly and proper manner;
2. Provide guidance for the location, development and operation of Child Care Premises within the City;
3. Ensure that Child Care Premises are located in circumstances where the use is compatible with surrounding uses and does not have an unreasonable impact on the amenity of the locality in which they are to be located, particularly where a Child Care Premises is proposed within a residential area;
4. To ensure that impacts on, or demand for, improvements to infrastructure resulting from the establishment of a Child Care Premises does not introduce a burden on the general community;
5. To ensure that the needs of users are sufficiently met; and
6. To ensure the health and wellbeing of the children attending Child Care Premises is considered in the siting and design of the facility.

Application

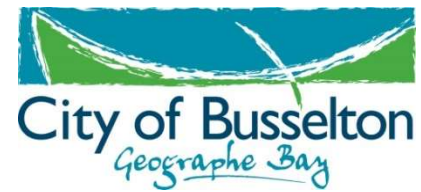
General Application

For the purposes of assessing applications against this Policy the term Child Care Premises shall be taken to mean a Child Care Centre.

This Policy applies to any proposal to establish, physically alter, vary conditions of operation and/or increase the capacity of a Child Care Premises.

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This Policy relates only to Child Care Premises (long day care) and Outside School Hours Care and is not inclusive of Outside School Hours Family Day Care or Family Day Care.

Relationship to Local Planning Scheme No. 21

Both a Child Care Premises and Outside School Hours Care are considered to fall within the definition of Child Care Premises for the purposes of the Scheme, the definition of which is noted below in Part 4 of this Policy. The Child Care Premises use is permissible within a range of zones under the Scheme and is variously either an 'AA' use – permitted at the discretion of the City and may be advertised, or an 'SA' use – permitted at the discretion of the City following mandatory advertising. Whilst it is likely that most applications for Child Care Premises in residential areas will be subject to advertising/consultation, the Scheme directs a greater rigour of assessment towards proposals where the use is identified as an 'SA' use in the respective zone.

Outside School Hours Family Day Care or Family Day Care are considered to be a Home Occupation (permitted) use under the Scheme.

Relationship to Relevant Legislation

There is various legislation that has implications for the consideration of a Child Care Premises proposal, including those that establish the regulatory requirements of the Department for Communities, Child Care Licensing Unit. It is recommended that those submitting applications for Child Care Premises contact the Child Care Licensing Unit to understand the requirements of the Department.

Legislation and Policy relevant to the consideration and operation of a Child Care Premises includes:

- Health Act (1911)
- Child Care Services (Child Care) Regulations 2006
- Child Care Services (Outside School Hours Care) Regulations 2006
- Child Care Services Act (2007)
- Health (Public Building) Regulations 1992
- Health (Food Hygiene) Regulations 1993
- Building Code of Australia
- Environmental Protection (Noise) Regulations 1997
- Western Australian Planning Bulletin No 72.
- Contaminated Sites Act (2003)

3. INTERPRETATION

The following interpretations are relevant when considering the application of this Policy.

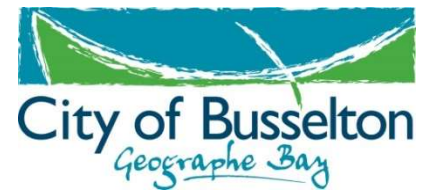
For the purposes of this policy "**Child Care Premises**" has the same meaning as in the *Community Services (Child Care) Regulations 1988*, which for the purposes of this land use definition means a building or place used for the purpose of supervising or caring for children which-

- (a) caters for five or more under school age children whether or not those children are related to the owner or operator of the building or place;
- (b) may include an educational function; and
- (c) may operate for the purposes of gain.

Note. The Child Care Services Act 2007 does not permit carers or supervisors to reside on the site of a Child Care Premises.

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"Outside School Hours Care" – as for a Child Care Premises but for children of school age and outside of normal school hours.

"Family Day Care" – means premises used to provide family day care within the meaning of the Community Services (Child Care) Regulations 1988, which for the purposes of this land use definition means a child care service provided to a child in a private dwelling in a family or domestic environment.

Note. Typically limited in size by a standard condition imposed by the Child Care Licensing and Standards Unit of the Department for Communities.

"Outside School Hours Family Day Care" – as for a Family Day Care Centre but outside of normal school hours.

"Preliminary Health Risk Assessment" - an assessment undertaken in order to satisfy this Policy which identifies the general suitability of the location of a proposed facility or Child Care Premises, measured against selective Environmental Health criteria.

"Health Impact Assessment" - A detailed assessment report undertaken by a qualified health consultant who analyses in detail and makes recommendations on the management of potential health risks identified in the Preliminary Health Risk Assessment where the level of risk is identified as high, medium or uncertain.

4. POLICY STATEMENT

4.1 Information to be provided with Development Applications

The following details are required to be submitted with a completed Development Application Form, signed by all landowners listed on the certificate of title for the land, together with the relevant application fee, and advertising fee if required:

- 4.1.1 Written information detailing all relevant information including the numbers and ages of children to be cared for, the number of staff, days and hours of operation, the anticipated hours of play for each age group, and anticipated impacts on traffic, noise and the amenity of the area;
- 4.1.2 Four copies of a detailed Site Plan to scale of not less than 1:200, and Elevations and Floor Plan of not less than 1:100 identifying the building to be used, play areas (including fencing details and any noise mitigation measures), vehicular parking and access arrangements, landscaping, refuse storage, pedestrian and vehicular access, and the nature of the adjacent road frontage including verge width, street trees, light poles, traffic islands etc;
- 4.1.3 A completed Social Impact Statement in accordance with the requirements of City Policy;
- 4.1.4 Preliminary Health risk assessment for proposed development of a Child Care Facility (Refer to City Environmental Health section for information)
- 4.1.5 Details of proposed signage.

In addition, the following additional information may be required at the City's request:

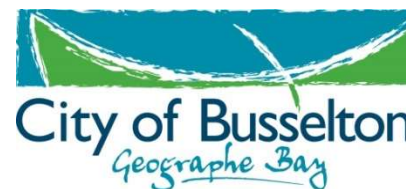
- A detailed Traffic Impact Assessment (where there are potential issues of traffic conflict); and
- A detailed Noise Impact Assessment (where potential noise impacts may unreasonably impact on the amenity of the area).
- A detailed Health Impact Assessment where potential health risks identified in the Preliminary Health Risk Assessment are identified as high, medium or uncertain.

4.2 Requirements for Child Care Premises

- 4.2.1 A minimum lot area of 900m² is required for appropriate design and to aid in reducing the impacts on surrounding landowners. By complying with the minimum lot area requirement the centre should be able to accommodate play areas, landscaping, car parking areas and other facilities.
- 4.2.2 To avoid potential over development, site coverage is not to exceed that permitted for residential development at the density of surrounding residential development. In the case of non-residential zones, the site coverage shall not exceed 50% of the land area.
- 4.2.3 Setbacks of Child Care Premises shall be, at a minimum, consistent with the requirements of development permitted within the respective zone, however, further setbacks may be required by the City to meet the Policy Provisions described in Part 6 below.
- 4.2.4 In residential areas, Child Care Premises should maintain an appearance sympathetic to residential design and should reflect an essentially residential form.
- 4.2.5 The City will have due regard to the safety provided by fencing of Child Care Premises and to the impacts of front fences on the amenity of an area. In residential areas, front fencing is to be visually permeable above 1.2 metres in height.
- 4.2.6 Where parking is provided within the front setback areas it will be required to be screened from view by vegetation. At a minimum, a two metre landscaping strip will be required adjacent to the front boundary and a one metre landscaping strip along a secondary street boundary; however, greater landscaping may be required at the discretion of the City.
- 4.2.7 One car parking space per five children cared for at the centre is required. In addition, one car parking space per staff member is required. The calculation of staff car parking bays shall be referenced to the number of staff required to attend the facility pursuant to the Child Care and/or Outside School Hours Care Regulations (2006) as the case may be.
- 4.2.8 The dimensions of a standard car bay are 2.5 by 5.5 metres. Adequate reversing and manoeuvring areas are required to be provided for vehicles. Further information regarding car parking design can be obtained from the City's website at www.busselton.wa.gov.au Tandem car bays can be considered for staff members.
- 4.2.9 Safe pedestrian access is to be provided that complements the provision of parking on the Site.
- 4.2.10 In general, Child Care Premises will only be permitted to operate between 7.00am and 7.00pm weekdays, and 8am to 1pm on Saturdays. These operating times may be varied at the discretion of the City provided the nearby residents/owners have been contacted and either raise no objection to the modified hours or conditionally support the modified operating hours subject to condition(s) which are acceptable to the proponent. While there may be situations where an earlier start time could be appropriate, the onus should be upon the applicant to demonstrate how earlier start times will be managed in the context of surrounding land use and outline how any potential impacts on neighbouring residential properties will be managed. Starting times before 7.00 am will not generally be permitted.
- 4.2.11 The maximum permitted area of an advertising sign for a Child Care Premises in a Residential area is 1m².
- 4.2.12 As the Child Care Services Act 2007 precludes (by definition) Child Care Premises from containing a residential component, planning considerations of residential accommodation attached to the Child Care Premises proposal will not normally need to be considered.

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- 4.2.13 Child Care Premises will be required to be designed and constructed, or existing buildings altered, to allow easy access for people with disabilities, in accordance with the requirements of the Building Code of Australia.
- 4.2.14 Play areas are to be provided with adequate cover from the elements.

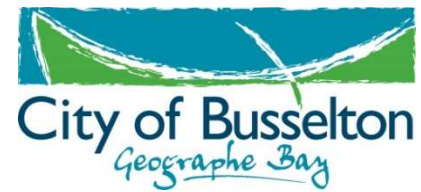
The City's consideration of an application for a Child Care Premises will include, but is not limited to, the following:

4.3 Location and Assessment Criteria

- 4.3.1 The preferred location for Child Care Premises are in the immediate vicinity of relevant user-groups such as town and neighbourhood centres, schools, work places, shops, community facilities, public open space, civic facilities and in the Business zones of the Scheme.
- 4.3.2 The onus lies with the applicant to demonstrate that a Child Care Premises in a residential area is compatible with adjacent/surrounding development and will not have an unreasonable adverse impact on the amenity of the locality in which they are proposed. Whilst Child Care Premises may be considered adjunct to residential development, the City shall be satisfied that impacts on amenity from appearance, noise, traffic and other considerations should be acceptable with regard to the apparent amenity of a residential area. In this regard Child Care Premises will be examined with rigour, specifically in the lower density residential areas of the City.
- 4.3.3 The onus lies with the applicant to demonstrate the development will not have significant undesirable environmental health impacts on the community and the intended occupants of the development. This will be facilitated through the applicant completing a Preliminary Health Risk Assessment (refer to the City's Health section for details) and addressing the relevant topics within the Social Impact Statement.
- 4.3.4 The nature and function of the local road hierarchy and potential impacts on the level of service of the street system and/or intersections which will be utilised to access the site.
- 4.3.5 Sites which are located on Bussell Highway or Caves Road will generally not be supported unless the site is a corner lot or alternative access to a side street is readily available. The City will refer any such application to Main Roads WA for comment.
- 4.3.6 In the instance of a Child Care Premises proposed on either Caves Road, Bussell Highway or any other road where the City considers that traffic management or traffic impact on amenity is an issue of concern, the City may require the applicant to provide a Traffic Impact Assessment (TIA) prepared by a competent and qualified professional person. A TIA shall address the following:
 - The Site characteristics and surrounding area;
 - The proposal and expected trip generation;
 - Parking requirements, including the design of parking areas, and any pick up and drop off facilities; Existing traffic conditions and any expected future changes to traffic conditions or level of service resulting from the proposal;
 - Current road safety conditions, including any accident history in the locality;
 - The expected impact of the proposed development on existing and future traffic conditions; and
 - Any other requirements the City reasonably considers relevant.
- 4.3.7 The City considers corner sites to be more appropriate for Child Care Premises.
- 4.3.8 The City will generally not support an application for a Child Care Premises in a cul-de-sac or on a site serviced by battle-axe access.

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- 4.3.9 The City will have regard for the need to provide safe access to parking areas and safe pedestrian links to the site and movement within the Site. Parking should be visible from the Street. Preference will be given to a separate entrance and exit, as a drive through - drop off and pick up arrangement to avoid reversing movements within the property. The site is to provide for vehicular entrance and exit in forward gear. Should the City consider that pedestrian access and/or traffic management infrastructure requires upgrading as a requirement generated by the proposal, the City may require a contribution to the improvement of such infrastructure.
- 4.3.10 Sites should have sufficient frontage of at least seventeen (17) metres to provide for adequate set down and pick-up areas within the Site. Safe set down and pick up areas are required in addition to the provision of parking and pedestrian access.
- 4.3.11 It is preferable for an access road or side road abutting a Child Care Premises to have provision accommodating safe on-road car parking, however, such provision shall not credit toward a reduction in the number of required parking spaces.
- 4.3.12 In the instance where it is considered that potential health risks identified in the preliminary health risk assessment, are undesirable and may impact significantly/unreasonably on any group of identified stakeholders, the City may require the applicant to provide a detailed Health Impact Assessment (HIA) prepared by a competent and qualified professional person and to the relevant standard as contained in the Commonwealth Department of Health and Aged Care September 2001 publication: Health Impact Assessment Guidelines.

4.4 External Noise Impacts

Applications will be examined for the potential nuisance and impact on amenity, including the impact of noise on and arising from, surrounding development. Whilst noise may be measured, the subjective issue of nuisance should also be addressed. In terms of noise mitigation, this may be achieved by physical separation, the design and layout of the facility, the staggering of children's playtimes, or by implementing noise abatement measures, such as treatments to buildings or play area surrounds.

The following basic principles apply:

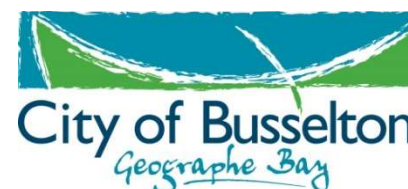
- 4.4.1 Where a Child Care Premises is located adjacent to a noise sensitive use, such as houses, retirement villages and nursing homes, the noise generating activities of a Child Care Premises, such as outdoor play areas, parking areas and plant and equipment, shall be located away from the noise sensitive use.
- 4.4.2 Where, due to design limitations or safety considerations, noise generating activities are located close to noise-sensitive uses, appropriate noise mitigation is to be undertaken.
- 4.4.3 The design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits.
- 4.4.4 Where the City has reasonable concerns over the level of noise impact on the amenity of the surrounding area or by external noise impacts on the Child Care Premises, the City may require a Noise Impact Assessment to be provided by the applicant.

4.5 Child Care Premises Undesirable in Certain Circumstances

Child Care Premises may prove to be incompatible with the amenity of certain areas in certain circumstances. The circumstances listed below are not intended to be a determining factor for the

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consideration of an application, rather provide an example of the application of aspects of this Policy.

The following are examples of instances where a Child Care Premises may be undesirable; however, the City's determination of an application on its merit is not limited by the following examples:

- 4.5.1 The proposed Child Care Premises will have a demonstrable impact on the amenity of the locality by means of noise or traffic impacts.
- 4.5.2 Crossover Access is from a major road (i.e. neighbourhood connector) or in close proximity to a major intersection where there are safety concerns; or access is from a minor road (i.e. local access street) where there may be impacts on amenity due to traffic, parking and undesirable changes to the characteristic and level of service enjoyed and expected within the local street system.
- 4.5.3 The current use or any permissible use under the zoning of an adjoining premise produces unacceptable levels of noise, fumes or emissions or poses a potential health risk by reasons of activities, undesirable social activities or materials stored on site.
- 4.5.4 The exposure of the intended occupants/users of the Child Care Premises to environmental health risks would be undesirable, as determined by a Health Impact Assessment.
- 4.5.5 Noise or other pollution from roads, railways and aircraft are likely to have an adverse impact on the facility.
- 4.5.6 The Site is subject to contamination, within close proximity to high voltage electricity transmission lines, or other external impacts that may be harmful to staff or children.
- 4.5.7 The facility is proposed adjacent to a district distributor road or highway where exposure to pollution could be likely to have an adverse impact on child health and development.

5. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	10/3/2010		C1003/069	
Previous Adoption	DATE		Resolution #	

** Policy number changed from LPP 7A to LPP 2.5 on the 11th May 2020. The change is administrative only, no resolution by Council required.*