

Local Planning Policy 10 – Family Day Care and Child Care Premises (LPP10)

Management Procedure

Relevant Delegation

Purpose

1. Background and Introduction

The provision of family day care and childcare premises is necessary for the residents of the City of Kalamunda. These centres are to be established in appropriate locations and not unduly impact upon the amenity of the area.

This policy is to provide guidance relating to the development and location for both family day care and childcare premises within zones that permit those uses.

2. Objectives

The objectives of this policy are to:

- a) Ensure Family Day Care and Child Care Premises are established in locations which do not have unreasonable impacts on the amenity of the locality; and
- b) Ensure Family Day Care and Child Care Premises are consistent with the character of the locality.

3. Application of Policy

This policy applies to Family Day Care and Child Care Premises development applications within the City of Kalamunda Local Planning Scheme area.

4. Statutory Authority / Legal Status

This Policy has been prepared under and in accordance with Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 (The Regulations) and Part 7 of the Residential Design Codes of Western Australia (R-Codes).

- a) **Relationship to Local Planning Scheme No.3**

This policy is a planning policy prepared, advertised and adopted pursuant to Part 2 of Local Planning Scheme No.3. (the Scheme) The must be read in conjunction with Scheme provisions relating to development.

If there is a conflict between this local planning policy and the Scheme, the Scheme prevails.

This policy must be read in conjunction with state planning policies and relevant state guidance documents. Of particular relevance to this policy are:

- i. State Planning Policy 1 – State Planning Framework.
- ii. State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- iii. State Planning Policy 7.0 – Design of the Built Environment
- iv. State Planning Policy 7.1 – Residential Design Codes
- v. Planning Bulletin 72/2009 – Child Care Centres

b) Relationship to other Local Planning Policies

This policy must be read in conjunction with other City of Kalamunda local planning policies. Of particular relevance to this policy is:

- i. Local Planning Policy 2 – Advertising Signage
- ii. Local Planning Policy 11 - Public notification of planning proposals
- iii. Local Planning Policy 26 – Public Art Contributions
- iv. Local Planning Policy 33 – Tree Retention

Please note: That all Child Care and Family Day Care Centres are required to obtain all the necessary permits and licenses from the Child Care Services Board as required under the Child Care Services act 2007, Child Care Services (Child Care) Regulations 2006 and the Education and Care services National Regulations 2012 and associated National Law. All centres will be required to operate within the standards of the above regulations.

Policy Statement

1. Location Criteria

The following criteria will be assessed in relation to the appropriate locations for family day care centres and childcare centres:

- a) Accessibility to Public Transport.
- b) Avoidance of location on Arterial Roads and suitability from a traffic engineering point of view.
- c) Avoidance of clustering with other non-residential land uses, unless abutting a commercial zone.
- d) Distribution between existing centres.

- e) Walking distance to appropriate commercial, recreation or community nodes and education facilities.
- f) Sufficient size and dimension to accommodate the development without affecting the amenity of the area.

2. Siting Criteria

Although the land use may be permitted under the provisions of the Scheme, premises may not be supported in the following locations due to inconsistency with the objectives of this Policy as summarised below:

Child Care Premises

- i. At the end of Cul-de-sacs;
- ii. In Residential zoned land within 300m of another Child Care Premises;
- iii. Within Rural zoned land, within 800m of another Child Care Premises;
- iv. Site with sole vehicular access from a longer or undedicated Right of Way, under-width street or laneway;
- v. Sites located on, or at intersections to, Primary or District distributor Roads;
- vi. Sole access abuts traffic lights, roundabout, or traffic calming device;
- vii. Rear battle-axe and strata sites; and
- viii. Multiple Dwellings.

Family Day Care

- i. Sites with sole vehicular access from a longer or undedicated Right of Way, under-width street or laneway;
- ii. Sites located on, or at intersection to, Primary or District distributor roads;
- iii. Sole access abuts traffic lights, roundabout or traffic calming device;
- iv. Sites with swimming pools, unless demonstrated compliance with AS1926; and
- v. Sites adjacent to industrial areas.

3. Minimum Lot Size and Site Coverage

In accordance with 'Planning Bulletin 72/2009 – Child Care Centre's published by the Western Australian Planning Commission (WAPC) child care premises will not be considered on sites in residential areas that are less than 1000sqm. Family day care centres will not be considered on sites that are less than 500sqm in size.

This Provision is established to ensure that appropriate outdoor play spaces can be provided.

A maximum of 50% site coverage of roofed structures on site is permitted on lots which contain either a family day care or child care premises to ensure that appropriate outdoor

play spaces can be provided in accordance with the Child Care Services Act 2007 and Education and Care Services National Regulations.

Design Criteria

1. Built Form and Streetscape

Child care premises must be of a “residential scale”, with height, form and setbacks being consistent with the character of the locality and existing or planned future streetscape.

Development must be designed to minimise overshadowing, overlooking; and buildings being built to the boundary, unless consistent with surrounding development. .

The design must have regard to the existing residential amenity and minimise the potential for visual and noise nuisance.

Play areas must be located behind the front building setback line and away from noise sensitive receptors.

2. Parking and Traffic Assessment

Parking areas must be designed for traffic to move easily within the site to ensure the risk of congestion is minimised. Vehicles must enter and exit the site in forward gear. All parking must be contained on the subject site.

New Child care premises and proposals to increase numbers within an existing premises by more than 10 additional children must be accompanied by a Traffic Impact Assessment (TIA) prepared by a suitably qualified traffic engineer. The TIA must address the following:

- a) Site description including naming of roads and nearest intersections;
- b) Adjoining land uses;
- c) Existing traffic conditions or Structure Plan indications (where applicable);
- d) Traffic flows, daily and peak hour flows, number of heavy vehicles;
- e) Speed as measured at the 85th percentile;
- f) Trip generation
- g) Queuing at intersections and entry/egress to parking facilities;
- h) Road safety for all road users, including pedestrian and cyclists;
- i) Crash history;
- j) Parking provisions and requirements, pick-up and drop-off facilities;
- k) Public transport routes
- l) Dual use path locations surrounding the site, internal pedestrian pathways, suitable crossing locations for the pedestrians and provisions of pram ramps; and
- m) Other relevant matters having regard to the characteristics of the site.

Proposals for family day care centres must include a drop-off bay located on the subject property which facilitates entry and exit in forward gear.

3. Landscaping

- a) Verge areas must be landscaped and maintained for the duration of the development to the satisfaction of the City of Kalamunda. Landscaping design must discourage visitors from informally parking on verge areas. Paving of verge areas is not considered consistent with the objectives of the Policy.
- b) In Residential zones primary street frontages and corner truncations must be landscaped and reticulated a minimum three (3) metres into the property to ensure development is consistent with the objectives of the Policy.

4. Signage

- a) Family day care signage must not exceed one sign of maximum 0.2m² in size.

Operational Criteria

1. Hours of operation

a) Family Day Care

Unless otherwise approved having regard to the residential amenity of the locality the hours of operation of Family Day Care must be between 7:00am and 6:00pm on weekdays and 8:00am and 6:00pm on Saturdays. Family Day Care may not be permitted to operate on Sundays and Public Holidays.

b) Child Care Premises

Unless otherwise approved having regard to the amenity of the locality, the hours of operation of Child Care Premises must be between 7.00am and 7.00pm from Monday to Friday and between 8.00am and 4.00pm on Saturdays.

2. Maximum Number of Children

a) Family Day Care

The maximum number of children permitted shall be in accordance with the Education and Care Services National Regulations 2012 (as amended).

b) Child Care Premises

In accordance with the Education and Care Services National Regulations 2012 the number of children present at the childcare premises must not exceed the maximum number of children specified in the license or permit to operate. The

proposed number of children will be considered having regard to the location criteria of the Policy.

3. Outdoor Play Areas

- a) Outdoor play areas must be setback a minimum of one (1) metre from lot boundaries to ensure that the potential for noise impact upon surrounding properties is minimised.
- b) Outdoor play areas must be provided with adequate shade to the satisfaction of the City of Kalamunda. This may include shade sails, patio areas or dense vegetation.

4. Noise Management

- a) As part of the application for a child care premises a Noise Management Plan and Acoustic Impact Assessment prepared by a suitably qualified professional must be submitted to the satisfaction of the City of Kalamunda. The documents should demonstrate either compliance with the *Environmental Protection (Noise) Regulations 1997* or design/specification measures that will be incorporated to reach compliance.

5. Bushfire Management Plans

In accordance with the provisions of *State Planning Policy 3.7 (SPP3.7) – Planning in Bushfire Prone Areas* a Child Care Premises or Family Day Care is considered to be a 'Vulnerable Land Use'. For this reason, any application made to commence operation of either of these uses within a bushfire prone area shall be accompanied by a Bushfire Management Plan prepared by a suitably qualified Bushfire Management Consultant and submitted to the City of Kalamunda as part of the application to commence development.

The elements required of any such Bushfire Management Plan shall be implemented and any ongoing maintenance required or updates to that plan shall be adhered to. Please note that this report will be referred to the Department of Fire and Emergency Services for their review and approval prior to any approval being granted by the City.

The City will not support the development of vulnerable land uses in bushfire prone areas where it cannot be demonstrated by the applicant that the use will not compromise the safety of the occupants of that particular use.

6. Matters to be Considered

The following matters will be given consideration in the assessment of applications for childcare premises and family day care development:

- a) Any relevant matters set out in Clause 67 of the Regulations and the objectives of the zone;
- b) The impact of the proposed development on the amenity and character of residential or non-residential areas, as viewed from a street, public space, or neighbouring property;
- c) Preservation of all significant trees and other vegetation;
- d) Whether the development application will still achieve a desired streetscape where a variation is applied;

- e) The preservation of areas of useable on-site open space;
- f) Any special limitation on the development of the land by virtue of its size, shape, or environmental/geographical feature;
- g) Whether support for the development application will set an undesirable precedent for similar sized surrounding lots; and
- h) Comments received from affected adjacent property owners/occupiers.

7. Public Consultation

Advertising of a proposal for a childcare premises or family day care must be in accordance with the Scheme and Local Planning Policy 11 – Public Notification of Planning Proposals.

Definitions

Family Day Care

A Family Day Care is defined as the following under the Scheme:

“Family Day Care” has the same meaning given to the term in the Community Services (Child Care) Regulations 1988:

The Community Services (Childcare) Regulations 1998 define the use as being:

“Family Day Care” means a childcare service provided to a child in a private dwelling in a family or domestic environment;

The Regulations also stipulate – “Child Care Service” does not include an outside school hours care service as defined in the Community Service (outside school Hours care) regulations 2002.

The Community Service (outside school Hours care) regulations 2002. Stipulate “outside school hours care service” as a meaning ““a childcare service provided outside school hours for children of school age, except such a service that is provided solely for the purposes of

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- a) A child’s participation in religious instruction or sporting, education, recreational or cultural events, or activities; or
- b) A child’s membership of a non-profit community organisation.”

Child Care Premises

A Child Care Premises is defined as the following under the Scheme:

“Child Care Premises” has the same meaning given to the term in the Community Services (Child Care) Regulations 1988;

The Community Services (Child Care) Regulations 1988 define the use as being:

“Child Care premises” means premises specified in a license or permit as premises in which a child care service may be provided;

Legislation	City of Kalamunda Local Planning Scheme No.3
Adopted	16 December 2013, OCM 220/2017, OCM 76/2020, OCM 107/2023, OCM 177/2023
Reviewed	12 December 2023
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