

# TOWN PLANNING SCHEME NO 3

# LOCAL PLANNING POLICY

LPP13 CHILD CARE PREMISES POLICY



SUSTAINABLE DEVELOPMENT

APRIL 2010

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FINAL

### **Background to Local Planning Policy No 13 – Child Care Premises Policy**

In June 2009, Council commenced a major review of its existing Local Planning Policies.

Draft Local Planning Policy No 13 *Child Care Premises Policy* is proposed to replace the previous Local Planning Policy No 13 *Child Care Premises Policy* adopted in April 2004.

### **Details of modification 2 (11.09) revised draft for Council adoption to advertise**

Draft Local Planning Policy No 13 *Child Care Premises Policy* was advertised from 10 July to 7 August 2009. The policy has been revised following that advertising period, particularly to remove the third paragraph under section 1.4 'Policy Context', which currently reads as:

"This policy will not apply to 'Family Day Care' development applications, which are subject to the requirements of Local Planning Policy No 12 *Home Occupation Policy*."

The reference to 'Family Day Care' was carried over in the review from the previous policy. However, the reference that Family Day Care would be applicable under Local Planning Policy No 12 *Home Occupation Policy* is no longer applicable. A Family Day Care is a land use under Scheme 3 and is separate from being assessed as a 'Home Occupation'. As a Family Day Care is not considered a Home Occupation, it cannot be subject to the provisions of Local Planning Policy No 12.

Family Day Care uses are to be developed in accordance with the Land Use Tables and provisions of Scheme 3, and as such will not be covered by LPP 12 policy provisions. A new paragraph is proposed under section 1.4 'Policy Context' to emphasise the requirements of a 'Family Day Care' development application to address the Scheme 3 provisions.

### **Record of Adoption of Local Planning Policy 13 – Child Care Premises Policy**

<i>Revision No &amp; Date</i>	<i>Description</i>	<i>Endorsed by Council</i>
<b>0 (04.09)</b>	<i>draft (for internal review)</i>	N/A
<b>1 (06.09)</b>	<i>draft for Council adoption to advertise</i>	PCDS.13/6/09 G.37/6/09 16 June 2009
<b>2 (11.09)</b>	<i>revised draft for Council adoption to advertise</i>	PCDS.31/11/09 G.51/11/09 24 November 2009
<b>2 (04.10)</b>	<i>final for Council adoption</i>	PCDS.10/4/10 G.45/4/10 27 April 2010

### **Record of Modifications to the approved Local Planning Policy 13**

<i>Amendment No</i>	<i>Description</i>	<i>Endorsed by Council</i>

### 1. INTRODUCTION

This policy focuses on matters pertaining to the proper location and development of a child care premises.

#### 1.1 OBJECTIVE

The objectives of this policy are to:

- (a) locate child care premises appropriately in relation to their surrounding service area;
- (b) minimise the impact a child care premises has on its surrounds, in particular on the amenity of existing residential areas;
- (c) minimise the impact the surrounds may have on the child care premises; and
- (d) consider the health and safety of children attending the child care premises within the confines of the planning system.

#### 1.2 RELATIONSHIP TO TOWN PLANNING SCHEME NO 3

A Local Planning Policy is adopted under clause 9.6 of Town Planning Scheme No 3.

A Local Planning Policy is not part of Scheme 3 and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Local Planning Policies are guidelines used to assist Council in making decisions under Scheme 3. Although Local Planning Policies are not part of Scheme 3, they must be consistent with, and cannot vary, the intent of Scheme 3 provisions, including the Residential Design Codes.

In considering an application for planning approval, the Council must have due regard to relevant Local Planning Policies as required under clause 7.5.

If a provision of a Local Planning Policy is inconsistent with Scheme 3, Scheme 3 prevails.

#### 1.3 INTERPRETATIONS

'Scheme 3' means the City of Mandurah Town Planning Scheme No. 3. For the purpose of this policy, definitions and interpretations shall be applied in accordance with Scheme 3.

A 'Child Care Premises' is a land-use interpreted in Scheme 3 and refers to the definition for 'Child Care Service' in the *Child Care Services Act 2007*.

'Family Day Care' has the same meaning given in the *Child Care Services Act 2007*.

#### 1.4 POLICY CONTEXT

This policy is applicable to the municipal district of the City of Mandurah as per the provisions of Scheme 3.

All child care premises applications are to have regard to the provisions of this policy when submitted for assessment and determination by the Council.

This policy will not apply to 'Family Day Care' uses, which are subject to the provisions of Scheme 3.

## 2. POLICY PROVISIONS

### 2.1 MAXIMUM NUMBER OF CHILDREN

The maximum number of children who may attend a Child Care Premises is to be in accordance with the *Child Care Services (Child Care) Regulations 2006*.

The applicant is to provide Council with the proposed number of children and whether this differs from the maximum number of children able to attend the child care premises, prior to any determination being made.

### 2.2 LOCATION OF CHILD CARE PREMISES

The appropriate location of a child care premises is crucial in meeting the needs of children and their families. It is also important to minimise any impacts a child care premises may have on surrounding activities and vice versa.

This may be achieved by locating child care premises on sites that are:

- (a) Distributed strategically to provide the maximum benefit to the community it serves;
- (b) Part of or within easy walking distance of commercial, recreation or community nodes and education facilities;
- (c) In areas where adjoining uses are compatible with a child care premises (includes considering all permissible uses under the zoning of adjoining properties);
- (d) Serviced by public transport; and
- (e) Of sufficient size and dimension to accommodate the development without affecting the amenity of the area. The site should accommodate all buildings and structures, parking for staff and parents, pick-up and drop-off areas, outdoor play areas and landscaping as determined by the Scheme, relevant State/Local policies and regulations.

Child care premises proposed within the 'Residential' zone should be on a site of regular shape and greater than 1,000 square metres in land area.

Child care premises generally would not be suitable at the following locations, unless the applicant can demonstrate to the satisfaction of Council that the following matters listed will not

have a detrimental impact on the child care premises:

- (a) The service provided by the child care premises will have a demonstrable adverse impact on the existing or planned level of child care premises services enjoyed by the local community;
- (b) Access is from an arterial route or in close proximity to a major intersection to an arterial route where there may be safety concerns;  
Note: an 'arterial route' refers to those road functions and characteristics described in Table 3, Element 2 – Movement Network in *Liveable Neighbourhoods* (October 2007).
- (c) Access is from a local street where there may be impacts on amenity due to traffic and parking;  
Note: a 'local street' refers to those road functions and characteristics described in Table 4, Element 2 – Movement Network in *Liveable Neighbourhoods* (October 2007).
- (d) The current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes or emissions or poses a potential hazard by reason of activities or materials stored on-site;
- (e) Noise produced by roads and railways are likely to have an adverse impact on the site; or
- (f) The site may be subject to contamination, within close proximity to high-voltage electricity transmission lines, or subject to external impacts that may be harmful to the staff and children.

### 2.3 DESIGN OF CHILD CARE PREMISES

#### 2.3A Visual Appearance

The visual appearance of the child care premises shall be in accordance with the development standards of the relevant zone as per Scheme 3 and any other relevant Local Planning Policy. In the absence of any specific provisions, the visual appearance of the development should reflect the character of the area and enhance its amenity.

#### 2.3B Boundary Setbacks

Setbacks to street frontages are to be consistent with existing adjacent development. Where there is no existing development adjacent to the site,

the minimum setback to the street shall be provided as per Scheme 3.

Where the development site is zoned 'Residential', the street, side and rear boundary setbacks shall be in accordance with the Residential Design Codes as for a residential dwelling.

Where a child care premises is likely to undermine the amenity of adjoining uses, setbacks may be decreased or increased to offset the potential impact of the development on adjacent properties.

#### 2.3C Car Parking

Parking areas should be clearly visible and accessible from the entry to the site.

- (a) The minimum parking requirements for the child care premises, including staff parking, shall be one space per five children.
- (b) The number of parking bays may be varied by Council having consideration of the provisions of the Scheme and any unique circumstances relating to the proposed development, such as reciprocal parking arrangements, available public transport and on-street parking.
- (c) Vehicles will be required to enter and exit the site in a forward gear, and there may be additional requirements resulting from a traffic impact assessment and/or traffic management report.

Crossovers may be minimised through connecting customer car parking areas through easements in gross for reciprocal movement of vehicles and pedestrians:

- (a) Easements in gross are generally acceptable where car parking areas are situated adjacent to the street alignment, to enable parking layouts to be shared across property boundaries through reciprocal parking and access arrangements.
- (b) Loading Bays are to be effectively screened (visually and acoustically where necessary) from any adjoining street, and have regard to the development of adjoining land.

Where car parking areas are provided:

- (a) Open-air car parking areas are to provide adequate shade and amenity through the provision of trees, with a ratio to be determined on a case-by-case basis;

- (b) Car parking areas are to be laid out, finished and landscaped in a manner that minimises its visual impact on the locality, whilst providing for safe vehicle and pedestrian circulation;
- (c) Safe pedestrian routes are to be defined in car parks; and
- (d) On-street parking may be provided for short-term day-time use or after-hours use, where considered suitable and acceptable by Council.

#### 2.3D Traffic Impacts

A traffic impact assessment and/or traffic management report is to be prepared by a suitably qualified Transport Engineer and be submitted to Council when lodging an application for planning approval. The assessment / report should address:

- (a) The site characteristics and surrounding area;
- (b) The proposal and its expected trip generation;
- (c) Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;
- (d) Existing traffic conditions and any future changes expected to the traffic conditions;
- (e) Current road safety conditions, including an accident history in the locality; and
- (f) The expected impact of the proposed development on the existing and future traffic conditions.

A child care premises should be approved only if it will have a minimal impact on the functionality and amenity of an area and will not create or exacerbate any unsafe conditions for pedestrians or road users.

#### 2.3E Play Areas

Where possible, outdoor and indoor play areas should:

- (a) Be in a safe location on the site and away from any adjoining noise sensitive premises;
- (b) Be North-facing and/or accessible to the winter sun;
- (c) Create opportunities for casual surveillance of the outdoor play area from the premises building(s), adjacent land uses and the public domain where appropriate; and
- (d) Have a regular shape in order to avoid the creation of poorly surveyed spaces.

### 2.3F Landscaping

Landscaping should be provided in accordance with Scheme 3 with consideration of the provisions in LPP3 *Urban Design Policy*.

Landscaping will be required along the street frontage(s) of the development to an equivalent standard to that required or provided for other properties in the vicinity.

A dual-use path may be required to be provided on the verge adjacent to the child care premises to improve pedestrian access, where this would result in greater connectivity and accessibility of the site to the local path network.

### 2.3G Fencing

Fencing adjoining roads (except to plant, equipment and service areas) shall be visually permeable where above 1.2 metres in height (measured from natural ground level).

In some instances, solid fencing to a maximum height of 1.8 metres can be considered as a buffer to arterial routes and local streets carrying high volumes of traffic.

### 2.3H Signage

A signage concept plan is to be submitted as part of an application for planning approval.

Signage for a child care premises shall be compatible and sympathetic to adjoining uses, having regard to the zoning of the site.

Council's standards for signage will be as per LPP7 *Advertising Devices Policy*.

### 2.3I Bin Storage Areas

Applications for planning approval must include details for bin storage and cleaning areas, to the satisfaction of Council.

### 2.3J Noise Impacts

An Acoustic Consultant's Report may be required for the development of a child care premises.

Note: refer to LPP3 *Urban Design Policy* and the *Environmental Protection (Noise) Regulations 1997* for what is required for noise attenuation assessments.

The objectives should be to limit the noise impact of the child care premises on adjacent properties, and also to limit the impact of noise from external sources on the child care premises. While noise can be measured, the intent also is to minimise nuisance which is subjective by nature. This may be achieved either by physical separation, design and layout of the premises or by implementing noise attenuation measures such as acoustic treatments to buildings.

The hours of operation of a child care premises should be limited to general business hours on weekdays and 0800-1300 hours on Saturdays. Where the child care premises is proposed to operate outside of these times, an Acoustic Consultant's Report will be required to address potential noise impacts.

Although each application will need to be assessed on its merits, the following basic principles apply:

- (a) Where a child care premises is located adjacent to a noise sensitive premises, the noise generating activities of the child care premises such as the outdoor play areas, parking areas and any plant and equipment are to be located away from the noise sensitive premises;
- (b) Where, due to design limitations or safety considerations, noise generating activities such as outdoor play areas are located close to noise sensitive premises, appropriate noise attenuation measures are to be undertaken; and
- (c) The design and construction of buildings may include noise attenuation measures to reduce impact from external sources and to achieve accepted indoor noise limits.

### 3. ADMINISTRATION

#### 3.1 IMPLEMENTATION

This policy has effect on publication of a notice under clause 9.6.3.3 (a) of Scheme 3.

Modifications to its content may be undertaken in accordance with the provisions of clause 9.6 of Scheme 3, and at Council's discretion.

#### 3.2 CONSULTATION PROCEDURE

Consultation procedures within the *Planning and Development Act 2005*, its subsidiary legislation, or Scheme 3 cannot be circumvented by this policy.

- Considering the likely impact of a child care premises, a minimum requirement for consultation should be undertaken pursuant to clause 7.3.3, paragraphs (a) **and** (c) of Scheme 3.

Applications for Planning Approval for a child care premises may be referred to the Department for Communities prior to determination by Council.

#### 3.3 DELEGATION

The Council delegates authority to Director Sustainable Development and Manager Planning and Projects pursuant to clause 9.2 of the Scheme and sections 5.42 and 5.44 of the *Local Government Act 1995*: refer to DA – SD 1.1.

An Environmental Health approval is required for food preparation areas.

#### 3.4 REFERENCES

*Child Care Services Act 2007*

*Child Care Regulations 2007*

*Child Care Services (Child Care) Regulations 2006*

*Child Care Services (Outside School Hours Care) Regulations 2006*

City of Mandurah Town Planning Scheme No. 3 and Local Planning Policy Manual

The Department for Communities (Child Care Licensing and Standards Unit) is available at:

Level 1, 111 Wellington Street  
EAST PERTH WA 6004  
<http://www.community.wa.gov.au/DFC/>