



PLANNING BULLETIN • WESTERN AUSTRALIA

Number **72**  
APPENDIX 15

ISSN 1324-9142

June 2005

## Child-care centres

### 1 Purpose

The purpose of this planning bulletin is to:

- a) outline a consistent policy approach to planning for child-care centres;
- b) advise of planning considerations in relation to the location and development of child-care centres; and
- c) seek comment from the public, industry, local government and State government agencies concerning relevant issues and a draft policy.

The bulletin has been prepared in consultation with the Department of Community Development and local government.

### 2 Background

Issues have been raised by the community and local government in relation to the location and development of child-care centres. A need also has been identified for a consistent planning approach, with particular regard to location, site characteristics, design, traffic, access, noise and health impacts, which could provide guidance when considering proposals for child-care centres.

A number of recent decisions by the Town Planning Appeal Tribunal (now State Administrative Tribunal) have highlighted the lack of policy or shortcomings of existing local policies on child-care centres.

A child-care centre usually is listed as a discretionary use in a local town planning scheme and requires planning approval. The exercise of

discretion may involve advertising and the local government may seek external advice in relation to specialised matters such as noise or pollution.

There is a well-documented need for child-care centres and a strong emphasis on their appropriate distribution and location. In the past 30 years, the population of the State has almost doubled to about two million and is expected to rise to approximately three million by 2031.

Households also are becoming more diverse. The population is ageing and there is an increasing proportion of smaller households. There is a trend for both parents to work due to economic pressures, which creates a greater demand for child-care services. The location of child-care centres close to the workplace is becoming more important, due particularly to parents returning to the workforce earlier and increasing distances between work and home as the city grows.

Child-care centres also are becoming larger and have a potentially greater impact, most noticeably on the amenity of existing residential areas. Larger child-care centres also tend to have a greater service area, which may lead to overprovision of facilities in some cases. Oversupply in some areas may result in increased vacancy levels that may affect the viability and quality of the services provided.

In the metropolitan area, there is increasing evidence of oversupply in many outer urban areas, but in areas of high land value (where the need for these facilities is often greater), such as in or around the CBD, there is little new development of child-care centres.

Usually adequate provision is made for the development of child-care centres as part of the structure planning for new areas of development, and it often is in the existing residential areas where the development of a child-care centre has the most impact.

Child-care centres provide a much needed community function, but many are operated as a commercial venture, with market forces influencing the location and availability of the service. While the WAPC strongly supports the provision of necessary facilities, it is important to emphasise that the need for a service does not justify development in inappropriate locations.

### 3 Draft policy

The following is a draft policy to guide local governments in the preparation of scheme provisions and local policies on child-care centres. Comments will be considered in finalising the policy for inclusion in Statement of Planning Policy 1 State Planning Framework.

#### 3.1 Introduction

This policy focuses on matters pertaining to the proper location and development of a child-care centre. A child-care centre is defined as premises used for the daily or occasional care of children in accordance with the *Community Services (Child-care) Regulations 1988* and the *Community Services (Outside School Hours Care) Regulations 2002* ('the regulations'). Child-care centres are non-residential land uses providing an educational and community support function mainly in residential and employment areas.

The purpose of the policy is to provide guidance to decision-makers, developers and the community on planning matters relevant to the location and development of child-care centres. It is acknowledged that development requirements in the city and inner urban areas are quite different to those in outer suburban areas, and the guidelines should be administered accordingly.

The regulations address matters such as staffing, equipment, indoor and outdoor space requirements, shade, fencing and health and safety. In addition, many local governments have policies dealing with the development of child-care centres, which address a range of matters such as building design, setbacks and car parking ratios specific to each locality.

Family Day Care, as defined in the regulations, refers to the caring of a small number of children in a private dwelling in a family or domestic environment. This use is broadly accepted as a home-based activity/business and is either exempt from planning approval or dealt with separately under local town planning schemes.

### 3.2 Objectives

The objectives of this policy are to:

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

### 3.3 Location of child-care centres

The appropriate location of a child-care centre is crucial in meeting the needs of children and their families. It also is crucial in limiting the impact a child-care centre may have on surrounding activities and vice versa.

This may be achieved by locating child-care centres 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 centre (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.

Child-care centres generally would not be suitable where:

- f) the service provided by the centre will have a demonstrable adverse impact on the existing or planned level of child-care centre services enjoyed by the local community;
- g) access is from a major road or in close proximity to a major intersection where there may be safety concerns;
- h) access is from a local access street where there may be impacts on amenity due to traffic and parking;
- i) 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;
- j) noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; or
- k) 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;

unless the applicant can demonstrate satisfactorily that the matters listed will not have a detrimental impact on the child-care centre.

### 3.4 Site characteristics

Sites selected for child-care centres should be of sufficient size to accommodate the development, including all buildings and structures, parking for staff and parents, pick-up and drop-off areas, outdoor play areas and landscaping, as determined by the local town planning scheme or relevant local policy and the regulations. As a general rule sites in a residential area should be of regular shape and greater than 1000 sqm.

It is important to note that the licence to operate a child-care centre, issued under the regulations limits the number of children the centre can accommodate.

### 3.5 Design of centres

The visual appearance of the development, including any signage, building design, colour, scale, shape and form, should be in accordance with the local government town planning scheme or relevant local 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.

Parking areas should be located in front of the building. If this is not possible they should be clearly visible and easily accessible from the entry to the site. As a general rule the minimum parking requirement for a child-care centre, including staff parking, will be one space per five children. The number of parking bays may be varied by the local government considering the provisions of the local town planning scheme or relevant local policy and any unique circumstances relating to the proposed development, such as reciprocal parking arrangements, available public transport and street parking. 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.

Outdoor play areas should be in a safe location on the site, and away from any adjoining noise-sensitive premises, such as dwellings and nursing homes.

Landscaping should be provided in accordance with the local government town planning scheme or relevant local policy. In the absence of any such provisions, landscaping will be required along the street frontage of the development to a standard equal to that required or provided for on properties in the vicinity.

### 3.6 Traffic impacts

A traffic impact assessment normally will be required for the development of a child-care centre.

The assessment 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 centre should be approved only if it can be demonstrated that 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.

### 3.7 Noise impacts

A noise impact assessment may be required for the development of a child-care centre.

The objectives should be to limit the impact of the child-care centre on adjacent properties, and also to limit

the impact noise from external sources may have on the child-care centre. 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 centre or by implementing noise-mitigation measures, such as acoustic treatments to buildings.

As a general rule, the hours of operation of a child-care centre should be limited to between the hours of 7 am and 7 pm weekdays and 8 am and 1 pm Saturdays.

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

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

### 3.8 Need for child-care centres

Legal decisions have discounted the requirement for an applicant to prove the need for a commercial facility, for example through market surveys. However, if there is a demonstrable impact on the amenity of an area or the level of service enjoyed by a community, then that is a relevant town planning consideration.

Accordingly, the WAPC is of the view that although a new centre does not have to demonstrate that there is a need for it to locate in a specific area,

there may be a requirement for it to demonstrate that it will not have an adverse impact on the amenity of the area or the level of service provided by similar existing or approved facilities enjoyed by the community.

### 3.9 Consultation

Considering the likely impact a child-care centre may have on the amenity of an existing residential area, appropriate consultation should be undertaken. A minimum requirement should be for the applicant to advise adjoining neighbours in writing and display public advertisements on the site, in accordance with the local government's public notification procedures.

Where the location of a child-care centre was predetermined in a structure plan, or similar wide-ranging site assessment completed prior to any residential development in the vicinity, comprehensive consultation on a planning application may not be necessary.

### 3.10 Implementation

This policy provides guidance to decision-making authorities on the location and development of the child-care centres.

The development of a child-care centre usually requires a planning approval from the local government (or in some cases the WAPC) and a licence from the Department for Community Development, pursuant to the *Community Services (Child-care) Regulations 1988* or the *Community Services (Outside School Hours Care) Regulations 2002*. The regulations address a wide range of issues, with the planning issues being limited to outdoor space requirements, shade, fencing and indoor space requirements.

Local governments have town planning schemes or relevant local policies that address a variety of other planning matters, such as the appearance of buildings, parking requirements and the provision of landscaping, and should be contacted for further information.

### 3.11 Application requirements

In addition to the mandatory application form and fees, applications for child-care centres should be accompanied by:

- a) a written statement outlining the number of children proposed, age group breakdown, days and hours of operation and staff requirement;
- b) a location plan depicting surrounding lots and road layout;
- c) a site contour survey plan prepared by a licensed land surveyor, indicating the location of the proposed building and existing buildings and structures on adjacent sites;
- d) a detailed site plan to a scale sufficient to identify clearly the boundaries and all proposed structures, landscaping, refuse storage area, car parking, pedestrian and vehicle access ways, crossover(s) and kerb locations, verge width and associated road infrastructure (eg light poles, traffic islands);
- e) floor plans and elevations to all sides of the proposed building to a minimum scale of 1:100;
- f) a traffic impact assessment, if required by the decision-making authority;
- g) a noise impact assessment, if required by the decision-making authority;
- h) a signage strategy; and
- i) any additional information relevant to the assessment of the application.

### 3.12 Review

If a planning application for a child-care centre is refused or an applicant is aggrieved by any of the conditions of an approval, there is a right of review of the decision by the State Administrative Tribunal, in accordance with the relevant legislation. Such applications for review must be lodged with the tribunal within the prescribed time and in accordance with the rules and regulations of the tribunal.

Applicants considering making such an application for review should consult the tribunal and if necessary a legal practitioner or other appropriate professional in relation to commencement and conduct of a review.

## 4 Comment and further information

Comments concerning policies and issues set out in this planning bulletin, including the form and status of the draft policy, are invited by 29 July 2005 and should refer to this planning bulletin and quote file reference 751/1/1/6 and be directed to:

Secretary  
Western Australian Planning  
Commission  
Albert Facey House  
469 Wellington Street  
PERTH WA 6000

Following consideration of comments received, the WAPC will refine and finalise its policy and practices on child-care centres.

### INTERNET

As part of its continuing improvements to its service to clients and the public, the Western Australian Planning Commission has a internet site at the following address:

[www.wapc.wa.gov.au](http://www.wapc.wa.gov.au)

The site contains a range of information concerning the WAPC, including planning bulletins.



Address Of Childcare Centre	Date Approved/Refused - Determining Authority	Number Of Children And Staff	Geographical Location	Advertising Details
<b>CHILDCARE CENTRE APPLICATIONS DETERMINED IN THE PAST 2 YEARS</b>				
19 Fourth Avenue Burns Beach	Refused under Delegated Authority 14/08/2004.	Information not provided in application	<b>Residential Zone.</b> Centre proposed at the end of a cul-de-sac.	Advertised to 28 properties. 13 responses were received, 4 non-objections and 9 objections.
65 Wanneroo Road Greenwood	Recommended refusal. Approved by Council at it's meeting 14/06/2003.	64 children & 9 staff	Located in <b>Residential Zone</b> corner Wanneroo Road and Gorman Street, 200m from Public Open Space, 500m from Primary School.	Two objections received
8 Ascot Way Currambine	Approved by Council 01/04/2004	72 children & 11 staff	Located in Structure Plan Area, lot designated for Commercial. Corner Ascot and Connolly Drive. Site has an area of 2754m <sup>2</sup> .	One objection and four non-objections
121 Ellersdale Avenue Warwick	Approved under Delegated Authority 12/04/2005	109 children & 18 staff	Commercial lot adjacent to Warwick Shopping Centre.	Advertising to selected owners, no objections received. 2 letters of non-objection received.
157 Kinross Drive Kinross	Approved by Council August 2004	96 children	Commercial Zone	24 responses received, 15 non-objections and 9 objections.
25 Kennedyva Drive Joondalup	Refused by Council 14/12/2005	Information not provided in application	Joondalup Arena JCCDPM	Not Advertised - Contrary to the intent of the JCCDPM (Northern Rec District). Permitting such a use not associate with sport or recreation would be contrary to orderly and proper planning.
<b>CHILDCARE CENTRE APPLICATIONS CURRENTLY BEING ASSESSED</b>				
6 Glengarry Drive Duncraig	Assessing Application.	90 children & 16 staff.	Commercial Zone - Located at the corner of a traffic intersection at Glengarry Drive and Arnisdale Road.	Advertised to selected owners. 1 response received being an objection.
1 Marybrook Drive Heathridge	Assessing Application.	56 children.	<b>Residential Zone</b> - Corner lot directly adjoining residential properties.	6 objections received
87 Blackall Drive Greenwood	Assessing Application.	20 children.	<b>Residential Zone</b> - Corner lot directly adjoining residential properties.	Advertised with sign on-site and local newspaper, 50 objections received.
<b>CHILDCARE CENTRE APPLICATION CURRENTLY BEFORE COUNCIL</b>				
107 Warwick Road Duncraig	Assessing - Before Council.	47 children & 8 staff.	<b>Residential Zone</b> - Located at the corner of Currajong Road and Warwick Road.	Advertised to selected owners with 5 objections and one non-objection.