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Department of **Planning, Lands and Heritage**

GOVERNMENT OF WESTERN AUSTRALIA

Western Australian Planning Commission

Revised draft

Position Statement:

Child care premises

April 2025

Acknowledgment of country

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of land and waterways across Western Australia. The Department is committed to reconciliation to improve outcomes for Aboriginal and Torres Strait Islander peoples and to work together to provide a culturally-safe and inclusive environment.

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1. Policy intent

This position statement of the Western Australian Planning Commission (WAPC) outlines the objectives and measures for a consistent policy approach to planning for child care premises in Western Australia.

2. Child care premises in Western Australia

Child care premises are a non-residential land use providing an educational and community support service comprising long day care or out of school hours care in facilities specially built or modified for child care.

Child care premises are operated by *approved providers* that can be local government, community organisations, private businesses and not-for-profit organisations. The approved provider should apply for a *service approval* from Department of Communities which would normally follow obtaining *development approval* from the *decision maker*.

The term *child care centre* has been replaced by *child care premises* as defined in the Planning and Development (Local Planning Schemes) Regulations 2015. The child care premises definition does not include *family day care*, where a carer supervises a small number of children in their own home. This is a separately defined land use and may be subject to approval under the local planning scheme but is not dealt with under this position statement.

This position statement addresses state government, local government and community considerations relating to the location and development of child care premises.

Careful location and siting of child care premises is important to ensure the protection of children from any adverse impacts from nearby land uses and to minimise potential amenity impacts in residential areas.

2.1 The need for child care premises

Child care premises are an essential community service, that is provided by both the public and private sector. The increasing demand for child care premises and the strong focus on their appropriate distribution and location is closely linked to demand based on demographic change. The state population is currently about 2.7 million and is expected to rise to 3.4 million by 2031.[1] The Australian Bureau of Statistics (ABS), 2017 data shows the number of children attending formal child care (also includes family day care, before and/or after school care.) as:

- under 2 years 9,400,
- 2-3 years 18,100,
- 4-5 years 9,000 and
- 6-12 years 14,700.[2]

The availability, including extended hours of operation, of child care premises that

[1] WA Tomorrow: Population Report No.11 Medium Term Age Sex Population Forecasts 2016-2031 (Department of Planning Lands and Heritage.

[2] Source: ABS 2018, Childhood Education and Care, Australia, June 2017, cat. no. 4402.0.

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can be conveniently accessed by families is a consideration for site selection.

The rising demand for child care premises means that these services are becoming larger and have a potentially greater impact on the amenity of adjoining land uses, and this needs to be considered as part of site selection.

The WAPC supports the provision of this essential service at a suitable scale in appropriate locations.

2.2 Child care premises local planning guidance

Development assessment should generally have regard to:

- Location suitability
- Noise and emissions
- Amenity and environment
- Building design, layout, and car parking
- Traffic and vehicle access

Many local governments already have local planning policies dealing with the development of child care premises, which address the above matters.

A child care premises is usually designated in the zoning table of a local planning scheme as a discretionary land use in various zones which require development approval and may require advertising. Each local government should evaluate their locality and choose the compatible designated zones where a child care premises can be included in the zoning table as a discretionary land use. The child care premise will need to be considered in the context of compatibility with the other permitted and permissible land uses in the zoning table. Consideration should also be given, if it is appropriate, to identify child care premises as prohibited ('X' use) in zones such as 'industrial', where the permitted and discretionary land uses may not be compatible with child care premises.

A child care premises should be classified in the zoning table of a local planning scheme as either:

- 'A' use in residential zones (a use that is not permitted unless the decision maker has granted approval after advertising) .
- 'D' use in commercial, mixed use and similar type zones (a use that is not permitted in the zones unless the decision maker has granted approval which may include advertising of the proposal).

Child care premises located on a region and/or local planning scheme reserve may be considered as incidental to a predominant land use on a suitable scheme reserve depending upon the purpose of the reserve. For example, child care premises may also be approved as an incidental land use when the land is reserved for a school. Similarly, where a school is located on zoned land, child care premises may be able to be approved as incidental.

2.3 Child care premises service approval assessment

In addition to a development approval, the operation of child care premises is regulated under a national framework implemented by the Department of Communities.

While the Department of Communities is not an approving authority for the purposes of planning and development, proponents should be aware of all the requirements in design and development that may influence the ability to obtain a *service approval* by an *approved provider*. The DoC administer the relevant legislation being the *Education and Care Services National Law (WA) Act 2012* and Education and Care Services National Regulations (WA) 2012.

For a child care premises to operate, an approved provider must obtain a service approval in accordance with the *Education and Care Services National Law (WA) Act 2012* from the Education and Care Regulatory Unit within the Department of Communities. A service approval will require that the child care premises meets the requirements of the Education and Care Services National Regulations (WA) 2012 and specify the number of children that can attend the facility.

Examples of service approval design requirements include:

- indoor and outdoor space in square metres
- laundry, toilet, and hygiene facilities
- ventilation and natural light and
- design to enhance supervision of children.

Proponents should have regard to national design requirements when proposing a child care premises to avoid the need for costly modifications or a facility being constructed that is not fit for purpose.

2.4 Application of this Position Statement

This position statement provides general guidance in the preparation of local planning scheme provisions and local planning policies. It provides important location considerations and measures that should apply to the development of child care premises.

It can also be used by the decision maker in determining a development application, in the absence of specific guidance on child care premises under the applicable local planning scheme. In view of the diverse characteristics of urban areas within Western Australia, discretion may be required when considering the position statement measures.

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3. Policy objectives

The objectives of this position statement are:

- that child care premises be appropriately located and designed to ensure the health and safety of children.
- to support small or medium child care premises in residential zones which are compatible with, and do not have an unreasonable impact upon, the amenity of adjoining and nearby residential area.
- to support the co-location of small, medium, large, or extra-large child care premises on compatible government reserves and commercial, mixed use and similar type zones.

4. Policy measures

Key land use planning considerations for the location, siting and design of child care premises include:

4.1 Location guidance for child care premises

To cater for a vast array of urban settings across Western Australia, this position statement allows proposals for child care premises as discretionary land use in residential zones. The Proponent should also consider mixed use zones and compatible reserves that may offer better access for the workforce, as well as proximity to the public transport network. Convenient and safe access to child care premises is necessary to meet the needs of children and their families

Child care premises may be co-located on region or local scheme reserves such as *public purposes* or *community purpose* reserves respectively and co-located with, for example, an aquatic centre or hospital where permitted or permissible under the relevant planning scheme. However, it should be incidental to the reserve purpose and not compromise the primary purpose of the reserve. The Department of Planning Lands and Heritage, (Land Use Management) should be consulted in the pre-lodgement discussion stage to evaluate the compatibility of the proposal with the purpose of a reserve.

Also, child care premises may be co-located on a private or public-school site that has an adequate site area, in consultation with the private school or the Department of Education respectively. Some existing school sites may not be suitable due to operational needs and physical constraints. New school sites identified in greenfield structure plans should include additional land area for a child care premises. *Operational Policy 2.4-Planning for School Sites* incorporates guidelines for child care premises. OP-2.4-Planning-for-school-sites.pdf (www.wa.gov.au)

Child care premises may be co-located within activity centres, shopping centres, office, or compatible mixed commercial or similar type zoned land where the child care premises is permitted or discretionary use under a local planning scheme.

Child care premises should be conveniently located near public transport, have universal access (where appropriate), be accessible to walking and cycling routes and supported by end of trip facilities for employees. It is important to minimise the potential impact a child care premises may have on surrounding land uses as well as the potential impact that surrounding land uses may have upon the child care premises.

4.2 Noise and emissions

Child care premises should minimise any noise impacts on adjoining properties. 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. Child care premises should not be affected by adjoining or nearby land uses with excessive noise sources or hazardous emissions.

A *noise impact assessment* may be required by the decision maker where the development of a child care premises may produce noise to a level that could impact on abutting residential properties. The assessment should accord with the Environmental Protection (Noise) Regulations 1997 - [02-e0-00].docx (live.com) and include the provision of suitable noise attenuation measures. The assessment should be completed by a qualified acoustic consultant.

The hours of operation of a child care premises in residential zoned areas should generally be limited to between 7:00 am and 7:00 pm weekdays, unless otherwise agreed by the decision maker. For child care premises located on compatible scheme reserves and mixed commercial or similar type zones, hours of operation may be extended to accommodate provision of child care services outside normal business hours.

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A child care premises proposal will need to be assessed on its merits however the following basic principles apply:

- where a child care premises is located abutting a noise-sensitive land use, 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 land use where practicable, and
- the design and construction of the child care premises should include noise mitigation measures to reduce any impact from external adverse noise sources and to achieve acceptable noise limits.

Child care premises proposals abutting a Regional Road should be referred to the Department of Water and Environmental Regulation for noise and Department of Health for advice related to emissions.

Where a child care premises proposal is in proximity to a transport corridor (aerodrome or airport, road, and rail), refer to the following policies for guidance related to acoustic impacts:

State Planning Policy 5.1 Land use planning in the vicinity of Perth Airport (July 2015),

WAPC *State Planning Policy 5.3 Land use planning in the vicinity of Jandakot Airport (January 2017)* and

WAPC *State Planning Policy 5.4 Road and Rail Noise (September 2019)*

Where a child care premises is established, an adjoining development proposal should be compatible in terms of dust, noise and odour emissions or poses a safety hazard because of activities on the site.

Proposals should have regard to the separation distance as identified in the *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses* (Environmental Protection Authority, 2005) should be referred to the DWER and DoH for emission advice.

The DoH is currently preparing a policy related to emissions upon CCP. At present, reference is being made to the *NSW Child Care Planning Guideline* Section 3.6 Noise and air pollution (NSW Government, 2021). https://gazette.legislation.nsw.gov.au/so/download.w3p?id=Gazette_2021_2021-501.pdf

Mitigation measures may be applied to a proposed child care premises to address any adverse impacts. These measures may be considered and approved by the decision maker having first consulted with relevant state agencies and expertise in the related field as applicable.

4.3 Amenity and environment

A child care premises should be designed so that the level of amenity on the site is appropriate for young children. The presence of established trees and landscaping with shaded outdoor areas creates pleasant sub-spaces within the facility.

Outdoor play areas should be in a safe location at ground level in all residential zoned areas and, where possible, away from any adjoining noise-sensitive land uses such as residential aged care facilities. If a child care premises is proposed abutting a Regional Road, the play area should not be adjacent to the Regional Road but should be behind the premises to provide appropriate separation from vehicle emissions, noise and ensuring children are not in proximity to high volume traffic.

Landscaped play areas should be provided in accordance with the local planning scheme and local planning policy. Landscaping should be provided along the street frontage within the development site to a standard complementary to adjacent properties. Outdoor play area landscaping and structures should provide shade and not be a safety risk to children. For example, plants should not have thorns or be toxic and recreation structures be free from physical entrapment, sharp or pointed components.

The Department of Health endorses Australian Standards to guide children's play areas being:

- Australian Standards for playgrounds (AS 4685).
- Australian National Quality Standards Quality Area 2.1.3 (Healthy eating and physical activity are promoted and appropriate for each child).

4.4 Building design, layout and car parking

Child care premises should be located on a site of sufficient size to accommodate the building and appropriate parking, manoeuvring area for customers and service vehicles.

The building design should be in accordance with the Education and Care Services National Regulations (WA) 2012 which sets minimum play area per child requirements. Two storey building height in a residential area should address amenity issues such as elevated noise emissions, overlooking and overshadowing. The building should have appropriate ventilation, natural light and laundry, toilet, and hygiene facilities.

Child care premises should be in areas where potential impacts adjoining land use, flood or bushfire risk can be adequately managed against possible risks, in accordance with relevant policies and standards.

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Child care premises proposed in a residential area should enhance the amenity with the external appearance of child care premises to be complimentary to the residential streetscape. This includes building design, scale, setbacks, materials, colour, signage and landscaping. The building design should accord with the local planning scheme, local planning policy, and where relevant, state heritage legislation and planning policies of the state. The DWER contaminated sites guidelines should be considered to ensure that the site is safe for a child care premises. Contaminated sites guidance (www.wa.gov.au)

In residential zones, areas to be used for car parking for child care premises should complement the streetscape character with landscaping and appropriate paving materials.

Child care premises car parking provision in the Perth and Peel region should accord with the *Interim Guidance for non-residential car parking requirements in Perth and Peel* (February 2023) Appendix A and Appendix B. Interim guidance for non-residential car parking requirements (www.wa.gov.au)

Elsewhere within Western Australia the minimum on site car parking requirement for a child care premises, including staff and parent/guardian parking, should be one space per five children. The number of parking bays may be varied by the decision maker given the specific provisions of the local planning scheme and/or local planning policy or any unique circumstances relating to the proposed development, such as reciprocal parking arrangements and available public transport.

4.5 Traffic and vehicle access

Traffic and parking movements generated by the child care premises should be safe and not have a significant impact on the local community.

A *traffic impact statement (*TIS) or *traffic impact assessment* (TIA) may be required for medium, large, and extra-large centres. If there are 10 to100 vehicle trips during the AM or PM peak a TIS is required. A TIA is required where there is 100+ trips during peak periods. A traffic review will ensure that any traffic issues are addressed such as service vehicle access to and from the site.

Vehicles are required to enter and exit the site in a forward gear from the lower order road if located on a corner site adjoining a Regional Road. If a TIS or TIA is required by the decision maker, it is to accord with the WAPC Transport Impact Assessment Guidelines (2016). Planning guidelines - Transport impact assessment (www.wa.gov.au)

4.6 Pre-lodgement discussion

A pre-lodgement discussion between the local government, state agencies and proponent is recommended to assist with the early identification and resolution of key issues, prior to a development application being lodged.

Whilst the position statement identifies small and medium child care premises in the residential zone as appropriate, other alternative zones or reserves of the local planning scheme and/or region scheme should be examined for proposed child care premises that are in the large and extra-large categories.

4.7 Public consultation

Public consultation should be undertaken for child care premises proposals in the residential zone. In other zones or reserves where the proposal may be likely to affect the amenity of adjoining or nearby land uses.it is recommended that public consultation be undertaken. The proponent may consult with nearby residents prior to lodgement of a development application to address local issues that may arise with a proposal.

4.8 Child care premises supporting information

The local government may require the proponent to provide basic information regarding supply and demand for CCP in the locality. The local government may require an *'operational management plan'* be submitted with a development application that may include:

- number of child carers and age/ number of children.
- hours of operation and how the premises will be managed on a day-to-day basis.
- a description of maintenance activities.
- identify how potential impacts such as noise in the residential zone will be managed.
- the provision of car parking and its management for staff and parents/ guardians.
- a response procedure for a complaint.

Should the proposal be referred to the State Design Review Panel, further information may be required if the proposal is accepted for review. State Design Review Panel (www.wa.gov.au)

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5. Definitions

For the purposes of this position statement:

Approved provider. An approved provider is the entity with the authority to operate the child care premises. This may be an individual, a body corporate, an eligible association, a partnership, a local council, or church organisation.

Child care premises has the same meaning as under the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 1 the Model provisions for local planning schemes Part 6, clause 38. That is child care premises means premises where:

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.

Decision maker applies to local government, Development Assessment Panels, Western Australian Planning Commission and State Administrative Tribunal.

Child care premises sizes are:

a) **Small** 24 or fewer children

b) **Medium** 25 to 80 children

c) **Large** 81 to 100 children

d) **Extra-large** 101 or more children

Regional Road[3] means a road reserved under a:

a) region scheme – Primary Regional Roads (Red on scheme maps) and Other Regional Roads (Blue on scheme maps).

b) local planning scheme – Primary Distributor Road (Red hatched on scheme maps) and District Distributor Road (Blue hatched on scheme maps). As defined in the Planning and Development (Local Planning Schemes) Regulations 2015.

[3] Regional Roads are identified in region schemes and local planning schemes throughout the state. The Regional Road names and map legend colours are consistent in region schemes but are inconsistent with some local planning scheme maps. This anomaly can be corrected as local planning schemes are progressively reviewed and updated.