GOVERNMENT OF WESTERN AUSTRALIA

WAPC Western Australian Planning Commission

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Position Statement

Child care premises

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Acknowledgement of Country

The Department of Planning, Lands and Heritage acknowledges Aboriginal people as the traditional custodians of Western Australia. We pay our respects to the Ancestors and Elders, both past and present, and the ongoing connection between people, land, waters and community. We acknowledge those who continue to share knowledge, their traditions and culture to support our journey for reconciliation. In particular, we recognise land and cultural heritage as places that hold great significance for Aboriginal people.

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 to ensure appropriate location and design for health and safety of children.

2. Child care premises in Western Australia

Child care premises are an essential service 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.

The number, size and scale of child care premises have increased over time. The WAPC supports the provision of this essential service at a suitable scale in appropriate locations.

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.

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.

3. 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 could be incorporated into local planning policies to guide 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 local planning framework 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.

- 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 objectives

The objectives of this position statement are to:

- Ensure child care premises are appropriately located, responding to the local character, are designed to ensure the safety and health of children and to minimise impacts on adjoining properties.
- Provide clear outcome based planning guidance for decision makers by identifying the design quality outcomes to ensure consistent and efficient assessment of child care premises.
- 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.
- 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.

5. Policy Measures

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

5.1 Child care premises local planning guidance

5.1.1 Strategic planning

A local planning strategy should consider evaluate and provide for future child care premises. The Local Planning Strategy should include the following details:

- Existing and proposed supply of child care premises across the local government area
- Medium to long term demand for child care premises along with associated targets
- An analysis for the gaps on the provision of child care premises
- Opportunity for co-location in local reserves, specifically near schools
- Assessment of the local government areas unique access requirements for location and public transport
- Assessment of the locational needs in residential zones versus commercial zones.

The level of detail required in a local planning strategy should reflect the significance of child care premises to the local community and economy.

5.1.2 Local planning schemes

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

- 'A' use in residential zones.
- 'D' use in commercial, centre, mixed use and other commercial based zones in accordance with the local planning scheme.

Child care premises may be considered incidental:

- To a school where sufficient land is available subject to DoE Approval, on either zoned or reserved land. *Operational Policy 2.4 – Planning for School Sites* incorporates guidelines for child care premises.
- To a relevant land use on regional and/or local planning scheme reserve for public purpose or community purpose.

Child care premises, should be incidental to the reserve purpose and not comprise the primary purpose of the reserve.

5.2 Development assessment and good design

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.

Development applications for child care premises should have regard for local character. For example, a development should present similar to residential development in the residential zone.

5.2.1 Location guidance for child care premises

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

Where a development application proposes co-location on region or local scheme reserves such as public purposes or community purpose reserves 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.

Child care premises should be conveniently located near public transport (where available), have universal access, be accessible to walking and cycling routes and supported by end of trip facilities for employees.

Site selection should have regard for previous land uses, including potential for potential contamination and ensure an appropriate separation distance to

noxious, hazardous or excessively noisy uses including service station or industry.

Child care premises are generally not supported abutting a Regional Road, service stations or contaminated sites. Where no alternative exists Department Water and Environmental Regulation (DWER) and Department of Health (DoH) should be referred the proposal to comment on mitigation measures and compliance with DWER contaminated sites guidelines, Australian Drinking Water Guidelines 2011 (ADWG) and DoH Position Statement: Service Stations and Sensitive Land Uses.

5.2.2 Noise and emissions

All Child care premises development application in residential zones should consider noise and emissions and include a Noise Impact Assessment. The assessment should accord with the Environmental Protection (Noise) Regulations 1997 and include the provision of suitable noise attenuation measures. The assessment should be completed by a qualified acoustic consultant.

Child care premises impact on neighbouring land

Child care premises should aim to minimise any noise impacts on adjoining properties. This may be achieved either by physical separation, design, and layout of the premises or by implementing noise-mitigation measures, such as acoustic treatments to buildings.

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.

Emissions impact on child care premises from neighbouring land

The location and arrangement of child care premises, including outdoor play areas should be designed to mitigate or remove exposure to adjoining or nearby land uses with excessive noise sources or hazardous emissions. Child care premises proposals abutting such uses, including a Regional Road should be referred to the DWER for noise and Department of Health ('DoH') for advice related to emissions.

Where a child care premises is established, any adjoining development proposal should be compatible in terms of dust, noise and odour emissions and not pose 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).

5.2.3 Operation of premises

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 not located in residential zones, hours of operation may be extended.

5.2.4 Amenity and landscaping

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.

Landscaping should be provided along the street frontage within the development site to a standard complementary to adjacent properties. Child care premises should be landscaped and designed to reduce impact on privacy to neighbouring residential land, retain established trees where possible and protect the outlook for neighbouring lots. Focus on natural landscapes and deep soil infrastructure is encouraged to support cooling microclimates, provide amenity and reduce reliance on built cover and astroturf.

Landscaped play areas should be provided in accordance with the local planning scheme and local planning policy. 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. Outdoor play area landscaping and structures should provide shade and not be a safety risk to children.

The DoH 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).

5.2.5 Building design, layout and car parking

Building design should be in accordance with the *Education and Care Services National Regulations (WA) 2012* which sets minimum play area per child requirements. The building should have appropriate ventilation, natural light and laundry, toilet, and hygiene facilities.

Child care premises should be in areas where potential impacts of adjoining land uses, flood or bushfire risk can be adequately managed against possible risks, in accordance with relevant policies and standards. Building design should refer to State Planning Policy 7.0 Design of the Build Environment and the 10 Design Principles.

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.

In all 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 WA Planning Manual Non-Residential Car Parking Rates in Perth and Peel *(*November 2024*)*

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.

5.2.6 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 site analysis is recommended to be undertaken, and documentation be prepared to support the submission of a development application. A site analysis should consider site constraints and address the following (but are not limited to):

- Access/road connectivity
- Existing infrastructure and buildings
- Natural features, including bushland and rock outcrops
- Topography and slope
- Trees and landscape
- Stormwater drainage
- Availability of utility services

A traffic impact statement (TIS) or traffic impact assessment (TIA) will be required. 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. If a TIS or TIA is required by the decision maker, it is to accord with the WAPC Transport Impact Assessment Guidelines (2016).

Vehicles are required to enter and exit the site in a forward gear. Vehicles are to enter from the lower order road if located on a corner site adjoining a Regional Road.

5.3 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.

5.4 Public consultation

Public consultation should be undertaken for child care premises proposals in residential zones. 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 proponents are encouraged to consult with nearby residents prior to lodgement of a development application to address local issues that may arise with a proposal.

5.5 Child care premises supporting information

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

- number of child staff.
- number of children.
- hours of operation.
- how the premises will be managed on a day-to-day basis.
- a description of maintenance activities.
- identify any noise mitigation measures proposed.
- parking management plan including regular deliveries and allocation of bays to staff and parents/ guardians.
- a waste management plan.

5.6 Child care premises service approval assessment

The *Education and Care Services National Law (WA) Act 2012* and *Education and Care Services National Regulations (WA) 2012* specifies national design requirement for child care premises and approved providers 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. This process is separate to planning approval however applicants should be aware of all the requirements in design and development that may influence the ability to obtain a service approval.

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.

For purposes of streamlining application processes, the size categories for child care premises have been replicated from the *Education and Care Services National Regulations 2012*. This will ensure consistency in sizes of child care premises across both planning and service approvals.

6. Definitions

For the purposes of this position statement:

Approved provider An approved provider means 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 government, or place of worship.

Child care premises has the same meaning as under the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 1 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.

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

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

Regional Road 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.