

Local Planning Policy No.9

Pursuant to Schedule 2, Part 2, Clause 4 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015

Policy Basis

The basis for the consideration of approval for Child Care Premises and Child Family Day Care is the effect on the residential amenity of the immediate locality and the health and safety of children.

In January 1996 a survey of residents and landowners in close proximity to existing Child Care Premises was conducted to canvass possible issues. The key issues identified were:

- Child Care Premises in close proximity and causing amenity problems for nearby residents.
- Noise from children. Traffic problems.
- The provision of adequate space for children's play areas.
- Adequate off street car parking.
- Fencing (perimeter and internal) around Child Care Premises.
- Inappropriate conversion of existing houses to Child Care Premises.
- Child Care Premises not being located close to retirement or aged persons accommodation.
- Potential devaluation of land if a Child Care Premises is placed adjacent to a residential property.

The Child Care Centres policy was adopted under Town Planning Scheme No. 11. The Family Day Care policy was adopted under Town Planning Scheme No. 14.

The combined policies have been consolidated in one policy under Local Planning Scheme No. 15.

Policy Objectives

To ensure that:

- Child Care Premises in the City of Belmont are located in areas of compatible use and that the needs of users are adequately served.
- The amenity of landowners adjoining a Child Family Day Care Premises is protected by ensuring adequate development standards and notification.



Noise Regulations Note:

The Environmental Protection (Noise) Regulations sets out maximum noise levels allowed for residential and other land uses.

Policy Statement

Locational Criteria Child Care Premises

1. The preferred location for Child Care Premises are on lots zoned *Town Centre, Commercial, Mixed Use, Mixed Business* or land the subject of relevant *Additional Use* provisions.

A residential lot located opposite, or adjacent to the said zoned or reserved land may be considered as a potential site depending on compliance with the remainder of this policy.

Locations near schools, shops and work places are favoured.

2. It is preferred that Child Care Premises be located on lots which have no more than two boundaries to a *Residential* zoned lot.
3. Sites which are located on Great Eastern Highway or on roads carrying more than 30,000 vehicles per day will not be supported.
4. Potential sites for Child Care Premises which front a trafficked road carrying more than 3000 vehicles per day will be required to have adequate frontage to allow for a safe "put down" and "pick up" area for children. Alternatively, there shall be safe and convenient access from another road, as would be the case for a corner site.

When Child Care Premises are to be located on local distributor roads or more than 3000 vehicles per day, but no greater than 30,000 vehicles per day, a traffic safety assessment must be prepared to the satisfaction of Council.

Council will have regard to the need to provide safe access to car parking areas, the need to minimise disruption of traffic flows and aspects of traffic safety and the potential creation of a substantial increase in traffic volumes on residential streets resulting in detrimental effects on the amenity of those streets.

5. Sites for Child Care Premises will be required to have a minimum frontage of 20m and a minimum area of 1000m².

Lots must be sufficiently large to accommodate the open space/play areas, car parking and other facilities which are necessary.

6. The road or roads abutting a potential site will be required to be capable of accommodating safe and convenient on-road car parking.
7. Child Care Centres should not be located close to retirement or aged persons' accommodation.

Development Requirements Child Care Premises

1. Car parking will be required on site at the standard of one bay per five children and one bay per staff member plus a paved “put down” and “pick up” area to the satisfaction of Council.

Vehicle access to and from the site must be available in forward gear.

eg: Where double crossovers are proposed, signs must specify “in” and “out” movements at each crossover.

2. All car parking spaces will be required to be screened from view from the street by a landscaped strip of 2m minimum width.

The objective of this requirement is to provide shade and reduce the impact of car parking on the streetscape.

3. Child Care Premises will be required to provide an internally fenced play area for children, as well as standard boundary fencing (if applicable). The area between should be a minimum width of 1.5m landscaped to the satisfaction of Council. Play areas should be sited as distant as possible from adjoining residential properties.

It is required that outdoor play areas be screened from sources of pollution such as vehicle parking and traffic to avoid potential problems in relation to auditory and lead pollution adjacent to major roads. Adequate fencing and/or dense vegetation may be required.

Play areas should be provided with adequate shade to protect children from the dangers of prolonged sun exposure.

4. Buildings for Child Care Premises will be required to be of brick or masonry construction, insulated and have air conditioning. Windows where children congregate within the building should be fixed glazing incapable of being opened.
5. Centres should provide a residential appearance so as to maintain a secure and familiar atmosphere for children and be harmonious with the character of the streetscape.
6. Child Care Premises are required to comply with the relevant State legislation which includes minimum indoor and outdoor playing space.

Consultation

Council may consult with nearby owner/occupiers on a proposal for a Child Care Premises and will have regard to the opinions expressed.

Any prospective licensee is required to consult with Family and Children’s Services to facilitate early intervention in the development of the service.

Locational Criteria Child Family Day Care Premises

A Child Family Day Care is a ‘D’ discretionary land use in the Residential, Residential and Stables, Place of Public Assembly, Mixed Business and Mixed Use zones. In exercising its discretion as to the approval or refusal of an application for Planning Approval, Council shall have regard to the provisions of the Scheme “Matters to Be Considered When Council Exercises Discretion”.

Development Requirements Child Family Day Care

- (i) Adequate provision should be made for client parking on-site, and should not interfere with local road traffic.
- (ii) No more than seven (7) primary school aged children, including the applicant's own children, shall be cared for.
- (iii) Outdoor child play areas shall be located a minimum distance of 1.5m away from adjacent property boundaries. Play areas may be required to be separated with a physical barrier where necessary. Physical barriers can include fencing, gates, landscaping or low walls.

Consultation

- (i) Applications which comply with the above development standards may not be referred to adjacent or nearby landowners for comment, unless deemed necessary by the Manager-Planning Services.
- (ii) Where planning approval is granted for a Child Family Day Care, Council will advise affected neighbours after planning approval has been granted. For information purposes, the neighbour will be advised of the basis on which the development is deemed to comply.
- (iii) Where an application does not comply with the above development standards it will be referred to the adjacent neighbour for comment as a variation to this Policy.
- (iv) Where a submission is received objecting to a development seeking a variation to the Policy Development Standards, the application will be referred to Council for determination where the issue cannot be resolved between the applicant and the affected property owner.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Local Planning Scheme No. 15
Industry Compliance	WAPC Planning Bulletin 72 – Child Care Centres
Organisational Compliance	
Process Links	

LOCAL PLANNING POLICY ADMINISTRATION

Directorate		Officer Title		Contact	
Development & Communities		Manager Planning Services		9477 7222	
Version Date	13/10/2020	Review Cycle	Triennial	Next Due	13/10/2023
Version	Decision to Advertise	Decision to Adopt		Synopsis	
1		10/06/1996 OCM 04/06/1996 PDC		Outlined appropriate siting, development standards and consultation requirements.	
2	25/02/2002 OCM 18/02/2002 PDC (Item 8.3.2)	24/06/2002 OCM 17/06/2002 PDC (Item 8.3.1)		Adoption of child care policy under TPS14 with modifications of car parking requirements from 'one bay per ten children' to 'one bay per five children'.	
3	07/11/2006 OCM (Item 11.2.1)	05/06/2007 OCM (Item 12.2.1)		Adoption of specific provisions for family day care within the residential zone.	
4	25/11/2008 Special Council Meeting (Item 6.1)	14/02/2011 Special Council Meeting (Item 10.1)		Development criteria for child care premises and family day cares.	