

1 INTRODUCTION

A Child Care Premises is used to provide a child care service within the meaning of the Child Care Services Act 2007, but does not include a Family Day Care Centre.

Note 1: 'Family Day Care Centres' are child care services provided at a place where the person providing the service lives and none of the children to whom the service is providing live, in accordance with the Child Care Services Act 2007. Family Day Care Centres are exempt from Planning Approval under clause 6.1.2(j) of Town Planning Scheme No.2.

Note 2: An application for a Certificate of Registration of a Food Premises is required to be submitted to the City's Health Services for the Family Day Care Centre to be considered lawful. The food preparation area is required to comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standards Code. Refer to Appendix 2 for the necessary application form.

There is a growing demand for Child Care Premises in all parts of the City and the 'Council' expects that demand to continue, given the current and expected urban development within the City.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications for planning approval for the establishment of Child Care Premises.

In this regard, no person shall commence or carry out any development of a Child Care Premises without first having applied for and obtained the planning approval of the Council, pursuant to the provisions of Part 6 of Town Planning Scheme No.2.

2 POLICY APPLICATION

In Town Planning Scheme No.2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Child Care Premises use in Town Planning Scheme No.2 can be summarised as follows:

- (a) The use is not permitted in the City Centre, Waterfront Village, Baldivis Town Centre, Commercial, Service Commercial, Light Industry, Rural and Community Purposes zones unless the Council has exercised its discretion by granting planning approval;
- (b) The use is not permitted in the Residential and Development zones unless the Council has exercised its discretion by granting planning approval, following a process of community consultation in accordance with clause 6.3.3 of the Scheme;

Note: In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, land uses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation. Refer to clause 4.2.9 of Town Planning Scheme No.2.

- (c) The use is not permitted in the Special Commercial, Port Kennedy Business Enterprise, General Industry, Special Industry, Special Rural and Special Residential zones.

This Planning Policy should be read in conjunction with Planning Procedure 1.3 – Community Consultation, the Child Care Services Act 2007 and WAPC Planning Bulletin 72/2009 – Child Care Centres.

3 POLICY OBJECTIVES

The objectives of this Planning Policy are as follows:-

- (a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Child Care Premises;
- (b) To secure the amenity of the locality by ensuring that Child Care Premises are consistent with the scale and character of the immediate area;
- (c) To ensure that appropriate and flexibly child care facilities are provided to accommodate the needs of the children and their carers; and
- (d) To consider the health and safety of children attending the Child Care Premises within the confines of the planning system.

4 POLICY OBJECTIVES

4.1 Location of Child Care Premises

It is important that Child Care Premises are appropriately located to meet the needs of children and their families. It is also important in limiting the impact a Child Care Premises may have on surrounding activities and vice versa. This may be achieved by located Child Care Premises on sites that are:-

- (a) Distributed strategically to provide maximum benefit to the community it serves;
- (b) Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;
- (c) Located 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 (where available);
- (e) Considered suitable from a traffic engineering/safety point of view; and
- (f) Of sufficient size and dimension to accommodate the development without affecting the amenity of the area.

Child Care Premises generally would not be suitable where:

- (g) Soil contamination exceeds the levels regarded by the Department of Environment and Conservation and the Department of Health as suitable for standard residential land uses with accessible soils as published in guideline '*Assessment Level for Soil, Sediment and Water*' (Department of Environment, November 2003);

- (h) Groundwater is to be abstracted for the irrigation of gardens and play area within the Child Care Premises and groundwater contamination exceeds 10 x Australian drinking water criteria in accordance with the *'Contaminated Sites Reporting Guideline for Chemicals in Groundwater'* (Department of Health 2006);
- (i) The service provided by the Centre will have a demonstrable adverse impact on the existing or planned level of Child Care Premises enjoyed by the local community;
- (j) Access is from a major road or in close proximity to a major intersection where there may be safety concerns;
- (k) Access is from a local access street which may impact on the amenity of the area due to traffic and parking;
- (l) 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;
- (m) Noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; and/or
- (n) The site is in a heavy industry area or in the buffer area of a heavy industry area.

4.2 Site Characteristics

Sites selected for Child Care Premises should be of sufficient size and suitable shape to accommodate the development, including all buildings and structure, parking for staff and parents, outdoor play areas and landscaping, as determined by the City.

As a general rule, sites in a residential area should be of regular shape and greater than 1000m² in size. A Maximum site coverage of 50% will apply to any proposal to prevent the over-development of any lot.

The topography of the site should be considered, as steep slopes may affect access to the facility, noise transfer and methods of noise mitigation.

Sites selected for Child Care Premises should also be assessed to determine their potential for soil and groundwater contamination. Section 6 of the Department of Environment and Conservation's *'Contaminated Sites and the 'Land Use Planning Process'* (April 2006) guideline sets out a useful methodology to assist local government in carrying out such assessments.

4.3 Carparking

An application for Development Approval shall make provision for parking bays in accordance with the standards and requirements of Clause 4.15 and Table Nos.2 and 3 of Town Planning Scheme No.2.

In Table No.3 (recommended carparking standards/allowances within the City Centre Zone and Baldivis Town Centre Zone), one carparking bay per staff member plus an adequate number of drop off bays (at the discretion of the Council) is required.

In Table No.2 (dealing with all other zones, except the Waterfront Village Zone), one carparking bay for each employee and one carparking bay for every eight children is required.

In the Waterfront Village Zone, the Council shall determine the number of carparking bays to be provided having regard to:-

- (a) The nature of the proposed development;
- (b) The number of employees likely to be employed on the site;
- (c) The anticipated demand for parking; and
- (d) The orderly and proper planning of the locality.

Parking areas should be located in front of the building. If this is not possible, parking areas should be clearly visibly and easily accessible from the entry to the site.

In addition, landscaping may be required on-site to screen car parking areas from the street and the Child Care Premises from adjoining residences in order to maintain the amenity of the locality.

4.4 Traffic Impacts

A traffic impact statement/assessment will be required where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises has the potential to impact on the functionality and amenity of an area and may create or exacerbate unsafe conditions for children and families using the premises, or for pedestrian or road users.

This statement/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 crash history of the locality; and
- (f) The expected impact of the proposed development on the existing and future traffic conditions.

4.5 Noise Impacts

A noise impact assessment may be required for the development of a Child Care Premises. The objectives should be to limit the noise impact of the Child Care Premises on adjacent properties, and also limit any noise impact from external sources on the Child Care Premises. 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.

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

- (a) Where a Child Care Premises is located adjacent to a noise sensitive use, such as houses, retirement village and nursing homes, the noise-generation activities of the Child Care Premises, such as the outdoor play areas, parking areas and any plant 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; and
- (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.

4.6 Design Considerations

The appearance of a Child Care Premises must be consistent with the scale and character of the locality. In this regard, where the development is located in a residential area, the built-form should lend itself to domestic (residential) architecture.

Setbacks to side and rear boundaries and the orientation of openings to indoor play areas should minimum any impact on adjoining properties.

Outdoor play areas are to be located so as to limit their impact on the amenity of adjoining properties, whilst taking advantage of a passive solar orientation wherever possible. Measures should be taken to ensure that play areas are large enough and of such dimensions to be useful as play areas, and side setback and leftover building areas are not desirable for the purpose.

Where a play area is located in the front setback area, fencing of the area should be of predominantly open construction to provide a safe playing area without closing the site in, casting shadows on the play area, or adversely affecting the residential streetscape.

Landscaping will be required along the frontage of the development to a standard equal to that required or provided for on adjacent properties. Landscaping should not include potentially hazardous heights and potentially toxic plants.

4.7 Hours of Operation

For Child Care Premises in Residential areas, hours of operation will be restricted to 7:00am to 7:00pm, unless otherwise agreed to by the Council.

4.8 Advertising Signs

Any proposed advertising sign must accord with the provisions of clause 5.3 of Town Planning Scheme No.2. Furthermore, a Sign Licence application is required to be submitted to Building Services, pursuant to the Council's Signs, Hoardings and Bill Posting Local-Law.

4.9 Need for Child Care Premises

Where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises may have an adverse impact on the level of service to the community by similar existing or approved facilities, the proponent will be required to provide further information in regard to the level existing services in the locality, proximity to other Child Care Premises, population catchments for the proposed Child Care Premises and the number of primary schools and kindergartens in the locality, in relation to the development of the proposed new facility.

4.10 Building Approval

Where a Child Care Premises requires the construction of a new building or modifications to an existing Building, a Building Licence will be required from the Council (in addition to a Planning Approval).

4.11 Health Approval

Where a Child Care Premises requires the construction of a new building or modifications to an existing building, a Form 2 – Maximum Accommodation Certificate will be required from the Council (in addition to a Planning Approval). Refer to Appendix 1 for the necessary application form.

In addition, an Application for a Certificate of Registration of a Food Premises must also be submitted. The food preparation area is required to comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standards Code. Refer to Appendix 2 for the necessary application form.

4.12 Consultation

All applications for planning approval for the establishment of Child Care Premises in the Residential and Development zones will be the subject of a process of community consultation in accordance with clause 6.3.3 of Town Planning Scheme No.2 and Planning Procedure No.1.3 – Community Consultation. Where the location of a Child Care Premises was pre-determined in a structure plan, or similar wide-ranging site assessment completed prior to any residential development in the vicinity, comprehensive consultation may not be necessary.

Unless otherwise determined by the Manager, Statutory Planning, applications for planning approval for the establishment of Child Care Premises in the City Centre, Waterfront Village, Baldivis Town Centre, Commercial, Service Commercial, Light Industry, Rural and Community Purposes zones will be the subject of a process of community consultation in accordance with clause 6.3.3 of the Scheme and Planning Procedure No.1.3 – Community Consultation.

4.13 Other Considerations

4.13.1 Consultations with State Government Agencies

Applicants for approval to establish a Child Care Premises are encouraged to discuss their proposal with the Department of Communities and the Child Care Licencing and Standards Unit which assesses and processes licence applications, provides information to help service providers understand and comply with the regulations, monitors child care services to ensure compliance with the regulations and response to concerns and complaints of non-compliance with the regulations.

The Department's Children's Services Officers provide support and advice to licensees and prospective licensees about setting up a service and applying for a licence.

The licence to operate a Child Care Premises, issued under the regulations (*Child Care Services Act 2007*) limits the number of children the Centre can accommodate.

4.13.2 Commonwealth Department for Families, Housing, Community Services and Indigenous Affairs

This Department provides support for child care services, including:-

- Helping families with the cost of child care (Child Care Benefit);
- Policy advice, research and service management related to providing children's services;
- Helping services provide quality care under the Child Care Support Program;
- Quality assurance, training and support services to improve the quality of children's care;
- Funding, training and support products and services to promote equity of access; and

- Funded child care places and operational support for child care services (Community Support payments) and (Family Day Care Start Up Payment).

Notwithstanding any comments received through consultations referred to in this Part, applications for planning approval will be determined on their individual merits by the Council, whether or not assistance is granted.

4.13.3 Site Contamination

The commencement of the *Contaminated Sites Act 2003* on 1st December 2006 has created new statutory obligations for land users and has highlighted the importance of preventing the development of child care services on land that is unsuitable for this land use because of soil and groundwater contamination at or near the site.

Proposals for the development of a Child Care Premises must:-

- Exercise duty of care to ensure that the site is suitable for use as a child care service;
- Seek and consider any information held by the Department of Environment and Conservation about the contamination status of the site; and
- Seek and consider any other information about the contamination status of the site, irrespective of whether or not it has been reported to Department of Environment and Conservation under the *Contaminated Sites Act 2003*.

5 APPLICATION PROCEDURE

Applications for planning approval for the establishment of Child Care Premises shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:-

- (a) Written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved. Such a submission to also outline the number of children proposed, age group breakdown, days and hours of operation and staff requirements;
- (b) A location plan depicting surrounding lots and road layout;
- (c) A detailed site plan to a scale sufficient to identify clearly the boundaries and all proposed structure, external play areas, landscaping, refuse storage area, car parking, pedestrian and vehicle access ways, crossover/s and kerb locations, verge width and associated road infrastructure (e.g. light poles, traffic islands) for the full road reserve width for all roads abutting the application site;
- (d) Floor plans and elevations to all sides of the proposed building to a minimum scale of 1:100;
- (e) A traffic impact statement/assessment and noise impact assessment, if required;
- (f) A Signage Strategy to generally describe and illustrate the number, location, dimensions and content of all signs, and sign structures to be erected;
- (g) Any specialist studies that the Council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;

- (h) If the site has been used for a potentially contaminating activity, the information listed in section 6 of the Department of Environment and Conservation's 'Contaminated Sites and Land Use Planning Process' (available on the DEC website at www.dec.wa.gov.au);
- (i) Such plans and other information that the Council may reasonably require to enable the application to be determined. Refer to clause 6.2.2 of Town Planning Scheme No.2; and
- (j) The payment of an Administration Fee as detailed in the Council's Planning Information Bulletin No.2.2 – Scale of Fees for Planning Services.

6 AUTHORITY

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, 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 decision.

7 INTERPRETATIONS

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:-

Council: *means the Council of the City of Rockingham*

8 DELEGATION

All applications for planning approval for the establishment of Child Care Premises in the Residential and Development zones will be referred to the Council for determination.

Subject to no substantiated objections being received following community consultation, other applications for planning approval which comply in all respect with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 and Planning Procedure 1.1 – Delegated Authority.

In the event that substantiated objections are received following community consultation, the application for planning approval will be referred to the Council for determination.

9 ADOPTION

This Planning Policy was originally adopted by the Council at its ordinary Meeting held on the 27th May 2008.

10 AMENDMENT

This Planning Policy was amended by the Council at its ordinary Meeting held on the 28th June 2011.

11 REVOCATION

This Planning Policy supersedes the Council's Statement of Planning Policy No.2.6 – Child Care Centres.

Appendices

1. Form 2 – Application for Certificate of Approval
2. Application for a Certificate of Registration of a Food Premises

Note: The appendices do not form part of this Planning Policy and have been included for information purposes only.



FORM 2

HEALTH ACT 1911

(Reg. 5)

HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992

APPLICATION FOR CERTIFICATE OF APPROVAL

I being the owner/agent hereby apply for a Certificate of Approval in respect of:

PREMISES DETAILS:

Name of:

.....

Location No:

.....

Street:

.....

Town/Suburb:

.....

Nearest Cross Street:

.....

Construction/extension/alteration of which was completed
on:

.....

In accord with your approval given on:

.....

.....

.....

.....
SIGNED:

.....
OWNER/AGENT:

.....
ADDRESS:

.....
TELEPHONE:

.....
FAX:

FOOD ACT 2008

APPLICATION FOR A REGISTRATION OF FOOD PREMISES

To: The Chief Executive Officer
 City of Rockingham
 PO Box 2142
ROCKINGHAM DC WA 6967



(Name and residential address to be in full and in block letters).

I _____ *Full Name*
 of _____ *Residential Address*

Apply for registration of the premises described below as a:-

- High Risk Food Premises
- Medium Risk Food Premises
- Low Risk Food Premises
- Very Low Risk Food Premises
- Food Vehicle

• *Tick whichever is applicable*

NB		
ANNUAL FOOD PREMISES FEES		
High Risk	=	\$400.00
Medium Risk	=	\$200.00
Low Risk	=	\$ 75.00
Very Low Risk	=	Nil
Food Vehicle	=	\$150.00

Name of Premises _____

Address of Premises _____

Phone: _____ Mobile: _____ Fax: _____

The Premises is a **new** food business? Yes No

The Premises is an **established** food business? Yes No

Please ✓

- Previous Premises name _____

Dated _____ day of _____ 20 _____
this _____

Signature of Applicant

<p>REGISTRATION APPLICATION FEE</p> <p>= \$30.00</p> <p><i>Payment (payable to City of Rockingham) to be included with this Application</i></p>

NB An Invoice will be forwarded to you regarding your Annual Food Premises Fee.