

3.2 CHILD CARE PREMISES AND FAMILY DAY CARE

Responsible Directorate	Statutory Services	
Responsible Service Area	Planning	
Resolution	February 2024	C2.02.24
Procedure Ref	N/A	

1. PURPOSE

The purpose of this policy is to provide a framework for the location, design, operation of Child Care and Family Day Care proposals within the Shire of Mundaring.

Also to ensure child care premises are appropriately designed to ensure the health and safety of children attending the early childhood education and care service.

Child care services can play an important role in supporting positive outcomes for children and supporting workforce participation for families.

Childcare uses can generate traffic and parking issues at peak times. Larger buildings, hardstand areas and solid fencing can be required. Outdoor play spaces are important for children but this, combined with increased traffic can generate noise issues for neighbouring properties. Depending on the magnitude of the business and its location, these services can unduly impact on the established amenity of a locality.

The Shire encourages convenient access to these services in and around local centres, existing educational uses/reserves and where appropriate, in residential areas.

2. SCOPE

This policy applies to all child care and family day cares proposals within the Shire of Mundaring.

3. OBJECTIVES

- a. To ensure Child Care and Family Day Care services are located in accessible and convenient locations where they will not have a detrimental impact on the function and safety of the surrounding road and/or pedestrian network and will not result in the proliferation of on-street parking;
- b. To ensure that works associated with Child Care Premises and Family Day Care are site-responsive and are in keeping with the existing and future desired character of the locality; and
- c. To ensure that Child Care Premises and Family Day Care are sited and designed to maintain visual and acoustic privacy.

4. DEFINITIONS

“child care premises” means land or buildings used for a child care service as defined under section 4 of the *Child Care Services Act 2007* (as amended), but does not include family day care.

“For the purposes of this Act a child care service is a service for the casual, part-time or day-to-day care of a child or children under 13 years of age (or such other age as may be prescribed for the purposes of this subsection) that is provided —

- (a) for payment or reward, whether directly or indirectly through payment or reward for some other service; or*
- (b) as a benefit of employment; or*
- (c) as an ancillary service to a commercial or recreational activity.”*

“family day care” means premises used to provide family day care in accordance with the *Child Care Services Act 2007* (as amended).

“Means a child care service provided at a place where —

- (a) the person providing the service lives; and*
- (b) none of the children to whom the service is provided live.”*

5. POLICY

- 5.1. Child Care Premises should be located on a site nearby a shopping centre, an educational establishment, offices or other commercial uses.
- 5.2. The site selected for Child Care Premises should be level, regular in shape and of sufficient size to accommodate all aspects of the proposed development.
- 5.3. On residential zoned land, Child Care facilities should be residential in their scale and appearance. Child care proposals that necessitate variations to standard boundary fencing and/or the applicable residential development requirements, will generally not be supported.
- 5.4. Any balcony or other form of raised outdoor living area which is to be used as a play area, and which faces or is adjacent to a residential property, is to be designed in such a way so that the privacy of that residential property is not significantly impacted.
- 5.5. Car parking areas for Child Care Premises should have adequate on site queuing space available to avoid any queuing vehicles having a significant impact on local traffic flow, and the safety of other road users and/or pedestrians.
- 5.6. Adequate and safe pedestrian access within the site is to be provided from the adjoining street(s) and the on site car parking area, to the main pedestrian entrance of the building. Details of which are to be provided as part of the development application.
- 5.7. If Child Care Premises are proposed on a site adjacent to a road which the Shire considers to have relatively high traffic volumes and/or movements, adequate and safe pedestrian access should be provided from the existing pedestrian network, or from a nearby bus stop, to the site. Details of which are to be provided as part of the development application.

- 5.8. Child Care Premises should generally not be located adjacent to a road identified as a Primary Regional Road Reserve.
- 5.9. Child Care Premises and Family Day Care are **vulnerable uses** in bushfire prone areas. The Shire will only entertain these land uses in bushfire prone areas in the following circumstances:
- a. Where a proposal involves a new Child Care Premises or Family Day Care, the proposal is constructed and thereafter maintained to the relevant Bush Attack Level, with confirmation provided by a suitably qualified accredited bushfire consultant;
 - b. Any expansions or renovations to an existing Child Care Premises should be accompanied with proportionate and pragmatic enhancements towards achieving greater bushfire compliance against Australian Standard 3959, with justification provided by a suitably qualified accredited bushfire consultant.
 - c. A Family Day Care use may be considered within a dwelling not constructed to AS3959, provided the proponent demonstrates that sufficient transport exists to evacuate all attendees and other occupants residing at the property. A bushfire evacuation management plan is to form part of a development application.
- 5.10. The Shire will generally not support proposed Child Care Premises or a Family Day Care proposal where a dam(s) exists on the property. Likewise, the Shire will generally not support a proposed dam where child care premises or a family day care exists.

6. RELATED LEGISLATION

Planning and Development Act 2005

Child Care Services Act 2007 (as amended)

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No. 4

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (as amended)

State Planning Policy 5.4 – Road and Rail Noise

WAPC Guidelines for Planning in Bushfire Prone Areas

Environmental Protection (Noise Regulations) 1997

Education and Care Services National Regulations 2012 (as amended)

WA Planning Commission Position Statement Child Care Premises