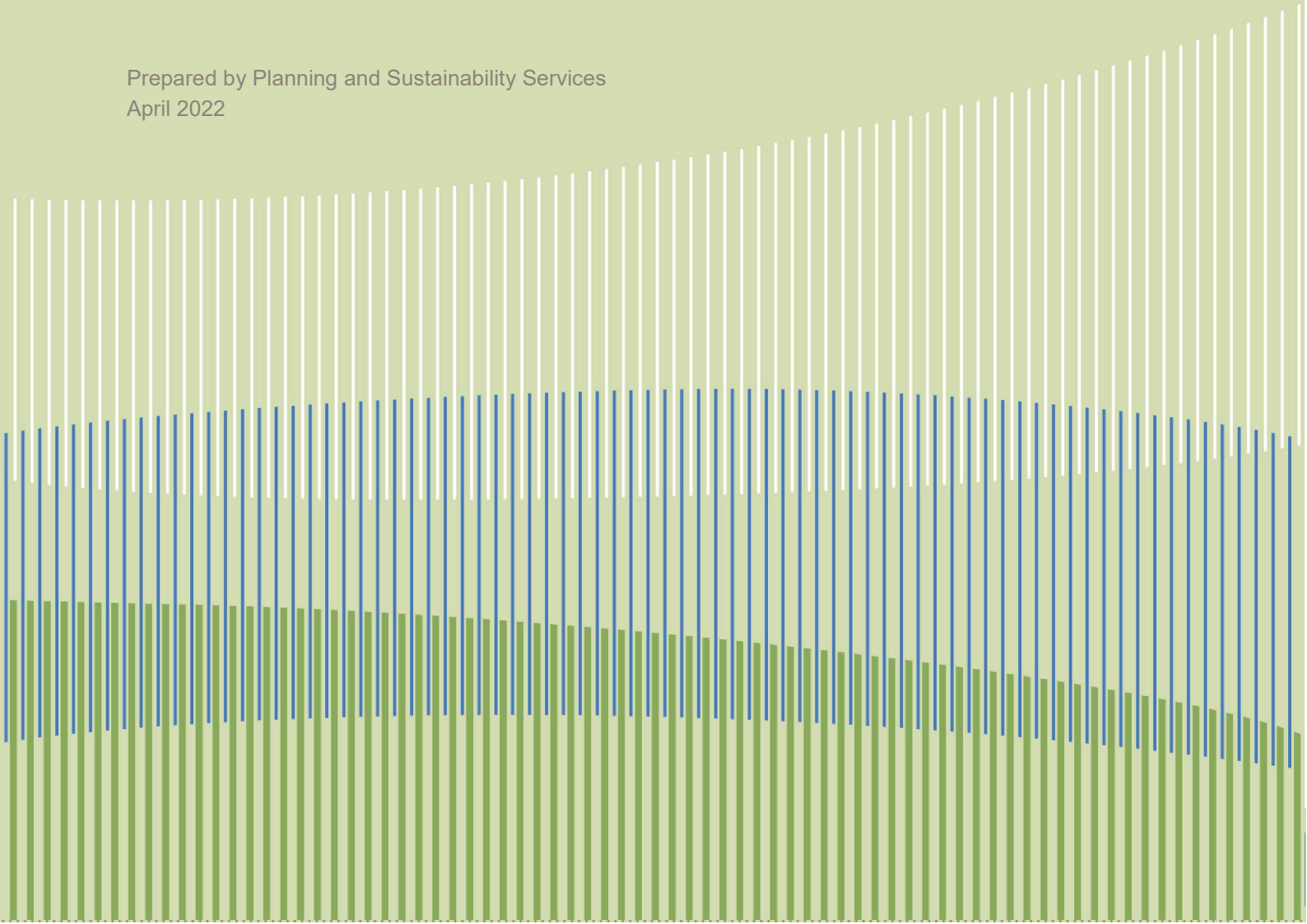


Local Planning Policy

Child Care Services

Prepared by Planning and Sustainability Services
April 2022



1. Objectives

The Shire of Murray supports the need for effective child day care services within its municipal boundaries provided that the operations are appropriately located and do not impact the character and amenity of the local area. The specific objectives of this Policy are to:

- i. To provide an appropriate planning framework from which planning decisions can be made regarding the location and design of child day care services.
- ii. To locate child day care services appropriately in relation to their surrounding service area.
- iii. To minimise the impact a child day care service has on its surrounds, in particular on the character and amenity of existing residential areas.

2. Definitions

For the purpose of this Policy the term Child Day Care Services includes both a Child Day Care Centre and a Family Day Care Centre.

Under the Shire's Local Planning Scheme No. 4 (LPS), a **Child Day Care Centre** means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 (as amended) but does not include a Child Family Care Centre*.

More generally, a Child Day Care Centre refers to a centre-based child care service that offers education and care from a premises used exclusively for this purpose.

Under LPS4, a **Family Day Care Centre** - means land and buildings used for the purpose of providing a child care service for children in a private dwelling in a family or domestic environment in accordance with the *Community Services (Child Care) Regulations 1988**.

* The Child Care Regulations 1968 and the Community Services (Child Care) Regulations 1988 have since been superseded by the Education and Care Services National Law (Western Australia) 2012

Under the *Education and Care Services National Law (Western Australia) 2012* a **Family Day Care Residence** means a residence at which a family day care educator educates and cares for children as part of a family day care service.

Under the *Education and Care National Regulations 2012* a family day care educator must not educate and care for more than seven (7) children at a family day care residence or approved family day care venue at any one time, with no more than four (4) who are 4 years of age or under on 30 June of the current calendar year.

3. Application

This Policy applies to all development applications for child day care services within the Local Government area. The Policy is structured to clearly delineate which sections are applicable to Child Day Care Centres and which sections are relevant to Family Day Care.

4. Requirements - Child Day Care Centres

4.1 Location

Child Day Care Centres should be appropriately located to ensure they meet the needs of children and their families as well as limiting the impact they may have on surrounding activities and vice versa. Suitable locations for a Child Day Care Centre include:

- i. within or within convenient walking distance (400m / 5 minutes) of commercial, recreation or community nodes and education facilities (e.g. local parks and playground facilities, schools and kindergartens, etc.).
- ii. areas where adjoining uses are compatible with a Child Day Care Centre (considering all permissible uses under the zoning of adjoining properties).
- iii. serviced by public transport.

- iv. considered suitable from a traffic engineering/safety perspective.
- v. of sufficient size and dimension to accommodate the development without unreasonably affecting the amenity of the area.

Child Day Care Centres are not considered suitable in locations where:

- i. soil contamination exceeds the levels regarded by the Department of Water, Environment and Regulation (DWER) and the Department of Health (DOH) as suitable for standard residential land uses with accessible soils as published in guideline *Assessment and Management of Contaminated Sites* (DWER 2021).
- ii. groundwater is to be abstracted for the irrigation of gardens and play areas within the Child Day Care Centre and groundwater contamination exceeds 10 x Australian Drinking Water Criteria in accordance with the '*Contaminated Sites Ground and Surface Water Chemical Screening Guidelines*' (DOH 2014).
- iii. access is from a major road or in close proximity to a major intersection where there may be safety concerns.
- iv. access is from a local access street where there may be unreasonable adverse amenity impacts due to traffic and parking.
- v. the current use or any permissible use under the zoning of the adjoining premises produces unacceptable or inappropriate levels of noise, fumes or emissions or poses a potential hazard by reason of activities or materials stored on site.
- vi. noise produced by roads, railways and aircraft are likely to have an adverse impact on the site.
- vii. the site is in a heavy industry area or within the buffer area of a heavy industry area.

4.2 Site Characteristics

- i. Sites selected for Child Day Care Centres should be of sufficient size and suitable shape to accommodate the development, including all buildings and structures, parking for staff and parents, outdoor play areas and landscaping.
- ii. Sites in residential areas should have a regular shape, with a sufficient lot size to provide the opportunity for design aimed at minimising the impact on surrounding properties. Desirably a minimum lot area of 1,000m² and effective frontage of 20 metres width would be available.

4.3 Design

(a) Building Appearance

- i. The visual appearance of the development should reflect the character of the area, enhance its amenity with a welcoming and inviting appearance from the street.
- ii. The development should be designed having regard to any adopted design guidelines, built form/streetscape policies or other development requirements applicable to the site under the planning framework.
- iii. Development within or adjacent to residential areas should reflect a residential appearance, character and proportions of the local area. Particular regard should be given to roof form and style, external colours, finishes and materials and orientation of building openings, that is sympathetic to surrounding development.
- iv. In commercial areas, parking should be sleeved behind buildings away from the street and public view. Front doors and entries are to be designed to be legible and accessible from the street.

(b) Street Walls and Fencing

- i. Fencing and walls visible from the street should be suitably designed to provide appropriate access, privacy, safety and security, whilst maintaining adequate levels of passive surveillance (i.e. 'open style' and visually permeable fencing) and have a visually interesting appearance.
- ii. Areas of solid walls or screening visible from the street should be of high-quality materials and be articulated/visually interesting. Soft landscaping should also be used to reduce the visual dominance of solid portions of walls or fences and soften their appearance from the street.
- iii. Front fences to Child Day Care Centres should comply with the residential street fencing requirements of the R-Codes as far as possible and be constructed of appropriate materials that complement the development and respect the amenity of the streetscape and surrounding residential properties.

(c) Landscaping

- i. Where car parking is provided between the building and street alignment(s) a minimum 1.5-metre-wide landscaping strip to be established and thereafter maintained along the street alignment(s).
- ii. The development is to be designed to retain and conserve existing mature trees on the site as well as existing Shire verge trees.
- iii. Car parking areas to be landscaped and provided with shade trees at a minimum rate of 1 tree per 4 car parking bays.

4.4 Carparking and Vehicular Access

(a) On-site Car Parking

Parking is to be provided on site at a rate of one parking bay for each staff member, in addition to the required number of bays as outlined in the table below.

Children	Bays Required
25 or less	5
26-30	6
31-38	7
39-46	8
47-54	9
55 or more	9 bays plus 1 per 8 children accommodated in excess of 54

(b) Traffic Generation

- i. Development should only be permitted where it does not negatively impact the function or safety of the adjacent roads or cause undue conflict through the generation of traffic or demand for parking.
- ii. In assessing an application for a new or expanded Child Day Care Centres, in addition to considering matters such as traffic volumes, road capacity and road safety from a technical engineering perspective, the Shire will have also regard to these matters from a residential amenity perspective.

4.5 Noise Considerations

(a) General Design and Layout Considerations

Child Day Care Centres should be appropriately designed and operated to minimise the noise impact it may have on adjacent properties, and also limit the impact noise from external sources may have on the centre. 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 or other noise attenuation measures. The following basic principles will apply when considering a proposal:

- i. Where a Child Day Care Centre is located adjacent to a noise-sensitive use, such as residential dwellings, retirement villages and nursing homes, the noise-generating activities of the centre, such as the outdoor play areas, parking areas and any service areas, plant and equipment, are to be located away from the noise-sensitive use.
- ii. 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.
- iii. The design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits.

(b) Hours of Operation

The hours of operation of a Child Day Care Centre should be limited to between the hours of 7am and 7pm Monday to Saturday, and 9am to 5pm on Sunday, unless otherwise agreed to by the Shire.

5. Requirements - Family Day Care

5.1 Location

Family Day Care services should be appropriately located to ensure they meet the needs of children and their families as well as limiting any adverse impacts they may have on surrounding activities and vice versa. Family Day Care may be suitable in locations that are:

- i. within convenient walking distance (400m / 5 minutes) of appropriate commercial, recreation or community nodes and education facilities, (e.g. local parks and playground facilities, schools and kindergartens, etc.)
- ii. serviced by public transport (where available).
- iii. considered suitable from a traffic engineering/safety perspective.

5.2 Site Characteristics

Family Day Care should be provided from a 'Single House' on a site of sufficient size and shape to provide:

- all required outdoor play space or other facilities required under the relevant legislation.
- adequate security and privacy.
- minimal potential for adverse impacts on adjoining residential properties.
- adequate on-site car parking for the drop-off and collection of children.

The operation of Family Day Care from a Grouped Dwelling will only be supported if it can be demonstrated by the applicant that the requirements detailed above can be achieved, as well as having regard to the outcomes of any required community consultation.

5.3 Design

(a) Building Appearance

Where alterations or additions are required to the dwelling to accommodate the Family Day Care the dwelling must continue to comply with the relevant requirements of the R-Codes, LPS4 or other development requirements applicable to the site under the planning framework.

(b) Street Walls and Fencing

All front fencing to primary and secondary streets must comply with the relevant requirements applicable to a residential dwelling on the site, as per the R-Codes.

(c) Signage

Any signage in relation to a Family Day Care service is limited to that permissible for a Home Business i.e. a maximum of 0.2m².

5.4 Carparking and Vehicular Access

(a) Car Parking

In addition to the car parking requirement for the dwelling under the R-Codes (normally two bays), car parking bays shall be provided at a rate of one (1) additional bay.

(b) Access

The provision of Family Day Care services from dwellings situated on a rear battleaxe lot should be avoided, due to their constrained ability to accommodate the on-site parking of vehicles for the drop off and collection of children, and the increased traffic and safety hazards associated with customer vehicles reversing onto the street.

5.5 Noise Considerations



The hours of operation of a Family Day Care should be limited to between the hours of 7am and 7pm Monday to Saturday, and 9am to 5pm on Sunday, unless otherwise agreed to by the Shire.

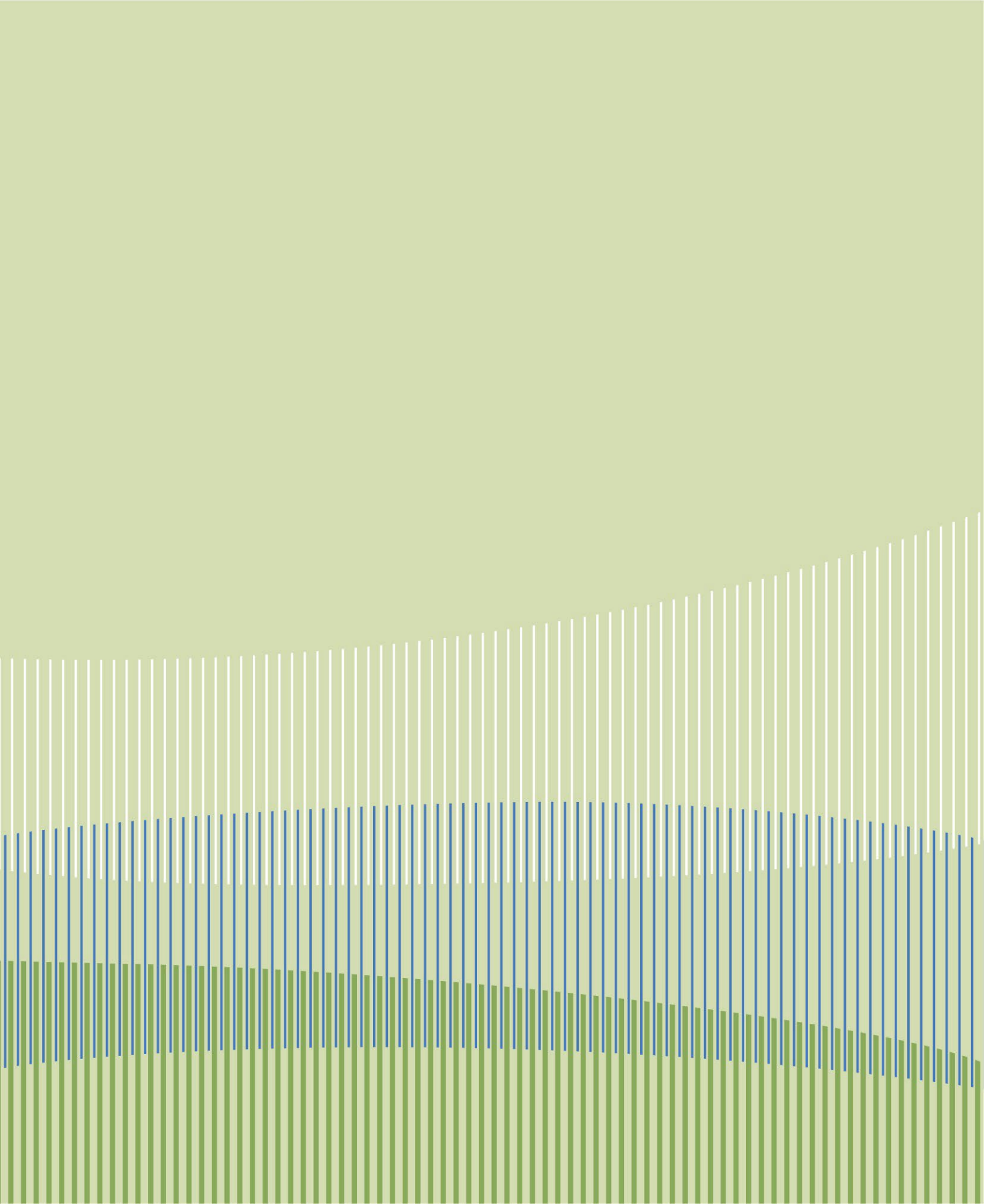
6. Administration

Directorate		Officer Title	
Planning and Sustainability		Director Planning and Sustainability	
Version	Decision to Advertise	Decision to Adopt/Amend	Current Status
1	OCM22/025 – 28/04/2022	OCM22/063 – 23/06/2022	Adopted

1915 Pinjarra Road,
Pinjarra WA 6208
PO Box 21 Pinjarra WA 6208

T: 08 9531 7777
F: 08 9531 1981
mailbag@murray.wa.gov.au
www.murray.wa.gov.au

 /ShireofMurray
 @ShireofMurray



Child Care Services

Application Checklist

APPLICATION INFORMATION

Your application for a Family Day Care Centre or a Child Day Care Centre must be completed and submitted to the Shire accompanied with the following:

1. A completed application for development approval form contained at Appendix 1.
2. The supplementay family day care application form contained at Appendix 2.
3. A fee based upon the Shire's current fees and charges. For a family Day Care Centre this will be \$222, a Child Day Care Centre will be based upon the estimated cost of development.
4. A site plan to a scale of not less than 1:500, showing:
 - street names, lot number(s), north point and the dimensions of the site;
 - the existing and proposed use of the site and dimensioned position of buildings and structures to be erected on the site;
 - the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - pick up/set down area, yard areas and such like
 - the nature and extent of any open space play areas;
 - the location and orientation of any proposed advertisements;
 - any other information that the Council can reasonably require to enable the application to be determined.
5. A floor plan of the residence/building to a scale of not less than 1:200, showing: the existing or proposed residence, including any proposed alterations; the identification of areas to be used for the business;
6. Where food is to be served an application for a Food Business Registration must be submitted to the Shire. Refer to Appendix 3 for the necessary application form

Child Day Care Centre

In addition to the above, the following must be submitted with an application for a Child Day Care Centre:

7. Elevation Plans for all four elevations of the proposed building.
8. A Traffic Impact Statement/Assessment prepared in accordance with the Western Australian Planning Commission's (WAPC) (2016) Transport Impact Assessment Guidelines will be required where, in the opinion of the Manager, Planning Services, a proposed Child Day Care Centre 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.

9. A Noise Impact Assessment/Acoustic Report will be required where a Child Day Care Centre is proposed adjacent to a noise sensitive use such as a residential dwelling(s), a retirement village or a nursing home.
10. A Bushfire Management Plan including an Emergency Evacuation Plan must be submitted in support of the application if the proposed Child Day Care Centre is located on land that is designated as Bushfire Prone.

If you have any questions regarding the completion of the application form, please contact the Shire's Planning Services on 9531 7777.

Additional Advice to Applicants

Information provided with an application must be as detailed and complete as possible. The Shire may contact applicants if any application details are too broad and require verbal clarification. The information you provide will be available for viewing by the public during advertising of the application and will assist the Shire in preparing conditions of Development Approval, should approval be granted. Any additional information required to assess the application may be requested. If you have any questions in relation to this matter, please do not hesitate to contact the Shire's Planning Services on 9531 7777.

APPENDIX 1

APPLICATION FOR DEVELOPMENT APPROVAL FORM

Application for Planning Approval

Schedule 1 – Form 1

Shire of Murray Town Planning Scheme No 4

Owner/s details									
Name:									
Address:								Postcode:	
Work Ph:		Home Ph:		Fax:		Mobile:			
Contact person:				Email:					
Signature:				Date:					
Signature:				Date:					
The signature of the owner(s) is required on all applications. This application will not proceed without that signature(s).									
Applicant details									
Name:									
Address:								Postcode:	
Work Ph:		Home Ph:		Fax:		Mobile:			
Contact person for correspondence:									
Email:									
Signature:				Date:					
Property details									
Lot No		House/Street No		Location No					
Diagram/Plan No		Certificate of Title Vol No		Folio					
Title encumbrances (eg easements, restrictive covenants):									
Street Name				Suburb					
Nearest street intersection									
Description of proposed development and/or use:									
Nature of Development:									
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input type="checkbox"/> No									
If yes, is the exemption for: <input type="checkbox"/> Works <input type="checkbox"/> Use									
Description of exemption claimed (if relevant):									
Nature of any existing buildings and/or land use:									
Approximate cost of proposed development:				Estimated time of completion:					
Has this development already commenced or been completed?				<input type="checkbox"/> Yes <input type="checkbox"/> No					
Office Use Only									
Acceptance Officer's initials:				Date received:				LG Ref#	

APPENDIX 2

FAMILY DAY CARE APPLICATION FORM

Note: This application form is to be submitted in addition to the Shire's application for Development Approval form

1. Existing building/land use (e.g. Single House):

2. Proposed number of children (including own):

3. Age range of children:

4. Days of Operation

Times of Operation

Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Public Holidays

7. What area (in m²) internal and external to the dwelling will be used for the Family Day Care:

Internal:

External:

8. How many cars are expected to visit the property each day:

9. How many additional onsite car parking spaces will be provided for this business:

10. Does the business employ any person not a member of the occupier's household:

If yes, how many:

11. Will the business require an advertising sign:

If yes, what is the height and width of the sign face (in m)

Height

Width

APPENDIX 3

APPLICATION FOR FOOD BUSINESS REGISTRATION

Food Business Registration



Proprietor/Business Details

Proprietor Name Required

Postal Address Required

ABN Required

Contact Number Required

Can We Contact You on this Number Outside of Business Hours? (Select 1 option) Required

- Yes
 No

Complete this field if you selected 'No' in *Proprietor/Business Details: Can We Contact You on this Number Outside of Business Hours?*

After Hours Contact Number Required

Email Required

Primary Language Spoken Required

Number of Equivalent Full-Time Staff Required

Premises Details

Is this Application for a Food Vehicle? (Select 1 option) Required

- Yes
- No

Trading Name Required

Complete this field if you selected 'No' in *Premises Details: Is this Application for a Food Vehicle?*

Address of Premises Required

Complete this field if you selected 'Yes' in *Premises Details: Is this Application for a Food Vehicle?*

Address Where Vehicle is Garaged Required

Is the Person in Charge Different to the Proprietor (Select 1 option)

- Yes
- No

Complete this field if you selected 'Yes' in *Premises Details: Is the Person in Charge Different to the Proprietor*

Name of Person in Charge Required

Complete this field if you selected 'Yes' in *Premises Details: Is the Person in Charge Different to the Proprietor*

Contact Number Required

Complete this field if you selected 'Yes' in *Premises Details: Is the Person in Charge Different to the Proprietor*

Email Required

Complete this field if you selected 'Yes' in *Premises Details: Is this Application for a Food Vehicle?*

Details of Food Vehicle (make, model, registration plate etc.) Required

Details of Associated Premises (include location of event if notification is for a temporary foodstall)

Description of Use of Premises (please tick all boxes that apply) (Select 1 or more options)

Required

- Manufacturer/processor
- Retailer
- Food Service
- Distributor/importer
- Packer
- Storage
- Transport
- Restaurant/café
- Snack bar/takeaway
- Caterer
- Meals-on-wheels
- Hotel/motel/guesthouse
- Pub/tavern
- Canteen/kitchen
- Hospital/nursing home
- Childcare centre
- Home delivery
- Temporary food premises
- Mobile food operator
- Market stall
- Charitable or community organisation
- Other

Other - please provide details

Please Provide Details About your Type of Business

Required

For example: butcher, bakery, seafood processor, soft drink manufacturer, milk vendor, service station, if business is a catering business, please provide estimate of maximum patrons

Do you Provide, Produce or Manufacture any of the Following Foods? (please tick all boxes that apply) (Select 1 or more options)

Required

- Prepared, ready to eat table meals (consumed in the same state as in which it is sold)
- Frozen meals
- Raw meat, poultry or seafood (oysters)
- Confectionery
- Infant or baby foods
- Bread, pastries or cakes
- Processed meat, poultry or seafood
- Fermented meat products
- Meat pies, sausage rolls or hot dogs
- Sandwiches or rolls
- Soft drinks/juices
- Raw fruit and vegetables
- Processed fruit and vegetables
- Egg or egg products
- Dairy products
- Prepared salads
- Other

Other - please provide details

Nature of Food Business

Are you a Small Business (employ less than 50 people in the manufacturing sector or less than 10 people in the food services sector)? (Select 1 option) **Required**

- Yes
- No

Is the Food that you Provide, Produce or Manufacture Ready-to-Eat when Sold to the Customer? (Select 1 option) **Required**

- Yes
- No

Do you Process the Food that you Produce or Provide Before Sale or Distribution? (Select 1 option) **Required**

- Yes
- No

Do you Directly Supply or Manufacturer Food for Organisations that Cater to Vulnerable Persons (Standard 3.3.1 Australia New Zealand Food Standards Code)? (Select 1 option) Required

- Yes
- No

Complete this field if you made a selection that includes 'Manufacturer/processor' in *Premises Details: Description of Use of Premises* (please tick all boxes that apply)

Do you Manufacture or Produce Products that are not Shelf Stable? (Select 1 option) Required

- Yes
- No

Complete this field if you made a selection that includes 'Fermented meat products' in *Premises Details: Do you Provide, Produce or Manufacture any of the Following Foods?* (please tick all boxes that apply)

Do you Manufacture or Produce Fermented Meat Products such as Salami? (Select 1 option) Required

- Yes
- No

Complete this field if you:

- made a selection that includes 'Retailer' in *Premises Details: Description of Use of Premises* (please tick all boxes that apply)

Or if you:

- made a selection that includes 'Food Service' in *Premises Details: Description of Use of Premises* (please tick all boxes that apply)

Or if you:

- made a selection that includes 'Charitable or community organisation' in *Premises Details: Description of Use of Premises* (please tick all boxes that apply)

Or if you:

- made a selection that includes 'Market stall' in *Premises Details: Description of Use of Premises* (please tick all boxes that apply)

Or if you:

- made a selection that includes 'Temporary food premises' in *Premises Details: Description of Use of Premises* (please tick all boxes that apply)

Do you Sell Ready-to-Eat Food at a Different Location from where it is Prepared? (Select 1 option) Required

- Yes
- No

Hours of Operation (include dates of event if notification is for a temporary foodstall) Required

Days and Times, Event Date/s and Time/s

Recall Contact

Name and Surname Required

Contact Number Required

Is the Contact Available on this Number Outside of Business Hours? (Select 1 option) Required

- Yes
- No

Complete this field if you selected 'No' in *Recall Contact: Is the Contact Available on this Number Outside of Business Hours?*

After Hours Contact Number Required

Email Required

Declaration

I, the person making this application, declare that the information contained herein is true and correct in every particular.

Signature Required

Name



Date Required

D	D	M	M	Y	Y	Y	Y
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End of form

1915 Pinjarra Road,
Pinjarra WA 6208
PO Box 21 Pinjarra WA 6208

T: 08 9531 7777
F: 08 9531 1981
mailbag@murray.wa.gov.au
www.murray.wa.gov.au

 /ShireofMurray
 @ShireofMurray

