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Department of Planning,
Lands and Heritage



Draft Position Statement: Child care premises

November 2022

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1. Policy intent

This position statement outlines the Western Australian Planning Commission's (WAPC) location and design guidance to decision-makers, proponents and the community for a consistent policy approach to planning for child care premises in Western Australia.

2. Child care premises in Western Australia

Child care premises are a non-residential land use that provides long day care or out of school hours care in facilities specially built or modified for child care.

Child care **approved providers** can be local councils, community organisations, private businesses and not-for-profit organisations. Proponents may seek to develop a child care premises with the intention to sell to an **approved provider** who would own and operate the early childhood service with the required approvals.

Child care premises do not include **family day care** where an educator provides care in their own home to small numbers of children.

This policy addresses State, local government and community considerations relating to the location and development of child care premises. A consistent planning approach is required, particularly regarding:

- location
- site characteristics
- environmental suitability
- design
- traffic and vehicle access
- noise emissions
- amenity health and safety impacts

2.1 Supply and demand for child care premises

Child care premises are an essential community service, and many are privately operated businesses with rental or capital costs influencing the location and availability of the service. The increasing demand for child care premises and the strong focus on their appropriate distribution and location is closely linked to demographic change. The State population is currently about 2.7 million and is expected to rise between 3.1 to 3.4 million by 2031¹. It is common for parents, carers or guardians to work, which creates a greater demand for child care premises. The out of ordinary hours workforce should also have better access to child care premises. Consequently, the hours of operation and availability of child care premises near the workplace is becoming more important.

The rising demand for child care premises means that these services are becoming larger and have a potentially greater impact, particularly regarding more vehicular traffic related to larger numbers of children, carers and parents.

While the WAPC strongly supports the provision of necessary services, it is important to emphasise that the need for a service does not justify development in inappropriate locations.

¹ Source: WA Tomorrow: Population Report No.11 Medium-Term Age-Sex Population Forecasts 2016 to 2031 (DPLH).

2.2 Planning for child care premises

The term **child care centre** has been superseded by **child care premises** as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*. A **child care premises** is usually shown in the land use table of local planning schemes as a discretionary use in various zones which normally requires planning approval following public advertising.

Many local governments have local planning policies dealing with the development of child care premises, which address a range of matters such as building design, setbacks, vehicular access and car parking provision.

While local governments may determine applications for child care premises, the operation of centres is regulated under a national framework of policy and law implemented by the Department of Communities (DoC). Within the national framework, there are specific requirements relating to the design of an early childhood education and care service that must be complied with for a provider to operate. Proponents should have regard to these design requirements when proposing child care premises to avoid the need for costly modifications or centres being constructed that are not fit for purpose.

The *Education and Care Services National Law (WA) Act 2012* (ECSNLA-WA 2012) and *Education and Care Services National Regulations (WA) 2012* (ECSNR-WA 2012) set out requirements and regulations to ensure the health, safety and well-being of children within early childhood education and care services such as:

- Part 4.3 of the ECSNR-WA 2012 Regulations has specific regulations for the physical environment of centres including indoor and outdoor design requirements such as fencing
- laundry and hygiene facilities
- indoor and outdoor space requirements
- toilet and hygiene facilities
- unencumbered indoor and outdoor space in metres (this will determine the number of children the centre can hold)
- ventilation and natural light
- outdoor space – natural environment and shade
- design to support supervision.

3. Application of this Position Statement

This position statement applies to the preparation and assessment of strategic and statutory proposals throughout Western Australia. Also, the policy provides general guidance to local government in the preparation of local planning scheme provisions and local planning policies.

The policy focuses on important location considerations and standards that should apply to the development of child care premises. Child care premises are non-residential land uses providing an educational and community support service.

It is acknowledged that development requirements in the city and inner urban areas are quite different to those in outer suburban areas and small country towns. Accordingly, the policy should be administered accordingly.

For a centre to operate, an **approved provider** must obtain a service approval under the (ECSNLA-WA 2012) from the DoC, Education and Care Regulatory Unit (ECRU). A **service approval** will require that the centre meets the requirements of the (ECSNR-WA 2012) and specify the number of children that can attend the centre. The number of children is determined based on the unencumbered indoor and outdoor space meterage.

While the DoC is not an approving authority for the purposes of planning and development, proponents should be aware of all the requirements in design and development that may influence the ability to obtain a **service approval**.

4. Policy objectives

The objectives of this policy are to:

- encourage the co-location of child care premises on scheme reserves (intended for community and educational uses) and mixed commercial type zones
- locate child care premises where they are compatible with and complementary to residential land use and the road network
- ensure child care premises do not have a detrimental impact on the amenity of the adjoining residents and the locality
- minimise any detrimental impact that surrounding land uses may have on a child care premises
- ensure child care premises are appropriately designed to ensure the health and safety of children attending the early childhood education and care service.

5. Policy measures

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

5.1 Child care premises supporting data

The WAPC is of the view that a proponent does not have to demonstrate there is sufficient demand for the facility. However, the Department of Education (DoE) and the appropriate local government may require an assessment on a school site reserve and on other reserves or zoned land respectively.

Depending on the scale of the proposal, the proponent may be required to provide further information regarding the existing child care premises in the locality, anticipated population catchment for the new premises and the location of existing primary schools and kindergartens in the locality.

Also, there may be a need for the proponent to clearly demonstrate that the development will not have an adverse impact on the locality.

A pre-lodgement discussion with the decision-maker is recommended to assist with the early identification and resolution of issues, prior to a development application being lodged.

5.2 Local Planning Schemes

The land use 'Child care premises' should be classified in the zoning table of a local planning scheme as a class 'A' use (a use that is not permitted unless the decision-maker has granted approval after advertising) in the residential zone and class 'D' use (a use that is not permitted in the zones unless the decision-maker has granted approval) within other designated zones. Child care premises may be considered as incidental to a predominant use on suitable scheme reserves when compliant with the region and local planning scheme, local planning policy and/or relevant planning instruments.

5.3 Public consultation

Public consultation should be undertaken to consider the likely impact a child care premises may have on the amenity of adjoining residential properties. As a minimum requirement the local government should advertise a proposal in accordance with the public notification procedure of the local planning scheme.

Comprehensive consultation on a development application may not be necessary where the location of a child care premises was predetermined in a structure plan or similar strategy with a site assessment completed prior to any residential development in the vicinity.

5.4 Suitable requirements for child care premises

Convenient access to a child care premises is crucial in meeting the needs of children and their families. Also, it is important to limit the potential impact a child care premises may have on surrounding land uses as well as the potential impact that surrounding land uses may have upon the child care premises.

Sites selected for child care premises should be level, regular in shape and of sufficient size to accommodate the proposed development. This includes all buildings and structures, car parking bays for staff and parents, pick up and set down area (depending on the age of children accommodated at the premises), outdoor play areas and landscaping, in accordance with the requirements of the local planning scheme, local planning policy and the ECSNR-WA 2012.

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

Child care premises may be located and accord with the following:

- Child care premises and playgroups may be co-located on a private or public-school site (primary school and/or K-12) in consultation with the private school or the DoE respectively. The DoE may require 2500m² or additional land for larger child care premises for related

facilities, car parking bays and pick up-set-down areas. Child care premises adjoining or within proximity to private and public schools should provide their own drop-off and pick-up car bays and adequate car parking bays. This should be evaluated based upon the hours of operation, traffic activity and whether there are any reciprocal arrangements with the school.

- Child care premises may be located adjoining or nearby to a school site, on residential zoned land provided that outdoor play areas are at ground level adjoining the school site where applicable and do not have an adverse impact on the amenity of the locality.
- Child care premises may be co-located on suitable **region** or **local scheme reserves** such as **public purposes** or **community purpose** reserves respectively and co-located with, for example, an aquatic centre or hospital where permitted or permissible under the region scheme (where applicable) and local planning scheme with adequate setback from residential dwellings.
- Child care premises may be co-located on shopping centres, office or commercial zoned land where the land use is permitted or permissible.
- It should be suitably located to provide safe and convenient access to the community it serves.

- It should be located in areas where adjoining land uses do not adversely impact a child care premises.
- It should be located in areas considered suitable from a transport planning/engineering pedestrian and vehicle safety point of view.
- It should provide convenient access to public transport.

5.5 Undesirable characteristics for child care premises site

Child care premises are not suitable where in the opinion of the decision-maker:

- The size and dimension of the site is inadequate to accommodate the development and accordingly likely to adversely affect the amenity of the locality.
- The amenity of the adjoining and nearby properties would be adversely affected by noise, traffic movement, insufficient parking and pedestrian safety.
- Access is proposed from a major road or is located within proximity to a major intersection where there may be safety concerns for pedestrians and vehicles.
- Access is from a local access street which may impact on the amenity of the area due to high peak-hour traffic volumes.
- The current use or any permissible use within the zone of the adjoining properties generates unacceptable

levels of air, dust, noise and odour emissions or poses a potential fire or chemical hazard because of activities or materials stored or used on site.

- Noise and/or emissions generated by roads, railways and aerodromes or airports are likely to have an adverse impact on the child care premises.
- The site is located within the separation distance for either a noxious or offensive industry, sewerage treatment plant or extractive industry.
- The site is in a river floodway/flood fringe or bushfire prone area.
- It does not comply with separation distances as identified in the *Guidance for the Assessment of Environmental Factors* (Environmental Protection Authority, June 2005).
- Soil contamination exceeds the levels regarded by the Department of Water and Environmental Regulation (DWER) and Department of Health (DoH) as suitable for standard residential land uses with accessible soils as published in guideline *Assessment and management of contaminated sites* (Department of Environment Regulation, December 2014).
- Contaminated groundwater is proposed to be used for the irrigation of gardens and play area within the child care premises. If groundwater is proposed to be used in any manner it is to be tested and demonstrated to meet suitable standards.

Mitigation measures may be applied to a proposed child care premises to address any adverse impacts. These measures may be considered and approved by the decision-maker having first consulted with relevant State agencies and expertise in the related field as applicable.

5.6 Design of child care premises

The visual appearance of the child care premises, including any signage, building design, colour, scale, shape and form, should be in accordance with the local planning scheme and/or local planning policy and ECSNR-WA 2012. The development should be complementary to the residential character of the area where it abuts residential dwellings, enhance its amenity, and be suitably designed from a safety point of view and include facilities appropriate for regular use by children.

Car parking at a child care premises in a residential area that is visible from the street should complement the residential streetscape character. For example, brick paving with integrated landscaping may be more visually appealing than a grey concrete hardstand area.

Generally, the minimum car parking requirement for a child care premises, including staff and visitor parking, will 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 and any unique circumstances relating to the proposed development, such as reciprocal parking arrangements, available public transport and street parking.

Vehicles are required to enter and exit the site in a forward gear with vehicular access to be obtained from the lower order road network, where possible, in the event the site abuts a regional/arterial road. A **transport impact statement** (TIS) or **transport impact assessment** (TIA) is generally provided supporting a child care premises to address safety and traffic concerns.

Outdoor play areas should be in a safe location on the site and, where possible, away from any adjoining noise-sensitive uses such as dwellings and residential aged care facilities. Play areas adjacent to state roads are not encouraged, however if proposed, a barrier for errant vehicles should be provided within the development site.

Landscaping should be provided in accordance with the local planning scheme and/or local planning policy or applicable regulations. Landscaping should be provided along the street frontage within the development site to a standard equal to that required or provided for on adjacent properties. Outdoor play area landscaping and structures should provide shade and not be hazardous to children.

5.7 Traffic impacts

Proponents are advised to refer to the WAPC's *Transport Impact Assessment Guidelines (2016)* for guidance on preparing supporting transport impact reports. See **Planning guidelines - Transport impact assessment**

A TIS or TIA should address the following elements:

- the site characteristics and surrounding area
- overview of the proposal and its expected AM and PM peak hour trip generation
- vehicle access locations, including consideration of access via lower order roads where possible
- parking requirements, including the design of parking areas and any pick-up and drop-off areas
- current road safety conditions, including crash history in the locality
- the expected impact of the proposed development on the existing and future traffic conditions.

An application for a child care premises should demonstrate that it will not create any unsafe conditions for children and families using the premises as well as for pedestrians, cyclists and vehicles near the child care premises.

5.8 Noise and emission impacts

The proponent should minimise any noise impact of the child care premises on adjacent residential properties to a level acceptable to the decision-maker. This may be achieved either by physical separation, design and layout of the centre or by implementing noise-mitigation measures, such as acoustic treatments to buildings.

A **noise impact assessment** may be required by the decision-maker for the development of a child care premises. For noise legislation refer to the *Environmental Protection (Noise) Regulations 1997*.

Where a child care proposal is in proximity to a transport corridor (road, rail, aerodrome or airport), refer to WAPC *State Planning Policy 5.4 Road and Rail Noise (September 2019)*, WAPC *State Planning Policy 5.1 Land use planning in the vicinity of Perth Airport (July 2015)* and WAPC *State Planning Policy 5.3 Land use planning in the vicinity of Jandakot Airport (January 2017)* respectively.

The hours of operation of a child care premises in residential areas should generally be limited to between 7:00 am and 7:00 pm weekdays and on Saturdays, unless otherwise agreed by the decision-maker. For child care premises located on scheme reserves and mixed commercial type zones, hours of operation should be extended to accommodate workers that work outside normal business hours.

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 adjacent to a noise-sensitive 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 use where practicable and appropriate noise mitigation is to be undertaken.
- The design and construction of buildings should include noise mitigation measures to reduce any impact from external adverse noise sources and to achieve acceptable noise limits.

The decision-maker should consult and obtain advice from the DoH regarding any external emission sources likely to have an adverse and unacceptable impact on the child care premises. For example, gaseous emissions from service stations and high volumes of passing traffic may be unacceptable in terms of noise and emissions.

5.9 Site contamination

It is important to ensure that child care premises are not developed on land that is unsuitable for this use because of soil and groundwater contamination at or near the site. The DWER contaminated sites guidelines reflect the *Contaminated*

Sites Act (2003), Contaminated Site Regulations (2006) and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM).

Proponents 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 premises
- obtain a summary of records from DWER of the contamination status of the site via this [link](#).

Decision-makers must:

- consult with DWER and DoH about the suitability of land for development of a child care premises where a memorial is registered on the certificate of title under section 58 (6) of the *Contaminated Sites Act 2003*
- research the site file records to determine if any site contamination through previous land uses has possibly occurred; if records indicate possible contamination may have occurred, the planning application should be referred to DWER for further advice.

Definitions

Child care premises has the same meaning as under the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 1 the Model provisions for local planning schemes Part 6, clause 38.

**Draft Position Statement: Child Care Premises
City of Joondalup submission**

Thank you for the opportunity to provide feedback on the draft Child Care Premises Position Statement.

An update to *Planning Bulletin 72 Child Care Centres* is welcomed, particularly given the increase in the number and scale of child care premises being developed in the City of Joondalup. While the position statement improves on the current planning bulletin, the position statement can provide further clarity to proponents and decision makers, particularly for child care premises in residential areas.

In general, the layout and details of the position statement results in repetition of requirements and needs to be reviewed to improve the overall readability. The position statement also includes requirements from other legislation throughout (e.g. ECSNLA-WA 2012 and ECSNR-WA 2012) that does not form part of a planning assessment. These requirements need to be removed, or it needs to be made clearer what the determining authority will consider for a planning assessment. Detailed feedback and recommended modifications against the sections of the position statement are provided below.

2.1 Supply and demand for child care premises

While it is acknowledged that there is demand for child care premises in most areas and this in some part may contribute to the size of a child care premises, in the City's experience, the larger scale of child care premises has been related to the cost to operate a centre and legislative requirements, meaning more child care places are needed to make the centre commercially viable. This has not been acknowledged in the position statement.

Recommended modification:

It is recommended that that statement *The rising demand for child care premises means that these services are becoming larger...* be reworded to also recognise the current business models that are being used by child care operators is also leading to larger centres.

2.2 Planning for child care premises

In regard to the criteria typically included in local planning policies (including the City of Joondalup), locational and associated amenity criteria is often included. This has not been listed as one of the matters addressed by local planning policies in the second paragraph.

While local governments are often the responsible authority for child care premises development applications, in the City's more recent experience the local government is often not the determining authority, with proponents opting for applications to be determined by a Development Assessment Panel. Reference to 'local governments may determine applications for a child care premises' is therefore not correct.

While it is considered appropriate to alert proponents to other legislation that is applicable to child care premises, it is recommended that the detailed information from other legislation not be included in the position statement as it is separate to planning considerations and will lead to confusion.

Recommended modifications:

- Location and amenity to be included as matters to be addressed by local planning policies in the second paragraph.
- The last two paragraphs to be replaced with a statement to acknowledge that in addition to planning requirements, there is other legislation that influences the design and operation of centres that proponents need to have regard to.
- Local government should not be specifically mentioned as the decision maker for planning applications.

3. Application of this position statement

The position statement does not clearly outline how it (the position statement) applies when considering a development application for a child care premises, noting that it is likely there will be requirements of the local planning framework that will not be consistent with the position statement given specific local issues being experienced.

The paragraph regarding the administration of the policy to account for requirements in City and urban areas is poorly worded.

The detail regarding service approval by the Department of Communities is not considered necessary for the position statement, which should focus on planning considerations.

Recommended modifications:

- Explicit explanation to be included on how the position statement is to be considered in the planning requirements applicable to development applications, including where there is a conflict between the local planning framework and the position statement, or if consideration of the position statement is even relevant where there is an established local planning framework (e.g. local planning policy or scheme).
- The last sentence of the second paragraph to be deleted as it is not relevant to the context of the paragraph or this section.
- The third paragraph to be reworded, noting the last sentence states 'accordingly' twice and it is not made clear in any other part of the statement how the policy could be administered differently in different locations.
- The last two paragraphs to be deleted as it is beyond the planning considerations for a child care premises. If these are kept, these paragraphs to be relocated to the end of *2.2 Planning for child care premises*, and the last paragraph to be modified to state that Department of Communities is not a *decision-maker* (not approving authority).

4. Policy objectives

The co-location of child care premises on appropriate scheme reserves and mixed commercial type zones is supported. It is considered that this objective should be strengthened and child care premises should be located in these areas, rather than residential zones.

A further (or modified) objective to be included to discourage large scale child care premises from locating in residential zones.

Recommended modification:

- Modify the first objective to *Co-locate child care premises on scheme reserves (intended for community and educational uses) and mixed commercial type zones.*
- Modify the second objective, or include an additional objective, to discourage large scale child care premises in residential zones that are not compatible with the residential zone.

5.1 Child care premises supporting data

The heading for this section is confusing as it does not address data requirements that are typically required for a child care premises, such as traffic and noise.

It is not clear how demonstrating demand for a child care premises links to the planning considerations for a development application. If this is to ensure that resident amenity is maintained as it does not compromise the performance of existing child care premises, this should be stated – although it is noted that the impact on the viability of existing centres has not been included as an undesirable characteristic in the section for ‘location requirements’ (section 5.5). Alternatively, if it is a requirement of Department of Education or other authority for reserved land that demand be established, this should be better articulated.

Given the requirements of the position statement for a child care premises to be on suitable reserves or mixed commercial areas, it is considered appropriate that a proponent for a child care premises proposed in a residential zone has demonstrated that they have taken reasonable steps to assess the surrounding reserves or commercial areas and determined that they are not available or suitable.

It is not clear on how the statement regarding amenity impact on the locality fits within this section. A proponent would always need to demonstrate that there is no amenity impact on the locality as part of a development application, and therefore the use of ‘may be’ in this section is not appropriate.

The statements regarding a pre-lodgment discussion, while worthwhile, are not relevant to this section.

Recommended modifications:

- The heading be modified. If it is only to address supporting data for child care demand and amenity, it should state this.
- Specific guidance to be provided on when data regarding the demand for child care premises should be provided, noting the impact on viability of existing centres has not been included as an undesirable characteristic in the section ‘location requirements’ (section 5.5).

- Where a child care premises is proposed in a residential zone, a proponent provides evidence that they have assessed and ruled out possible reserves or mixed commercial sites and that there is demand for the residential locality.
- The third paragraph is not relevant to the context of this section and is addressed elsewhere.
- The paragraph regarding pre-lodgment discussion is deleted as it is not relevant to the context of this section and be relocated to section 2.2.

5.4 Suitable requirements for child care premises

The heading of this section should make it clear that it addresses site requirements for a child care premises (similar to section 5.5).

The prelude to the bullet points is confusing and poorly worded.

Overall this section does not adequately address locational requirements for a child care premises in a residential zone. For example, a number of child care premises within the City of Joondalup are proposed in the 'Residential' zone and are large scale, two-storey developments. It is noted that these have been approved by a Development Assessment Panel, notwithstanding the City's recommendation that they are not supported due to impact of having larger scale commercial operations in residential areas and not being consistent with the City's local planning policy.

The locational requirements should emphasise locating in non-residential zones and appropriate reserves in the first instance. Where this is not possible in a particular locality, the scale and built form of a child care premises in a residential zone must be compatible with the residential area.

The requirement for child play areas adjacent Department of Education land to be on the ground floor is presumed to protect the amenity of the Department of Education site. A similar requirement to protect the privacy of adjoining residents in residential areas is not included. It is noted that this requirement is more appropriate as a design consideration under section 5.6, rather than location.

The last four bullet points are general requirements that are applicable to all child care premises irrespective of the zoning/reservation, and appear to be repetition of guidance located elsewhere in the statement. Those bullet points also do not align with the style of wording of the previous bullet points. If retained, it would seem more appropriate that these are in a new paragraph on general location considerations.

Recommended modifications:

- The heading of this section be modified to *Suitable characteristics for child care premises sites*.
- The prelude to the bullet points to be reworded to *The location of child care premises is to accord with the following*.
- Delete the words *and playgroups* from the first dot point.
- The bullet points be modified to be clearer that:
 - The location in appropriate reserves and mixed commercial zones is preferred.
 - The location in residential zones should only be considered where non-residential zones/reserves have been demonstrated as not to be available or suitable.

- Further location considerations are provided in residential zones.
- The location of outdoor play spaces be removed and included under design considerations (section 5.6).
- The last four bullet points are reviewed and either removed if guidance is already provided elsewhere in the position statement, or if retained, are separated from the earlier criteria in a new paragraph on general location considerations.

5.5 Undesirable characteristics for child care premises site

Further clarity needs to be provided on the term 'major road', noting that child care premises access it typically preferred from local distributors (or higher where permitted) and therefore could cause confusion. Vehicle access from a local access road should not be acceptable in any instance.

Recommended modifications:

- The heading of this section to be modified to *Unsuitable characteristics for child care premises sites*.
- The third bullet point to be modified to provide clarity on the term 'major road'.
- The fourth bullet point to be modified so vehicle access from a local access road is not appropriate.

5.6 Design of child care premises

In order to assist in maintaining a residential character, it is preferable that the location of car parking in residential areas is designed in a way that it is not visible from the street, and this should be included in the position statement.

The car parking ratios proposed are too low, particularly where child care premises are provided in a standalone development. It is recommended that one bay per staff member be provided (in addition to the visitor parking ratio), acknowledging that this may be varied in appropriate circumstances as outlined in the draft position statement. There is also no recommendation provided in regard to bicycle parking.

In relation to vehicle access, stating that vehicle access is to be obtained from the lower order road network is contrary to section 5.5 when the lower order road is a local access street. It also states a TIS/TIA should 'generally' be provided, however one should always be required for a child care premises.

Stating that outdoor play spaces should be in a safe location implies that there are additional requirements that need to be considered other than it being preferable that they are not adjacent a major road. If there are additional planning considerations that need to be given to the location of play spaces, these should be stated.

Recommended modifications:

- The second paragraph to include car parking in residential areas should not be visible from the street.
- Car parking ratio in paragraph three to be modified to include one bay per staff member (in addition to visitor parking).

- Paragraph four to be reworded to provide clarity that vehicle access should be designed to not be from a local access road, and comments regarding the TIS/TIA be moved to Section 5.7, with a TIS/TIA always being required.
- Further clarification on what planning considerations are to be given for outdoor play areas in relation to 'being in a safe location'.

5.7 Traffic impacts

It is considered that this section could be simplified (or combined with supporting data) and detail is not required on what should be addressed in a TIS or TIA as this is covered under the Planning guidelines – Transport impact assessment.

The statement regarding impact on safety is also covered elsewhere within the position statement.

Recommended modifications:

- This section to be simplified.

5.8 Noise and emission impacts

It is considered more appropriate that this section is structured so the basic principles are listed first as these should be considerations irrespective of the outcomes of a noise impact assessment.

This section should emphasise that noise modelling, particularly in the vicinity of residential areas, needs to take a conservative approach and where reliant on operational measures these need to be practical. Most noise assessments for child care premises has had regard to the '*Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment*', and it is noted that a decision by the State Administrative Tribunal (WASAT 63) has acknowledged this document as being a reasonable consideration in assessing the noise impact of a child care premises. It should also highlight the operational measures or practices to reduce noise be documented.

This section should also make clear that complying with the *Environmental Protection (Noise) Regulations 1997* does not mean that there is no amenity impact from noise. There may still be amenity reasons why a child care premises should not be supported on the basis of noise, particularly when proposed in a residential area (refer WASAT 63).

The closing time of 7.00pm weekdays and operating 7.00am to 7.00pm on Saturdays in residential areas is not supported. Practically staff are required on-site before and after operating hours, extending activity on the site beyond the hours suggested in the position statement – this should be reflected in the consideration of operating hours.

It is considered more appropriate that context and location is taken into consideration. For example, a weekday closing time of 6.00pm is more appropriate when a child care premises is located in a residential area. In regard to Saturdays, it is more appropriate for the hours of operation to protect the amenity of residents, who are more likely to be home on weekends. To this end, it is considered that hours of 8.00am to 1.00pm would be more appropriate. It is noted

that these hours are for child care premises in residential areas only, and extended hours in commercial areas are supported.

In regard to external noise and emission impacts on a child care premises, it is considered appropriate that the proponent also seeks advice from Department of Health prior to lodging an application. This should form part of a proponent's investigation into whether a site is suitable for a child care premises. Subsequently a responsible authority for a development application would liaise with the relevant state government agencies as part of the assessment process. Given there are some known potential impacts as identified in the position statement (e.g. adjacent a major road or near a service station), it would be beneficial to have further guidance on what is generally not considered appropriate and when referrals to Department of Health are to be triggered.

Recommended modifications:

- The basic principles to be listed first.
- Further clarification to be provided that compliance with the *Environmental Protection (Noise) Regulations 1997* does not mean there is no amenity impact from noise under the planning considerations.
- The hours of operation in residential areas to be modified to close at 6.00pm weekdays and operate 8.00am – 1.00pm Saturdays, with staff allowed on-site 30 minutes before opening and after closing.
- The paragraph regarding external noise and emission impact to be expanded to require the proponent to seek advice from Department of Health prior to lodging an application. Further clarification should also be provided on what is generally not considered appropriate for known noise and emission sources (e.g. distance from a major road or service station) and when a referral to Department of Health is to be triggered.

5.9 Site contamination

In regard to requiring the decision maker to research the file for possible contamination, this is not considered necessary to include in a position statement. The Department of Water and Environmental Regulation (DWER) are more likely to have been notified of possible contamination and, if the City was aware of any previous possible contamination, there would already be an obligation to report to the DWER for further investigation. It is also not clear on what 'potential contamination' would entail, and therefore what the decision-maker should be identifying and if this is in addition to what is already required under relevant legislation. It would be easier to identify if advice from the DWER is required based on previous land uses.

Recommended modification:

- The requirement for the decision-maker to undertake research to identify potential contamination to be reworded with the decision-maker to seek advice from the DWER where a previous land use may have led to possible contamination. If possible, the position statement to include a list of these potential land uses of concern.