



# Best Practice Guideline for the Planning and Development of Child Care Facilities

## *FINAL REVIEW REPORT*

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# A Strategic Policy and Literature Review

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## A.1 Acronyms

ACECQA	Australian Education and Care Quality Authority
ACT	Australian Capital Territory
ALGA	Australian Local Government Association
CCB	Child Care Benefit
COAG	Council of Australian Governments
DCP	Development Control Plan
DEECD	Department of Education and Early Childhood Development (Victoria)
DEEWR	Department of Education, Employment and Workplace Relations
ECEC	Early childhood education and care
FAR	Floor Area Ratio
FSR	Floor Space Ratio
LEP	Local Environmental Plan
LGASA	Local Government Association of South Australia
LGNSW	Local Government New South Wales
MAV	Municipal Association of Victoria
n.d.	no date
NQF	National Quality Framework for Early Childhood Education and Care
NSW	New South Wales
OFSTED	Office for Standards in Education, Children's Services and Skills (United Kingdom)
UNICEF	United Nations International Children's Emergency Fund
USA	United States of America
VIC	Victoria
WA	Western Australia

## A.2 Executive Summary

Planning for the provision of child care is vital to enable the development of children and increased workforce participation of their parents. Along with other spheres of government, local governments in Australia are critical stakeholders in ensuring better access to child care opportunities

This strategic policy and literature review informs a study addressing some current barriers to and opportunities for developing greater access to child care supply, including: enabling equality of distribution where it is needed; streamlining planning approval processes; ensuring appropriate land can be released; realising partnership and co-location opportunities; and increasing the quantum of child care places available.

The overall objective for the review is to investigate the mechanisms that state and local government planning authorities could consider in order to increase child care supply, drawing upon the respective roles of government in planning for child care provision, current good practice and opportunities which could be considered for future focus.

In order to understand the issues and potential opportunities, this review examines the current and historic roles of respective spheres of government in relation to child care planning and provision. It focuses particularly upon the role of local governments as both providers and enablers of child care (through direct services, through planning instruments and processes and through various support mechanisms).

The review identifies a range of policy opportunities which could be further expanded within a cooperative policy framework, with other spheres of government and other stakeholders (such as not-for-profit organisations or developers). It also begins the process of identifying tools and mechanisms which, together with findings from the stakeholder interviews and survey, will contribute to national guidelines for local governments, a key outcome of this study.

## A.3 Introduction

In late 2012 the then Department of Education, Employment and Workplace Relations (DEEWR) sought research consultancy services to identify good examples of state and local government planning and development practices which help facilitate the supply of child care places. The study culminates in production of a guide to assist local governments and planners benchmark their child care regulation and planning regimes. This review of the literature informs the project. The methodology for the review is summarised in Appendix C.

One key limitation of the available literature is a lack of identifiable studies, either Australian or international, which investigate the impacts of land use planning for the provision of child care in a rigorous, empirical way. Consequently, this literature review can identify only limited evidence to demonstrate mechanisms, or combinations of measures, which may be most effective in enhancing the supply of child care places. However, there are some limited international and Australian examples providing useful guidance or case studies.

The limitation of the available literature suggests the importance of further testing and exploring relevant issues through other methodological elements of this study, particularly through stakeholder interviews, to identify examples of good practice which may not yet be documented.

## A.4 Child care centres as social infrastructure

### Spatial dimension

Child care centres are a key part of the early childhood education and care (ECEC) system, and social research has put forward two broad perspectives for considering the spatial dimension of ECEC settings. They are seen as places that provide a bridge between the private and the public worlds, and thus between the child and the family and the wider society; and they are also viewed as separate, protected and containing spaces in which children can play, learn, engage in peer culture and nurture their resilience (Kernan 2010: 201).

Both perspectives highlight the importance of spatial and place research in the contemporary understanding of ECEC, and for viewing child care centres as an important component of 'social infrastructure' (see glossary in Appendix A).

### Benefits of child care

The early childhood literature makes close connections between care and education and 'the inseparable nature of development and learning' for children in the 0-5 age group (Elliott 2006: 1). Stimulating out-of-home care environments contribute to children's optimal growth and development and there is overwhelming evidence for the importance of the early years in shaping longer term outcomes for children (Elliott 2006: 21-22; Council of Australian Governments [COAG] 2009a: 31-36).

Australian research provides strong evidence that family friendly employment practices and access to secure, high-quality child care are key to women's secure participation in the paid workforce (Boyd, Thorpe and Taylor 2010). Increases in the prices and costs of child care can lead to reductions in labour supply, particularly as regards lone parents and partnered mothers (Doiron and Kalb 2005).

Child care facilities also provide employment opportunities to people in a given locality (Warner and Prentice 2012; Government of Ireland 2001: 3).

## A.5 Strategic policy review

### Historical perspective

There have been instances of close cooperation in planning for the provision of human services between the Australian Government and local government, including planning for child care (Megarrity 2011). This role formed over many years, with some councils and local government associations providing leadership in planning for the needs of their local communities and ensuring provision where few other options existed at the time to meet community need.

This trend culminated in the early 1990s with key policy partnerships between the Australian Government and the Australian Local Government Association (ALGA), which represents local government nationally. Two policy processes occurred: a joint Commonwealth-Local Government exercise known as the Rationalisation of Intergovernment Administrative Functions (resulting in the document *Better Services for Local Communities* [ALGA 1990]); and the admission of local government to the COAG policy discussions.

The process acknowledged the key role local governments could play, together with the Australian Government (and in some instances, states and territories) in identifying respective roles and responsibilities; consulting with communities and specifying local community goals; providing key local knowledge for program design and assessing and prioritising need as part of planning for the delivery of human services (ALGA 1990).

The planning role was not intended to bind councils universally to a service delivery function. Along with not-for-profit organisations, some councils, particularly inner-urban councils with strong traditions of engagement in social welfare issues, had been early child care service providers. For example, the City of Melbourne was involved in the provision of maternal and infant welfare services from 1917 (Local Government Community Services Association of Australia 1999: 38). Fitzroy in Victoria was an early child care provider, while the Sydney, South Sydney, Marrickville and Waverley Councils were involved in child care provision from an early stage in New South Wales (NSW).

The wartime employment of women led to demands for greater council attention to be given to child care through the provision of crèches and infant welfare centres (Megarrity 2011). In 1947, Townsville City Council sponsored the first child care service in North Queensland on the roof of the Town Hall (Megarrity 2011: 39).

The mid-1970s saw an expansion in community based child care across Australia, with significant local government support in ownership, management and planning for services (Megarrity 2011: 41). This process continued through the first part of the 1990s, which saw a diversity of child care provision across a range of types – long day care, occasional care, family day care and out-of-school-hours care under regulatory and financial arrangements which provided centre-based support. Providers included community-based not-for profit organisations, councils and some private sector providers.

By the latter half of the 1990s, policy changes saw an increase in the number of private child care providers with the relaxation of enabling regulations and the introduction of subsidies in favour of parents rather than centres (Industry Commission 1997). These changes resulted in a key shift for council providers, many of whom operated smaller, less 'purpose-built' centres, who faced stiff competition with new, greenfield (see Glossary in Appendix A) operations and providers operating chains, for whom efficiencies of scale were possible in areas such as administration and purchasing<sup>1</sup>.

By 2009, with the collapse of some private sector providers, the Australian Services Union was calling on the Commonwealth government to transfer responsibility for child care provision to local government. Local government reportedly responded by saying that it may be willing to do so, but that it would need Australian Government assistance to effect greater involvement (Government News 2009).

There have been historical examples of cooperation between state/territory governments and local governments in relation to human services. For example, in the *Rationalisation of Intergovernment Administrative Functions* process (AGLA 1990), six demonstration projects were undertaken with respective state and local governments, with one of these (in NSW) focussing specifically on local-state coordination in children's services (ALGA 1990: 22).

Several local government associations also negotiated agreements with other spheres of government for human services planning and funding (ALGA 1990: 28). Some, such as the Municipal Association of Victoria (MAV), have established expertise over a considerable period of time in all aspects of child care policy, planning and provision, as evidenced by current partnerships with state government agencies (such as the cooperative research between the Municipal Association of Victoria and the Victorian Department of Education and Early Childhood Development (DEECD) to produce the 2011 study *Victorian Local Government Support for Children, Young People and Their Families* (DEECD and MAV 2011).

Reluctance on the part of local government to assume greater responsibility for child care planning or provision without concomitant support and cooperation of other spheres of government was underlined in a 2011 Survey of Councils in Victoria (DEECD and MAV 2011). The survey responses indicated that, while over 70% of councils were still involved in the provision of long day care, the level of involvement by councils was declining. This was attributed to changes in children's services regulations, changes in local demand, other government policy changes and government funding (DEECD and MAV 2011: 55).

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<sup>1</sup> In 1997, the Industry Commission estimated the following percentage of councils as providing child care services (Industry Commission 1997): NSW 25–49%; Victoria 50–74%; Queensland <25%; South Australia <25%; Western Australia 1–24%; Tasmania 25–49%; Northern Territory 50–74% (Industry Commission 1997). No figures were provided for the ACT. The Industry Commission suggested that the reasons for these variations included enormous differences in the allocation of powers and functions between the states and local government. It also noted that the provision of services by the Commonwealth government and the private sector would likewise influence the need for their provision by local government (Worthington and Dollery 2000).

## Current role of governments in child care

All three spheres of government in Australia have involvement to varying degrees in the planning or operation of child care centres (DEEWR 2012; City of Casey 2010; Newplan 2007).

The Australian Government is responsible for national-level child care policy, research and data collection, provides operational and capital funding to some child care services, and assists parents with the costs of child care through Child Care Benefit (CCB) and Child Care Rebate (DEEWR 2012).

State and Territory governments have primary responsibility for family support, child welfare and the regulation of Early Childhood Education and Care Services. They approve, monitor and conduct quality assessments of early childhood education and care services (DEEWR 2012: 18-19), and are also responsible for establishing the policy and planning contexts for child care provision as part of key social infrastructure for communities. A regulatory authority in each state and territory has primarily responsibility for administering the *National Quality Framework for Early Childhood Education and Care* (NQF) (Australian Children's Education and Care Quality Authority [ACECQA] 2011), including approving, monitoring and quality assessing services and is the first point of contact for services.

The NQF came into operation on 1 January 2012, with key requirements relating to qualification, educator-to-child ratios and other staffing arrangements being phased in overtime (ACECQA 2011: 3). The Australian Education and Care Quality Authority (ACECQA), which reports to Australian, State and Territory governments, oversees the NQF and guides its implementation in a nationally consistent way<sup>2</sup>. The aim of the NQF is to raise quality and drive continuous improvement and consistency in education and care services through:

- a national legislative framework
- a National Quality Standard
- a national quality rating and assessment process
- quality rating and assessment through the ACECQA.

(COAG 2009b)

A national legislative framework has also been established, comprising:

- the *Education and Care Services National Law Act 2010, Act No. 69 of 2010*
- the Education and Care Services National Regulations.

The NQF requires all providers to improve services in the areas that impact on a child's development and safety and to provide families with quality information to help them make informed choices about services. It creates a uniform national approach to the regulation and quality assessment of education and care services and replaces existing

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<sup>2</sup> The Australian Children's Education and Care Quality Authority (ACECQA) is an independent statutory authority that provides national leadership in promoting quality and continuous improvement in early childhood education and care and school age care in Australia, including guiding the implementation of the *National Quality Framework* at the national level.



separate licensing and quality assurance processes. For many services this integrated approach means less red tape.

In addition, centres must demonstrate compliance with state and territory legislation and policy objectives that establish the framework within which regulatory planning consent is obtained at the local level. State/territory compliance measures are discussed in greater detail below.

Local governments are variously involved as providers or enablers of child care provision and operate under the legislative powers of their respective state government agencies (Dollery, O’Keefe and Crase 2009: 279). The role of local government is discussed in greater detail in later sections of this report.

## Overview of the States and Territories

In most jurisdictions, the roles for child care planning and regulation are spread across a number of government agencies. The role of local governments in this process is not always clearly defined and is often confined by legislation to a narrow land use planning role.

In this section, a brief overview is provided of structures, policies and practices in the States and Territories. Current planning and policy legislation is analysed in depth in a section C of this report.

### A.5.1.1 Victoria

The state agencies with responsibility for child care planning and regulation in Victoria include the Department of Human Services, the Department of Planning and Community Development (including jurisdictional responsibility for Local Government) and the Department of Education and Early Childhood Development (DEECD). The Early Childhood Development Group of DEECD coordinates the Department’s early childhood policy and programs including the licensing/approval and monitoring of over 4,000 children’s services.

DEECD offers a range of tools and templates to service providers, including for seeking funding grants, for the operation of integrated children’s services and support resources such as reporting data. The Department of Planning and Community Development includes planning guides to assist in the delivery of community precincts and shared community facilities, which may include child care facilities (Department of Planning and Community Development 2010).

A peak body for local governments in Victoria, MAV, has long maintained a strong policy and advocacy role regarding the planning for and provision of early years’ services. Its *Strategic Work Plan 2012-13* includes the following priorities in regard to Early Years Reform:

- Produce an updated report on the status of councils’ planning for the implementation of the reforms for use as an advocacy tool for additional planning resources for councils and funding for delivery and infrastructure
- Seek changes in the bilateral agreement between the Victorian and Australian governments to address local government issues

- Advocate for state/national workforce strategies to increase, align and address Productivity Commission recommendations
- Conduct a campaign for capital funding from the Australian and Victorian governments to provide the required early years' service infrastructure
- Conduct quarterly central briefings and three regional briefings to share innovative planning and service delivery models to meet community demand for early years services
- Continue to resource and support councils in developing innovative planning and service delivery models to meet community demand for early years services, and to implement the early childhood quality reforms
- Advocate in order to retain the Victorian model of provision of the Maternal and Child Health service in the national health/primary care reform scenario. Review the service focus to respond to vulnerable children in the next memorandum of understanding.

(MAV 2012)

This current policy position presents a potential opportunity to draw upon the collective expertise of practitioners in local government who have worked closely with issues of policy and practice over many years.

#### A.5.1.2 Australian Capital Territory

The Australian Capital Territory (ACT) has several agencies with responsibility for child care planning and regulation. The relevant agencies are the Community Services Directorate, the Health Directorate and a Children's Policy and Regulation Unit in the Education and Training Directorate which has the responsibility of overseeing policy regarding ACT children's services. Children's services planning in the ACT is guided by the UNICEF child-friendly cities initiative. There is no local government in the ACT.

The ACT Government operates a number of child care centres, owned by the Community Services Directorate. The ACT Government has historically provided land for child care facilities in areas where services would benefit from co-location, for example adjacent to schools and playing fields. In the 2011-12 and 2012-13 financial years, the ACT Government committed an additional \$9m for capital upgrades of children's services owned by the Community Services Directorate. This included nine centres, with the potential for an additional 173 places created (ACT Government 2012). In 2011, the ACT Government also provided \$250,000 in infrastructure grants to enable privately owned and not-for-profit child care centres to meet the new national standards.

#### A.5.1.3 New South Wales

In NSW, responsibility for child care planning and regulation is shared between the Department of Families and Communities, the Commission for Children and Young People and the Department of Education and Communities, which has responsibility for regulation, some capital works and ensuring compliance with the *Education and Care Services National Law Act 2010* (LGNSW n.d.). There is no direct involvement by the Department of Planning, or the Division of Local Government.

Local councils in NSW operate around 500 services employing approximately 3,000 staff to cater for the education and care needs of children (LGNSW n.d.).

In spite of the lack of any current formal linkage to planning agencies or to local government responsibilities in the regulatory environment for child care in NSW, the former Growth Centres Commission in NSW produced a number of tools to assist infrastructure planning in new growth areas, including *What Precinct Planning Must Address* (Growth Centres Commission 2006). This guidance provides reference to the number of child care places which should be provided in a greenfield site and was used in current precinct plans.

#### A.5.1.4 Northern Territory

In the Northern Territory, the role for child care planning and regulation is divided between the Department of Health and the Department of Education and Training. The Department for Education and Training has primary responsibility for administration of the Education and Care Services National Law. However, although its website notes that 15 community child care centres were part of the NQF by July 2011, and a reduced regulatory burden is anticipated, there is no additional information provided about the role of local government in the regulatory process. It is understood that local governments in the Northern Territory are not involved in planning or the NQF regulation.

#### A.5.1.5 Queensland

In Queensland, responsibility of child care planning and regulation is shared across the Department of Communities, Queensland Health and the Department of Education and Training (DET). The Office for Early Childhood Education and Care in DET has responsibility for approving, licensing and regulating early childhood education and care services and for funding programs.

The legislation for the regulatory component is contained within the *Education and Care Services Bill 2013* which refers to building standards (Building Code of Australia) but not to any role for local governments.

The Office for Early Childhood Education and Care is also responsible for services that are licensed or regulated in Queensland but are not currently captured under the NQF. These services, such as limited hours care receiving Queensland Government Funding, occasional care and Budget-Based Funded services not receiving the Australian Government's Child Care Benefit, are regulated under the *Child Care Act 2002* and the *Education and Care Services National Law Act 2010*.

#### A.5.1.6 South Australia

The South Australian agencies with responsibility for child care planning and regulation include the Department for Education and Child Development, the Department for Communities and Social Inclusion and the Department of Health. The relevant legislation is the Education and Early Childhood Services (Registration and Standards) Act 2011, which refers to the planning approvals role of local governments, and the Education and Care Services National Law Act 2010. South Australia has a draft Bill discussion paper: *New Child Development Legislation: Every chance for every child* which promotes 'joined up' government, the rights of the child and Child-Friendly City initiatives.

### A.5.1.7 Tasmania

In Tasmania, the Department of Health and Human Services and the Department of Education have responsibility for child care planning and regulation. Licensing and monitoring of child care services is conducted through the Department of Education's Education and Care Unit. Tasmania has a number of child care centres which have, historically, been co-located with schools. The relevant State legislation is the *Education and Care Services National Law Act 2010*.

### A.5.1.8 Western Australia

Western Australia traditionally had strong provision in the area of pre-schools but less focus upon child care provision. Responsibility for child care planning and regulation in WA is shared between the Department for Education Services, and the Department of Communities. The relevant State legislation is the *Education and Care Services National Law (WA) 2012*. There is no reference to a role for local governments, although regulatory authorities are mentioned.

## The roles of local government in child care

Due to historical, locational and economic factors, there is great variation in the ways in which local governments deal with child care planning and provision. Local autonomy also contributes to high levels of variation amongst councils (MAV 2005: 12; Price Waterhouse Coopers 2011: 16). The roles of local councils in child care can include aspects of planning, provision or enabling, in addition to statutory planning functions.

Elements of these derived from the literature are outlined below and are explored in greater depth as part of the stakeholder interviews carried out for this project.

### A.5.1.9 Local government as whole-of-community strategic planner

Many individual councils adopt a strategic planning approach which can be summarised as planning to meet the current and future needs of the whole community by taking into consideration the social, economic and environmental planning dimensions of community development (see Western Australian Planning Commission 2007: 14). The value of a well-resourced strategic planning process generally lies in:

- development of a strategic vision including a whole-of-community synthesis of data and knowledge
- coordination with state government land-use plans demographic projections
- needs analyse
- consideration of the timing and staging of required development
- resourcing of, and engagement with, key stakeholders and community members to ensure timely provision.

There are numerous examples of Council strategic plans taking such holistic approaches, including a focus on the needs of children and their families. Bendigo (Victoria) and Penrith (NSW) are two such examples. Councils with a strong focus on sustainability will also promote accessibility and strategic location of human services, including child care as part of their strategic planning. This may include exploring the potential for multipurpose community facilities, as evidenced by several 'growth corridor'

councils in Victoria; the creation of service 'hubs'; and support for not-for-profit sector developments aiming for inter-generational activities, such as the co-location of residential aged care and child care services.

#### A.5.1.10 Local government as service planning partner

Local governments in some states and territories have partnered with respective state government agencies in the planning of children's services, particularly child care. Negotiations have tended to be coordinated through respective Local Government Associations, including the Municipal Association of Victoria (references to planning partnerships have been identified above) and the South Australian Local Government Association, which has historically had a human services planning agreement with the state government and been involved in current discussions for planning of integrated children's services hubs in urban growth areas (LGASA 2011: 58-59)

#### A.5.1.11 Local government as enabler

Some councils enable child care provision through mechanisms such as support for potential child care service providers e.g. access to demographic information to assist in projecting future child populations; business planning advice; detailed discussions with planning staff prior to the lodgement of a development application or the provision of relevant government agency or peak organisation contact details (see for example the City of Casey<sup>3</sup>).

Some councils also facilitate child care provision through financial assistance to service providers (DEECD and MAV 2011: 26 and 32). This has included the provision of land and buildings for community-based operators (Newplan 2007: 7). This form of support may also be viewed as a strategy to ensure diversity of provision in local areas, especially as this can occur in areas where the local council is a key service provider.

Some councils may undertake other enabling roles in relation to child care. These can include an economic development strategy to achieve strategic aims, where the availability of child care is promoted as a key employment opportunity and support for employment for existing local residents or a development driver. Several Victorian 'growth corridor' councils are potentially identified in this category (including Wyndham, Casey, Whittlesea, Cardinia, Hume and Melton).

Other examples may include councils such as Penrith, Blacktown, Liverpool, Campbelltown, Camden and Liverpool in NSW and South-East Queensland and Sunshine Coast councils in Queensland. Particular examples are expected to be identified through the mechanism of the stakeholder interviews and the online submission process.

The role of local government as enabler is also evidenced through economic development planning, which represents the efforts taken by some local governments and community based organisations to provide opportunities for employment to occur within communities in an equitable and balanced manner. For example, labour productivity may be enhanced through policies that ensure reliable child care for employees, and economic development may also be enhanced through investment in

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<sup>3</sup> [www.casey.vic.gov.au/child\\_care/article.asp?Item=6793](http://www.casey.vic.gov.au/child_care/article.asp?Item=6793)

the physical infrastructure of communities (Warner et al 2004: 14). Planners could be required to gather data on child care demand as an integral part of local planning (National Economic Development and Law Center 2001: 43).

#### A.5.1.12 Local government as provider

As discussed earlier in this report, some councils have a long history, not only in child care service provision, but in broader maternal and health services for their communities. Many councils are child care service providers, ranging across service types including family day care coordination; long day care; occasional care; out-of-school-hours care and kindergartens (MAV 2005). Some councils have a full range of service provision types while some have adopted a provider role in circumstances where no alternative provision may be viable, at least in the short term (for example Victorian 'growth corridor' councils).

#### A.5.1.13 Local government as statutory land use planner

Although some councils may avoid involvement in human service provision, this does not preclude them from a land use planning role which includes the issuing of development consents for child care services and construction certificates for building developments in accordance with their delegated responsibilities established through state regulatory land use planning frameworks. In addition, state and local jurisdictions may also play a role in establishing and administering planning and building certification systems whereby child care is exempt from regulatory planning assessment and development consent granted by third party private certifier.

Some councils' land use planning instruments may include locational criteria to ensure that centres are not situated in areas that could present health or safety risks to children and, at the same time, do not 'unreasonably affect residents with respect to noise, loss of privacy, traffic generation and on street parking' (Southern Sydney Regional Organisation of Councils 2005: 5). There may also be relevant State policies or regulations in relation to locational criteria (Southern Sydney Regional Organisation of Councils 2005: 12).

Transport considerations are important since 'child care centres can be significant trip generators' (Southern Sydney Regional Organisation of Councils 2005: 5), although the evidence for this needs to be tested. A balance needs to be achieved between providing sufficient parking to cater for staff and parents, and maintaining the existing amenity of areas, particularly residential neighbourhoods (Southern Sydney Regional Organisation of Councils 2005, p. 9).

Ideally, planning instruments would also include reference to public transport availability and options, or location of child care facilities adjacent to related facilities (such as schools, pre-schools, parks, etc. The ACT Planning Authority, for example, specifies these criteria. The Victorian Growth Areas Authority *Precinct Structure Planning Guidelines* (Growth Areas Authority 2012) also specify criteria for optimum co-location of facilities including child care.

Partridge (2007) reports on a pilot study that was conducted in three local councils in Sydney (Waverley, Sutherland Shire and Marrickville) to integrate the active transport needs of children and parents into existing council planning processes. Active transport

is described as any physical activity undertaken as a means of transport as an alternative to private vehicle use, with significant health, environmental and community benefits (Partridge 2007: 2). The study included a survey of parents to explore the barriers to active transport that parents faced, and each of the three councils trialled interventions that would integrate active transport for child care centres into existing council planning processes.

The study identified a range of planning activities that could be used to encourage active transport, including:

- planning for active transport infrastructure such as footpaths and bicycle tracks
- long-term strategic planning that incorporates active transport strategies
- including active transport goals for child care into councils' periodic social or community plans
- reviewing Local Environment Plans (LEPs; see Appendix A glossary of terms), with measures that include encouraging the siting of child care facilities near other activity hubs such as schools, shops or parks, encouraging the development of active leisure corridors and encouraging property developers to provide the infrastructure that facilitates walking and cycling to child care centres.

(Partridge 2007: 8)

## A.6 Potential policy opportunities

Several practices described in the literature present as policy opportunities in enhancing quality child care supply, and these are discussed in greater detail in this section.

### Tripartite cooperation in policy development

The report on *The Rationalisation of Intergovernment Functions* (ALGA 1990) offers some insights into the difficulties faced by respective spheres of government seeking to work together to plan for the needs of local communities. From the perspective of local governments, concerns included limited consultation and cooperation by central governments (ALGA 1990: 18). Frequent concerns raised by central governments included:

- the diversity of local government and difficulties dealing with numerous individual councils
- perceived limited professionalism and capacity of local government to undertake planning and coordination responsibilities
- the need to maintain uniform standards of service provision nationwide, when local government continues to advocate for flexibility to account for local circumstances
- the inadequacy of existing relationships between local government and its communities
- limited financial contributions from local government to national and state programs.

(ALGA 1990: 19)

As the lessons from the demonstration projects have indicated (ALGA 1990), there is potential for recognition of the contribution of all spheres of government to local area planning (including for child care), for formal consultation, for investment in capacity development in local government, for negotiated agreements and for funding arrangements that allow for longer term planning, full service costs and local flexibility (ALGA 1990: 40).

This potential was further demonstrated in the early to mid-1990s through Integrated Local Area Planning projects which addressed these concerns by developing a series of principles embracing holistic and intergovernmental approaches to planning and putting them into practice in local areas (ALGA 1993: 1).

The demonstration projects of the Rationalisation Exercise and Integrated Local Area Planning initiative illustrate the potential for tripartite cooperation between spheres of government in policy. More recently, the Productivity Commission noted:

*Across the economy, governments intervene to ensure efficient supply of goods and services that contribute to community wellbeing. Their actions can take many*



*forms, and in the early childhood development (ECD) sector, this has resulted in a multitude of policy interventions, across all levels of government.*

(Productivity Commission 2011: 28)

The report also notes that, historically, the Australian Government controlled funding arrangements, state and territory governments had regulation and provision roles, and local governments 'provided specific services that were required by their communities' (ibid, p 28). However local governments' services are not detailed.

The potential for constitutional recognition of local government in a forthcoming referendum may cast a favourable light upon local government's status in cooperative planning processes (Twomey 2013).

## Child care provision as a factor in developing the local economy

The importance of child care provision in facilitating the workforce participation of parents with young children, especially mothers, is strongly recognised in the literature (see eg Boyd, Thorpe and Taylor 2010; Doiron and Kalb 2005). In addition, local government is a key player in creating the conditions for material wellbeing through 'increasing employment opportunities, regenerating the physical environment and strengthening the local economy' (Local Government Improvement and Development 2010: 7).

Planning for child care centres involves making links between local councils' community strategic plans and local planning schemes (see glossary in Appendix A), since this brings into focus the links between land use planning, child care and economic development (Warner et al 2004: 14).

Local governments have made use of the tools of economic developers, including zoning measures, to promote child care supply. Pointing to the example of California, Warner and Prentice (2012: 14) note that child care is incorporated into land use, transportation, economic development, public facilities and other planning elements, which illustrates the variety of ways in which the 'economic development frame introduces powerful economic tools and partners to the child care sector'.

## Central government influences

The literature provides evidence that local authorities respond to policies and initiatives from central government in respect of the decisions they make about child care supply. For example, research carried out in Victoria (Department of Education and Early Childhood Development [DEECD] and Municipal Association of Victoria [MAV] 2011)<sup>4</sup> found high variability in councils' levels of involvement in ensuring provision of a broad range of services and support for children and young people. Increased involvement of local councils in long day care was linked by survey respondents to demands placed on councils as a result of new Victorian and Australian Government policies, including revised Victorian children's services regulations and the *National Early Years Learning Framework* (DEECD and MAV 2011: 36).

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<sup>4</sup> Data are based on the MAV-DEECD survey completed in 2010 (also conducted in 2006), which provides a snapshot of the extent of local government support for children and young people, in order to improve the evidence base for future state and local government planning. All 79 Victorian councils completed the survey (DEECD and MAV 2011).

Cochi Ficano (2006) examined how local child-care quantities responded to policy in the United States of America (USA) between 1990 and 2000. Results of the study indicate that subsidy spending and tax policy significantly affect the expansion of child care at the local government level, with poor and rural areas responding most to policy intervention.

Gustafsson, Kjulin and Schwarz (2002) considered the impact of changed financial relations between central and local government and the impact on local government behaviour in respect of child care supply. Drawing on several decades of data from Sweden, the analysis showed that local government reactions to central government economic incentives have a strong impact on the supply of child care services. When there are no longer economic incentives to expand, local councils react quickly by ceasing to build new child care centres and by placing more children at each centre (Gustafsson et al 2002: 322).

While not focusing on child care supply, research carried out by Ishimine and Wilson (2009) in Australia sheds additional light on the impact of federal funding on local decisions. The researchers examined the features that may account for differences in child care centre quality ratings in different localities and found that measured quality was highest for child care centres in the most advantaged and most disadvantaged areas, while being lowest in the middle and partially disadvantaged areas (Ishimine and Wilson 2009: 25).

Findings from this study suggest that families and centres in disadvantaged areas have a relative benefit, as they have been eligible for subsidised federal funding for some time, while middle and partially disadvantaged areas have experienced relative neglect. Funding has included the 1997 Commonwealth subsidies for centres in disadvantaged areas in rural, remote and urban fringe locations; the Child Care Support Program which provided the CCB and other payments and services, private provider incentives for long day care centres, the Special Needs Subsidy Scheme, the Special Services Program and the Supplementary Services Program (Ishimine and Wilson 2009: 25).

## Child-Friendly Cities

The 'Child Friendly City Initiative', launched in 1996, aims to guide cities and other systems of local governance in the inclusion of children's rights as a key component of their goals, policies, programs and structures. A child friendly city is 'the embodiment of the *Convention on the Rights of the Child* at the local level: this means in practice that children's rights are reflected in policies, laws, programmes and budgets' (United Nations International Children's Emergency Fund [UNICEF] 2009: 2). The initiative is aimed at fulfilling children's rights and needs; enabling their voice in the design of city spaces and providing a safe environment for them (UNICEF 2012).

The City of Greater Bendigo is Australia's first Child Friendly City (Bendigo Child Friendly City Leadership Group 2011). It is committed to a vision of children as equal citizens; where children's ideas and opinions are sought and valued; where adults care for the environment for children and where children feel safe. The aim is to establish a whole of council and a whole of community focus upon responses to children's needs, such that every planning initiative or service type has an awareness of the impact of that activity on children and their families. For example, open space development or streetscapes can be seen through the eyes of children and designs adapted to make them more

appropriate and responsive. The City of Greater Bendigo has a number of indicators by which to measure progress toward their vision. The indicators are grouped under categories of:

- child wellbeing and development
- safety and security
- engaged, learning and achieving
- happy and healthy
- active citizens.

(Bendigo Child Friendly City Leadership Group 2011: 3)

The indicators are measured against relevant benchmarks and standards. While not specific to child care services, the indicators show that in the above categories, Bendigo's children fare relatively well. Also measured in the report, and relevant to child care planning and provision is the extent of networking; and government, community and business working together in partnership (Bendigo Child Friendly City Leadership Group 2011: 29). Challenges include skill shortages among early child care and family support workers (Bendigo Child Friendly City Leadership Group 2011: 14).

The implementation of the initiative by the City of Bendigo and other child-friendly cities indicates strong potential for broader consideration and application of the elements involved in such a strategic planning approach, where every activity, be it open space planning, child care service provision or community safety is viewed through the lens of the needs of the child. In the case of Bendigo, government, community and business partnerships have been important in achieving a shared vision and desired outcomes and could even be instrumental in driving innovations (Bendigo Child Friendly City Leadership Group 2011).

## Enabling other partnerships

Some not-for-profit organisations (including UnitingCare Ageing and Anglicare) have indicated interest in providing for 'inter-generational activities' such as residential aged care near to child care services as part of new residential developments or the redevelopment of older areas (UnitingCare Ageing NSW/ACT 2010). In the case of UnitingCare Ageing, this aspiration is part of its new Service Model (INSPIRE), and is an important part of its commitment to social inclusion which enables older people to engage in intergenerational activities.

This model is particularly instructive because it derives from extensive consultation within UnitingCare's own community and supports proximity to child care facilities, whereas much of conventional wisdom suggests separation owing to the potential for 'noise' generation. There are the added benefits of attracting staff to work at aged care facilities where it can be difficult to recruit new employees. There are opportunities for all relevant governments/agencies to consider appropriate pathways to support the planning and implementation of such models (UnitingCare Ageing NSW/ACT 2010).

'Integrated services' are intended to address service fragmentation (Wong and Press 2012: 154-155) as well as providing a strong prevention focus (COAG 2009a: 36). Integrated services, the planning for which can be a mix of State/Territory and local

government responsibilities, may provide a range of child and family supports, including child care and education, maternal and infant health, social work and early intervention, and can consist of co-located services or operate as 'hubs' (Wong and Press 2012: 154). A hub can be defined as 'a collection of facilities clustered together on the same or adjoining sites...[T]ogether they create a focal point for community activity' (Office of Urban Management 2007: 78).

Similarly, there is extensive opportunity to support co-located facilities, which include child care and related community, education, recreation or health facilities (DEEWR 2012: 20). Co-located facilities offer sustainable planning and delivery mechanisms, through concentration of environmental footprints; economic savings through shared administrative or common areas use and generation of both social cohesion potential and the safety/security of staff and facility users attending one facility rather than possibly isolated or poorly attended ones.

There are opportunities in the support of partnerships generated through co-location, such as the use of schools for child care provision. This is a planning requirement for new developments in the ACT, for example, and is common practice in Victorian 'growth corridor' councils (DEECD and MAV 2011). Others, such as Wyoming Community Centre in Gosford<sup>5</sup>, have cooperative partnerships to serve this purpose – in this case, out-of-school-hours care – but note the partnership arrangements depend very much upon the cooperation and willingness of individual principals and school communities.

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<sup>5</sup> Wyoming Community Centre, <http://www.wyomingcc.org.au/>, accessed June 2013.

## A.7 Tools, mechanisms and opportunities

As discussed earlier in this report, tools available to local governments include land use planning mechanisms, zoning provisions and regulations. This section draws on the literature to provide additional information on the mechanisms and opportunities available to local government to enhance child care supply.

### Principles

Underlying principles for social infrastructure provision could be based on consideration and assessment of the full range of services and facilities that are required to address the needs of the local community, and directly informed by the views and experiences of local residents (Casey 2005: 21). As such, principles for a best practice local planning framework for child care centres may include:

- Completeness – including addressing all of the council’s responsibilities under relevant statutes and clarifying the planning roles of councils and other agencies.
- Clarity – including describing the steps, information requirements and approvals required in order for a centre to be established.
- Improvement – including recognising market failings and limitations and seeking to implement excellence, rather than just minimum standards.
- Robustness – ensuring that all planning controls are based on planning objectives and sound research, including controls that respond to the physical characteristics of the area and that encourage a safe and attractive environment for users and neighbours.
- Involvement – allowing for the appropriate involvement of parties with an interest in the planning decision while not weighing the interests of one particular group above those of others.

(Newplan 2007: 53-54)

### Streamlining development approval processes

The role of councils as enablers is to work together with the other spheres of government and within an agreed framework that also includes incentives and mitigation measures. Based on experiences and consultations in the USA, the National Economic Development and Law Center (2001) and the Child Care Law Centre (2006) suggest that development assessment processes can be streamlined to simplify local procedures for obtaining approval for child care centres. Key mechanisms identified are categorised as incentives and mitigation: incentives reward developers who proactively build suitable child care space, while mitigation measures require developers to mitigate any adverse impacts of their developments on child care supply (Child Care Law Centre 2006: 3).

Incentives or bonuses can be offered in exchange for increasing local child care supply. These include using Floor Area Ratio (FAR) exclusions and bonuses<sup>6</sup>. In the US example, child care facilities could be excluded within a commercial or industrial development from the FAR limitation (maximum square footage of all building on a parcel of commercial or industrial land). Density bonuses could also be granted to allow

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<sup>6</sup> In Australian jurisdictions, these are termed Floor Space Ratio (FSR) bonuses).

a greater density of development beyond the standard (National Economic Development and Law Center 2001: 41). Examples of similar incentives or bonuses in Australian jurisdictions have been explored as part of the stakeholder interview process in this study.

Mitigation refers to any requirements placed upon the proposed centre to minimise or alleviate the adverse effects on the surrounding area. This can be applied as 'direct mitigation', in which increased child care need created by a project is addressed by including on or near-site child care, or by subsidising the expansion of an existing program (National Economic Development and Law Center 2001: 42). It can also be applied through development or *in-lieu* fees, which are paid to the jurisdiction by the developer so that the jurisdiction can take responsibility for mitigating the effect of the development on child care need. Similar to incentives (above), examples of mitigation measures are explored as part of the stakeholder interview process in this study

## Identifying underutilised land

In Australia, local governments have the capacity to identify areas of under-utilised land (such as crown land, retired defence reserves or disused industrial land) which may be 'unlocked' to become available for child care centres, and to work together with other spheres of government to achieve this. Local governments often have established relationships with agency representatives at the local/regional scale which can prove to be vital in securing partnerships for co-location of child care with other related facilities. Further, local governments can be pivotal in identifying development opportunities for their local communities particularly in relation to employment generation or meeting the needs of target populations.

## Providing guidelines

The literature review generated several examples of child care centre guidelines that have been written for planning authorities, developers and providers (see Appendix B). Common themes identified in the guidelines reviewed include the following:

- In keeping with the factors described earlier in this document, locational criteria, development feasibility and the size and shape of development sites are commonly discussed in the guidelines. The decision-making processes in respect of these criteria should allow for flexibility and innovation.
- Providing guidance through the development application process may assist child care providers and developers to provide a robust commercial case for the establishment of a centre in a given location and address relevant planning and zoning requirements.
- The benchmarking of child care provision is identified as important, particularly in relation to new and existing residential developments.
- Partnerships between spheres of government can be effective in achieving shared policy aims, and guidelines could provide examples of such partnerships.
- Issues relevant to specific localities, such as new and existing residential areas, employment areas, urban centres, district centres and neighbourhood centres, are addressed and requirements for different age groups of children identified.
- Factors which encourage co-location of related facilities or services are identified.

Since the production of national guidelines for local government is a key objective of the current study, it may be useful to consider how examples such as these could be adapted for the Australian context.

## **Access up-to-date data on relevant social and sectoral trends**

In order to achieve the best possible planning decisions, planning authorities need to access up-to-date data on relevant social and sectoral trends (ACT Planning and Land Authority 2009: 1). These include:

- data on supply trends (e.g. the community sector/for-profit balance amongst providers)
- the geographic distribution of existing centres
- comparative pricing
- demand trends (including detailed population projections)
- labour force participation trends, particularly the participation rate of women with young children.

(ACT Planning and Land Authority 2009: 2-8)

Population forecasts may be used to develop a demographic profile, and small area population forecasts can provide a 'useful indication as to the way locations may change demographically over a 20 year period' (Australian Social and Recreation Research 2009: 3-4).

Detailed forecasting may also be a critical element of business case preparation by child care providers, discussed in greater detail below.

## **Training and education**

The staff of local planning departments could receive training on child care to help them become aware of issues such as the childhood development and workforce participation benefits of accessible child care, demand and supply issues, and the relevant legislation affecting child care facilities. Child care providers may be unfamiliar with the development approval processes and regulations, and training could assist in improving the processes for all involved (National Economic Development and Law Center 2001: 43).

## **Examples from other jurisdictions**

There is value in collecting examples from other jurisdictions that have included child care in their Development Control Plans (DCPs; see Glossary in Appendix A). The purposes include having the ability to borrow specific language that can be adopted into planning instruments, and promoting a sense of competition in the local council to match the standards set by peers (National Economic Development and Law Center 2001: 53).

## A.8 Issues for child care providers or developers

### Detailed forecasting

As is the case with local councils (discussed above), child care providers and developers need to have access to relevant, up-to-date demographic data upon which to make projections and business plans in support of an application. Councils such as the City of Casey may make such data and advice readily available (City of Casey 2010).

Key issues in terms of forecasting are enhanced understanding of parent choices and considering the optimum size of child care centres in given areas, discussed in greater detail below.

### Parent choices

Assessing and documenting the local need for, and parental choices regarding, child care helps to educate local planners, business leaders and officials about the importance of encouraging and planning for child care. Such insights may also help providers to decide whether expansion of their programs makes good business sense (Child Care Law Center 2006: 1).

Research carried out in Victoria (MAV 2005) suggests that parents are in support of a 'mixed economy' when it comes to child care provision, since this gives families choice and the opportunity to participate in community decision making. The study found that many parents believe that non-profit child care commits more consistently to a local geographical area, but also that both profit and non-profit child care services can provide local employment and contribute to the economic strength of a community (MAV 2005: 9).

Drawing on data from the *Family and Work Decisions Study* carried out in Australia<sup>7</sup>, Hand (2005) found that in their choice of child care, mothers focused on the role of their broader belief systems about mothering and child care. Most mothers reported having used combinations of different child care arrangements involving informal arrangements (such as grandparent care or paid care arrangements with friends or neighbours), formal care options (such as centre care and family day care), or a mixture of the two.

In a doctoral research study carried out in Queensland, Boyd (2011) found that women prefer care provided by their partner or relatives more than any other types of care and also that mothers expressed some distrust regarding for-profit child care centres. The study did not explore parental preferences for specific kinds of formal care.

Based on an analysis of USA data, Davis and Connelly (2005) conclude that parents weigh a number of factors in considering child care choices, with price being only one determinant. Parents frequently cite quality, safety, convenience, and availability as

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<sup>7</sup> The first stage of the study involved a telephone survey of 2,405 mothers, half of whom were lone mothers and half of whom were partnered. The second stage of the study involved in-depth interviews with 29 of the lone mothers and 32 of the partnered mothers who participated in the first stage (Hand 2005).



reasons for their selection of a particular type of child care setting. The likelihood of choosing centre care increases with the age of the child. For an employed mother, using centre care is less sensitive to price changes because it provides both educational opportunities for her child and facilitates her employment (Davis and Connelly 2005: 325-327). In a 2010 survey carried out in the UK, parents ranked the following as the most important criteria when choosing child care:

- well qualified, trained or experienced staff (74 per cent)
- warm and caring atmosphere (59 per cent)
- a good Office for Standards in Education, Children's Services and Skills (OFSTED) report (44 per cent)
- cost (36 per cent).

(Daycare Trust 2010, cited in Campbell-Barr and Garnham 2010: viii)

Drawing on USA data, Chaudry, Henley and Meyers (2010) suggest that the task of choosing care arrangement for a child or multiple children can be complicated by factors such as:

- parents making choices with limited information about the actual quality, convenience of cost of alternatives
- child care searches conducted under significant time constraints due to factors such as the demands of a new job
- parents making multiple child care decisions at any point in time
- fluctuating child care needs.

The result is that there is often a 'wide array of diverse combinations of care', which is particularly complex for parents of children with special needs (Chaudry, Henley and Meyers 2010: 1-2).

Other USA research<sup>8</sup> has found that the warmth and educational level of caregivers, flexibility of hours of operation and utilisation of a play-based curriculum were the most important factors in their choice of child care arrangement, but also that 'variables that parents indicate are important may not be as influential to the final decision as even they might think' (Rose and Elicker 2009: 1182). On the basis of the study, the researchers suggest the importance of choice in policies and options offered to parents.

In a more recent study in the USA (Raikes et al 2012)<sup>9</sup>, parents in the sample identified four criteria used to choose their child care program, namely characteristics of the provider, convenience, whether the provider was licensed or accredited, and whether a personal relationship existed with the provider. Selection criteria varied by type of care parents were using.

In summary:

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<sup>8</sup> In the study, 355 employed mothers of children under 6 years of age completed a questionnaire exploring the importance of child care characteristics to their choice of arrangement, through ratings, rankings, and conjoint analysis (Rose and Elicker 2008).

<sup>9</sup> A telephone survey of 650 parents receiving child care subsidies four states in the USA was carried out in this study (Raikes et al 2012).

- Research has tended to focus on parent choices regarding child care as a whole and specifically their choice of formal or informal care or a combination of both.
- Many factors impact on parent decisions, including workplace demands. The quality of the provider, including factors such as the experience and qualifications of staff, cost and convenience are amongst the many variables that influence parents' decisions about child care.
- Parents are in support of a 'mixed economy' when it comes to formal child care provision, since this gives families choice and the opportunity to participate in community decision making.

## Size of child care centres

The size (and shape) of a potential site for a proposed child care centre to be provided may affect the effectiveness of the facilities to be provided (quality considerations) as well as the commercial viability of the centre (see, for example, the City of Parramatta 2007: 21). A key issue is that a balance is needed between lessening adverse impacts flowing from the number of children able to be accommodated and ensuring the economic viability of centres (Southern Sydney Regional Organisation of Councils 2005: 9). This section provides greater detail on these issues, drawing on the available literature.

The quality of non-parental care can be described as 'a multidimensional construct encompassing the physical environment, the educational curriculum, staff training, child-staff ratios, group sizes and interpersonal relations' (Bowes, Harrison, Sweller et al 2009: 19). Ferrar (1996: 9) defines quality according to four aspects, namely the classroom environment, including having child-sized, welcoming and comfortable physical environments; overall support services; program administration; and safety.

Standardised instruments used to measure child care quality include the Early Childhood Environment Rating Scale-Revised (ECERS-R Harms, Clifford & Cryern 1998), which measures the quality of the physical setting, curriculum, caregiver-child interactions, health, safety, scheduling of time, indoor and outdoor play spaces, teacher qualifications, pay materials, centre administration and meeting staff needs (see Huntsman 2008: 2-3).

The National Quality Standard for Early Childhood Education and Care (COAG 2009b) requires a minimum of 3.25 square metres of 'unencumbered floor space' for each child and a minimum of seven square metres of 'useable outdoor play space' for each child. The Standard specifies qualified educator requirements, namely that 'an early childhood teacher is in attendance at the service whenever the service is being provided to 25 children or more' (COAG 2009b: 20) which will be required by 1 January 2014. The educator: child ratios specified in the Standard and which will be phased in over time, are:

- birth to 24 months – 1:4
- 25 to 35 months – 1:5 (by 1 January 2016)
- 36 months to school age – 1:11 (by 1 January 2016)

(COAG 2009b: 19)

Several texts speak to the issue of adult:child ratios and group sizes, with a general view that smaller group sizes<sup>10</sup> and lower child:adult ratios are optional. Larger group sizes and higher ratios are considered acceptable 'only if staff are highly qualified' (Ferrari 1996: 23). As noted by Huntsman (2009: 4), 'the weight of evidence favours a conclusion that child adult ratio in a child care setting is significantly associated with quality'. While group size appears to be less significant, its effect is 'difficult to tease out' since research on this variable is often combined with other variables such as teaching qualifications and child:adult ratios (Huntsman 2009: 6). Huntsman (2009: 8) also notes that research appears to provide little or no guidance regarding the appropriateness of current regulations regarding space requirements. In addition to the National Quality Standard, the Education and Care Service National Law and National Regulations are also in force. These provide the legislative framework the provision of child care across Australia.

Focusing on research conducted in the USA since the 1960s, Moore (1987) found that centre size is a reliable predictor of program quality, since the variety and quality of children's developmental experiences is directly affected by the size of the facility. In that paper written in the 1980s, he noted that 60 to a maximum of 75 children is ideal from the child's point of view; if centres exceed this limit, younger children are overwhelmed by the numbers of staff members, the older children, the size of the space and the total number of children.

At the same time, research had shown that large centres with around 200 children produced good results when planned on a village or campus plan concept – different program for different groups of children housed in different buildings. On the basis of the study, the author made the following recommendation:

*Any centre needing to service significantly more than 60 children should be administratively, conceptually and architecturally subdivided into programs and modules of 60 to 75 children each. These programs and modules can be combined in a campus plan or village concept, either in separate buildings or in well-defined separate wings of one building.*

(Moore 1987: 48)

Apart from Moore's study from the 1980s, no other studies were found that focused specifically on the size of child care centres as an indicator of quality. For example, the National Institute of Child Health and Human Development carried out a major study of child care in the USA<sup>11</sup>, and while the study considered various facets of the quantity, quality and type of child care provided, it did not consider size of the child care centre as a factor in the research (Belsky 2006).

Vandell and Wolfe (2000) reviewed research conducted into child care quality in the USA and found that the research focused on structural and caregiver characteristics such as

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<sup>10</sup> According to the National Association for the Education of Young Children in the USA, the standard is 1:3 to 1:4 for infants, 1:3 to 1:6 for toddlers and two-year olds, 1:5 to 1:8 for three year olds and 1:8 to 1:12 for four and five year olds (Ferrari 1996: 23).

<sup>11</sup> The study followed more than 1,200 children from ten communities from birth through the start of regular schooling in order to 'illuminate the conditions under which...early child-care experiences enhance and/or undermine children's cognitive-linguistic and socioemotional development' (Belsky 2006: 96-97).

child:adult ratios, group class size, caregiver formal education and caregiver specialised training, but not on the size of the child care centre as a whole. A key outcome of studies was that children display better cognitive, language and social competencies on standardised tests – and according to parents, teachers and observers – in settings in which caregivers are interacting with them positively and in settings in which child:adult ratios are lower.

In Canada, there are specifications for the ‘net internal space’ for child care centres, namely at least 6 square metres per child under three years and at least 4 square metres per child 3-6 years (Beach and Friendly 2005: 3). However, there is no specific mention of the overall size of the centre.

In summary:

- There is a dearth of research focusing specifically on the size of child care centres and its effects on child care quality. Instead, research focuses on child:adult ratios and the size of classes, with the weight of evidence favouring smaller child:adult ratios and smaller class sizes.
- Questions relating to the size of centres need to take into consideration the issue of economic viability.
- The size of a centre will be influenced by regulations relating to net internal space or the minimum floor space required for each child, both indoors and outdoors. The recently promulgated NQF has such regulations.

## **Access to positive examples of partnership opportunities**

The importance of partnerships in child care provision has been discussed in section 4 of this document.

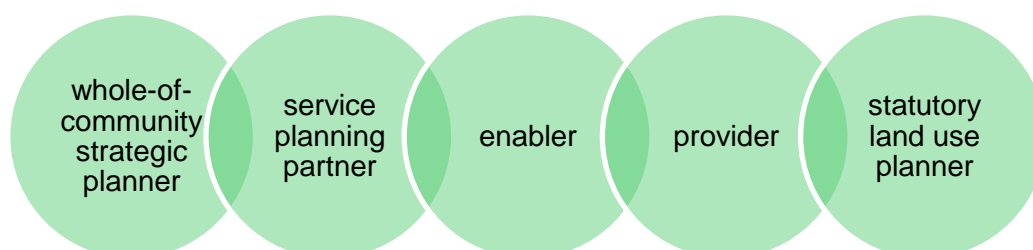
An issue for providers and developers is that they may not have access to sufficient, positive examples of partnership opportunities (such as co-located facilities or partnerships with schools) upon which to base their applications, should they desire to pursue such an approach. Concerns related to business confidence may have a role in this. Nevertheless, there is value in sharing information on partnerships that would enhance quality child care.

## A.9 Summary and conclusion

Child care centres are an important component of local social infrastructure and research evidence shows that access to child care contributes positively to the development of children and to the increased workforce participation of parents, especially the mothers of young children. Despite continued attempts to match child care demand and supply, there are supply problems in particular geographic locations, for younger age cohorts of children and for children from disadvantaged populations.

All three spheres of government in Australia have involvement to varying degrees in the planning or operation of child care centres. The Australian Government is responsible for national-level child care policy, research and data collection, provides operational and capital funding to some child care services, and assists parents with the costs of child care. State and Territory governments have primary responsibility for family support, child welfare and the regulation of ECEC services. In most jurisdictions, child care planning and regulation functions are spread across a number of government agencies. The role of local governments in this process is not always clearly defined and is often confined by legislation to a narrow land use planning role.

Taking a broader perspective, local government in Australia assumes key roles in ensuring adequate supply of child care facilities in their communities as:



Considerations for local councils when assessing development applications for child care centres in their localities include especially:

- locational criteria i.e. that centres are situated in areas that do not present health or safety risks to children and, at the same time, do not unreasonably affect residents with respect to issues such as noise, loss of privacy, traffic generation and on street parking
- development feasibility, including the cost of land, construction costs, anticipated rental return, child:adult ratios and other space requirements
- the size and shape of development sites, which affect the quality of care that can be provided, the viability of the centre and the effectiveness of the facilities.

Other factors that impact on the decisions made by planning authorities include developing the local economy in light of the links between land use planning, child care and economic development; responding to policies and initiatives from central government in respect of the decisions they make about child care supply; and responding to developments in early childhood education and care, such as integrated service provision.

Issues for child care providers and centre developers include:

- accessing relevant, up-to-date demographic data upon which to make projections and business plans in support of an application
- assessing and documenting parent choices
- appraising the optimal size of child care centres from a quality service provision and economic viability point of view
- accessing positive examples of partnership opportunities.

Drawing on the material presented in this report, and in order to expedite child care supply, Australian local government could consider the following.

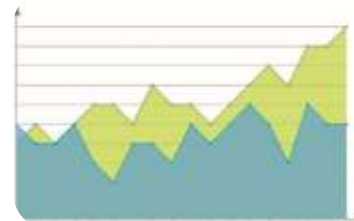
*Ideas to expedite child care supply*



Providing child care centre guidelines for planning authorities, developers and providers



Including child care supply principles in strategic planning



Accessing up-to-date data on relevant social and sectoral trends and understanding parent choices



Identifying areas of under-utilised land



Providing training and education for planners, developers and providers



Assembling examples from other jurisdictions



Creating 'child friendly' cities



Applying incentives and mitigation measures to streamline development approvals



Planning 'active transport' options for child care facilities

These factors, including case studies, could be described in the proposed guidelines.

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# Appendix A.1: Glossary of terms

Term	Description	Sources
Child care centre	A building or place used for the supervision and care of children that provides long day care, pre-school care, occasional child care or out-of-school-hours care, and which does not provide overnight accommodation for children other than those related to the owner or operator of the centre.	NSW Government (2013)
Centre based long day care	Long day care is a centre-based form of child care for children from birth to six years old. Private operators, local councils, community organisations, employers or non-profit organisations may run these services. Long day care services may also provide care for school children before and after school and during school holidays.	Social Research Centre (2011)
Community infrastructure (also see 'Social infrastructure' below)	Public and privately provided facilities and services, including local council and non-council facilities, that are required to accommodate and support community services, programs, activities, and a person's access to them.	Australian Social and Recreation Research (2009)
Development Control Plan (DCP) (also see 'Local Environment Plan' below)	A non-legal document that supports the Local Environment Plan (LEP) with more detailed planning and design guidelines. DCPs set out specific controls and parameters that apply to development proposals. Many local councils have specific sections or chapters in their DCPs that outline the development approval process and provide guidelines for child care centre applications in their local areas. Child Care Centre DCPs relate solely to the land use planning aspects of child care provision.	City of Sydney (2013) City of Parramatta (2007) Wollongong City Council (2009)
Greenfields site	An area of agricultural or forest land or some other undeveloped site earmarked for development.	
Licensed capacity	The maximum number of children to whom child care may be provided at any one time under an issued licence.	Government of Queensland (2011)
Local Environmental Plan (LEP)	A legal instrument that imposes standards to control development, applied to a particular area, generally the whole, or part of, a local government area. Most LEPs remain in force until they are amended or repealed by an amending LEP. It generally comprises a written document and accompanying maps.	NSW Department of Planning (2009)
Local planning schemes	Local governments may have more than one local planning scheme in order to describe the council's plan for the future direction of a particular local government area. The schemes classify areas for land use and include provisions to coordinate infrastructure and development in a locality. They also include controls to ensure that long-term strategic planning objectives are achieved.	Western Australian Planning Commission (2007)
Planning policies	They provide a vision for the future of a given geography, such as a state, region or local area, generally based on a long consultative process. They may provide an overview of the future challenges, key principles which should guide the way future planning decisions are made, and outline strategies and actions to improve the environment, community, economy and infrastructure. They may also summarise the main strategic planning issues (see 'strategic planning' below) facing the jurisdiction.	Western Australian Planning Commission (2007)
Social infrastructure	Features that contribute to overall community wellbeing include three broad, interrelated categories: <ul style="list-style-type: none"> <li>community facilities – the infrastructure component that includes a variety of buildings and associated grounds used for community purposes</li> <li>community development – processes that assist community members to identify and address their needs</li> <li>human services – formal services that provide support, advice, education and information.</li> </ul>	Local Government Association of South Australia (2011)
Statutory planning	The legal form of planning where legislation and planning law prescribe the procedures for preparation, adoption and implementation of controls for land use and development.	Western Australian Planning Commission (2007)

Term	Description	Sources
Strategic planning	The provision and coordination of long-term land use planning and development. Strategic planning in local government clearly sketches the long-term plan of functions and programs, and collaboration with stakeholders. As such, it can be considered as a 'comprehensive mission statement' which covers all the major functions and operations of the organisation.	Kabir (2007) Western Australian Planning Commission (2007)
Zones	The classification of land in local planning schemes for use and development, excluding land in reserves. A zoning table (or 'use-class' table) may be included in a local planning scheme (see above) that sets out the permissibility, uses and classes of land uses in particular zones in the scheme area.	Western Australian Planning Commission (2007)



## Appendix A.2: Examples of planning guidelines for child care facilities

Examples of planning guidelines for child care facilities are described below:

- Western Australian Planning Commission child care centre planning guidelines
- Developer's Kit produced by the Department of Communities, Queensland
- Guidelines for Planning Authorities produced by the Government of Ireland
- Guidelines focusing on design standards: Ministry of Children and Youth Services (Ontario)
- Child Care Facilities Zoning and Planning Guide produced by Orange County California
- Guidelines for the development of child care centres by Leichardt Municipal Council.

### *Western Australian Planning Commission child care centre planning guidelines*

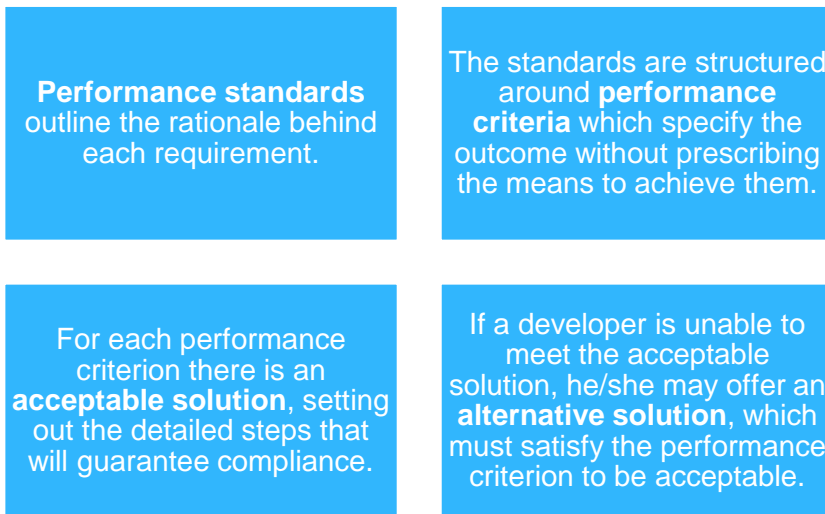
The Western Australian Planning Commission (2009) published a revised Planning Bulletin to provide child care centre guidelines to local authorities. The following is a brief summary of the contents of these guidelines (Western Australian Planning Commission 2009: 1-4):

- Objectives – to locate child care centres appropriately in relation to their surrounding service area; to minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas; to minimise the impact the surrounds may have on a child care centre; and to consider the health and safety of children attending the child care centre as per the planning system.
- Location of child care centres – descriptions are provided of suitable areas (including considering all permissible uses under the zoning of adjoining properties) and unsuitable areas (including where there may be access or safety concerns).
- Site characteristics – suitable size and shape to accommodate the development, with consideration of topography and potential for soil and groundwater contamination.
- Design of centres – including visual features such as signage, building design, colour, shape and form, parking areas, outdoor play areas and landscaping.
- Traffic impacts – the underlying principle is that a child care centre should have a minimal impact on the functionality and amenity of an area and will not create or exacerbate any unsafe conditions for children and families, pedestrians or road users.
- Noise impacts – the underlying principle is to limit the noise impact of the child care centre on adjacent properties and limit the noise impact from external sources on the centre.
- Need – there may be a need to show that the development will not have an adverse impact on the amenity of the area or the level of service to the community by similar existing or approved facilities. In terms of community consultation, a minimum requirement is for the local authority or the applicant to advise adjoining neighbours in writing and display public advertisements on the site in accordance with public notification procedures.

### *Developer's Kit – Child care in Queensland*

The Department of Communities, Queensland, produced a *Developer's Kit* to assist individuals or groups that are interested in establishing a child care centre in Queensland. It provides information about the legislation governing child care in the State, the building approval process, licensing process and application fees that apply (Office for Early Childhood Education and Care, Queensland 2011).

In terms of the building standards, the *Developer's Kit* notes that local authorities are responsible for ensuring that child care centres are constructed in accordance with standards outlined in the Queensland Development Code (Part 22: Child Care Centres). The building standards are written as performance based standards, which can be illustrated as follows:



Source: adapted from Office for Early Childhood Education and Care, Queensland (2011: 3)

The process as summarised above 'allows for flexibility and innovation...making it possible to achieve the objective in more than one way' (Office for Early Childhood Education and Care, Queensland 2011: 3). Consequently, if a licensee is unable to meet the acceptable solution, an alternative solution may be offered in place of, or together with, parts of the acceptable solution.

The *Developer's Kit* provides a 'development process checklist' that can be completed by the licensee in order to ensure that all steps have been covered, as well as details of helpful contacts and publications for developers and planners (Office for Early Childhood Education and Care, Queensland 2011: 10-15).

### *Guidelines for Planning Authorities: Government of Ireland*

The Government of Ireland (2001) produced the *Guidelines for Planning Authorities on Childcare Facilities*, a document that focuses on the land use planning aspects of child care provision. The Guidelines provide a framework for local authorities in preparing development plans and assessing applications; as well as a framework for developers and providers in formulating development proposals (Government of Ireland 2001: 3). Key issues discussed in the Guidelines include:

- Policy development – local authorities are encouraged to develop policies which promote awareness of the necessity to provide quality child care in a variety of locations; discuss the role of child care in fostering local economic development and addressing social exclusion; identify appropriate locations for the provision of child care facilities; and promote consultation and participation with stakeholders in developing a ‘County Childcare Strategy’ (Government of Ireland 2001: 4-5).
- Development control and related standards for child care facilities – the Guidelines put forward the criteria (locational criteria, number of facilities in area, size and shape) that should be applied in the assessment of the suitability of child care facilities irrespective of location. They also discuss issues specific to areas such as new and existing residential areas, industrial estates or employment areas, city/town centres, district centres and neighbourhood centres, and educational establishments (Government of Ireland 2001: 8-10).

The Guidelines provide a benchmark of one child care facility per 75 dwellings in all residential areas ‘unless there are significant reasons to the contrary’ (Government of Ireland 2001: 14).

### ***Guidelines focusing on design standards: Ministry of Children and Youth Services (Ontario)***

The Ministry of Children and Youth Services in Ontario, Canada produced *Guidelines for the planning, design and renovation of licenced child care centres in the Province* (Ministry of Children and Youth Services 2006). The Guidelines are intended to provide a tool for operators and their consultants in designing a child care facility that is child and family-oriented, aesthetically pleasing, functional and cost effective, as well as for licensing staff who have the responsibility for assessing appropriateness of design proposal in meeting licensing standards.

The ‘Recommended Development Planning Guide’ includes material on preparation of a functional plan, which forms the basis for making decisions on the physical environment and provides the design consultant with an understanding of what components need to be included to make the building function; site selection, including appropriateness of the location for child care; and the construction budget (Ministry of Children and Youth Services 2006: 7-9). In addition, the Guidelines provide detailed information on exterior and interior design considerations, including barrier-free design considerations, requirements for different age groups (infant, toddler, pre-schooler) and requirements for outdoor play areas.

### ***Child Care Facilities Zoning and Planning Guide: Orange County California***

The *2006 Orange County Child Care Facilities Zoning and Planning Guide* details how city planners and elected officials can ‘mitigate barriers to the development of child care facilities through the alignment of permit practices and land use policies with the needs and goals of children, providers, and licensing regulations’ (Orange County United Way 2006: 1). Key messages in this Guide for expediting the expansion of quality child care include the following:

- There is value in having state legislation that requires all local authorities to address the distribution of child care facilities within the land use element of local land use planning.
- Child care business strategies should be incorporated into local development priorities and activities.
- Child care providers need to be guided through the permit process, in particular by helping them to recognise that four key issues need to be addressed, namely density, traffic control, parking and noise, and preparing them to anticipate and resolve potential concerns from adjacent property owners before complaints are brought before public hearings.
- Advice is provided on placing reasonable conditions and fees on land use permits and making sure that the average length of time required to complete the review process is as short as possible.
- The application process could be streamlined by collaborating with fire, building and other public works departments during the initial stages e.g. increased communication with local fire and building departments may allow for permits to be processed simultaneously.

(Orange County United Way 2006: 22-29)

### *Guidelines for the development of own child care centres: Leichardt Municipal Council*

As an example of what councils can do, Leichardt Municipal Council in the Greater Sydney Metropolitan area produced a report (Leichardt Municipal Council 2012) which actively promotes the development of new child care centres and outlines some possible sites for new child care centres to be operated by the local council within the jurisdiction. The report provides a useful summary of the various regulations and standards that need to be considered in order to facilitate the approval and selection of sites for child care facilities:

- The *Education and Care Services National Regulations* sets out the minimum unimpeded play area required per child – these are 3.25 square metres indoors and 7 square meters outdoors. Regulations also determine the other facilities that must be in a child care centre including a sleeping area for children under two, nappy changing area, bottle preparation area, kitchen, laundry, children’s and staff toilets, storage, administration office, an area for carers to meet parents and a staff respite area.
- The *Parking Standards and Controls* of the local council’s DCP indicates that parking at a child care centre should be at the rate of 0.44 to 0.55 car spaces per staff members and 0.125 spaces per child for visitors and parents.
- Based on advice from the Manager Community Operations (Children’s Services), at least 45 to 49 children are required to ensure the financial viability of a council child care centre.

# Appendix A.3: Literature review methodology

A review of the literature was undertaken in order to meet the objectives described above. Inclusion and exclusion criteria are described in Table 1.

TABLE 1: INCLUSION AND EXCLUSION CRITERIA

Inclusion criteria for the literature	Exclusion criteria (where relevant)
Reports and guidelines available in the public sphere	Documents not available in public sphere
Academic literature	Opinion pieces
Published in English	
Material published from 1995 to 2013	Material published before 1995, unless clearly important
Focusing on land use planning for child care supply	Focusing on broader issues of early childhood education and care (e.g. models of service provision, workforce issues)

In order to access literature and documentation, electronic web-based search for material was carried out, making use of search engines used including, but not limited to: Academic Search Complete (Ebsco); Informit; Expanded Academic ASAS International; Google Scholar; ProQuest; Scopus (Elsevier); SocINDEX; Taylor and Francis Online; Trove; and Wiley Interscience.

The search terms used included, but were not limited to: impact + strategic planning/statutory planning/land use planning + provision of child care; child care centre + supply; local government planning instruments/tools + child care centres + supply; efficient local development + child care centres; child care supply + master planning/urban design; best practice + child care centre planning instruments; child care centre + demand/supply; best practice + planning + child care places.





# B Stakeholder engagement report

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## B.1 Executive Summary

The Department of Education, Employment and Workplace Relations (DEEWR) (now the Department of Education) engaged the University of Technology, Sydney: Centre for Local Government (UTS: CLG), to develop Guidelines to enable local governments to plan better for the future child care needs of their community. The Guidelines will be informed by desktop research tasks and stakeholder engagement. This report summarises the results of interviews and on-line submissions collected through the stakeholder engagement phase of the research.

A total of 41 semi-structured phone interviews were conducted with local government staff, developers, child care providers, representatives from peak bodies and state government planning staff across Australia. Submissions were invited from the sector through an on-line process and 213 peak body representatives, developers, council workers and child care providers made responses.

Councils identified noise impacts, hours of operation, car parking, traffic, child safety concerns and siting as key issues that impact on approvals of child care facilities. Concerns about consistency of approach and inflexible management of these issues in the development assessment process were articulated by child care providers and developers, many of whom felt that there are too many rules applied over too many jurisdictions.

Child care providers want to work in partnership with councils to deliver development of new child care facilities. Respondents spoke of the importance of community engagement, starting to engage with councils as early as possible in the process, increasing council expertise and knowledge around the requirements of child care centres, and developing increased assistance in the form of council guidelines or checklists.

Feedback about planning and how it can be improved varied amongst respondents. Child care providers and developers in general thought planning could be done better by councils. They suggested that councils could play a stronger role in understanding current and projected need in their communities; and supporting those trying to increase supply. However councils reported struggling with the variety of roles they play as provider and assessor; and with what their role should be influencing supply in what many understand to be a commercial market.

Co-location is considered to be a good option for future development, in an environment where appropriate land is scarce and expensive to acquire. Respondents also suggested there are opportunities for all levels of government to work better together to impact planning, the approvals mechanisms and funding.

## B.2 Introduction

The Department of Education, Employment and Workplace Relations (DEEWR) has engaged the University of Technology Sydney: Centre for Local Government (CLG), to develop Guidelines to enable local governments to plan better for the future child care needs of their community. These Best Practice Guidelines will be an important tool strengthening local governments' ability to expand child care services in their communities. The Guidelines will identify the practices that most effectively overcome land use planning barriers and improve accessibility to child care.

The Guidelines will be informed by a number of research tasks including:

- A literature review and document scan to identify national and international innovations and best practice approaches to the expansion of child care places and broader child care planning policy and practice
- An in-depth analysis of statutory planning frameworks, policy and planning and environment court challenges across all state and territory jurisdictions
- A desktop assessment of planning instruments, local development assessment systems and their impact on child care planning from 13 local governments across Australia
- Stakeholder engagement through interviews and an on-line submissions process

This section of the report outlines the outcomes of the stakeholder engagement phase of this project. It contains an overview of the methodology used, the findings from the engagement process and implications of the outcomes for the National Best Practice Guidelines.

## B.3 Methodology

The stakeholder engagement process was informed by a review of the literature, legislation and policies which govern land use planning and access to child care in Australia's states and territories.

### Stakeholder interviews

A total of 41 stakeholder interviews were conducted with local government staff, developers, child care providers, representatives from peak bodies and state government planning staff. The breakdown of interviews by state/territory and type of organisation can be seen at Table 2 below.

TABLE 2: STAKEHOLDER INTERVIEW BREAKDOWN BY STATE AND STAKEHOLDER TYPE

	National	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Government		2	1	1	1				1	6
Council			3		3	1	1	2	2	12
Peak Bodies	1		1		1	1	1	1	1	7
Child Care Provider	5		1		1		1	1	2	11
Developer	3		2							5
Total	9	2	8	1	6	2	3	4	6	41

The complete list of stakeholders interviewed is in Appendix B.2.

Interviews were 30-40 minutes long, semi-structured and conducted by telephone.

Questions were designed to:

- identify practical and specific issues and barriers to the provision of child care places
- assist with identifying the full range of methods currently employed by authorities and providers to address barriers and encourage innovation in the supply of child care
- assist in identifying particular policies, practice areas or localities that exemplify good practice and previous methods or approaches that may have failed
- identify any proposed or recommended methods and approaches to encouraging innovation in the supply of child care places, areas for future action and any criteria currently used to measure success or otherwise.

Responses were analysed thematically by state and stakeholder type in NVivo, with a particular focus on enablers and inhibitors to child care planning in the areas of strategic

community planning, strategic land use planning and the development assessment process.

## On-line submission process

An on-line survey was designed and delivered using Vovici software to enable a broader range of respondents to make submissions about their experiences of the childcare planning process across Australia.

A series of fixed choice questions was used to establish the state, background and experience of respondents. The remaining questions were open, following the structure of the interview questions.

A link to the on-line submissions website was sent to the following organisations:

- All local governments (558 councils)
- Local government associations for distribution to their members (LG NSW, LGANT, LGAQ, LGA SA, LGAT, MAV, WALGA)
- The Planning Institute of Australia and their state branches
- Local Government Manager's Australia's state branches
- Child care peak bodies and providers
- Urban Development Institute of Australia
- Housing Industry Association

The survey was open from 13 June 2013 to 8 July 2013 and completed by 213 people. Table 3 shows the distribution of responses by state and stakeholder type.

TABLE 3: ON-LINE SUBMISSION RESPONSE BREAKDOWN

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Peak body		2		1			1		4 (2.0%)
Developer		1					1	2	4 (2.0%)
Child care provider	4	30	4	13	8		24	7	90 (42.3%)
Local government staff - land use planning		13		2	1	1	4	10	31 (15.1%)
Local government staff - community strategic planning		7	2		1	1	10	4	25 (12.0%)
Local government staff - child care coordination		13	1	2	1	1	14	2	34 (16.1%)
State government staff		2					3		5 (2.3%)
Parent/guardian		7		2	1		5	5	20 (9.4%)
	4	75	7	20	12	3	62	30	213

Submission data was analysed in NVivo and Excel and synthesized with interview data.

The combined results are presented thematically in this report. A summary of the key results has been made to more clearly demonstrate the differences and similarities in perspectives between the stakeholder groups and to aid development of the guidelines.

## B.4 Findings

### Issues in the Development Assessment process

Councils identified noise impacts, hours of operation, car parking, traffic, child safety concerns and siting as key issues that impact on approvals of child care facilities. Concerns about consistency of approach and inflexible management of these issues in the development assessment process were articulated by child care providers and developers, many of whom felt that there are too many rules applied in too many jurisdictions.

#### **Cars, parking and traffic**

Child care providers and developers suggested that councils need to exercise more flexibility with regard to traffic and parking issues. Providers in NSW and Western Australia gave examples of instances where the siting of facilities near public transport, in inner-city locations or co-located with schools will have different traffic and parking implications to other locations and should be assessed in a different way. Developers suggested that planners are too quick to consider worst case scenarios and discount the influence of good public transport and cycling infrastructure or ‘drop-off’ and ‘pick-up’ patterns when assessing parking requirements.

#### **Child safety**

Examples from both councils and developers pointed to difficulties balancing child safety (e.g. close proximity to a main road) with convenience of access for parents and land availability.

#### **Monetary and time costs**

Child care providers and developers reported inconsistencies between councils in the costs of the development application process and the time it takes to complete the process. They commented on the “excessive demands from councils for acoustic, landscape and parking studies” (Developer), with a child care provider quoting the cost of a development application process at \$250,000 because of the number of specialist studies required.

One provider thought the process would have been quicker and more efficient if they did not have to produce reports for the sake of it.

*In some cases it is clear a traffic report is required, but when we are leasing commercial office space with allocated parking areas, not in a residential area, then what do we need a traffic report for? (Child care provider)*

The time the process takes was described as highly variable by a child care provider in NSW, with many respondents nationally suggesting that the time required is too long.

#### **Zoning**

There were many responses from councils and representative organisations about zoning, which varied according to jurisdiction. A common theme was community resistance to setting up child care centres in residential areas; and calls for more

flexibility about the zones in which child care facilities can be developed in the jurisdictions that currently place restrictions.

### **Outdoor environment and landscaping**

Some NSW child care providers spoke about difficulties in interpreting and agreeing on open space requirements in some sites, with one provider stating that “council also has quite strict criteria around how much of the outside area should be shaded, but this does not easily translate into practice” (Child care provider, NSW). Another provider said that council seemed to be fixated on expensive play equipment, whereas the provider was more interested in providing “gardens to explore, having trees and little nooks and crannies” (Child care provider).

### **An inconsistent approach**

Child care providers in NSW described an inconsistent approach to the development assessment process across councils. Whilst there was recognition that considering local context is important; the main issues were inconsistency in the application of standards and criteria; and the ‘political’ process in decision making if approval of councillors was required. A child care provider in WA suggested that the major issue was one of interpretation; and the lack of people in council with enough knowledge of the requirements of child care facilities leading to inconsistent results.

Councils also want consistency. A council in QLD said that variation between planning schemes across neighbouring councils creates complexity and the possibility of confusion in land use planning. Council submission responses called for a consistent approach between local government areas with more state government guidance to enable regularity.

### **Community objections**

Councils, developers and child care providers all spoke of experiences where objections by the community caused delays or significant re-structuring of projects. Councils and child care providers spoke of the need for council to support developers in the community engagement process and increase education of the community about the impacts of child care centre development in order to reduce objections. Many pointed to the potential for political rather than planning decisions to be made by elected councillors in the face of strong community objections. One developer in NSW said in a submission:

*The WORST issue BY FAR with councils, is when the town planners recommend an application for approval, then the councillors, who usually have no background in planning or design, reject the application based on emotional responses. This is very frustrating and generally just a waste of time because the application will normally then be approved by the state government on appeal.*

A submission from a Victorian child care provider made a similar point, saying that councillors are so concerned about votes that they make poor decisions, requiring the developer of the facility to go to the court where they typically get a favourable judgement. A submission by a council child care coordinator defends this mechanism as grassroots democracy at work, with councillors required to advocate on behalf of their local community. This respondent therefore advocates a campaign to inform and

educate the community to 'take a more tolerant attitude' as a way of supporting a larger number of successful applications.

### **Maximum sizes**

Issues about the allowable size of child care facilities and decision making about planning in this area is highly contested. On the one hand, some councils have set limits on the size of centres, particularly in residential areas, in order to manage community concerns about the impacts on parking, noise and traffic flow.

*The 45 place requirement in residential areas is a council planning response to balance the needs of providing childcare and meeting the needs of the community (preserving the amenity of residential areas and managing noise and traffic flow).*  
(Peak Body)

However many councils also recognise, with most developers and providers, that small centres are harder to make economically viable.

*It is not possible to run a viable centre which is smaller than 50 places without affecting quality and the ability to attract a suitably qualified teacher.* (Child care providers, NSW)

Some respondents expressed concern about whether larger centres can offer an appropriate quality of care. There was a spectrum of opinion expressed amongst respondents about the ideal range of sizes for child care facilities that was not categorised by respondent type or state, rather seemed driven by the educational or business ideology of the respondent.

### **Code<sup>12</sup> - vs. Impact-assessable<sup>13</sup>**

Feedback in the submissions and interviews demonstrated that there is a wide range of models around Australia for code- or impact-assessable frameworks. Although there was no consistent recommendation about how child care centres should be assessed, several respondents suggested that the decision could be made according to zoning with impact assessment in residential areas and code assessment in commercial zones for example.

### **Intergovernmental planning processes**

Many interviewees and submission responses spoke of the desire for a 'whole of government policy and planning framework' to address problems with child care provision planning.

*There is a need for a planning framework for child care that brings together Commonwealth, State and Local Government in a collaborative way.* (Council VIC)

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<sup>12</sup> Code assessable: A code assessable development application fits within the rules set out in the Codes of the planning scheme. It can be assessed relatively quickly and does not require public notification. If a code assessable proposal that complies with all Acceptable Solutions will be approved.

<sup>13</sup> Impact assessable: Refers to development that is inconsistent with the local planning codes and requires Impact Assessment (including public notification).



Responses suggested a state and local government intergovernmental framework for tracking data on demand and supply of child care places; land use planning; funding; and delivery of a consistent regulatory system.

Amongst child care providers particularly, there is some confusion about the roles and responsibilities of different spheres of government in planning. Through the on-line submission process, many owners of smaller child care centres reported that they had found it difficult to navigate the requirements of local government development applications, Building Code of Australia, licensing by the regulatory authority under the National Quality Framework, and registering for the child care benefit (etc.) and called for a more streamlined 'one-stop-shop' process.

### **National Quality Framework and licensing requirements**

There are concerns from councils, developers and child care providers about the alignment of the two approvals processes – the development application process and the child care centre licensing process.

The first issue is about being confident that plans that meet council regulations also meet the requirements of the Framework and whether applicants can get any advice from government at the time they are doing their development application. A number of child care providers in NSW and VIC said that they miss having someone in a state government department looking at the plans and providing input. One state government expressed the view that the national guidelines are self-explanatory and councils should be able to check that their processes work together with the licensing requirements. A council said “we have to hope that the child care operator understands the guidelines”.

The second issue is the timing of the two processes, with the development application and setting up of the centre taking place before the licensing process. Some respondents reported that they needed to make expensive changes to their premises prior to licensing.

Many submissions spoke of the difficulty of navigating the requirements of multiple processes, with smaller community centre developers asking for a checklist that shows how each step relates to the next across all licensing and approvals codes. Some providers also reported concerns with the new requirements under the National Quality Framework and the impact on their costs and capacity to attract appropriately qualified staff. Other providers urged government not to compromise or water down the Framework in order to encourage an increase in the supply of child care places.

## **Developers and child care providers: working better with councils**

In general, developers and child care providers wanted to work more closely with councils and to feel they were partners in delivering new child care facilities rather than combatants in the process.

In general, councils and local government industry bodies felt the current relationship was more effective and supportive than did child care providers and developers.

Much of the discussion below captures what respondents see as deficiencies in the system or ideas for improvement. However, not all feedback was negative. A number of submissions shared their positive experiences of getting the information or assistance they needed and satisfaction with the approvals process. Unfortunately these respondents did not often elaborate about why or how the process met their expectations.

### **Community engagement**

Participants in the submissions and interviews recognised the importance of engaging early with the community. A number of providers and some councils suggested that local government could play a stronger role in facilitating engagement and educating communities about the impacts of child care centre on local amenity, with the objective of encouraging fewer objections.

*Objections are usually made on unfounded grounds – we need to increase the education about how it's desirable to live next door to a child care centre. (Council, NSW)*

### **Pre-lodgement meetings**

Many respondents stressed the importance of pre-lodgement meetings to encourage discussion about the concept, location and other issues prior to development application lodgement. Feedback from the interviews suggested that some councils no longer offer this service, or have increased the associated costs to developers. One council reported that large developers tend to consult more with council before making an application and smaller ones less so. A number of child care providers said that councils had refused to express any opinion about a proposed site or design prior to lodgement, instead suggesting that they hire a planning consultant or other professional to give them advice. These respondents would have appreciated more advice prior to investing in the land itself and the costs of the application process. One child care provider reported that other centres in the community provided more help to them through the development application process than the council.

### **Guidelines for developers**

Child care providers said they would find it helpful to have access to guidelines produced by local councils outlining the requirements for a development application, data and 'tips' to make the process easier. A number of child care providers suggested that clearly established guidelines or a checklist document would have assisted them and saved considerable wasted time. A Victorian centre said that unless they asked the right direct question, they did not get information. They said that this meant they had to figure it all out themselves which meant unnecessary problems later on. For smaller, community based centres, the feedback is that they have limited expertise and experience to support them through the development application process and other government requirements. A particular council said that many child care centres are proposed by 'mum and dad developers' who then require more assistance in the application process than councils have the funding to provide staff to support.

One council reported that they are currently developing information sheets based on the feedback from assessment officers about the issues they have faced with previous applications.

A child care centre suggested:

*Councils should develop and publish a register of how specific planning issues were dealt with – because there are so many things that should be taken into consideration and that can go wrong in terms of developing child care centres – and deal with the confidentiality issue by de-identifying the develop/provider. (Child care provider, NSW)*

In general, councils that made submissions or were interviewed as part of this project did not provide written guidelines to developers beyond the information available in their child care planning policy or code.

### **Increased expertise within council**

Many child care providers from around Australia wanted to see increased expertise from council planning staff about the specific requirements of child care centres. Some suggested that a Children's Services Manager position would be an advantage, even in councils who do not run child care facilities themselves. It was suggested that this person could work with planners and other departments within council to streamline planning and approvals processes and advocate the interests of children and the requirements of child care provision. There were also a number of respondents that said it is much easier dealing with planners who have children or are women. Both types of responses suggest that child care providers feel that child care and children's needs are not well enough understood by the council employees in planning and assessment.

There is a perception by many child care providers that if council employees better understand how child care facilities operate they would have a more common sense or realistic approach in applying the planning requirements on a case by case basis. Submission feedback suggests that for many councils, assessing a child care application is a rare event, making it hard for individual staff to build up skills and knowledge.

Some child care providers also said that councils who understood the level of demand in their community are better at 'fast-tracking' applications and tend to have more specialist expertise on staff. One child care provider made a comparison between regional councils and others saying that regional councils know their community better and are prepared to fast track applications where there are under-supply pressures.

Some councils talked about improvements they had seen in internal processes and land use strategic planning when their departments work more closely together. These respondents saw increased understanding about the issues around child care facility provision and improvements in the consistency and relevance of planning and assessment procedures.

### **Increased flexibility**

Many child care providers and developers spoke specifically about the need for more flexibility by council planners when interpreting regulations. They would like to see council working with them to find solutions to issues rather than putting up barriers.

*Overall the council wasn't helpful. We were seeking support and advice, and they were focusing on regulations. The process was long, tedious and difficult. (Child care provider)*

A child care provider in NSW said the planning approval process should be a two way process between the local council and the provider. A council response encapsulated well the kind of process that providers and developers are seeking; recognition of the problem and a cooperative desire to solve it.

*We prefer not to be abutting primary roads, in terms of traffic conflict and health issues but we have one current application which is near a busy road and because the centre is needed (in a growth area) and it is in an accessible location, we are working with the developer to apply design solutions to overcome the issues.*  
(Council, WA)

Another council employee reported going to a particularly difficult site to “get a better appreciation of how it works to be able to advise accordingly” (Council, VIC) which enabled a solution to this application.

### ***A partnership between council and providers***

Working partnerships and better relationships between councils and child care providers or developers are key themes in the results of both the interviews and submissions.

Respondents wanted to see:

- Better recognition by council of the expertise of providers with respect to child care provision and children’s needs;
- A collaborative approach and process;
- Councils showing more of a willingness to work with the child care sector;
- A two-way partnership between the council and the child care provider;
- Council’s working with providers to obtain Commonwealth and State government funding
- Councils publishing the conditions under which they would like to partner with providers in the supply of child care.

One child care provider said in a submission:

*I would have liked to have had access to a staff member at council who was professional, informed and welcoming. I certainly would have liked to feel that I could have trust in the process. I always felt it was them against us.*

Whilst not all feedback was this negative, in the submission responses there was a higher level of dissatisfaction than satisfaction in child care providers’ assessment of their relationship with council.

Only one council in Victoria framed their relationship with developers and providers in terms of a shared objective, stating that they wanted to have a relationship with providers in order to assist them to deliver the Early Years’ agendas.

## **Planning**

### ***Strategic Community Planning***

There is strong agreement from respondents of all types for the need for long term strategic planning for child care provision. In general, councils reported that this was

being done well within their jurisdiction. Child care providers and developers thought it could be done better and suggested that councils could play a stronger role in understanding current and projected need in their communities; and supporting those trying to increase supply.

### ***Understanding need***

Child care centres and developers, and some councils, talked about the difficulty of understanding the distribution of demand. Some think that local governments need to take the lead in monitoring waiting lists and providing demographic and growth data to enable providers and developers to make decisions about investment in child care facilities.

A couple of councils are piloting a central registration system, which one reports “has been successful and by understanding demand better has helped us to understand supply” (Council VIC). A child care centre in Victoria suggested that the state government should be controlling a centralised waiting list. Other councils and some developers argue that the onus should be on the applicant to understand demand and the demographics of the area. One council is concerned about ‘commercial in confidence’ issues if they were to get involved in collecting waiting list or vacancy rates and making that information available to new entrants to the market.

Many respondents stated that good data is vital for making planning decisions to meet current and future need. Developers and providers mostly said that council should collect and distribute this data. Based on the feedback collected for this report, councils with significant un-met demand for child care places within their community will be the ones to prioritise the collection of data and understanding need. One such council reports that it is doing needs and gap analysis through a specially constituted working group comprising planners and early years staff with expertise over a range of areas. Another council is including a requirement that new developments undergo a social impact assessment which includes predicting the need for additional child care and pre-school places.

Some councils suggested that the state government should take more of a leadership role in collecting and distributing data about need, as local government does not have the resources.

A number of respondents (particularly from Tasmania and rural areas) made the connection between the strength of the economy; employment rates; and child care demand.

### ***The needs of parents and children***

A number of councils nationally talked about the importance of providing the types of centres that parents want. They mentioned factors such as quality; educational philosophy; meeting the needs of child with special needs or from different cultural backgrounds; meeting working families work patterns; commercial vs. not-for-profit or council run; affordability; and a range of siting issues. They report that some parents want quiet centres in residential areas, whilst others want convenient locations near transport and main roads.

There was some concern by child care providers that there is a level of opportunism in the market that fails to recognise the needs of the child.

Some child care providers and councils pointed to the limitations of the market for establishing child care in more economically disadvantaged areas, leading to the creation of 'ghettos' where parents can't access child care. In this case "councils should adopt a social inclusion/justice approach, not just see it as something left to the private sector" (Child care provider, NSW).

### **Influencing supply**

There are a range of opinions about the role that council should be playing in influencing the supply and distribution of child care facilities in their area. For some respondents it is the responsibility of council to take an active planning role, others believe it is the role of the market to determine supply.

Some child care providers argued that it is council's responsibility to decide where centres should be located and that they must be proactive in identifying appropriate locations and encouraging providers where there is undersupply. It was also argued that councils should control the number of entrants to the child care provision market to ensure that centres are viable and there is no over-supply of child care places. One respondent suggested that councils should be required to validate and approve an applicant's business plan as part of the approvals process and another said the viability of existing facilities should be considered with all new applications.

Although a couple of councils said that they do limit the size of centres to stop over-supply or encourage them to establish in certain locations, many more expressed concerns about the correctness of councils taking on this role. Some spoke about the fact that, as providers themselves, they are in competition with commercial and not-for-profit providers with a potential conflict of interest between their roles as planners or regulators and centre owners. Others saw the issue more in terms of providers needing to make their own decisions about commerciality within the market and that as business owners the decisions and risk should be theirs.

As councils increasingly move away from delivery of child care, the sometimes conflicting role of planner and provider may be resolved. The view that it is not council's role to be a provider is quite common amongst responses.

*Local government can act as a planner and community voice in acting on community needs. I would note that child care as an issue is not really a core part of local government planning or expertise, however planning is, and therefore the local government role is planning and assessment to assist service providers meets needs. (Council, SA)*

However other respondents in child care coordination within local government and the child care sector argue that child care should not be a commercial service because of its critical role in supporting early learning and development.

One child care centre in Victoria said that there needs to be a level of unmet demand in child care of around 10% for a centre to be viable. They argue that there needs to be waiting lists because of the variation in attendance patterns over the year and the attendance of different age groups. A number of councils and providers said that they thought the 'old system' was better, where centres only received the Child Care Benefit if they were built in a recognised area of need.

### **Strategic Land Use Planning**

Child care providers and developers reported finding it very difficult to find suitable sites. Locations need to be in areas of need, viable in terms of establishment costs and size, and meet the requirements of the development application process. They indicated that the cost of land and its availability, particularly in inner-city locations, are the two greatest problems.

*The key issue is the availability of land, at a price we can afford. (Child care provider)*

Co-location and adaptive re-use of existing sites are given as options; but respondents identified potential issues with child safety, noise, traffic and other impacts which need to be managed.

### **Financial Enablers and Inhibitors**

Some councils negotiate incentives with developers such as floor to space ratios, relaxation of height restrictions and other development offsets to encourage child care provision. Although one council said “child care walks a line between community service and private business”, other councils see it more as a business and are concerned that providing incentives to one type of commercial business over another is a problem. NSW councils and developers mentioned s94 contributions and that recent changes have reduced council’s capacity to influence and fund supply through this mechanism.

### **Adaptive re-use**

A number of examples of using existing buildings for the development of child care centres were given in the feedback. Each spoke of the costs associated with retrofitting buildings to a specific child care facility use and additional problems of site suitability (including access issues, safety, lead, and asbestos). Many child care providers talked about how much easier it is to meet all the licensing and development approval requirements with a purpose built facility.

### **Council owned land**

Some councils see potential to influence developer planning through trading access to council land (often through leases) for development of child care facilities. One child care provider said that “councils tend to offer land that is difficult or that nobody else wants”, which in their case increased costs and delays opening the centre. Whilst some councils and government departments talked about the possibility of publically-owned land being provided to child care operators at ‘pepper-corn’ rents, they also said that they themselves are not able to provide land in this way because of their own budgetary constraints. A child care provider said council land rental arrangements should be at a manageable level as “local councils charging commercial rents is not helpful, even though the days of charging peppercorn rents is probably past” (Child care provider NSW).

### **Co-location**

Mixed use development incorporating child care facilities, particularly co-location with schools, shops and sports facilities are seen by most respondents to deliver good outcomes and a model for future development. A council in WA reported that a ‘hub’ model with school, shops, long day care centres and playing fields works well to create a

community feel, economies of scale, and an attractor for people to come into the area. The same council mentioned a proposal currently under DA to co-locate child care and aged care facilities which they see as having cross-generational and workforce benefits.

*A school environment should be the future. The school should be a one stop place for families. Long day care, after school care, maternal health centres, sessional kindergarten – a Family Hub. (Child care provider)*

Developers also support co-location with educational or neighbourhood retail centres and report that this is something buyers of their residential properties find attractive. Other respondents spoke of the convenience for parents of a single drop-off and pickup point.

### **Commercial viability**

In an industry that incorporates council run, not-for-profit and commercial operators there are a range of opinions about the level of government funding support that should be available. In small community run centres, without the capital to fund their own building, submission respondents report a reliance on council provision of facilities or state/federal grant-based funding.

Other providers talk about the difficulty of establishing centres where there is demand, but low family income. These centres want more government support to be in operating in areas where the fees people can afford are lower, but where costs remain roughly the same as in other locations. Commercial centres are also less likely to be operating in small rural communities.

Differing operating costs for 0-2 year olds compared to 3-5 year olds and the ratio of places for each age group in a centre, have an impact on commercial viability according to a large number of respondents.



## B.5 Implications for the National Best Practice Guidelines

Feedback collected through stakeholder engagement points to a number of key issues for child care providers, developers and councils that operate as enablers and inhibitors to increasing child care provision.

Child care providers and developers reported very similar concerns; with council having some different perspectives. Therefore the issues outlined below are divided to reflect this. They are themes to be considered for inclusion in the National Best Practice Guidelines.

### *Child Care Providers and Developers*

- Lack of available and affordable land – key. Locations need to be in areas of need, viable in terms of establishment costs and size, and meet the requirements of the development application process.
- Lack of consistency in policy/codes increases the complexity for providers/developers establishing multiple centres over a number of jurisdictions
- Lack of consistency in decision making because of the influence of objections (referral to councillors) and lack of knowledge of requirements of child care facilities in some councils
- Time the process takes – variable and sometimes long. 2-3 months was generally seen as acceptable.
- Variability and scale of costs between councils and the cost of reports that are not necessary for that location
- Lack of support from council through all stages of the development process – pre-lodgement meetings available and affordable; guidelines
- Need more flexibility from council around zoning and interpretation of codes; want councils to work with them to resolve problems; to be more responsive to the requirements of different locations; less “too quick to consider worst case scenarios”; less fixed in interpretation of what meets requirements; some support for code-assessable models (but inconsistent)
- Council approach is over-regulatory
- Want increased understanding in council about needs of child and child care facility requirements
- Unmet expectations about the role of council; they would like to see more assistance with community engagement and defining demand/need in the community
- Concerns about commercial conflicts and ideological differences between providers (not-for-profit, council, commercial)
- Need for a stronger partnership approach between council and organisations developing child care facilities; collaboration, two-way, recognition of expertise of providers by council, willingness to work with...
- Need for community education about the impacts of child care centres to lower the number of objections and allow for easier development in residential zones

- Discussion about size of centre and implications for viability and quality of care – what is the ideal size for commercial viability? What is the maximum size to maintain quality for children? What is the maximum size in a residential area?
- Alignment of the National Quality Framework (service approvals) with the development application process – in terms of timing and requirements
- Issues impacting on viability (size, age ratios, location)
- Co-location is a model to support
- Adaptive re-use, costs associated with retrofitting buildings to a specific child care facility use and additional problems of site suitability (including access issues, safety, lead, and asbestos)
- Government funding/financial support in areas of lower incomes and for capital investment or acquisition of land
- Need for coordination between local, state and federal government for land supply, funding and policy responses
- Assistance navigating the regulation and approvals process – intergovernmental guidelines?
- Guidelines from councils – requirements (checklist); learning from previous applications
- Alignment between requirements and timing over local and state governments – avoid scenario of council approval given, centre built, but fails to meet regulator (NQF) standards. Standardised requirements; concurrent processes.
- Want a stronger lead from council in strategic planning for child care provision, understanding need, managing supply (including locations), encouraging development of centres, protecting existing centres' viability

### **Local Government**

- What is council's role in influencing supply? How interventionist? Limitations of the market in areas of low socio-economic status?
- Council's role in understanding demand? Data collection and distribution?
- Rationale for taking a more active role links to need; in areas of under-supply councils tend to get more involved in data collection and facilitating development
- Demand for child care linked to the economy and employment (Tas)
- Strategic child care provision to support workforce development and economic growth (aged care example)
- Some support for role of the councillors in advocating for residents, but needs to be supported by community education about impacts to reduce number of objections on 'unfounded grounds', refusals and subsequent favourable court judgements
- Conflict of interest as a provider and assessor/planner
- Meeting provider and developer expectations within available resources
- In many councils, assessing a child care application is a rare event making it hard for individuals to build up skill and knowledge

- Role of guidelines for applicants – few currently have them, but a few councils reported in development and others that they aspire to develop. Other councils saw getting the information as applicants responsibility
- Negotiation of key development application issues (with council departments, community and providers/developers):
  - Noise
  - Hours of operation
  - Location
  - Safety (roads, air, quality, pollution)
  - Maximum size of centres
- Impact- vs. code-assessable – mixed views. Councils keen to retain control?
- Co-location generally supported
- Us/them perspective vs. cooperation and partnership
- Intergovernmental relationships and funding arrangements
- Consistency of local government codes with National Quality Framework and other regulatory requirements
- More consistency of codes and processes between councils
- Better understanding the need, in terms of parents, children, businesses and the economy; communication and working together within council departments to increase knowledge
- Parents have a variety of preferences for the types of centres they want
- Relationship of Community Strategic Planning and Land Use Planning
- Understanding the value of social infrastructure in new developments – not just drains
- Role of incentives in development – is this appropriate? “Providing one type of incentive over another”
- Council owned land – trading access to council land for the development of child care facilities

## B.6 Conclusion

The most important feedback through the engagement process was the need for greater cooperation, flexibility and support from council. Whilst supply of land and its costs are significant structural problems that inhibit the development of child care facilities; respondents reported that more productive partnerships between councils and providers/developers would improve development capacity. In particular, there is an opportunity to work together more effectively on community engagement and negotiation of possible outcomes through the development application process.

## Appendix B.1: Interview questions

This section presents the interview questions broken down by stakeholder type.

## **INSTRUCTIONS**

The questions below are to guide the discussion and to ensure consistency in the topics covered with the different stakeholders. Aside from the first two they do not necessarily need to be asked in sequence nor does every question need to be posed if a stakeholder provides the information in a different format.

## **QUESTIONS FOR PEAK BODIES**

We will start by interviewing peak bodies in order to identify relevant child care providers with experience of dealing with local governments and their development approvals processes for the establishment of child care centres.

1. What is your role?
2. How long have you been in this role?
3. What is your experience of the establishment of new child care centres?
4. Is there anyone else in your organisation involved in this process? What is their role?
5. To your knowledge have any of your member agencies had experiences of establishing new child care centres which could inform our work?

### Experience of land use planning and child care centres

6. What has been your experience of establishing new child care centres?
7. In your organisation, who is involved in this process? What are their roles?
8. What role did local government have in this process?
9. What roles did other organisations and levels of government have?
10. How long did it take?

### Land use planning inhibitors and enablers

11. Can you talk through a couple examples of the process, what went well, what could have gone better in terms of local government's approach and procedures?
12. Have you had experience of establishing child care centres in more than one local government area? If so are you able to compare the two experiences what was helpful or not helpful in these different cases?
13. What would have helped your to complete the process more quickly, efficiently?
14. What would help you / your organisation /other organisations like you to provide more child care places?
15. Why would you choose one location over another? What are your requirements in terms of location?

Who else should we speak to?

16. Is there anyone else we should speak to in your organisation, in other organisations or from local or state government?
17. Any other comments?

## **QUESTIONS FOR DEVELOPERS AND CHILDCARE PROVIDERS**

### Role

1. What is your role?
2. How long have you been in this role?

### Experience of land use planning and child care centres

3. What has been your experience of establishing new child care centres?
4. In your organisation, who is involved in this process? What are their roles?
5. What role did local government have in this process?
6. What roles did other organisations and levels of government have?
7. How long did it take?

### Land use planning inhibitors and enablers

8. Can you talk through a couple examples of the process, what went well, what could have gone better in terms of local government's approach and procedures?
9. Have you had experience of establishing child care centres in more than one local government area? If so are you able to compare the two experiences what was helpful or not helpful in these different cases?
10. What would have helped your to complete the process more quickly, efficiently?
11. What would help you / your organisation /other organisations like you to provide more child care places?
12. Why would you choose one location over another? What are your requirements in terms of location?

Who else should we speak to?

13. Is there anyone else we should speak to in your organisation, in other organisations or from local government?
14. Any other comments?

## **QUESTIONS FOR LOCAL GOVERNMENT STAFF**

### **Land use planners**

#### Role

1. What is your role?
2. How long have you been in this role?
3. Where does land use planning responsibility for the establishment of child care facilities sit (i.e. at state or local government level)?

#### Experience of land use planning and child care centres

4. What has been your experience in relation to development approvals for child care centres?
5. What land use planning instruments govern your development assessment process (e.g. development control plans)?

6. What issues do you consider when assessing development applications which contain child care centres?
7. Do you have information for organisations wishing to lodge a development application for, or which includes, a child care centre? Provide any specific information.
8. At a strategic planning level do you provide guidance for the establishment of child care centres?
9. Are there any provisions for making land made available for the establishment of child care centres?
10. Local government plays a diversity of roles with regard to child care (e.g. provision and regulation) how does your councils manage the competing priorities and roles at community level?

#### Land use planning inhibitors and enablers

11. What might be the obstacles to approval?
12. Are you able to talk through examples of development applications which included child care provision?
13. Is there anything that would make the approvals process for child care centres quicker or more efficient?

#### Innovation

14. Are you aware of any methods or processes used to encourage innovation in planning or provision of childcare relevant to land use planning approvals processes?
15. Are there any particular policies, practice areas or localities that exemplify good practice in land use planning and the provision of childcare?
16. Are there any relevant case studies or documentation which might inform the development of these guidelines?
  - 
  - Who else should we speak to?
17. Is there anyone else we should speak to in your organisation or in other organisations?
18. Any other comments?

#### **Community strategic planners/child care coordinators**

1. What is your role?
2. How long have you been in this role?
3. What role does council have in understanding the child care supply needs of your community?
4. What role does council have in meeting these needs?
5. What priority does council place on increasing the supply of child care places?
6. What would help increase that priority in council?
7. How are community strategic plans and land use plans aligned in your council?
8. Which other local government should we speak to? Who may have done work to enable supply of child care?



9. Any other comments?

## **QUESTIONS FOR STATE GOVERNMENT**

1. What is your role?
2. How long have you been in this role?
3. Are there strategic planning processes or documents that encourage or enable the establishment of child care centres?
4. What is your perspective on the development approvals processes in your jurisdiction in terms of facilitating the establishment of child care centres?
5. Who else should we speak to in your organisation, in other state government agencies or in local governments with regard to land use planning and the establishment of child care centres?
6. Any other comments?

## Appendix B.2: List of stakeholders interviewed

## National Level

Stakeholder	Type	Contact
Guardian Childcare Alliance	Child care provider	CEO
SDN Children's Services	Child care provider	CEO
Goodstart Learning	Child care provider	State Manager NSW/ACT
Community Childcare	Child care provider	
KU Children's Services	Child care provider	CEO General Manager: Public Affairs and Business Development
LendLease	Developer	Planning Manager
Philon	Developer	Development Manager
Meriton	Developer	Development Manager
Australian Local Government Association	Organisation	Policy Advisor

## State and Territory Level

Stakeholder	Type	Contact
<b>ACT</b>		
ACT Government	Government	Senior Planner, Social Infrastructure
Department of Education	Government	Education Directorate (Policy and Regulation Unit)
<b>NSW</b>		
LG NSW	Organisation	Senior Policy Officer
Sutherland Council	Council	Director, Strategic Planning; Manager, Planning; Manager, Community Services; Manager, Children's Services
Ku-ring-gai Council	Council	Manager, Strategic Planning
Blacktown Council		Manager, Children's Services Strategic Planner Team Leader DA Planner
Connect Child Care, Blue Mountains	Council	Manager, Early Childhood Intervention
University of Technology	Child care provider	CEO of Child Care Centre
University of Technology Sydney	Developer	Director of Facilities Management
Department of Education and Communities	Government	Principal Policy Officer, Early Childhood Education and Care Directorate
Constructive Dialogue Architects	Developer	Director

<b>NT</b>		
Department of Lands, Planning and Environment	Government	
<b>QLD</b>		
Ipswich City Council	Council	City Planner
Brisbane City Council	Council	Team Manager Planning Services, City Planning and Sustainability
Rockhampton Regional Council	Council	Strategic Manager Planning
Department of State Development Infrastructure and Planning	Government	
C&K (QLD)	Child care provider	CEO
Creche & Kindergarten Association (QLD)	Organisation	Acting CEO
<b>SA</b>		
Local Government Association, SA	Organisation	Director Planning and Community Services
Adelaide	Council	Team Leader, Planning Assessment, City Planning
<b>TAS</b>		
Local Government Association, Tasmania	Organisation	Senior Policy Officer
Lady Gowrie Child Care	Child care provider	CEO
<b>VIC</b>		
MAV	Organisation	Manager Social Policy
Melton City Council	Council	Manager, Children's Services Coordinator, Strategic Planning
Moreland City Council	Council	Manager, Social Policy and Early Years; Planner
Curzon Street, Melbourne	Child care provider	Parent member of a board of management
<b>WA</b>		
WALGA	Organisation	Executive Manager, Planning & Community Development,
City of Cockburn	Council	Manager, Community Services Acting Manager, Statutory Planning
City of Joondalup	Council	Coordinator, Planning Approvals
Kids in WA	Child care provider	Company Director
Department of Planning		
Great Beginnings (WA)	Child care provider	Owner Developer Manager

# C State and territory review

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## C.1 State legislation and policy review

The research conducted as part of the state legislation and policy review appreciates the hierarchical legislative contexts within each state and territory. This analysis of the state and regional level planning frameworks has informed the review of land use planning enablers and barriers at the local government level, including operations of land use planning and development assessment. This research has been undertaken for each state and territory as set out in the following sections.

## C.2 New South Wales Legislative Framework

Land use planning in New South Wales (NSW) is legislated under the *Environmental Planning and Assessment Act 1979* (the EP&A Act or the Act). The Act establishes a hierarchy of statutory environmental planning instruments that give effect to the objects of the Act through, amongst other provisions, land use planning, development assessment and certification, and provision of infrastructure across New South Wales.

The hierarchy of statutory instruments includes state-wide State Environmental Planning Policies (SEPPs) and locality based Local Environmental Plans (LEPs) (Figure 1). There are also a range of Regional Environmental Plans (REPs) that have been deemed SEPPs under the Act, in order to simplify the state's planning hierarchy. The REPs provide the statutory framework, including strategic and land use planning principles, zoning, and development controls for all, or particular types, of development across the area.

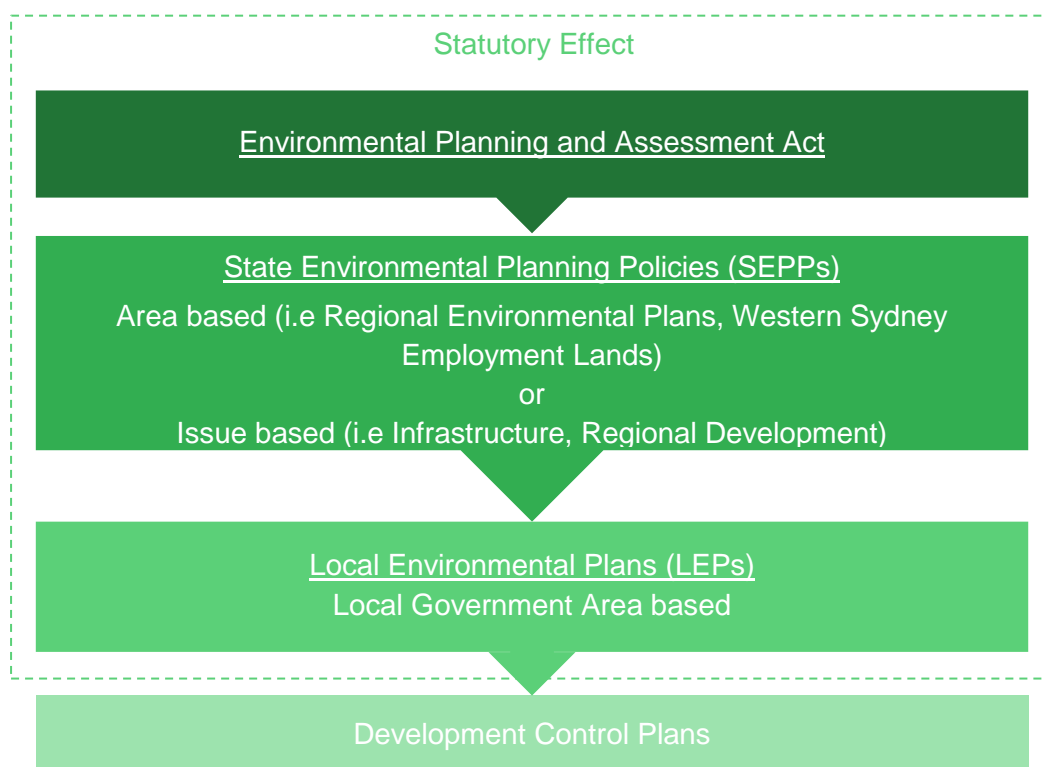


FIGURE 1: NEW SOUTH WALES LAND USE PLANNING HEIRARCHY

Broadly, the Act establishes the processes for creation and content of the SEPPs and LEPs, and assessment of development applications under these. In addition, *the Environmental Planning and Assessment Regulation 2000* (the EPAR) supports the Act and provides additional regulations for the creation of environmental planning instruments, as well as the assessment, approval and certification of development.

The Act and EPAR are also supported by a range of planning circulars, orders, practice notes, and guidelines that provide additional guidance regarding strategic, environmental and land use planning and development assessment across NSW. Table 4 below outlines the legislation, planning policies and strategic plans reviewed for NSW.

TABLE 4: LEGISLATION, STRATEGIES, POLICIES AND PLANS REVIEWED FOR NSW

Plans/legislation	Year
Environmental Planning and Assessment Act	1979
Environmental Planning and Assessment Regulation	2000
Standard Instrument – Principal Local Environmental Plan Regulation	2006
State Environmental Planning Policy (Infrastructure) 2007	2007
State Environmental Planning Policy (Major Development) 2005	2005
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	2006
State Environmental Planning Policy (Western Sydney Employment Area) 2009	2009
NSW 2021: A plan to make NSW number one	2001
INSW State Infrastructure Strategy	2012
NSW Government State Infrastructure Strategy	2012
Long Term Transport Masterplan	2012
2 Year Regional Action Plans	2012
Regional Strategies:	2006 - 2009
<ul style="list-style-type: none"> <li>• Central Coast Regional Strategy;</li> <li>• Lower Hunter Regional Strategy;</li> <li>• Far North Coast Regional Strategy;</li> <li>• Mid North Coast Regional Strategy;</li> <li>• Illawarra Regional Strategy;</li> <li>• South Coast Regional Strategy;</li> <li>• Sydney-Canberra Corridor Regional Strategy;</li> <li>• Murray Regional Strategy (draft); and</li> <li>• Lower Hunter Regional Strategy.</li> </ul>	
Strategic Regional Land Use Plans:	2012
<ul style="list-style-type: none"> <li>• Upper Hunter Strategic Regional Land Use Plan;</li> <li>• New England North West Strategic Land Use Plan.</li> </ul>	
Regional Growth Plans:	2013
<ul style="list-style-type: none"> <li>• Draft Metropolitan Strategy for Sydney</li> </ul>	

## Environmental Planning and Assessment Act 1979

The objects of the EPA Act 1979 guide the statutory framework for environmental planning across NSW. The objects outline the broader economic, social and environmental considerations to be taken into account when creating planning instruments and assessing development across the State. Whilst the objects cover a diverse range of issues, including provision of land for public services; ecologically sustainable development; and provision and maintenance of affordable housing, the object most relevant to enabling land use planning for child care is:

*Environmental Planning and Assessment Act 1979 - Part 1, Clause 5(a)*

*(vi) the provision and co-ordination of community services and facilities*

The EPA Act 1979 also outlines responsibilities of the Minister for Planning in terms of coordinating the provision of community services and facilities within the state. Neither the EPA Act 1979, nor the EPAR, directly define those land uses to be considered community services and facilities. At the time of writing, significant reform of the NSW planning system is underway and this may alter land use planning and development



assessment processes for child care centres across New South Wales.

Currently under the EPA Act, development is generally categorized and assessed as:

- exempt development (low impact development, such as fences and building decks, that is permissible without consent)
- complying development (development which meets standards set out in the legislation and can be approved by a private certifier), or
- permissible development (certain types of development defined by the legislation or which exceed minimum standards and require consent of the relevant authority).

Dependent upon the characteristics of the development, the Act establishes local councils, a range of government agencies, including the Department of Planning and Infrastructure, the Minister for Planning, and independent planning bodies, such as the Planning Assessment Commission, as relevant authorities who may consent development across NSW.

## The Standard Instrument

In 2006, the NSW Department of Planning and Infrastructure commenced standardization of Regional Environmental Plans and Local Environment Plans, whereby all authorities are required to use a base template to ensure consistent zoning, zonings and land use definitions as the basis for the plans. The standard instrument was a response to stakeholder frustration regarding the complexity and inconsistency in land use planning across the state.

At the commencement of the standard instrument process, there were over 5,500 local land use plans (local planning instruments), 3,100 different land use zones and 1,700 land use definitions. Local planning instruments provide the regulatory framework for development through zoning, definition of land uses, establishing permissibility of land uses in certain zones, and the development standards required for each type of use within a zone. The aim of the standard instrument process has been to streamline the number of local planning instruments and consolidate these into one planning instrument for each Local Government Area (LGA), 35 standardised land use zones and 250 land use definitions (NSW Department of Planning and Infrastructure, 2013).

Prior to commencement of the standard instrument process, a separate local planning instrument could exist for a particular neighbourhood or location within an LGA. This situation led to complexity in the planning system whereby multiple planning instruments could apply to the one site.

Similarly, each local government had the ability to determine unique definitions for the same type of land use, whereby what was considered a child care centre in one LGA, was not considered a child care centre in an adjoining LGA. This situation meant that child care centre developers had to be aware of the unique definition in each LGA and whether the characteristics of the child care centre they were proposing to develop meant it was considered a child care centre in the area they were proposing to develop it.

As part of the standard instrument process, a practice note was prepared by the NSW Department of Planning and Infrastructure to provide guidance on the categorisation of land uses across NSW. The practice note categorizes child care centres within the

community infrastructure group of land uses:

- *Educational establishments, including schools or tertiary institutions that provide formal education*
- *Health services facilities, including health consulting rooms hospitals, medical centres, and community health services facilities.*
- *Other land uses, including **child care centres and home based child care**, community facilities, correctional centres, industrial training facilities, information and education facilities, places of worship, research stations, public administration buildings, and respite day care centres.*

The *Standard Instrument – Principal Local Environmental Plan Regulation* provides the base templates for land use zones, zone objectives and permissible and prohibited development types within each zone. The standard instrument defines child care centres as follows:

***Child care centre*** means a building or place used for the supervision and care of children that:

<p>(a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and</p> <p>(b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,</p>	<p style="text-align: center;"><b>But does not include</b></p> <p>(c) a building or place used for home-based child care, or</p> <p>(d) an out-of-home care service provided by an agency or organisation accredited by the Children’s Guardian, or</p> <p>(e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or</p> <p>(f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or</p> <p>(g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children’s parents are using the facility, or</p> <p>(h) a service that is concerned primarily with the provision of:</p> <ul style="list-style-type: none"> <li>(i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or</li> <li>(ii) private tutoring, or</li> <li>(i) a school, or</li> </ul> <p>(j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.</p>
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Table 5 overleaf outlines those zones where the standard instrument identifies child care centres as development permissible with consent of the relevant authority.

TABLE 5: STANDARD INSTRUMENT LAND USE ZONES WHERE CHILD CARE CENTRES ARE PERMISSIBLE WITH CONSENT.

Land use zone	Zone Objectives	Permissible with Consent
<b>Residential land use zones</b>		
<b>R1 – General residential</b>	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> <li>To provide for a variety of housing types and densities.</li> <li>To enable other land uses that <b>provide facilities or services to meet the day to day needs of residents.</b></li> </ul>	Attached dwellings; Boarding houses; <b>Child care centres</b> ; Community facilities; Dwelling houses; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing
<b>R2 – Low Density Residential</b>	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that <b>provide facilities or services to meet the day to day needs of residents.</b></li> </ul>	Boarding houses; Dwelling houses; Group homes
<b>R3 – Medium Density Residential</b>	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a medium density residential environment.</li> <li>To provide a variety of housing types within a medium density residential environment.</li> <li>To enable other land uses that <b>provide facilities or services to meet the day to day needs of residents.</b></li> </ul>	Attached dwellings; Boarding houses; <b>Child care centres</b> ; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Seniors housing
<b>R4 – High density residential</b>	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a high density residential environment.</li> <li>To provide a variety of housing types within a high density residential environment.</li> <li>To enable other land uses that <b>provide facilities or services to meet the day to day needs of residents.</b></li> </ul>	Boarding houses; <b>Child care centres</b> ; Community facilities; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Shop top housing
<b>Business land use zones</b>		
<b>B1 – Neighbourhood centre</b>	<ul style="list-style-type: none"> <li>To provide a range of small-scale retail, business and community uses that <b>serve the needs of people who live or work</b> in the surrounding neighbourhood.</li> </ul>	Boarding houses; Business premises; <b>Child care centres</b> ; Community facilities; Medical centres; Neighbourhood shops; Respite day care centres; Shop top housing
<b>B2 – Local centre</b>	<ul style="list-style-type: none"> <li>To provide a range of retail, business, entertainment and community uses that <b>serve the needs of people who live in, work in and visit</b> the local area.</li> <li>To encourage employment opportunities in accessible locations.</li> <li>To maximise public transport patronage and encourage walking and cycling.</li> </ul>	Boarding houses; <b>Child care centres</b> ; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation

Land use zone	Zone Objectives	Permissible with Consent
<b>B3 – Commercial core</b>	<ul style="list-style-type: none"> <li>To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that <b>serve the needs of the local and wider community</b>.</li> <li>To encourage appropriate employment opportunities in accessible locations.</li> <li>To maximise public transport patronage and encourage walking and cycling.</li> </ul>	<b>Child care centres</b> ; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises
<b>B4 – Mixed use</b>	<ul style="list-style-type: none"> <li>To provide a mixture of compatible land uses.</li> <li>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</li> </ul>	Boarding houses; <b>Child care centres</b> ; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing
<b>B5 – Business development</b>	<ul style="list-style-type: none"> <li>To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.</li> </ul>	Bulky goods premises; <b>Child care centres</b> ; Garden centres; Hardware and building supplies; Landscaping material supplies; Passenger transport facilities; Respite day care centres; Warehouse or distribution centres
<b>B7 – Business park</b>	<ul style="list-style-type: none"> <li>To provide a range of office and light industrial uses.</li> <li>To encourage employment opportunities.</li> <li>To enable other land uses that provide facilities or <b>services to meet the day to day needs of workers in the area</b>.</li> </ul>	<b>Child care centres</b> ; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Warehouse or distribution centres
<b>B8 – Metropolitan Centre</b>  (City of Sydney, North Sydney)	<ul style="list-style-type: none"> <li>To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia’s participation in the global economy.</li> <li>To provide opportunities for an intensity of land uses commensurate with Sydney’s global status.</li> <li>To permit a diversity of compatible land uses characteristic of Sydney’s global status and that <b>serve the workforce, visitors and wider community</b>.</li> </ul>	<b>Child care centres</b> ; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Tourist and visitor accommodation

**Rural land use zones**

As outlined in Table 4, child care centres are not specifically envisaged as development permissible with consent in the R2 – Low density residential zone. This is despite the R2 zone having the same zone objectives as other residential zones, that is: *to enable other land uses that provide facilities or services to meet the day-to-day needs of residents*. In other residential zones with the same zone objectives, child care centres are development types that are specifically envisaged as permissible.

Where development is not envisaged by the land use table as permissible, zone objectives can be used to approve development on the basis of consistency with the objectives. Whilst zone objectives are given higher weighting in the assessment of development applications, assessment processes generally hold that, if particular development types are not envisaged in the zone as permissible either with or without consent of the relevant authority, they are prohibited. It is evident that, despite the standard instrument, there is continued inconsistency in between the status of child care centres as permissible development across zones that share the same objectives. Such inconsistency may cause confusion for proponents of child care developments and act as a barrier to enabling planning for child care across New South Wales.

Whilst there is inconsistency between zone objectives and permissible development types of the standard instrument, it should be noted that each zone can be modified to include additional development types that are not specifically envisaged, but which satisfy relevant zone objectives. The degree to which zones have been modified by individual instruments to permit child care centres will be further considered through a review of State Environmental Planning Policies at Section 0, and selected local environmental plans across New South Wales.

## NSW State Environmental Planning Policies

The NSW State Environmental Planning Policies (SEPPs) vary considerably in their scope and function but all deal with particular areas or development issues that are of significance to the state and people of New South Wales (NSW Department of Planning and Infrastructure, 2013). The SEPPs are an important part of the NSW planning system and are statute-based mechanisms that facilitate land use planning across the state (Environmental Defender's Office NSW, 2010). Under the EPA, the Minister for Planning has responsibility for declaring, on the advice of the Planning Assessment Commission, areas or planning matters that are of State significance.

The SEPPs establish the regulatory framework for State significant development, and the considerations to be taken into account when assessing and permitting development that falls under the SEPPs. To the point of inconsistency, a SEPP will override any regulations contained in lower order planning instruments, such as LEPs. The SEPPs can establish zoning, development controls and other regulatory planning provisions for particular types of development across the entire State; or for all development located within a particular area of State significance.

For example, one of the aims of the State and Regional Development SEPP is to identify and facilitate development of infrastructure and critical infrastructure that is of State significance. The Exempt and Complying Development Codes SEPP establishes the minimum development standards for all exempt and complying development across the State. The Western Sydney Employment Area SEPP promotes the development of

major employment lands located between the South-West Sydney Growth Corridor and Penrith.

For areas or development that is regulated by a SEPP, the Act provides for independent Joint Regional Planning Panels (JRPPs) to determine certain development applications. In this instance, the relevant authority that receives the development application is responsible for assessing the development, whilst the JRPP has ultimate decision-making responsibility.

Under the Act, JRPPs can be responsible for consenting to development where the capital investment value (CIV) is above a certain threshold; in the case of child care centres, the CIV threshold is \$5 million. In addition, where a development application has a CIV less than \$5 million; is for development on Crown Land; and the application has taken Council more than 70 days to determine, decision making for the application may be referred to a JRPP.

### C.2.1.1 State Environmental Planning Policy (Infrastructure) 2007

There are over 50 SEPPs, covering a broad range of particular development matters and plan for particular regional areas, including Greater Metropolitan Sydney; Illawarra, Hunter; North Coast; South Coast; and Western New South Wales.

Of these, the State Environmental Planning Policy (Infrastructure) 2007 deals directly with land use planning for child care. The Infrastructure SEPP aims to simplify the process for providing infrastructure such as education, hospitals, roads, railways, emergency services, water supply and electricity across NSW (NSW Department of Planning and Infrastructure, 2009). The aims of the SEPP are to facilitate:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*

(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing. (SEPP Infrastructure, NSW Department of Planning, 2009)

The Infrastructure SEPP establishes child care centres as complying development when development of the centre is undertaken by a public authority; located within the

boundaries of an existing school or TAFE; and providing child care services for students or staff, or both.

By classifying child care centres as complying development, the Infrastructure SEPP enables a less rigorous and more expeditious level of development assessment, both enabling and incentivizing this particular model for supplying child care. However, the need for a public authority to undertake the development and the services to be provided for staff or students of the school or TAFE, limits the number of child care centres that can be assessed in this manner.

Schools or TAFE are often located near major employment areas and can provide a suitable opportunity to increase child care supply for parents who also work in the vicinity, not just those attending or employed by the school or TAFE. By widening the complying development pathway to include child care centres that are privately developed and which provide services for parents who work in the near vicinity, the Infrastructure SEPP could provide a much stronger mechanism for enabling the supply of child care.

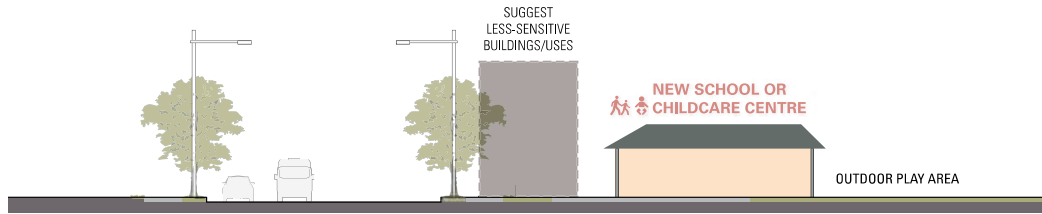
The Infrastructure SEPP also establishes that, where a child care centre is proposed within a rail corridor, or road corridor where traffic volumes exceed an average of 40,000 vehicles per day, the consent authority must take into account all guidelines in relation to the impact of noise and vibration on non-rail or road development.

The NSW Department of Planning has prepared an Interim Guideline for Development Near Rail Corridors and Busy Roads (NSW Department of Planning and Infrastructure, 2008). The guidelines outline that consideration of traffic noise and emissions issues should be considered upfront and strategically as part of site selection processes.

The guidelines also acknowledge that child care hours often extend beyond the typical school day to cater for working parents. In the context of balancing full time work and home commitments, parents should be able to access child care in convenient locations. Accordingly, the most appropriate location for child care centres is often close to work or home and within near proximity to the route required to get to these locations. In this context, balancing the need for child care to be in highly accessible locations whilst providing a high quality environment presents another land use planning barrier to enabling supply.

To address this barrier, the guidelines identify the following measures to avoid, reduce or mitigate noise and air quality impacts for schools and child care centres:

- *Redesigning or relocating buildings to locate non-sensitive services like storage, bathrooms and carparking in areas subject to noise and air pollution sources;*
- *Creating courtyards or play areas that are protected from noise and adverse air quality by buildings;*
- *Where sufficient land is available, selling some of the road frontage area to enable it to be used for less sensitive land uses, such as shops or businesses; and*
- *Constructing solid noise wall barriers along the road frontage, taking into consideration any impacts on amenity, solar access, vegetation and safety.*



Source: NSW Department of Planning and Infrastructure, 2008

FIGURE 2: SUGGESTED LAYOUT CONFIGURATION FOR NEW CHILD CARE CENTRES AND SCHOOLS  
 Given child care service licensing requirements for particular environmental features, such as outdoor play areas of a particular configuration, the combined effect of site configuration and licensing provisions may inadvertently act as a barrier to the supply of child care, particularly in more favourable locations where public and road transport accessibility is high.

### C.2.1.2 State Environmental Planning Policy (Major Development) 2005

The aims of this policy are to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the state so as to facilitate the orderly use, development or conservation of those state significant sites for the benefit of the state, to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

As with the *Infrastructure SEPP*, the *Major Development SEPP* has also deviated from the standard instrument template. The SEPP has included child care centres as development permissible with consent in the General Industrial, R2 Low Density Residential, Public Recreation and Special Purpose - Community Uses zones.

The SEPP refers to a number of other development assessments related issues with regard to child care centres. Across all zones where child care centres are permissible development, the SEPP outlines the following development standards:

- (a) *the development must be intended to primarily provide services to people working in the area in which the child care centre is located,*
- (b) *the development must provide no more than 40 child care places,*
- (c) *the development must have an internal play area of at least 130 square metres and an external play area of at least 280 square metres.*

Whilst the SEPP contains a number of provisions that may act as a barrier to the supply of child care centres, for example, maximum place numbers, there are also a number of provisions that could enable supply. For example, there are a number of zones where child care centres are permissible without development consent. Interestingly, in a number of the zones where child care centres are permissible with development



consent, home based child care uses are permissible without consent, indicating a very clear preference for this type of service.

### C.2.1.3 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The primary aim of this SEPP is to protect and enhance the land to which this policy applies (the Western Sydney Employment Area, WSEA) for employment purposes. The SEPP refers to a number of development assessment issues within the WSEA outlining the permissibility of child care facilities.

The SEPP outlines that development for the purposes of a child care centre can be permissible with consent in the geographical area covered by the SEPP. Deviating for the standard instrument suite of zones where child care centres are permissible with consent, the SEPP identifies objectives of the IN1 - General Industrial zone is to provide for small-scale local services, such as community facilities (including child care facilities). However, there may be additional land use planning matters that act as a barrier to facilitating child care centre development in the General Industrial zone, such as the NSW the Risk Criteria for Land Use Safety Planning as further discussed in Section 0.

### C.2.1.4 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The primary aim of this SEPP is to co-ordinate the release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region.

The SEPP refers to a number of development assessments related issues with regard to child care, which the SEPPs have broken into various precincts across the North West and South West growth centres and outlines the permissibility of child care in the various zones. As with the Infrastructure and Major Development SEPP, the Growth Centres SEPP deviates from the standard instrument provisions and permits child care centres in the r2 Low Density Residential zone.

## Strategic planning in NSW

### C.2.1.5 NSW 2021: A plan to make NSW number one

*NSW 2021* is a non-statutory plan that sets out the NSW Government's agenda the state's strategic direction. The document establishes a range of strategic priorities for NSW, over a ten year period, to rebuild the economy, return quality services, renovate infrastructure, restore accountability to government, and strengthen local environments and communities (NSW Government, 2013). The plan is structured through 32 goals, associated targets and priority actions.

Goal 15 in the plan sets the agenda to "Improve education and learning outcomes for all students" under the accountability of the Minister for Education. The targets and priority actions relevant to achieving supply of child care are summarised below. Goal 15 sets out a number of other targets to achieve a higher quality of education, which are not within the scope of this review. Targets and Priority Actions relating to child care are summarised in Table 6.

TABLE 6: TARGETS AND PRIORITY ACTIONS RELATING TO CHILD CARE FROM NSW 2021

Targets	Priority Actions
All children in NSW have access to a quality early childhood education program in the 12 months prior to formal schooling by 2013	<ul style="list-style-type: none"> <li>• Conduct a review of funding of early childhood education in NSW, which will recommend strategies to support increased participation in early childhood education;</li> <li>• Ensure priority access to early childhood education for Aboriginal children and children from disadvantaged backgrounds; and</li> <li>• Implement the national quality agenda to improve the quality of early childhood education by improving educator to child ratios and increasing the number of qualified early childhood educators.</li> </ul>

Interestingly, the early childhood education targets adopted by NSW relate to preschool education and do not refer to the benefits provided by access to quality child care. This priority has been reconfirmed in the 2013-14 NSW State Budget which allocated \$301 million to focus on providing universal access to quality early childhood education (NSW Government, 2013). However, whilst the goal of providing universal access to early childhood education necessarily requires enabling supply of child care, all funding was allocated to education in the year before primary school.

### C.2.1.6 Infrastructure NSW State Infrastructure Strategy

Infrastructure NSW (INSW) was established by the NSW Government to prepare a 20-year State Infrastructure Strategy. INSW delivered an independent report, which drew from champions in the industry, research and collaboration with the public sector. The strategy looks across a broad range of sectors and identifies specific projects and programs for priority consideration. It also makes recommendations to the NSW Government on how to fund these recommendations (INSW, 2013).

Chapter 14 of the strategy discusses social infrastructure and education funding and associated recommendations. It acknowledges the need for a coherent institutional or regulatory arrangement allowing the public and private sector to participate and agree the best approach to school provision in the state. While it strongly acknowledges the growing demand for school students and the associated demand on educational infrastructure, it does not recognise the need for the associated increase in child care demand.

The recommendations for meeting this demand is through a new approach – through existing assets accommodating 90% of students in existing schools. The set of 5 education recommendations target filling new school places in existing establishments, improving classroom design, increased use of facilities, combining TAFE and school asset management function and upgrading existing facilities.

### C.2.1.7 NSW Government State Infrastructure Strategy

Following the NSW Government establishing INSW and the subsequent preparation of the INSW State Infrastructure Plan, the state reviewed the findings and recommendations from the INSW plan and prepared the NSW Government's State

Infrastructure Strategy. The strategy sets out and commits to the state's infrastructure delivery and reform priorities over the next five years.

While the plan does not specifically discuss child care it does address priorities for education in the state, specifically focusing on schools and the delivery of new education facilities and upgrading existing facilities. This is due to the NSW State Infrastructure Strategy focusing on schools and not on the supply or demand of child care facilities. The strategy also focuses on the quality of the schooling system and expanding opportunities, accommodating new enrolments and reviewing facilities.

### C.2.1.8 NSW Long Term Transport Masterplan

The NSW Long Term Transport Masterplan (NSW LTTMP) is the NSW Government's '20-year vision for the delivery of a world-class public transport, roads and freight network to the State' (NSW Government, 2013). The plan identifies the challenges facing NSW across all modes of transport and also identifies a coordinated set of actions to address the challenges.

The masterplan is a high level strategic document with a focus on major infrastructure projects that are required for growth across the state. The masterplan does not specifically address child care. The masterplan does however acknowledge that education/child care had the third highest travel frequency on a weekday after discretionary and commuter trips. While there is no specific supply or demand issues relating to child care in the masterplan it does discuss the need to grow education facilities across the state and integrate them with transport.

### C.2.1.9 NSW Regional Action Plans

Regional Action Plans focus on immediate actions the NSW Government will take to improve outcomes in each region, Government Ministers and local Members of Parliament consulted with local government and communities to develop the 19 Regional Action Plans aligned to NSW 2021 (NSW Government, 2013).

The plans focus on service delivery and improving quality of life rather than specific supply and demand issues with no specific mention of child care.

### C.2.1.10 Regional Strategies

Regional strategies are in place for across eight NSW regions and have been prepared in partnership with state and local government, communities and business. The regional strategies set a clear direction for these rapidly growing regions over the longer term (NSW Government, 2013). The eight strategies have been listed below and have been ranked (weak to strong) in terms of the focus on child care centres within the regional strategy:

- Central Coast Regional Strategy;
- Lower Hunter Regional Strategy;
- Far North Coast Regional Strategy;
- Mid North Coast Regional Strategy;
- Illawarra Regional Strategy;

- South Coast Regional Strategy;
- Sydney-Canberra Corridor Regional Strategy;
- Murray Regional Strategy (draft); and
- Lower Hunter Regional Strategy.

The Central Coast Regional Strategy is the only strategy within the group of eight with a strong focus on child care. This Central Coast Regional Strategy identifies increased demand for child care facilities within the regions and the need for the co-location of child care facilities with new and existing developments. Similarly to the *Queensland Implementation Guideline: Social Infrastructure Planning*, the Central Coast Regional Strategy identifies the provision of child care facilities within town centres, villages and neighbourhoods, with regards to a catchment population and other infrastructure provisions.

The Lower Hunter Regional Strategy states that most local governments are responsible for the provision of child care facilities and the region is also experiencing a shortage in child care workers.

### C.2.1.11 Strategic Regional Land Use Plans

The Strategic Regional Land Use Policy identifies and protects more than 2 million hectares of strategic agricultural land, protects valuable water resources and provides greater certainty for companies wanting to invest in mining and coal seam gas projects in regional NSW (NSW Government, 2013).

#### ***Upper Hunter Strategic Regional Land Use Plan (UHSRLUP) and New England North West Strategic Land Use Plan (NENWSLUP)***

The UHSRLUP and NENWSLUP identify the capacity of existing social infrastructure and the associated demand. This demand is likely to increase in the region as a result of population growth and economic growth. It states that in areas experiencing mining growth early child care centres are experiencing increased waiting lists and enrolments with further increases likely to create demand to expand this social infrastructure. While the plans identify the increasing demand for child care facilities it does not outline any policy responses or strategies as a response.

### C.2.1.12 Regional Growth Plans

#### ***Draft Metropolitan Strategy for Sydney***

The Draft Metropolitan Strategy for Sydney is the first of the regional growth plans in the state, prepared to align with the proposed planning reform changes as outlined in the Planning White Paper (April 2013).

The aim of these plans is to establish vision and growth strategy for the region, including region wide housing, employment, environmental and conservation objectives. The Draft Metropolitan Strategy for Sydney does not address the supply or demand of child care in the Sydney Metropolitan Area.

## Infrastructure contributions

The EPA Act provides for collection of contributions to meet the increased demand on infrastructure that results from development. Section 94 of the EPA Act establishes provisions under which the relevant consent authority may enter into an agreement with a developer regarding contributions for incoming, or newly established, communities.

The NSW Department of Planning and Infrastructure *Draft Development Contributions Guidelines 2009* provide a summary of demographic and socio-economic influences (Figure 3) that should be considered when determining community need and resultant demand on infrastructure.

Population characteristic	Provision Implications
<i>Age Profile</i>	Different age groups have different needs. As the age profile changes so will the types of facilities required. To cater for the changing population it is important to ensure that, where possible, the facilities provided are as flexible as possible. This may influence the design of new facilities and any upgrading works on existing facilities.
<i>Mobility</i>	The level of mobility is strongly related to accessibility issues. For instance if a facility is to be provided for a group that is known to have low mobility, e.g. the youth or the aged, issues of accessibility (location, public transport, proximity to residential development) must be given careful consideration. This may, in turn, influence the geographical distribution of facilities.
<i>Settlement patterns</i>	These patterns will influence the geographic distribution of facilities as they influence such factors as the location of demand and accessibility. For example it may be necessary to provide a greater level of service to isolated communities than would normally be required for population of that size. This is particularly true for services that target groups with low mobility.
<i>Population growth</i>	There are certain population thresholds at which the provision of particular facilities is considered justified or triggered. It is therefore necessary to understand the extent to which the community is likely to grow in order to ensure that the level of provision is appropriate and planned for.
<i>Income</i>	Income particularly influences the ability to pay for the services provided and is significant when determining the fee/funding structure for facilities. It can also influence the role played by non-Council facilities.

Source: (NSW Department of Planning and Infrastructure, 2009)

FIGURE 3: DRAFT DEVELOPMENT CONTRIBUTIONS GUIDELINES 2009 SUMMARY OF DEMOGRAPHIC AND SOCIO-ECONOMIC INFLUENCES ON COMMUNITY NEED

The guidelines also provide indicative population thresholds and additional matters for consideration when planning for children's services (Figure 4).

Infrastructure type	Indicative Population Threshold	Matters for consideration
Children's services:		
Long day care centres	320 children aged 0-5 years	<ul style="list-style-type: none"> <li>• Has private sector provision of this type of facility been taken into account?</li> <li>• As a contestable service this infrastructure/facility is considered to be additional community infrastructure</li> </ul>
Pre-schools	4-6,000 people	<ul style="list-style-type: none"> <li>• Has private sector provision of this type of facility been taken into account?</li> <li>• As a contestable service this infrastructure/facility is considered to be additional community infrastructure</li> </ul>
Family day care	N/A	<ul style="list-style-type: none"> <li>• As this service is essentially home-based only small office area needs to be provided</li> </ul>
Occasional care centres	12-15,000 people	<ul style="list-style-type: none"> <li>• Can this be accommodated in other community facilities?</li> </ul>
Outside of school hours care	4-6,000 people	<ul style="list-style-type: none"> <li>• Is a stand alone facility required?</li> <li>• This type of service is usually run out of an existing facility eg school hall, community centre</li> </ul>
Youth centres	10-30,000 people	<ul style="list-style-type: none"> <li>• Does this need to be a stand alone facility – especially if the population is near the lower end of the threshold</li> <li>• Has the existing population been properly accounted for in apportionment? Look at catchments for the facility</li> </ul>

Source: (NSW Department of Planning and Infrastructure, 2009)

FIGURE 4: DRAFT DEVELOPMENT CONTRIBUTIONS GUIDELINES 2009 POPULATION THRESHOLDS AND MATTERS FOR CONSIDERATION

Developer contributions can cover a range of infrastructure types including, roads, drainage and sewerage, and parks or other community infrastructure. Developer contributions are considered either direct or indirect; for community infrastructure they can be:

- (a) a reasonable development contribution for the provision, extension or augmentation of community infrastructure within the area; and / or*
- (b) a reasonable contribution towards recoupment of the cost of providing existing community infrastructure within the area.*

(NSW Department of Planning and Infrastructure, 2009)

According to the *Draft Development Contributions Guidelines 2009*, in the case of (a) above, contributions for community infrastructure can be levied where a direct relationship can be established between the type of development and need for community infrastructure resulting from that development. In the case of (b) above, community infrastructure contributions can be levied where:

- *the development concerned will, if carried out, benefit from the provision of the existing public infrastructure;*
- *the existing public infrastructure was provided within the area by a consent authority in preparation for or to facilitate the carrying out of development in the area; and*
- *the existing public infrastructure was provided less than 25 years before the development occurred.*

(NSW Department of Planning and Infrastructure, 2009)

The guidelines state that indirect contributions are generally levied at 1% of the proposed cost of carrying out the development. In these instances, it is not necessary to establish a *direct link* between the development and the infrastructure to be provided by the contribution. However, the consent authority is still required to demonstrate a *reasonable link* between the development and the infrastructure that the contributions are proposed to fund.

Section 94 planning agreements may also prescribe that certain types of facilities, such as child care centres, must be included as part of a development. In this instance, the inclusion of such facilities may be offset against any infrastructure contributions that would otherwise be payable. Similarly, development contributions for community infrastructure may be reduced where it is appropriate to combine facilities, such as a community centre and child care centre.

The *Draft Development Contributions Guidelines 2009* make the distinction between key community infrastructure and additional community infrastructure. For the purposes of infrastructure contributions, child care centres are generally considered key community infrastructure.

However the guidelines identify that not all child care service types are considered key community infrastructure. Under the guidelines, long day care centres, pre-schools and family day care are considered additional community infrastructure items. In the case of additional community infrastructure, Ministerial consent is required for contributions to be collected for this type of infrastructure.

## Risk Criteria for Land Use Safety Planning

There are also a range of state based guidelines and assessment processes that may serve as barriers to land use planning for child care. These include the Risk Criteria for Land Use Safety Planning (NSW Department of Planning and Infrastructure, 2011) which state child care development is inappropriate in locations where there is a risk of individual fatality greater than half in one million per year.

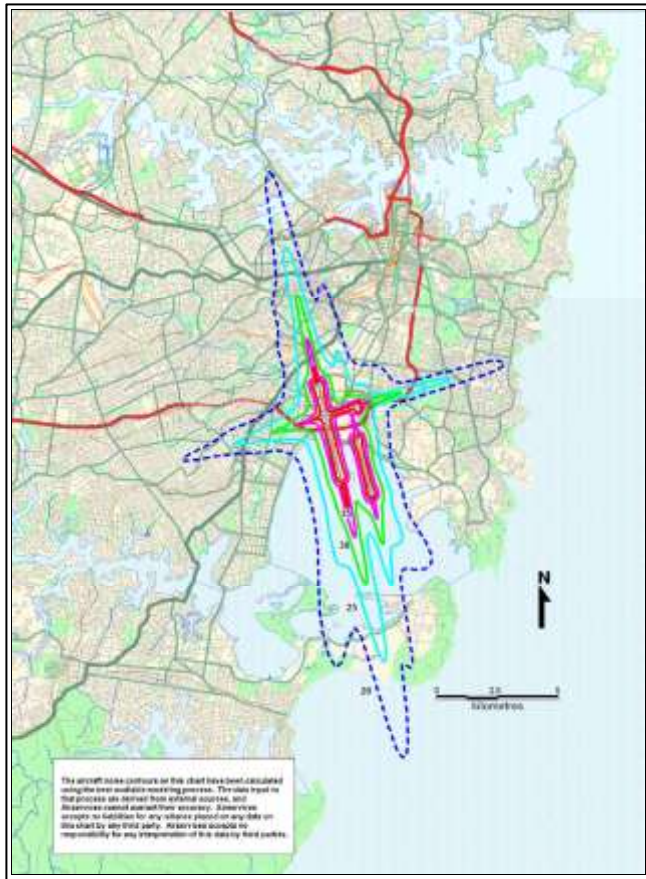
Whilst average individual fatality risk for light industrial uses is unknown, there appears a degree of tension with land use zones where child care centres and light industrial uses are both permissible with consent, such as the B7 – Business park zone. This tension may inhibit the overall supply of child care, particularly where light industrial uses are present prior to child care centre uses, as would often be the case in a business park setting.

Similarly, under the Act, there are guidelines for the location of child care centres with respect to aircraft noise. Aircraft noise provisions require child care centres to meet strict building standards for internal noise when located within a certain distance (Australian Noise Exposure Forecast (ANEF) 20 or greater) of a flight path.

### *The Sydney Airport Case*

In the case of Sydney Airport and its proximity to residential areas, the extent of flight paths that pass over heavily populated inner urban residential areas may impact the supply of child care centres in these locations. A 2011 report by Airservices Australia reveals an increasing number of residents living in areas covered by the ANEF 20, or greater, contour (Figure 5, Table 4) (Airservices Australia, 2011).





ANEF 20    - - - - -

Source: Airservices Australia, 2011

FIGURE 5: AUSTRALIAN NOISE EXPOSURE FORECAST MAP FOR SYDNEY AIRPORT

TABLE 7: NUMBER OF RESIDENTS LIVING WITHIN ANEF CONTOUR AREAS

Study	Total Suburb Population	Countours (ANEF)				
		>=20	>=25	>=30	>=35	>=40
30 June 2009	196,800	74,800	18,200	2,600	400	0
30 June 2010	271,400	86,600	17,500	2,300	300	0

Whilst these figures relate to location of residence, they provide an indication of land use patterns for existing areas residential areas, where child care centres are generally zoned as permissible. In inner Sydney urban areas, over 70% and 55%, respectively, of the population reside in areas above ANEF 20 (Airservices Australia, 2011). When considering particular localities within these areas, such as the Local Government Areas (LGA) of Leichhardt and Marrickville, both LGAs witnessed an increase in the number of 0-4 year olds between the 2006 and 2011 Census.

Whilst the need to provide a suitable environment for child care is undoubted, the expense required to navigate these requirements may create an additional burden for child care centre operators. Similarly, potentially onerous requirements to demonstrate compliance with such provisions may delay the issuing of development consent or occupation certificates. As outlined in Section 0, the interaction between land use

planning, building controls and child care service licensing requirements may be a well-intentioned, yet significant, barrier to the provision of child care centres.

In the context of strategic planning objectives to increase residential density in existing urban areas, this may have significant implications for future child populations and raises issues of inter-generational equity.

## NSW Planning Guidelines for Walking and Cycling

The NSW Planning Guidelines for Walking and Cycling have been developed to assist land use planners enhance neighbourhood accessibility through improved consideration of walking and cycling connectivity. The guidelines aim to promote accessible centres as part of structure planning processes for land release areas and provide general planning principles for the creation of walkable local centres. The principles outline creation of neighbourhood units that focus on a general store, post shop and child care centre servicing around 750-1,000 dwellings.

The guidelines also provide a series of actions to improve connectivity and accessibility, including consideration of street pattern and inter-neighbourhood linkages between local walking and cycling networks. The guidelines note that co-location of major trip generators creates opportunity for people to live in places where services are accessible. The guidelines provide example figures of co-location scenarios, and checklists to help implement the planning principles outlined by the guide.

Interestingly, in the majority of instances, co-location for community infrastructure is only referred to in terms of primary and high schools or neighbourhood centres. The guide notes difficulty in co-locating schools in neighbourhood centres due to large open space requirements. Comparatively, child care centres are also a major trip generators (Southern Sydney Regional Organisation of Councils, 2005) and have much smaller open space requirements, accordingly, they may prove a more appropriate service for co-location. Given available mechanisms to reduce infrastructure contributions, promoting child care centres to private developers as a more appropriate option for co-location may enable greater supply.

## Interaction with Integrated Planning and Reporting Framework

In 2012, the NSW Division of Local Government implemented the Integrated Planning and Reporting Framework (IP&R). IP&R is a reporting framework that applies across the entire state to implement consistent and holistic community planning, drawing together the various plans which local councils are required to prepare under the *Local Government Act 1993*.

IP&R draws together a council's Resourcing Strategy (Long Term Financial Plan, Workforce Management Plan, and Asset Management Plan), and Operational Plan, which should all be driven by a Community Strategic Plan developed at the beginning of a new council term. The Community Strategic Plan should cover a 10 year time horizon and be updated every four years upon election of a new council. The outputs of the Community Strategic Plan process should be used to inform land use zoning and other planning and development provisions contained in a local environmental plan.

IP&R guides councils across the state in the steps required to prepare the range of plans to be prepared by councils. The IP&R manual lays out the steps for councils in determining the most appropriate strategy to engage with the community regarding the Community Strategic Plan. The manual instructs councils in considering the range of motives that community members may have for engaging, including sharing of common needs, such as child care.

The manual also provides council's with a suggested set of methods for measuring and assessing the effectiveness in implementing the Community Strategic Plan, these methods include access to child care. The manual expands on these methods by providing an example measurement framework (Table 8).

TABLE 8: IP&R MEASUREMENT EXAMPLE FOR CREATING A COHESIVE, HEALTHY AND RESILIENT COMMUNITY

Activities	Measure	Target
Provide high quality affordable long day care and family day care for children aged 0-5 and holiday and recreation programs for preschool children	<ol style="list-style-type: none"> <li>1. Percentage of services maintaining accreditation</li> <li>2. Number of children in long day care per day and % capacity used</li> <li>3. Number of children in family day care per day</li> <li>4. Number of children in holiday care</li> </ol>	<ol style="list-style-type: none"> <li>1. 100%</li> <li>2. At least 173 or 97%</li> <li>3. More than 150</li> <li>4. Minimum 40 per program</li> </ol>
Develop a new fee structure so that child care services are affordable for target groups and sustainable for others	<ol style="list-style-type: none"> <li>1. Council's fees as a percentage of average local fees</li> <li>2. Options for new fee structure developed</li> </ol>	<ol style="list-style-type: none"> <li>1. Within 15% of average of other providers</li> <li>2. November 2014</li> </ol>

## Interaction with other legislation

In NSW, the main legislation governing child care centres are:

- Children and Young Persons (Care and Protection Act 1998)
- Children (Education and Care Services ) Supplementary Provisions Act 2011 (including the former Children (Education and Care Services) Supplementary Provisions Regulation 2004)
- Children (Education and Care Services) Supplementary Provisions Regulation 2012.

Whilst the Department of Planning and Infrastructure is primarily responsible for land use planning across NSW, interaction with other state legislation may inadvertently inhibit the supply of child care.

For example, strict service license guidelines regarding emergency access; centre equipment; and facilities, amongst others, requires child centre operators to navigate a complex legislative framework prior to lodgment of development applications. Should legislative provisions regarding facility design not be considered adequately, yet development consent approved, there may be significant delays to having the development consent modified to reflect necessary design changes. In cases where the need to modify development consent is not minor, a new development application may need to be lodged, further delaying timely approval of the development application.

Similarly, the NSW *Children (Education and Care Services) Supplementary Provisions Regulation 2012* states, that, for certain child care services:

*(3) If development consent under the Environmental Planning and Assessment Act 1979 is required for the conduct of an education and care service at the premises of the proposed service, an application for an approval may not be made until development consent has been obtained.*

Given that, unless under very particular circumstances, child care centres across NSW are permissible only with consent, all centres must have received development approval prior to lodging an application for service license approval. In these instances, the ability to license and increase the supply of child care places is heavily dependent on timeliness of the planning system. A whole of government approach to improving integration between development and service license approval processes may present an opportunity to better coordinate planning and licensing of child care centres and enable more timely supply.

## Summary

It is evident from a review of the NSW state strategic planning documents that there is a focus (approximately 3:1) on quality issues, relating to the broader area of education, rather than addressing enablers and/or barriers to child care, such as accessibility or consideration of social infrastructure provision. The documents focused on community level issues and outcomes of education on a whole. There was acknowledgement and focuses on education (and the growing demand of education) but at a primary and secondary level. The plans did refer to the role local government plans in child care delivery which may be a cause for the plans to not specifically address enablers and/or barriers of child care.

### C.3 Queensland Legislative Framework

Land use planning in Queensland is legislated under the *Sustainable Planning Act 2009* (SPA or the Act). The primary supporting regulation for SPA is the *Sustainable Planning Regulation 2009* (SPR).

The hierarchy of planning instruments established by the Act includes 13 State Planning Policies (SPPs), regional plans, and local planning schemes that provide the strategic vision and establish specific requirements for development across the state (Figure 6). The hierarchy of planning instruments is supported by State planning regulatory provisions, Queensland planning provisions, as well as a range of statutory guidelines and practice notes. The Queensland planning system is typified by a more regionalized approach to planning whereby a regional plan will prevail, to the point of inconsistency, over all other policies, plans or codes under the Act.

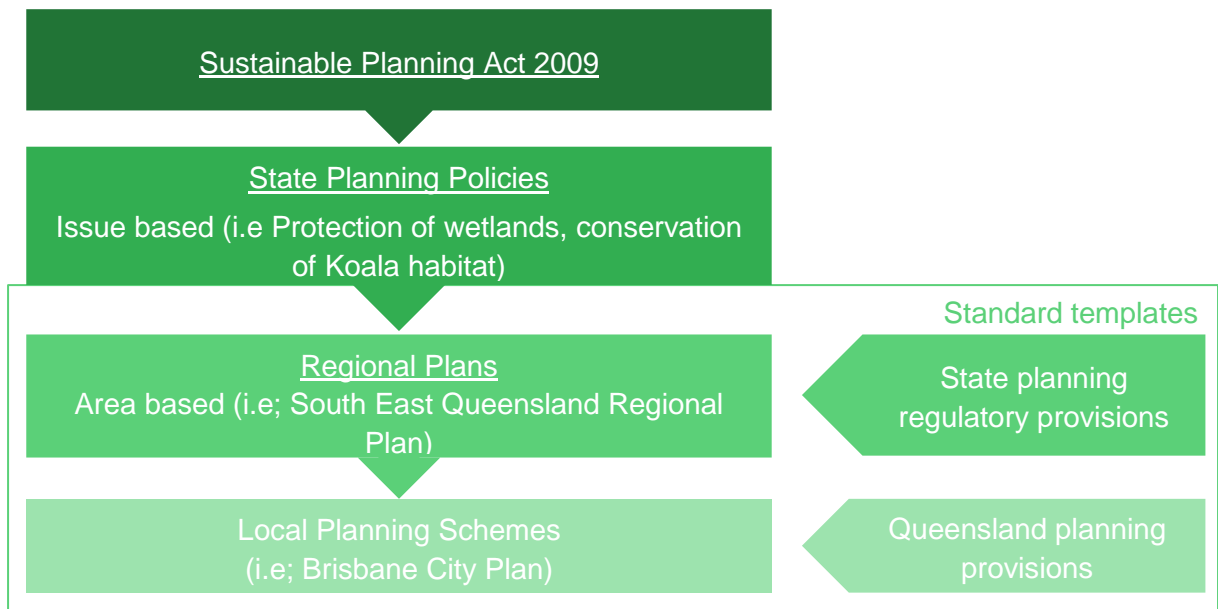


FIGURE 6: QUEENSLAND LAND USE PLANNING HEIRARCHY

The SPPs relate to planning matters of state interest and cover a broad range of areas. Areas addressed by SPPs include, development in the vicinity of airports; conservation of agricultural land; mitigating the impacts of flood; bushfire and landslide; housing and residential development; and planning for prosperity.

When taken together, regional planning schemes cover the entire state and provide desired regional outcomes, policies for achieving the desired outcomes, and identify the spatial structure required to deliver the desired outcomes for a particular region, for example, South East Queensland. In determining future spatial structure, the regional plan should identify:

- a future regional land use pattern; and
- provision for regional infrastructure to service the future regional land use pattern, to inform—
  - local governments when preparing priority infrastructure plans; and

- the state, local governments and other entities about infrastructure plans and investments; and
- key regional environmental, economic and cultural resources to be preserved, maintained or developed; and
- the way the resources are to be preserved, maintained or developed, including regional landscape areas; and
- any other relevant regional planning matter for this Act.

The state planning regulatory provisions provide regulatory support for regional planning schemes, establish provisions to charge for the supply of infrastructure, and protect planning scheme areas from adverse impacts. For example, the State Planning Regulatory Provisions include Koala habitat conservation and certain Transit Oriented Developments.

The Queensland planning provisions provide a consistent structure for planning schemes across the state and provisions for implementing integrated planning at the local level (Department of State Development, Infrastructure and Planning, 2013). When preparing local planning schemes, all councils must ensure their scheme reflects elements outlined in the State Planning Policies, the relevant regional plan, state regulatory planning provisions, and Queensland planning provisions.

Local planning schemes are to advance the purpose of the Act by providing an integrated planning policy for a local government area. Key elements of a local planning scheme include the standard Queensland planning provisions, strategic outcomes for the plan area, measures to facilitate achieving the strategic outcomes, and integrated of core matters dealt with by State and regional planning schemes and policies. The core matters to be address by a planning scheme are:

- **Land use and development:** including the location of and relationships between land uses, the effect of land use and development, mobility between places, accessibility of areas, and development constraints including population and demographic impacts.
- **Infrastructure:** including the extent and location of proposed infrastructure, having regard to existing infrastructure networks, and their capacities and thresholds for augmentation.
- **Valuable features:** including resources or areas that are of ecological significance, areas contributing significantly to amenity, areas or places of cultural heritage significance, and resources or areas of economic value.

In addition to providing the strategic vision for local areas, local planning schemes provide the regulatory framework to achieve the strategic vision for the various regions across the state.

The planning system in Queensland is further supported by the *Queensland Development Code*; a single document that contains specific building standards, including *Building Code of Australia* and public health requirements (Department of Housing and Public Works, 2012). Development assessment processes in Queensland are facilitated by the Integrated Development Assessment System (IDAS), a

standardized suite of forms that cover the making, assessing and deciding of all development applications across the state.

**TABLE 6: SUMMARY OF PLANS AND LEGISLATION REVIEWED FOR QUEENSLAND**

<b>Plans/legislation</b>	<b>Year</b>
State Planning Regulatory Provision	2009 - 2013
- Sustainable Planning Act 2009?	
- South East Queensland Regional Plan 2009-2031 State planning regulatory provisions	
- State Planning Regulatory Provision (adopted charges)	
State Planning Policies (SPPs)	
- Draft State Planning Policy (new consolidated policy)	2013 (draft policy)
Queensland Planning Provisions	2013
Priority Infrastructure Plans	Varies between Council areas
Regional Plans	
- Cape York Regional Plan (Being prepared)	
- Central Queensland Regional Plan (Being prepared)	
- Darling Downs Regional Plan (Being prepared)	
- South East Queensland Regional Plan 2009	2002 - 2013
- Far North Queensland Regional Plan 2009	
- Gulf Regional Development Plan 2000	
- North West Regional Plan 2010	
- Mackay, Isaac and Whitsunday Regional Plan 2012	
- Central West Regional Plan 2009	
- Central Queensland Regional Growth Management Framework 2002	
- New statutory regional plan for Central Queensland	
- South West Regional Plan 2009	
- Maranoa-Balonne Regional Plan 2009	
- Surat Regional Planning Framework 2011	
- Wide Bay Burnett Regional Plan 2011	
Implementation Guideline No. 5 - Social Infrastructure Planning	2007

## Sustainable Planning Act 2009

The purpose of the SPA is to manage the process by which development takes places; manage the effects of development on the environment, including the use of premises; and the coordination and integration of planning at state, regional and local levels.

In facilitating development across the state, the Act requires development assessment managers or referral agencies to advance the purpose of the Act through a series of actions. Amongst others, these actions include certain considerations in decision-making processes; sustainable use of renewable natural resources and prudent use of non-renewable resources; avoiding or lessening adverse environmental impacts; consideration of housing choice and diversity; and community involvement in decision making. Those actions most relevant to enabling land use planning for child care are:

*(e) supplying infrastructure in a coordinated, efficient and orderly way, including encouraging urban development in areas where adequate infrastructure exists or can be provided efficiently;*

At the time of writing, the Queensland Government is undertaking a reform program that seeks to further streamline and deliver a more contemporary planning and development system.

## Regional Plans

Regional Plans are prepared at a state government level with collaboration from local government, industry groups and the community for the various regions across Queensland. The plans have statutory effect and aim to deliver economic growth across the state, prioritise infrastructure, manage the environment and plan for urban development. The plans are accompanied by statutory mapping that guide local governments in determining the spatial structure for local planning schemes.

While the plans are required to follow a similar content structure, not all refer to child care. The following provides a summary of the regional plans which directly address child care provision in their region:

- *The South East Queensland Regional Plan* refers to child care as social infrastructure/community facilities. The plans outline a number of principles, policies and programs to achieve the provision of social infrastructure across the state but does not specifically address child care;
- *The Wide Bay Burnett Regional Plan* refers to the 'Closing the Gap' outcomes with COAG, ensuring all four year olds in remote communities have access to early childhood education by 2013, but does not specifically address child care in the plan;
- *The Maranoa–Balonne Regional Plan* acknowledges that the provision of high-quality early childhood care and education is a vital ingredient in preparing children for school and in supporting working families. It also acknowledges that trained child care works are vital to maximise learning outcomes for the young but does not align these to any particular strategy. The strategies are focused on improving quality of education as a whole and not the provision of child care facilities;
- *The Stuart Basin Regional Planning Framework* acknowledges through one of its principles 'that social services are provided to meet community needs, such as child care and early learning facilities';
- *The South West Queensland Regional Plan* through its education and training objective acknowledges the need to improve access to, and quality of, early childhood education;
- *The Mackay, Isaac and Whitsunday Regional Plan* refers to the need to address the location of sensitive land uses (child care) with respect to air quality and noise;
- *The Far North Queensland Regional Plan* refers to social infrastructure and the needs of the community being met through coordinated and sequential provision of appropriate social infrastructure but does not specifically address the provision of child care through the subsequent land use policies.

## State Planning Policies

The Queensland Government has recently commenced a process to consolidate all existing State Planning Policies into a single document. As at June 2013, this single policy was still in draft format. The policy sets out the state interests and related policies that State and local governments must take into account in preparing or amending planning policies, regional and local planning schemes, and assessing certain development applications.



The draft SPP outlines the state's interest in terms of Housing and liveable communities; Economic growth; Environment and heritage; Hazards and Safety; and Transport and Infrastructure. The draft SPP recognises that designation of land for community infrastructure, such as child care centres, is to be an explicit consideration under each state interest area.

Similarly, whilst not directly addressing the supply of child care centres directly, the policy maintains the process of Ministerial designation of land for community infrastructure, further reviewed at Section 0, as an overarching function of the draft SPP:

*The SPP prescribes the development assessment requirements for certain applications and sets out the matters that must be considered by a Minister before designating land for community infrastructure.*

(Department of State Development, Infrastructure and Planning, 2013)

In retaining provisions for Ministerial designation, the draft SPP outlines that the Minister is not obliged to consider provisions of the draft SPP, unless in relation to natural hazards. Removal of obligations on the Minister to consider the full range of provisions of the SPP represents a strong mechanism for streamlining development assessment of community infrastructure, ultimately enabling the supply of child care.

The draft SPP prescribes those matters which local governments must consider in assessing development applications. In order to promote development of community infrastructure, the draft SPP contains provisions where some of these considerations may be circumvented. One particular instance relates to development in LGAs partially or wholly located in the Queensland coastal zone. In this instance, development applications for community infrastructure, such as child care centres, are not required to be assessed against provisions which restrict reclamation of tidal land for the purposes of development. These provisions provide an explicit enabler for increasing the supply of child care centres in locations that reflect the dominant coastal settlement pattern of the state.

The draft SPP also outlines a range of best practice planning principles to be considered in planning and development decision making process and to support achievement of the state's interest in planning. Directly relevant to enabling supply of child care places is Principle 2, which recognises the need to facilitate effective delivery of sustainable planning outcomes. Implementation strategies for this principle include providing development opportunities which support the infrastructure (including education) and social needs of the community.

The *Housing and Residential Development State Planning Policy* is designed to assist local government identify the housing needs of the community and provide opportunities for a range of housing options that respond to those needs (Department of Local Government, Planning, Sport and Recreation, 2007).

The policy is to be taken into account by all local governments when preparing or amending their local planning scheme, but is not required to be accounted for when assessing development applications. The policy applies to those areas with a population of 10,000 people or more with at least one sizeable and closely settled area. Whilst the

policy predominantly addresses the size and type of housing appropriate to various household sizes, the policy does address specific characteristics and locational needs for certain household types. In relation to persons with a disability, the policy identifies child care as a locational need and that this should be within reasonable distance of housing.

The *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide State Planning Policy* is designed to ensure natural hazards are adequately considered when making decisions about development. The policy applies to natural hazard management areas affected by flood, bushfire or landslide. In particular, the policy applies to institutional uses, such as child care, that make evacuation particularly difficult. Accordingly, local planning schemes must incorporate desired outcomes of the policy when planning for child care uses.

Broadly, the desired outcomes for the policy with respect to natural hazard management areas and child care centres are to:

- *ensure that development is compatible with the natural hazard, including an overriding need for the development in terms of public interest and there is no other suitable or reasonably available site;*
- *minimize the risk from natural hazards; and*
- *community infrastructure is located and designed to function effectively during and immediately after natural hazard events*
  - (Department of Local Government, Planning, Sport and Recreation, 2007)

## State Planning Regulatory Provisions

The *Yeerongpilly Transit Oriented Development State Planning Regulatory Provision* provides the planning framework for development of the Yeerongpilly Transit Oriented Development (TOD). The purpose of the regulatory provision is to assist with implementing the TOD principles and outcomes under the South East Queensland Regional Plan 2009-2031; assist establishment of commercial activities surrounding the TOD; and facilitate and manage interim development outcomes.

The Yeerongpilly TOD is a highly accessible, well serviced and under-developed site located in Brisbane's growing inner southern suburbs. Accordingly, the Queensland Government, in partnership with Brisbane City Council, has spearheaded planning for the site. Under the Act, the State regulatory provision prevails over any other planning provision to the extent of inconsistency, for example, planning provisions contained in the *Brisbane City Plan 2000*.

The TOD regulatory provisions outline the overall outcomes for the Yeerongpilly TOD, those most relevant to enabling planning for child care include:

- a balanced mix of retail, commercial and community uses create a vibrant mixed use neighbourhood;
- a variety of high-quality public places and community facilities that encourage social interaction and recreational activity for all age groups and abilities;

The regulatory provision defines child care centre as (Growth Management Queensland, 2011):

*premises used for minding or care, but not residence, of children*

The regulatory provisions outline that child care centres are to be located within the development's Commercial Precinct and that the intent for the Commercial Precinct is to ensure:

- retail and commercial uses are provided at ground floor

The regulatory provisions outline that commercial uses, such as child care centres, should be provided on the ground floor. However during the 2011 floods, much of the Yeerongpilly TOD area, including the Commercial Precinct, were inundated by floodwaters. Given requirements of the *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide State Planning Policy*, to minimize the risk of flooding for institutional areas, it would appear that land use planning for the Yeerongpilly TOD may not have adequately accounted for the impact of natural hazards with respect to child care centres.

The regulatory provisions also outline the level of assessment and relevant assessment criteria for child care centres. The provisions define child care centres as development that is assessable against criteria contained in the *Brisbane City Plan 2000 Child care facility code*. This situation differs from other approaches to development encumbered by State planning regulations, in particular New South Wales.

In other jurisdictions, it is often the case that State policies will contain an additional layer of development standards. In instances where there is conflict between State and local standards, this can act as a barrier to the supply of child care by creating duplication and complexity in the development assessment process.

Referral of State development standards to an existing local code represents a more integrated model for land use planning in areas where developments needs to be assessed against State planning requirements. By establishing a more integrated approach that reduces duplication between State and local development standards, this particular model is likely to reduce complexity in developing child care centres, ultimately enabling supply.

The *draft State Planning Regulatory Provision (Adult Stores)* provides a standard to manage locational aspects of new adult stores and to avoid close proximity to existing sensitive uses. The regulatory provisions identify sensitive uses as inclusive of child care centres, places of worship, kindergartens and all educational institutions that cater for children of primary and secondary school age.

The regulatory provision outlines that the distance between the boundary of land occupied by a sensitive use and the entrance of the adult store must be greater than:

- a) more than 200 metres according to the shortest route a person may lawfully take, by vehicle or on foot; or*
- b) more than 100 metres measured in a straight line.*

However, the regulatory provision also provides for local planning schemes to be amended to adopt alternative provisions for a lesser separation distance. Similarly, the

regulatory provisions only apply in instances where there is a pre-existing sensitive use. In the event that an adult store was pre-existing to a child care centre, minimum distance provisions would not apply. Whilst adult stores are a legitimate land use for certain sections of the community, the provisions underscore some of the challenges in balancing land use priorities with diverse community needs.

The purpose of the *South East Queensland Regional Plan 2009-2031 State Regulatory Provisions* are to implement the objectives of the South East Queensland Regional Plan 2009-2031 (SEQRP). The regulatory provisions define child care centres as a community activity and, when located in rural and regional areas outside the South East Queensland urban footprint, remove the need for referral agency assessment of child care centres where the development has a Gross Floor Area less than 5,000m<sup>2</sup> and:

- *any incidental commercial or retail activity on the premises is no more than 250m<sup>2</sup>; and*
- *short-term accommodation on the premises contains no more than 300 persons*

These provisions limit options for co-location with commercial or retail uses that may also benefit from being in close proximity to a child care centre and may be required to ensure development feasibility, particularly in regional and rural areas. However, the provisions do provide opportunity for a more streamlined approach to development assessment of child care centres and are an exemplary approach to removing land use planning barriers to supply of child care centres in regional and rural areas.

The Queensland Government has recently taken further steps to streamline development assessment processes for child care centres. In August 2012, the Queensland Government removed the need to refer development applications for community uses, including child care centres, to the Department of Transport and Main Roads.

## Queensland Planning Provisions

Similar to the New South Wales Standard Instrument, the Queensland Planning Provisions (QPP) provide a consistent template for the structure; zones; land use definitions; infrastructure charges; and development assessment tables to be used when drafting local planning schemes. The QPP provides a standardised definition for child care centres:

TABLE 9: STANDARDISED DEFINITION FOR CHILD CENTRES (QLD)

Use	Definition	Examples	Does not include the following examples
Child care centre	Premises used for minding or care, but not residence of, children	Creche, early childhood centre, kindergarten, after school care	Educational establishment, home based child care

In addition to uses such as dwelling houses, community care centres, hospitals, hostels and residential care facilities, the QPP outlines child care centres as a sensitive land use. The impact of this designation is such that, where a code requires consideration of sensitive land uses in assessing the development application, the assessment authority must consider whether the child care centre is compatible with the pre-existing use. These provisions are also contained within the draft SPP and, as a result of provisions of

the Act which require State Planning Policies prevail over other planning documents, will mean consideration of nearby sensitive land uses will override any local planning regulations which attempt to streamline assessment of child care centres.

The QPP also outlines child care centres as a land use type appropriate for areas zoned for Centre based (i.e; neighbourhood centres, town centres etc) and Community activities. Whilst this standard designation can be modified, the impact is such that development applications for all areas zoned for Centre based and Community activities are assessed against a standardized set of development standards across the entire State.

## Sustainable Planning Regulation

The *Sustainable Planning Regulation 2009* (SPR) provides a regulatory framework to support the *Sustainable Planning Act 2009*, in particular the operational processes for the state's development assessment system. The regulation establishes the types of infrastructure considered 'community infrastructure', and 'other community infrastructure'; with child care centres being defined as other community infrastructure.

The SPR also establishes a state assessment pathway where a child care centre is located in the vicinity of an airport. The SPR provides for the Chief Executive of the Department of Transport and Main Roads as a concurrency agency to assess any child care centre applications where the site is within the 25 or 30 ANEF contour. The minimum standard for aircraft noise in Queensland is lower than that for NSW (20 ANEF contour) and, whilst it is undoubted that child care centres need to be located in high quality environments, national inconsistency illustrates there is potentially further work to be done to identify appropriate standards in relation to the siting of child care centres near airports.

## Queensland Development Code

The Queensland Development Code (QDC) definition for child care centres varies slightly to that contained in the Queensland Planning Provisions:

***Child care** centre means a child care service that, may be licensed under the Child Care Act 2002, where care is provided in premises that are not a home. Child care centres include long day care centres, school age care centres, and limited hours care centres.*

Whilst both the QDC and QPP definitions note child care centres do not include home based services, the QDC definition identifies a wider range of service types, including long day care centres, school age care centres and limited care centres.

The QDC establishes development standards for child care centres including, amongst others, accessibility, indoor play facilities, toilet and laundry facilities, and outdoor play and storage facilities. The majority of these standards are requirements for obtaining a service licence under the *Child Care Regulation 2003*, representing a more streamlined approach to enabling child care supply through the integration of land use planning and child care service regulatory frameworks.

Whilst most QDC standards relate to internal building features, accessibility provisions require that access to and within the premises must inhibit unauthorized access and egress, including fencing to a standard no less than that required for a swimming pool. Particularly in more favourable locations for child care centres, such as commercial or mixed use developments, it is likely that opportunities for unauthorized access may increase as a function of the increased accessibility that characterize these locations. This tension between child care service standards and favourable locational aspects is evident in places such as the Yeerongpilly TOD, where the Commercial Precinct is surrounded almost in entirety by built form.

Similarly, the ability to construct fencing within commercial areas and provide outdoor play areas that allow children to see outdoors to the natural environment may also be restricted by locational characteristics and urban design guidelines for commercial and mixed use centres. This interaction between planning and service characteristics may serve as unintentional barrier to supply with more innovative models needed to create high quality environments that balance the need for service accessibility and safety.

Under the QDC, in circumstances where the proposed building is of an alternate design to the standards established by the code and relevant local plan, the Department of Employment, Training and Education (DETE) will be engaged as a concurrence agency to assess the development application. In this instance, DETE has jurisdiction for assessing building work and facilities requirements to ensure they achieve the same outcome as the standards established by the QDC.

Whilst potentially delaying the development application process, the ability for direct referral to the department responsible for granting the service license represents a more integrated model that could assist with generating efficiencies at the service license approval stage. In the event that an operator has not contacted DETE prior to lodging a development application, this concurrence provides an alternative mechanism to ensure requirements for the service licence are thoroughly understood by the operator and adequately accounted for in the development application.

Accordingly, DETE have developed a Centre Based Care – Developer’s Kit which advises developers to meet with the Early Childhood Officer who will be responsible for licencing the service prior to lodging a development application (Office for Early Childhood Education and Care, 2012). The Kit also includes a useful one page checklist outlining the steps needed to successfully lodge child care centre service licence application, including town planning consent which is advised as one of the initial steps in the process.

## Priority Infrastructure Plans

The approach to infrastructure planning across Queensland is largely driven by local governments preparing Priority Infrastructure Plans (PIPs). The PIPs are designed to show when and where infrastructure for water, sewage, stormwater, transport, parks and land for community use are proposed (Department of State Development, Infrastructure and Planning, 2012).

The state government has prepared a number of templates and checklists to assist local governments prepare PIPs. In accordance with the state government’s advice regarding

the types of infrastructure that PIPs are to primarily address, the templates and checklists focus on trunk and networked infrastructure (sewerage, water, roads etc). At the time of writing, only four local governments had implemented a PIP, with the remainder still being drafted or currently undergoing state interest check.

The state government has prepared practice notes on the types of infrastructure that PIPs are to provide land use planning for. The practice notes mention a wide range of community infrastructure, yet, surprisingly, do not mention child care centres:

TABLE 10: INFRASTRUCTURE FOR INCLUSION/EXCLUSION FROM PLANS FOR TRUNK INFRASTRUCTURE

Network	Inclusion for plans for trunk infrastructure	Exclusions for plans for trunk infrastructure
Land for community facilities	<ul style="list-style-type: none"> <li>land <b>only for community facilities <u>which allow public access</u></b>, not restricted by membership, for purposes such as youth centres, senior citizens centre/meeting halls, council chambers, neighbourhood centres, meeting halls libraries, performing arts centres, museums, art galleries, community centres, swimming pools</li> <li>works associated with the clearing of land and connection to services</li> </ul>	<ul style="list-style-type: none"> <li>any land for facilities not controlled by a local government</li> <li>any land for facilities that has a predominant commercial activity, for example a kiosk</li> <li>state forestry areas</li> <li>national park areas</li> <li>works and associated site works to make the land suitable for building purposes</li> </ul>

***Emphasis added***

Source: (Department of State Development, Infrastructure and Planning, 2012)

The Queensland approach to planning for infrastructure appears deeply embedded in explicit conceptualizations of public value. The PIP templates also identify the desired standard of service, specific to local circumstances, for each type of infrastructure. Whilst the service standard template identifies public parks as a form of community infrastructure for which service standards are required, they provide little direction regarding planning for other types of community infrastructure (Table 11).

TABLE 11: PUBLIC PARKS AND LAND FOR COMMUNITY FACILITIES NETWORK DESIRED STANDARDS OF SERVICE

Measure	Planning criteria (qualitative standards)	Design criteria (quantitative standards)
Functional network	A network of parks and land for community facilities is established to provide for the full range of recreational and sporting activities and provide for development of community facilities.	<ul style="list-style-type: none"> <li>Parks and land for community facilities is provided at a local, district and LGA-wide level</li> <li>Parks and land for community facilities addresses the needs of both recreation and provides for development of community facilities</li> </ul>
Accessibility	Public parks and land for community facilities will be located to ensure adequate pedestrian, cycle and vehicle access.	<ul style="list-style-type: none"> <li>Accessibility standards are identified in Table 4.4.5.z</li> </ul>
Land quality/suitability Area/ 1000 persons minimum size maximum grade Flood immunity	Public parks and land for community facilities will be provided to a standard that supports a diverse range of recreational, sporting, health and services—promoting activities to meet community expectations. This includes ensuring	<ul style="list-style-type: none"> <li>The rate of public park and land for community facilities is identified in Table 4.4.5.1. The size of public park and land for community facilities is identified in Table 4.4.5.2. The maximum gradient for public park and land for community facilities provision is identified in Table</li> </ul>

Measure	Planning criteria (qualitative standards)	Design criteria (quantitative standards)
	land is of an appropriate size, configuration and slope, and has an acceptable level of flood immunity.	4.4.5.4. The minimum flood immunity for public park and land for community facilities is identified in Table 4.4.5.5
Facilities/ embellishments	Public parks contain a range of embellishments to complement the type and purpose of the park.	<ul style="list-style-type: none"> <li>Standard embellishments for each type of park are identified in Table 4.4.5.6</li> </ul>
Infrastructure design / performance standards	Maximum opportunities to co-locate recreational parks and community facilities in proximity to other community infrastructure, transport hubs and valued environmental and cultural assets.	<ul style="list-style-type: none"> <li>Local government standards in planning scheme and planning scheme policies</li> <li>Australian Standards</li> </ul>

Source: (Department of State Development, Infrastructure and Planning, 2012)

## Designated Community Infrastructure

The *Sustainable Planning Act 2009* provides Ministers with exemplary, if not controversial, mechanisms to enable land use planning for child care. The Act provides the Minister with express powers to designate any land, whether privately owned or not, for community infrastructure, including child care. In order for the land to be designated, the designation must pass a public benefit test:

- (a) *facilitate the implementation of legislation and policies about environmental protection or ecological sustainability; or*
- (b) *facilitate the efficient allocation of resources; or*
- (c) *satisfy statutory requirements or budgetary commitments of the State or local government for the supply of community infrastructure; or*
- (d) *satisfy the community's expectations for the efficient and timely supply of the infrastructure.*

Source: (Department of State Development, Infrastructure and Planning, 2012)

Prior to designation the Minister must also be satisfied there has been adequate environmental assessment and public consultation, including adequate account of the issues raised in the public consultation (Department of State Development, Infrastructure and Planning, 2012). In the event that land is privately owned, the land owner may apply for early compulsory acquisition based on hardship grounds. The designation may cease after six years if construction has not started or a notice from the Minister to the local government reconfirming the designation has not been issued.

Following designation of land for community infrastructure, development does not require approval under the relevant planning scheme, nor need to meet any scheme requirements (Department of State Development, Infrastructure and Planning, 2012). A search of the Queensland Community Infrastructure Designation Database, identifies a total of 21 child care related community infrastructure designations since 2008. Of these 21, one was solely for child care uses, whilst the remaining 20 were co-located with other community infrastructure facilities, including health (13), education (6), or law enforcement (1) facilities.



Whilst the Act outlines the designation process as one which can be utilised by the Planning Minister, any Minister may make an application for designation. In most cases where land has been designated, the Minister making the designation has been in a portfolio area other than planning, most often Education, Health and Communities.

## Social Infrastructure Planning Guidelines

The intention of the *Implementation Guideline No. 5 - Social Infrastructure Planning* is to provide Government agencies with non-statutory social infrastructure planning guidelines. The guidelines outline the process for planning social infrastructure, considerations for different communities, needs analysis frameworks, including community profiling and comparative rates of provision, as well as specific delivery mechanisms outlined by the SEQ Regional Plan (QLD Government, 2007).

The guideline acknowledges the preferred model for social infrastructure provision as a partnership approach between community organisations, local governments and developers. The guidelines also acknowledge the important role local government in the provision of child care facilities.

The guideline outlines comparative rates of provision for various types of social infrastructure. For example in a local community with 5,000 to 10,000 people (but up to 20,000) it suggests a child care centre ratio of 1:500-700 children (0-4 years old) (QLD Government, 2007). These calculations must however be tailored to the demands of the residential population and may be established by estimating the combined need of the residents and workforce of a particular area (QLD Government, 2007).

Of particular interest to enabling or inhibiting child care supply, are the guidelines consideration of specific user needs, including:

- Compliance with statutory requirements for the form and size of child care centres (including the Child Care Act 2002, Child Care Regulation 2003, and the Building Act 1975 requirements, including Part 22: Child Care Centres of the Queensland Development Code);
- Compliance with car parking requirements (as specified in the council's planning scheme);
- Provision for multi-purpose use, including long day care, some preschool type places and occasional care
- Location of other community facilities (e.g. community centre, schools)
- Accessibility
- Compatible with adjoining land uses in terms of traffic, air quality and noise impacts, and social impacts.

## Interaction with other legislation

In Queensland, the main legislation governing child care centre services are:

- Child Care Act 2002
- Child Care Regulation 2003

As with NSW, licencing of centre based child care services are dependent on requirements of the *Sustainable Planning Act 2009*. However, unlike NSW, there is a more direct mechanism for integrating those responsible for granting the service licence,

the Department of Education, Training and Employment, in the development assessment process. Similarly, Queensland appears to have adopted an exemplary approach to integrating regulatory requirements for service license approval under the *Child Care Regulation 2003* in planning and development frameworks.

As outlined in Section 0, by directly involving DETE in assessment of development applications, the referral agency mechanism provides opportunity to identify any issues with the operators service proposal that may prevent granting of a licence. Whilst this degree of integration at the development assessment stage can lead to delays in development assessment, it provides an avenue for increasing efficiency in granting the service licence and enabling timely supply of child care.

## Summary

The Queensland system sets out a coherent strategic planning framework across the state with a clear hierarchy of plans however, no specific focuses on the provision of child care from the strategic planning level.

South East Queensland Regional Plan 2009-2031 State planning regulatory provisions outlines requirements for changing the zone to community activities (including child care) outside of the urban area. The Regional Plans across Queensland discusses high level approaches and land use policies to address the provision of social infrastructure but does not specifically address child care. The land use policies, or acknowledgements of social infrastructure focused on coordination, access, collaboration between parties and other high level strategies developed to improve the quality of social infrastructure across the state.

## C.4 Victorian Legislative Framework

Land use planning in Victoria is regulated by the *Planning and Environment Act 1987* (the Act). The primary supporting regulation for the Act is the *Planning and Environment Regulations 2005* (PER). Those objectives of the Act most relevant to land use planning for child care are:

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- (g) *to balance the present and future interests of all Victorians.*

The Victorian planning system consists of a hierarchy of State Planning Policies, statutory planning schemes, and planning provisions. The State Planning Policy Framework (SPPF) is a component of the Victorian Planning Provisions (VPPs) and contains general principles to guide land use and development across Victoria, as well as specific policy themes. Within the SPPF policy themes, there may also be provisions that apply to specific geographies, such as Metropolitan Melbourne or particular regions.

The Victorian Government recently revised the SPPF themes to modernize the Victorian planning system and better reflect current strategic planning issues. The revised themes include settlement; environmental and landscape values; environmental risk; natural resource management; built environment and heritage; housing; economic development; transport; and infrastructure. Community infrastructure is contained within the infrastructure policy theme and includes specific policies relating to health facilities, education facilities, cultural facilities, and distribution of social and cultural infrastructure.

The Victorian Planning Provisions (VPP) are a statutory document that contains a comprehensive set of planning provisions for Victoria (Department of Planning and Community Development, n-d). Used as a state-wide reference to construct planning schemes, the VPP is a statutory device to ensure consistent structure, zoning objectives, development standards and conditions are maintained in all planning schemes across Victoria. The VPPs do not relate to any particular land and apply to a broad range of planning matters across the entire state. The VPPs establish three types of land uses for each zone; uses that do not require a permit for development; uses that do require a permit for development; and prohibited uses. In determining whether to permit a development, the consent authority must be satisfied that the proposal will produce acceptable outcomes in terms of the SPPF and Local Planning Policy Framework.

The Local Planning Policy Framework (LPPF) establishes the strategic direction and policy context for a local municipality (Department of Planning and Community

Development, n-d). The LPPF is to include a Municipal Strategic Statement, a statement of key strategic planning, land use and development objectives for the municipality and the strategies and action for achieving these. The LPPF should also incorporate and achieve broader state and regional policy outlined in the SPPF. When in conflict with the LPPF, the provisions of the SPPF will prevail.

A Local Planning Policy (LPPs) sets out the guiding principles of the planning scheme and is one of the tools available for implementing strategies and actions to achieve the Municipal Strategic Statement objectives. The LPPs provide guidance to local authorities on making decisions where standard provisions of the VPPs have not accounted for specific local planning issues. The LPPs provide the community with an understanding what will be taken into account during the decision making process for development applications.

Whilst there is limited ability to include provisions outside the VPPs in local planning policies, Schedules can be inserted into an LPPF to identify the needs and requirements of individual communities. Schedules can be used to fine tune basic provisions contained in the VPPs, and are a key tool in implementing the strategies and actions required to fulfill the Municipal Strategic Statement (Department of Planning and Community Development, n-d). Table 12 below summarises the relevant legislation, policies and plans reviewed for Victoria.

TABLE 12: PLANS AND LEGISLATION REVIEWED FOR VICTORIA

Plans/legislation	Year
Melbourne 2030	2002
Melbourne, let's talk about the future (discussion paper to inform the new Melbourne Metropolitan Strategy)	2013
State Planning Policies <ul style="list-style-type: none"> <li>• Clause 11, Settlement</li> <li>• Clause 12, Environmental and Landscape Values</li> <li>• Clause 13, Environmental Risks</li> <li>• Clause 14, Natural Resource Management</li> <li>• Clause 15, Built Environment and Heritage</li> <li>• Clause 16, Housing</li> <li>• Clause 17, Economic Development</li> <li>• Clause 18, Transport</li> <li>• Clause 19, Infrastructure</li> </ul>	2010 - 2013
Regional Growth Plans <ul style="list-style-type: none"> <li>• Central Highlands (draft)</li> <li>• G21 - Geelong Region Alliance</li> <li>• Gippsland (draft)</li> <li>• Great South Coast (draft)</li> <li>• Hume (draft)</li> <li>• Loddon Mallee North</li> <li>• Loddon Mallee South</li> <li>• Wimmera Southern Mallee</li> </ul>	2012 - 2013

## Victorian Planning Provisions

The Victorian Planning Provisions (VPPs) establish a standardized suite of zones and land uses that are to be incorporated in all planning schemes across the State. Similar to the NSW standard instrument, the VPPs provide for broad groupings of land use terms

to ensure consistency in development outcomes. Whereas most standard land use templates group child care with broader community infrastructure uses, the VPPs have a specific group term for child care centres, which also includes kindergartens. The VPPs formally define a child care centre as :

*Land used to care for five or more children who are not permanently resident on the land, including a Kindergarten.*

The VPP core planning provisions establish that, where outside an Urban Growth Boundary, child care centres are generally prohibited development unless located in one of the following zones:

- Residential 1 Zone
- Residential 2 Zone
- Low Density Residential Zone
- Mixed Use Zone
- Township Zone
- Industrial 1 Zone
- Industrial 2 Zone
- Industrial 3 Zone
- Business 1 Zone
- Business 2 Zone
- Business 3 Zone
- Business 4 Zone
- Business 5 Zone
- Public Use Zone
- Public Park and Recreation Zone
- Road Zone or Urban Floodway Zone

The VPPs Green Wedge Zone (GWZ) and Green Wedge Zone A (GWZA) specifically identify child care centres as a prohibited use. At the time of writing, the Victorian Government was in the process of reforming the permissibility of land uses in certain zones to allow a broader range of activities to be considered. In rural zones, such as the GWZ and GWZA, the reforms propose retention of child care centres as prohibited uses in these zones, however Primary and Secondary schools are no longer prohibited.

However, the Victorian Government has a track record of being proactive in over-ruling prohibition of child care uses within the GWZ. For example, in 2004, Ministerial powers under the Act were used to intervene in a planning matter and specifically permit co-location of child care centre uses within the Eltham College Master Plan. In this instance, the Minister acted decisively and also removed third party notice requirements and appeal rights contained within the act the Act. In intervening in the matter, the Minister noted fulfillment of SPPF objectives to set aside land to integrate community and education facilities in local and regional areas as reason for exercising Ministerial power

under the Act.

The reforms also changed the permissibility of child care centres in the Commercial 1 Zone (the former Business 1, 2 and 3 zones), so that a permit is no longer required for development of a centre where the ground level frontage does not exceed 2 metres and where access is not shared with a dwelling. Whilst child care centres were previously allowable in the Business 1 Zone without a permit, this reform represents a relaxation of permitting requirements in the former Business 2 Zone.

The VPPs identify child care centres as sensitive land uses and, where development is proposed in an area with an Environmental Audit designation, such as the Docklands area, a certificate of environmental audit must be issued. The effect of this zoning requirement is that an environmental auditor must first assess and make a statement that the environmental conditions of the land are suitable for a child care centre prior to a development permit being issued. An environmental audit certificate for sensitive uses is granted by auditors on the grounds of beneficial use, as defined in the object of the Act. By identifying child care centres as a permissible use in environmental audit areas, the Victorian planning framework takes an unambiguous view of the benefit of enabling child care supply.

The VPPs provide a range of standard planning provisions to encourage liveable and sustainable communities. As part of these, the VPPs provide consistent objectives and standards to be considered where planning for community facilities, including child care centres. These objectives relate to providing appropriately located sites for child care, with the standards identifying that such sites are either in or near activity centres and public transport. The standards continue to outline detailed provisions for school sites, including integration with existing community facilities. However the standards do not outline any detailed provisions for child care centres.

The VPPs establish standard provisions where the Department of Primary Industries is required as a referral agency to permit development of a child care centre within an Extractive Industry Interest Area or land which is within 500 metres of land granted for extractive uses. The VPPs also establish standard carparking provisions for child care centres at a rate of 0.22 spaces per child. In Victoria, there are no referral mechanisms to ensure development applications for child care centres are assessed by the authority responsible for issuing a service license, the Department of Early Childhood Education and Care.

Under the Act, the use or development of any land owned by a local council, which requires the permission of that council, must also receive a permit from the Minister to be undertaken. However, the VPPs exempt child care centres from this requirement. Whilst this approach creates duplication in development assessment processes that may result in delays in approving development, exemption of child care centres from this requirements is a useful mechanism for enabling supply and, particularly, encouraging councils to use their own land for provision of child care. This mechanism is reflective of, and enhances, the traditional model of child care provision in Victoria, that is, where local councils are often a major provider.

## State Planning Policies (SPPs)

The Victorian State Planning Policies are a component of the VPPs and outline a number of key themes that apply across the State and must be incorporated into all planning schemes. The SPPs outline strategies and objectives for each theme, references to community facilities have been summarized in Table 13 below.

TABLE 13: OBJECTIVES AND STRATEGIES RELATING TO CHILD CARE IN VICTORIAN SPSS

Objective	Strategies
<b>SPP 11 – Settlement</b>	
Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.	
To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres, which provide a variety of land, uses and are highly accessible to the community.	Locate new small scale education, health and community facilities that meet local needs in or next to Neighborhood Activity Centres.
<b>SPP 19 - Infrastructure</b>	
Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.	
<b>Education facilities</b>	In planning for the location of education facilities, consideration should be given to demographic trends, the existing and future demand requirements and the integration of facilities into communities.
To assist the integration of education facilities with local and regional communities.	
<b>Distribution of social and cultural infrastructure</b>	Encourage the location of social and cultural infrastructure in activity centres, especially those identified as Principal Activity Centres.
Identify and address gaps and deficiencies in social and cultural infrastructure.	

The Settlement and Infrastructure SPPs demonstrate a high degree of consistency with VPP provisions for planning of community facilities in that it encourages development of these facilities in or near centres that are highly accessible. As witnessed in the Eltham College example, the Infrastructure SEPP also explicitly recognizes the need to integrated education facilities into communities and provides a direct policy enabler for co-location of child care centres.

## A Guide to Delivering Community Precincts

The Victorian Department of Planning and Community Development has also developed a guide to assist with managing the complex process for planning, funding, coordination and delivery of community infrastructure (Department of Planning and Community Development and Growth Areas Authority, 2010). The guide was developed following extensive consultation with local councils, peak bodies, and State and Federal Government departments, including the Department for Education and Early Childhood Care and Municipalities Association of Victoria. The guide explicitly recognizes that Communities with access to high quality social infrastructure have more opportunities to participate in community life.

The guide also identifies that clustering facilities together to form a community precinct provides a more cost effective solution for government and importantly, provides better access across a range of services for the community (Department of Planning and

Community Development and Growth Areas Authority, 2010). The guide outlines early childhood and family support facilities, specifically child care and preschool, as a specific type of community facilities that should be considered when planning for community precincts.

The initiative is also supported by *A Guide to Governing Shared Community Facilities*, which was developed to provide practical information about the governance of share community facilities and tools and documents need to support good governance. The Department of Planning and Community Development website which hosts the resources, also provides links to an area of the Department of Education and Early Childhood Care website that provides additional research, evidence and tools to establish co-located children's services, including further links for guidance on land use planning matters.

## Growth Areas Authority

The Victorian Growth Areas Authority (GAA) was established in 2006 as an independent statutory authority to facilitate the planning, infrastructure provision and creation of progressive, affordable and excellent places to live and work in Melbourne's growth areas of Casey, Cardinia, Hume, Melton, Mitchell, Whittlesea and Wyndham (Growth Areas Authority Victoria, 2013). In partnership with State Government departments and local government, the GAA have prepared a range of tools to assist with planning and provision of community infrastructure such as child care centres.

### C.4.1.1 Guide to Social Infrastructure Planning

In conjunction with partner organisations, the GAA has prepared a Guide to Social Infrastructure Planning (the Guide), outlining the steps typically undertaken in planning community infrastructure for growth areas. The guide identifies that population forecasts should be used to generate a demographic profile to inform planning for community infrastructure, and that, in addition to age profile characteristics, information regarding employment status can also be important in influencing labour force participation and utilization trends. In identifying the ability to influence labour force participation through community infrastructure planning, the Guide identifies demand for long day child care as a relevant factor.

The Guide defines community infrastructure as both public and privately provided facilities and services that support community services, programs, activities and a person's access to them (Growth Areas Authority Victoria, 2009). The Guide provides a list services, activities and programs that should be considered when developing a manageable suite of community infrastructure that should be planned for. This list explicitly identifies early years services and notes typical models of provision for child care centres, including privately owned, Council multi-activity community centres, and non-government owned community facilities.

The Guide also provides information regarding how to prepare a Community Infrastructure Audit to inform planning for community facilities. The Guide notes this type of Audit should be undertaken on the basis of population catchment areas and provides a tiered hierarchy of services and relevant catchment areas. The tiered hierarchy provides an indication of the relative importance of each services and ranges from



services to be provided across multiple municipalities (tier 5); one entire municipality (tier 4); population catchments between 30,000 and 60,000 (tier 3); 10,000 and 30,000 (tier 2); and up to 10,000 (tier 1). The hierarchy identifies child care centres as a tier 1 service (population catchment of up to 10,000), highlighting the importance of providing child care centres in growth areas.

In relation to this tiered hierarchy, the Guide also provides information regarding responsible agencies and funding sources for child care centres. The Guide notes that local governments are largely responsible for funding tier 1 child care centre services with funding sourced from development contributions and potentially complemented by State and local government funding. This information encourages a particular preference for models of provision, that is, local governments collecting infrastructure contributions to enable the supply of child care centres.

#### C.4.1.2 Strategic Framework Checklist for Liveability Planning

In conjunction with partner organisations, the Growth Areas Authority has prepared a Checklist for Liveability Planning (the checklist) to support structure planning in Melbourne's Growth Areas. The checklist is designed for multiple users include developers, State and local government, and key providers of infrastructure and services. The checklist directly links to the goals established by GAAs Strategic Framework for Creating Liveable New Communities (the framework).

The framework identifies that planning for liveable new communities is different to planning for other communities as many new communities are often made up of higher than average numbers of families with young children, meaning that provision of services for these families is of great importance. The framework notes that providing support services, such as child care, is essential to ensure all community members can achieve their training and education objectives. Similarly, a quote from a stakeholder informing the framework underscores the importance of enabling child care supply and integration infrastructure to creating liveable new communities:

*“The three car family...it's all just to do with getting to work, dropping the kids off at childcare and doing the shopping at Fountain Gate (large shopping centre in southeast Melbourne)”*

(Growth Areas Authority, 2008)

The checklist identifies the first liveability goal as high quality jobs and a thriving local economy, and includes an indicator of high quality education and training opportunities and a well skilled workforce. To assist with achieving this goal and creating liveable communities through structure planning processes, the checklist provides a series of questions to be considered in these processes, including:

*Have partnerships been established to plan for, and secure, the timely provision of educational facilities and lifelong learning opportunities (including child care, early learning, schools, community and vocational education and locally relevant specialist education)?*

This type of question may act as an explicit enabler to the supply of child care centres through structure planning by not only focusing on the allocation of land for child care centres, but also taking actions to secure provision of facilities in a timely manner.

### C.4.1.3 Growth Corridor Plans

The GAA has prepared a series of Growth Corridor Plans to guide planning and development of high growth new communities on Melbourne's outskirts. To assist with this process, the GAA developed a series of planning principles that apply to the plan making process for all growth corridor areas. Enabling the supply of child care is noted as a key component within these principles.

For example, Principle 2 – Creating vibrant and attractive Town Centres, notes that every neighbourhood should have ready access to a Local Town Centre (LTCs) which serves as the focal point of the neighbourhood, provides a good range of jobs, and serves the needs of local residents. The principle identifies that LTCs should serve a catchment area of approximately 8,000-10,000 people, be anchored by a supermarket and be supported by a range of non-retail activities, including child care.

Similarly, Principle 3 – Plan for local employment creation, notes that employment opportunities in local neighbourhood should comprise a broad mix of local retailing, education and community services jobs. The principle identifies that provision of community services in local neighbourhoods, such as child care centres, can also be used to generate employment in those neighbourhoods.

### C.4.1.4 Precinct Structure Plan Guidelines

To assist with developing Growth Corridor Plans, the GAA has prepared Precinct Structure Planning Guidelines to assist with master planning for new communities up to 30,000 people. The purpose of the guidelines is to increase consistency and certainty in growth areas planning and facilitate creation of new communities that responds to the challenges of the future and are better places to live. The guidelines note that it is important to plan for community facilities early in the planning process, even though they may not be fully funded when the first new residents arrive. A series of objectives are provided to assist with planning for community facilities, such as child care centres, including:

#### ***To deliver accessible, integrated and adaptable community infrastructure***

We can service the needs of a community as it grows and changes if:

- The needs of diverse communities of residents, workers and businesses for different goods, services and facilities are well understood and planned for;
- Basic community services are provided early on in the development of the precinct, where not otherwise available;
- Community facilities are co-located and integrated to enable shared community use and flexibility in service provision as the precinct evolves;
- Community facilities are located where people can easily access them by walking, cycling and public transport;
- Land is used efficiently for utilities and community facilities;
- Opportunities are created for people to contribute and participate in their local community and for people to maintain healthy lifestyles, and;

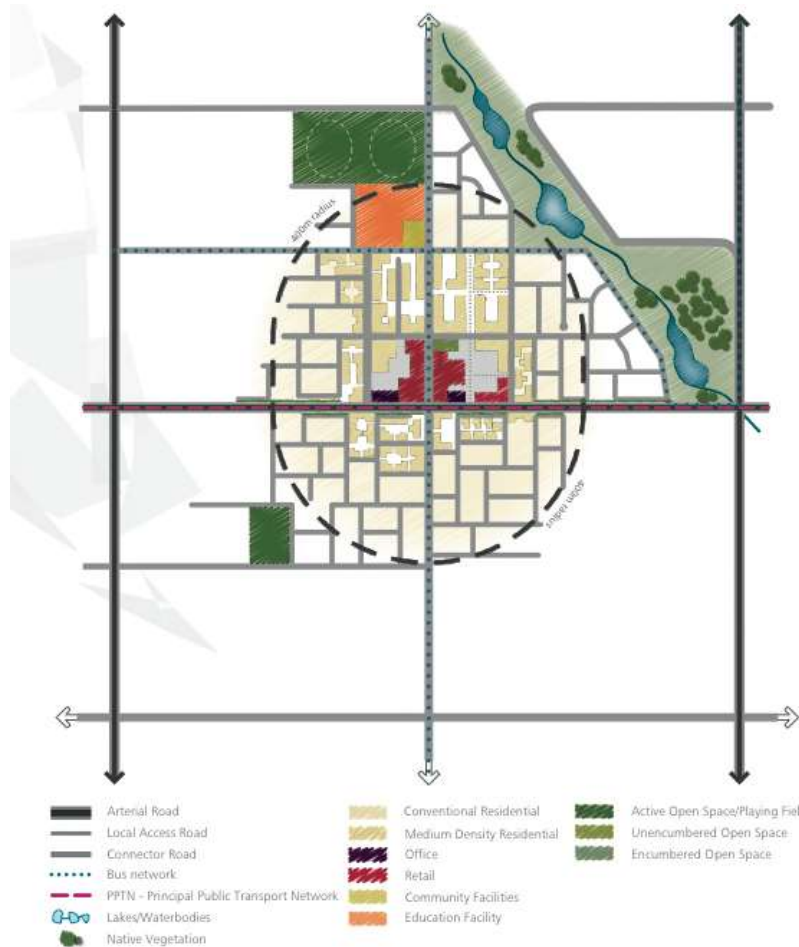
- Development proponents are enabled to provide facilities concurrent with development.

(Growth Areas Authority, 2013)

The Guidelines also include a series of relevant standards that Precinct Structure Plans should respond to. In relation to enabling the supply of child care, these standards include encouraging local employment opportunities, and providing community facilities, such as child care centres, for the benefit of local workers. By identifying community facilities as a service that also benefit local workers, the Guidelines encourage enabling the supply of child care for a range of end, and not solely as a service for local residents.

In this respect, the Guidelines appear to have been instructive in preparing Precinct Structure Plans that enable the supply of child care in growth areas. For example, the Manor Lakes Precinct Structure Plan explicitly identifies supporting child care as a way to encourage local employment and business activity. The structure plan contains detailed analysis of the number of likely jobs resulting from provision of two child care centres. The structure plan also includes child care centres in the delivery of integrated community facilities, as encouraged by the Guidelines and further discussed below. The structure plan notes that these child care centres will be provided at suitable locations in residential areas, such as local town centres.

In addition, the guidelines note that schools, sporting facilities and other traditional single purpose facilities should be planned to respond to a wider range of community needs, for example, integrated community precincts that include child care centres and service a population of 7,000-12,000 people. The guideline also provides a diagram (Figure 7) to assist with locating community facilities, such as child care centres, in integrated community precincts.



Source: Growth Areas Authority, 2013

FIGURE 7: SUGGESTED STRUCTURE PLAN LAYOUT INCORPORATING COMMUNITY FACILITIES

## Melbourne 2030

Melbourne 2030 - Planning for sustainable growth was released in October 2002 as a 30 year plan to manage urban growth and development across metropolitan Melbourne and forms part of the State Planning Policy Framework (VIC Government, 2002). The plan identifies a number of directions with associated policies and initiatives. Directions relating to child care are summarised in Table 14 below:

TABLE 14: DIRECTIONS, POLICIES AND INITIATIVES RELATING TO CHILD CARE IN MELBOURNE 2030

Direction	Policy	Initiatives
6. A fairer city	Improve the coordination and timing of the installation of services and infrastructure in new development areas	6.3.5 Assess the needs for child care, aged care and other community services and augment the capability of existing services so that these are effectively delivered in newly developed areas

In addition, one of the key initiatives of Melbourne 2030 was improving the way in which facilities, such as child care centres, were provided in outer suburbs, so that these facilities are provided earlier in the development cycle. This initiative is reflected by the current infrastructure contributions regime, outlined further in Section 0, which facilitates collection of contributions for child care centres at an early stage in the development cycle.

## Melbourne, let's talk about the future

*Melbourne, let's talk about the future* is a discussion paper prepared by the Ministerial Advisory Committee currently preparing the new Metropolitan Strategy for Melbourne. The discussion paper addresses key issues facing Melbourne with nine principles and associated ideas to help overcome identified issues. The discussion paper identifies providing easy access to child care as an ongoing issue.

## Regional Growth Plans

Regional growth plans are being developed to provide broad direction for land use and development across regional Victoria. They will also provide more detailed planning frameworks for key regional centres. The plans will respond to the directions in the regional strategic plans that were prepared by local governments in Victoria in 2010. Each of the regional strategic plans included an initiative or action to prepare a settlement framework or a regional land use plan (Department of Planning and Community Development VIC, 2013).

Health, education and research are addressed in the Regional Growth Plans however, land use policies, strategies and actions are focused on primary and secondary education and improving quality and access to these facilities. The plans do however, in a broader sense, identify the need of supporting social infrastructure within communities. They identify that 'social infrastructure planning is based on a strategic identification of needs and complements settlement planning around communities of interest' (Department of Planning and Community Development, 2012).

## Infrastructure contributions

Infrastructure contributions in Victoria are levied using Development Contribution Plans. The Victorian Department of Planning and Community Development has developed guidelines to assist with collecting contributions. For the purposes of levying contributions, the Act makes an important distinction between development infrastructure and community infrastructure, child care centres are considered development infrastructure.

The distinction between the two is important because:

- there is a maximum contribution that can be charged for community infrastructure (up to \$450/dwelling) whilst development infrastructure contributions are uncapped
- payment of development infrastructure contributions is due at the planning permit stage whilst payment of community infrastructure contributions is due at the building permit stage
- a developer is required to pay development infrastructure contributions, whilst, generally, a property owner is required to pay community infrastructure contributions
- the use of the contributions is different – development infrastructure contributions are used for local roads, parks, kindergartens and child care centres, and public transport, whilst community infrastructure contributions are used for all other community facilities

In relation to infrastructure contributions, the Victorian system represents a useful approach to collecting funds that can enable supply of child care at an appropriate time in the planning cycle. By allowing for contributions for child care centres to be collected at the planning permit stage, the system provides a mechanism for enabling supply prior to the arrival of an incoming community.

## Municipal Early Years Planning Framework

Developed in partnership between the Municipal Association of Victoria and the Department of Education and Early Childhood Care, the Municipal Early Years Planning Framework (MEYP) is an exemplary approach to supporting the supply of child care centres. The MEYP is embedded in an agreement between the Victorian Government and the MAV that acknowledges collaboration is required between State and local governments to plan, develop and provide early years programs.

The MEYP provides a range of principles and practical guidance to assist local governments embed early years planning in local planning processes:

- Recognition of the tradition role of Victorian local government in providing early years programs and acknowledgment of this nation leading status
- Engagement of key community partners, including children, who have clear roles in articulating a local vision and working towards local outcomes for early years planning
- Building of partnerships and networks with providers and agencies critical for future planning and development that are based on:
  - clear, open and accessible communication;
  - sharing of resources amongst partners;
  - clear articulation of roles and responsibilities; and
  - establishment of a dedicated group within council to drive partnership building
- Articulation of council's role in service and infrastructure provision, planning, advocacy and community capacity building, across the universal, targeted and intensive service system
- Flexibility in format and structure of early years plans to respond to changing local contexts
- Acknowledgment of early years planning as an individual element within broader strategic planning processes
- Using evidence in strategic planning exercises to understand local characteristics and influences, including identification of community need and influence of environmental dimensions
- Focusing on strategic planning outcomes for children and evaluation of these outcomes
- Provision of a long term early years planning guide across all council departments
- Inclusive place-based approaches to strategic planning that enable exploration of innovative approaches and partnership building with State departments around integrated planning

In the spirit of these principles, the MAV, Victorian Government, and local councils hold bi-monthly meetings to that reinforce a partnership approach and discuss key strategic and policy issues for early years planning. The MEYP guidelines also outline an exemplary staged process to assist with undertaking early years planning in local planning processes, , reproduced at Appendix 1.

## Interaction with other legislation

Given there are no referral powers to authorities responsible for service licensing in Victoria, there is little interaction between the State based planning system and child care service legislation.

## C.5 Australian Capital Territory Legislative Framework

Land use planning in the Australian Capital Territory (ACT) is primarily legislated by the *Australian Capital Territory (Planning and Land Management Act 1988)* (the Commonwealth Act) and the *Planning and Development Act 2007*. These Acts are supported by the *Planning and Development Regulation 2008*, which establishes the processes for making and assessing development applications, including environmental and strategic impact assessments, and levying of infrastructure contributions.

The purpose of the Commonwealth Act is to establish a plan that identifies areas of land that have special characteristics for the National Capital. The Commonwealth Act establishes land that is considered National Land, for which the Commonwealth Government National Capital Authority has responsibility for planning. Any land that is not National Land is considered Territory Land, for which the ACT Government is responsible for planning.

Given the significance of the ACT, in particular Canberra, as the seat of the Federal Government, the ACT planning hierarchy is understandably unique. The planning hierarchy consists of the National Capital Plan, which provides a general policy framework for guiding land use, planning and development of National Land in the ACT; the Territory Plan, which applies to all land across the ACT that is not National Land, and the Canberra Spatial Plan, which guides development of Territory Land in the Canberra area. To the point of inconsistency, planning controls and regulations contained in the National Capital Plan override those contained in all other plans.

Table 15 below outlines the plans/legislation reviewed for the Australian Capital Territory.

TABLE 15: PLANS/LEGISLATION REVIEWED FOR THE AUSTRALIAN CAPITAL TERRITORY

Plans/legislation	Year
Australian Capital Territory (Planning and Land Management Act 1988)	1988
Planning and Development Act 2007	2007
Planning and Development Regulation 2008	2008
The National Capital Plan	2012
ACT Government Infrastructure Plan 2011-2021	2011

### Australian Capital Territory (Planning and Land Management Act 1988)

The Australian Capital Territory (Planning and Land Management Act 1988) (the Commonwealth Act) applies to National Land, that is, land within the Territory that is of national significance and for which assessment of development applications is the responsibility of the Federal Government agency, the National Capital Authority.

The Commonwealth Act establishes planning principles and policies required to give effect to development of this land, which is regulated under the National Capital Plan.



These principles and policies relate to land use, roadways, urban design and development conditions, and other special requirements needed to ensure Canberra and the ACT are planned and developed in accordance with their national significance. To the point of inconsistency, provisions of the National Capital Plan will override provisions contained in any other plan in use across the ACT, for example, the Territory Plan.

## The National Capital Plan

The object of the National Capital Plan (the NCP) is "to ensure that Canberra and the Territory are planned and developed in accordance with their national significance." (The National Capital Plan, 2012). Objectives, principles and policies are established for each area covered by the plan and supported by land use policies that broadly translate to zoning controls with permissible land uses that give effect to the planning intent for that area. The NCP defines child care centres as:

*A building or place, without provision for residential care, used for the purpose of supervising or caring for children of any age throughout a specified period of time in any one day which:*

- a) *caters for two or more children not related to the owner or operator of the child care centre;*
- b) *may or may not include an educational function but not where this is a principle purpose; and*
- c) *may or may not operate for the purpose of gain.*

• (The National Capital Plan, 2012)

The NCP also identifies child care centres as Social/Community Facilities that provide for the social welfare of the community. The NCP outlines that these facilities may include ancillary educational, cultural activities or social functions. In addition, the NCP notes such facilities may also be used for another purpose, for example, associated administration or co-located services.

In addition to a series of amending appendices, Part 1 of the NCP outlines various principles, land use policies and development standards for areas designated National Land and particular land use types, such as the Open Space Network. For example, the Constitution Avenue land use policy allows for childcare centres as permissible uses in open space areas and ancillary uses in areas designated for National Capital Uses. Given National Capital Uses include the use of any land, building or structure for the purpose of a work of special status and national interest, permissibility of child care centres in such locations is revealing of the relative importance of this use when compared to other forms of community infrastructure.

Further, the NCP provides a series of Master Plans for areas of key national significance, these plans also include child care as a permissible use. For example, the Base Support area of the Royal Military College Duntroon Masterplan outlines child care centres as permissible uses. Similarly the York Park Masterplan identifies limited retail and service outlets are permitted as ancillary uses for those employed in this largely office and open space area. However, the Masterplan identifies child care centres as a permitted ancillary use, and, in doing so, reaffirms the importance of providing this type of land use in areas of national significance where limited other supporting uses are permitted.

## Planning and Development Act 2007

The *Planning and Development Act 2007* (the Act) applies to Territory Land and establishes a planning and land system that contributes to the orderly and sustainable development of the ACT that is:

- consistent with the social, environmental and economic aspirations of the people of the ACT; and
- in accordance with sound financial principles.

Under the Act, a child care centre is defined as:

- *Child care centre means the use of land for the purpose of educating, supervising or caring for children of any age throughout a specified period of time in any one day, which is registered under the Children and Young People Act 2008 and which does not include residential care.*

The Act also establishes land use zones and a hierarchy of development codes to be used across the ACT:

- *Precinct codes, which apply to geographical areas*
- *Development codes, which apply to particular land use zones or development types (houses etc.)*
- *General codes, which apply to all development and/or planning and design issues (i.e.; parking and vehicular access, mobility etc.)*

(ACT Planning and Land Authority, 2009)

To the point of inconsistency, precinct codes prevail over the provisions of all other codes. The Act also establishes three development assessment tracks:

- development that is *exempt* from requiring a permit;
- development which must be *assessed according to development codes*; and
- development that is *prohibited*.

The development codes establish quantitative and outcomes based standards that apply to all development, development within a particular area, or development of a particular type. Where development does not achieve the quantitative standards, evidence regarding the impact of the development may be used to demonstrate how the outcomes based standards and land use zone objectives are achieved. To determine whether development is required to comply with quantitative standards or additional evidence is required to show the impact of the development is consistent with the outcomes based criteria, the Act establishes three development assessment tracks:

- Code track
- Merit track
- Impact track

In conjunction with the land use zoning, the quantitative development standards will generally determine the applicable assessment track. If a development were to fall under the Code track, the application would only be assessed for compliance with the quantitative standards, for example, relevant car parking ratios. If a development were to fall under the merit track, the application would be assessed more rigorously for compliance with both the quantitative standards and outcomes based criteria (for

example, in addition to car parking ratios, there are no adverse traffic impacts on the surrounding area). However, if a development were to fall under the impact track, a more thorough assessment that considers evidence of all development impacts (economic, social, and environmental) would be undertaken.

The Act provides non-exhaustive examples of development that may fall within each of these tracks. These identify child care centres in a residential zone as an example of merit track assessable development. Similarly, child care centres in commercial, community facility, mixed use industrial and restricted access recreation zones are also considered merit track assessable development. In this instance, the quantitative standards *and* outcomes based criteria are used to assess the development, however there is no additional evidence or assessment of full development impact required.

## Planning and Development Regulation 2008

The *Planning and Development Regulation 2008* (the Regulation) supports the Act by establishing procedural matters to assist with facilitating planning and development in the ACT. For example, the Regulation sets out those development types that are exempted from requiring a development permit, as well as time periods for public consultation on development.

Under the regulation, child care centres, or any service licensed under the *Children and Young People Act 2008*, such as a preschool or early learning centre, is considered exempt development so long as it is:

- Not within 6m of the boundary of a block in a residential zone;
- The building height is not higher than 12m, or 6m when the building is within 30m of the boundary of a block in the residential zone;
- Not located within a utility infrastructure access or protection space, or easement, unless agreed in writing with the owner of the land, or the person who the access space or easement is registered to;
- In compliance with by the Australian and New Zealand Building Standard for plumbing and drainage;
- Not located in a heritage area; and
- Complies with all lease arrangements, such as a rural lease granted for rural purposes

This mean that child care centres on existing school sites do not need development approval so long as they comply with these requirements. By relaxing approval requirements for co-located child care centres, these provisions are an exemplary enabler for the supply of child care centres. In addition, the provisions encourage enablement of supply in locations that have favourable accessibility characteristics, are existing trip generators, and can ultimately enhance opportunities for better work and life balance.

## The Territory Plan

*The Territory Plan 2008* (the Plan) is a statutory document to ensure the planning and development of the ACT provides the people of the Territory with an attractive, safe and efficient environment in which to live, work and recreate. To the point of inconsistency,

provisions of the NCP, discussed in Section 0, override those of the Plan (ACT Planning and Land Authority, 2008).

The purpose of the Plan is to manage how land is used and what can be built, management of public land, and development assessment across the ACT (ACT Planning and Land Authority, 2009). The Plan also provides structure plans for future urban land release areas. The Plan establishes the following:

- *The policy framework for administering and making decisions about planning in the ACT*
- *Management of development, in particular land use and the built environment*
- *Assessment of development applications*
- *Development of new estate areas (future urban land) and the management of public land.*

• (ACT Planning and Land Authority, 2008)

- The Plan establishes provisions for a planning strategy to implement adopted strategic land use, environmental, transport, built form and social policies across the Territory (ACT Planning and Land Authority, 2008). The current planning strategy is the ACT Planning Strategy (the Strategy), more information on this Strategy is provided in Section 0.

The Plan contains the following elements, which are guided by the Statement of Strategic Directions:

- **Statement of Strategic Directions** – policy framework and collective guidance on specific planning principles and policies for sustainable development, spatial planning and urban design. The Statement of Strategic Directions includes the following objectives relevant to promoting and enabling supply of child care:
  - Provision will be made for a comprehensive range of readily accessible community, cultural, sporting and recreational facilities, distributed according to the varying needs of different localities and population groups. In major centres and developing areas, sites will be safeguarded where necessary for particular community needs.
- **Development approval provisions** – to ensure development is assessed and approved in accordance with provisions of the Plan and the Act.
- **Zone and Zone Objectives** (11 zones and four sub-zones) – applies different planning policies to different areas and types of land uses. As with other jurisdictions, the objectives of each zone can be referred to as the ultimate consideration when determining merit and impact assessment proposals
- **Development Tables** – establish which types of development are considered exempt, assessable (code, merit or impact track assessable), and prohibited across the various land use zones.
- **Codes** – Codes identify the relevant planning, design and environmental controls for different land uses, zones, development types and particular precincts. The codes are expressed as either quantitative standards or qualitative outcome based criteria. Where inconsistency exists, controls contained in precinct based codes prevail over all other codes.
- **Future Urban Areas** – areas designated for future urban development. The Future Urban Areas element contains the following:
  - Structure Plans containing planning principles and policies for preparation of future urban areas
  - Concept Plans which lay the foundation for precinct based codes and assessment of development in these areas

- Estate Development, including residential subdivision, which establishes the design and lot subdivision requirements for residential areas

The Plan has recently amended the definition of a child care centre to align with that contained in the legislation implementing the National Quality Framework for Early Childhood Education and Care. This amendment ensures that any development considered a child care centre under the *Education and Care Services National Regulations* is also considered a child care centre under the Plan. By coupling planning and service license definitions, child care centres need to demonstrate those planning elements require to obtain a service license. This removes the potential for a development application to be approved for a service that may not be able to obtain a license on the grounds of elements which are also administered under the planning system.

The Plan places child care centres within the Community Use umbrella land use definition, and notes adjunct care, crèches, long day care, occasional care centres and playschools as similar land uses. The Plan establishes these uses as merit track assessable development in the following zones:

- R1 - Suburban Zone
- R2 - Suburban Core Zone
- R3 - Urban Residential Zone
- R4 – Medium Density Residential Zone
- R5 – High Density Residential Zone
- CZ1 – Core Zone (Community Use)
- CZ2 – Business Zone (Community Use)
- CZ3 - Services Zone (Community Use)
- CZ4 – Local Centres Zone (Community Use)
- CZ5 – Mixed Use Zone (Community Use)
- CZ6 – Leisure and Accommodation Zone (Community Use)
- IZ1 – General Industrial (Community Use)
- IZ2 – Industrial Mixed Use Zone (Community Use)
- CFZ – Community Facility Zone
- PRZ2 – Restricted Access Recreation Zone

The Plan establishes child care centres and umbrella community uses as prohibited development in the following zones:

- PRZ1 – Urban Open Space Zone
- TSZ2 – Services Zone
- NUZ1 – Broadacre Zone
- TSZ1 – Transport Zone (Community Use)
- NUZ2 – Rural Zone (Community Use)
- NUZ3 – Hills, Ridges and Buffer Zones (Community Use)

- NUZ4 – River Corridor Zone (Community Use)
- NUZ5 – Mountains and Bushland Zone (Community Use)

The Plan also provides quantitative standards and qualitative outcomes based criteria for development of child care centres in residential areas (Table 16).

TABLE 16: QUANTITATIVE RULES AND QUALITATIVE CRITERIA FOR COMMUNITY USES IN ALL RESIDENTIAL AREAS

1.5 Boarding houses, child care centre, community activity centre and residential care accommodation	
Rules	Criteria
There is no applicable rule	<p>a) It is demonstrated that the use will not have a significant adverse impact on surrounding residential development.</p> <p>b) The building form and materials have a domestic character and scale compatible with the locality.</p> <p><u>Exception:</u> These criteria are not applicable to childcare centres in Belconnen, Section 55, Block 37, Section 66, Section 67, Block 3, and part Block 2, and Section 88, part Block 1.</p>
<p>These uses are permitted only where:</p> <p>a) there is a maximum of 1 of these uses per section</p> <p>b) on a standard block (or a block resulting from the consolidation of these blocks), the maximum plot ratio is 35%</p> <p><u>Exception:</u> These rules are not applicable to childcare centres in Belconnen, Section 55, Block 37, Section 66, Section 67, Block 3, and part Block 2, and Section 88, part Block 1.</p>	<p>To protect the amenity of the areas by restricting the agglomeration of non residential activities and to ensure that the development is of a compatible scale with surrounding residential development.</p>

Interestingly, the code exempts child care centres from complying with the requirement that only one of each community use is located in Belconnen. Similarly, in Belconnen, the code exempts child care centres from the requirement that adverse impacts on surrounding residential development is limited and built form of a character and scale compatible with the locality. This exemption is particularly noteworthy given that maintenance of area character and amenity is often an argument used in the various Planning and Environment Court jurisdictions to challenge child care centre development applications.

Given the nature of Belconnen as the second town centre for Canberra, with a number of large employment generators, exemption from these requirements represents a useful mechanism to enable supply of child care in places close to where people work. This approach is an exemplary enabler for increasing supply in places where it is most convenient for parents, further enhancing opportunities to balance work and life commitments.

Despite these provisions enabling supply of child care centres in non-residential areas, a degree of tension exists with respect to enabling supply in residential areas. For example, the Residential Zones Development Code addresses distribution of non-residential uses, including child care centres, in residential zones. The code establishes a quantitative standard that residential sections should not have more than one child care centre, community activity centre, or health facility. The outcome-based criterion is

to ensure that concentration of non-residential uses in residential zones is avoided. Whilst this provision may inhibit increasing existing supply in residential locations, it also promotes more equitable access to child care by enabling a more dispersed model of supply.

The Plan also includes quantitative standards that apply across all types of development, in relation to child care centres the standards deal with the following aspects:

- Car parking
- Bicycle parking
- Access and Mobility
- Crime Prevention Through Environmental Design
- Community and Recreation Facilities Location Guidelines General Code

The Plan has recently been amended to remove silence on child care centre parking ratios in commercial zones. The amendment ensures child care centres are explicitly referred to, and have the same parking ratio, as community uses in commercial zones. This amendment represents a proactive move by the ACT Government to remove ambiguity regarding the sensitive issue of parking provision for child care centres, which is often argued in Planning and Environment Court jurisdictions as an objection to child care centre applications.

## **Community and Recreation Facilities Location Guidelines General Code**

The Community and Recreation Facilities Location Guidelines General Code (the Code) is the code most directly relevant to land use planning for child care centres. The Code establishes objectives, General Location Guidelines (the General Guidelines) and Detailed Location Guidelines (the Detailed Guidelines) for the siting of community facilities.

The Code provides guidance on where to locate new, or re-use existing community and recreational facilities, and provides sound town planning principles for determining suitable sites. The objectives of the Code with respect to community and recreation facilities are:

1. To protect and enhance social amenity for all ACT residents and visitors. Social amenity includes access to services, safety and equity in the distribution of facilities.
2. To maximise efficient land use, accessibility and convenience for uses through clustering related facilities and encouraging shared use.
3. To protect and enhance residential amenity for ACT residents whilst meeting the need to provide access to facilities best located in the residential area.

The General Guidelines state that all community and recreational facilities should be located on or near public transport routes, as appropriate to the needs of the user group. They further state that distances from such facilities for very young children should be about 200 metres and that this should be achievable in most cases.

The General Guidelines also note that compatible facilities should be clustered at every opportunity to provide a range of amenities to meet community needs. The General

Guidelines also identify that clustering of compatible uses should be considered during the early stages of planning to increase opportunities for co-location; this is particularly relevant when considering land use planning for future urban areas.

In terms of separating community facilities from other land uses, the General Guidelines identify the two main considerations as noise (to achieve minimum noise criteria) and social separation (to maximise distance between incompatible uses).

The Detailed Guidelines provide criteria for how close community and recreation facilities should be located to buses, shops and major roads; proximity and separation to specific land uses; and opportunities for co-location. Where provisions of the Detailed Guidelines cannot be achieved, objectives of the General Guidelines should be met.

The Detailed Guidelines identify child care centres as suitable for clustering and co-location with the following community facilities:

- Community Centre (large multi-purpose centre with community group accommodation)
- Neighbourhood Centre (smaller centre for recreation, family support etc)
- Community House (house for meeting, family support etc)
- Preschool
- Primary School
- Hospital
- Day Care Centre for Elderly People
- Sports Hall; Indoor Basketball/Netball Centre; Cricket Centre

The Detailed Guidelines expand on the General Guidelines and state that child care centres should be separated (not within line of sight) from Brothels. They also provide more specific guidance on locational considerations for child care centre developments (Table 17).

TABLE 17: DETAILED LOCATION GUIDELINES FOR CHILD CARE CENTRES

<b>Development</b>	*Child Care Centre ( <i>long day care or occasional care</i> ) ( <i>Note: The licensing authority for child care in the ACT is the Children's Youth &amp; Family Services Bureau. They should be consulted about location for child care facilities</i> )
<b>Relationship to Shops</b>	Near retail centre (for occasional care)
<b>Relationship to other uses – close to</b>	Long day care centres on major work routes, or easy vehicle access near major work places. Only small centres in residential areas; on pedestrian path/open space system where possible
<b>Separated from</b>	Social separation from correction facilities. Buffered from sight, smell, fumes and noise of industrial uses and from roads with high traffic volumes (refer to air quality guidelines). Separated from safety hazards (eg water bodies; busy roads)
<b>Co-location Opportunity</b>	Pre-School or primary school for long day care Recreation facility or community centre/ house for occasional care centre; neighbourhood centre Baby health clinic
<b>Other Issues</b>	Long day care with occasional care or at major workplaces Child care centres must be licensed to operated by the Children's Youth & Family Services Bureau. Requirements include minimum standards for building size and play area. The Bureau must be consulted in the process of site selection. Play areas should have north easterly orientation Cul-de-sac sites acceptable if there is street capacity to handle traffic generated by



Of particular note is the referral of child care centre providers to consult with the Children’s Youth and Family Services Bureau, the authority responsible for service licensing, when considering location for child care centres. As in the case of Queensland, this information encourages a streamlined approach to identifying any issues with the provider’s proposal that may prevent granting of a service licence.

Both sets of guidelines are also supported by overarching locational considerations in various land use zone objectives. For example, objectives for the Community Facility Zone explicitly encourage co-location of community facilities:

*To enable the efficient use of land through facilitating the co-location, and multi-use of community facilities, generally near public transport routes and convenience services appropriate to the use.*

## The ACT Planning Strategy

The ACT Planning Strategy (the Strategy) is one of the ACT Government’s policies to inform future development and provide guidance on spatial planning for Canberra and the ACT to achieve economic, cultural and environmental aspirations of its people (ACT Government, 2012). The Strategy:

- *outlines where more specific planning and investigation is required*
  - *informs statutory planning policy to deliver change and the outcomes identified in the Strategy*
  - *helps prioritise investment in social and utility infrastructure*
  - *identifies where regional collaboration is important.*
- (ACT Government, 2012)

In comparison to other jurisdictional strategic planning policies, the Strategy is unique in that it is given full statutory effect under the Act. The Strategy outlines nine strategies with associated actions to deliver outcomes that achieve the aspirations of its people. The strategy notes that locating community facilities, such as child care centres, at the heart of suburbs contributes to Canberra’s accessibility and liveability (ACT Government, 2012). In relation to child care centres, the Strategy contains the following short term actions:

Strategy	Short Term Action	Outcome
4. Ensure everyone has convenient access to a range of facilities, services and opportunities for social interaction by reinforcing the role of group and local centres as community hubs.	Provide for community facilities (new or renewal), including: <ul style="list-style-type: none"> <li>– a learning centre at Tuggeranong</li> <li>– a community and arts precinct at Kingston Foreshore</li> <li>– childcare centres, schools and neighbourhood halls to support the new suburbs in Molonglo Valley and Gungahlin.</li> </ul>	In 2030 Canberra will be a city where everyone can take advantage of its network of centres, open spaces and modes of travel to enjoy a sense of wellbeing and participate in a vibrant civic and cultural life.

The City Structure, Form and Land Use Background Paper which informed the Strategy identified Canberra’s unique planning legacy and existing urban form may make it difficult to achieve new urbanist land use approaches to walkable neighbourhoods that include, amongst others, access to a child care centre (ACT Government, 2011). The Health and Wellbeing Background Paper also identified an explicit need to commit the ACT Government to the principles of a child friendly city; however, the paper notes this commitment largely in terms of accessibility and safety of the built environment (ACT Government, 2011).

The Infrastructure Background Paper which informed the strategy identified social infrastructure as the community facilities, services and networks the help individuals, families, groups and communities meet their social needs, maximise their potential for development and enhance community wellbeing. The background paper identified child care centres as a form of social infrastructure (ACT Government, 2011).

The Population Growth and Demographic Change Background Paper identified a significant increase in the population aged 14 years and under between 2010 and 2030. The paper recognised that this would require an on-going need for social infrastructure in newly developing areas to provide age related facilities, including child care centres (ACT Government, 2011).

## ACT Government Infrastructure Plan 2011 - 2021

The ACT Government Infrastructure Plan (the Infrastructure Plan) is a strategic planning document that identifies key infrastructure projects that the ACT Government aims to deliver, subject to the annual budget process, over the next decade (ACT Government, 2012).

The Infrastructure Plan identifies opportunities for a more coordinated approach to developing community infrastructure and services across government in relation to social housing, childcare, family health and aged care. Table 18 below outlines the identified goals relating to childcare quality, supply and demand.

TABLE 18: TWO, FIVE AND TEN YEAR GOALS RELATING TO CHILDREN, YOUTH AND FAMILIES SERVICES FROM THE ACT GOVERNMENT INFRASTRUCTURE PLAN

Goal	Two Years	Five Years	Ten Years
<ul style="list-style-type: none"> <li>Increasing demand for childcare</li> <li>Improved integration of childcare with community and education</li> </ul>	<ul style="list-style-type: none"> <li>Release five sites for child care centres in areas of greatest demand including West Belconnen (Holt) and Weston Creek (Holder)</li> <li>Building a child care centre in Holder and one in Franklin as part of the Early Childhood School</li> <li>A number of child care extensions</li> </ul>	<ul style="list-style-type: none"> <li>Planning for the development of child care centres in Molonglo Valley</li> <li>Explore the need for a fourth Child and Family Centre in Woden/Weston Creek district</li> <li>Investigate the need for a fifth Child and Family Centre to service Molonglo</li> <li>Upgrade existing child care centres to assist in meeting the National Quality Framework</li> </ul>	<ul style="list-style-type: none"> <li>Strategically aligning child and family facilities to respond to changing demographics across the Territory</li> <li>Assess the need for new child care centres in Molonglo</li> <li>Release additional sites for early childhood education and care responding to demand</li> <li>Explore the appropriateness of a youth centre in Molonglo</li> <li>Investigate the need for an additional Child and</li> </ul>

- Investigate the need for additional site releases for early childhood education and care
- Family Centre

Table 19 below outlines strategic infrastructure priorities for early childhood and schools.

TABLE 19: STRATEGIC INFRASTRUCTURE PRIORITIES FOR EARLY CHILDHOOD AND SCHOOLS

Goal	Two Years	Ten Years
Developing and maintaining quality school facilities to meet the needs of a growing city, targeting investment to meet needs in areas of geographic priority	Design and construction of a new early childhood school in Franklin Delivering universal access to preschools in accordance with the COAG agreement	Further integration of community and health facilities and services into education precincts (eg child care, sport and recreation, library resource centres, arts facilities etc)

## Childcare Centres in the ACT Update

The ACT Government has taken a proactive approach to compiling evidence to inform strategic planning for child care centres. In 2009 and 2011, the ACT Planning and Land Authority produced the *Childcare Centres in the ACT Update* (the Update) (ACT Planning and Land Authority, 2009). The Update evidence about relevant social and sectoral trends and the likely impact on supply and demand for centres in the Territory.

The 2009 Update notes that providing enough child care centre sites and identifying the best location for these is an important part of planning in the ACT. The Update also notes the significance of child care centres to the well-being of the Territory's children and their role in facilitating labour force participation. The Update identifies relevant supply trends including the overall number of places, the number of centres and geographic distribution of these. The Update states that ongoing research regarding the changing local dynamics is required to appropriately inform evidence based strategic planning for childcare.

In addition to identifying significant increase in the supply of child care places between 1998 and 2009, the Update provides detailed information on areas where there is an undersupply. Providing developers with information about locations where there may be an undersupply, and consequentially better prospects for competition and development feasibility, this information may assist with enabling more developer-led supply. Indeed, the Update notes that the information contained therein may be of interest not only to consumers of childcare, but also providers.

## Infrastructure Contributions

In the ACT infrastructure contributions are termed as lease variations, reflecting the leasehold status of all land in the Territory. A lease variation is charged where the proposed land use varies from that which land is zoned for. In the case of childcare centres, a lease variation of \$10,000 per additional child is charged when a request is made to increase the number of children for which a service is provided.

## Budget Initiatives

The 2011-12 ACT Budget provided over \$60million in funding assistance to increase the supply of child care places in the Territory. This included continued funding for the Franklin Early Childhood School, which opened in 2013, to provide facilities for children from birth to eight years old. A number of other child care centre upgrades and initiatives were also proposed to increase the supply of child care across Canberra by up to 9%.

The 2013-14 budget continued expenditure on child care including further upgrades to increase the capacity of existing centres, new opportunities for co-location, new centres to include over 125 places, and funding for feasibility studies to further explore opportunities to increase supply.

The Infrastructure Plan two year goal for building the Franklin Early Childhood School and allocation of funds for this initiative in the 2011-12 Budget indicates a high degree of coordination between infrastructure and budgetary processes and an exemplary approach to enabling supply of childcare. This approach is likely facilitated by the evidently strong whole-of-government approach to childcare and the way in which the ACT planning system conceptualises childcare as not only a land use but also a crucial form of infrastructure.

## Summary

The strategic planning documents for the ACT focused generally on education rather than specifically on childcare, however the ACT Government Infrastructure Plan has a strong analysis of the current supply and demand of childcare in the territory and has developed short to medium term goals (2, 5 and 10 years) for increasing the demand, quality and integration with the community and other education.

## C.6 Western Australian Legislative Framework

Land use planning in Western Australia is primarily regulated by the *Planning and Development Act 2005* (the Act). However, there are also a number of other crucial pieces of legislation, including *The Environmental Protection Act 1986*, which brings together environmental and planning assessment processes at the early stages of development and ensures the Environmental Protection Authority (EPA) and Department of Environment and Conservation (DEC) provide environmental assessment of planning schemes and other statutory plans.

The Act contains regulations regarding the preparation and content of State Planning Policies, and regional and local planning schemes across the State. As is the case in Queensland, land use and strategic planning in Western Australia is characterised by a heavily regionalised approach. The hierarchy of planning instruments for Western Australia includes the State Planning Strategy which provides a vision for the state; Regional Planning Schemes which outline objectives for state and regional development; a Metropolitan Regional Scheme which is the statutory land use planning scheme for Perth; and local planning schemes for areas outside Perth.

As with other jurisdictions, where inconsistent, a State Planning Policy will override provisions of a regional or local planning scheme. The Act provides the Minister with powers to amend a local planning scheme where it is inconsistent with a Regional Planning Scheme or State Planning Policy.

## Western Australian planning system overview

An Introduction to the Western Australian Planning System



Source: Government of Western Australia (2012)

FIGURE 8: OVERVIEW OF THE WESTERN AUSTRALIAN PLANNING SYSTEM

The Western Australian planning system is regulated on three levels including the Minister for Planning and Infrastructure, the Western Australian Planning Commission (WAPC) and Local Government. The Western Australian Planning Commission (WAPC) plays a key role in planning for the state. WAPC provides advice to the Minister and is the authority responsible for land use planning and development in the State. The Department for Planning and Infrastructure is also involved in the planning process however, mainly provides professional and administrative support to the Minister and the WAPC. Table 20 below outlines the plans and legislation reviewed for Western Australia.

TABLE 20: SUMMARY OF PLANS/LEGISLATION REVIEWED FOR WESTERN AUSTRALIA

Plans/legislation	Year
<b>State Planning</b>	
The Planning and Development Act 2005	2005

Plans/legislation	Year
Approvals and Related Reforms (No.4) (Planning) Bill	2005
The Environmental Protection Act (1986)	1986
<b>Regional Planning and/or Strategic Planning</b>	
The State Planning Strategy	2012 (draft)
State Planning Framework Policy	2006
Liveable Neighbourhoods	2007
Western Australia Planning Bulletins	2009
<ul style="list-style-type: none"> <li>72/2009 Childcare Centres</li> </ul>	
Local Planning Schemes Manual	2010
State Planning Policies	1992 - 2009
<ul style="list-style-type: none"> <li>State Planning Framework Policy (Variation No 2)</li> <li>Environment and Natural Resources Policy</li> <li>Peel-Harvey Coastal Plain Catchment Policy</li> <li>Gnangara Groundwater Protection</li> <li>Jandakot Groundwater Protection Policy</li> <li>Basic Raw Materials</li> <li>Agricultural and Rural Land Use Planning</li> <li>State Coastal Planning Policy (amended December 2006)</li> <li>Public Drinking Water Source Policy</li> <li>Bushland Policy for the Perth Metropolitan Region</li> <li>Water Resources</li> <li>Swan-Canning River System</li> <li>Urban Growth and Settlement</li> <li>Residential Design Codes (Variation 1)</li> <li>Aboriginal Settlements</li> <li>Natural Hazards and Disasters</li> <li>Historic Heritage Conservation</li> <li>Development Contributions for Infrastructure</li> <li>State Industrial Buffer Policy</li> <li>Activity Centres for Perth and Peel</li> <li>Poultry Farms Policy</li> <li>Land Use Planning in the Vicinity of Perth Airport</li> <li>Telecommunications Infrastructure</li> <li>Jandakot Airport Vicinity</li> <li>Road and Rail Transport Noise and Freight Considerations in Land Use Planning</li> <li>Leeuwin-Naturaliste Ridge Policy</li> <li>Ningaloo Coast</li> <li>State Industrial Buffer (Amended) (Draft)</li> </ul>	
Regional Planning Initiatives	2007 -2012
<ul style="list-style-type: none"> <li>Draft Gascoyne Regional Planning and Infrastructure Framework</li> <li>Lower Great Southern Strategy</li> <li>Draft Mid-West Regional Planning and Infrastructure Strategy</li> <li>Pilbara Planning and Infrastructure Strategy</li> <li>Muchea Employment Node Structure Plan</li> <li>Draft Wheat belt Land Use Planning Strategy</li> </ul>	
Directions 2031 and Beyond	2010

## The Planning and Development Act 2005

The *Planning and Development Act 2005* (the Act) is the principle town planning legislation in Western Australia. Associated legislation has also been introduced to assist in the implementation and operation of the Act, namely: the *Planning and Development (Consequential and Transitional Provisions) Act 2005* and *Metropolitan Region Improvement Tax Amendment Act 2005*. The *Approvals and Related Reforms (No.4) (Planning) Act 2010* was also introduced which made amendments to the the Act in order to improve the planning process (Government of Western Australia, 2007).

The aims of the Act are to:

- provide for an efficient and effective land use planning system in the State; and
- promote the sustainable use and development of land in the State.

The Act sets out the requirement for the WAPC to establish an Infrastructure Coordinating Committee which has responsibility to advise WAPC on the provision of physical and community infrastructure throughout the State. Unusually, the Act also prescribes the relevant skills of WAPC Board members, who may also be members of the Infrastructure Coordinating Committee. Most relevant to child care is the requirement for one Board member to have practical knowledge and experience in the planning and provision of community services, community affairs or indigenous interests.

The Act also establishes those matters which the WAPC must have regard for when preparing State Planning Policies. Matters most relevant to enabling the supply of child care include demographic, social and economic factors and influences. Similarly, the Act identifies those objectives which must be considered when making local planning schemes. Those objectives most relevant to enabling supply of child care include suitable provision for the improvement, development and use of land for the provision of public facilities.

The Act is supported by the *Planning and Development Regulations 2009* which regulate ancillary matters, such as activities on State land, subdivision and development control matters (including road and easement access), and standard development application fees. The *Planning and Development (Development Assessment Panels) Regulations 2011* also supports the State's planning system and provides for determination of major development applications by Local or Joint Development Assessment Panels (DAPs).

Where in the City of Perth, DAPs will be responsible for determination of applications for development with a cost of \$15 million or more. Where outside the City of Perth, DAPs will be responsible for determination of applications for development with a cost of \$7 million or more. The regulations also prescribe the relevant experience of DAP members which, unlike the WAPC Board, do not include specialist expertise in community infrastructure.

## Approvals and Related Reforms (No.4) (Planning) Act

The *Approvals and Related Reforms (No.4) (Planning) Act 2010* made amendments to the Act in order to improve the planning approvals process. The amendments were to:

- *extend the use of improvements plans to land not subject to a region planning*



- *scheme, to strengthen state and regional planning;*
- *enable more efficient, consistent and coordinated decision-making in development applications at local, regional and state levels through the establishment of development assessment panels;*
- *enable the Minister to direct a local government to amend its local planning scheme to give effect to a state planning policy;*
- *provide exemptions from planning approval for projects funded through the nation building and jobs plan stimulus package to facilitate meeting the Commonwealth's funding requirements;*
- *enable the collection of data on local government development decisions to monitor the effectiveness of reforms to the approvals process.*

*Government of Western Australia (2012)*

Interestingly, whilst the ACT approach to streamlining development approval processes in response to the Federal Government's nation building stimulus package involved exemption of some child care centres from development approval processes, Western Australia's approach did not go this far. This may indicate more explicit consideration and embedment of child care policy in the ACT planning system than in Western Australia.

## The Environmental Protection Act (1986)

The *Environmental Protection Act 1986* resulted in planning and environmental assessment procedures being brought together and integrated at the early land rezoning stage of the planning process. It ensures the Environmental Protection Authority (EPA) and/or the Department of Environment and Conservation (DEC) provides early environmental assessment advice on planning schemes, statutory plans and environmental conditions.

This means that there should be no need to undertake environmental impact assessments at the later subdivision stage, so that land development can proceed in a timely manner (Government of Western Australia, 2007). This type of up-front environmental assessment process may be useful to identify sites most appropriate for child care centre land uses, which are often sensitive to environmental factors. Environmental assessment of appropriate land uses at the plan making stage may present a useful mechanism for zoning potential child care centre sites appropriately, ultimately streamlining development approvals processes and enabling supply.

## The State Planning Strategy

The State Planning Strategy (SPS) is an overarching strategic document that informs all other State, regional and local planning strategies, policies and approvals processes. Specifically, it links to and builds upon other strategic planning positions put in place by the Western Australian Planning Commission (WAPC) (Western Australia Planning Commission, 2012).

The Strategy outlines a number of strategic directions and objectives and associated strategic approaches. While child care is not specifically addressed in the strategy, social infrastructure is addressed as a strategic direction with the objective of enabling liveable, inclusive and diverse communities. Education is also addressed as a strategic direction, however does not address childcare.

## State Planning Framework Policy

The *State Planning Framework Policy* sets out the key principles relating to environment, community, economy, infrastructure and regional development which should guide the way in which future planning decisions are made. It also provides a range of strategies and actions that support these principles generally, and for each of the ten regions of the State (Western Australia Planning Commission, 2006).

The policy does not specifically address childcare, however Part A, General principles for land use, planning and development acknowledges that 'planning should recognise the need for and, as far as practicable, contribute towards more sustainable communities by providing land for a range of accessible community resources, including affordable housing, places of employment, open space, education, health, cultural and community services' (State Planning Framework Policy, 2006).

## Liveable Neighbourhoods

Liveable Neighbourhoods implements the objectives of the *State Planning Strategy*, which aims to guide sustainable development of Western Australia to 2029. Liveable Neighbourhoods operates as a development control policy, or code, to facilitate the development of sustainable communities (Western Australia Planning Commission, 2007).

The document outlines a number of objectives and associated requirements for integrating child care centres into neighbourhood centres and schools.. Element 7 – Activity centres and employment, identifies that each neighbourhood centre should provide opportunities for an appropriate range of other business uses, including private child-care centres. The document goes further to identify key factors for potentially successful neighbourhood centres, including association with other small businesses, often child care centres.

Element 8 – Schools outlines that consultation exercises for structure planning at the sub-regional and district level should include the Department for Community Development and Department of Education and Training to assist with determining the need and correct location for children's services and facilities. As witnessed in other jurisdictions, involvement of these Department's in structure planning processes for children's services can assist with identifying planning related issues that can inhibit the granting of future service licenses. Element 8 also outlines a core objective for schools across the State is to provide flexibility in the size, location and design of schools to support location children's service facilities, including child care centres, on school sites.

The objectives for schools are supported by a Schools Site Development Control Policy. The policy recognises there are a range of benefits to developing multi-purpose community buildings on school sites, and these should be considered when determining locations for new schools in residential areas. The policy notes co-location of children's services facilities, such as child care centres, is usually best within primary school sites where it is likely parents will visit both facilities. Similarly, the policy notes this type of co-location can also assist with providing a smooth transition for children entering primary school.

The policy identifies children's services and facilities should be provided within primary school sites at a ratio of one facility for every two primary schools and, where this cannot be accommodated, the provider makes provision for additional land for the facilities. The policy also advises that children's services and facilities generally require an additional 3,000m<sup>2</sup> of land however, this contradicts, and is significantly more than, the allotment size guidance provided by the *Western Australia Childcare Centre Planning Bulletin*, further discussed in below.

## Western Australia Planning Bulletins – Planning Bulletin 72/2009 Childcare Centres

Planning Bulletins canvass proposed policy changes or highlight information about Western Australian Planning Commission and Department of Planning practices on a variety of planning matters (Western Australia Government, 2013).

Planning Bulletin 72/2009 Childcare Centres (the Bulletin) was prepared in consultation with the Departments for Child Protection; Communities; Health; and Environment and Conservation. The Bulletin responds to community and local government issues regarding the need for a consistent approach to the location and development of childcare centres, including centre-based care, family day care, outside school hours care, vocational care and occasional care. It discusses site characteristics, traffic impacts, design, noise, and application requirements for childcare centres.

The Bulletin was developed in response to a number of planning decisions by the State Administration Tribunal which highlighted either a lack of, or shortcomings in, existing local child care centre policies.

The Bulletin discusses the growing demand for childcare centres and the impact this is having on centre size and surrounding land uses. The Bulletin states the need for appropriate distribution of centres and availability of centres in close proximity to workplaces is important. The Bulletin highlights an oversupply of childcare centres in outer urban areas across Perth, which may result in increased vacancy levels and affect the viability and quality of services provided. However, the Bulletin also highlights an undersupply in the Central Business District, where land values are much higher, noting that development requirements in inner urban areas vary greatly compared to outer suburban areas.

The Bulletin acknowledges that while child care centres are necessary facilities, many are operated as a commercial venture and the impact of market forces means they need to be properly managed and developed in appropriate locations. The Bulletin notes need for a child care service does not justify development in inappropriate locations and a growing trend for child care centres to be located in areas other than residential uses. In providing detailed guidance for child care centre developments, the Bulletin aims to:

- a) differentiate between childcare related activities operating in existing residential area, such as family day care that takes place in dwellings, and non-residential childcare activities;*
- b) outline a consistent policy approach to planning for childcare centres; and*
- c) advise of planning considerations in relation to the location and development of childcare centres.*

The policy adopts a definition of child care centres consistent with that set out by the State child care service licensing legislation. The objectives of the policy are to:

- a) locate childcare centres appropriately in relation to their surrounding service area;*
- b) minimise the impact a childcare centre has on its surrounds, in particular on the amenity of existing residential areas;*
- c) minimise the impact the surrounds may have on a childcare centre; and*
- d) consider the health and safety of children attending the childcare centre within the confines of the planning system.*

Guidance provided by the Bulletin focuses largely on the proper location, development standards and assessment considerations that apply to child care centres. With respect to location, the policy notes appropriate location is crucial to ensuring the centre meets the needs of the children it is serving whilst also minimising impact on surrounding uses. To achieve this balance, the policy notes child care centres should be:

- Distributed strategically to maximise benefit to the community it services
- Within walking distance; serviced by public transport; or part of commercial, recreation, community nodes or education facilities
- Located in areas where adjoining uses (including the range of potential uses) are compatible
- Suitable in terms of traffic, safety and impact on area amenity

In addition, the Bulletin notes child care centres are not suitably located where:

- Soil or groundwater is contaminated, or groundwater is to be extracted for irrigation of gardens
- The service will have an adverse impact on the existing or planned level of services
- Access if from a major road, in close proximity to a major intersection, or from a local access street where parking and traffic impact on local amenity
- Current or permissible use of adjoining premises may be hazardous or have unacceptable levels of noise, fumes or emissions
- Noise from roads, railways and aircraft will have adverse impacts
- The site is in a heavy industrial area

In addition to general amenity issues, the Bulletin also notes sites in residential areas should be greater than 1000m<sup>2</sup> and all development applications should include a traffic impact assessment. Similarly, the Bulletin provides guidance where there may be an adverse impact on the levels of existing child care services in a community. In this instance, an applicant may need to provide a market impact assessment, including detailed catchment mapping, demonstrating there is no adverse impact on the existing services. The Bulletin also provides guidance on minimum consultation requirements to assess the impact of child care centres on residential amenity, however, where a centre has been identified in a structure plan, dispenses with this requirement.

In addition, the Bulletin recommends child care centre development applications be accompanied by signage strategies and a written statement of the number of children

proposed, including age group breakdowns, days and hours of operation and staff requirements. The Bulletin also highlights issues regarding soil contamination and recommends a duty of care for child care centre applicants to seek out this information from the Department of Environment and Conservation prior to lodging an application.

Guidance regarding the economic impact on existing centres suggests greater consideration should be given to competition and market forces, rather than generation of economic benefits through enablement of supply. For example, in light of the increasingly commercial and competitive nature of child care centres it may not be possible to demonstrate no adverse impacts on existing services. Instead of encouraging competition that can enable further increases in supply, this requirement appears to provide a degree of competitive protection to existing centres, who may use such protection to unfairly limit access to existing supply through pricing mechanisms.

Another particular example is the onus placed on applicants to actively seek out information regarding soil contamination of a proposed centre site. An alternative approach that could assist providers and enable supply may already exist, as outlined in Section 0, whereby this information is determined via up-front environmental assessments and reflected in zoning and permissible uses for the site.

Whilst the Bulletin is exemplary in providing applicants with detailed development requirements, somewhere onerous requirements and primary development assessment considerations of maintaining residential amenity and mitigation of adverse impacts on existing services appears likely to inhibit the supply of child care centres.

## Local Planning Schemes Manual

The WAPC has developed the Local Planning Schemes Manual (the Manual) to provide information and advice to local governments preparing local planning schemes and to identify how the local planning system can be used to achieve outcomes that benefit the wider community.

The Manual identifies a range of background information of relevance when preparing local planning schemes. Particularly relevant to enabling the supply of child care is consideration of the location, distribution and type of community facilities; existing use of facilities and changes in demand; and community needs assessment based on population and behavioural changes. In assessing these elements, the Manual identifies the following considerations:

- Adequacy of existing facilities
- Timing and provision of social infrastructure for newly developing areas and upgrading of existing facilities to meet the needs of the community
- Funding and budgeting for new and upgraded community facilities

The Manual also outlines four levels of development permissibility within each land use zone:

- P – where the land use is permitted, provided the development complies with relevant standards under the applicable scheme
- D - where the land use is not permitted unless the local government has exercised discretion in granting approval

- A - where the land use is not permitted unless special notice (to affected adjacent landowners) has been undertaken and the relevant local government has exercised discretion in granting approval
- X – where the land use is not permitted

Within their area of authority, local governments may customise the particular uses that fall within each zone. The level of permissibility is identified in the zoning table of each local planning scheme, however the Manual uses child care centres as an example, indicating they are:

- Discretionary uses in rural zones
- Uses subject to special notice and discretionary approval in residential zones
- Permitted within local centre zones; and
- Not permitted within industrial zones

This example continues the general viewpoint of the Childcare Centre Planning Bulletin whereby impact on existing residential amenity is a primary consideration in determining suitable locations for child care centres. The Manual also provides a non-exhaustive list of example zones that may be used in local planning schemes. The following are particularly relevant to the supply of child care centres:

- Residential zone – residential development with a variety of housing to meet the needs of different household types
- Regional centre zone – provides for a full range of community services and mixed use to complement the region-serving role of the centre
- District centre zones – provides for weekly needs and community facilities consistent with the district-serving role of the centre
- Local centre zone – provides for community facilities that serve the local community

Of note is the definition of the Residential zone, being for the provision of housing for different household types, and omission of the services that are also required to meet the needs of those households, as is generally included in residential zone objectives in other jurisdictions, for example, the ACT, New South Wales, and Queensland.

However, where a use is not listed as P, D, A, or X within a zone, an application may be made to a local government asking them to determine whether the use is consistent with the purpose of the zone. This potentially provides a degree of flexibility with regard to the provision of services when, compared with other jurisdictions, if a land use is not identified as permissible in a zone, it is generally prohibited and an application for development considered only under certain circumstances. This may prove to be a useful mechanism that enables supply of child care centres in innovative locations where the full range of potential uses have not been considered in planning processes that determine zoning.

## State Planning Policies (SPPs)

State planning policies are prepared and adopted by the WAPC under statutory procedures set out in Part 3 of the Planning and Development Act 2005 (Western Australian Government, 2013). The following summarises the State Planning Policies relating to childcare:

- The Urban Growth and Settlement SPP discusses access to education (primary, secondary);
- Activity Centres for Perth and Peel SPP discusses the provision of education within activity centres (primary, secondary, tertiary);
- Road and Rail Transport Noise and Freight Considerations in Land Use Planning SPP discusses child care centres as a sensitive land use. The policy provides some flexibility for sensitive residential uses achieving compliance with outdoor noise targets, however there is strict guidance that noise targets should be achieved for non-residential sensitive uses, such as child care centres.

The *Land Use Planning in the Vicinity of Perth Airport SPP* (the PASPP) outlines child care centres as discretionary uses within the ANEF 20 and 25 contours of Perth Airport. The PASPP notes that, although child care centres are generally considered unacceptable uses in areas above the 25 ANEF contour, there is scope for discretionary permissibility of centres where there is a need for these facilities.

The *Development Contributions for Infrastructure State Planning Policy* sets out the principles and considerations for levying development contributions for infrastructure in new and established urban areas. In providing background for the development contribution system in Western Australia, the policy states local governments are increasingly seeking to levy contributions for infrastructure that is beyond standard requirements, noting child care centres as an example of this.

The policy provides standard local planning scheme text that defines child care centres as a form of community infrastructure, that is, beyond standard infrastructure requirements. The community infrastructure methodology used to determine developer contributions for child care centres requires identification of infrastructure needs and catchment area; determination of capital costs for providing the infrastructure; and apportionment of costs according to the demand arising from new and existing areas. The policy also sets out that contributions for community infrastructure can only be collected to fund infrastructure identified in a local government community infrastructure plan. In order to enable supply, this would require child care centres be adequately considered up-front in community infrastructure planning processes.

## Regional Planning Initiatives

Regional Planning Initiatives are a second tier document preceded by the Western

Australian State Planning Strategy (1997), and will be recognised as regional strategies under the State Planning Framework. The following summarises the Regional Planning initiatives relating to childcare:

- While education is addressed in the initiatives the focus is on primary, secondary and tertiary education and not on childcare;
- Social infrastructure is addressed in the Mid-West Framework relating to access to social infrastructure and services in communities, however, childcare is not listed as a priority social infrastructure project under the framework; and
- An infrastructure objective of the Wheat belt land use planning strategy is to provide land for essential social services and community infrastructure. Another objective is better utilisation of existing community infrastructure to assist with increasing workforce needs

## Directions 2031 and Beyond

*Directions 2031* is a high level spatial framework and strategic plan that establishes a vision for future growth of the metropolitan Perth and Peel region. It provides a framework to guide the detailed planning and delivery of housing, infrastructure and services necessary to accommodate a range of growth scenarios (Western Australia Planning Commission, 2010).

The plan outlines a number of themes and strategies along with implementation initiatives. While there are no specific discussions on childcare the plan does address social infrastructure under the objective of managing growth, as seen in Table 21.

TABLE 21: THEMES, OBJECTIVES AND STRATEGIES RELATING TO CHILDCARE IN DIRECTIONS 2031 AND BEYOND

Theme	Objective	Strategies
Responsible	We have a responsibility to manage urban growth and make the most efficient use of available land and infrastructure.	Plan for an efficient and equitable distribution of social infrastructure.

## Summary

The strategic planning documents for WA focused generally on education rather than specifically on childcare; however the Planning Bulletin 72/2009 Childcare Centres produced by the Western Australia Planning Commission acknowledges the role of local government in providing child care centres through planning schemes. It is an example of a policy produced by the state to guide local governments in this process to mitigate oversupply of childcare centres in communities. However, by focusing on oversupply of childcare centres, the Bulletin presents as inflexible in responding to changing local demand contexts.

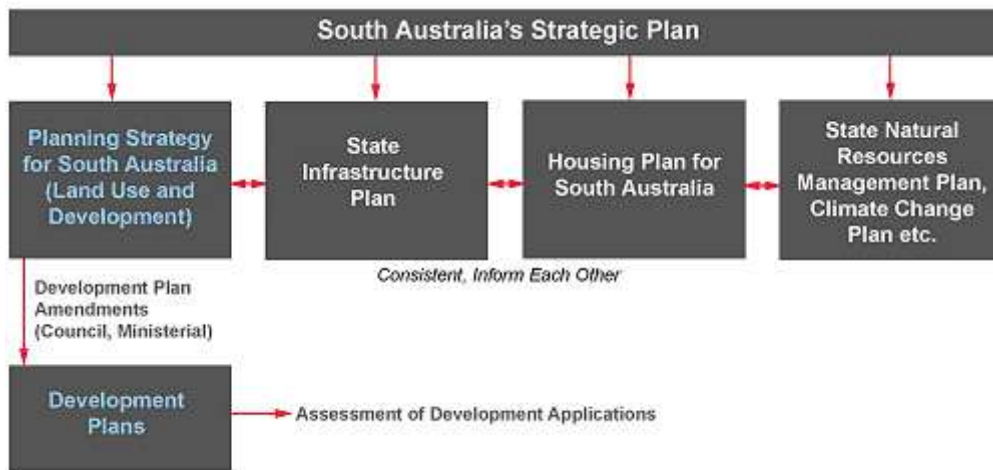


## C.7 South Australian Legislative Framework

Land use planning in South Australia is regulated by the *Development Act 1993* (the Act), the primary supporting regulation for the Act is the *Development Regulations 2008*. Those objectives of the Act most relevant to land use planning for child care are:

- to advance the social and economic interests and goals of the community;
- to establish and enforce cost-effective technical requirements, compatible with the public interest, to which building development must conform

The South Australian planning system consists of a hierarchy of plans which are prepared and amended under the Development Act 1993 and Development Regulations 2008. These include South Australia's Strategic Plan, Planning Strategy for South Australia, Plans for Regional South Australia, State Infrastructure Plan, Housing Plan for South Australia, State Natural Resources Management Plans (Figure 9).



Source: DA Online, 2009

FIGURE 9: OVERVIEW OF THE SOUTH AUSTRALIAN PLANNING SYSTEM

Table 22 below outlines the plans/legislation reviewed for South Australia.

TABLE 22: SUMMARY OF PLANS/LEGISLATION REVIEWED FOR SOUTH AUSTRALIA

Plans/legislation	Year
<b>State Planning</b>	
The Development Act 1993	1993
The Development Regulations 2008	2008
<b>Regional Planning and/or Strategic Planning</b>	
South Australia Strategic Plan	2011

Plans/legislation	Year
State Infrastructure Plan for South Australia	2005/6
Plans for regional South Australia <ul style="list-style-type: none"> <li>• Eyre and Western</li> <li>• Far North</li> <li>• Kangaroo Island</li> <li>• Limestone Coast</li> <li>• Mid North</li> <li>• Murray and Mallee</li> <li>• Yorke Peninsula</li> <li>• Port Augusta</li> <li>• Mount Gambier</li> <li>• Andamooka (Draft)</li> </ul>	Various
Aboriginal community structure plans <ul style="list-style-type: none"> <li>• Pipalyatjara</li> <li>• Watarru</li> <li>• Amata</li> <li>• Pukatja</li> <li>• Nyapari</li> <li>• Kanpi</li> <li>• Mimili</li> <li>• Indulkana</li> <li>• Yunyarinyi</li> <li>• Gerard (Riverland)</li> <li>• Raukkan (the Coorong)</li> </ul>	Various
The Thirty Year Plan for Greater Adelaide	2010

## Development Act 1993

The *Development Act 1993* provides the legislative framework for preparing and undertaking amendments to a Development Plan. The Act allows either the relevant council or, under prescribed circumstances, the Minister for Planning to amend a Development Plan.

Development Plans are key documents in the South Australian planning and development system. Each of the 68 local council areas in South Australia has their own separate Development Plan. In addition, a number of other Development Plans cover areas not situated within a Council area. Development Plans highlight the particular land uses that are envisaged for various zones within each area. They also contain a number of objectives, principles and policies controlling and affecting proposed developments. These policies can cover a range of social, environmental and economic matters (Prospect City, n.d. and Department of Planning and Local Government). In amending a Development Plan, the Act notes a report, which includes an assessment of social infrastructure, must be prepared to inform the amendment.

The Act also requires local councils to prepare a Strategic Directions Report every five years addressing strategic planning issues, including social infrastructure, with reference to matters contained within the Planning Strategy for South Australia (the Planning

Strategy). Similarly, a council is required to prepare a Strategic Directions Report to respond to any update of the Planning Strategy deemed as significant by the Minister. The effect of this is such that, if supply of child care centres is not considered within the broader State planning system, or the Minister deems an update relating to supply of child care centres as insignificant, there may be limited State based opportunities to require Development Plans to enable supply of child care.

## South Australia Strategic Plan

South Australia's Strategic Plan provides an important blueprint for the state that identifies the aspirations for future success. It is a Plan that provides direction not only to the State Government, but also to business and community organisations to identify and align their long-term visions with the Plan (Minister Assisting the Premier with South Australia's Strategic Plan, 2011).

The plan is structured through a number of visions, goals and targets. The plan acknowledges access to childcare as a vital consideration for future infrastructure and identifies planning and delivering the right infrastructure as a key vision. The Plan notes that, to ensure the success of the State in the future, infrastructure that is economically and socially efficient should be planned for. The Plan also notes that this requires careful consideration of existing infrastructure and accommodating population changes in cities and towns. The Plan identifies that access to important services, including child care centres, in all communities will ensure they meet the needs and contribute to the long term prosperity of communities.

The Plan also outlines the strategic target for early childhood as a decrease in the proportion of children who are vulnerable in one or more domains of the Australian Early Development Index (AEDI). To help achieve this target, the South Australian Government recently provided grants to assist 30 Local Government Areas consult and collaborate with their communities over action to deliver better outcomes for children. This approach is similar to that outlined by the MAV MEYP, which identifies a focus on outcomes for children as a way to embed early years planning in local planning processes, potentially enabling supply of child care.

## The 30-Year Plan for Greater Adelaide

The 30 Year Plan for Greater Adelaide (the Plan) sets out the land-use policies to manage the growth and change that is forecast to occur in the region (SA Government, 2010). As part of the Planning Strategy for South Australia, the Plan carries statutory weight and actions established by the plan should be reflected in local Development Plans.

The Plan notes a significant increase in couples without children is likely over the Plan's 30-year time horizon and identifies a key early childhood initiative to provide 20 Children's Centres that will act as a one-stop shop family, education and health service for families with young children. Given the Plan's statutory weight, and requirement of the Act for Development Plans to reflect strategic issues outlined by the Planning Strategy for South Australia, these 20 Centres should be incorporated within local Development Plans.

In early 2013, Structure Planning Guidelines for the Playford Growth Area were released

for consultation by the Department of Planning, Transport and Infrastructure. The guidelines were prepared based on investigations to explore the suitability of urban land in Playford to accommodate an additional 103,000 residents, as identified in the 30 Year Plan for Greater Adelaide. These investigations included detailed demographic modelling that identified an increase in the proportion of young children in the urban growth area and need for 1 to 2 120 place childcare centres to accommodate this growth.

The guidelines identify consideration of community infrastructure requirements, including childcare facilities, should be an explicit consideration when preparing a Regional Structure Plan for the Playford area. The guidelines also note the structure plan should identify how relevant targets for the plan, in this case, up to 240 childcare places, will be met.

## State Infrastructure Plan for South Australia

The *State Infrastructure Plan for South Australia* (the Plan) is about meeting South Australia's future needs. It covers all aspects of the State's infrastructure – physical built assets, delivery of infrastructure for social services, and natural heritage (SA Government, 2005). The Plan notes increasing participation of women with children in the labour force as a contextual trend to be considered when planning for infrastructure.

The plan is structured through a number of strategic infrastructure priorities. Childcare is considered within the Education and Training priority area, noting that, in 2015:

- Childcare, preschool, primary and secondary learning will embrace a more integrated approach to service delivery through co-location of early childhood and education services, greater integration of information technology, more networking among campuses, access on a seven-day a week basis and self-paced learning, a move to specialist schools and curricula, and the forging of closer links between schools and communities;

To achieve this, the plan notes education and children's services providers, including the State, will adopt a coordinated approach to asset provision and utilisation. The plan recognises innovative approaches will be needed to plan, build and use multi-purpose facilities for educational and complementary public services that provided opportunities to offer education services from childcare through to high school on a single campus. To achieve this, the plan identifies broad infrastructure projects, including:

- Redevelopment of preschool/childcare facilities to provide full day care options for families
- Establish Child and Family Centres through the extension of school/childcare sites to accommodate health and family and community services

The plan notes the State Government is in the process of identifying pilot sites for co-location and better integration of childcare with existing services. In 2010, a plan for The Parks Community Centre was developed that provided \$640,000 to redevelop and expand the capacity of the existing childcare facilities. The model was based on redeveloping the centre to include additional services and facilities, including housing. By including housing in the redevelopment, this lowered the cost of the development by approximately \$10million, with the funds received through the sale of land for this housing reinvested into refurbishing and expanding the existing services, including childcare facilities.

## Plans for Regional South Australia

The region plans contain the State Government's directions on land use and development, including policies related to:

- population growth and demographic changes;
- supply of land for housing and employment;
- preservation of agricultural lands;
- water and energy efficiency;
- preservation of biodiversity and the natural environment; and
- protection of the heritage and character of regional communities (SA Government, 2011).

In addition to the 30 Year Plan for Greater Adelaide, the regional plans are considered part of the Planning Strategy for South Australia. Accordingly, regional plans are given statutory weight through the Act and any actions related to childcare contained within these should be reflected in local Development Plans. The plans all broadly address the role of childcare in supporting regional communities and economies.

Of the seven region plans, six address childcare, these are the Eyre and Western Region; Kangaroo Island; Limestone Coast; Mid North Region Plan; Murray and Mallee Region Plan; and the Yorke Peninsula Region Plans. The plans outline, in standard text, the way in which childcare centres are a form of social infrastructure. In some instances, the plans note there is a need for childcare facilities which should be satisfied through expansion of existing facilities.

In addition, some of the plans have undertaken an audit of the number of childcare facilities in the region. For example, the Limestone Coast Regional Plan outlines 16 existing facilities and increasing demand for childcare facilities due to higher than normal birth rates and proportions of single parents and the trend for people to seek off-farm employment as a supplement for household income. Similarly, the Mid-North and York Peninsula Region Plans identify 39 and 26 childcare facilities, respectively, in those regions, and the need to expand capacity of existing facilities.

The Murray and Murrumbidgee Region Plan identifies 29 childcare facilities in the region and notes some towns lack childcare, which is adversely affecting the ability to maintain and increase the population as well as service some industries. Rather than seek to enable the supply of childcare, the plan outlines demand management strategies whereby growth should be directed towards towns with existing facilities. All the region plans note, more so than other states, South Australia is experiencing an ageing population, with the Murray and Murrumbidgee Region Plan notes lack of childcare is contributing to this issue, as it is difficult to attract young families who require these facilities.

A number of Regional Centre Plans have also been developed which form part of the Planning Strategy for South Australia and, accordingly, are given statutory effect. The Port Augusta Structure Plan is one such regional centre plan and notes close proximity of education facilities to related services, including child care, is essential to enabling communities to function effectively.

Whilst there is little content addressing provision of child care centres in the current Structure Plan area, the document notes expansion of residential development to the West of Port Augusta should be driven by a Structure Planning process that includes consideration of likely infrastructure requirements. The initial guidance for this process notes that, should Port Augusta West be fully developed, the Structure Plan should provide for an appropriately located 4ha site for additional child care and primary school services.

A similar structure plan has been developed for the Andamooka region, based on community engagement to identify commonly held opportunities and challenges for the region to be addressed by the structure plan. This engagement identified opportunity a larger school and child care centre within the region. Despite this, there is little within the plan that specifically enables the supply of child care and realises this opportunity.

## Aboriginal Community Structure Plans

The Aboriginal Community Structure Plans provide a framework within which development can proceed in an orderly and planned manner and essential services are protected. The Structure Plan consists of a plan depicting the physical layout of the community; strategic direction, planning objectives and development guidelines; an explanation of the Structure Plan and a report on the preparation of the plan including a brief overview of the local and regional context (SA Government, 2008).

The Gerard Community Land Use Structure Plan notes the Federal Government has historically funded the childcare centre in the community; however this funding was due to conclude in 2008. Despite this, the plan explicitly recognise the need to investigate alternative funding arrangements, and incorporates this into the overarching goals, objectives and actions of the plan, which (Table 23).

TABLE 23: GOALS, OBJECTIVES AND ACTIONS RELATING TO CHILDCARE FOR THE GERARD COMMUNITY STRUCTURE PLAN

Goal	Objective	Action
Provide the opportunity for education and training to all community members to enable the development of employment and life skills.	To recognise the importance of education to employment and lifestyle opportunities and how this contributes to the community in a positive manner. To continue to provide a childcare facility for the young children in the Gerard community.	Investigate alternative funding arrangements for the Gerard childcare facility.

## Children’s Services (Child Care Centre) Regulations 1998

The Children’s Services (Child Care Centre) Regulations 1998 govern the licensing processes for child care centres in South Australia. The regulations contain a number of provisions that interact with the State’s land use planning system.

For example, in order to obtain a service license, a provider is required to obtain both planning approval for the premises, or any alterations or extensions, and approval from the Director of the department administering the regulations. The regulations provide a standard form for the approval that outline detailed specifications for plans and

construction drawings to required support the application. However, technical requirements for these plans differ from standard requirements for development applications, meaning development applicants would face the cost of having two separate sets of plans and drawings prepared to satisfy both processes.

The application form encourages applicants to meet with the Department of Education, Training and Employment (DETE) to discuss development and plan specifications prior to lodgement of the application. However, many of the details required by the DETE can only be provided once planning and building approval has been received. Despite the objective of referral systems to avoid the need for an applicant to obtain separate planning decisions from different bodies, applications for childcare facilities are not referred to DETE under the State's development regulations, as is commonly used in other jurisdictions to address potential discrepancies and barriers between planning and service license regulatory regimes.

In the South Australian case, an applicant would need to undertake a number of meetings with both the DETE and planning department prior to lodgement of an application, to ensure requirements of both processes are satisfied. However, the Planning SA Pre-lodgement Meeting Guide notes, unless there is a reasonable chance of a proposal progressing, it is unlikely a pre-lodgement meeting will be granted to avoid diverting resources from the referral assessment process. The complexity of development requirements for childcare facilities and duplication of premise approvals process may mean there is less than a reasonable chance of a proposal progressing. As such, this information may be an unintentional barrier to enabling supply through the appearance of unwillingness to discuss complex development requirements for childcare facilities with applicants prior to lodgement of a development application.

## Infrastructure Contributions

The South Australian approach to developer contributions for infrastructure is somewhat different from that in place in other jurisdictions. In South Australia, there are no formal powers to levy contributions for works to be conducted outside the development site. The 2011 Productivity Commission report for Performance Benchmarking for Planning, Zoning and Development Assessment systems notes that, for very large developments, developers will occasionally pay for social infrastructure outside any legislative framework, though this is generally as a form of marketing or goodwill for the development, and the type of infrastructure paid for generally open to negotiation.

## Summary

The strategic planning documents for South Australia focused generally on education rather than specifically on childcare. The Strategic Infrastructure Plan for South Australia discussed childcare in relation to the need to co-locate with others service, along with two identified projects for redevelopment of existing infrastructure.

## C.8 Tasmanian Legislative Framework

The Tasmanian planning system consists of a hierarchy of State, Regional and Local Planning. Land use planning in Tasmania is regulated under the Resource Management and Planning System (RMPS) established by the *Land Use Planning and Approvals Act 1993* (the Act), the *State Policies and Projects Act 1993*, and the *Tasmanian Planning Commission Act 1993*. The objectives of the RMPS are:

- to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity
- to provide for the fair, orderly and sustainable use and development of air, land and water
- to encourage public involvement in resource management and planning
- to facilitate economic development in accordance with the objectives set out in the above paragraphs
- to promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the State.

The objectives of the Act most relevant to land use planning for child care are:

- to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and
- to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.

Table 24 below summaries the plans and legislation reviewed for Tasmania.

TABLE 24: SUMMARY OF PLANS/LEGISLATION REVIEWED FOR TASMANIA

Plans/legislation	Year
<b>State Planning</b>	
<i>Land Use Planning and Approvals Act 1993</i>	1993
<i>State Policies and Projects Act 1993</i>	1993
<b>Regional Planning and/or Strategic Planning</b>	
Regional Land Use Strategies	2010/2011
<ul style="list-style-type: none"> <li>• North West - Living on the Coast - The Cradle Coast Regional Land Use Planning Framework</li> <li>• North - Regional Land Use Strategy of Northern Tasmania</li> <li>• South - Southern Tasmania Regional Land Use Strategy 2010-2035</li> </ul>	
Sub regional Land Use Strategies	2009
<ul style="list-style-type: none"> <li>• Vision East – East Coast Land Use Framework</li> </ul>	
Tasmanian Infrastructure Strategy	2010



## Planning Directives

Five planning directives are in place across Tasmania and provide a mechanism to give guidance on a wide range of planning issues, including:

- consistency of land uses across all municipal areas; and
- land use issues unique to one or only some municipal areas.

The planning directives can be prepared by councils, government agencies, individuals and the Tasmanian Planning Commission (TPC). Those planning directives directly relevant to enabling supply of childcare centres are outlined below.

- Planning Directive No. 1 The Format and Structure of Planning Schemes
- Planning Directive No. 5 Bushfire-Prone Areas Code

Planning Directive No. 1 provides a template for the format and structure of planning schemes, including standard zones and definitions to be used across municipalities. The Directive defines childcare centres as an Educational or Occasional Care land use. Similarly, the Directive also classifies childcare centres as a sensitive land use.

Planning Directive No. 5 identifies Educational and occasional care uses as vulnerable uses. Directive No. 5 identifies that only in exceptional circumstances should vulnerable uses be located on land in bushfire prone areas. Where vulnerable uses are located in bushfire prone areas, an overriding benefit to the community and no suitable alternative site must be demonstrated. In the case of areas where there is significant need, this provision may enable the supply of childcare centres where they would otherwise not be approved.

Similarly, a hazard management plan must be prepared and certified by the Tasmanian Fire Service that provides emergency evacuate plans and information to staff, occupants and visitors on bushfire safety. This plan should address the characteristic, nature and scale of the vulnerable use and characteristics of the occupants. In the case of childcare centres, it may be difficult to provide information to young children regarding evacuation plans and bushfire safety, meaning this particular provision may prove a barrier to locating childcare centres in bushfire prone locations. However, the primary test for locating vulnerable uses in bushfire prone areas is demonstration of community benefit, providing an explicit enabler for supply of childcare centres where there is no alternative site.

The *State Policies and Projects Act 1993* which direct the preparation of State Policies represents the Governments overarching position on sustainable development (Government of Tasmania, 2007). The current state policies include:

- State Coastal Policy 1996
- State Policy on Water Quality Management 1997
- State Policy on the Protection of Agricultural Land 2009

These policies primarily relate to protection of the environment and although childcare centres may be barred from development due to provisions within these, they contain no direct enablers or barriers to the supply of childcare centres. Of note however is the purpose of the State Policies to represent the Governments position on sustainable

development, and this necessarily includes social considerations, and notable omission of any policy that deals with social planning matters such as childcare centres.

## Planning Advisory Notes

Planning advisory notes are prepared by the TPC to provide guidance and explain statutory provisions to councils and other parties on the operation of the planning system. A number of advisory notes have been prepared which may enable the supply of childcare centres.

For example, the Supporting Information for Draft Planning Schemes advisory note provides information to councils on what should be considered when preparing a local planning scheme. The advisory note states any background information, which could potentially include social infrastructure audits or demographic projections which address the supply of childcare, should be provided to the TPC for their assessment of the adequacy of the planning scheme.

The advisory note includes a number of objectives that should be considered when preparing background information for a comprehensive land use strategy. Most relevant to enabling supply of childcare centres is the need to consider the protection and enablement of the orderly provision of public facilities for the benefit of the community. To assist with considering this when drafting planning schemes, the advisory note provides a series of key questions:

- Has all existing and proposed public infrastructure (road, rail, public transport, communication and power transmission routes) been identified and adequately protected?
- Is there a roads schedule, road hierarchy, and requirements for car and cycle parking?
- Is the development and operation of schools, hospitals, ports, airports and other public facilities adequately protected?
- Will future use and development be within the capacity of existing or planned infrastructure; particularly water supply, sewer, and transport?

Of particular note is the need to consider whether development and operation of schools, for which childcare centres are defined under the same umbrella educational land use definition, are adequately protected. However, whilst this provision necessarily requires protecting land for schools, there is a degree of ambiguity as to whether this extends to broader educational land uses such as childcare. Similarly, there is little information provided within the advisory note as to whether childcare centres are considered a public facility.

Planning Advisory Note 15 has been prepared by the TPC to provide advice on information required from local councils when assessing a rezoning of land designated for public purpose. The advisory notes states land for public purposes is an important part of any urban area and may be designated for open space, recreation or other public facilities and buildings. The note acknowledges these uses are often important in both social and planning contexts and there should be a range of considerations undertaken as part of a comprehensive analysis prior to rezoning of land provided for these purposes:

- the availability of public land in the general area; and
- the needs of the community; and
- whether the land is suitable for the needs of the community; and
- whether the land it is capable of being improved to meet community needs due to factors such as size, location, slope, or other limiting factors; and
- whether more suitable land can be provided in the general area; and
- whether the subject land is specifically required for other purposes that are unable to be provided elsewhere; and
- the detriment to public amenity.

Of relevance to supply of childcare centres is the requirement to consider the needs of the community, traditionally assessed through a social impact assessment, when rezoning public land. One particular mechanism to enable supply may include requiring social impact assessments to analyse the needs and outcomes for children when rezoning land allocated for public purposes, as well as an analysis of suitability of alternative early sites for childcare centres. Without processes that consider relative suitability of sites for the full range of public uses, suitable land for childcare centres may be inadvertently restricted and serve as a barrier for the supply of centres.

## Best Practice Guidelines

In 1998, the Tasmanian Department of Environment and Land Management produced the TASCORD Best Practice Guidelines for residential development in Tasmania. In dealing with urban design and neighbourhood density issues, the guidelines provide best practice performance criteria and acceptable solutions for development standards. These criteria consider establishment of appropriate neighbourhood density, including a 'Land Budget', identifying all necessary space requirements for community services, including child care centres. The guidelines provide an example land budget for a population of 2,500 people, that identifies reservation of 3.4ha of land for education community facilities.

Whilst the guidelines are exemplary in encouraging consideration of community facilities, including child care, as part of a best practice approach to land use planning, the model land bank is provided for medium density development only, and provides little indication of appropriate levels of land reservation for child care in low density residential areas. Similarly, the guidelines focus on land banking per dwelling, rather than, for example, per family with child under 5, which would be a more realistic measure that could enable supply of childcare by safeguarding an appropriate amount of land for childcare centres. This is particularly so in areas where there may be restricted supply of land and safeguarding of 3.4ha for community facilities not feasible.

## Regional Planning

Regional planning is enabled through regional strategies and plans covering the North, North West and South of Tasmania. Regional land use strategies are a framework to guide land use, development, and infrastructure investment decisions across the region by State and local government, and key infrastructure providers.

The Cradle Coast Regional Land Use Strategy 2010-2030, covering the North West of Tasmania, outlines a number of objectives relating to provision of infrastructure and community service facilities, including childcare centres. The strategy notes infrastructure as having wide community benefit and being a key consideration in measures of economic prosperit and liveable communities. Foremost relevant amongst strategic regional outcomes to enabling the supply of childcare is provision of community services and education facilities in regional, district and local level centres to meet daily needs of communities.

However, the strategy notes difficulty in retention of staff, and the increasingly commercial nature of community service provision as challenges to providing local services and facilities in a highly dispersed settlement model. To address this, the strategy identifies land use policies to direct growth and development in urban areas, including a greater mix of uses within regional centres sufficient to meet daily requirements for education, which would necessarily include childcare.

The strategy identifies land use policies to enable access to facilities, including focussing community services dependent on regional or sub-regional population catchments, or a limited number of sites, into locations where there is high accessibility and synergy with existing facilities. Similarly, the strategy identifies facilitating co-location, integration and share use of community service facilities, including education facilities, on land allocated for housing and business purposes.

The Northern Tasmania Regional Land Use Strategy sets strategies and policies to encourage coordinated action on a wide range of issues by all levels of government. The strategy specifically address social infrastructure and community as a key policy goal and identifies the desired regional outcome to provide high quality social facilities meet the education and living needs to facilitate resilient and liveable communities.

The policy notes social infrastructure includes those community facilities and services that help communities meet social needs and maximise wellbeing. The policy notes provision of social infrastructure as being shared between local, State and Federal governments, not-for-profit and community organisations, and the private sector. The policy provides an opportunity to ensure social infrastructure planning does not occur in isolation and is coordinated to maximise efficiency through opportunities for shared use.

The social infrastructure policy identifies a range of actions that may assist with enabling supply of childcare centres, including:

- Investigate the social infrastructure for the region and considers:
  - A needs analysis;
  - Identification of locally appropriate standards of service;
  - Gaps in supply and assesses future needs;
  - An implementation plan;
  - Monitoring and review.
- Ensure that planning schemes do not preclude the use and development of community gardens within residential areas.
- Planning schemes are to facilitate the co-location of community facilities and services and encourage multi- purpose, flexible and adaptable social infrastructure.

- Ensure that existing and planned education and training facilities are appropriately zoned and protected from conflicting land uses.

The Southern Tasmania Regional Land Use Strategy is a broad policy document to facilitate and manage change, growth and development within Southern Tasmania over a 25 year period, including a set of regional planning policies to address underlying social issues. The strategy specifically address social infrastructure as a planning policy, noting particular challenges for the education sector, including previous lack of strategic land use planning and a delivery model mismatched with desirable residential growth patterns.

The strategy attempts to address this by encouraging co-location of health and education services and maximising utilisation of buildings that often share a common purpose but which are expensive to construct and maintain. The strategy identifies a range of policy objectives to help overcome challenges facing the provision of social infrastructure, including:

- Match location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release.
- Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.
- Identify and protect sites for social infrastructure, particularly in high social dependency areas, targeted urban growth areas (both infill and greenfield) and in identified Activity Centres.
- Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.
- Co-locate and integrate community facilities and services to improve service delivery, and form accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy.

The strategy also addresses the role of activity centres in strategic planning, and how these centres can create a complementary network that provides communities with reasonable access to facilities and services. To assist with realising this network and focussing on the delivery of key community services, the strategy outlines an activity centre network hierarchy for the region. This hierarchy notes childcare centres in the Primary Activity Centre of Hobart CBD should be provided to support the high concentration of employment in this area.

To support implementation of the strategy an implementation and monitoring framework, including zoning guidance, has been prepared for the region. The framework recommends undertaking a regional social infrastructure audit of education and health facilities to assist with establishing links and gaps in provision of community services against desired growth patterns of the strategy. The framework notes the strategy's outline of residential growth patterns is the first time the Departments of Education and Human Services and infrastructure providers have been able to respond to population challenges in a forward planning manner.

## **Sub Regional Land Use Strategy – Vision East 2030**

*The Vision East 2030 Land Use Framework* aims to provide information and direction for the preparation of new planning schemes thereby improving co-ordination of planning schemes across the four municipalities. The Northern and Southern Tasmanian Regional Land Use Strategies, which incorporate the East Coast, also provide policy direction on

land uses in the municipalities (Tasmanian Government, 2009).

The framework notes that, as it addresses land use matters, it cannot directly target the provision of community services and facilities. However, the framework seeks to address matching the supply of services and facilities to local needs, and ensuring funding and resource allocation is coordinated to avoid inefficiencies. It sets out the action to ensure planning schemes adequately provide zoned for community facilities.

## Projects of Regional Significance

The TPC have prepared guidelines to identify where a project may be eligible to be considered of regional significance. If a project is of regional significance, it is to be determined by a development assessment panel appointed by the TPC following public consultation and consideration of a full project impact statement. Membership of the panel is made up of a Commissioner, a nominee of the relevant council, and a person the TPC considers has relevant qualifications.

In determining whether a project is of regional significance, the Minister has to be satisfied the project meets at least one criteria that is, the project is of regional significance, requires high level assessment or will have significant environmental impact. Of relevance to enabling the supply of childcare is, when determining if a project is of regional significance, the Minister can consider:

- The extent to which the project would impact economically and socially on the region. The greater the economic or social impact on a region increases the eligibility of the project;

Given the highly dispersed model of settlement in Tasmania, and strategic planning priorities to favour more regionalized locations for community services, this provision may prove a useful enabler for the supply of childcare centres which are of regional significance by nature of the size of the population catchment they serve.

## Tasmanian Infrastructure Strategy

The Tasmanian Infrastructure Strategy identifies the vision for infrastructure in our key economic sectors of transport, water, and energy, digital and acknowledges the central role the planning system plays in Tasmania. The strategy is designed to link to budgetary processes and the three regional land use strategies for Tasmania to ensure delivery of infrastructure through land use planning.

However, given there is no priority area for social infrastructure, and no overarching strategic direction provided by the infrastructure strategy, it is unclear whether the infrastructure strategy can enable supply of childcare centres through the land use planning framework.

## Planning schemes

Local government planning in Tasmania is legislated through a number of statutory and non-statutory planning instruments.

*Statutory instruments include:*

- Planning Schemes;

- Planning Directives containing mandatory common provisions (definitions and the like) for insertion in local planning schemes; and
- Special Planning Orders.

*Non-statutory instrumners include:*

- Planning advisory notes
- Codes of Practice / Best Practice Guidelines

Planning schemes in Tasmania set out the requirements that apply to new use and development of land, they do not affect existing development and cannot initiate or require development (Government of Tasmania, 2007). There are 34 planning schemes covering all land under 29 councils are they consist of two parts:

- the 'plan,' which divides the council area into different land use zones and shows the overlays where additional controls may apply; and
- a written document (the 'ordinance') which sets out the conditions under which use and development can take place in different zones and overlay areas

Government of Tasmania (2007)

## Special Planning Orders

Special planning orders are used to override provisions of an existing planning scheme or where there are no planning controls in place. Under Division 5, Part 3 of the Land Use Planning and Approvals Act 1993, a special planning order may be made by the Commission, or by a council at the request of the Commission, where:

- there are contradictions in, or inconsistencies between, the provisions of a planning scheme; or
- it is necessary to introduce planning provisions for an area where a planning scheme is not in force or will cease to operate

Government of Tasmania (2007)

## Summary

The strategic planning documents for Tasmania focused generally on education facilities rather than specifically on childcare. The Regional Land Use Strategies discuss social infrastructure, however strategic planning in terms of social infrastructure for education focuses on primary and secondary education.

## C.9 Northern Territory Legislative Framework

Land use planning in the Northern Territory is regulated by the *Planning Act 2013* (the Act) The primary supporting regulation for the Act is the *Planning Regulations 2011*.

Given the isolated settlement pattern of the Northern Territory, there is one major planning scheme covering almost the entire Territory, and smaller planning schemes covering some major remote towns and indigenous communities. Table 25 below outlines the plans/legislation reviewed for the Northern Territory.

TABLE 25: SUMMARY OF PLANS/LEGISLATION REVIEWED FOR THE NORTHERN TERRITORY

Plans/legislation	Year
<b>Territory Planning</b>	
<i>Planning Act 2013</i>	2013
<i>Planning Regulations 2011</i>	2011
<b>Regional Planning and/or Strategic Planning</b>	
Northern Territory Government 10 Year Infrastructure Strategy	2010/11
Territory 2030	2009
Planning Guidelines for Major Remote Towns and Indigenous Communities in the Northern Territory	2013

### Planning Act

The *Planning Act 2013* provides for appropriate and orderly planning and control of the use and development of land. The Act:

- establishes the NT Planning Scheme and provides for a development approval process;
- provides for interim development control;
- provides for an appeals regime and enforcement; and
- establishes the Development Consent Authority.

The objectives of the Act most relevant to land use planning for child care are:

- strategic planning of land use and development and for the sustainable use of resources;
- effective controls and guidelines for the appropriate use of land, having regard to its capabilities and limitations;
- minimising adverse impacts of development on existing amenity and, wherever possible, ensuring that amenity is enhanced as a result of development; and



- ensuring, as far as possible, that planning reflects the wishes and needs of the community through appropriate public consultation and input in both the formulation and implementation of planning schemes.

(NT Government, n.d.)

## The Northern Territory Planning Scheme

The Northern Territory Planning Scheme contains the planning principles, land use framework, and zoning and development controls for all areas of the Territory that are not subject to a planning scheme. The scheme outlines the planning principles which a development consent authority must consider when assessing applications for development in the Territory. In relation to childcare, these principles include:

*(a) contribute to a built, rural and natural environment supporting the diverse lifestyle and the social, cultural and economic development of the Territory promoting:*

*iii. public infrastructure including a coordinated, integrated and efficient transport network;*

*v. commercial, primary production and industrial diversity servicing community needs and export potential;*

*(c) facilitate the supply of sufficient land for residential, commercial, industrial, recreational, primary production, institutional and other public uses so that the subdivision of land is cost effective, equitable and timely and maximises the value of public and private investment in infrastructure;*

*(e) ensure development does not unreasonably intrude on or compromise the privacy of adjoining residential uses and ensures its own amenity is not compromised in the future;*

The scheme establishes four levels of development permissibility - Permitted, Self Assesable, Discretionary, and Prohibited. The scheme defines child care centres as premises used for the caring of 17 or more children, whilst centres caring for fewer than 16 children are defined as home based child care centres. The scheme also notes child care centres are to be considered commercial uses.

The objective of the Single Dwelling Residential (SDR) Zone is to provide for single dwellings on individual lots and non-residential uses should be limited to those which service the local neighbourhood and do not have a detrimental affect on residential amenity. The scheme identifies the purpose of the Multiple Dwelling Residential (MDR) Zone as to provide for a range of housing options up to a maximum of two storeys. The primary purpose of the Medium Density Residential (MR) zone is to provide for a range of housing options to a maximum of four storeys and ensure availability and future availability of services and other community facilities sufficient to support this type of development. In the SDR, MDR, and MR zones, the scheme identifies child care centres as prohibited uses, and home based child care centres as discretionary uses in the SDR Zone.

The primary purpose of the High Density Residential (HDR) zone is to provide high quality housing close to major roads, schools and other community facilities and the availability of services should be sufficient to accommodate high density residential. The

scheme identifies child care centres as discretionary land uses in the HDR zone. The primary purpose of the Community Living zone is to provide for community living. Interestingly, whilst one of the additional purposes of this zone is to provide non-residential facilities that service the social needs of the community, child care centres are prohibited uses in this zone.

The scheme also includes parking requirements for child care centres, outlining 1 space is required for every employee and 1 space for every 20 children. Similarly, the scheme notes that, where in the Central Business Zone in Darwin, 2 spaces for every 100m<sup>2</sup> of floor space. The scheme also includes development performance standards for child care centres, the purpose of which is to ensure child care centres are appropriately and conveniently located, appropriately design and do not detract from the amenity of an area. To ensure this, the scheme notes a child care centre should:

- (a) be capable of accommodating:*
  - i. 14m<sup>2</sup> of outdoor play space for each child and 3.25m<sup>2</sup> of indoor play space for each child;*
  - ii. associated vehicle access, parking and manoeuvring; and*
  - iii. landscaping and any necessary screening;*
- (b) be located:*
  - i. adjacent to or within other community facilities such as shopping centres, schools and health services;*
  - ii. at or near the entrance to a residential suburb; or*
  - iii. in or near employment areas; and*
- (c) have vehicular access from a road other than from an arterial road.*

Despite child care centres not being permitted in a vast number of residential zones, the scheme also notes that, where a child care centre is located adjacent to residential land:

- (a) the abutting boundary is to be screened to protect privacy; and*
- (b) the design of the centre is to take account of the noise impact on an adjacent dwelling by either locating outdoor play space away from the common boundary or by including appropriate screening.*

The scheme also provides guidance that a child care centre requires a licence to operate and that this necessarily includes the child care centre is conducted in accordance with the *Planning Act 2013*.

The scheme includes a range of provisions to assist with the orderly and proper planning of Aboriginal Communities and Towns. In Community Living Areas in these towns, the Scheme notes that any land use that is necessary for community life can be developed without consent, noting child care centres as one of these uses. Similarly, the scheme notes that, where a childcare centre is proposed for development on residential land or a community use area, it may be developed without consent.

The scheme contains a number of controls relating to specific lots across the Territory, on a number of these lots, child care centres may be developed without consent so long as the development complies with a range of pre-defined standards, including:

- The building is of a single storey;
- Minimum building setbacks from specified roadways are achieved;
- A Mosquito Management Plan has been prepared in consultation with the Department of Health and Families;

The scheme also provides minimum lot size regulations for development of child care centres in certain zones, the minimum lot size identified is 800m<sup>2</sup>

## Planning Regulations

The Planning Regulations deal with matters of a procedural or administrative nature and include exempt subdivisions, notices of decisions and requirements for advertising development applications. It also prescribes circumstances where a right of third party appeal exists (NT Government, n.d.). Interestingly, where a childcare centre has been permitted in a residential zone, the use complies with provisions contained in the Planning Scheme, and there have been no variations or conditions placed on the approval, third party appeal rights do not exist.

## Northern Territory Government 10-Year Infrastructure Strategy

Drawing on all Government strategies and plans, particularly the Territory 2030 Strategic Plan, Working Future (Repealed) and associated government priorities, this document outlines what needs to be done to ensure our infrastructure meets the needs of the Territories growing community and its economy. The strategy has identified seven priorities for action: Land, Remote Services, Transport, Energy and Water, Social Infrastructure, Telecommunications and Infrastructure Planning and Management (Northern Territory Government, 2010).

### Social Infrastructure

Social infrastructure (including housing, education, health, police and justice, sport, arts, community, tourism, parks) is one of the seven priorities for action within the plan. The strategy notes improving access to education services as a key priority and provision of funding to allow schools to be upgraded for boarder community use. The strategy notes a strong partnership approach between the Federal and Territory Governments has been established to achieve better early childhood education outcomes for remote towns through construction and upgrade of schools and child and family centres.

Similarly, the *Smart Territory Strategic Plan* prepared by the Department of Education emphasizes a partnership approach between Government and Non-Government agencies to provide support for community and budget-based child care services. Table 26 outlines the targets and associated actions relation to childcare in the plan.

TABLE 26: TARGETS AND ACTIONS RELATING TO CHILDCARE IN THE 10 YEAR INFRASTRUCTURE STRATEGY

Priority	Target	Action
Social Infrastructure	School and educational facilities support the training and education needs of all Territorians.	<ul style="list-style-type: none"> <li>Students from regional and remote areas have access to residential school facilities that are closer to home.</li> <li>Deliver new schools and facilities to support development in the new Palmerston suburb of Zuccoli.</li> <li>Address school requirements for the future residents of Weddell.</li> </ul>

Whilst the target addresses the need for facilities that support training and education needs of all Territorians, the associated actions relate mainly to new communities and provision of schools and training centres. There are no actions that relate to enhancing access for child care centres or encouraging co-location.

However, of note is the need to provide better access to residential school facilities closer to home for students in regional and remote areas. This action aligns with the Northern Territory Planning Schemes removal of third party appeals for child care centres that comply with relevant development standards in residential areas, representing a degree of integration between strategic enablers and the land use planning system.

## Summary

Changes in Territory Government have seen the introduction of a NT Planning Commission whose primary role is to develop strategic plans and planning policies. The NT Planning Commission will undertake community consultation in preparing integrated strategic plans for regions, towns and centres (NT Planning Commission, 2013). At present, there are few strategic enablers for the supply of child care centres in the Northern Territory.

# D Local government review

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## D.1 Local Government Review

Whilst the hierarchical nature of statutory planning instruments establishes an important role for state governments in strategic land use planning, significant delegated responsibilities also delineate a substantial role for local government in achieving state and local strategic objectives via local land use plans. Despite subordinate legislative responsibility, local governments possess a degree of flexibility in interpreting state objectives, preparing local strategic and land use plans and determining local spatial, social, environmental and economic outcomes. In addition, local preparation and implementation of development control and assessment systems further strengthens the role of local government in the supply of child care places.

### Selection of local government areas

Instructed by findings of the state planning legislation and policy review, a desktop assessment of local government roles, responsibilities and general facilitation of planning for supply of child care places has been undertaken.

Localities analysed (Table 27) have been chosen based on knowledge of the full range of local government contexts across the country; in depth knowledge and experience in applied child care, social and public policy research; and analysis of 2011 Census socio-demographic data for children and families to be released at the end of March 2013.

TABLE 27: LOCAL GOVERNMENT AREAS ANALYSED

Queensland	Western Australia	New South Wales	Victoria
Brisbane City Council	City of Perth	City of Sydney	City of Greater Geelong
Townsville City Council	City of Gosnells	Leichhardt Municipal Council	Moreland City Council
Mt Isa City Council	City of Joondalup	Orange City Council	City of Casey

A broad spectrum of metropolitan, regional and rural or remote localities have been identified through consideration of a range of elements including, but not limited to:

- Analysis of socio-demographic children's needs data within the locality;
- Degree of involvement and engagement of children in strategic and land use planning processes;
- Current and future population projections and composition;
- Extent of local government ownership and operation of child care centres;
- Degree of funding or allocation of land and infrastructure provided to child care providers;
- Differences between development and building application processes (time frames, number of applications, adequacy or completeness of planning controls and development assessment systems etc.);
- Regularity of local strategic and land use planning exercises (i.e. Community Strategic Plans, Social Infrastructure Plans, Precinct Area Planning);
- Demonstrated compliance with state statutory planning instruments;
- Exemplified elements of good practice or significant barriers to planning for supply of child care;
- Involvement of private certifiers in development assessment and certification of centre buildings and facilities;
- Quantum of Planning and Environment Court matters involving child care centre approvals.

## D.2 Queensland

Following Local Government amalgamations in 2008, Queensland local councils have been undertaking the preparation of new planning schemes. Some local council areas are currently administering a number of planning schemes until a new, combined scheme is prepared. Until such time that the new planning schemes are gazetted, existing planning schemes remain.

The following analysis of Queensland's local statutory planning system refers to the development assessment criteria listed in Table 28, this outlines the code assessable development assessment system in Queensland.

TABLE 28: SUMMARY OF ASSESSABLE DEVELOPMENT TYPES

Self-Assessable	Code-Assessable	Impact Assessable	Impact Assessable – Generally Appropriate (Brisbane City Council Only)
Certain types of projects do not need a development application but must comply with Council's rules including applicable codes. These projects are referred to as 'self-assessable'.	A code assessable development application fits within the rules set out in the Codes of the planning scheme. It can be assessed relatively quickly and does not require public notification. If the proposal complies with the code the application will be approved (e.g. if the code's only provision was for the setback to be 2 metres from the boundary, and the proposal complied, the application would be approved by council).	Refers to development that is inconsistent with the local planning codes and requires Impact Assessment (including public notification).	An impact assessable generally appropriate development application is for development where it is considered that adverse impacts can usually be mitigated to acceptable levels and must be publicly advertised.

Source: Adapted from Brisbane City Council, 2012

## Brisbane City Council (BCC)

BCC is responsible for City planning, economic development and neighbourhood planning in Brisbane. Planning and economic development is regulated under a number of plans, developed by BCC under two tiers, these include:

TABLE 29: CITY PLANNING AND ECONOMIC DEVELOPMENT

<b>City Planning and Economic Development</b>	
Brisbane City Plan	Brisbane's principal planning scheme. Guides and controls how development currently occurs across the City of Brisbane.
Priority Infrastructure Plans (PIP)	Long term citywide plan for infrastructure (like roads and storm water) that integrates with land use planning in the City Plan
Brisbane's City Centre Masterplan	20 year vision for the future of the Brisbane City Centre and focuses on sites, streets and other spaces such as laneways and parks.
Brisbane Long Term Infrastructure Plan	Strategic direction for infrastructure provision in Brisbane to meet the community's needs while enhancing the city's capacity for long term economic development.
Brisbane Economic Development Plan	Priorities to support Brisbane's capacity for long term economic growth.
<b>Neighbourhood Planning</b>	
Neighbourhood Plans	Created by Council together with local residents and business owners to guide local development in Brisbane. Contained within the Brisbane City Plan.

Source: Brisbane City Council, 2012

### **Brisbane City Plan**

All building and development in Brisbane is directed by the Brisbane City Plan 2000 (City Plan). City Plan sets out what we and our neighbours can build and shows where new development should go. Brisbane City Council assesses proposed new development against the City Plan. The City Plan contains three elements:

- a strategic plan - the vision for the way the city will develop
- the rules - practical rules and legal requirements that developments must address
- Local and Neighbourhood Plans - development regulations specific to certain areas

The City Plan defines a child care facility as a use of premises for the minding or care, but not residence, of children generally under school age. A child care facility is also included in the group of uses defined as centre activities, where it is proposed that the child care facility be located within a Multi-Purpose Centre (Brisbane City Council, 2012).

### **Child Care Facility Code**

The Child Care Facility Code is used in the Brisbane City Council area as the code for assessing child care applications. The purpose of the code is to:

- ensure that child care facilities make a positive contribution to neighbourhood character
- ensure that the location and design of a child care facility:
  - serves the best interests of the children who will occupy it
  - is consistent with the maintenance of residential amenity and traffic safety



- promote safe, encouraging and stimulating environments for children and staff that complement the educational and developmental objectives of the child care facility.

The code is structured through performance criteria and acceptable solutions. The 9 performance criteria for the code are summarised in Table 30 and generally address issues of health, amenity, intensification of land use, accessibility and impact on traffic and parking.

TABLE 30: BRISBANE PERFORMANCE CRITERIA AND ACCEPTABLE SOLUTIONS FOR THE CHILD CARE FACILITY

Performance Criteria	Acceptable Solutions (summary)
The proposal must have good accessibility	Outlines accessibility requirements for the proposed development including co-location with appropriate land uses and distance to public transport.
The site must be located to minimise: <ul style="list-style-type: none"> <li>• introduction of non-local traffic into minor residential streets</li> <li>• flood damage or hazard</li> </ul>	Outlines where the proposed development should be located and where it should not be located (e.g. not located on local access roads or areas of flooding).
Users of the facility must not be exposed to soil contamination	Outlines requirements that the site must not be exposed to contamination or, if it is, then the proposal must include an investigative report.
The site must meet the air quality standards within the Air Quality Planning Scheme Policy to ensure that users are not exposed to harmful air pollutants. The Air Quality Planning Scheme Policy does not address child care.	Outlines specific areas where the proposed development must not be located
Users of the facility must not be subject to harmful noise levels	Outlines appropriate noise levels that adjoining uses must not impose on the proposed development (indoors and outdoors)
Impacts on the amenity of adjoining uses must be eliminated or mitigated	Outlines measures and landscaping requirements to mitigate the noise levels imposed on adjoining land uses
The site must accommodate activity needs, minimum space requirements and provide protection to children against the elements Note: a smaller site area than specified in the Acceptable Solution may be approved only if the facility is located where parking is convenient and plentiful, e.g. at educational institutions, work sites and shopping centres	Specifies that site area is a minimum of 1500sqm for 26-49 children and 2000sqm for 50-75 children and the design layout incorporates areas for indoor play and outdoor play and roofed shade and other outdoor shade.
Play areas must be protected from external hazards	Outlines requirements for fencing and proximity to high voltage electricity easements
Parking conflicts must be minimised, on-site and off-site	Outlines need for car parking areas. However number of car parking spaces required is set out in the Transport, Access, Parking and Service Planning Scheme Policy (see below).

Source: Brisbane City Council, 2008

The code also provides a map which outlines locations unsuitable for child care facilities due to the high volume of traffic (Figure 10) in addition to meeting the requirements of the Air Quality Planning Scheme Policy.

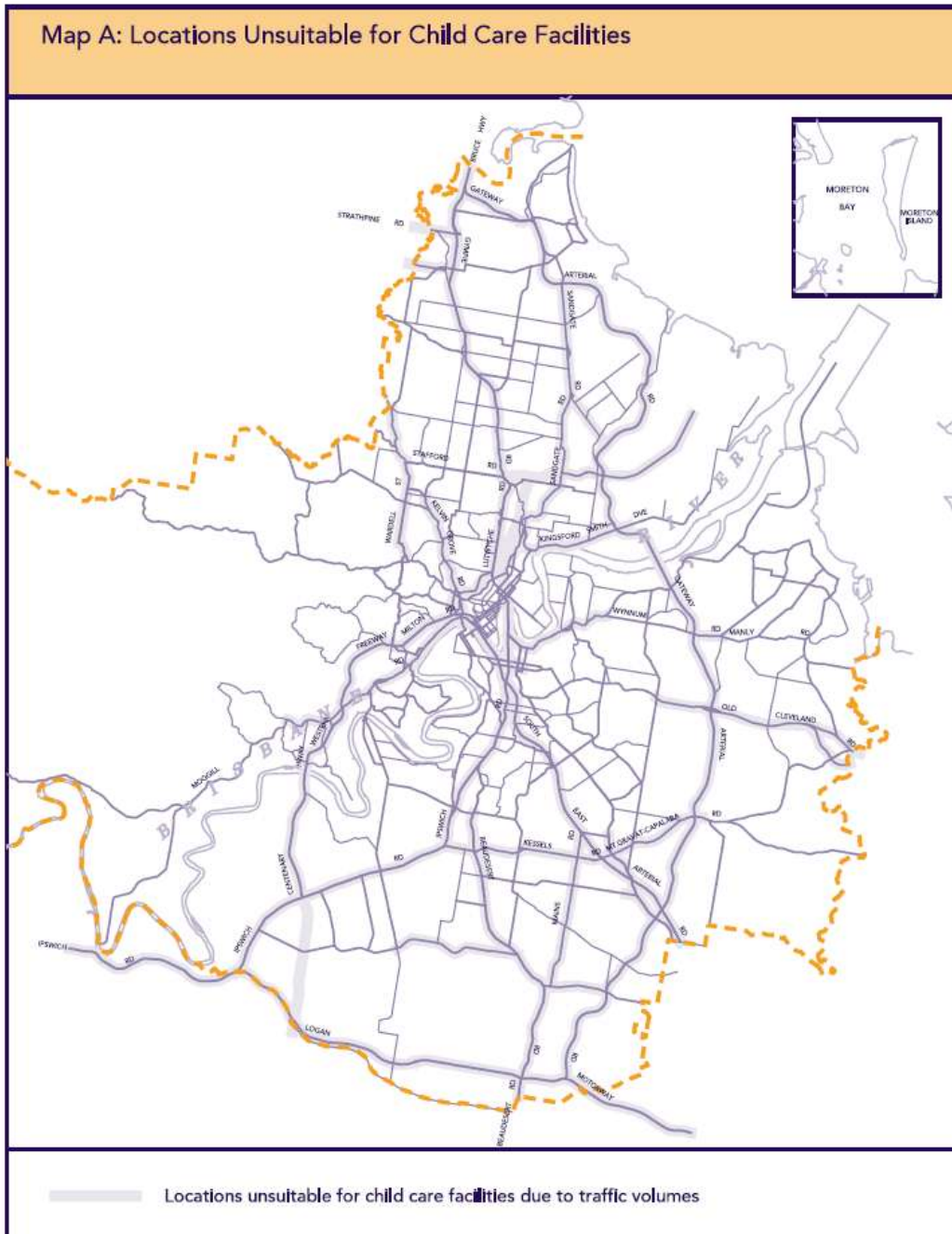


FIGURE 10: LOCATIONS UNSUITABLE FOR CHILD CARE IN THE BRISBANE CITY PLAN

Secondary codes are also referred to within the Child Care Facility Code. The level of assessment determines the secondary codes that need to be addressed. If the development is code assessable then the proposal only needs to meet the codes contained within the Child Care Facility Code. If the proposal is impact assessable then the following codes may also be used to address the proposal:

- Acid Sulfate Soil
- Biodiversity
- Gas and Oil Pipeline
- Heritage Place
- Industrial Areas— Adjacent Development
- Landscaping
- Non-discriminatory Access and Use

- Park Planning and Design
- Services, Works and Infrastructure
- Stormwater Management
- Transport, Access, Parking and Servicing
- Waterway
- Wetland

These codes may act as either an enabler or a barrier to the supply of child care. For example, in an impact assessable scenario for a child care proposal the Landscaping code provides specific requirements that are assessed as part of the Child Care Facility Code. This would be seen as a barrier to supply as there are further requirements to address, such as the need for specific plant species.

### Car Parking Provisions

The Transport, Access, Parking and Service Planning Scheme Policy sets out the requirements for parking for most development applications not falling into the major development category. Child care applications are not considered to be major development and therefore this code applies. Table 31 outlines the parking requirements for child care.

If a Local Plan applies to an area then the provisions set out in the Local Plan override those of the Transport, Access, Parking and Service Planning Scheme Policy.

TABLE 31: PARKING REQUIREMENTS FOR CHILD CARE IN THE POLICY UNDER THE BRISBANE CITY PLAN

Development	Parking Rate
Child care facility	1 car space per 5 children. 60% of the parking is to be designated for staff and may be provided in tandem. If the proposal is within the grounds of a site that already provides plentiful staff parking, or if there are other alternatives available for car parking, the above parking requirement may be modified.

### Neighbourhood Plans / Local Plans

Neighbourhood plans are a tool to manage change and accommodate growth and better protect valued environments at a local level (Brisbane City Council, 2012). Local Plans / Neighbourhood Plans have the ability to override other levels of assessment and codes in the planning scheme for specific areas. For example child care centres could be made code assessable in certain areas under a local plan, where they would otherwise be impact assessable. This is demonstrated in the Bowen Hills Local Plan. The Bowen Hills Local Plan provides specific information for the Bowen Hills area. Where there are conflicts with the Child Care Facility Code and the Bowen Hills Local Plan, the local plan prevails. With regard to child care, there is a conflict between the parking provisions in the Child Care Facility Code and the Transport Parking and Service Access planning scheme policy to the provisions specified in the Bowen Hills Local Plan. In this care, the parking provisions in the Bowen Hills Local Plan take precedence. The parking comparison is outlined in Table 33.

While a direct comparison of the parking provisions is difficult to calculate (one is measured using the number of children and the other on GFA), the parking rates in the local plan can be compared to the City of Sydney which requires a higher provision of one space per 100m<sup>2</sup> of GFA. The Local Plan thus has the potential to include lower provisions for parking or more leniency and thus, enabling supply.

TABLE 32: LEVEL OF ASSESSMENT FOR CHILD CARE IN THE BOWEN HILLS LOCAL PLAN

Precinct	Level of assessment
Residential	Impact Assessable – Generally appropriate
Office Park	Code

TABLE 33: COMPARISON OF PARKING PROVISIONS: CHILD CARE FACILITY CODE AND THE BOWEN HILLS LOCAL PLAN

Plan / Code	Parking Provisions
Bowen Hills Local Plan	Car parking for non-residential development is provided at the rate of a maximum of 1 space per 75m <sup>2</sup> gross floor area
Child Care Facility Code	1 car space per 5 children. 60% of the parking is to be designated for staff and may be provided in tandem. If the proposal is within the grounds of a site that already provides plentiful staff parking, or if there are other alternatives available for car parking, the above parking requirement may be modified

### Preferred Zones for Child Care

Brisbane City Council has identified 5 preferred zones for child care facilities. These have been outlined in Table 34 against the assessment criteria.

TABLE 34: PREFERRED ZONES AND THE LEVEL OF ASSESSMENT FOR CHILD CARE IN THE BRISBANE CITY PLAN

Zone	Level of assessment
Community Use Zone CU2, CU4 or CU6	Code Assessable if the development address the Child Care Facility Code. Impact Assessable if the development does not comply with the code
Multi-Purpose Centres 1, 2, 3 and 4 zone	Child care is included in the use of Centre Activities in the Multi-purpose Centres zone. Self-Assessable when the development does not involve building work and where the development complies with the acceptable solutions in the Centre Amenity and Performance Code. The Centre Amenity and Performance Code has the same provisions for child care as the Child Care Facility Code. For an existing child care facility in the Multi-Purpose Centre, Community Use Area and Emerging Community Area, the following types of minor building work are exempt development, meaning they require no application and do not need to comply with the codes or other requirements of City Plan: alteration, addition or extension to an existing community facility where the floor area, including balconies, is less than 5% of the building or 25 square metres, whichever is the lesser internal fit-outs pergolas and patios sun hoods over windows and doors carports or shade structures up to 25 square metres in area except where it is: - on land listed in the Heritage Register; or - on land within the Petrie Terrace and Spring Hill Local Plan; or - in the Brisbane River Corridor Code assessable if the development does not comply with the code
Special Purpose Centres 1 and 2 zone	Code Assessable addressing the Child Care Facility Code. Impact Assessable if the development does not comply with the code.
Residential Zones (Low Density, Character, Low-Medium Density, Medium Density and High Density)	Impact Assessable addressing the Child Care Facility Code.
Emerging Community Zone	A child care facility may be considered in an Emerging Community Zone if it is in accordance with a structure plan that has been approved by Council. Impact Assessable.

### Priority Infrastructure Plans (PIP)

PIPs are designed to show when and where infrastructure for water, sewage, stormwater, transport, parks and land for community use are proposed (Department of State Development, Infrastructure and Planning, 2012). The state government has prepared a number of templates and checklists to assist local governments prepare PIPs. In accordance with the state government’s advice regarding the types of infrastructure that PIPs are to primarily address, the templates and checklists focus on trunk and networked infrastructure (sewerage, water, roads etc.).

The Brisbane City Council PIP, contained within the Brisbane City Plan, identifies child care facilities as commercial non-residential development. The PIP predicts the infrastructure Brisbane will need over the next 15-20 years to service its growing population and support healthy, well-functioning neighbourhoods. The PIP provides developers with an indication of what infrastructure they may need to contribute as part of their development. It also assists Council in managing its extensive capital works program by identifying and planning for the delivery of trunk infrastructure over the long-term (Brisbane City Council, 2012).

### Brisbane City Centre Masterplan

The 2006 City Centre Master Plan set a 20 year vision for the future of Brisbane's city centre with the population of the city centre projected to increase by 70% by 2026. The plan proposed revitalisation of key sites, streets and forgotten spaces through a variety of initiatives and major projects to enhance the city centre (Brisbane City Council, 2012).

The plan comprises of two parts, including strategies with associated objectives and action plans. The strategies that relate to child care are summarized in Table 35. The discussions that were raised during the preparation phase of the Masterplan identified the growing need for child care facilities in the city centre to cater for workers and the increasing number of residents living in the city centre. The strategy set the objective to encourage larger developments to include child care centres in the city centre to help increase the supply of child care.

TABLE 35: STRATEGIES RELATING TO CHILD CARE IN THE BRISBANE CITY CENTRE MASTERPLAN

Strategy	Objectives	Discussion
Social: Facilities amenities and social support systems	Encourage larger developments to include amenities for residents such as space where they can socialise. Child care centres should be encouraged in larger developments and located on lower floors of inner city buildings with private open space for recreation and integrated drop-off zone parking.	Additional child care facilities are also needed to service the growing resident population of families and working parents. Demand currently exceeds supply. The demand for city centre child care facilities was critical. These would cater for city workers and students, as well as the increasing number of families living in the city. There was evidence of parents living and working in the central area, but commuting to the suburbs to access child care. The benefits of community-based child care facilities were also identified. However, the locations unsuitable for child care centres (Figure 10) include a significant amount located in the city centre which acts as a potential barrier to supply.

While the initiatives of the Masterplan do not specifically address child care, they do set initiatives for council and government to work on ways of better integrating community facilities and services in the city centre. This includes utilising infrastructure agreements for large developments to help secure community infrastructure. Table 36 outlines these initiatives. An initiative of the Masterplan is for council to continue to work with State government regarding amendments to IPA and infrastructure charging provisions that enables community facility provision on a floor space basis.

TABLE 36: INITIATIVES RELATING TO CHILD CARE IN THE BRISBANE CITY CENTRE MASTERPLAN

Initiative	Status and comments
Council to work with other agencies to plan for and address community facility and service supply and supply mechanisms.	Utilise infrastructure agreements with large developments, to secure community infrastructure and open space
Develop community infrastructure in the city centre, in conjunction or consultation with other levels of government.	Negotiate to seek the provision of affordable community infrastructure in the development of State and local government sites in the CBD, as well as larger development projects. Identify a potential community hub location in the City South area

In terms of implementing the objectives and actions in the Masterplan, the City Centre Neighborhood Plan (contained within the Brisbane City Plan) becomes the statutory provision for implementation. Under the current City Centre Neighborhood Plan Child Care centres are not addressed which acts as a barrier to supply.

### ***Brisbane Long Term Transport Infrastructure Plan***

The Brisbane Long Term Infrastructure Plan 2012-2031 builds upon the strategic direction and coordinated approach to developing future infrastructure. The plan will guide the prioritisation and alignment of Brisbane's infrastructure as the city grows, and provide a reference for other levels of government and the private sector. The plan's development received feedback from local community and businesses (Brisbane City Council, 2012).

The plan identifies that the number of children living in Brisbane City is expected to increase from 175,000 in 2006 to 200,000 by 2031 – adding to the demand for the provision of educational facilities. While the plan is focused on the provision and direction of major infrastructure for Brisbane City, it does identify actions for the provision of open space and community facilities (including child care) to support the working population. The plan does not include a specific strategy for the implementation of community facilities in the form of child care.

### ***Brisbane Economic Development Plan***

The Brisbane Economic Development Plan 2012-2031 sets out the priorities and actions required to support Brisbane's successful economic development to 2031. The Economic Development Plan responds to the recommendations of the Lord Mayor's Economic Development Steering Committee presented in the Brisbane's Unique Window of Opportunity report (Brisbane City Council, 2012). The plan addresses strategic issues relating to the economic growth of the city including productive economies, lifestyle city and leadership but does not address child care.

## D.2.1.1 Summary

### Key Enablers

#### Code/Policy addressing child care

- BCC's Child Care Facility Code within the planning scheme allows for issues specific to child care to be addressed in a code and not through the codes relating to the zone the development occurs in. The code addresses issues specific to child care centres relating to accessibility, appropriate locations, air quality standards, noise levels. While this is an enabler to the supply of child care it can also be a barrier. For example, in the code it states a minimum lot size for child care centres, which is seen as a barrier. However, it does specify that smaller site areas may be approved if the facility is located where parking is convenient and plentiful, for example, at shopping centres or educational institutions, which is an enabler.

#### Permissibility/Assessability

- In BCC the permissibility of child care is both an enabler and a barrier. In terms of enabling supply, having child care as code assessable is an enabler but impact assessable is a barrier;
- BCC also provides flexibility in meeting the requirements of the child care code in some zones (e.g. Special Purpose Centre 1 & 2) by stating that the use is code assessable if it meets the requirements of the code, and impact assessable if it does not meet the requirements.
- Child care facilities are included in the group of uses defined as centre activities, where it is proposed that the child care facility be located within a Multi-Purpose Centre (Brisbane City Council, 2012), enabling the provision of child care in the multi-purpose centre zone promoting co-location and a mix of uses within the zone, and thus, enabling supply in these areas.

#### Parking

- The Transport, Access, Parking and Service Planning Scheme Policy allows for car parking provisions to be modified if the site provides plentiful staff parking, or if alternatives for car parking are available;
- BCC are able to specify different levels of parking provisions through the use of a local plan, as a local plan takes precedence over other parts of the planning scheme. While this could be a barrier to supply, if the parking provisions are lower in the local plan this is an enabler of supply. This is evident in the Bowen Hills Local Plan where the parking provisions are assumed to be lower than in the Child Care Facility Code. This mechanism could be used in instances where an area has plentiful on street parking or good public transport.
  - Note: While a direct comparison of the parking provisions is difficult to calculate (Child Care Facility Policy is measured using the number of children and the Local Plan using GFA), the parking rates in the local plan can be compared to the City of Sydney which requires a higher provision of one space per 100m<sup>2</sup> of GFA versus one space per 75m<sup>2</sup> of GFA). The Local Plan has the potential to include lower provisions for parking or more leniency and thus, enabling supply.

## Masterplans and local plans

- Local Plans / Neighbourhood Plans under the Brisbane City Plan have the ability to override other levels of assessment and codes in the planning scheme for specific areas. The Bowen Hills Local Plan for example, provides specific information for the Bowen Hills area. Where there are conflicts between the Child Care Facility Code and the Bowen Hills Local Plan, the local plan prevails. While this could act as a barrier to supply (if the provisions of the local plan are more stringent) the Bowen Hills Local Plan is an example of where the provisions of the local plan are more lenient in terms of parking than in the Child Care Facility Code and the Transport, Access, Parking and Service Planning Scheme Policy.

## Key Barriers

### Code/Policy addressing child care

- The Child Care Facility Code specifies the site area is a minimum of 1500m<sup>2</sup> for 26-49 children and 2000m<sup>2</sup> for 50-75 children which is a barrier to supply;
- The locations unsuitable for child care centres (Figure 10) include a significant area located in the city centre which acts as a potential barrier to supply in the city centre.

### Permissibility/Assessability

- In BCC the permissibility of child care is both an enabler and a barrier. In terms of inhibiting supply, having child care as impact assessable is inhibiting supply.

## Masterplans and local plans

- While BCC has a city centre Masterplan that addresses the need for child care in the city centre, the implementation mechanism for the Masterplan is the City Centre Neighbourhood Plan which does not specifically address child care which is seen as a barrier to supply;

## Best Practice

- BCC has published on their website a list of 5 preferred use zones for child care facilities.
- Use of a masterplan to help facilitate the provision of facilities, amenities and social support systems including encouraging larger developments to include amenities child care centres on lower floors and areas of integrated drop-off parking. However, there needs to be a mechanism for implementing the masterplan at a statutory planning / local planning level.
- The City Centre Masterplan identifies two main initiatives of council relating to child care:
  - Council has identified the need to work with other agencies to plan for and address community facility and service supply and supply mechanisms. This includes utilising infrastructure agreements with large developments, to secure community infrastructure (child care) and open space
  - Council has identified the need to develop community infrastructure in the city centre, in conjunction or consultation with other levels of government. This is to be achieved through negotiations to seek the provision of



- affordable community infrastructure in the development of State and local government sites in the CBD, as well as with larger developments.
- BCC's Child Care Facility Code within the planning scheme allows for issues specific to child care to be addressed in a code and not through the codes relating to the zone the development occurs in.

## Townsville City Council (TCC)

TCC is responsible for planning in Townsville. While a new planning scheme for the Townsville City Council area is being prepared, council administers two schemes: Townsville City Plan 2005 and the City of Thuringowa Planning Scheme 2003.

### City Plan 2005

City Plan 2005 defines child care as premises used commercially for the care (but not residence) of children. The term includes premises known as a crèche, day care centre or kindergarten, but does not include a residence used for home based day care.

### Districts

Part 4 – Districts of the planning scheme sets out the assessment criteria for various uses within the council area. Child care is identified as code assessable for all districts and must comply with the Child Care Centre Code.

### Child Care Centre Code

The Child Care Centre Code is used in the Townsville City Council area as the code for assessing child care developments. The purpose of the code is to:

- Child care centres are appropriately designed and situated at conveniently accessible, safe and healthy locations.
- Child care centres provide a high standard of on-site amenity and a safe environment for users of the site.
- Child care centres do not adversely affect the amenity of the local area.

The code is structured through specific outcomes and probable solutions. The code is separated into two parts; Local and site characteristics and layout and design.

TABLE 37: TOWNSVILLE CITY PLAN: SPECIFIC OUTCOMES AND PROBABLE SOLUTIONS FOR THE CHILD CARE CENTRE CODE

Specific Outcomes	Probable Solutions (summary)
The site is capable of accommodating a high quality design with integrated and safe outdoor and indoor play areas, as well as the required buildings and structures, associated vehicle access, parking and manoeuvring, onsite landscaping, and any necessary buffering.	Outlines slope and shape requirements and minimum site area relating to the number of children that are to be accommodated.
The site is located where it is conveniently accessible, achieves high standards of local amenity and traffic safety, and encourages multi-purpose trips.	Outlines accessibility requirements including access to pedestrian paths and proximity to public transport. Outlines requirements for proposals proximity to other community facilities, location in terms of access to streets. Use is not to be located next to a residential precinct unless it incorporates a densely planted buffer.
The site is located and designed to ensure children and staff are not exposed to unacceptable levels of noise, unhealthy air emissions, or other environmental harm or nuisance.	Outlines requirements for noise levels, pollutants, from external sources and also contamination and flooding.
The development is integrated into the desired streetscape character.	Outlines requirements for streetscape characteristics
The layout and design of the site minimizes conflict with any incompatible use surrounding the premises.	Outlines setbacks and fence heights
A high standard of on-site amenity and usability is achieved.	Outlines landscaping provisions and need for covered activity areas.
A safe set down/pick-up area is provided, with all on-	N/A

Specific Outcomes	Probable Solutions (summary)
site vehicle manoeuvring and parking areas located and designed to minimize conflicts between vehicles and children.	

Source: Townsville City Council, 2005

### Parking and Access Code and Parking Provisions

The Parking and Access Code sets out requirements relating to parking, vehicle movement and design for safety that all developments must adhere to. Appendix 1 of the Code outlines the parking provisions for various uses.

TABLE 38: PARKING REQUIREMENTS FOR CHILD CARE IN PARKING AND ACCESS CODE UNDER THE CITY PLAN 2005

Use	Minimum Car Parking Provision
Child care centre	1 space for every 6 children able to be accommodated.

### Thuringowa Planning Scheme

The Thuringowa Planning Scheme (TPS) defines child care as premises used to care for five or more children who are not permanently resident on the premises. Child care is also identified as a sensitive receptor.

### Planning Areas

The TPS has five planning areas; Rural, Industrial, Centres, Open Space and Recreation and Residential. Each Planning Area includes a Character Statement, Development Assessment Table and a Planning Area Code. Assessment criteria for assessing child care developments under the Thuringowa Planning Scheme is outlined in Table 39.

TABLE 39: PLANNING AREAS AND THE ASSESSMENT CRITERIA FOR CHILD CARE IN THE THURINGOWA PLANNING SCHEME

Zone / Planning Area	Assessment Criteria
Rural	Self-Assessable
Industrial	Self- Assessable
Centres	Code Assessable
Open Space and Recreation	Self-Assessable
Residential	Code Assessable

### Car Parking Provisions

The Car Parking and Service Vehicle Design Requirements sets out conditions relating to parking, vehicle movement and design for safety that all developments must adhere to.

TABLE 40: PARKING REQUIREMENTS FOR CHILD CARE IN THE THURINGOWA PLANNING SCHEME

Development	Minimum Car Parking Provision
Child care centre	1 space for every 6 children able to be accommodated. Plus 1 space per employee. No standard service design requirements apply.

### CBD Development Incentives and the CBD Masterplan

TCC's CBB Masterplan and associated development incentives play a vital role in the stimulation of development within the CBD. Child care centres have been identified as a

desirable development type for the CBD. Applications can be made to council under the CBD Development Incentives program which allows council to negotiate with developers and manage streamlined and fast track approvals and conditions.

### D.2.1.2 Summary

#### **Key Enablers**

##### **Masterplans and local plans**

- Townsville City Council's CBD Masterplan and associated CBD Development incentives is an example of good practice. Child care centres have been identified as desirable developments for the CBD. Council encourages these developments and allows council to negotiate with developers and manage streamlined approvals and conditions.
- The use of child care is either self-assessable or code assessable in the zones in the Thuringowa Planning Scheme
- The use of child care is code assessable for all districts within the City Plan 2005

#### **Key Barriers**

- The Thuringowa Planning Scheme does not contain a child care centre code. This means that development applications for child care centres must comply with the provisions of the code for the zone the development is proposed in. This is identified as a barrier as specific issues relating to child care, such as to accessibility, appropriate locations, air quality standards, noise levels, amenity and parking are not specifically addressed.
- At the time of writing two planning schemes could be seen as a barrier as there are two sets of policies for the one Council area. However, it is acknowledged that a draft combined planning scheme is currently being prepared by Townsville City Council.
- There is no leniency in the car parking provisions for a reduction in the provision of car parks if there are alternative parking options around the site.

#### **Best Practice**

- Townsville City Council's CBD Masterplan and associated CBD Development incentives is an example of good practice. Child care centres have been identified as desirable developments for the CBD. Council encourages these developments and allows council to negotiate with developers and manage streamlined approvals and conditions.

## Mt Isa City Council

Mt Isa Council is responsible for planning in Mt Isa. The City of Mt Isa Planning Scheme is the primary scheme for the council area.

### *City of Mt Isa Planning Scheme 2006*

Child care facilities are identified as both child care and community facilities under the Mt Isa Planning Scheme. Assessment criteria for assessing child care developments under the My Isa Planning Scheme is outlined in Table 41.

TABLE 41: PLANNING AREAS AND THE ASSESSMENT CRITERIA FOR CHILD CARE IN THE MT ISA PLANNING SCHEME

Zone / Planning Area	Assessment Criteria
Residential	Code Assessable
Rural Residential	Impact Assessable
Village	Impact Assessable
Commercial Centre	Impact Assessable
Industrial	Impact Assessable
Rural	Impact Assessable

### **Car Parking Provisions**

The City of Mt Isa Planning Scheme outlines the provisions for vehicle parking spaces for child care. Refer to Table 42 for provisions.

TABLE 42: PARKING REQUIREMENTS FOR CHILD CARE IN THE MT ISA PLANNING SCHEME

Development	Minimum Car Parking Provision
Child care centre	1 space per 2 equivalent fulltime employees plus 1 space per 5 children able to be accommodated.

## D.2.1.3 Summary

### *Key Enablers*

#### **Masterplans and local plans**

- Code assessable in residential areas is acknowledgement of the consistent use in the Residential Planning Area along with other low impact community facilities and community infrastructure
- Potential for council to implement a code or policy specific to child care

### *Key Barriers*

- The City of Mt Isa Planning Scheme does not contain a child care centre code. This means that development applications for child care centres must comply with the provisions of the code for the zone the development is proposed in. This is identified as a barrier as specific issues relating to child care, such as to accessibility, appropriate locations, air quality standards, noise levels, amenity and parking are not specifically addressed.

- There is no leniency in the car parking provisions for a reduction in the provision of car parks if there are alternative parking options around the site.

### ***Best Practice***

- No best practice has been identified from the review of the Mt Isa local planning framework.

## D.3 Western Australia

The following analysis of Western Australia’s local statutory planning system refers to the zoning permissibility listed in Table 43.

TABLE 43: SUMMARY OF ZONING PERMISSIBILITY USED IN WESTERN AUSTRALIA

P	D	A	X
means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;	means that the use is not permitted unless the local government has exercised its discretion by granting planning approval; See below for explanatory note	means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice (advertising of applications) See below for explanatory note	Means a use that is not permitted by the Scheme.

Source: Government of Western Australia, Local Planning Manual (2010)

**Note:** “The exercise of discretion associated with 'D' and 'A' uses can be applied so as to control the location, distribution and extent of such uses within a particular zone, as well as aspects of design and development. This discretion may be applied to ensure a level of compatibility between developments or to ensure the siting of the discretionary development is satisfactory. For example, a form of development such as a service station may be generally acceptable within an activity centre, but is likely to be unacceptable on sites in the heart of the centre, due to disruption in the continuity of commercial building facades or conflict with pedestrian movement. One option in such circumstances would be for the use class 'service station' to be listed as a 'D' or 'A' use in the zone, and to guide the assessment and determine applications by way of a local planning policy which includes criteria for service station location. Another option for the provision of development such as service stations is the designation of specific sites for the 'additional use' of service station or the creation of a special 'service station' zone” (Government of Western Australia, Local Planning Manual, 2010).

### City of Joondalup

The City of Joondalup Council is responsible for planning in Joondalup. The District Planning Scheme is the document that controls land use planning in Joondalup.

#### *The District Planning Scheme*

The District Planning Scheme defines Child Care as a premise used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988.

Assessment criteria for assessing child care developments under the District Planning Scheme is outlined in Table 44.

TABLE 44: ZONES AND PERMISSIBILITY FOR CHILD CARE IN THE JOONDALUP DISTRICT PLANNING SCHEME

Zone	Permissibility
Residential	D
Mixed Use	D
Business	D
Commercial	D
Civic and Cultural	D
Private clubs / recreation	D
Service Industry	X
Special Residential	D
Rural	X

Note: “D” Use Class is a use that is not permitted but council may grant approval if they take regards of issues relating to the proposal and its relationship with the locality, size, shape and character, assess and parking and any other matters council considers relevant. The scheme states that council may also, at their discretion consult with the public or adjoining land owners, however, the Child Care Centres Policy sets the requirement for all applications to be publically notified.

### Car Parking Provisions

The District Planning Scheme outlines the provisions for vehicle parking spaces for child care. Refer to Table 45 for provisions.

TABLE 45: PARKING REQUIREMENTS FOR CHILD CARE IN THE JOONDALUP DISTRICT PLANNING SCHEME

Development	Minimum Car Parking Provision
Child care centre	Not less than 5 and 1 per staff member and in accordance with Local Planning Policy 3-1 Child Care Centres.

### Child Care Centres Policy

Council’s Child Care Centres Policy provides guidelines for the location, siting and design of child care centres and gives guidelines for consideration a variety of criteria that aim to ensure that such developments are compatible with, and avoid adverse impacts on, the amenity of adjoining and surrounding areas (City of Joondalup, 1999).

The policy provides a statutory guideline for applicants and councils, and refers to specific details including:

- Appropriate location of child care facilities and need to avoid adverse impacts on surrounding properties, particularly relating to traffic, car parking and noise
- Need to minimise adverse impacts on adjoining uses in terms of amenity, particularly when adjoining residential uses.
- Preference for child care centres to be located adjacent to non-residential uses such as shopping centres
- Centres should be located on distributor roads to avoid conflict with existing traffic movements



- Specific requirements relating to car parking providing more detail to those stated in the Car Parking Provisions in the Planning Scheme
  - Parking is to be located on site and enable free flow with a one way movement preferred.
  - All applications must include a traffic and road safety impact report and a noise impact assessment
  - Table 46 outlines the specific car parking bays in the policy
- Orientation and building setback
- Noise attenuation
- Landscaping
- Operating times if located in or adjacent to residential areas
- Requirement for all applications to be advertised to the public

TABLE 46: SPECIFIC PARKING REQUIREMENTS IN THE CHILD CARE CENTRES POLICY

Number of Children	Required Number of Parking Bays
< 25	5
26–30	6
31–56	7
57–64	8
65–72	9
73–80	10
81-88	11
89-96	12
97-104	13
105+	14

### ***Draft Joondalup City Centre Structure Plan***

The Joondalup City Centre Structure Plan is proposed to replace the existing Joondalup Development Plan and Manual as the document that guides development within the City Centre (City of Joondalup, 1999). The plan has a number of areas / districts contained within it which outline specific permissibility of child care.

TABLE 47: AREAS OF THE STRUCTURE PLAN AND PERMISSIBILITY FOR CHILD CARE

Area within the Structure Plan	Permissibility
Arena District	P
Central Core District	P
City Fringe	P
Mixed Use Corridor	D
Business Support District	D

Note: “D” Use Class is a use that is not permitted but Council may grant approval if they take regards of issues relating to the proposal and its relationship with the locality, size, shape and character, assess and parking and any other matters Council considers relevant. The scheme states that Council may also, at their discretion consult with the public or adjoining land owners, however, the Child Care Centres Policy sets the requirement for all applications to be publically notified.

### ***Local Planning Strategy***

The City of Joondalup Local Planning Strategy has been prepared in accordance with the City’s statutory requirements under the Planning and Development Act 2005. The purpose of the Strategy is to enable Council and the community to determine the vision

and strategic planning direction for the City of Joondalup for the next 15 to 20 years (City of Joondalup, 2009).

### Issues papers

Through the review of the District Planning Scheme, the City of Joondalup is preparing a series of issues papers obtaining community feedback which is outlined in the Local Planning Strategy. When asked if people would like to see different services/activities offered at Commercial Centres, such as gyms, medical facilities, and child care facilities, 44.4% of respondents agreed, 39.9% were neutral and 16% disagreed. This feedback is identified by Council as the first step in preparing a new planning scheme, and further community consultation will be undertaken as no predetermined ideas for the new scheme have been developed.

## D.3.1.1 Summary

### Key Enablers

#### Masterplans and local plans

- While the use of child care is not permitted in all zones (which could also be viewed as a barrier), there is the ability for council to approve child care applications in the majority of zones (Residential, Mixed Use, Business, Commercial, Civic and Cultural, Private Clubs / Recreation and Special Residential) if they address issues relating to the locality, size, shape and character, assess and parking and any other matters Council considers relevant.
- Council's Child Care Centres policy outlines the preference for child care to be located next to non-residential uses, adjoining shopping centres and other community facilities which promotes mixed use and co-located developments. It also:
  - Allows for issues specific to child care to be addressed relating to child care.
  - The policy addresses issues specific to child care centres relating to accessibility, appropriate locations, air quality standards, noise levels (both external and internal), amenity and parking.

### Key Barriers

- Other than the fact that child care is not permitted in all zones, no key barriers have been identified from the review of the Joondalup Local Planning Framework.
- No leniency in the car parking provisions for a reduction in the provision of car parks if there are alternative parking options available around the site.

### Best Practice

- The existence of a Child Care Centres Policy
- Council encourages applicants to discuss application with them prior to lodgement
- Through the review of the District Planning Scheme, the City of Joondalup is preparing a series of issues papers obtaining community feedback which is outlined in the Local Planning Strategy. When asked if people would like to see different services/activities offered at Commercial Centres, such as gyms,

medical facilities, and child care facilities, 44.4% of respondents agreed, 39.9% were neutral and 16% disagreed. This feedback is identified by council as the first step in preparing a new planning scheme, and further community consultation will be undertaken as no predetermined ideas for the new scheme have been developed.

## City of Gosnells

The City of Gosnells is responsible for planning in Gosnells. The Town Planning Scheme No.6 is the primary planning instrument for the council area.

### Town Planning Scheme No.6

The assessment criteria for assessing child care developments under the Town Planning Scheme No.6 are outlined in Table 48.

TABLE 48: ZONES AND PERMISSIBILITY OF CHILD CARE IN THE GOSNELLS TOWN PLANNING SCHEME NO. 6

Zone	Permissibility
Residential	A/D
Residential Development	D
Regional Centre	P
District Centre	D
Local Centre	D
Office	D
Mixed Business	D
Highway Commercial	X
Residential/Light Industrial Composite	A
Light Industry	X
General Industry	X
Extractive Industry	X
General Rural	A
Special Rural	A
Kennels	A

### Scheme Report

The Scheme Report, which is prepared with the Town Planning Scheme, provides a strategic context for the City of Gosnells. The Scheme Report identifies young families as a key area with potential issues for the city. It identifies that clauses in the Town Planning Scheme have been included relating to the provision of sites for schools, child care and other community services, open space in accessible locations, a variety of lot sizes and new residential land.

### Car Parking Provisions

The Town Planning Scheme No.6 outlines the provisions for vehicle parking spaces for child care. Refer to Table 49 for provisions.

TABLE 49: PARKING REQUIREMENTS OF CHILD CARE IN THE GOSNELLS TOWN PLANNING SCHEME NO. 6

Development	Minimum Car Parking Provision
Child Care Premises	1 space for every 10 children the facility is designed to accommodate, plus 1 space for every employee. Minimum 4 spaces

## D.3.1.2 Summary

### *Key Enablers*

#### Masterplans and local plans

- While the use of child care is not permitted in all zones (except for being permissible in Regional Centre Zone), there is the ability for council to approve child care applications in the majority of zones (excluding Highway Commercial, Light Industry, General Industry, Extractive Industry) if they address issues relating to the locality, size, shape and character, assess and parking and any other matters Council considers relevant.
- Potential for council to implement a code or policy specific to child care

#### Key Barriers

- Child Care use not permitted in all zones, which could also be viewed as a barrier (except for being permissible in Regional Centre Zone), however, the council can exercise its powers to approve the development
- No policy to address child care facilities
- No leniency in the car parking provisions for a reduction in the provision of car parks if there are alternative parking options around the site

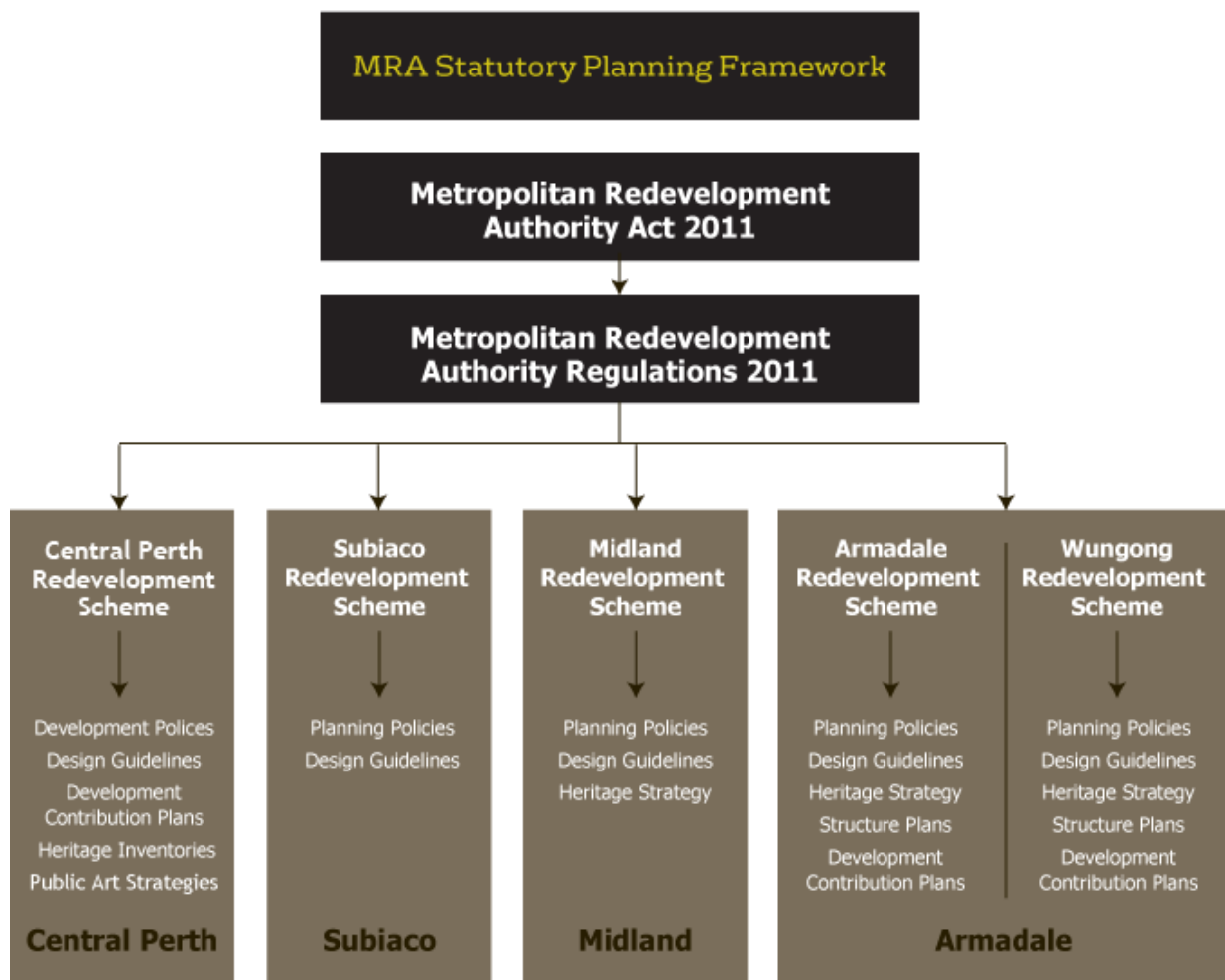
## City of Perth

The City of Perth is responsible for planning in Perth. The City Planning Scheme 2 is the primary planning instrument for the Council area. Council have a number of strategic planning documents including a community plan, planning for social and community infrastructure and a four year strategic plan.

### Metropolitan Redevelopment Authority (MRA)

The MRA continues the work of the former redevelopment authorities revitalising large areas in and around Central and East Perth, Subiaco, Midland and Armadale. As Perth's redevelopment agency they are enabled to transform urban spaces, creating places where people want to live, work and recreate (Metropolitan Redevelopment Authority, 2013).

The Authority's planning framework manages development within each of the redevelopment areas. This structure is outline in Figure 11.



Source: Metropolitan Redevelopment Authority, 2013

FIGURE 11: PLANNING FRAMEWORK FOR THE MRA

### ***Strategic Community Plan***

The Strategic Community Plan is the first part of the City's fulfilment of the Integrated Planning and Reporting Framework which requires all local governments in Western Australia to develop long-term community plans covering at least 10 years (City of Perth, 2011).

The plan identifies the City of Perth's role in the delivery of facilities and services, including child care. It also acknowledges that local governments play a regulatory authority in the provision of facilities and community services and that there are opportunities for the City to facilitate the provision of services through partnerships.

### ***Planning for Social and Community Infrastructure***

The Planning for Social and Community Infrastructure Report was prepared to look at social and community needs at a strategic level for a study area in the Perth City area. It also provides background research to inform future planning for the community (Planning for Social and Community Infrastructure Report, 2008). The report contains recommendations that address the provisions of the future planning for the community.

The report outlines benchmarks for provision of services and facilities. The report suggested local level requirement for the provision of a child care centre as follows:

**Population:** 5,000 – 10,000 people

**Provision:** 1 centre for every 4,000-8,000 people (or) 1 centre for every 5 - 7 children aged 0-4.

The provision of child care is also noted to be limited within the study area with existing long day care centres being operated on publically owned land being a 'determinant of financial viability'. Availability and cost of suitable land for child care is identified as a major disincentive for the provision of centres. It acknowledges that consideration for co-location of a child care centre with existing uses on publically owned land may assist in the provision.

The report also outlines the projected need for services and facilities not provided by the market. This includes identification of the need for a child care centre to be located in East Perth. Key stakeholders for this project are identified as the City of Perth, Department of Communities and the Commonwealth Department of Education Employment and Workplace Relations (DEEWR).

### ***Vision 2029 and the Four Year Strategic Plan***

The Four Year Strategic Plan identifies the priority strategies that the City of Perth will pursue to achieve the vision and outcomes in the City of Perth 2029 Vision document (City of Perth, 2008). The plan acknowledges the need to continue to provide a long day care service in the City. The plan does not identify the need to provide new day care in the City.

### D.3.1.3 Summary

#### **Key Enablers**

##### **Masterplans and local plans**

- Acknowledgement by the City of Perth for the role in the delivery of facilities and services including child care.

#### **Key Barriers**

- No policy to address child care facilities.
- No leniency in the car parking provisions for a reduction in the provision of car parks if there are alternative parking options around the site.

#### **Best Practice**

The Planning for Social and Community Infrastructure Report was prepared to look at social and community needs at a strategic level for a study area in the Perth City area. The report suggested local level requirements for the provision of child care centres which acts as a best practice tool for development and council. The report also outlines the projected need for services and facilities not provided by the market. This includes identification of the need for a child care centre to be located in East Perth. Key stakeholders for this project are identified as the City of Perth, Department of Communities and DEEWR.



## D.4 New South Wales

### Leichhardt Council

The Leichhardt Council is responsible for planning in Leichhardt. The Leichhardt Local Environment Plan 2000 and the Leichhardt Development Control Plan 2000 are the primary planning controls for all development in the council area.

#### *Local Environment Plan 2000 (LEP)*

The assessment criteria for assessing child care developments under the LEP are outlined in Table 50.

TABLE 50: ZONES AND PERMISSIBILITY OF CHILD CARE IN THE LEICHHARDT LEP

Zone	Permissibility
Residential	With consent
Public Purpose	With consent
Business	Prohibited
Industrial	Prohibited
Open Space	Prohibited

#### *Development Control Plan 2000 (DCP)*

A principle of the DCP is to encourage re-use of non-residential building located in residential zones for either residential or community purposes, including child care as an encouraged use. The DCP encourages a mix of uses in buildings, especially at ground level, but residential amenity of the zone must be maintained.

#### **Car Parking Provisions**

The DCP outlines the provisions for vehicle parking spaces for child care. Refer to Table 49 for provisions. Bicycle storage provisions are also outlined in the DCP and summarised in Table 52.

TABLE 51: PARKING REQUIREMENTS FOR CHILD CARE IN THE LEICHHARDT DCP

Land Use	Minimum Car Parking Provision		
	Staff/Residents	Visitors	Mobility Impaired
Child Care Facility	0.55 spaces per staff (max) 0.44 spaces per staff (min)	0.125 spaces per child	Must comply with Building Code

TABLE 52: BICYCLE STORAGE REQUIREMENTS FOR CHILD CARE IN THE LEICHHARDT DCP

Land Use	Bicycle Storage Provision	
	Staff/Residents	Visitors
Child Care Facility	2.5 spaces per 1000m <sup>2</sup> of GFA	5 Spaces per 1000m <sup>2</sup> of GFA

### Child Care Needs Analysis

While outside of the land use planning sphere it is useful to note that Leichhardt Municipal Council has also invested in a study into the supply and demand for *Early Education and Care Services for Children Under School Age in the Local Government Area* (CRED 2013). This study identified population growth particularly among children under 5 as a real challenge for local government and the provision of adequate services. It documents current supply, current and forecast demand and provides recommendations to meet demand. This includes a recommendation that council encourages the supply of an additional 442 approved long day care places by 2021 (CRED 2013 p. 6-7).

## D.4.1.1 Summary

### Key Enablers

#### Masterplans and local plans

- A principle of the DCP is to encourage re-use of non-residential building located in residential zones for either residential or community purposes, including child care as an encouraged use. The DCP encourages a mix of uses in buildings, especially at ground level, but residential amenity of the zone must be maintained.
- Potential for a policy to specifically address child care
- Provision of bicycle storage for staff and customers of child care centres, encouraging the use of active transport
- The study *Early Education and Care Services for Children Under School Age in the Local Government Area* provides crucial information on the level of demand in the local government area enabling council to act accordingly.

### Key Barriers

- No leniency in the car parking provisions for a reduction in the provision of car parks if there are alternative parking options around the site

### Best Practice

- A principle of the DCP is to encourage re-use of non-residential building located in residential zones for either residential or community purposes, including child care as an encouraged use. The DCP encourages a mix of uses in buildings, especially at ground level, but residential amenity of the zone must be maintained.
- Provision of bicycle storage for staff and customers of child care centres, encouraging the use of active transport
- The child care needs analysis *Early Education and Care Services for Children Under School Age in the Local Government Area* (CRED 2013) identifies future need and locations for long day care. The survey method was also very consultative and can be viewed as an example of best practice.

## City of Sydney

The City of Sydney is responsible for planning in the City of Sydney area. The Sydney Local Environment Plan 2012 and the Sydney Development Control Plan 2012 are the primary planning controls for all development in the council area.

TABLE 53: OVERVIEW OF PLANNING FOR THE CITY OF SYDNEY

Local Environment Plan 2012 (LEP)	A LEP is a legal instrument that imposes standards to control development. LEPs are also used to reserve land for open space, schools, transport or other public purposes as well as control advertising and protect trees and vegetation (Department of Planning and Infrastructure, 2012).
Development Control Plan 2012 (DCP)	A development control plan is a non-legal document that supports the LEP with more detailed planning and design guidelines (City of Sydney, 2013).
Child Care Centres DCP 2005 (CCDCP)	The City of Sydney Child Care Centre Development Control Plan (DCP) seeks to encourage the provision of high quality child care and Child Care Centres based on best practice principles within the City of Sydney, and to meet the increasing need for Child Care Centres generally (City of Sydney, 2005).
Development Guidelines: Child Care	In addition to the development application check list included in the CCDCP, the City of Sydney has prepared a Child Care Centres Development Guideline.

### Local Environment Plan 2012 (LEP)

The City of Sydney's LEP defines a child care centre as a building or place used for the supervision and care of children providing long day care, pre-school care or occasional care out of school hours but does not include home-based child care.

The assessment criteria for assessing child care developments under the LEP are outlined in Table 54: Zones and Permissibility of child care in the City of Sydney LEP

TABLE 54: ZONES AND PERMISSIBILITY OF CHILD CARE IN THE CITY OF SYDNEY LEP

Zone	Permissibility
General Residential	Permitted with consent
Low Density Residential	Permitted with consent (Child care and Home-based child care)
Neighbourhood Centre	Permitted with consent
Local Centre	Permitted with consent
Commercial Core	Permitted with consent Prohibited (Home-based child care)
Mixed Use	Permitted with consent
Business Development	Permitted with consent
Business Park	Permitted with consent Prohibited (Home-based child care)
Metropolitan Centre	Permitted with consent
General Industrial	Prohibited (Child care and home-based child care)
Light Industrial	Prohibited (Child care and home-based child care)
Special Activities	Prohibited (Child care and home-based child care)
Infrastructure	Prohibited (Child care and home-based child care)
Public Recreation	Permitted with consent

### Car Parking Provisions

The LEP states the (maximum) number of car parking spaces for a building used for the purposes of a child care centre is 1 space plus 1 space for every 100 square metres of gross floor area of the building.

### Development Control Plan 2012 (DCP)

The DCP outlines that all child care centres development applications must be notified to the public and adjoining land owners for 21 days.

### Car Parking Provisions

In addition to those provision stated in the LEP, the DCP outlines the requirements for bicycle storage at child care premises.

TABLE 55: BICYCLE STORAGE REQUIREMENTS FOR CHILD CARE IN THE CITY OF SYDNEY DCP

Proposed Use	Bicycle Storage Provision	
	Residents/Employees	Customers/Visitors
Child Care Facility	1 per 10 staff	2 per centre

### Passenger pick up and set down areas

Child care centres must provide car spaces (for pick up and set down) at the rate of 1 space per 5 children and limited in duration to no more than 30 minutes at any one time and 1 long term visitor car parking space which is additional to all other parking requirements.

### Child Care Centres Development Control Plan (CCDCP)

The City of Sydney Child Care Centre Development Control Plan (DCP) seeks to encourage the provision of high quality child care and Child Care Centres based on best practice principles within the City of Sydney, and to meet the increasing need for Child Care Centres generally (City of Sydney, 2005).

The CCDCP acknowledges the benefits associated with locating child care centres close to peoples work and promotes this practice through the control of the DCP.

The CCDCP provides the steps, in plain English around the approval process a developer needs to undertake to develop a child care centre in the City of Sydney. This also encourages applicants to meet with council prior to lodging the DA to confirm the needs of both the applicant and council.

The plan discusses a number of issues including:

- Allocation of places
  - Provision that a minimum number of places are provided for children under the age of 2 (33%)
  - Maximum number of 90 places
- Encourage provision of child care in new commercial and residential development
  - Provision should be accounted for during masterplanning
  - Child care to be provided in new residential developments on the basis of 6 child care places per 100 households

- Child care to be provided in commercial developments on the basis of 1 place per 1450 square metres with minimum viable size of the centre of 30 places.
- Location of child care centres
  - Proximity to public transport and community uses
  - Encourage co-locating with workplaces
  - Frontages to certain roads
  - Environmental health risks
- Built form
- Design of outdoor areas
- Landscaping
- Privacy
- Specific design for child care centres located above ground

The CCDCP also includes a development application check list for child care centres which assist applications in determining what criteria and plans they need to meet in their application. This enables Council to have assess applications more effectively as the applicants are aware of the requirements of their application.

### ***Development Guidelines: Child Care Centres***

In addition to the development application check list included in the CCDCP, the City of Sydney has prepared a Child Care Centres Development Guideline. The document provides information for applicants of child care centres and encourages the provision of child care centres in the City of Sydney. The document acts as a plain English summary of the CCDCP summarised above.

## **D.4.1.2 Summary**

### ***Key Enablers***

#### **Masterplans and local plans**

- Council has prepared the Development Guideline for Child Care centres which allows applicants to understand the requirements from Council for their application. This acts as a way of more effectively managing the development process and fast tracking approvals

### ***Best Practice***

- The CCDCP provides the steps, in plain English around the approval process a developer needs to undertake to develop a child care centre in the City of Sydney. This also encourages applicants to meet with council prior to lodging the DA to confirm the needs of both the applicant and council.
- The CCDCP also includes a development application check list for child care centres which assist applications in determining what criteria and plans they need to meet in their application. This enables Council to assess applications more effectively as the applicants are aware of the requirements of their application.
- In addition to the development application check list included in the CCDCP, the City of Sydney has prepared a Child Care Centres Development Guideline. The document provides information for applicants of child care centres and encourages the provision of child care centres in the City of Sydney. The document acts as a plain English summary of the CCDCP summarized above.

- Maximum car parks?
- The City of Sydney also commissioned an analysis of current and future child care needs carried out by CRED Community Planning in 2005 to inform the development of child care centres in the local government area.

## Orange City Council

The Orange City Council is responsible for planning in Orange. The Orange Local Environment Plan 2011 and the Orange Development Control Plan 2004 are the primary planning controls for all development in the council area.

### *Local Environment Plan 2011 (LEP)*

The Orange LEP defines child care as a building or place used for the supervision and care of children providing long day care, pre-school care or occasional care out of school hours but does not include home-based child care.

The assessment criteria for assessing child care and home-based child care developments under the LEP are outlined in Table 56.

TABLE 56: ZONES AND PERMISSIBILITY FOR CHILD CARE IN THE ORANGE LEP

Zone	Permissibility
Primary Production	Prohibited
Village	Permitted with consent
General Residential	Permitted with consent
Low Density Residential	Permitted with consent
Medium Density Residential	Permitted with consent
Large Lot Residential	Permitted with consent
Neighbourhood Centre	Permitted with consent
Local Centre	Permitted with consent
Commercial Core	Permitted with consent
Mixed Use	Permitted with consent
Business Development	Permitted with consent
Enterprise Corridor	Prohibited
Business Park	Permitted with consent
General Industrial	Prohibited
Light Industrial	Prohibited
Environmental Living	Prohibited

### *Development Control Plan 2004 (DCP)*

The DCP lists child care centres as a use that required public notification / to be advertised.

#### **Car Parking Provisions**

The DCP outlines the provisions for vehicle parking spaces for child care. Refer to Table 49 for provisions. The DCP states that off-street parking is required to supplement on-street parking, and that on-street parking will still occur even when the minimum parking provisions are met.

The DCP also states that in some instances, consideration may be given to reduce the number of required car parking spaces if an assessment is undertaken explaining the availability of convenient on-street parking. It is possible that Council may also assess a reduction of the car parking provision if the applicant could demonstrate ways in which it

mitigates the demand for off-street car parking. For example, though a drive in, drive out pick up bay.

TABLE 57: PARKING REQUIREMENTS FOR CHILD CARE IN THE ORANGE DCP

Type of Development	Minimum Car Parking Provision
Child Care Centres	1 space for every 4 children in attendance

### D.4.1.3 Summary

#### *Key Enablers*

##### Masterplans and local plans

- The DCP also states that in some instances, consideration may be given to reduce the number of required car parking spaces if an assessment is undertaken explaining the availability of convenient on-street parking. It is possible that Council may also assess a reduction of the car parking provision if the applicant could demonstrate ways in which it mitigates the demand for off-street car parking. For example, though a drive in, drive out pick up bay.

#### *Key Barriers*

- No specific code or policy relating to child care centres

#### *Best Practice*

- The DCP also states that in some instances, consideration may be given to reduce the number of required car parking spaces if an assessment is undertaken explaining the availability of convenient on-street parking. It is possible that Council may also assess a reduction of the car parking provision if the applicant could demonstrate ways in which it mitigates the demand for off-street car parking. For example, though a drive in, drive out pick up bay.



## D.5 Victoria

### City of Greater of Geelong

The City of Geelong is responsible for planning in Geelong. The Greater Geelong Planning Scheme is the primary local planning instrument for the council area.

#### *Greater Geelong Planning Scheme*

The assessment criteria for assessing child care developments under the Planning Scheme are outlined in Table 58.

TABLE 58: ZONES AND PERMISSIBILITY FOR CHILD CARE IN THE GREATER GEELONG PLANNING SCHEME

Zone	Permissibility
Commercial	Permit not required
Special Use Zone	Permit Required (Drysdale regional community and cultural hub) Permit not required (Private teaching hospital and education precinct)
Urban Growth Zone – Industrial 1	Permit Required Prohibited unless the use is located in a local node in which case a permit is required
Urban Growth Zone – Business 4	No Permit Required Must be located in a local node
Activity Centre Zone	Permit not required if in certain precincts
Environmental Significance Overlay	Permit Required
Bushfire management Overlay	Permit Required

#### **Car Parking Provisions**

The Planning Scheme outlines the parking requirements for the Greater Geelong area.

TABLE 59: PARKING REQUIREMENTS FOR CHILD CARE IN THE GREATER GEELONG PLANNING SCHEME

Use	Minimum Car Parking Provision
Child Care Centres	0.22 spaces per child

#### *Community Facilities Partnerships Policy*

Council's Community Facilities Partnerships Policy (2009) "details the benefits to Council and the community of partnerships in the development of shared community facilities and identifies criteria to be utilised in the consideration of such proposals". The policy addressed community facilities in general terms and does not discuss specific uses. The policy recognises how partnerships between schools, agencies and local councils can assist in building stronger communities through:

- the effective use of infrastructure
- access for the community to premises such as community halls and meeting spaces, art and sporting facilities
- maximising the financial resources of Council and partners

The policy is aligned through Council's community vision and financial commitment is considered through Council's budgetary process.

### D.5.1.1 Summary

#### ***Key Enablers***

##### **Masterplans and local plans**

- Permit not required for child care centres in commercial areas allowing co-location of centres with employment

#### ***Key Barriers***

- No flexibility in terms of car parking spaces, for example the provisions do not allow for a reduction in car parking if there is sufficient car parking provided on the street or if drop-off or pick-up areas are provided
- No specific code relating to child care centres

## Moreland City Council

The Moreland City Council is responsible for planning in Moreland. The Moreland Planning Scheme is the primary local planning instrument for the council area.

### Moreland Planning Scheme

#### Local planning policy: discretionary uses in residential areas

The Planning Scheme outlines the performance criteria for non-residential use and development when planning in residential areas. The performance criteria are outlined in Table 60.

TABLE 60: PERFORMANCE CRITERIA FOR NON-RESIDENTIAL USE AND DEVELOPMENT IN A RESIDENTIAL AREA IN THE MORELAND PLANNING SCHEME

Land Use	Preferred Location (See note below)	Other Performance Criteria
Child Care Centre	Abutting a Road Zone or collector road Note: A road zone is a significant existing road or land which has been acquired for a significant proposed road.	Provision of one car space to each full-time staff member plus one car space to each 2 part-time staff members. Provision of set down and pick up areas on site. Restriction of signage to one per premises and not exceeding 1.0 m2 in area.

**Note:** The ‘preferred’ location is determined by considering a number of factors that the use may give to benefit the residential area. With regards to childcare, the main objective that relates is to “facilitate non-residential uses that serve the need of the local community” (Moreland Planning Scheme).

The assessment criteria for assessing child care developments under the Planning Scheme are outlined in Table 61.

TABLE 61: ZONES AND PERMISSIBILITY FOR CHILD CARE IN THE MORELAND PLANNING SCHEME

Zone	Permissibility
Commercial 1 zone	Permit not required
Commercial 2 zone	Permit Required
Mixed Use	Permit Required
Residential	Permit Required
Industrial	Permit Required
Special Use Zone	Permit not required (Places Of Worship And Private Education Centres) Prohibited (Brunswick Terminal Station)
The Comprehensive Development Zone	Permit not required (when contained in the Pentridge Coburg and Pentridge village, design guidelines and masterplans)

**Note:** The difference between commercial 1 and 2 zones is: “Commercial 1 zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment” and Commercial 2 zone is “To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services and community uses”.

## Car Parking Provisions

The Planning Scheme outlines the parking requirements for the Moreland Area.

TABLE 62: PARKING REQUIREMENTS FOR CHILD CARE IN THE MORELAND PLANNING SCHEME

Use	Minimum Car Parking Provision
Child Care Centres	0.22 spaces per child

### D.5.1.2 Summary

#### *Key Enablers*

##### Masterplans and local plans

- Permit not required for child care centres in commercial areas allowing co-location of centres with employment

#### *Key Barriers*

- No flexibility in terms of car parking spaces, for example the provisions do not allow for a reduction in car parking if there is sufficient car parking provided on the street or if drop-off or pick-up areas are provided

## City of Casey

The City of Casey is responsible for planning in Casey. The City of Casey Planning Scheme is the primary local planning instrument for the council area.

### City of Casey Planning Scheme

The assessment criteria for assessing child care developments under the Planning Scheme are outlined in Table 63.

TABLE 63: ZONES AND PERMISSIBILITY FOR CHILD CARE IN THE CITY OF CASEY PLANNING SCHEME

Zone	Permissibility
Residential Zones	Permit Required
Mixed Use Zone	Permit Required
Township Zone	Permit Required
Industrial Zones	Permit Required
Commercial 1 zone	Permit not required
Commercial 2 zone	Permit Required
Rural Zones	Permit Required
Farming Zone	Permit Required
Green Wedge Zone	Prohibited
Comprehensive Development Zone	Permit required (Lyndhurst neighbourhood activity centre comprehensive development plan)
Priority Development Zone	Permit not required

### Future Urban Areas: Non-residential uses in residential and future residential areas policy

The Planning Scheme outlines the performance criteria for non-residential use and development when planning in future urban areas. The performance criteria are:

- Larger centres (40 or more children) should have direct access or abut an arterial or collector road
- Provide car parking of one space per staff and one space per 20 children
- Provide a drive through drop-off bay for at least three vehicles, or three short term visitor spaces must be provided
- Scale, form and design should be consistent with surrounding residential uses
- Landscaping is to be provided

### Car Parking Provisions

The Planning Scheme outlines the parking requirements for the Casey area.

TABLE 64: PARKING REQUIREMENTS FOR CHILD CARE IN THE CITY OF CASEY PLANNING SCHEME

Use	Minimum Car Parking Provision
Child Care Centres	0.22 spaces per child

## Child Minding Centres Policy

The Casey Child Minding Centres Policy provides advice and guidance for applications relating to child care in the local government area. The policy is structured through performance criteria (requirements for the policy). The performance criteria are summarized below:

- Location
  - Consideration when locating in residential zones to ensure no adverse impact on residential amenity
  - No restrictions within commercial zones except for accessibility
  - Centres not to be located on service roads
  - Larger centres (30-40 children) should be located on a major road where additional traffic generated can be accommodated on the existing road network
  - Location in cul-de-sacs is not supported unless small scale and the applicant is able to demonstrate how the proposal will not cause any adverse impacts
  - Should be located close to other community facilities (but not essential)
- Car Parking and Access
  - Car parking requirements are summarized in Table 65
  - Layout must be in accordance with the planning scheme
  - All parking is to be provided on the site, with no reliance on on-street parking even if allocated on-street bays are provided
  - Car parking designed to cause minimum impact on residential amenity
  - Access points should be to the satisfaction of council or Vic Rods where applicable
- Building Design
  - Scale, character and design compatible with the streetscape
  - In residential areas design must be respectful to surrounding environment
  - In commercial areas there is greater scope for design
- Landscaping and Fencing
  - Encourages applicants to discuss specific landscaping requirements with council prior to preparing detailed plans
  - Discusses provisions relating to landscaping of centres
- Advertising Signs
  - Outlines requirements for signage

TABLE 65: PARKING REQUIREMENTS FOR CHILD CARE IN THE CITY OF CASEY CHILD MINDING CENTRES POLICY

Use	Minimum Car Parking Provision
Child Care Centres	1 staff car parking space per staff member Off street drop off bay capable of accommodating at least 3 vehicles at any one time. This may be replaced by 3 parking spaces in smaller centres where there is insufficient room for a drop off bay. 1 space per 20 children

## D.5.1.3 Summary

### **Key Enablers**

#### **Masterplans and local plans**

- The Child Minding Centres Code encourages applicants to discuss specific landscaping requirements with council prior to preparing detailed plans

### **Key Barriers**

- The Child Minding Centres Policy states that all parking is to be provided on the site, with no reliance on on-street parking even if allocated on-street bays are provided.

### **Best Practice**

- Council provides an 'operating a child care' guide on their website which outlines information for applicants and also the planning, permit and regulatory considerations.
- Council encourages through the operating a child care guide for applicants to contact a planning officer to discuss the proposal and apply for planning permission following an understanding of the issues as discussed with the planning officer.

## D.6 Conclusion

### Key Enablers

- Ability for council to integrate strategic and statutory planning – so that when child care is addressed at a strategic level, it is enabled at a statutory planning level through the scheme or development controls.
  - Brisbane bad example e.g. their Masterplan which addressed need for child care in the CBD relies on the city centre neighbourhood plan for implementation and it does not address child care
- Allowance for parking provisions to be reduced... through on street parking or if there is already parking in the complex etc
- Specific code or policy for child care – overrides other parts of planning scheme and allows council for example to reduce parking, or have a set of specific codes for child care which could act as an enabler. Brisbane.
- In a code assessment system like QLD making child care code assessable is a key enabler

### Key Barriers

- As mentioned, no flow between statutory and strategic planning. When strategic plans fall over
- Child care use not being permitted in certain zones, or in a code assessment system having the use as impact assessable
- No leniency in parking provisions and high parking provisions in general
- No policy for child care, which does not allow for specific issues to be addressed

### Best Practice

1. **Availability and access to information** particularly for developers/providers on Council website relating to child care:
  - BCC published list of preferred zones for child care
  - Casey provides an Operating a child care guide on their website which outlines information for applicants and also the planning, permit and regulatory considerations
  - Joondalup encourages applicants to meet with them prior to lodgement on their website
  - City of Sydney (CoS). The CCDCP provides the steps, in plain English around the approval process a developer needs to undertake to develop a child care centre in the City of Sydney. This also encourages applicants to meet with council prior to lodging the DA to confirm the needs of both the applicant and council.
  - The CoS CCDCP also includes a development application check list for child care centres which assist applications in determining what criteria and plans they need to meet in their application. This enables Council to assess applications more effectively as the applicants are aware of the requirements of their application.



- In addition to the development application check list included in the CCDCP, the City of Sydney have prepared a Child Care Centres Development Guideline. The document provides information for applicants of child care centres and encourages the provision of child care centres in the City of Sydney. The document acts as a plain English summary of the CCDCP summarized above.
- Geelong - The Planning for community facilities objective aims to provide appropriate located sites for community facilities including child care. The objective is to locate community facilities on sites that are in or near activity centres and public transport.
- Geelong - Council encourages through the operating a child care guide for applicants to contact a planning officer to discuss the proposal and apply for planning permission following an understanding of the issues as discussed with the planning officer.

## 2. **Strategies** for early years development or child care

- Casey's Children – A plan for the Future which refers to key issues of community which also related to child care
- Moreland Early Years Strategy – promotes participation and interests of children and identifies priorities for early childhood services and initiatives
- Joondalup issues papers (to assist with review of their planning scheme) which seeks community feedback on mix of community facilities with commercial centres. 44% said yes.
- Perth Planning for Social and Community Infrastructure Report – suggests local level requirements for the provision of child care centres. The report also outlines the projected need for services and facilities not provided by the market. This includes identification of the need for a child care centre to be located in East Perth

## 3. **Specific policy or code** for child care centres

- Joondalup Child Care Centres Policy (contained under the scheme) - Policy provides guidelines for the location, siting and design of child care centres, amenity and includes specific parking requirements. Barrier is that it discourages the use in residential areas.
- Leichhardt - A principle of the DCP is to encourage re-use of non-residential buildings located in residential zones for community purposes, including child care as an encouraged use.
- Brisbane

## 4. **Masterplans** that acknowledge child care

- Use of a masterplan for the city centre to help facilitate the provision of facilities, amenities and social support systems including encouraging larger developments to include amenities child care centres on lower floors and areas of integrated drop-off parking.

- The City Centre Masterplan identifies two main initiatives of Council relating to child care:
  - Council has identified the need to work with other agencies to plan for and address community facility and service supply and supply mechanisms. This includes utilising infrastructure agreements with large developments, to secure community infrastructure (child care) and open space
  - Council has identified the need to develop community infrastructure in the city centre, in conjunction or consultation with other levels of government. This is to be achieved through negotiations to seek the provision of affordable community infrastructure in the development of State and local government sites in the CBD, as well as with larger developments.
- Townsville City Council's CBD Masterplan and associated CBD Development incentives is an example of good practice. Child care centres have been identified as desirable developments for the CBD. Council encourages these developments and allows council to negotiate with developers and manage streamlined approvals and conditions.

## 5. *Leniencies* for parking

- Orange. The DCP also states that in some instances, consideration may be given to reduce the number of required car parking spaces if an assessment is undertaken explaining the availability of convenient on-street parking. It is possible that Council may also assess a reduction of the car parking provision if the applicant could demonstrate ways in which it mitigates the demand for off-street car parking. For example, though a drive in, drive out pick up bay.

## D.7 Documents Reviewed

### *Brisbane City Council*

Brisbane City Plan

<http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-and-tools/city-plan-zones-codes/city-plan-2000-document/index.htm>

Child Care Facility Code

<http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-and-tools/city-plan-zones-codes/city-plan-2000-document/chapter-5-codes-and-related-provisions/index.htm>

Transport, Access, Parking and Service Planning Scheme Policy

<http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-and-tools/city-plan-zones-codes/city-plan-2000-document/appendix-2-planning-scheme-policies/index.htm>

Brisbane Priority Infrastructure Plan

<http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-and-tools/priority-infrastructure-plan/index.htm>

Brisbane City Centre Masterplan

<http://www.brisbane.qld.gov.au/planning-building/planning-guidelines-and-tools/neighbourhood-planning/neighbourhood-plans-in-your-area/brisbane-city-centre-master-plan/master-plan-document/index.htm>

Brisbane Long Term Transport Infrastructure Plan

<http://www.brisbane.qld.gov.au/about-council/governance-strategy/vision-strategy/brisbane-long-term-infrastructure-plan/index.htm>

Brisbane Economic Development Plan

<http://www.brisbane.qld.gov.au/about-council/governance-strategy/economic-development/economic-development-program/>

### *Townsville City Council*

City Plan 2005

<http://www.townsville.qld.gov.au/business/planning/planningscheme/Pages/default.aspx>

Child Care Centre Code

<http://www.townsville.qld.gov.au/business/planning/planningscheme/Pages/default.aspx>

Parking and Access Code

<http://www.townsville.qld.gov.au/business/planning/planningscheme/Pages/default.aspx>

CBD Masterplan

<http://www.townsville.qld.gov.au/business/planning/Pages/cbdincentives.aspx>

Thuringowa Planning Scheme

<http://www.townsville.qld.gov.au/business/planning/planningscheme/Pages/cotplanningscheme.aspx>

Thuringowa Planning Scheme – Parking and Service Vehicle Design Requirements  
<http://www.townsville.qld.gov.au/business/planning/planningscheme/Pages/cotplanningscheme.aspx>

### *Mt Isa City Council*

City of Mt Isa Planning Scheme 2006  
<http://www.mountisa.qld.gov.au/town-planning2>

### *City of Joondalup*

The District Planning Scheme  
<http://www.joondalup.wa.gov.au/develop/approvalsandregulations/districtplanningscheme.aspx>

Child Care Centres Policy  
<http://www.joondalup.wa.gov.au/develop/approvalsandregulations/districtplanningscheme.aspx>

Draft Joondalup City Centre Structure Plan  
<http://www.joondalup.wa.gov.au/Develop/ApprovalsAndRegulations/DraftJoondalupCityCentreStructurePlan.aspx>

Draft Local Planning Strategy  
[http://www.joondalup.wa.gov.au/Welcome/citynews/09-09-10/DRAFT\\_LOCAL\\_PLANNING\\_STRATEGY.aspx](http://www.joondalup.wa.gov.au/Welcome/citynews/09-09-10/DRAFT_LOCAL_PLANNING_STRATEGY.aspx)

### *City of Gosnells*

Town Planning Scheme No. 6  
[http://www.gosnells.wa.gov.au/Building\\_and\\_development/Planning\\_the\\_City/Town\\_Planning\\_Scheme\\_No\\_6](http://www.gosnells.wa.gov.au/Building_and_development/Planning_the_City/Town_Planning_Scheme_No_6)

### *City of Perth*

City Planning Scheme 2  
<http://www.cityofperth.wa.gov.au/web/Business/City-Planning-Scheme-2>

Strategic Community Plan  
<http://www.cityofperth.wa.gov.au/documentdb/3705.pdf>

Planning for Social and Community Infrastructure Report  
<http://www.cityofperth.wa.gov.au/web/Council/Plans-and-Projects/Current-Plans-and-Studies/>

Vision 2029  
<http://www.perth.wa.gov.au/strategicplan/vision.html>

### *Leichhardt Council*

Local Environment Plan 2000  
<http://www.leichhardt.nsw.gov.au/Planning---Development/Planning-Controls/LEPs>

CRED 2013 *A review of early education and care service delivery for children under school age in the Leichhardt Local Government Area* Leichhardt Municipal Council  
<http://www.leichhardt.nsw.gov.au/Community/Children>

Development Control Plan 2000  
<http://www.leichhardt.nsw.gov.au/Planning---Development/Planning-Controls/DCPs>

### *City of Sydney*

Local Environment Plan 2012  
<http://www.cityofsydney.nsw.gov.au/development/planning-controls/local-environmental-plans>

Development Control Plan 2012  
<http://www.cityofsydney.nsw.gov.au/development/planning-controls/development-control-plans>

Child Care Centres Development Control Plan  
<http://www.cityofsydney.nsw.gov.au/development/planning-controls/development-control-plans>

Development Guidelines: Child Care Centres  
<http://www.cityofsydney.nsw.gov.au/development/planning-controls/development-control-plans>

### *Orange City Council*

Local Environment Plan 2011  
<http://www.orange.nsw.gov.au/site/index.cfm?display=147140>

Development Control Plan 2004  
<http://www.orange.nsw.gov.au/site/index.cfm?display=275628>

### *City of Greater Geelong*

Greater Geelong Planning Scheme  
<http://planningschemes.dpcd.vic.gov.au/greatergeelong/home.html>

### *Moreland City Council*

Moreland Planning Scheme  
<http://planningschemes.dpcd.vic.gov.au/moreland/home.html>

### *City of Casey*

City of Casey Planning Scheme  
<http://planningschemes.dpcd.vic.gov.au/casey/home.html>

Child Minding Centres Policy  
<http://www.casey.vic.gov.au/childcare/>



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