



September 2016

The *Education and Care Services National Law (WA) Act 2012* provides that a Family Day Care use falls under the umbrella of an education and care service that is defined as —

Any service providing or intended to provide education and care on a regular basis to children under 13 years of age other than -

a school, community kindergarten, a personal arrangement, provide instruction in particular activity (sport, music, culture, language, or religious instruction), education/care and therapy to patients, care under child protection law, a prescribed class of disability service or a service of a prescribed class.(b)

Although Family Day Care provides a similar service as a Child Care Premises, it is fundamentally different in two ways –

1. A Family Day Care facility can operate in conjunction with the residential land use of the subject site. That is, it operates from a dwelling that is concurrently used as a permanent residence. New legislation also provides that a Family Day Care venue other than a permanent residence may be nominated for operation as a Family Day Care; and
2. A Family Day Care educator must not educate and care for more than 7 children at any one time (including the licensee's own children, under the age of 13 years of age and no more than 4 children can be preschool age or under as per the *Education and Care Services National Law (WA) Act 2012*).

This Information Sheet will assist you in preparing a planning application and guide you through the development application process.

Is planning approval required?

Yes, planning approval is required.

A Family Day Care is a discretionary use that may be approved on Residential, Rural Residential, Rural and commercial zoned land however it is not permitted in the Industrial, Tourism or Chalet and Camping Zones.

How do I apply for planning approval?

You will need to complete a planning application form and the attached checklist, which will assist you in ensuring that all the required documentation is submitted with your application. These requirements are briefly outlined below. Please note that the checklist requires the submission of a detailed statement, which should provide justification for any variations from the relevant Scheme, Policies and Strategy.

1. **General Application Checklist:** The floor plans and site plans must indicate the areas of the dwelling and the yard that will be used for Family Day Care. Please also indicate on the site plan the location of the off-street car parking provided for the exclusive use of the Family

Day Care. Parking for the proposed Family Day Care is required in addition to two (2) onsite parking spaces required for the residential use of the dwelling.

2. **Family Day Care Questionnaire:** It is important to complete the questionnaire accurately and to provide as much detail as possible. If you have any queries about any of the questions, please contact the Shire's Planning Department on (08) 9780 5265.
3. **Application for Shire Planning Consent to Commence Development:** The appropriate fee must also accompany this.

What do I need to know?

Each application for a Family Day Care is assessed in accordance with Local Planning Scheme No. 1 and any relevant Local Planning Policy or Strategy. Consideration is given to, among other things, the health and safety of the children and the possible impacts that the land use may have upon the amenity of the surrounding area. Issues such as operating hours, vehicular movements, car parking and play area noise are important amenity considerations.

The Local Planning Scheme No. 1 text and maps can be viewed at the Shire offices or on the Shire's website at <http://www.amrshire.wa.gov.au/>. Alternatively, you can contact one of our Planning Officers on (08) 9780 5220 for further assistance. All Local Planning Policies are available on our website - www.amrshire.wa.gov.au.

Is there anything else?

Yes. To provide family day care, applicants are required to satisfactorily complete a registration and membership process through a family day care service. Each family day care service supports and trains applicants to set up their own business. Family day care co-ordination unit staff guide successful applicants through the registration and membership process and offer ongoing support whilst education and care services are operating.

For more information on how to apply for a license to operate a Family Day Care contact the Department of Local Government and Communities – the Education and Care Regulatory Unit on telephone: (08) 6551 8333 Fax 6552 1555. Country Free Call: 1800 199 383 or ecru@digc.wa.gov.au.

To find out which family day care services cover your area refer to Family Day Care WA website: www.familydaycarewa.com.au.

The onus is on the Applicant to ensure that the proposed use complies with the *Child care Services Education and Care Services National Regulations 2012*.

Note: Prior to lodging your application for planning approval you may wish to consider making an appointment with one of the Shire's Planning Officers to discuss the proposal. Please phone (08) 9780 5220 for an appointment. Applications that do not comply with the relevant standards or contain insufficient information may be refused or take longer to process.

**** DISCLAIMER ****

This information sheet is a guide only. Verification with original Local Laws, Acts, Local Planning Scheme No. 1 and other relevant documents is recommended for detailed references. The Shire of Augusta Margaret River accepts no responsibility for errors or omissions.

FAMILY DAY CARE QUESTIONNAIRE

Registered Name of the Business (if applicable)

How many children will attend the Family Day Care? _____

What is the age range of the children that will be cared for at the proposed Family Day Care?

In what ways does the application take into consideration the impact of the Family Day Care on the amenity of the locality?

Do you intend to employ people to assist you in the conduct of your Family Day Care and if yes, how many?

Will all employees normally reside at this address? _____

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

How many cars are expected to visit the property each day? _____

How many additional onsite car parking spaces will be provided for this business? _____

What are the proposed operating hours and days of the Family Day Care?

Does your application include any proposed signage for the front of your property advertising your Family Day Care?

If yes, does your application include details including proposed wording, location and dimensions?
