

9.1.3 LOCAL PLANNING SCHEME NO. 5 – AMENDMENT NO.1 - CHILD CARE PREMISES – CHANGE OF USE ‘X’ TO ‘A’ IN RESIDENTIAL ZONE

File Ref:	N62406
Attachment:	<u>Harley Dykstra- Scheme Amendment Report</u> <u>WAPC: Draft Position Statement: Child Care Premises</u>
Responsible Officer:	Delma Baesjou- Manager Development Services
Author:	André Pinto- Senior Planner
Proprietor/Applicant:	Harley Dykstra
Proposed Meeting Date:	28 November 2023

PURPOSE

The purpose of this report is to consider initiating an Amendment to the Shire’s Local Planning Scheme No.5 to allow Child Care Premises as an ‘A’ use (discretionary and subject to advertising) within the Residential zone.

BACKGROUND

The land use “Child Care Premises” is currently not permitted (‘X’ use) within the Residential Zone under Local Planning Scheme No. 5 (LPS5). This is considered inconsistent with the objectives and intent of the Residential Zone of LPS 5, the Shire’s Local Planning Strategy and modern expectations of childcare facilities within the planning industry in Western Australia.

This proposed amendment aligns with the Shire’s Planning Department’s effort to modernise the planning framework within the Shire to becoming more forward thinking, innovative and flexible when required. Currently the ‘X’ use dictated in the Scheme does not provide any ability for consideration to be given to a childcare premises proposal in the Residential Zone.

The amendment will provide the opportunity to develop key sites within established and proposed residential areas where childcare facilities are needed, noting the Shire’s significantly growing population especially among young families and the unmet demand for additional child care places has become a significant barrier to many businesses getting new employees into the Shire.

EXTERNAL CONSULTATION

Preliminary consultation regarding the proposed Scheme Amendment has occurred with staff from the Department of Planning Lands and Heritage.

The process for basic amendments is set out in Division 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. It includes referral to the Environmental Protection Authority and, under clause 61, the potential for the Minister to direct the Shire to advertise the proposed amendment.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015.

POLICY IMPLICATIONS

Proposed Scheme Amendment aligns with intention of Draft *Local Planning Policy (LPP) 4- Child Care Premises & Family Day Care*.

FINANCIAL IMPLICATIONS

The application fee of \$3,745.00 was received on 1 November 2023.

BUDGET IMPLICATIONS

There are no budget implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications as no assets are being created or acquired.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/26 provides:

At Outcome 3.1 Local Business the following Strategies:

Strategy 3.1.1:

Develop and implement policies and initiatives to attract inward migration and investment

3.1.2:

Businesses are encouraged and supported

At Outcome 4.1 Shire Governance the following Strategy:

Strategy 4.1.1:

'A Shire that listens and considers the needs of each community.'

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan.

STRATEGIC RISK IMPLICATIONS

There are no strategic risk implications for this report.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The ever-increasing demand for child care centres and the strong focus on their appropriate distribution and location is closely linked to demographic change. In the past 30 years, the population of the state has almost doubled to about two million and

is expected to rise to approximately three million by 2031, while households also are becoming more diverse. The Shire has experienced a 9.54% increase in population from 2016-2022, greater than both Denmark and Albany. There is a trend for both parents to work due to economic pressures, which creates a greater demand for child care services. Consequently, the availability of child care centres in close proximity to the workplace is becoming more important within the Shire and many businesses highlight the lack of child care services and housing are the two biggest barriers to getting new workers in town as business demand grows. This Amendment to the Local Planning Scheme aims to assist in meeting this demand and allowing more workers to be able to live in the area due to these services being available.

This amendment requests that the Shire of Plantagenet amend Local Planning Scheme No. 5 (LPS 5) land use permissibility to allow "Child Care Premises" to be considered within the 'Residential' zone.

The amendment will provide the opportunity for Child Care Premises to be considered within the Residential zone where it can be demonstrated that proposals align with the requirements and objectives of Draft *Local Planning Policy 4- Child Care Premises & Family Day Care*. The opportunity to expand the permitted zones in which a Child Care Premises may be considered will assist in addressing the shortage of these facilities that currently exists within the Shire of Plantagenet.

The proposed 'A' use classification within the Local Planning Scheme for Child Care Premises, still requires a development application to be prepared in conjunction with the relevant planning criteria and lodged for consideration by the Shire, including public advertising which will ensure any potential development sites can be considered in detail prior to a determination occurring. This will ensure all potential amenity issues are dealt with through the application process and as per Draft LPP 4.

The amendment is regarded as a Basic Amendment, therefore clause 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* is applicable.

The proposed modification of the land use permissibility is considered consistent with the objectives, intent and requirements of the existing state and local planning framework. The amendment is consistent with the objectives identified within Schedule 1 of the Deemed provisions, it accords with the Shire's Local Planning Strategy and satisfies the objectives of the Residential zone as set out in LPS5. The proposed amendment is also consistent with Western Australian Planning Commission (WAPC) Planning Bulletin 72 and the recently released draft Position State: Child Care Premises with the intent to locate child care premises where they are compatible with and complementary to residential land uses and the road network.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, amend Shire of Plantagenet Local Planning Scheme No 5 by modifying the permissibility of 'Child Care Premises' in the Residential zone from an 'X' use in to an 'A' use within the Zoning Table.
2. Determines that, pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment No. 1 is a 'basic amendment' for the following reasons:
 - a. It is consistent with the model provisions in Schedule 1 of the Deemed provisions.
 - b. It is consistent with the objectives of the Local Planning Scheme and Local Planning Strategy for Residential zoned land.
 - c. It is consistent with WAPC Planning Bulletin 72 and the Draft *Position Statement: Child Care Premises*.
 - d. It is consistent with the Shire's Draft *LPP 4 – Child Care Premises*.
3. Authorises the Chief Executive Officer and Shire President to affix the Common Seal of the Council to the Local Planning Scheme No. 5 Amendment No. 1 documents.
4. Forwards Local Planning Scheme No.5 Amendment No. 1 to the *Environmental Protection Authority (EPA)* and the Western Australian Planning Commission, in accordance with the *Planning and Development Act 2005*, and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED (6/0)

NO. 182/23

For: Crs Handasyde, Fraser, Bell, Clements, Etherington and Liebeck
Against: Nil