



SEPP (Sydney Region Growth Centres) 2006 - additional permitted use at 71-83 Samantha Riley Drive, Kellyville

Proposal Title :	SEPP (Sydney Region Growth Centres) 2006 - additional permitted use at 71-83 Samantha Riley Drive, Kellyville		
Proposal Summary :	The planning proposal seeks to facilitate development of a child care centre as an additional permitted use on land zoned R2 Low Density Residential at 71-83 Samantha Riley Drive, Kellyville.		
PP Number :	PP_2017_THILL_002_00	Dop File No :	17/03447

Proposal Details

Date Planning Proposal Received :	23-Feb-2017	LGA covered :	The Hills Shire
Region :	Metro(Parra)	RPA :	The Hills Shire Council
State Electorate :	CASTLE HILL	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	71-83 Samantha Riley Drive		
Suburb :	Kellyville	City :	
Land Parcel :	Lot 4 DP32271	Postcode :	

DoP Planning Officer Contact Details

Contact Name :	Chris Browne
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Adrian Hohenzollern
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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	

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MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	24

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes :
External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The purpose of the planning proposal is to facilitate the development of a child care centre on land at 71-83 Samantha Riley Drive, Kellyville.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks to amend Schedule 1 Additional Permitted Uses of Appendix 2 (North Kellyville Precinct Plan) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to permit child care centres (with consent) on the subject land.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **3.1 Residential Zones**
6.3 Site Specific Provisions
* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP (Sydney Region Growth Centres) 2006**

e) List any other matters that need to be considered :

3.1 Residential Zones

The proposal, while permitting a non-residential use on land zoned for residential purposes, will not reduce the residential development potential of that land; all existing permissible residential uses will continue to be permitted. The proposal is therefore consistent with this Direction.

6.3 Site Specific Provisions

The planning proposal is not unnecessarily restrictive, as it will permit a particular type of development without prohibiting any development types otherwise permitted in the zone. As such, it is consistent with this Direction.

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The planning proposal seeks to facilitate development of an item of social infrastructure which will support the residential development promoted by the SEPP.

The Land Release team has been consulted on the content of the planning proposal, and has raised no objections.

The planning proposal is therefore consistent with this Direction.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Sufficient indicative mapping has been provided to identify the subject land and demonstrate the intent of the planning proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has nominated a community consultation period of 28 days. Given the minor nature of the proposal, this is considered unnecessary, and the Gateway determination should specify a minimum community consultation period of 14 days. (This does not prevent Council from exhibiting the proposal for 28 days should Council still wish to do so.)**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The land is deferred from The Hills Local Environmental Plan 2012, and is instead subject to State Environmental Planning Policy (Sydney Region Growth Centres) 2006.**

Assessment Criteria

Need for planning proposal : **The planning proposal was initiated by the land owner and is not the result of a strategic study or report.**

The draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (the draft Education and Child Care SEPP), undergoing community consultation until 7 April 2017, seeks to amend the Standard Instrument (Local Environmental Plans) Order 2006 to make child care centres (renamed as 'centre-based child care') permissible with consent on all land zoned R2 Low Density Residential in a Principal LEP throughout NSW. This demonstrates State government intent to include this land use in this zone.

It is expected that the draft Education and Child Care SEPP may also seek to similarly amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP) to make child care centres permissible with consent on all land zoned R2 under the Growth Centres SEPP. If this occurs prior to finalisation of the planning proposal, the planning proposal will no longer be necessary.

Given the uncertainty of this, and the uncertain timing of finalisation of the draft Education and Child Care SEPP, the planning proposal is considered the best way to achieve the desired outcome, as it will allow for the development of a bespoke facility to minimise amenity impacts on the surrounding residential land, and will not undermine the objectives of the zone.

Consistency with strategic planning framework :

A Plan for Growing Sydney

The proposal will provide social infrastructure that will support the Kellyville community and provide employment, and will not result in a significant reduction in housing. As such, it is consistent with the Plan's Goal 3: A great place to live with communities that are strong, healthy and well connected, which states, 'Growing communities will have better access to jobs and economic opportunities; good transport and social infrastructure; healthy natural and built environments; and will find it easy to get to services, the arts, cultural and recreational activities,' without sacrificing the intent of Goal 2: A city of housing choice, with homes that meet our needs and lifestyles.

Draft West Central District Plan

The planning proposal responds to Section 4.8.3 of the draft District Plan: 'Plan for the provision of early education and child care facilities'. This section recognises that demand for child care facilities within the District will increase as a result of the 32,000 new babies and toddlers that are expected to live in the District by 2036. The planning proposal will assist in meeting this demand and supporting residential development in the Kellyville area.

The Hills Adopted Draft Local Strategy 2008

The Employment Lands Direction of the Draft Local Strategy seeks to provide employment close to home, services and transport infrastructure; the proposal is consistent with this, as it will provide employment in a well serviced residential area and will help support a local business.

The Residential Direction of the Draft Local Strategy seeks to implement a hierarchy of residential development around centres and to protect the amenity of residential development. The planning proposal will assist in this, as it allows for increased child care capacity without rezoning the land and thus threatening the amenity of the area.

Environmental social economic impacts :

Environmental

The proposal does not constitute any significant change to the development potential of the land. It will therefore have no significant environmental impact.

Social

No negative social impacts are anticipated as a result of the proposal. A noise impact assessment has been carried out; it included a number of recommendations (best carried out at development application stage), and concluded that these recommendations would ensure that noise impacts on the surrounding area would be satisfactory. The proposal is expected to have a positive social impact in that it will provide expanded child care services for the Kellyville community.

A traffic and parking assessment has been undertaken; it concluded that the proposed development, when compared with the residential use to which the land would otherwise be put, would have no adverse impact on the local road network and parking conditions.

Economic

No negative economic impacts are anticipated as a result of the proposal. The proposal is expected to have a positive economic impact, in that the proposed child care centre will provide employment for 24 people.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Transport for NSW**
Transport for NSW - Roads and Maritime Services

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
S56 report - 71-83 Samantha Riley Drive, Kellyville (5-2017-PLP).pdf	Proposal	Yes
Council Report and Resolution 14 February 2017.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones**
6.3 Site Specific Provisions

Additional Information : **1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:**
(a) the planning proposal must be made publicly available for a minimum of 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities under section 56(2)(d) of

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the Act and/or to comply with the requirements of relevant S117 Directions:

- Transport for NSW; and
- Transport for NSW - Roads and Maritime Services.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the Plan is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal will provide social infrastructure to support the largely residential surrounding area, and is generally consistent with the strategic planning framework and with State government policy established by the draft Education and Child Care SEPP.

Signature:



Printed Name:

Chris Browne Date: 20/3/17

