

ITEM-6	PLANNING PROPOSAL - 71-83 SAMANTHA RILEY DRIVE, KELLYVILLE (5-2017-PLP)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	14 FEBRUARY 2017 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	TOWN PLANNER ISAAC KENSELL
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that a planning proposal to include a child care centre as an additional permitted use at 71-83 Samantha Riley Drive, Kellyville within Schedule 1 'Additional Permitted Uses' of the North Kellyville Precinct Plan under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) be forwarded to the Department of Planning and Environment for Gateway Determination.

The site is located within the North Kellyville Growth Centre Precinct and is zoned R2 Low Density Residential under the applicable Growth Centres SEPP. The planning proposal seeks to allow for the provision of a child care centre in conjunction with the approved seniors housing 120 bed aged care facility (1902/2008/HB/C). The proposal does not seek to amend the zone or development controls applicable to the land.

Child care centres are currently prohibited in the R2 Low Density Residential zone under the Growth Centres SEPP and The Hills Local Environmental Plan 2012 due to the potential impacts of child care centres on residential character, amenity and traffic generation on local streets. However, this site provides a unique opportunity to address any potential impacts on the amenity of future residential development in this locality as the proposed location of the child care centre will be adjacent to an existing school and separated from future residential dwellings.

The proposal is supported on the basis that the area's population is rapidly growing and it will allow the site to cater for the needs of the future population by providing a 120 place child care centre. The proposal will facilitate a business that responds to child care needs in the locality and the location of the child care centre ensures it can be appropriately managed to minimise any adverse impacts on future residential development surrounding the site.

APPLICANT AND OWNERS

Moran Australia (Rouse Hill) Pty Ltd

STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

	Current	Proposed
Zone:	R2 – Low Density Residential	No Change
Minimum Lot Size:	Not applicable	No Change
Maximum Height:	9 metres	No Change
Maximum Floor Space Ratio:	Not applicable	No Change

POLITICAL DONATIONS

Nil disclosures by the applicant

HISTORY

- 22/10/2010** The Land and Environment Court of NSW granted development consent for a 150 bed aged care facility (1902/2008/HB) on the site.
- 28/04/2016** Council granted development consent (1902/2008/HB/C) for a modification to reduce the size of the building footprint and consequently the number of aged care beds from 161 beds to 120 beds and to redesign the surface car parking from 37 to 29 car parking spaces including the deletion of one (1) of the approved access driveways.
- 14/11/2016** The subject planning proposal was lodged.

REPORT

The purpose of this report is to consider the planning proposal to amend Schedule 1 of the North Kellyville Precinct Plan within the Growth Centres SEPP to permit a child care centre as an additional permitted use on land at 71-83 Samantha Riley Drive, Kellyville.

1. THE SITE

The site is known as 71-83 Samantha Riley Drive, Kellyville (Lot 4 DP32271) and is currently zoned R2 Low Density Residential under the Growth Centres SEPP (North Kellyville Precinct Plan). The site is irregularly shaped with an area of 20,237m² and is located on the northern side of Samantha Riley Drive within the North Kellyville Release Area. The site has a street frontage of approximately 98 metres to Samantha Riley Drive.

There is a small single storey cottage located on the south-west corner of the site. Land immediately adjoining the site includes undeveloped residential land to the north and west, an education establishment to the east and low density residential development to the south opposite Samantha Riley Drive.

An aerial view of the site and surrounding locality is provided in Figure 1 below.



Figure 1
Aerial view of the site and surrounding locality

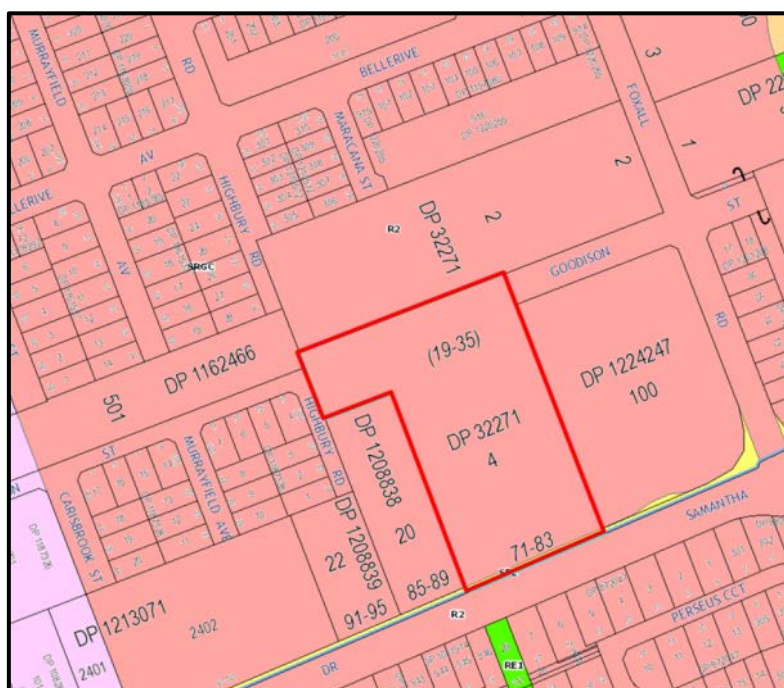


Figure 2
Existing Zoning Map

2. PLANNING PROPOSAL

The planning proposal seeks to amend Schedule 1 and the Additional Permitted Use Map of the North Kellyville Precinct Plan within the Growth Centres SEPP to permit a child care centre at 71-83 Samantha Riley Drive, Kellyville in conjunction with an approved aged care facility (seniors housing).

The planning proposal does not seek to amend the existing zoning and seeks to achieve the objectives and built form envisaged in the R2 Low Density Residential zone.

In support of the planning proposal, the applicant has submitted a design concept (Figure 3) illustrating the intended future development outcomes for the site in accordance with the proposed SEPP amendment. In addition to the approved senior's housing development, the overall development concept shows a 120 place child care centre in the north-eastern portion of the site approximately 775m² in size and with 44 basement car parking spaces. The approved 120 bed residential aged care centre will be accommodated on the southern half of the site.

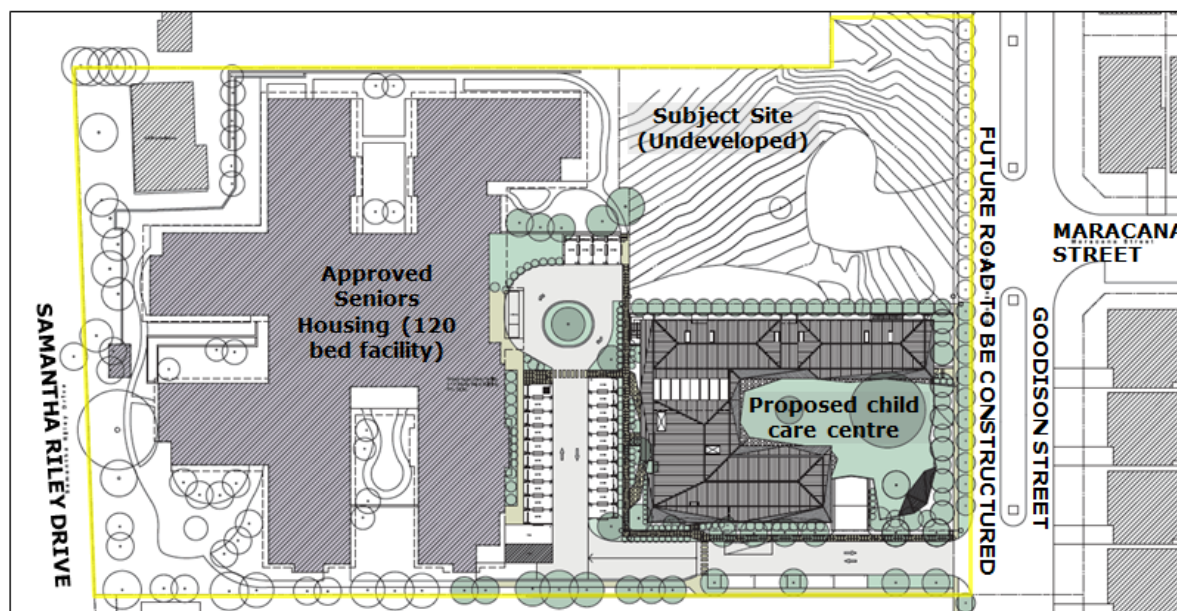


Figure 3
Proposed Development Concept

The application is supported by a Traffic and Parking Report prepared by Parking and Traffic Consultants (November 2016), an Acoustic Assessment prepared by Wilkinson Murray Pty Ltd (September 2016) and an Intergenerational Programs Research paper prepared by the University of Canberra (September 2016).

3. STRATEGIC CONTEXT

- *Metropolitan Plan for Sydney 2036*

The Plan identified that Sydney's growing population is expected to grow by 1.7 million people (770,000 new dwellings), with over 250,000 people (80,000 new dwellings) expected to move to the Hills Shire area by 2036. This planning proposal is consistent with this framework as it will support population growth through the provision of additional child care services for the growing local community within the North Kellyville Precinct.

- *Draft West Central District Plan 2036*

The Draft West Central District Plan was prepared by the Greater Sydney Commission and proposes a 20-year vision for the West Central District, which includes the local government areas of Blacktown, Cumberland (parts of the former Auburn, Parramatta and Holroyd), Parramatta and The Hills.

The Plan identifies 'liveability' priorities and actions for the West Central District which responds to people's need for services and facilities. Section 4.8.3 of the Plan identifies the anticipated increase in demand for early education and child care facilities within the West Central District given the 32,000 new babies and toddlers that will reside in the District by 2036.

It is considered that the planning proposal responds to this need identified within the Plan through allowing the site to accommodate new child care facilities which will service the growing residential population within the North Kellyville Precinct.

- *The Hills Shire Local Strategy*

The Employment Lands Direction and Residential Direction are the relevant components of the Local Strategy to be considered in assessing this application.

- *Employment Lands Direction*

The North West Subregional Strategy establishes an employment capacity target of 47,000 jobs for the Shire from 2001 to 2031. The Employment Lands Direction demonstrates the ability to meet this target with capacity for 55,574 additional jobs to 2031. In addition to the contribution towards anticipated employment targets, the Direction seeks to provide employment close to home, services and transport infrastructure.

The planning proposal is consistent with this Direction as it provides an opportunity to support the growth of local businesses, additional local employment and will strengthen the services available within vicinity of the North Kellyville Release area which is an identified growth area.

- *Residential Direction*

Council has maintained a planned and deliberate approach to managing urban growth within the Shire by ensuring more intense land uses are strategically located close to centres and public transport. This approach focuses on the management of potential conflicts between more intense land uses and the amenity of low density residential environments.

Whilst the site is located within the R2 Low Density Residential zone, there is opportunity to manage potential impacts to the amenity of adjoining low density residential properties to the south, west and north through existing development control measures for child care centres and the siting and design of the proposal. The site also directly adjoins a school and the proposed child care centre would be in conjunction with an aged care facility thus having no immediate boundaries with residential uses.

- *Draft Education and Child Care SEPP*

The NSW Government is currently exhibiting a draft SEPP to simplify and standardise planning approval for education establishments and child care facilities. Among other changes, the package on exhibition proposes to amend Standard Instrument to update all Local Environmental Plans across NSW (Including The Hills LEP 2012) to permit child care centres in all R2 Low Density Residential and IN2 Light Industrial zones. However, there are no proposed changes to the Growth Centres SEPP which will still prohibit child care centres in the R2 Low Density zone. As such, the planning proposal is still required to facilitate a proposed child care centre on the site.

- *Ministerial Section 117 Directions*

Section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning to issue directions that councils must address when preparing planning proposals for a new Local Environmental Plan.

The particular S117 Directions relevant to this proposal are; 3.1 Residential Zones and 6.3 Site Specific Provisions. The planning proposal is consistent with these directions as the land use presents a unique opportunity for a child care centre to be permitted in the area where there is a strong need for such a use and is compatible with the surrounding development.

4. MATTERS OF CONSIDERATION

The planning proposal requires consideration of the following matters:

- a) Character of R2 Low Density Area
- b) Potential Amenity Impacts on Adjoining Uses (noise, visual impact)
- c) Traffic and Parking
- d) Use of Schedule 1 Additional Permitted Uses

An overview of the key issues affecting the proposal is detailed below.

a) Character of R2 Low Density Area

Child care centres have typically not been permitted in R2 Low Density Residential areas within the Hills as a result of amenity impacts associated with this use to adjoining low density housing (although this may change should the NSW Government's draft Education and Child Care SEPP be gazetted). While the site is located within a R2 Low Density Residential zone, the design concept reflects a built form and style that is not out of character with the existing streetscape or nearby low density development due to being set well back from the site boundaries with appropriate screen landscaping. It should also be noted that much of the locality is predominantly undeveloped consisting of vacant blocks to the north and west of the site. South of the site and further to the north-west are dwelling houses which are located far enough away from the proposed location of the child care centre. Accordingly, whilst the detailed design for the child care centre would be subject to assessment under a future development application, the concept plans satisfactorily demonstrate the site's potential to accommodate a child care centre without resulting in any adverse impacts to residential development within the zone.

b) Potential Amenity Impacts on Adjoining Uses (noise, visual impact)

The planning proposal was accompanied by an Acoustic Assessment which recommends noise mitigation measures, particularly the design of boundary fences, restriction to 2m² of openable glazing (at any interval) on the western façade of activity rooms, and implementation of a noise management plan.

The recommendations outlined in the Acoustic Assessment are considered appropriate and are consistent with objectives for child care centres under Council's development control plan and will address both acoustic and privacy impacts. The specific measures as identified would form part of any future development consent that may be issued for the site.

While much of the amenity impacts on adjoining uses will be considered at the development application stage, the concept plans provided identify that there should be minimal amenity impacts associated with the proposed child care centre. This is due to the proposed location of the child care centre being adjacent to an existing school and also being located behind the approved seniors housing facility, all of which reduce potential adverse amenity impacts from occurring.

The planning proposal identifies indicative hours of operation for the child care centre are identified as being from 7.00am to 6.00pm Monday to Friday which is consistent with Council's current development controls for child care centres and would be further considered as part of the Development Application process.

c) Traffic and Parking

The planning proposal was accompanied by a parking and traffic report which outlines the proposed traffic movements that would be associated with the proposed child care centre on the locality. It identifies that the proposal would result in an additional 73 vehicle trips in the morning peak period and an additional 68 vehicle trips in the afternoon peak period. The concept indicates the centre will provide 44 car spaces (including one (1) accessible space) which is compliant with the Development Control Plan parking requirements. It is considered that the proposed child care centre will not have an adverse impact on the existing road system and is therefore supported.

d) Use of Schedule 1 Additional Permitted Uses

The Department of Planning and Environment has prepared a draft Practice Note on the application of Schedule 1 'Additional Permitted Uses' of the Standard Instrument Local Environmental Plan. The draft Practice Note highlights that land use permissibility should preferably be controlled through zoning and the Land Use Table. However the draft Practice Note also provides that where this is not possible, and the intended outcome is adequately justified by Council, the use of Schedule 1 may be acceptable.

The option of rezoning the land to R3 Medium Residential Density (where child care centres are a permitted use) has not been pursued to ensure the site maintains the low density objectives and no other development opportunities which would be inappropriate on the site are inadvertently facilitated. In this particular circumstance the use of Schedule 1 is considered justified as it will allow the use of the site as a child care centre without enabling more intense uses such as multi dwelling housing or neighbourhood shops which would be permitted in the R3 Medium Residential Density zone. This approach ensures that should the proposed child care centre cease to operate at some future time, the low density residential character that adjoins the site will be maintained.

CONCLUSION

The planning proposal will enable the redevelopment of the site to cater for a 120 place child care centre in conjunction with the approved 120 bed aged care facility. The planning proposal will facilitate additional child care places in the Kellyville locality and assist with meeting the future needs of the Shire's rapidly growing population.

Whilst Council has adopted a policy position, to prohibit child care centres in low density locations, it is important to recognise that the subject site provides a unique opportunity to accommodate a child care centre within a low density area with minimal adverse impacts. The characteristics of the particular site are different to typical low density residential areas and as such potential impacts in terms of traffic, noise and amenity can be more effectively managed.

It is therefore recommended that a planning proposal to amend Schedule 1 'Additional Permitted Uses' of the North Kellyville Precinct Plan to permit a child care centre at 71-83 Samantha Riley Drive, Kellyville be forwarded to the Department of Planning and Environment for Gateway Determination.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

The planning proposal will assist in the delivery of a 'modern local economy' through the provision of job opportunities that will serve the local community. The planning proposal encourages promotion of a 'vibrant community' by providing a service that will respond to child care needs within the Shire in close proximity to new residential development.

RECOMMENDATION

A planning proposal to amend Schedule 1 and the associated Additional Permitted Uses Map within the North Kellyville Precinct Plan of SEPP (Sydney Region Growth Centre) 2006 to permit a child care centre on land at 71-83 Samantha Riley Drive, Kellyville be forwarded to the Department of Planning and Environment for Gateway Determination.

ATTACHMENTS

Nil.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 14 February 2017

VOTING FOR THE MOTION

Clr Keane
Clr Preston
Clr Dr M R Byrne
Clr Thomas
Clr Dr Lowe
Clr Hay OAM
Clr Harty OAM
Clr Tracey
Clr Taylor MP

VOTING AGAINST THE MOTION

None

ABSENT

Clr A N Haselden
Clr Dr Gangemi

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR HAY OAM AND SECONDED BY COUNCILLOR HARTY OAM THAT Items 7, 8, 10, 11, 12, 14, 15, 16, 17, 18 and 19 be moved by exception and the recommendations contained in the reports be adopted.

THE MOTION WAS PUT AND CARRIED.

29 RESOLUTION

Items 7, 8, 10, 11, 12, 14, 15, 16, 17, 18 and 19 be moved by exception and the recommendations contained in the reports be adopted.

ITEM-7

PROPERTY DEALINGS RELATING TO DEVELOPMENT MATTERS

30 RESOLUTION

1. Council consent to the release of an easement to drain water 3.05 wide from the title of Lot 3 DP 526616, 16 River Road, Sackville North, and the Section 88B instrument associated with the plan of subdivision for DA 320/2016/ZD (or the accompanying request document) be authorised for execution under Council seal.
2. Council consent to the release of an easement for batter 3 wide from the title of Lot 1 DP 594026, 56 Evans Road, Glenhaven, and the Section 88B instrument associated with the plan of subdivision for DA 196/2017/ZB be authorised for execution under Council seal.
3. Council consent to the release of six separate easements to drain water 6 wide from the title of Lot 15 DP 255616, 3 Cataract Road, Box Hill, Lot 17 DP 255616, 8 Cataract Road, Box Hill, Lot 21 DP 255616, 7 Cataract Road, Box Hill, Lot 40 DP 255616, 13 Janpieter Road, Box Hill and Lot 41 DP 255616, 11 Janpieter Road, Box Hill, and the Section 88B instrument associated with the plan of subdivision for DA 1650/2015/ZB (Stage 1), 964/2016/ZB (Stage 2) and 1597/2016/ZB (Stage 1) be authorised for execution under Council seal.