

THE HILLS SHIRE COUNCIL

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21 February 2017

Ms Catherine Van Laeren
 Director, Sydney Region West
 Planning Services
 Department of Planning and Environment
 GPO Box 39
 SYDNEY NSW 2001

Our Ref: 5/2017/PLP

Dear Ms Van Laeren

PLANNING PROPOSAL SECTION 56 NOTIFICATION

The State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) (Amendment No. ##) – Proposed amendment to North Kellyville Precinct Plan to include an Additional Permitted Use at 71-83 Samantha Riley Drive, Kellyville within Schedule 1 'Additional Permitted Uses'

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), it is advised that Council has resolved to prepare a planning proposal for the above amendment. The planning proposal seeks to amend Schedule 1 and the Additional Permitted Uses 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.

Please find enclosed the information required in accordance with the guidelines '*A guide to preparing planning proposals*' issued under Section 55(3) of the EP&A Act. The planning proposal and supporting materials are enclosed with this letter for your consideration. It would be appreciated if all queries by the panel could be directed to Piers Hemphill, Strategic Planning Coordinator on 9843 0511.

Generally, the proposal is considered to satisfactorily address the requirements under Section 73A (1)(b) and (c) of the EP&A Act as it will not have any significant adverse impact on the environment or adjoining land.

Following receipt by Council of the Department's written advice, Council will proceed with the planning proposal. Any future correspondence in relation to this matter should quote reference number 5/2017/PLP. Should you require further information please contact Isaac Kensell, Town Planner on 9843 0480.

Yours faithfully



Nicholas Carlton
PRINCIPAL COORDINATOR FORWARD PLANNING

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed Amendment to the North Kellyville Precinct Plan under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) (Amendment No (#)) – To include an Additional Permitted Use at 71-83 Samantha Riley Drive, Kellyville within Schedule 1 'Additional Permitted Uses' and the associated Additional Permitted Uses Map(5/2017/PLP).

ADDRESS OF LAND: 71-83 Samantha Riley Drive, Kellyville (Lot 4 DP32271)

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	1	1	1
Jobs	0	24	24

SUPPORTING MATERIAL:

- Attachment A** Assessment against State Environment Planning Policies
- Attachment B** Assessment against Section 117 Local Planning Direction.
- Attachment C** Council Report and Resolution, 14 February 2017
- Attachment D** Applicant's Planning Report (including all attachments)

THE SITE:

The site is irregularly shaped with an area of 20,237m² and located within the North Kellyville Release Area on the northern side of 71-83 Samantha Riley Drive, Kellyville (Lot 4 DP32271). It is currently zoned R2 Low Density Residential under the Growth Centres SEPP (North Kellyville Precinct Plan) and has a street frontage of approximately 98 metres to Samantha Riley Drive. A small single storey cottage occupies 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. There is an existing approval for a 120 bed seniors housing aged care facility (DA1902/2008/HB/C).

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



Figure 1
Aerial view of the site and surrounds

BACKGROUND:

The existing site has approval for a 120 bed seniors housing aged care facility. The proposal intends to permit a child care centre as an additional permitted use on land at 71-83 Samantha Riley Drive, Kellyville.

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, a draft Education and Child Care SEPP is currently on exhibition 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. 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 required to facilitate a proposed child care centre on the site.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to allow for a child care centre to be permitted with development consent on land at 71-83 Samantha Riley Drive, Kellyville.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by:

- An amendment to Schedule 1 'Additional Permitted Uses' and the associated Additional Permitted Uses Map of the North Kellyville Precinct Plan under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) to permit the use of land at 71-83 Samantha Riley Drive, Kellyville for the purpose of a child care centre with development consent.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

No, the planning proposal is not a result of any strategic study or report.

However, the planning proposal is considered a practical solution to facilitate development for a child care centre on the site in an appropriate form and location with minimal impact on adjoining properties.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is considered to be the best way to achieve the intended outcomes for the site. The planning proposal will respond to child care needs in the locality in a way that can be appropriately managed to minimise any adverse impacts on the residential environment.

The planning proposal does not seek to amend the existing zoning in order to maintain the objectives and low scale built form of development permitted within the R2 Low Density Residential zone.

The site offers a unique opportunity to address potential amenity impacts on future residential development through the provision of a new purpose-built facility which can be designed and

sited in a manner that allows for any adverse impacts on future residential development surrounding the site to be managed.

The use of Schedule 1 is considered the best way to achieve the desired outcome as it will allow for the additional use without enabling more intense uses such as multi dwelling housing or neighbourhood shops which would be permitted in the R3 Medium Residential Density zone and would be incompatible with the surrounding locality. The proposal will ensure the site maintains a low density character and objectives both now and in the future.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes, the planning proposal is consistent with the strategic planning framework a discussion of consistency is provided below.

- **A Plan for Growing Sydney**

In December 2014, the NSW Government adopted "A Plan for Growing Sydney" that highlights a clear strategy for accommodating Sydney's future population growth for the next 20 years and the creation of strong and resilient communities within a highly liveable city.

The planning proposal is consistent with the strategy as it provides for social infrastructure in a growing community. The planning proposal is consistent with the objectives relating to revitalisation of existing suburbs, support for urban renewal and population growth.

- **Metropolitan Plan for Sydney 2036**

The Plan identifies that Sydney's 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 respond to people's needs 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 are anticipated to reside in the District by 2036.

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

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes, a discussion of consistency is provided below.

- **The Hills Local Strategy**

In 2008 Council adopted its Local Strategy to provide the basis for the future direction of land use planning in the Shire and within this context implement the key themes and outcomes of the 'Hills 2026 Looking Toward the Future'. The Residential, Integrated Transport, Centres and Employment Lands Directions 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 within a new purpose-built facility. 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 lower density residential uses which would be sensitive to amenity impacts.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A. It should be noted that a draft Education and Child Care Sepp is currently on exhibition and it has been addressed below.

- **Sydney Region Growth Centres SEPP (2006)**

The Sydney Region Growth Centres SEPP (2006) aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre. The planning proposal is considered consistent with Sydney Regions Growth Centres SEPP (2006) through the provision of an additional child care centre which will help cater for the projected population growth within the North Kellyville Precinct.

- **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 the 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. There are no proposed changes to the Growth Centres SEPP which will still prohibit child care centres in the R2 Low Density Residential zone. As such, the planning proposal would still be required to facilitate a proposed child care centre on the site.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 3.1 Residential Zones**

The aim of this Direction is to encourage a variety of housing choice, make efficient use of existing infrastructure and services and minimise the impact on the environment and resource lands. This planning proposal is considered to be consistent with the direction as it will retain the existing R2 Low Density Residential zone across the site and continue to permit housing outcomes consistent with the objectives of the zone while providing for supporting services.

- **Direction 6.3 Site Specific Provisions**

The aim of this Direction is to discourage unnecessarily restrictive site specific planning controls. This planning proposal is considered to be consistent with the direction as the site presents an opportunity to provide child care services with limited potential impacts on the amenity of future residential development in this locality as the child care centre would be adjacent to an existing school and separated from future residential dwellings.

The option to rezone the land to R3 Medium Density Residential (where child care centres are a permitted use) has not been pursued to ensure that the low density residential character that adjoins the site can still be maintained should the proposed child care centre cease operating. Having regard to the above, the use of Schedule 1 is considered justified as it will allow the a child care centre to be located on the site without enabling more intense uses such as multi dwelling housing or neighbourhood shops which are permitted in the R3 Medium Residential Density zone.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No, the land that is subject to the planning proposal does not contain critical habitats or threatened species, populations or ecological communities, or their habitats.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No, there are no other likely environmental effects as a result of the planning proposal.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal is not anticipated to have any negative social or economic impacts. The planning proposal would have a positive social and economic impact given it would facilitate an additional child care place locally in addition to employment opportunities.

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 DCP parking requirements. It is considered that the proposed child care centre will not have an adverse impact on the existing or future road network.

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 DCP.

SECTION D - STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

Yes, the proposed child care centre would be supported by the existing public transport routes along Samantha Riley Drive. The site will be located in an urban area that is developing and will have full access to the necessary infrastructure and services.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the Gateway Determination.)

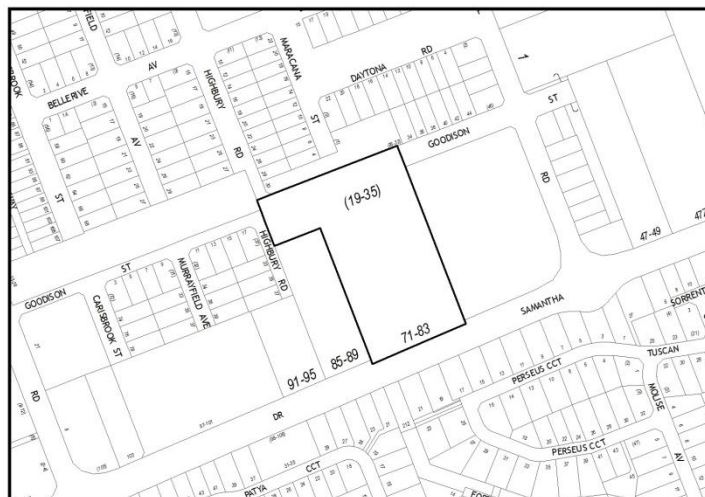
A list of all relevant agencies would be determined as part of The Gateway Determination following the Gateway Determination, all relevant agencies would be consulted.

PART 4 MAPPING

The planning proposal seeks to amend the Additional Permitted Uses Map of *The North Kellyville Precinct Plan* under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)* and does not seek any changes to other development standards under the SEPP.

MAP A - Existing addition to 'Additional Permitted Uses'

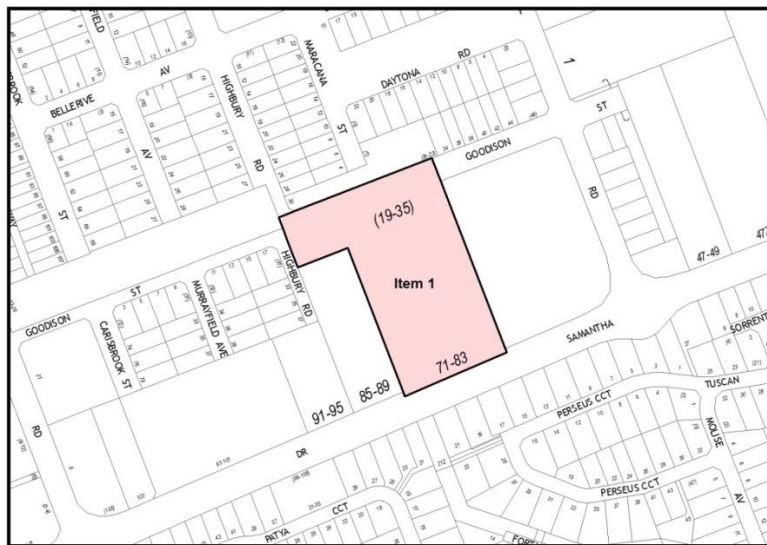
The existing 'Additional Permitted Uses' of a child care centre applies to 71-83 Samantha Riley Drive, Kellyville (Lot 4 DP32271).



Additional Permitted Uses (APU)

MAP B - Proposed addition to 'Additional Permitted Uses'

The proposed 'Additional Permitted Uses' of a child care centre applies to 71-83 Samantha Riley Drive, Kellyville (Lot 4 DP32271).



Additional Permitted Uses (APU)

refer to schedule 1

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and on display at Council's administration building and Castle Hill Library. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners and stakeholders.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	April 2017
Government agency consultation	May 2017
Commencement of public exhibition period (28 days)	May 2017
Completion of public exhibition period	June 2017
Timeframe for consideration of submissions	July 2017
Timeframe for consideration of proposal post exhibition	July 2017
Report to Council on submissions	August 2017
Planning Proposal to PCO for opinion	August 2017
Date Council will make the plan (if delegated)	October 2017
Date Council will forward to department for notification (if delegated)	October 2017

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	NO	-	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	YES	NO	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
	Affordable Rental Housing (2009)	YES	NO	-
	Building Sustainability Index: BASIX 2004	YES	NO	-
	Exempt and Complying Development Codes (2008)	YES	NO	-
	Housing for Seniors or People with a Disability (2004)	YES	NO	-
	Infrastructure (2007)	YES	NO	-
	Kosciuszko National Park – Alpine Resorts (2007)	NO	-	-
	Kurnell Peninsula (1989)	NO	-	-
	Major Development (2005)	YES	NO	-
	Mining, Petroleum Production and Extractive Industries (2007)	YES	NO	-
	Miscellaneous Consent Provisions (2007)	YES	NO	-
	Penrith Lakes Scheme (1989)	NO	-	-
	Port Botany and Port Kembla (2013)	NO	-	-
	Rural Lands (2008)	NO	-	-
	SEPP 53 Transitional Provisions (2011)	NO	-	-
	State and Regional Development (2011)	YES	NO	-
	Sydney Drinking Water Catchment (2011)	NO	-	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
Sydney Region Growth Centres (2006)	YES	YES	CONSISTENT
Three Ports (2013)	NO	-	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Deemed SEPPs			
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	-
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	-
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 25 – Orchard Hills	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	NO	-	-

ATTACHMENT B: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	YES	NO	-
1.2	Rural Zones	YES	NO	-
1.3	Mining, Petroleum Production and Extractive Industries	YES	NO	-
1.4	Oyster Aquaculture	YES	NO	-
1.5	Rural Lands	NO	-	-
2. Environment and Heritage				
2.1	Environment Protection Zone	YES	NO	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	NO	-
2.4	Recreation Vehicle Area	YES	NO	-
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	-	-
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	CONSISTENT
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	NO	-
3.4	Integrating Land Use and Transport	YES	NO	-
3.5	Development Near Licensed Aerodomes	YES	NO	-
3.6	Shooting Ranges	YES	NO	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	YES	NO	-
4.2	Mine Subsidence and Unstable Land	YES	NO	-
4.3	Flood Prone Land	YES	NO	-
4.4	Planning for Bushfire Protection	YES	NO	-
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	NO	-
5.10	Implementation of Regional Plans	YES	YES	CONSISTENT
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	NO	-
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	YES	CONSISTENT
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	CONSISTENT
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-