



PLANNING PROPOSAL

**Permissibility of Child Care Facilities in
certain RE1 Public Recreation Zone
lands within the City of Parramatta**

Planning Proposal drafts

Council versions:

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1.	City of Parramatta Council	February 2017
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INTRODUCTION

This Planning Proposal seeks to amend the Parramatta Local Environmental Plan 2011 (PLEP 2011) to include the following lots zoned RE1 Public Recreation within Schedule 1 of the PLEP 2011 to permit Child Care Centres as an additional permitted use:

1. Jubilee Park Child Care Centre, Jubilee Park, Harris Park (see Figure 1)

- | | |
|-------------------|-----------------------|
| • Lot 1 DP 210964 | • Lot 6 DP 219646 |
| • Lot 1 DP 214558 | • Lot X DP 407797 |
| • Lot 1 DP 219646 | • Lot Y DP 407797 |
| • Lot 1 DP 381062 | • Lot Z DP 407797 |
| • Lot 1 DP 524232 | • Pt Lot 35 DP 255 |
| • Lot 1 DP 529663 | • Lot 3 DP 363574 |
| • Lot 2 DP 210964 | • Lot 3 DP 214558 |
| • Lot 2 DP 363574 | • Lot 6 DP 537776 |
| • Lot 2 DP 513301 | • Lot 62 DP 633712 |
| • Lot 3 DP 210964 | • Lot 2 DP 615843 |
| • Lot 3 DP 529663 | • Lot 7047 DP 1060682 |
| • Lot 4 DP 210964 | • Lot 9 DP 567395 |
| • Lot 5 DP 219646 | |



Figure 1 – Site of Jubilee Park Child Care Centre

2. KU Rydalmere Preschool, 89-91 Park Road, Rydalmere (see Figure 2)
 - Lot 972 DP726684

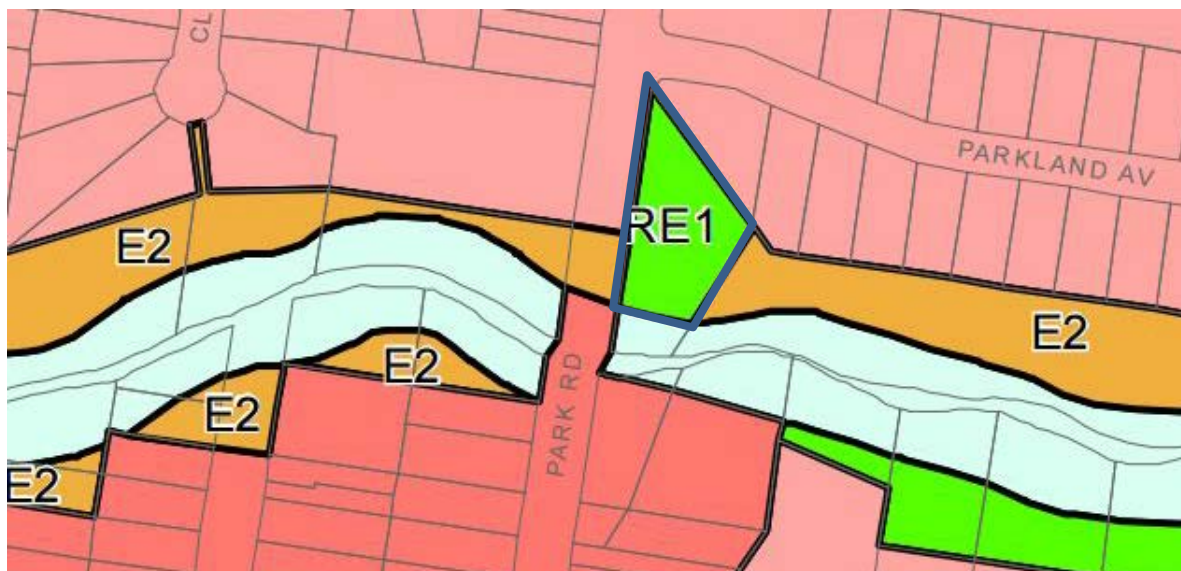


Figure 2 – Site of KU Rydalmere Preschool

3. Northmead Redbank Childcare Centre, Arthur Phillip Park, Redbank Road, Northmead (see Figure 3)
 - Lot 53 DP128577



Figure 3 – Site of Northmead Redbank Childcare Centre

4. Ermington Possum Patch Childcare Centre, 12 Bartlett Street, Ermington (see Figure 4)
- Lot W DP36847



Figure 4 – Site of Ermington Possum Patch Childcare Centre

The Planning Proposal is required to address the current development and expansion constraints of four existing Child Care Centres (Items 1, 2, 3 and 4) on land zoned RE1 Public Recreation under the PLEP 2011. These are currently operating under existing use rights as they were approved under a different zoning under the superseded LEP which permitted this use. As a result there is no opportunity to expand and redevelop these centres irrespective of community demand due to the current RE1 zoning which prohibits Child Care Centres under the PLEP 2011.

This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act, 1979 (EP&A Act) and the NSW Department of Planning & Environment's (DPE) relevant guidelines, including 'A guide to preparing Local Environmental Plans' (April 2013) and 'A guide to preparing Planning Proposals' (October 2012).

BACKGROUND

The permissibility of Child Care Centres in open space zones within Parramatta has changed over the last two decades as a result of the repeal of the *Parramatta Local Environmental Plan 2001 (PLEP 2001)* and the introduction of the *Parramatta Local Environmental Plan 2011 (PLEP 2011)*. Under the superseded Parramatta LEP 2001, ‘centre based child care services’ were a permissible land use within the equivalent ‘6A - Public Open Space’ zoning.

The preparation of the PLEP 2011 involved the transition of the PLEP 2001 into the standard LEP template issued by the State Government. However as part of the preparation of the PLEP 2011, some policy changes were investigated and endorsed by Council.

A key policy change involved the permissibility of Child Care Centres in the current RE1 Public Recreation zone. Council resolved to prohibit Child Care Centres within the RE1 Public Recreation zone to ensure the permitted land uses closely aligned to the key objectives of the zone:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The policy change subsequently prohibits the development of new Child Care Centres within RE1 zoned land. However, Child Care Centres approved on RE1 zoned land under the superseded PLEP 2001 can continue to operate using existing use rights as stipulated under Section 2, Part 5 ‘Existing Uses’ of the Environmental Planning and Assessment Regulation 2000.

Under Part 5 of the Regulations, historically approved Child Care Centres can continue to operate however cannot be altered or expanded, unless the change:

- *Involves only alterations or additions that are minor in nature, and;*
- *Does not involve an increase of more than 10% in the floor space of the premises associated with the existing use, and;*
- *Does not involve the rebuilding of the premises associated with the existing use, and;*
- *Does not involve a significant intensification of that existing use*

There are four Child Care Centres currently operating on land zoned RE1 Public Recreation (see Table 1 and Figure 6). These centres were approved under the superseded PLEP 2001, and have been operating since the introduction of the PLEP 2011 using existing use rights.

Name	Location	Operator
Jubilee Park Childcare Centre	Jubilee Lane, Harris Park	Council
KU Rydalmere Preschool	89-91 Park Rd, Rydalmere NSW 2116	Privately operated on land leased from Crown where Council is Trust Manager
Northmead Redbank Children’s Centre	Arthur Phillip Park, Redbank Rd, Northmead	Council
Ermington Possum Patch Childcare Centre	12 Bartlett Street, Ermington	Council

Table 1 - Existing Child Care Centres located within RE1 Public Recreation land

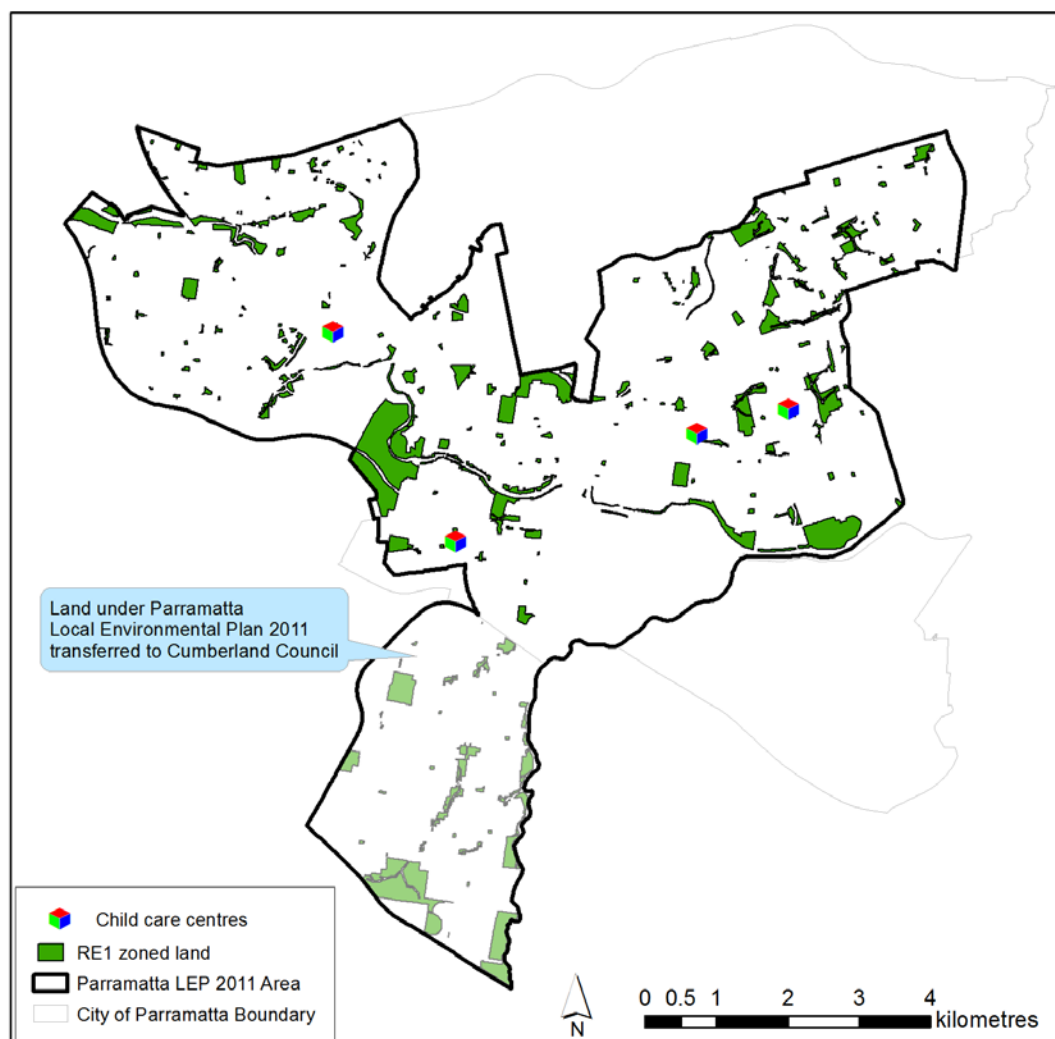


Figure 6: RE1 zoned land and existing Child Care Centres

Child Care Centres are currently not permitted within the RE1 Public Recreation zone under the Parramatta LEP 2011. As a result the redevelopment of any of the existing centres in **Table 1** beyond the parameters outlined within Part 5 of the Regulations is not currently permitted. Therefore, these centres can only continue to operate at their current capacity unless a change to the planning controls within the PLEP 2011 is made to change the permissibility of this zone (through the Planning Proposal process).

Figure 6 shows the extent of land zoned RE1 under the provisions of the PLEP 2011, with this land (with the exception of the sites listed in **Table 1**) not accommodating alternative community uses other than open space.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to address the current redevelopment and expansion limitations of existing Child Care Centres operating on RE1 Public Recreation land under the PLEP 2011. These existing centres are operating under existing use rights under Part 5 of the Regulations, and are restricted in their ability to expand irrespective of community demand.

The Planning Proposal is to permit the redevelopment and expansion of four existing Child Care Centres on land zoned RE1, and permit the potential use of an existing structure on an RE1 land for the purposes of Child Care.

PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending Schedule 1 Additional Permitted Uses within the PLEP 2011 to include 'Child Care Centres' on the following RE1 Public Recreation sites:

1. Jubilee Park Child Care Centre, Jubilee Park, Harris Park
 - Lot 1 DP 210964
 - Lot 1 DP 214558
 - Lot 1 DP 219646
 - Lot 1 DP 381062
 - Lot 1 DP 524232
 - Lot 1 DP 529663
 - Lot 2 DP 210964
 - Lot 2 DP 363574
 - Lot 2 DP 513301
 - Lot 3 DP 210964
 - Lot 3 DP 529663
 - Lot 4 DP 210964
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 - Pt Lot 35 DP 255
 - Lot 3 DP 363574
 - Lot 3 DP 214558
 - Lot 6 DP 537776
 - Lot 62 DP 633712
 - Lot 2 DP 615843
 - Lot 7047 DP 1060682
 - Lot 9 DP 567395
2. KU Rydalmere Preschool, 89-91 Park Road, Rydalmere
 - Lot 972 DP726684
3. Northmead Redbank Childcare Centre, Arthur Phillip Park, Redbank Road, Northmead
 - Lot 53 DP128577
4. Ermington Possum Patch Childcare Centre, 12 Bartlett Street, Ermington
 - Lot W DP36847

The amendment to the PLEP 2011 would involve the inclusion of the properties in Schedule 1, with wording similar to the following:

Use of certain land at Harris Park, Rydalmere, Northmead and Ermington

(1) This clause applies to the follow land:

- (a) Jubilee Lane, Harris Park, being Lot 1 DP 210964, Lot 1 DP 214558, Lot 1 DP 219646, Lot 1 DP 381062, Lot 1 DP 524232, Lot 1 DP 529663, Lot 2 DP 210964, Lot 2 DP 363574, Lot 2 DP 513301, Lot 3 DP 210964, Lot 3 DP 529663, Lot 4 DP 210964, Lot 5 DP 219646, Lot 6 DP 219646, Lot X DP 407797, Lot Y DP 407797, Lot Z DP 407797, Pt Lot 35 DP 255, Lot 3 DP 363574, Lot 3 DP 214558, Lot 6 DP 537776, Lot 62 DP 633712, Lot 2 DP 615843, Lot 7047 DP 1060682, Lot 9 DP 567395*
- (b) 89-91 Park Rd, Rydalmere, being Lot 972 DP726684*
- (c) Arthur Phillip Park, Redbank Rd, Northmead, being Lot 53 DP128577*
- (d) 12 Bartlett Street, Ermington, being Lot W, DP36847*

(2) Development for the purposes of Child Care Centres is permitted with consent.

The above proposed amendments would need to be legally drafted and included within Schedule 1 of *PLEP 2011*.

PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the Planning Proposal.

3.1 Section A - Need for the Planning Proposal

3.1.1 Is the Planning Proposal a result of any study or report?

The Planning Proposal is not the result of a strategic study or report. This Planning Proposal is required to address the current constraints on Council owned facilities and land prohibiting the expansion of existing Child Care Centres (as discussed in this report under the title 'Background').

The Planning Proposal is also the result of recent developer interest to provide public benefit by upgrading child care facilities within the LGA through the Voluntary Planning Agreement process. Further detail is included below:

Voluntary Planning Agreement at 2 Macquarie Street, Parramatta

A Voluntary Planning Agreement (VPA) was negotiated to provide a monetary contribution of \$1.5M for community infrastructure projects in association with a Development Application (DA/805/2013) for the land at 2 Macquarie Street, Parramatta, owned by Castle Hill RSL. Under the provisions of the VPA, \$500,000 of the \$1.5M monetary contribution was negotiated to be used for the upgrade of childcare facilities within the Parramatta CBD.

The Jubilee Park Child Care Centre within the Parramatta CBD is located on land currently zoned RE1 Public Recreation. An option for using the \$500,000 monetary contribution would be to expand the centre. However, as Child Care Centres are not currently permitted within the RE1 Public Recreation zone under the provisions of the PLEP 2011, the redevelopment of the site beyond the parameters outlined within Part 5 of the Regulations is not currently permitted.

3.1.2 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 the best means of achieving the intended outcome.

All the matters covered by the Planning Proposal relate to statutory issues under Part 3 of the Environmental Planning and Assessment Act. In this regard, the Planning Proposal is the only mechanism for achieving the objectives or intended outcomes relating to the properties and provisions covered by the Planning Proposal.

3.2 Section B – Relationship to strategic planning framework

3.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The Planning Proposal is consistent with *A Plan for Growing Sydney* and the *Draft West Central District Plan*. The amendments proposed are minor and are proposed to only apply to

five sites within the City of Parramatta to permit Child Care Centres. All four of these sites already include a Child Care Centre (and are operating under existing use right) therefore this Planning Proposal is to permit this land use under the current RE1 zoning.

Draft West Central District Plan

The Draft West Central District Plan (DWCDP), released in November 2016 outlines the Greater Sydney Commission's 20-year vision for the West Central District which comprises Blacktown, Cumberland, The Hills and City of Parramatta Local Government Areas (LGAs).

The relevant actions and priorities within the DWCDP which are applicable to the Planning Proposal are:

Liveability – priorities and actions

Action	<i>4.8.3: Plan for the provision of early education and child care facilities</i>
Outcome	<i>Contribute to increasing capacity to service future demands on early education and child care facilities</i>

Response:

The Planning Proposal is consistent with this action as it will enable existing child care centres on these sites to increase their operational capacity and provide upgrades if required and will further allow for the development of a child care centre at Rydalmere Bowling Club in the future (subject to Council endorsement) to meet future demands of the community.

3.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

The following strategic planning documents are relevant to the Planning Proposal.

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region. The Plan envisages Parramatta will be a world class city at the centre of Sydney that attracts a diversity of people: a city where people can learn, succeed and find what they need; a city where people live well, get together with others, and feel like they belong and can reach their potential.

The Planning Proposal aligns with the desired outcomes by supporting the needs of families in Parramatta. This is because the Planning Proposal will permit the expansion of existing Child Care Centres.

3.2.3 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

The table below details how the Planning Proposal is consistent with the relevant State Environmental Planning Policies and does not contain provisions that would affect the application of these policies.

SEPP title	Consistency	Explanation
State Environmental Planning Policy No 1—Development Standards	YES	This Planning Proposal does not contain provisions that would affect the application of this SEPP.
State Environmental Planning Policy No 4—Development Without Consent and	N/A	N/A

Miscellaneous Exempt and Complying Development		
State Environmental Planning Policy No 6—Number of Storeys in a Building	N/A	N/A
State Environmental Planning Policy No 14—Coastal Wetlands	N/A	N/A
State Environmental Planning Policy No 19—Bushland in Urban Areas	YES	This Planning Proposal does not contain provisions that would affect the application of this SEPP.
State Environmental Planning Policy No 21—Caravan Parks	N/A	N/A
State Environmental Planning Policy No 22—Shops and Commercial Premises	N/A	N/A
State Environmental Planning Policy No 26—Littoral Rainforests	N/A	N/A
State Environmental Planning Policy No 30—Intensive Agriculture	N/A	N/A
State Environmental Planning Policy No 33—Hazardous and Offensive Development	N/A	N/A
State Environmental Planning Policy No 36—Manufactured Home Estates	N/A	N/A
State Environmental Planning Policy No 44—Koala Habitat Protection	N/A	N/A
State Environmental Planning Policy No 47—Moore Park Showground	N/A	N/A
State Environmental Planning Policy No 50—Canal Estate Development	N/A	N/A
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	N/A
State Environmental Planning Policy No 55—Remediation of Land	YES	This Planning Proposal does not contain provisions that would affect the application of this SEPP. Any contamination issues will be addressed as part of any future development of the land through the DA process.
State Environmental Planning Policy No 60—Exempt and Complying Development	YES	This Planning Proposal does not contain provisions that would affect the application of this SEPP.
State Environmental Planning Policy No 62—Sustainable Aquaculture	N/A	N/A
State Environmental Planning Policy No 64—Advertising and Signage	N/A	N/A

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	N/A	N/A
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	N/A	N/A
State Environmental Planning Policy No 71—Coastal Protection	N/A	N/A
State Environmental Planning Policy (Affordable Rental Housing) 2009	N/A	N/A
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	YES	This Planning Proposal does not contain provisions that would affect the application of this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	YES	This Planning Proposal does not contain provisions that would affect the application of this SEPP.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N/A	N/A
State Environmental Planning Policy (Infrastructure) 2007	YES	This Planning Proposal does not contain provisions that would affect the application of this SEPP.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N/A	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A	N/A
State Environmental Planning Policy (Major Development) 2005	N/A	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A	N/A
State Environmental Planning Policy (Rural Lands) 2008	N/A	N/A
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	N/A	N/A
State Environmental Planning Policy (State and Regional Development) 2011	N/A	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N/A	N/A
State Environmental Planning Policy (Temporary Structures) 2007	N/A	N/A

State Environmental Planning Policy (Urban Renewal) 2010	YES	This Planning Proposal does not contain provisions that would affect the application of this SEPP.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N/A	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	N/A

3.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 Directions)

The table below details how the Planning Proposal is consistent with the applicable Section 117 Ministerial Directions.

Section 117 Direction	Contents of Section 117 Direction	Planning Proposal	Complies
1. Employment and Resources			
1.1 Business and Industrial Zones	Seeks to protect employment lands and encourage employment growth.	The subject site is not located within an existing business / industrial zone.	N/A
2. Environment and Heritage			
2.3 Heritage Conservation	Seeks to conserve items of heritage significance.	The proposed changes are of a minor significance and are consistent with this direction. The existing childcare centres are not of heritage significance.	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Seeks to provide for housing choice and minimise impacts of residential development on the environment, infrastructure and services.	The Planning Proposal is not located within a residential zone.	N/A
3.4 Integrating Land Use and Transport	Seek to ensure that development improves access, increases public transport use and reduces car dependency.	The proposed changes are of minor significance and are consistent with this direction.	YES
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Seeks to avoid significant adverse impacts from the use of land that has a probability of containing acid sulfate soils.	The Planning Proposal maintains the current planning provisions with respect to the management of acid sulfate soils. The proposed changes are of minor significance and are consistent with this direction.	YES

4.3 Flood Prone Land	Seeks to ensure that development on flood prone land is consistent with NSW government policy and to ensure that the provisions of an LEP are commensurate with flood hazard, including consideration of potential flood impacts.	<p>Two of the sites subject to this Planning Proposal are flood affected:</p> <ul style="list-style-type: none"> Jubilee Park Child Care Centre, Jubilee Park, Harris Park KU Rydalmere Preschool, 89-91 Park Road, Rydalmere <p>However the proposed changes to the PLEP 2011 are of a minor significance and will not impact on flooding across the area.</p> <p>The Planning Proposal is to permit Child Care Centres on sites which already include this land use on the subject land.</p> <p>Any future redevelopment of these facilities would be required to conduct a detailed flood investigation report and will be appropriately addressed as part of the DA process.</p> <p>In light of this, it is considered this proposal is consistent with this direction.</p>	YES
6. Local Plan Making			
6.1 Approval and Referral Requirements	Seeks to minimise the inclusion of provisions that require concurrence and the like with the Minister or a public authority.	<p>This Planning Proposal does not seek to introduce any new or additional levels of concurrence from external authorities in the assessment and determination of development.</p> <p>The proposal will maintain the existing provisions contained within relevant instruments and is consistent with this direction.</p>	YES
6.2 Reserving Land for Public Purposes	Seeks to facilitate the provision of public services and facilities by reserving land, and seeks to facilitate the removal of reservations of land where the land is no longer required for acquisition.	<p>This Planning Proposal will increase capacity for childcare services which is identified as a service of critical demand by the community.</p> <p>The proposed changes are consistent with this direction.</p>	YES
6.3 Site Specific Provisions	Seeks to discourage unnecessary, restrictive site specific planning controls	The proposed changes are of a minor significance and are consistent with this direction.	YES

3.3 Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

1.3.1 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?

The amendments proposed in the Planning Proposal are mostly minor and will generally have no significant impacts on critical habitats, threatened species, populations, ecological communities or their habitats.

1.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

It is considered that the Planning Proposal will not result in any other environmental effects.

1.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will not impact adversely on the overall social and economic wellbeing of the residents, stakeholders and occupants of the Parramatta LGA and Western Sydney.

The application of additional permitted uses on the five sites is not anticipated to have a negative effect on the amenity of surrounding properties given four of these sites are already operating as childcare centres, with the five site containing an existing structure. The proposal intends only to modify the permissibility of the current uses on the site and does not affect the built form of the existing development at this point in time. However the proposal will permit the expansion of these centres which the current existing use rights do not permit. If the redevelopment of these sites occurs at a later stage, then any potential amenity impacts would be addressed during the development assessment process.

Whilst the sites are located within land zoned for open space and public recreation, the current use is reflective of the former open space zone which permitted Child Care Centres. These centres under Part 5 of the Regulations can continue to operate with existing use rights, and therefore whilst they are on land zoned for the purposes of open space, the current (and most likely) future use do not reflect this zone. Therefore permitting Child Care Centres as an additional permitted use will not undermine the existing supply of open space to the community, as the land is currently developed for a different community need.

The Planning Proposal would not result in any negative social or economic effects should it proceed given the intended uses of the site are consistent with the existing use. The social and economic effects are expected to be positive for the Parramatta LGA and the region as the proposal will allow the sites to expand its services for child care should the demand arise.

1.4 Section D – State and Commonwealth Interests

1.4.1 Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal will not place additional demands on public infrastructure. The properties affected by the Planning Proposal have or are located in close proximity to public infrastructure including sewerage, water supply, power and telecommunication services.

1.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Appropriate consultation will be conducted when the Gateway determination is issued. Formal consultation has not yet been undertaken.

PART 4 – MAPPING

No mapping changes are proposed as part of this Planning Proposal.

PART 5 – COMMUNITY CONSULTATION

In accordance with Section 57(2) of the *Environmental Planning & Assessment Act 1979*, the Director-General of Planning must approve the form of the Planning Proposal, as revised to comply with the Gateway determination, before community consultation is undertaken.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's website; and
- written notification to adjoining landowners.

The Gateway determination will specify the level of public consultation that must be undertaken in relation to the Planning Proposal including those with government agencies.

Pursuant to Section 57(8) of the *EP&A Act 1979* the Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

PART 6 – PROJECT TIMELINE

The detail around the project timeline is expected to be prepared following the referral to the Minister for a Gateway Determination.

The following steps are anticipated:

- Referral to Minister for a Gateway determination
- Commencement and completion dates for public exhibition period and government agency notification
- Consideration of submissions
- Consideration of proposal post exhibition and reporting to Council
- Submission to the Department to finalise the LEP
- Notification of instrument



Prepared by City of Parramatta Council

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