

Permissibility of Child Care Centres on select RE1 zoned sites within City of Parramatta

Proposal Title :	Permissibility of Child Care Centres on select RE1 zoned sites within City of Parramatta		
Proposal Summary :	The proposal seeks to amend the Parramatta Local Environmental Plan 2011 to include Child Care Centres, as a permitted use within Schedule 1 Additional permitted uses, on five sites zoned RE1 Public Recreation within the City of Parramatta.		
PP Number :	PP_2017_COPAR_004_00	Dop File No :	17/06269

Proposal Details

Date Planning Proposal Received :	08-May-2017	LGA covered :	City of Parramatta
Region :	Metro(Parra)	RPA :	City of Parramatta Council
State Electorate :	PARRAMATTA	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Jubilee Park Child Care Centre		
Suburb :	Jubilee Park	City :	Harris Park
		Postcode :	2150
Land Parcel :	Lot 1, 2, 3, 4 DP 210694, Lot 1 and 3 DP 21458, Lot 1, 5, 6 DP 219646, Lot 1 DP 381062, Lot 1 DP 524232, Lot 1 and 3 DP 529663, Lot 2 and 3 DP 363574, Lot 2 DP 513301, Lot X, Y, Z DP 407797, Part Lot 35 DP 255, Lot 6 DP 537776, Lot 62 DP 633712, Lot 2 DP 615843, Lot 7047 DP 1060682, Lot 9 DP 567395		
Street :	KU Rydalmere Preschool, 89 - 91 Park Road		
Suburb :	Rydalmere	City :	
		Postcode :	2116
Land Parcel :	Lot 972 DP 726684		
Street :	Northmead Redbank Childcare Centre, Arthur Phillip Park		
Suburb :	Redbank Road	City :	Northmead
		Postcode :	2152
Land Parcel :	Lot 53 DP128577		
Street :	Ermington Possum Patch Childcare Centre, 12 Bartlett Street		
Suburb :	Ermington	City :	
		Postcode :	2115
Land Parcel :	Lot W DP 36847		
Street :	35 South Street		
Suburb :	Rydalmere	City :	
		Postcode :	2116
Land Parcel :	Lot 1 DP 181587, Lot 41 DP 1117083, Lot 1 DP 1096195		

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
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 :	0

The NSW Government Lobbyists Code of
 Conduct has been
 complied with : **Yes**

If No, comment : **The Department's Lobbyist Contact Register has been checked on 1 May 2017 and there are no records of contact with lobbyists in relation to this proposal.**

Have there been
 meetings or
 communications with
 registered lobbyists? : **No**

If Yes, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West (Parramatta) has not met with any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting
 Notes : **Additional information was received from City of Parramatta Council on 8 May 2017, regarding the flood affectation of the Jubilee Park child care centre and the KU Rydalmere Preschool centre sites.**

External Supporting
 Notes :

Adequacy Assessment

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

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

Comment : The proposal seeks to permit child care centres as an additional permitted use to Schedule 1 of the Parramatta Local Environmental Plan 2011 on 5 select sites zoned RE1 Public Recreation within the Parramatta Local Government Area.

Of the 5 sites this proposal relates to, child care centres are currently operating on 4 of the sites;

1. Jubilee Park Childcare centre - Jubilee Lane, Harris Park. The centre is operated by The City of Parramatta Council;

2. KU Rydalmere Preschool - 89 - 91 Park Road, Rydalmere. This centre is privately operated on land leased from the Crown where Council is Trust Manager;

3. Northmead Redbank Children's Centre - Aruther Phillip Park, Redbank Road, Northmead. The centre is operated by The City of Parramatta Council; and

4. Ermington Possum Patch Childcare Centre - 12 Bartlett Street, Ermington. The centre is operated by The City of Parramatta Council.

Permitting child care centres as a use would allow these centres to expand or redevelop should the demand for child care increase.

The inclusion of child care centres as a permitted use to the 5th site would allow the Rydalmere Bowling Club, zoned RE1 Public Recreation, to be used for the purposes of a child care centre.

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

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

Comment : The Planning proposal seeks to achieve the intended objectives by:
* amending Schedule 1 Additional permitted uses to identify these sites and permit child care centres with development consent.

BACKGROUND

In the preparation of the Parramatta Local Environmental Plan 2011, Parramatta City Council resolved to prohibit child care centres as a land use within RE1 Public Recreation zones.

Existing centres continue to operate under existing use rights, however these centres cannot be altered or expanded unless the change:

- (a) involves only alterations or additions that are minor in nature, and
- (b) does not involve an increase of more than 10% in the floor space of the premises associated with the existing use, and
- (c) does not involve the rebuilding of the premises associated with the existing use, and
- (d) does not involve a significant intensification of that existing use.

Therefore, while these centres can continue to operate at their current capacity, unless a change is made to the current planning controls, there is no opportunity for these centres to expand or redevelop regardless of community demand for child care.

Child care centres are permitted with consent in RE1 Public Recreation zones within a number of other Local Environmental Plans, including:

- Hornsby LEP 2013;
- The Hills LEP 2012;
- Hawkesbury LEP 2012; and

- Holroyd LEP 2013.

Also the prohibition of Child Care Centres on RE1 zoned land restricts councils from leasing RE1 land with existing buildings and facilities to interested child care service providers. The Rydalmere Bowling Club recently went through an Expression of Interest process for the future lease of the land. A private child care provider submitted an Expression of Interest but as Child Care Centres are not a permitted use within the RE1 Public Recreation zone the Expression of Interest cannot proceed.

Finally, a recent voluntary planning agreement resulted in some funds being available to upgrade child care facilities within the Parramatta CBD. The Jubilee Park Child Care Centre, is located within the Parramatta CBD, however, under the current controls redevelopment is not possible.

The inclusion of 'child care centres' as a permitted use within the RE1 Public Recreation zone on a site by site basis rather than as a permitted use within the RE1 Public Recreation land use table will ensure the objectives of RE1 Public recreation zones are not compromised but will allow the expansion or redevelopment of these 5 sites and facilitate an increase in child care places should the demand arise.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

4.3 Flood Prone Land

* May need the Director General's agreement

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

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

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

If No, explain :

SECTION 117 DIRECTIONS

The proposal is consistent with all the relevant s117 Directions except as follows:

4.3 FLOOD PRONE LAND

This direction applies as the planning proposal seeks to alter a provision that affects flood prone land. A proposal must include provisions that give effect to and are consistent with NSW government policy on flooding.

Specifically the proposal seeks to permit child care centres on land that is identified as flood prone.

The planning proposal identifies two of the centres, the Jubilee Park Child Care Centre and the KU Rydalmere Preschool are on land identified as flood prone. The proposal states that the proposed changes are of minor significance and will not impact on flooding across the area. Further a detailed Flood Investigation Report would be required to be prepared at the DA stage, should future redevelopment of these facilities occur.

Both the Parramatta LEP 2011 and the Parramatta Development Control Plan 2011 contain provisions that seek to minimise flood risk and avoid adverse flooding impacts and therefore, it is reasonable to expect that any future redevelopment of these sites will require a detailed Flood Investigation Report to be undertaken at the Development Application stage. If the proposed development did not meet the requirements of the LEP and DCP provisions, it is unlikely consent would be issued to permit the expansion

or redevelopment of these sites.

Consequently it is considered that any inconsistency with this direction is of minor significance.

It is recommended that the Secretary's delegate agree, that the inconsistency with s117 Direction 4.3 is of minor significance.

6.2 RESERVING LAND FOR PUBLIC PURPOSES

This direction applies as the proposal seeks to alter a provision relating to the use of land reserved for a public purposes. The intent of this objective is to facilitate the provision of public services and facilities by reserving land for public purposes.

The City of Parramatta has identified child care services as a service in critical demand by the community. Child care centres operate on 4 of the 5 subject sites but these centres operate under existing use rights and are unable to expand or redevelop.

The 5th site, the Rydalmere Bowling Club, comprises existing buildings and facilities that could be used for the provision of public services and facilities such as child care centres, however child care centres are not permissible in the RE1 zone.

The proposed inclusion of child care centres as an additional permitted on the five currently developed sites would facilitate the provision or expansion of child care services and will not result in the reduction of public open space.

Therefore it is recommended that the Secretary's delegate agree, that the inconsistency with s117 Direction 6.2 be supported.

6.3 SITE SPECIFIC PROVISIONS

This direction applies as the proposal will allow a particular development to be carried out. The intent of this direction is to discourage unnecessarily restrictive site specific planning controls. A proposal may be inconsistent with the terms of this direction if the inconsistencies are of minor significance.

4 of the 5 sites contain existing child care centres the inclusion of child care centres as a land use, permitted with consent, will legitimise this use on these sites.

The inclusion of child care centres to the Rydalmere Bowling Club site is not considered to be a restrictive planning control, the site contains existing buildings and facilities and allowing the site to be potentially used for a child care centre is broadening the land uses on this site.

Therefore, the inclusion of child care centre as a land use permitted with consent on these 5 sites is considered to be of minor significance.

STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal is not inconsistent with any State Environmental Planning Policies.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping provided is considered adequate.

Additional Permitted Uses Maps have not been included. Council officers have advised that the majority of the additional permitted uses contained in Schedule 1 Additional Permitted Uses have not been mapped.

It is considered that Additional Permitted Uses Maps are not required for the purposes of this proposal and that this is consistent with previous practice.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **As the proposal is considered low impact, a 14 day exhibition period is satisfactory.**

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?

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **October 2011**

Comments in relation to Principal LEP : **The Parramatta Local Environmental Plan 2011 came into effect on the day it was published on the NSW Legislative website on 7 October 2011.**

Assessment Criteria

Need for planning proposal : **A planning proposal is considered the best way to achieve the inclusion of child care centres as an additional permitted use, to Schedule 1 Additional permitted uses, on select RE1 Public Recreation zones sites within the City of Parramatta Local Government Area.**

Consistency with strategic planning framework : **A PLAN FOR GROWING SYDNEY**
A Plan for Growing Sydney provides an overarching strategic vision for development across the Greater Sydney Metropolitan Region with a emphasis on livability, economic growth and environmental protection with a focus on the location of housing, infrastructure, employment and open space.

The proposal is considered generally consistent with A Plan for Growing Sydney.

DRAFT WEST CENTRAL DISTRICT PLAN

The draft West Central District Plan identifies priorities and actions that relevant planning authorities will need to consider in strategic planning activities and planning proposals to realise the vision for the district.

The proposal does not address the the draft West Central District Plan. It is recommended that the proposal be amended to address the Draft West Central District Plan prior to public exhibition and will be conditioned accordingly.

Environmental social economic impacts : **ENVIRONMENTAL**

FLOODING

As discussed previously, two (2) of the sites are flood affected. It is considered that this can be appropriately addressed. The sites will not be able to be redeveloped or expanded if flood affectation cannot be appropriately addressed at the development application stage.

The proposed amendments are generally minor and seek to permit child care centres on sites that already contain existing child care centres, or buildings and facilities that could be used to enable child care services. It is considered unlikely that the proposal will have any significant impacts on the environment.

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SOCIAL AND ECONOMIC

The proposal seeks to allow, with consent, child care centres as a land use on 5 sites with the Parramatta local government area. 4 of the 5 sites are currently operating child care centres, with the 5th site containing an existing structure (Rydalmere Bowling Club). This land use will allow existing child care centres to expand or redevelop and would allow the Rydalmere Bowling Club site to be used as a child care centre.

As the sites currently contain existing structures the inclusion of child care centres as an additional permitted use will not undermine the existing supply of open space to the community. Further, the inclusion of this use will allow the sites to expand their services should the demand for child care arise, therefore, it would be reasonable to anticipate positive social and economic benefits.

Assessment Process

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

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

Public Authority
Consultation - 56(2)(d)

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
01. Cover Letter.pdf	Proposal Covering Letter	Yes
02. Planning Proposal - March 2017.pdf	Proposal	Yes
03. Council Report - April 2017.pdf	Proposal	Yes
04. Council Resolution - April 2017.pdf	Proposal	Yes
05. IHAP Report - March 2017.pdf	Proposal	Yes
06. Minutes of IHAP - March 2017.pdf	Proposal	Yes
Jubilee Park Child Care Site - Flood Affection.pdf	Proposal	Yes

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89-91 Park Road, Rydalmere - KU Kindergaten - Flood
Affectionation.pdf

Proposal

Yes

Planning Team Recommendation

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

S.117 directions: **4.3 Flood Prone Land**
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions

Additional Information : **DELEGATION AND PLAN MAKING FUNCTION**
The City of Parramatta Council has not requested delegation of plan making functions in relation to this proposal, accordingly delegation has not been issued.

GATEWAY DETERMINATION

As the matter is of a local, minor, planning matter, in accordance with Council's position it is recommended that the Gateway determination function be exercised by the Director, Sydney Region West.

RECOMMENDATION AND GATEWAY CONDITIONS

It is recommended that the planning proposal proceeds, subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended to include an assessment of the consistency of the proposal with the draft West Central District Plan.
 2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2016) and 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 LEPs (Department of Planning and Environment 2016).
 3. No consultation is required with public authorities under section 56(2)(d) of the Act.
 4. 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).
 5. The time frame for completing the LEP is to be 9 months from the week following the date of the Gateway determination.
- Supporting Reasons : The inclusion of child care centres as a land use to these 5 sites will legitimise child care centres as a use on the sites and allow the redevelopment and expansion of existing centres should the demand arise.

Signature:



Printed Name:

Tessa Parmeter

Date:

17.5.17