

ECONOMY

ITEM NUMBER	8.4
SUBJECT	Permissibility of Child Care Centres on land zoned RE1 Public Recreation on select sites within the City of Parramatta
REFERENCE	F2017/00582 - D04679841
REPORT OF	Project Officer - Land Use Planning

PURPOSE:

To present the existing policy framework prohibiting the development and expansion of Child Care Centres on land zoned RE1 Public Recreation within the City of Parramatta. Council's endorsement is sought to forward a Planning Proposal to the Department of Planning and Environment for a Gateway Determination that seeks to amend Schedule 1 of the Parramatta Local Environmental Plan 2011 to permit 'Child Care Facilities' as an additional permitted use on five identified RE1 zoned sites within the City of Parramatta.

RECOMMENDATION

- a) **That** Council considers the report submitted to the Independent Hearing and Assessment Panel (IHAP) on 21 March 2017 (**Attachment A**) and its recommendation (**Attachment B**); which supports the progression of the Planning Proposal to permit 'Child Care Facilities' as an additional permitted use on five sites zoned RE1 Public Recreation within the City of Parramatta as identified in **Attachment 1** included in **Attachment A** and forward this to the Department of Planning and Environment for a Gateway Determination.
- b) **Further, that** Council authorise the Interim General Manager to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-amendment process.

BACKGROUND

1. 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).
2. The report to the IHAP included within **Attachment A** provides a detailed background on the current limitations around the expansion of Child Care Centres on RE1 Public Recreation zoned land in the section titled 'Background' and 'Current Permissibility of Child Care Centres'.
3. In summary, Child Care Centres are currently not permitted within the RE1 Public Recreation zone under the Parramatta LEP 2011. However a number of centres were approved under the equivalent '6A - Public Open Space' zoning in the PLEP 2001. These centres can continue to operate using existing use rights as permitted under Part 5 'Existing Uses' of the *Environmental Planning and Assessment Regulation 2000*.

4. However the expansion of these centres beyond the parameters of Part 5 of the Regulations is restricted. The centres therefore 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).
5. The need for this policy review and subsequent Planning Proposal is required to:
 - Address the current constraints on Council owned facilities and land prohibiting the expansion of existing Child Care Centres (as identified in **Attachment 1 of Attachment A**).
 - Enable Council to respond to recent developer interest to provide public benefit by upgrading child care facilities within the LGA through the Voluntary Planning Agreement process.
 - Enable Council to respond and make a decision regarding the future use of the land zoned RE1 at the Rydalmere Bowling Club, which recently went through an Expression of Interest process led by Council.
6. Further detail of the recent developer interest and the Expression of Interest process for Rydalmere Bowling Club is included in **Attachment A**.

PLANNING PROPOSAL

7. A Planning Proposal has been prepared in line with the requirements of the *Environmental Planning and Assessment Act 1979* which reflects Council Officers policy recommendation to include 'Child Care Centres' as an additional permitted use on a site-by-site basis. Discussion of this policy recommendation is provided in **Attachment A**.
8. The four sites with existing Child Care Centres, and the site that contains the Rydalmere Bowling Club, are recommended to be included in Schedule 1 of the PLEP 2011 to permit Child Care Centres as an additional permitted use. A Planning Proposal has been prepared to reflect this, and can be found in **Attachment 1 of Attachment A**. This seeks to include the following sites within Schedule 1:
 - Jubilee Park Child Care Centre, Jubilee Park, Harris Park
 - KU Rydalmere Preschool, 89-91 Park Road, Rydalmere
 - Northmead Redbank Childcare Centre, Arthur Phillip Park, Redbank Road, Northmead
 - Ermington Possum Patch Childcare Centre, 12 Bartlett Street, Ermington
 - Rydalmere Bowling Club, 35 South Street, Rydalmere*

**The specific parcels (Lot and Deposited Plans) this relates to are included in Attachment A.*

IHAP RECOMMENDATION

9. On 21 March 2017 the assessment of the Planning Proposal to permit 'Child Care Facilities' as an additional permitted use on five sites zoned RE1 Public Recreation within the City of Parramatta under the provisions of the Parramatta Local Environmental Plan 2011 was presented to the Independent Hearing and Assessment Panel (IHAP). This report is included as **Attachment A**.

10. The IHAP resolved the following (**Attachment B**):

(a) ***That Council endorse the Planning Proposal contained in Attachment 1 to permit 'Child Care Facilities' as an additional permitted use on five sites zoned RE1 Public Recreation within the City of Parramatta as identified in Attachment 1 and forward this to the Department of Planning and Environment for a Gateway Determination.***

(b) ***Further, that Council authorise the Interim General Manager to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-amendment process.***

NEXT STEPS

11. It is recommended that Council endorse the Planning Proposal contained in **Attachment 1 of Attachment A** of this report to permit Child Care Centres as an additional permitted use on the five identified RE1 zoned sites found in **Attachment 1 of Attachment A** within the City of Parramatta.

12. Council will not be exercising the plan-making delegations authorised by Council on 26 November 2012 for this Planning Proposal as the Planning Proposal relates to land owned by Council.

Sonia Jacenko
Project Officer – Land Use Planning

Robert Cologna
Service Manager – Land Use Planning

Sue Weatherley
Director Strategic Outcomes and Development

Sue Coleman
Director City Services

ATTACHMENTS:

<u>1</u> ↓	ATTACHMENT A - IHAP Report 21 March 2017 including Attachment 1 Planning Proposal	28 Pages
<u>2</u> ↓	ATTACHMENT B - Minutes from IHAP 21 March 2017	2 Pages

REFERENCE MATERIAL

Independent Hearing and Assessment Panel 21 March 2017

Item 5.2

ECONOMY

ITEM NUMBER	5.2
SUBJECT	Permissibility of Child Care Facilities in certain RE1 Public Recreation Zoned land within the City of Parramatta
REFERENCE	F2017/00582 - D04626377
REPORT OF	Project Officer - Land Use Planning

PURPOSE:

To present the existing policy framework prohibiting the development and expansion of Child Care Centres on land zoned RE1 Public Recreation within the City of Parramatta; and forward a Planning Proposal to the Department of Planning and Environment for a Gateway Determination that seeks to amend Schedule 1 of the Parramatta Local Environmental Plan 2011 to permit 'Child Care Facilities' as an additional permitted use on five identified RE1 zoned sites within the City of Parramatta.

RECOMMENDATION

- (a) **That** Council endorse the Planning Proposal contained in **Attachment 1** to permit 'Child Care Facilities' as an additional permitted use on five sites zoned RE1 Public Recreation within the City of Parramatta as identified in **Attachment 1** and forward this to the Department of Planning and Environment for a Gateway Determination.
- (b) **Further, that** Council authorise the Interim General Manager to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-amendment process.

BACKGROUND

1. 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' was a permissible land use within the equivalent '6A - Public Open Space' zoning.
 2. 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.
 3. 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.*
-

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- *To protect and enhance the natural environment for recreational purposes.*
4. 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*.
 5. 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*
 6. There are four Child Care Centres currently operating on land zoned RE1 Public Recreation (see **Table 1** and **Figure 1**). 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

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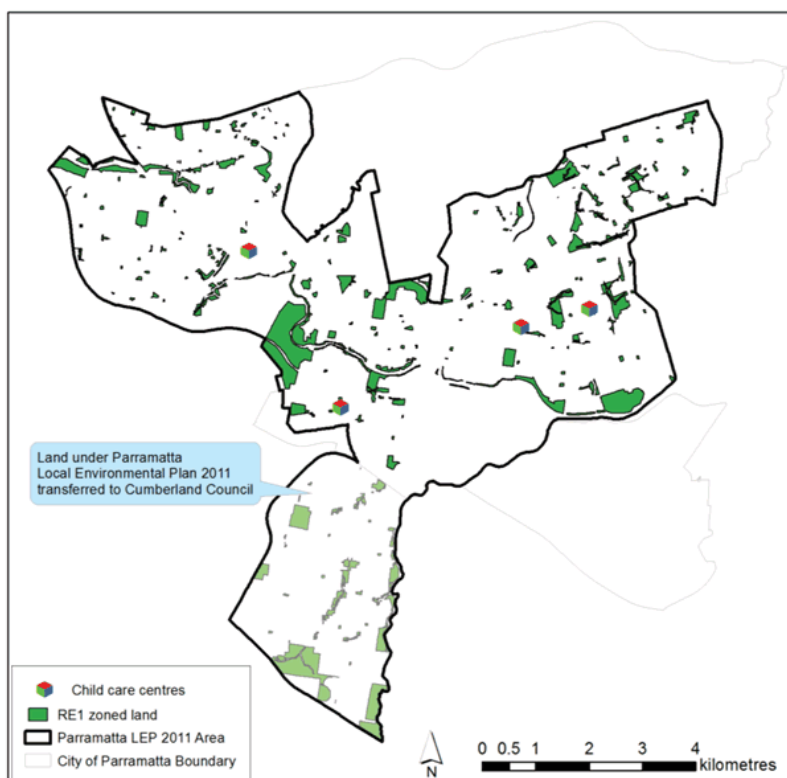


Figure 1: RE1 zoned land and existing Child Care Centres

CURRENT PERMISSIBILITY OF CHILD CARE CENTRES

7. 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).
8. Furthermore, the prohibition of Child Care Centres on RE1 land restricts Council from leasing RE1 land with existing buildings and facilities to interested private child care service providers to fit out and operate for this community use which is in high demand. **Figure 1** 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.
9. Whilst the PLEP 2011 does not permit Child Care Centres in RE1 zoned land, it is noted that the City of Parramatta as a result of the Council proclamation now includes land subject to the LEPs of the respective former Councils which do permit this land use. The permissibility of Child Care Centres within these LEPs are shown in **Table 2**, with the other applicable LEPs already permitting Child Care Centres within the RE1 zone.

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LEP	Permissibility of Child Care Centres within RE1
Hornsby LEP 2013	Yes
The Hills LEP 2012	Yes
Holroyd LEP 2013	Yes
Auburn LEP 2010	Yes

Table 2 - Permissibility of Child Care Centres within RE1**NEED FOR POLICY REVIEW**

10. This report seeks to establish a policy position for the management of Child Care Centres on RE1 zoned land within the PLEP 2011 for the following reasons:

- To address the current constraints on Council owned facilities and land prohibiting the expansion of existing Child Care Centres.
- To enable Council to respond to recent developer interest to provide public benefit by upgrading child care facilities within the LGA through the VPA process.
- To enable Council to respond and make a decision regarding the future use of the land zoned RE1 at the Rydalmere Bowling Club, which recently went through an Expression of Interest process led by Council.

11. Further detail of the recent developer interest and the Expression of Interest process for Rydalmere Bowling Club is included below:

Voluntary Planning Agreement at 2 Macquarie Street, Parramatta

12. 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.
13. 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.

Expression of Interest – Rydalmere Bowling Club

14. Council held an Expression of Interest (EOI) process for the future lease of the land currently occupied by the Rydalmere Bowling Club. A non-compliant EOI was received from a private child care service provider, however as Child Care Centres are currently not a permitted use within the RE1 Public Recreation zone under the provisions of the PLEP 2011 so this EOI cannot proceed without a policy change, and then a subsequent change to the PLEP 2011.

KEY POLICY ISSUES**Community Needs**

15. The provision of open space and child care services are both essential land uses required by the community of Parramatta. Staff have identified a shortage of both types of community facilities/services, and the need to plan to ensure a sufficient supply is provided in the future. Any changes to the current permissibility of the RE1 Public Recreation zones need to ensure the key objectives of this zone are not compromised, whilst also being adaptive to accommodate other key community uses in demand.
16. Permitting Child Care Centres within the RE1 has the potential to impact on the current supply of open space within Parramatta, however would further enable the provision of child care facilities within the LGA. Conversely, the continued exclusion of Child Care Centres within the RE1 zone will ensure existing open space is retained, however may compromise the future expansion of existing centres and the development of new centres to meet the demand for these services.

Draft SEPP Education

17. The review and consideration of the permissibility of Child Care Centres within the PLEP 2011 is timely in light of the recent release of a Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft SEPP Education) which seeks, amongst other things, to override the Parramatta Council LEP controls and make Child Care Centres a permissible use in the areas zoned R1 Low Density Residential under Parramatta Local Environmental Plan (LEP) 2011 where currently it is a prohibited use.
18. The intent of the Draft SEPP Education is to promote the provision of more childcare centres. If Child Care Centres were made a permissible use in Residential R1 Low Density zones there may be less justification for also making them permissible on RE1 zoned land. However it could also be an indication of the intention to increase the overall permissibility of Child Care Centres across other zones within the LEP.
19. At the time of writing this report, a separate report on the Draft SEPP Education was scheduled for the 13 March 2017 Council Meeting, for Council to determine whether they wish to lodge a submission commenting on the potential impacts of the Draft SEPP.

POTENTIAL OPTIONS

20. Land Use Planning in consultation with Open Space and Recreation, Asset Strategy and Property Management teams have identified three potential options to address the land use issue relating to the permissibility of Child Care Centres in the RE1 Public Recreation zone:

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21. **Option 1** – Include 'Child Care Centres' as a permitted use within the RE1 zone

Amend Zone RE1 Public Recreation within the Land Use Table of the PLEP 2011 to include 'Child Care Centres' as a land use that is 'permitted with consent'. This would permit Child Care Centres across all land within the LGA zoned RE1. This will allow both types of community facilities (open space and Child Care Centres) to be permissible with development consent. Any future use of the land will be subject to Council granting owners consent during the Development Assessment process.

22. **Option 2** – Include 'Child Care Centres' as an additional permitted use on a site-by-site basis

Amend Schedule 1 - Additional Permitted Uses within the PLEP 2011 to include 'Child Care Centres' as an additional permitted use on a site by site basis as the need to expand on existing child care facilities or introduce new Child Care Centres within the RE1 zone arise. This approach will ensure the planning controls are adaptive to community demands, without compromising the key objectives of the RE1 zone across the entire LGA.

23. **Option 3** – No Change

No change to the Land Use Table or Schedule 1 - Additional Permitted Uses of the Parramatta LEP 2011, with the existing prohibition of Child Care Centres within the RE1 zone remaining.

24. The preferred option will need to be reflected through an amendment to the Parramatta LEP 2011 through the Planning Proposal process.

RECOMMENDATION: OPTION 2 - INCLUDE 'CHILD CARE CENTRES' AS AN ADDITIONAL PERMITTED USE ON A SITE-BY-SITE BASIS

25. Council Officers recommend that Option 2 be pursued to address the land use permissibility issue relating to the provision of Child Care Centres within the RE1 zone.
26. Option 2 requires a more detailed merit assessment in determining whether land zoned for the purpose of providing public recreation and open space can accommodate alternative community uses on a site by site basis without compromising the key objectives of the RE1 zone across the entire LGA.
27. This approach provides more security to adhering to the objectives of the RE1 zone compared to Option 1 which proposes to change the permitted uses across all of the land zoned RE1 under the PLEP 2011. This would present a less secure policy position on the way RE1 land is developed as the inclusion of Child Care Centres as a permitted use under the PLEP 2011 would provide legal weight to require Council to consider this land use on sites zoned RE1 and would provide less rationale to refuse the application should it be deemed to detract from open space needed within the community.

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28. This approach will permit the expansion of the existing Child Care Centres operating within the RE1 zone (i.e. those identified in **Table 1**) beyond what is currently permitted under existing use rights. It will also allow Council to permit the use and alteration of the existing structures at the RE1 zoned land currently occupied by the Rydalmere Bowling Club, where an Expression of Interest process was undertaken.

Management of Rydalmere Bowling Club

29. Council's Open Space and Natural Resources Team are supportive of the inclusion of the Rydalmere Bowling Club site to Schedule 1 to allow Child Care Centres as this portion of RE1 land (known as Rydalmere Park) is not currently available for public open space purposes due to the existing bowling club structures and uses. Permitting the use of the structure previously leased to the Bowling Club for child care facilities managed by a private party would therefore not reduce publicly accessible open space and is supported by the Open Space and Natural Resources Team.
30. However the Open Space and Natural Resources Team has identified that as part of the consideration of the future use of the land (whether that is for a Child Care Centre or another use) that Council should consider reducing the lease area to increase public open space within Rydalmere Park. The future use of this RE1 land at Rydalmere Park will become increasingly important due to the anticipated future development facilitating increased housing densities, and the potential loss of open space resulting from the reclassification of the adjacent John Carver Reserve as operational land.
31. The four sites with existing Child Care Centres, and the site that contains the Rydalmere Bowling Club, are recommended to be included in Schedule 1 of the PLEP 2011 to permit Child Care Centres as an additional permitted use. The legal description of these five sites is included within the section of the reported titled 'Planning Proposal'.

PLANNING PROPOSAL

32. A Planning Proposal has been prepared in line with the requirements of the *Environmental Planning and Assessment Act 1979* which reflects Council Officers policy recommendation included in Option 2: Include 'Child Care Centres' as an additional permitted use on a site-by-site basis.
33. The four sites with existing Child Care Centres, and the site that contains the Rydalmere Bowling Club, are recommended to be included in Schedule 1 of the PLEP 2011 to permit Child Care Centres as an additional permitted use.
34. A Planning Proposal has been prepared to reflect this, and can be found in **Attachment 1**. This seeks to include the following lots within Schedule 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

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- 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

KU Rydalmere Preschool, 89-91 Park Road, Rydalmere

- Lot 972 DP726684

Northmead Redbank Childcare Centre, Arthur Phillip Park, Redbank Road, Northmead

- Lot 53 DP128577

Ermington Possum Patch Childcare Centre, 12 Bartlett Street, Ermington

- Lot W DP36847

Rydalmere Bowling Club, 35 South Street, Rydalmere

- Lot 1 DP181587
- Lot 41 DP1117083
- Lot 1 DP1096195

35. It recommended that Council endorse the Planning Proposal contained in **Attachment 1** and endorse Officers to forward the proposal to the Department of Planning and Environment for a Gateway Determination. Should a Gateway Determination be issued, a community consultation process required under the requirements of the *Environmental Planning and Assessment Act 1979* will be carried out.

FINANCIAL AND/OR LEGAL IMPLICATIONS

36. The financial impact of permitting Child Care Centres on RE1 zoned land depends on the value placed on certain open space land. Traditionally, allowing Child Care Centres on land zoned for open space was seen as a financial benefit as Council's were able to establish new Child Care Centres without the cost of having to acquire land or lease open space land to privately operate Child Care Centres to generate income.

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37. However, the long term impact of this is that in real terms there has been a net loss in the amount of land available for open space uses as a result of Child Care Centres being located on open space sites. If the true land costs of operating Child Care Centres on open space also had to reflect the cost of replacing the open space land needed for the purposes of a child care centre, then the financial benefit of operating them on open space sites is not as significant. Historically the financial benefits of operating Child Care Centres on open space sites has not recognised the loss of open space for community use.

NEXT STEPS

38. It is recommended that Council endorse the Planning Proposal contained in **Attachment 1** of this report to permit Child Care Centres as an additional permitted use on the five identified RE1 zoned sites found in **Attachment 1** within the City of Parramatta.
39. Council will not be exercising the plan-making delegations authorised by Council on 26 November 2012 for this Planning Proposal as the Planning Proposal relates to land owned by Council.

Sonia Jacenko

Project Officer - Land Use Planning

Robert Cologna

Service Manager - Land Use Planning

Sue Weatherley

Director Strategic Outcomes and Development**ATTACHMENTS:****1** [!\[\]\(a8f9309f944226d1420f5fed22e2b6e6_img.jpg\)](#) Planning Proposal 19 Pages**REFERENCE MATERIAL**



PLANNING PROPOSAL

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

PARRAMATTA WE'RE BUILDING **AUSTRALIA'S NEXT GREAT CITY**

Item 5.2 - Attachment 1**Planning Proposal**

Planning Proposal – Permissibility of Child Care Centres on land zoned RE1 Public Recreation on select sites within the City of Parramatta

Planning Proposal drafts

Council versions:

No.	Author	Version
1.	City of Parramatta Council	March 2017

Planning Proposal – Permissibility of Child Care Centres on land zoned RE1 Public Recreation on select sites within the City of Parramatta

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Planning Proposal – Permissibility of Child Care Centres on land zoned RE1 Public Recreation on select sites within the City of Parramatta

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

Planning Proposal – Permissibility of Child Care Centres on land zoned RE1 Public Recreation on select sites within the City of Parramatta

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

Planning Proposal – Permissibility of Child Care Centres on land zoned RE1 Public Recreation on select sites within the City of Parramatta

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

5. Rydalmere Bowling Club, 35 South Street, Rydalmere (see Figure 5)
- Lot 1 DP181587
 - Lot 41 DP1117083
 - Lot 1 DP1096195



Figure 5 – Site of Rydalmere Bowling Club

Item 5.2 - Attachment 1Planning Proposal

Planning Proposal – Permissibility of Child Care Centres on land zoned RE1 Public Recreation on select sites within the City of Parramatta

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.

Furthermore, the Planning Proposal is required to enable Council to respond and make a decision regarding the future use of the land zoned RE1 at the Rydalmere Bowling Club (Item 5), which recently went through an Expression of Interest process led by Council.

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).

Planning Proposal – Permissibility of Child Care Centres on land zoned RE1 Public Recreation on select sites within the City of Parramatta

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

Planning Proposal – Permissibility of Child Care Centres on land zoned RE1 Public Recreation on select sites within the City of Parramatta

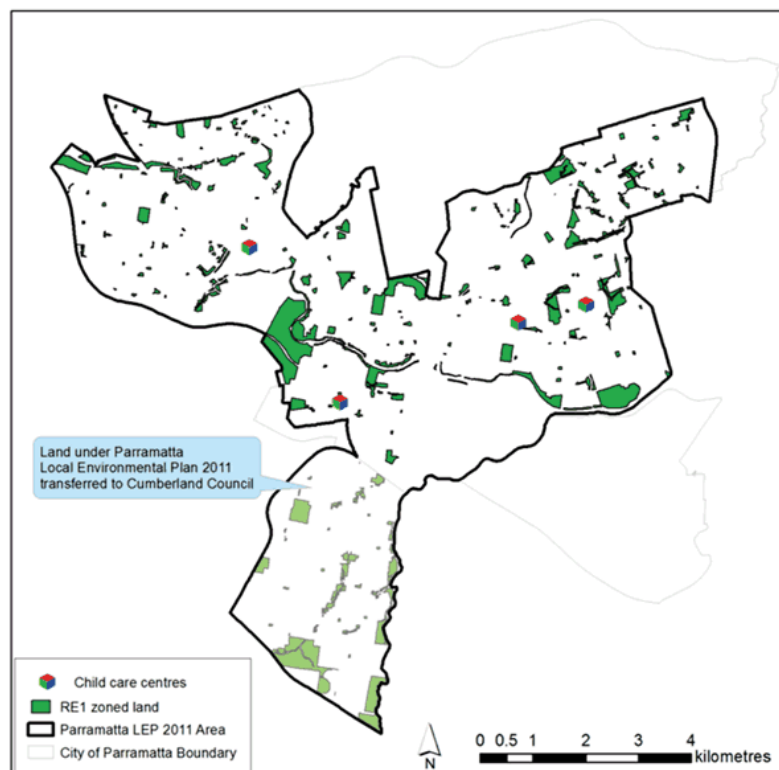


Figure 6: RE1 zoned land and existing Child Care Centres

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).

Furthermore, the prohibition of Child Care Centres on RE1 land restricts Council from leasing RE1 land with existing buildings and facilities to interested private child care service providers to fit out and operate for this community use which is in high demand. The Rydalmere Bowling Club site (Lot 1 DP181587, Lot 41 DP1117083, and Lot 1 DP1096195) recently went through an Expression of Interest (EOI) process for the future lease of the land. A non-compliant EOI was received from a private child care service provider, however as Child Care Centres are currently not a permitted use within the RE1 Public Recreation zone under the provisions of the PLEP 2011 this EOI cannot proceed without a change to the PLEP 2011.

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.

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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. Furthermore, the objective of this Planning Proposal is to permit Child Care Centres on an RE1 site (the Rydalmere Bowling Club) currently being reconsidered for its most appropriate land use.

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
 - 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
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
5. Rydalmere Bowling Club, 35 South Street, Rydalmere
 - Lot 1 DP181587
 - Lot 41 DP1117083
 - Lot 1 DP1096195

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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
- (e) 35 South Street, Rydalmere, being Lot 1 DP181587, Lot 41 DP1117083, Lot 1 DP1096195.

(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; and the recent Expression of Interest process led by Council for the future use of Council owned land zoned RE1 at the Rydalmere Bowling Club. 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

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of the site beyond the parameters outlined within Part 5 of the Regulations is not currently permitted.

Expression of Interest – Rydalmere Bowling Club

Council recently held an Expression of Interest (EOI) process for the future lease of the land currently occupied by the Rydalmere Bowling Club. A non-compliant EOI was received from a private child care service provider, however Child Care Centres are currently not a permitted use within the RE1 Public Recreation zone under the provisions of the PLEP 2011 so this EOI cannot proceed without a policy change.

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. 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. The fifth site at Rydalmere Bowling Club already contains an existing structure, which as a result of this Planning Proposal could be fit out for the use as a Child Care Centre to meet the demands of the community.

The Planning Proposal will not result in an outcome adverse or contrary to the objectives and actions contained in the above strategies.

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 and permit the use of an existing building on Council owned land to be

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used as a Child Care Centre (should Council choose to approve this use on the particular site at Rydalmere Bowling Club).

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 Miscellaneous Exempt and Complying Development	N/A	N/A
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

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		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	N/A	N/A

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(Rural Lands) 2008		
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	Seek to ensure that development improves access, increases public	The proposed changes are of minor significance and are consistent with this	YES

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Transport	transport use and reduces car dependency.	direction.	
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.	Two of the sites subject to this Planning Proposal are flood affected: - Jubilee Park Child Care Centre, Jubilee Park, Harris Park - KU Rydalmere Preschool, 89-91 Park Road, Rydalmere However the proposed changes to the PLEP 2011 are of a minor significance and will not impact on flooding across the area. The Planning Proposal is to permit Child Care Centres on sites which already include this land use on the subject land. 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. In light of this, it is considered this proposal is consistent with this direction.	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.	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. The proposal will maintain the existing provisions contained within relevant instruments and is consistent with this direction.	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	This Planning Proposal will increase capacity for childcare services which is identified as a service of critical demand by the community. The proposed changes are consistent with this direction.	YES

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	acquisition.		
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.

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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

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