

The Hills LEP 2012 - child care centre at 160-162 Excelsior Avenue, Castle Hill

Proposal Title : The Hills LEP 2012 - child care centre at 160-162 Excelsior Avenue, Castle Hill

Proposal Summary : The proposal seeks to facilitate the expansion of an existing child care centre at 162 Excelsior Avenue, Castle Hill, by allowing child care centres as an additional permitted use on land at 160-162 Excelsior Avenue.

PP Number : PP_2015_THILL_004_00 Dop File No : 14/20551

Proposal Details

Date Planning Proposal Received : 21-Oct-2014 LGA covered : The Hills Shire

Region : Metro(Parra) RPA : The Hills Shire Council

State Electorate : BAULKHAM HILLS Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 160-162 Excelsior Avenue

Suburb : Castle Hill City : Postcode :

Land Parcel : Lots 1 and 2 DP 562533

DoP Planning Officer Contact Details

Contact Name : Chris Browne

Contact Number : 0298601108

Contact Email : chris.browne@planning.nsw.gov.au

RPA Contact Details

Contact Name : Patrice Grzelak

Contact Number : 0298430364

Contact Email : pgrzelak@thehills.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Derryn John

Contact Number : 0298601505

Contact Email : derryn.john@planning.nsw.gov.au

Land Release Data

Growth Centre : N/A Release Area Name :

Regional / Sub Regional Strategy : Metro West Central subregion Consistent with Strategy : Yes

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 8

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

If No, comment : **To the best of the knowledge of Metropolitan (Parramatta), the Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with. Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the planning system.

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this planning proposal.

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 17 February 2015, and there are no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The objective of the planning proposal is to facilitate the expansion of an existing child care centre on land currently zoned R2 Low Density Residential. Child care centres were permitted in the Residential 2(b) zone that applied to the land under Baulkham Hills Local Environmental Plan 2005, but are not permitted in the current R2 Low Density Residential zone. The child care centre currently operates under existing use rights, which do not allow for the desired expansion onto the neighbouring lot.**

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

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

Comment : **The proposal seeks to facilitate the expansion of the child care centre by amending Schedule 1 of The Hills Local Environmental Plan 2012 to include child care centres as an additional permitted use on the subject land.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

6.1 Approval and Referral Requirements

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

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 :

3.1 Residential Zones

The proposal, while permitting a non-residential use on land zoned for residential purposes, will not reduce the residential development potential of that land; all existing permissible residential uses will continue to be permitted. The proposal is therefore consistent with this Direction.

6.1 Approval and Referral Requirements

The proposal does not include provisions requiring the concurrence or referral of future applications to a Minister or public authority. It is therefore consistent with this Direction.

7.1 Implementation of A Plan for Growing Sydney

The proposal is broadly consistent with the objectives of the Plan (see assessment section of this report for more detail). It is therefore consistent with this Direction.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council has provided extracts from the land zoning map, the height of building map, the lot size map and the proposed additional permitted uses map. These adequately identify the subject land.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has undertaken to advertise the proposal in local newspapers and place it on display in Council's administration building and Castle Hill Library, as well as making it available on Council's website and issuing letters to neighbouring land owners.**

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? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Hills LEP 2012 is a Principal LEP.

Assessment Criteria

Need for planning
proposal :

The proposal is not the result of any strategic study or report, but is considered an appropriate way of providing extra child care places for the Castle Hill community as well as employing an additional eight people.

If rezoning the land, the most appropriate zone would be R3 Medium Density Residential (as per the land to the north of the site), but this would permit more intensive uses such as neighbourhood shops and multi dwelling housing. The Schedule 1 amendment is therefore preferable, as it will assist in limiting the impact of development on the surrounding residential area.

Consistency with
strategic planning
framework :

A Plan for Growing Sydney

The proposal will provide social infrastructure that will support the Castle Hill community and provide employment, and will not result in a significant reduction in housing. As such, it is consistent with the Plan's Goal 3: A great place to live with communities that are strong, healthy and well connected, which states, 'Growing communities will have better access to jobs and economic opportunities; good transport and social infrastructure; healthy natural and built environments; and will find it easy to get to services, the arts, cultural and recreational activities,' without sacrificing the intent of Goal 2: A city of housing choice, with homes that meet our needs and lifestyles.

However, prior to exhibition, the planning proposal should be updated to include a discussion regarding its consistency with 'A Plan for Growing Sydney' which was adopted by the State Government in December 2014.

The Hills Adopted Draft Local Strategy 2008

The Employment Lands Direction of the Draft Local Strategy seeks to provide employment close to home, services and transport infrastructure; the proposal is consistent with this, as it will provide employment in a well serviced residential area and will help support a local business.

The Residential Direction of the Draft Local Strategy seeks to implement a hierarchy of residential development around centres and to protect the amenity of residential development. The planning proposal will assist in this, as it allows for increased child care capacity without rezoning the land and thus threatening the amenity of the area.

Environmental social
economic impacts :

Environmental

The proposal does not constitute any significant change to the development potential of the land. It will therefore have no environmental impact.

Social

No negative social impacts are anticipated as a result of the proposal. An acoustic assessment has been carried out; it concluded that and included a number of recommendations (best carried out at development application stage), and concluded that

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these recommendations would ensure that noise impacts on the surrounding area would be satisfactory. The proposal is expected to have a positive social impact in that it will provide expanded child care services for the Castle Hill community.

A traffic and parking assessment has been undertaken, and it is anticipated that any increased hazards due to the expansion of the child care centre can be adequately addressed at the development application stage.

Economic

No negative economic impacts are anticipated as a result of the proposal. The proposal is expected to have a positive economic impact, in that it will provide employment for eight people in addition to the eight people already employed by the child care centre.

Assessment Process

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

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

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
Planning Proposal - 160-162 Excelsior Avenue, Castle Hill.pdf	Proposal	Yes
Cover letter - 160-162 Excelsior Avenue, Castle Hill.pdf	Proposal Covering Letter	Yes
Council Report - 160-162 Excelsior Avenue, Castle Hill.pdf	Proposal	Yes
Council Resolution - 160-162 Excelsior Avenue, Castle Hill.pdf	Determination Document	Yes

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Acoustic Assessment - 160-162 Excelsior Avenue, Castle Hill.pdf	Study	Yes
Traffic and parking assessment - 160-162 Excelsior Avenue, Castle Hill.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
 6.1 Approval and Referral Requirements
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

1. Prior to exhibition, the planning proposal should be updated to include a discussion regarding its consistency with 'A Plan for Growing Sydney' which was adopted by the State Government in December 2014.

2. The planning proposal is to be exhibited for not less than 14 days;

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

4. No public authority consultation is required; and

5. The timeframe for completing the Local Environmental Plan is 9 months from the week following the date of the Gateway determination.

Supporting Reasons : **The proposal will provide for increased employment and improved services for the Castle Hill community and will not have any significant impact on the surrounding residential area. The use of Schedule 1 will limit the potential for undesirable intensification of development on the subject land.**

Signature:



Printed Name:

DERRYN JOHN

Date:

28 FEBRUARY 2015