

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – amend Schedule 1 'Additional Permitted Uses' of The Hills Local Environmental Plan 2012 to permit a child care centre at 160-162 Excelsior Avenue, Castle Hill.

ADDRESS OF LAND: 160-162 Excelsior Avenue, Castle Hill (Lots 1 and 2, DP 562533).

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	1	0	0
Jobs	8	8	16

SUPPORTING MATERIAL:

Attachment A	Assessment Against State Environmental Planning Policies
Attachment B	Assessment Against Section 117 Ministerial Directions
Attachment C	Council Report and Resolution, 14 October 2014
Attachment D	Acoustic Report
Attachment E	Traffic Report

THE SITE:

The site consists of two (2) properties, 160-162 Excelsior Avenue, Castle Hill (Lots 1 and 2, DP 562533) and is located on the corner of Old Northern Road and Excelsior Avenue, Castle Hill. 162 Excelsior Avenue, currently contains an existing child care centre with 54 places. The adjoining lot at 160 Excelsior Avenue currently comprises a two (2) storey dwelling. The subject site is located 1.4km south west of Castle Hill Major Centre.

The land is rectangular in shape and has a primary frontage of 50m to Excelsior Avenue, a secondary (side) frontage of 43m to Old Northern Road and an area of 2,205m². The site is accessed at two separate points from Excelsior Avenue. Gilroy College and a medium density integrated residential development are located to the north of the site. Single residential dwellings are located on adjoining land to the south and west.

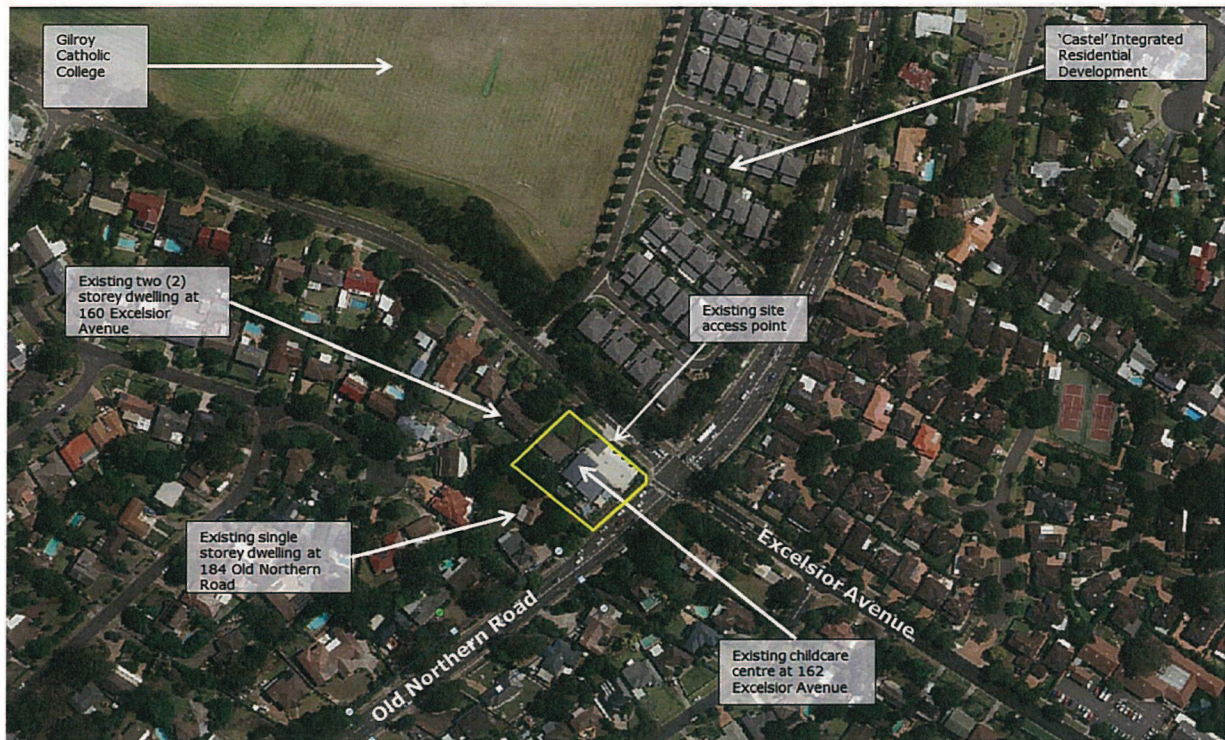


Figure 1
Site and Surrounds

BACKGROUND:

The existing child care centre at 162 Excelsior Avenue gained development consent in 2006 and currently operates under existing use rights. Child care centres were permitted with consent within the previous Residential 2(b) zone under Local Environmental Plan 2005.

During the preparation of Council's Standard Instrument Local Environmental Plan 2012, consideration was given to appropriate land uses within the low density residential environment. Due to the potential impacts of child care centres on residential character, amenity and traffic generation on local streets the land use was listed as prohibited in the R2 Low Density Residential zone.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the proposed LEP is to facilitate the amalgamation and expansion of the existing child care centre at 162 Excelsior Avenue onto the adjoining lot.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by:

- Amendment to Schedule 1 'Additional Permitted Uses' and the associated Additional Permitted Uses Map to permit the use of land at 160-162 Excelsior Avenue, Castle Hill (Lots 1 and 2 DP 562533) for the purposes of a child care centre with development consent.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

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

However, the planning proposal is considered a practical solution to facilitate the expansion of the existing child care centre and to provide additional child care places in the Shire.



Figure 2
Photomontage of concept development

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

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

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

It is considered that a change to permitted uses to authorise the existing use and allow its expansion is warranted given the location of the site at the periphery of medium

density development and alongside Old Northern Road. Unlike other child care centres surrounded by low density residential development, there is an opportunity to address any potential impacts on the low density character to the south and west of the subject site.

The option of rezoning the land to R3 Medium Residential Density (where child care centres are a permitted use) has not been pursued to ensure the site maintains a low density character. In this particular circumstance the use of Schedule 1 is considered justified as it will allow the continued use of the site as a child care centre without enabling more intense uses such as multi dwelling housing or neighbourhood shops which would be permitted in the R3 Medium Residential Density zone. This approach ensures that should the child care centre cease to operate at some future time, the low density residential character that adjoins the site to the south and west will be maintained.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

Yes, the planning proposal is generally consistent with the strategic planning framework. A discussion of consistency with relevant plans is provided below.

• Metropolitan Plan for Sydney 2036

The strategic plan prepared by the NSW Government aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney Region to 2036. It seeks to ensure adequate land supply for economic activity, investment and jobs in the right locations and to strengthen clusters of activities in Specialised Centres.

The Plan identified that Sydney's growing population will need an additional 760,000 jobs by 2036 with 145,000 additional jobs to be located within the North West Subregion. The planning proposal is consistent with this framework as the expanded business will directly employ 8 additional staff once complete. The planning proposal will support population growth through the provision of additional child care services for the local community.

• Draft Metropolitan Strategy for Sydney 2031

The Draft Metropolitan Strategy for Sydney will replace the Metropolitan Plan for Sydney 2036. The draft Strategy establishes a vision with key objectives, policies and actions to guide the growth of Sydney to 2031.

The planning proposal is consistent with the objectives and actions identified in the draft Strategy as it will provide a source of local employment and support parents by the provision of additional child care facilities close to local schools such as Gilroy Catholic College, St Gabriel's School and Excelsior Public School.

• Draft North West Subregional Strategy

The Draft North West Subregional Strategy was prepared by the NSW Government to implement the Metropolitan Plan and the State Plan. An overarching theme of the strategy is for dwelling and employment growth to be concentrated within centres and near public transport hubs.

The planning proposal is consistent with objectives relating to employment and the provision of services and facilities in appropriate locations to assist increased residential growth.

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

Yes, a discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Plan articulates the community and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities.

The planning proposal will assist in the delivery of a 'modern local economy' through the provision of job opportunities that will serve the local community. The planning proposal encourages promotion of a 'vibrant community' by providing a service that will respond to child care needs within the Shire.

- **Draft Local Strategy**

In June 2008 Council adopted its Local Strategy to provide the basis for the future direction of land use planning in the Shire and within this context implement the key themes and outcomes of the 'Hills 2026 Looking Toward the Future'. The Residential Direction and the Employment Lands Direction are the relevant components of Council's Local Strategy to be considered in assessing this proposal.

Employment Lands Direction

The North West Subregional Strategy establishes an employment capacity target for the Shire from 2001 to 2031 of 47,000 jobs. The Employment Lands Direction demonstrates the ability to meet this target with capacity for 55,574 additional jobs to 2031. In addition to the contribution towards anticipated employment targets, the Direction seeks to provide employment close to home, services and transport infrastructure.

The planning proposal is consistent with this Direction as it provides an opportunity to support the growth of a local business and additional local employment as well as strengthen the services available within vicinity of Castle Hill major centre.

Residential Direction

Council has maintained a planned and deliberate approach to managing urban growth within the Shire by ensuring more intense land uses are strategically located close to centres and public transport. This approach focuses on the management of potential conflicts between more intense land uses and the amenity of low density residential environments. Given the existing R2 Low Density Residential zone is to be retained the development of the site for residential uses into the future is maintained.

Whilst the site is located within the R2 Low Density Residential zone it is located on the periphery of the R3 Medium Density Residential zone. There is opportunity to manage potential impacts to the amenity of adjoining low density residential properties to the south and south west through existing development control measures for child care centres.

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

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A.

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

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

- **Direction 3.1 Residential Zones**

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

- **Direction 6.1 Approval and Referral Requirements**

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal is consistent with this direction since it does not include provisions requiring the concurrence or referral of future applications to a Minister or public authority.

- **Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

The strategic plan prepared by the NSW Government titled the *Metropolitan Plan for Sydney 2036* aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036.

The planning proposal is consistent with the strategic directions and key policy settings of the strategy since it will contribute to local employment opportunities and respond to child care needs in the locality.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

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

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

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

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

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

In respect of the surrounding residential amenity recommendations outlined in the submitted Acoustic Assessment (Attachment D) are considered appropriate and are consistent with objectives for child care centres under Council's development control plan. The specific measures as identified will address both acoustic and privacy impacts and would form part of any future development consent that may be issued for the site.

The planning proposal is supported by a Traffic Report (Attachment E) which concludes the proposed changes would not impact on the capacity and functioning of the local road network. Whilst the site is located on a classified road the previous consent of the existing child care centre on 162 Excelsior Ave, Castle Hill included a number of existing measures that reduce potential safety hazards to children including a 5.5m setback to Old Northern Road containing a concrete block retaining wall, masonry wall and safety barrier along the entire length of the Old Northern Road frontage. It is considered the proposal will be likely to facilitate improved safety outcomes on the site, given the proposed expanded site area does not have a boundary to Old Northern Road and proposes an additional outdoor play area that is not adjacent to the road.

It is noted that there is a requirement for child care centres not to have a frontage along a classified road under controls in the Development Control Plan to ensure sites are located in a safe environment and do not present hazards to children. The existing development was however approved prior to these controls coming into force and as explained a number of measures are in place to address safety concerns relating to the development.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

Yes, future expansion of the existing child care centre would be supported by the existing public transport routes along Old Northern Road and Castle Hill Major Centre. The site is located in an existing urban area and has full access to the necessary infrastructure and services.

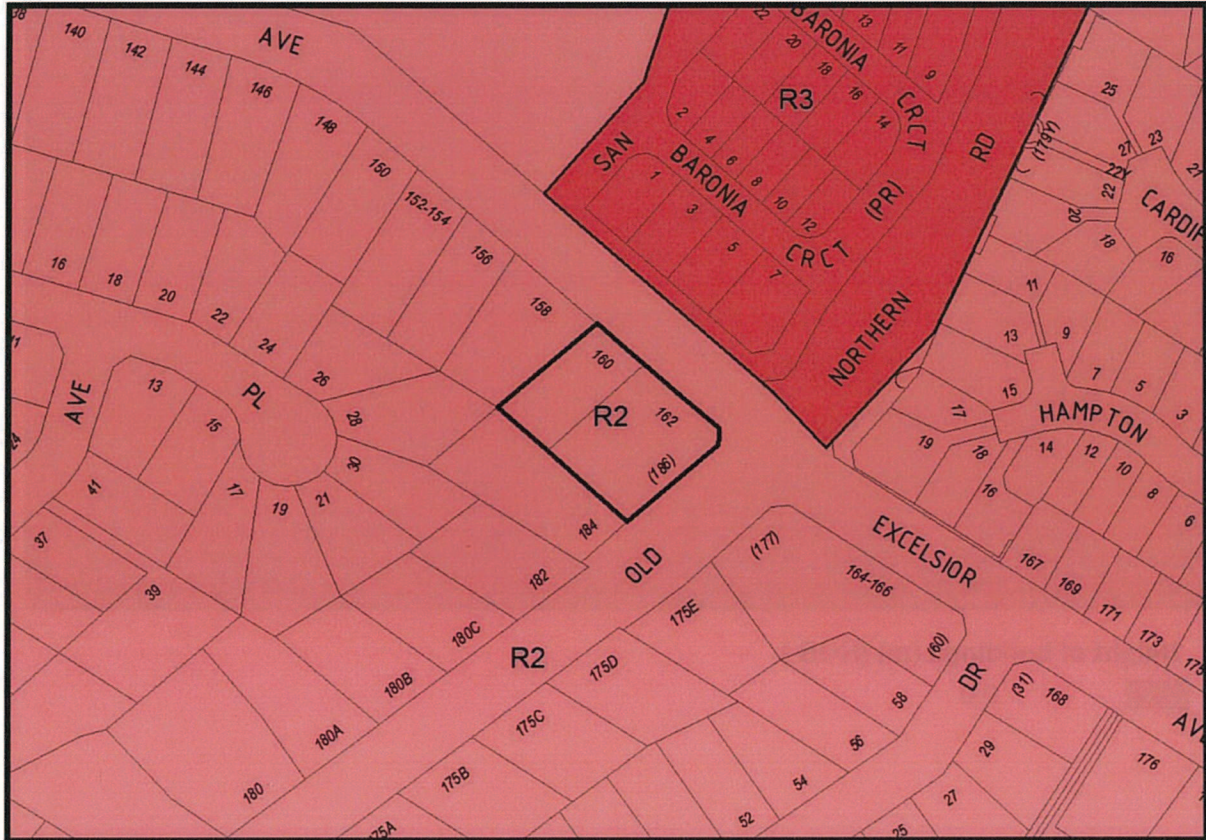
11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway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

The views of the State and Commonwealth Public Authorities will not be known until after the Gateway Determination. Given the site has a secondary frontage to a classified road it is proposed that RMS Roads and Maritime Services be consulted should the proposal proceed to exhibition.

PART 4 MAPPING

A summary of the existing development standards applying to the site is given in maps A-C. The planning proposal seeks to amend Schedule 1 'Additional Permitted Uses' of *The Hills Local Environmental Plan 2012* and does not seek any changes to other development standards under the LEP.

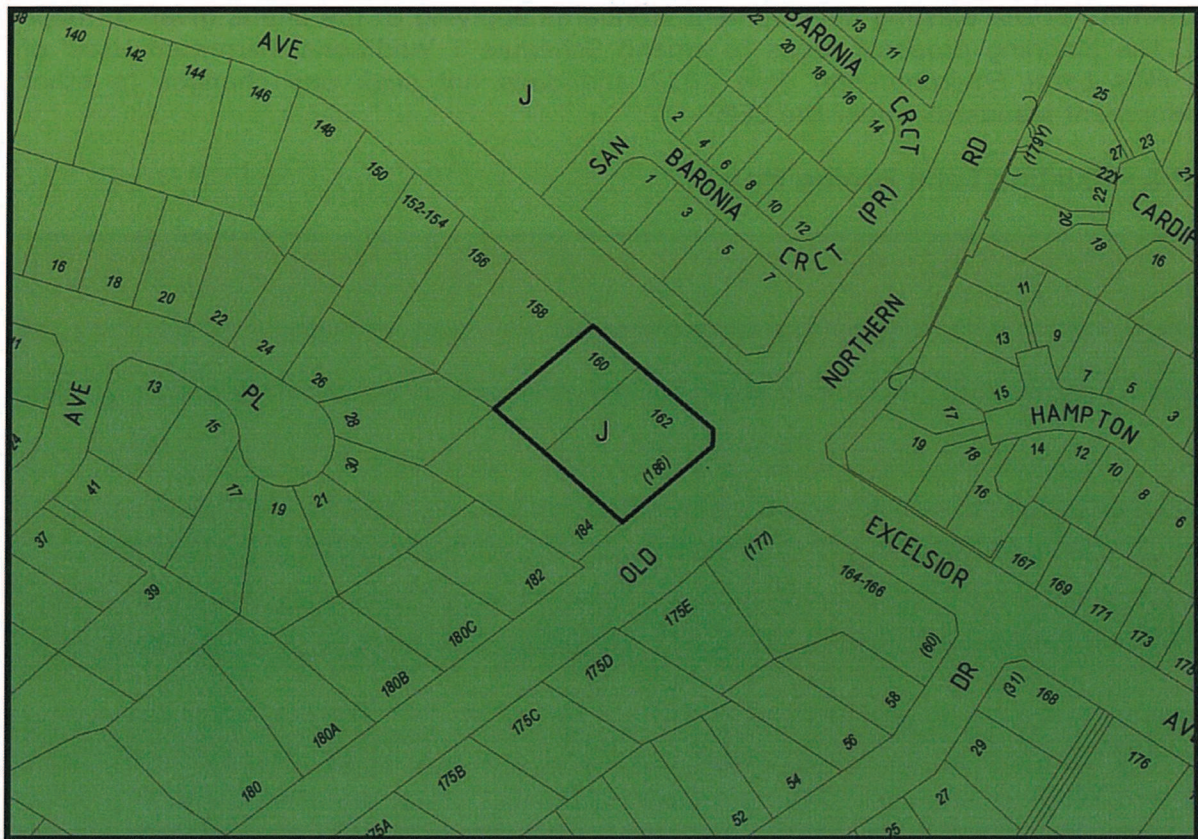
MAP A - Existing Land Zoning Map



Land Zoning (LZN)

R2 Low Density Residential **R3** Medium Density Residential

MAP B - Existing Building Height

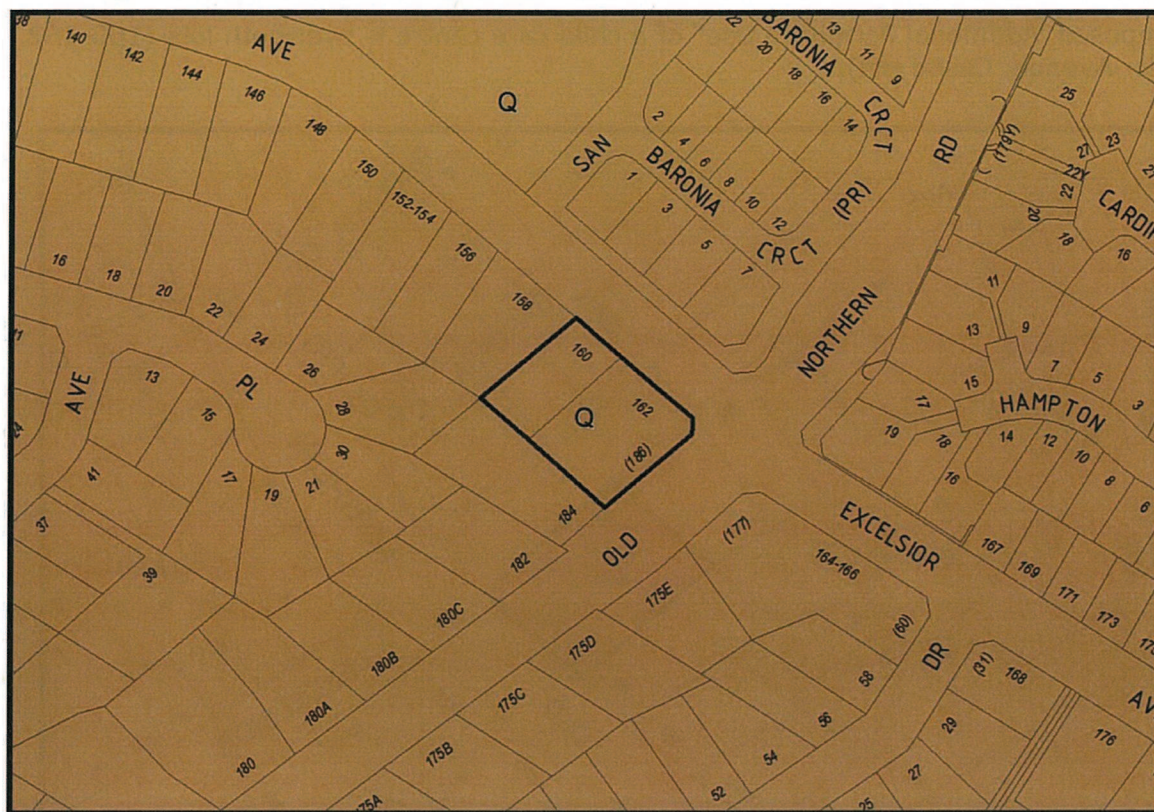


Height of buildings (m) (HOB)

J

9.0

MAP C - Existing Lot Size Map

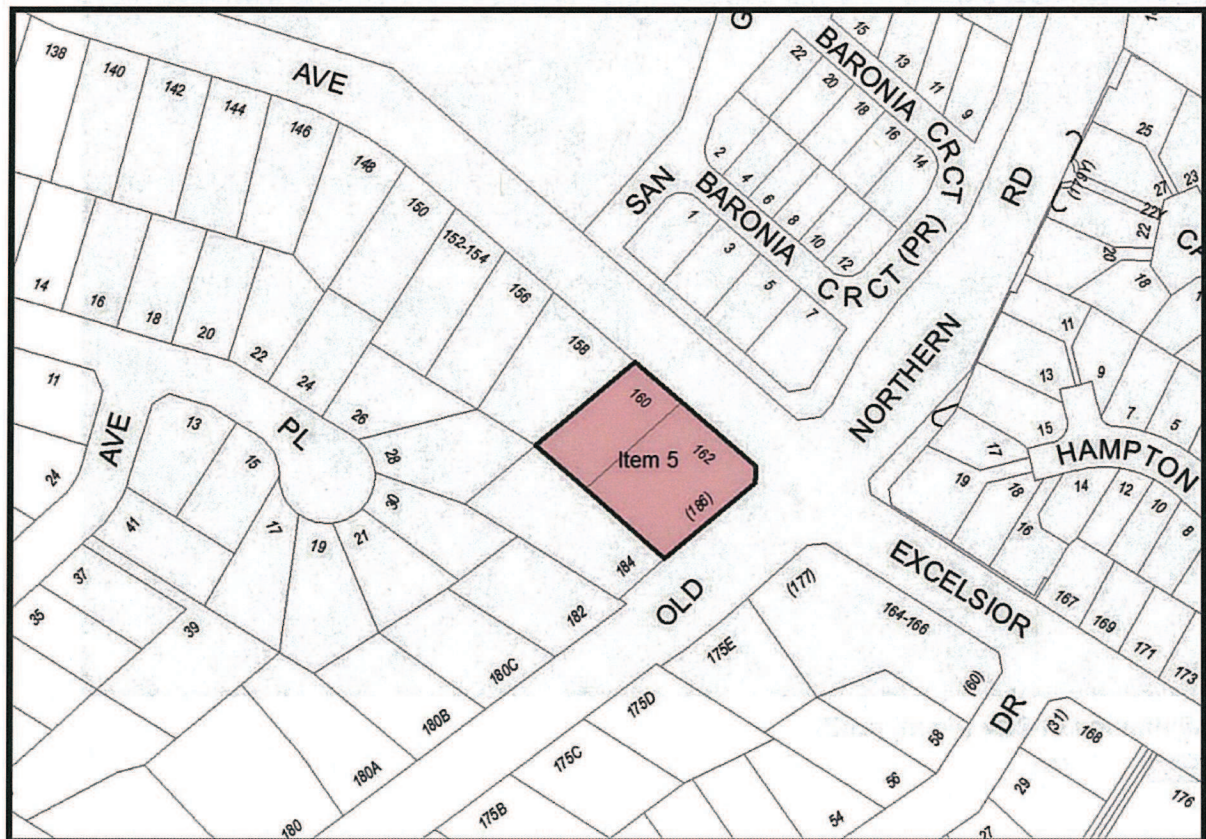


Minimum Lot Size (sq m) (LSZ)

Q 700

MAP D - Proposed addition to 'Additional Permitted Uses'

The proposed 'Additional Permitted Use' of a child care centre is over both lots (160-162 Excelsior Avenue, Castle Hill).



Additional Permitted Uses (APU)

 refer to schedule 1

PART 5 COMMUNITY CONSULTATION

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

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	December 2014
Government agency consultation	January 2015
Commencement of public exhibition period (14 days)	January 2015
Completion of public exhibition period	February 2015
Timeframe for consideration of submissions	March 2015
Timeframe for consideration of proposal post exhibition	April 2015
Report to Council on submissions	April 2015
Planning Proposal to PCO for opinion	May 2015
Date Council will make the plan (if delegated)	June 2015
Date Council will forward to department for notification (if not delegated)	June 2015

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
No. 1	Development Standards	YES	NO	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	NO	-	-
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	-
No. 33	Hazardous and Offensive Development	NO	-	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	NO	-	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
Affordable Rental Housing (2009)				
Building Sustainability Index: BASIX 2004		YES	NO	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Housing for Seniors or People with a Disability (2004)		YES	NO	-
Infrastructure (2007)		YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Major Development (2005)		YES	NO	-
Mining, Petroleum Production and		YES	NO	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Extractive Industries (2007)			
Miscellaneous Consent Provisions (2007)	YES	NO	-
Penrith Lakes Scheme (1989)	NO	-	-
Port Botany and Port Kembla (2013)	NO	-	-
Rural Lands (2008)	NO	-	-
SEPP 53 Transitional Provisions (2011)	NO	-	-
State and Regional Development (2011)	YES	NO	
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	NO	-	-
Three Ports (2013)	NO	-	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Deemed SEPPs			
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	NO	-	
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 18 – Public Transport Corridors	NO	-	-
SREP No. 19 – Rouse Hill Development Area	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	NO	-	
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 25 – Orchard Hills	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	YES	NO	-

ATTACHMENT B: LIST OF SECTION 117 DIRECTIONS

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

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
	Badgerys Creek			
5.9	North West Rail Link Corridor Strategy	YES	NO	-
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	YES	CONSISTENT
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	YES	CONSISTENT
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	CONSISTENT