



Planning Proposal for land at 270 Malabar Road, Maroubra to include child care centre as an additional permitted use

Proposal Title : **Planning Proposal for land at 270 Malabar Road, Maroubra to include child care centre as an additional permitted use**

Proposal Summary : **The planning proposal seeks to amend Schedule 1 of the Randwick Local Environmental Plan 2012 to include 'child care centre' as an additional permitted use for 270 Malabar Road, Maroubra.**

PP Number : **PP_2015_RANDW_001_00** Dop File No : **15/17032**

Proposal Details

Date Planning Proposal Received : **20-Nov-2015** LGA covered : **Randwick**

Region : **Metro(CBD)** RPA : **Randwick City Council**

State Electorate : **MAROUBRA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **270 Malabar Road**

Suburb : **Maroubra** City : **Sydney** Postcode : **2035**

Land Parcel : **Lot 3821, DP 752015**

DoP Planning Officer Contact Details

Contact Name : **Charlene Nelson**

Contact Number : **0292286570**

Contact Email : **charlene.nelson@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Asanthika Kappagoda**

Contact Number : **0293990849**

Contact Email : **Asanthika.Kappagoda@randwick.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Diane Sarkies**

Contact Number : **0292286522**

Contact Email : **diane.sarkies@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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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 (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **On 10 November 2015, Council resolved to submit a planning proposal seeking to amend the Randwick Local Environmental Plan (LEP) 2012 to include 'Child care centre' as an additional permitted use for land at 270 Malabar Road, Maroubra ("the site").**

The planning proposal has been prepared to facilitate the future expansion of an existing Child care centre into a disused church building, which currently occupies the site and is no longer the primary use. The site is 1006.6 sqm in area and is located on the corner of Malabar Road and Storey Streets, Maroubra.

The site was originally zoned 'Special Uses 5(a) Church under Randwick Planning Scheme Ordinance (RPSO) and was occupied by the Maroubra Bay Uniting Church. In 1997, development consent was granted for the conversion of an existing community hall on the site, into a Child care centre to accommodate 29 child care places (DA/328/1996). The site was zoned S5 Special Uses under Randwick LEP (Consolidation) 1998 and Child care centres were permitted with development consent, under this zoning.

In 2010, Council prepared a Special Uses discussion paper to review Randwick LEP 1998 in line with State Government's Standard LEP Template. The site was recommended to be rezoned to the adjoining residential zone (R2 Low Density Residential) in accordance with Department of Planning Practice Note PN 10-001. However, the paper raised concerns regarding the rezoning's inconsistency with State Environmental Planning Policy 55 (SEPP 55), which requires the consent authority to consider whether the site is potentially contaminated, prior to any rezoning. As no investigations were undertaken at that time, the site was subsequently zoned SP2 Infrastructure (Public Place of Worship) under the current Randwick LEP 2012. Therefore, the existing child care centre has been operating under existing use rights.

The planning proposal advises under the Act and Regulations, the expansion of the Child care centre under existing use rights would be limited to a certain part of the land which the original development consent applies. In addition, Council has been advised the expansion of a Child care centre into a vacated church would not be permitted under the current SP2 Infrastructure (Place of Public Worship) zoning.

Council considers the SP2 zoning (with the nominated use as 'Place of Public Worship) to be an anomaly, as it had the unintended effect of prohibiting child care centre development. The Child care centre lawfully operates however it is a non conforming use

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and the church has vacated the site, so that the current primary use is the Child care centre. Council has advised its preference is to include Child care centre as an additional permitted use under Schedule 1, rather than rezoning the site to the adjoining R2 Low Density Residential. Council considers it appropriate to include as an additional permitted use ahead of its review of special use zones, as it is reinstating a use that was previously permitted.

As the site is zoned SP2 Infrastructure, there are no applicable height or FSR controls. However, a conceptual design for the future development of the site for a child care centre to accommodate 64 children has been prepared and will be the subject of a future development application. The planning proposal does not propose any changes to the built form provisions and relates to land use only.

External Supporting Notes : On 10 November 2015, Council endorsed a planning proposal, prepared by Urbis on behalf of Malak Group Pty Ltd, seeking to amend the Randwick Local Environmental Plan (LEP) 2012 to include 'childcare centre' as an additional permitted use for 270 Malabar Road, Maroubra.

The site is currently zoned SP2 Infrastructure (Place of Worship) under Randwick Local Environmental Plan 2012. A child care centre currently exists on the site and the planning proposal seeks to reinstate 'childcare centre' as a permitted use.

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 enable the use of a Child care centre to be permissible with consent, under Randwick LEP 2012 at 270 Malabar Road, Maroubra. The planning proposal will also facilitate the future expansion of an existing child care centre on the site.

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

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

Comment : The planning proposal will amend Schedule 1 of the Randwick LEP 2012 to permit child care centres as an additional permitted use as it relates to 270 Malabar Road, Maroubra (Lot 3821, DP752015).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

- 3.1 Residential Zones**
- 3.5 Development Near Licensed Aerodromes**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**

* May need the Director General's agreement

Is the Director General's agreement required? **N/A**

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

d) Which SEPPs have the RPA identified?

- SEPP No 1—Development Standards**
- SEPP No 55—Remediation of Land**
- SEPP No 64—Advertising and Signage**
- SEPP No 71—Coastal Protection**

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

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Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)**

Clause 6 of the SEPP requires a planning authority to consider contamination and remediation in zoning proposals where a change of use is proposed. In relation to the land concerned with development proposed for child care purposes, the planning authority must consider whether the land is contaminated.

As the proposal indicates there will be a future expansion of the child care centre into the disused church, the proposal should be supported by a preliminary site investigation report to determine the suitability of the use under Zone SP2 - Infrastructure, and to satisfy the requirements of SEPP 55.

The Department recommends the gateway determination include a condition requiring consideration of SEPP 55 and assessment to determine the appropriateness of the additional permitted use (in relation to site contamination), prior to public exhibition. The assessment is to be included in the exhibition documents.

The planning proposal is consistent with other relevant State Environmental Planning Policies and section 117 directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **A location map is provided in the planning proposal.**

The proposed amendment does not require the preparation or amendment of any development control maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal states the anticipated exhibition period of the planning proposal would be dependent on the outcome of the gateway determination and be conducted in accordance with Council's policies for community consultation.**

The Department recommends a consultation period of 28 days.

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 Randwick Local Environmental Plan (LEP) 2012 commenced on 15 February 2013.**

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Assessment Criteria

Need for planning proposal :

Child care centres are prohibited development within the SP2 Infrastructure (Place of Public Worship) zoning of the site.

Council has advised that the existing child care centre on the site has been lawfully operating under existing use rights in accordance with Development Application (DA) 328/1996. However, the existing use rights only relate to part of the site to which the original development application applies and any proposed expansion is limited to the building that was approved as the child care centre. Therefore, a planning proposal is considered the appropriate mechanism to achieve permissible development of a Child care centre on the site and to allow its expansion.

It has been noted that Council has requested an additional permitted use rather than rezoning the site to the adjoining zone. Council did consider rezoning to the adjoining zone, however, have proceeded with requesting an additional use on the site, on the basis of its own legal advice. Council advises it intends to review its SP2 zonings in the near future, however supports this site specific amendment ahead of the review.

Consistency with strategic planning framework :

The Department considers the proposal to be consistent with relevant Actions and Directions in 'A Plan for Growing Sydney'. The proposal is consistent with Goal 3 - Sydney's great places to live and Direction 3.1 Revitalise existing suburbs. The proposal is consistent with the intent of 3.1.1 'Support urban renewal by directing local infrastructure to centres where there is growth' which recognises the importance of the provision of social infrastructure where and when it is needed for the daily lives of residents within their local community. Social infrastructure includes child care centres.

Randwick City Plan is a Council endorsed strategy. The planning proposal refers to the community strategic plan and is considered consistent with the relevant objectives, in particular, "enrich our range of community services that meet our community's needs" as the proposal seeks expansion of the existing child care centre.

Environmental social economic impacts :

This proposal seeks to amend Schedule 1 of the Randwick LEP 2012 to permit the development of a child care centre on the site.

The Department is satisfied that the planning proposal:

- will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats;
- has considered other likely environmental effects of the change of use including traffic management with the preparation of a traffic impact statement, acoustic amenity and waste management, and the likely impact of the proposed expansion will be addressed further as part of the development application process;
- will facilitate the provision of additional child care places which enhances the social infrastructure in the Randwick LGA; and
- will ensure the existing child care centre remains economically viable and contribute to the protection of existing employment.

The planning proposal is accompanied by a Traffic Impact Statement prepared by Traffix, as the proposal seeks to permit a child care centre as a permissible land use and will intensify the land use. The report supports the expansion of the child care centre on traffic planning grounds and considers parking requirements and traffic impact. The statement indicates that the Traffic Impact Statement expects to meet Council's planning controls which will be subject to further consideration at development application stage and it acknowledges the proposal is capable of refinement or resolution at Development application stage, if needed.

The traffic impact statement has considered the RMS Guide to traffic generating developments and considers that the anticipated vehicle trips will be readily accommodated. The site is also located in close proximity to public transport, within a

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400m radius of bus stops to the City and Bondi Junction.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 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
cover letter Randwick PP.pdf	Proposal Covering Letter	No
planning proposal Council report.pdf	Proposal	No
Planning proposal doc Urbis .pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**
S.117 directions: **3.1 Residential Zones**
3.5 Development Near Licensed Aerodromes
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
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 public exhibition, the planning proposal is to be updated to give detailed consideration of SEPP 55 and assessment to determine the appropriateness of the

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additional permitted use (in relation to site contamination), prior to public exhibition. The assessment is to be included in the exhibition documents.

2. Community consultation is required for a minimum of 28 days.

3. A public hearing is not required to be held into the matter.

4. The planning proposal is to be completed within 9 months of the Gateway determination.

Supporting Reasons : The planning proposal is supported as it will reinstate a permissible use on the site and facilitate an increase in Child care places in the Randwick LGA as well as enhancing existing social infrastructure.

Signature:



Printed Name:

Diane Sarkis

Date:

17/12/15

