



IRF22/3699

Gateway determination report – PP-2022-2631

Permit childcare centre at 17 Croobyar Road, Milton

October 22

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-2631

Subtitle: Permit childcare centre at 17 Croobyar Road, Milton

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (October 22) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	2
2	Need for the planning proposal	3
3	Strategic assessment	3
3.1	Regional Plan	3
3.2	Shoalhaven Local Strategic Planning Statement (LSPS)	3
3.3	Section 9.1 Ministerial Directions	3
3.4	State environmental planning policies (SEPPs)	3
4	Site-specific assessment	3
4.1	Environmental.....	3
4.2	Social and economic.....	4
5	Consultation.....	4
5.1	Community	4
5.2	Agencies.....	4
6	Timeframe	4
7	Local plan-making authority	4
8	Assessment summary	4
9	Recommendation.....	5

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Shoalhaven
PPA	Shoalhaven City Council
NAME	Child-care centre as additional permitted use – 17 Croobyar Road, Milton
NUMBER	PP-2022-2631
LEP TO BE AMENDED	Shoalhaven LEP 2014
ADDRESS	17 Croobyar Road, Milton
DESCRIPTION	Lot 200 DP 1192140
RECEIVED	21/10/2022
FILE NO.	IRF22/3699 (EF22/13869)
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to support the ongoing operation of an existing child-care centre on the subject land.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Shoalhaven LEP 2014 through an addition to Schedule 1 – Additional Permitted Uses to permit 'centre-based childcare facility' on the subject land.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject land is located on the outskirts of the Milton township, approximately 375m south-west of the town centre.

There are residential uses to the north and east of the site; with rural and light industrial uses to the south and west.

The Shoalhaven Anglican School operated on the site – along with the childcare centre – since 1991. The private school closed in 2017 when the land was purchased by the Department of Education. In 2021 approval was issued (State Significant Development - 8845345) for the Budawang School of Specific Purpose. The childcare centre has continued to operate since 1991.

The subject land has an area of 7.76ha with a 120m frontage to Croobyar Road.

A watercourse runs along the western boundary of the site.

There are existing buildings on the site which housed the former Anglican School and childcare centre – the majority of these will be demolished to make way for the new approved school.

The land is zoned RU1 Primary Production.



Figure 1 Subject site (source: Planning Proposal)

1.5 Mapping

The planning proposal identifies that a new 'Clauses' map will be prepared, which identifies the site as one to which the Additional Permitted Uses schedule applies.

As the APU entry will apply to the entire lot - and the subject land is therefore clearly identified through the Schedule 1 property description - it is not necessary for a map to be prepared.

However, Shoalhaven Council chooses to include all Schedule 1 uses on the Clauses map for easy identification and this is a matter for Council.

2 Need for the planning proposal

The recently approved Budawang School (SSD – 8845345) involves demolition of the existing childcare centre building. It is therefore necessary that the childcare centre be relocated to another building on the site.

The land is zoned RU1 Primary Production and childcare centres are a prohibited use.

The childcare centre currently operates under existing use rights. It is necessary to amend the Shoalhaven LEP 2014 to allow a development application to be lodged for the relocation and continued operation of the childcare centre.

Council has identified that allowing the use through Schedule 1 – Additional Permitted Uses is preferable to other approaches – such as rezoning the site or amending the RU1 land-use table to permit childcare centres which would have more significant and potentially undesirable/inappropriate consequences.

3 Strategic assessment

The proposal is considered consistent with relevant regional, local and state policies.

3.1 Regional Plan

The proposal is generally consistent with the objectives of the Illawarra Shoalhaven Regional Plan 2041. The proposal will not have a negative impact on environmental assets; local character; or heritage. The proposal will support the ongoing operation of an existing childcare centre.

3.2 Shoalhaven Local Strategic Planning Statement (LSPS)

The proposal states that it is consistent with the Shoalhaven LSPS as it will support an important local service for the community without negative environmental impact.

3.3 Section 9.1 Ministerial Directions

The planning proposal is generally consistency with relevant section 9.1 Directions – see Planning Proposal.

9.1 Direction Planning for Bushfire Protection requires consultation with the NSW Rural Fire Service (RFS) in order to be consistent with that Direction. Council will consult with the RFS to satisfy the terms of the direction.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with relevant SEPPs – see Planning Proposal.

4 Site-specific assessment

4.1 Environmental

The proposal will simply allow the long term use of the land for a childcare centre to continue. It is therefore unlikely that the proposal will have a negative impact on environmental values. It is the intention to move the childcare centre into an existing building on the site, which would further minimise any potential impacts.

Studies submitted in support of the application – including traffic, bushfire, flood, and ecological investigations – identify that the proposal may proceed with little to no impact. There are no known critical habitats or threatened species, populations or ecological communities that will be affected by the proposed use of the site.

Environmental issues will be further considered in the assessment of the future development application for the childcare centre.

4.2 Social and economic

The proposal will support the ongoing operation of an existing community service and will be compatible with the future use of the site as a school.

5 Consultation

5.1 Community

Council proposes that no community consultation be undertaken for the proposal. The proposal will simply allow the relocation of the existing childcare centre to another building within the site. The use has operated on site since 1991.

Council contacted adjoining landowners on the proposal and no submissions/objections were received.

This is considered appropriate in view of the long term existing use of the site as a childcare centre and the fact that the community will have the opportunity to comment on the development as part of the development application process.

5.2 Agencies

Council has nominated the following public agencies to be consulted about the planning proposal:

- NSW Rural Fire Service
- Transport for NSW
- Heritage NSW

This is considered appropriate.

6 Timeframe

Council proposes a 6 month time frame to complete the LEP. This is considered adequate as no community consultation is proposed.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is minor the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

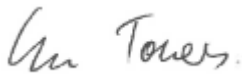
The planning proposal is supported to proceed as it will facilitate the ongoing operation of an existing childcare centre with social benefits and will have little to no adverse impacts on the environment or amenity of the area.

9 Recommendation

It is recommended the delegate of the Secretary agree that the proposal is generally consistent with 9.1 Directions – and that consistency with Direction 4.3 Planning for Bushfire Protection will be achieved following consultation with the Rural Fire Service.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - Heritage NSW
 - Transport for NSW
2. No community consultation is required,
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



27/10/22

Graham Towers

Manager, Southern Region



28/10/2022

Daniel Thompson

Director, Southern Region

Assessment officer

Louise Myler

Planning Officer, Southern Region

4247 1822