

### Planning Proposal to permit a child care centre at 97-99 Queens Road, Five Dock

Proposal Title : Planning Proposal to permit a child care centre at 97-99 Queens Road, Five Dock

Proposal Summary : Amend the Canada Bay LEP 2013 to add the land use 'Child Care Centre' to Schedule 1 - Additional Permitted Uses for 97-99 Queens Road, Five Dock.

PP Number : PP\_2013\_CANAD\_002\_00      Dop File No : 13/14857

#### Proposal Details

Date Planning Proposal Received : 05-Sep-2013      LGA covered : Canada Bay

Region : Sydney Region East      RPA : City of Canada Bay Council

State Electorate : DRUMMOYNE      Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

#### Location Details

Street : 97-99 Queens Road

Suburb : Five Dock      City : Sydney      Postcode : 2046

Land Parcel : Lot 11 DP 1135519

#### DoP Planning Officer Contact Details

Contact Name : Nava Sedghi

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#### RPA Contact Details

Contact Name : Peter Giaprakas

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#### DoP Project Manager Contact Details

Contact Name : Sandy Shewell

Contact Number : 0285754115

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#### Land Release Data

Growth Centre : N/A      Release Area Name : N/A

Regional / Sub Regional Strategy : Metro Inner West 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) : | N/A |
| 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 Infrastructure's Code of Conduct has been complied with. Sydney Region East has not met with or communicated with any lobbyist in relation to this planning proposal.**

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

If Yes, comment :

### Supporting notes

Internal Supporting Notes : **The planning proposal seeks to amend the Canada Bay LEP 2013 to add the land use 'Child Care Centre' to Schedule 1 - Additional Permitted Use at 97-99 Queens Road, Five Dock.**

**The Department supports this planning proposal because:**

- It will achieve an objective identified in Council's Child and Family Needs Strategy;
- The site is in close proximity to public transport;
- It is in a suitable location as it is diagonally opposite RE1 Public Recreation and opposite R2 Low Density Residential; and
- It will have minimal impacts on the surrounding environment and local community.

External Supporting Notes : **Canada Bay Council has accepted the Minister's offer to delegate his plan-making functions under section 23 the EP&A Act. Council is seeking delegation to carry out the Minister's functions under section 59 of the EP&A Act 1979 to progress this planning proposal.**

**Council supports this planning proposal because:**

- There is a growing need for child care centres in the Canada Bay local government area;
- The use of schedule 1 - additional permitted uses allows flexibility for this site, without having to rezone or compromise the IN1 General Industrial zone by permitting child care centres for the entire zone.

### Adequacy Assessment

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

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

Comment : **The objective of this planning proposal is:**

- To permit a 'Child Care Centre' as an additional land use under schedule-1, for 97-99 Queens Road, Five Dock.

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

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

Comment : **The explanation of provisions is adequate.**

The planning proposal will amend Schedule 1 of the Canada Bay LEP 2013:

- Use of Certain land at 95 & 97-99 Queens Road, Five Dock being Lot 92 DP 1047100 & Lot 11 DP 1135519.

Development for the purposes of a child care centre is permitted with development consent.

**Justification - s55 (2)(c)**

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

b) S.117 directions identified by RPA :

**1.1 Business and Industrial Zones**

\* May need the Director General's agreement

**6.1 Approval and Referral Requirements**

**6.3 Site Specific Provisions**

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

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

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

d) Which SEPPs have the RPA identified?

**N/A**

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 :

**1.1 Business and Industrial Zone**

The planning proposal is inconsistent with this direction because by enabling a non industrial use such as a child care centre on the site, it will reduce the potential floor space for industrial uses in the IN1 General Industrial zone. This inconsistency requires the Director General's approval. It is recommended that the Director General approve this inconsistency because Council's Child and Family Needs Strategy has identified a need for child care centres in this area. The planning proposal does not remove the industrial zone. Instead it adds the site 97-99 Queens Roads, Five Dock to schedule 1 - additional permitted uses, in order to permit the land use of a 'child care centre.' It will also create 20 full-time jobs and 5 part-time jobs.

**6.3 Site Specific Provisions**

The planning proposal is inconsistent with this direction as it does not permit child care centres for the entire IN1 General Industrial zone and it does not rezone the site to an existing zone that allows child care centres. The retention of the industrial zone is important and allowing child care centres in all industrial zones is not considered appropriate as it has the potential to compromise the function of industrial land. Adding the site to allow land use 'child care centre' into Schedule 1 is considered the most appropriate way forward and the inconsistency is considered to be of minor significance.

The planning proposal is considered consistent with all other section 117 directions.

The planning proposal is considered consistent with the relevant SEPPs.

**Mapping Provided - s55(2)(d)**

Is mapping provided? **No**

Comment :

There are no amendments to maps associated with the Canada Bay LEP 2013.

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : - Council proposes to exhibit the planning proposal for 31 days. A minimum of 14 days will be recommended as this is a low impact proposal.

- A project timeline of the planning proposal contains an estimated time frame of 6 months. This is considered adequate.

### 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 : The planning proposal provides adequate information on the following:

- Objectives and intended outcomes
- Explanation of provisions
- Justification for the planning proposal
- Community consultation
- Project timeline
- Evaluation criteria for delegation

Delegation of the plan making function is considered to be appropriate.

### Proposal Assessment

#### Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Canada Bay LEP 2013 was published on 2 August 2013.

#### Assessment Criteria

Need for planning proposal : This planning proposal will amend the Canada Bay LEP 2013, to add the land use 'Child Care Centre' to Schedule 1 for 97-99 Queens Road, Five Dock. The site is currently zoned IN1 General Industrial and the planning proposal will maintain this zone. This amendment will cater for the identified need of child care centres in the Canada Bay LGA.

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Consistency with strategic planning framework :

The planning proposal is consistent with the NSW 2021 Plan and the Community Strategic Plan (FuturesPlan20).

This planning proposal is also consistent with Council's Child and Family Needs Strategy as it recognises that Council needs to 'encourage the expansion of childcare places for under two year olds through existing Council services, not for profit providers and the private sector'. The planning proposal is fulfilling this gap for child care centres in the Canada Bay LGA.

The planning proposal is not consistent with the following strategies:

Metropolitan Plan for Sydney 2036

Action E3.2 Identify and retain strategically important employment lands.

The draft Inner West Subregional Strategy

A1.6 Improve Planning and Delivery of Employment Lands

Draft Metropolitan Strategy for Sydney to 2031

Objective 13: Provide a well located supply of industrial lands

The planning proposal is inconsistent with these strategies as it seeks to reduce the amount of industrial land within the LGA. These inconsistencies are considered justified because the industrial zone is not removed, and this planning proposal will cater towards a need for child care centres in the Canada Bay LGA.

Environmental social economic impacts :

The planning proposal will not adversely affect critical habitats, threatened species or ecological communities. The potential traffic and environmental implications will be assessed through the child care centre provisions under the Canada Bay Development Control Plan 2008 at the development application stage.

The planning proposal will have a positive impact for the LGA as it will increase local employment and commercial activity.

### Assessment Process

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

Timeframe to make LEP : **6 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 :

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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 |
|------------------------------------------------------------------------------------|--------------------------|-----------|
| Council letter.pdf                                                                 | Proposal Covering Letter | Yes       |
| Council Minute - Planning Proposal - 97-99 Queens Rd, Five Dock.pdf                | Determination Document   | Yes       |
| Council Report - Planning proposal - 97-99 QueensRd, Five Dock.pdf                 | Determination Document   | Yes       |
| Planning Proposal for 97-99 Queens Road, Five Dock August 2013.pdf                 | Proposal                 | Yes       |
| attachment 4 - evaluation criteria for the delegation of plan making functions.pdf | Determination Document   | Yes       |

### Planning Team Recommendation

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

S.117 directions:      **1.1 Business and Industrial Zones  
6.1 Approval and Referral Requirements  
6.3 Site Specific Provisions  
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

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

- 1. The planning proposal is to be exhibited for a minimum of 14 days.**
- 2. The planning proposal is to be completed within 6 months of the Gateway determination.**
- 3. A public hearing is not required to be held.**
- 4. The Director General considers the inconsistency with section 117 Direction 6.3 - Site Specific Provisions to be of minor significance.**
- 5. The Director General's approval for the inconsistency with section 117 Direction 1.1 Business and Industrial Zones is required. It is recommended that the Director General approve this inconsistency with the direction.**
- 6. A written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act 1979 is issued to Council in relation to the planning proposal.**

Supporting Reasons :      **The planning proposal should be approved for the following reasons:**

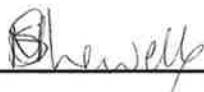
- It is in a suitable location as it is diagonally opposite RE1 Public Recreation and opposite R2 Low Density Residential;**
- It is considered this planning proposal will have minimal impact on the surrounding environment;**
- The site is in close proximity to public transport;**
- It is considered that the planning proposal will meet the need for 'Child Care Centres' in**

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the LGA; and

- Council proposes to progress the planning proposal under delegation. The matter is considered to be of local significance and the use of council's delegation is supported.

Signature:



Printed Name:

Sandy Shewell

Date:

13.9.13

