

PLANNING PROPOSAL

97-99 Queens Road, Five Dock

August 2013

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97-99 Queens Road, Five Dock Planning Proposal

1. Introduction

This planning proposal recommends an amendment to the *City of Canada Bay Local Environmental Plan 2013*.

The planning proposal responds to an application made to Council by Gat and Associates on 25 June 2013. The planning proposal is for the addition of 'child care centre' to the uses permitted on the site under the current applicable zone IN1 General Industrial.

2. Site details and context

The site is located in the suburb of Five Dock within the City of Canada Bay Local Government Area. It comprises land with the following addresses:

- Lot 11 DP 1135519 - (97-99 Queens Road, Five Dock)

The site has a frontage to Queens Road of 51.205 metres, and an overall site area of 1,859m².

The site is located within the IN1 General Industrial Zone under the Canada Bay Local Environmental Plan 2013. The site is situated on the southern side of Queens Road, between Regatta Road to the west and William Street to the east.

Surrounding development on the southern side of Queens Road consists predominantly of commercial and light industrial properties and businesses. Two schools are located within 200 metres of the subject property in either direction. The school located at the intersection of Queens Road and Harris Road, to the east of the subject property, is Rosebank College and the school located to the west is Lucas Gardens Public School. Diagonally opposite the site is public open space known as Charles Heath Reserve and an adjoining commercial building which includes a fitness centre. Directly opposite the site, on the northern side of Queens Road and beyond, is predominantly low density residential.

The site is currently occupied by a three-storey building with 110 basement car parking spaces. The building comprises two (2) basement parking levels and three (3) floor levels above ground and is designed and approved more akin to a commercial building rather than an industrial building.

3. Site Identification



Figure 1: Aerial photograph of the subject location

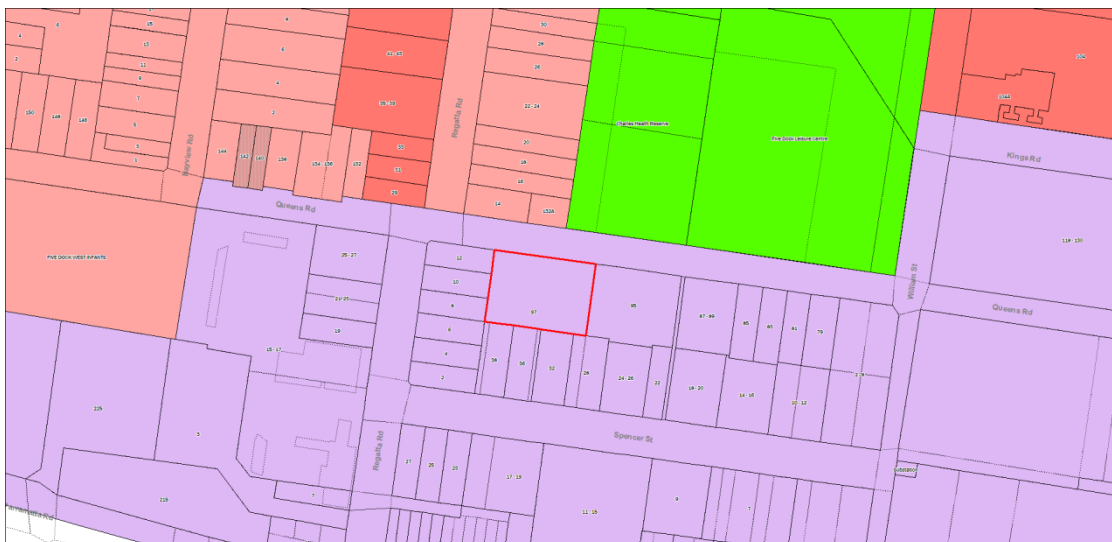


Figure 2: Subject location.

4. PART 1 – Objectives and Intended Outcomes

1. The objectives of the planning proposal are to:
 - i. To enable the site additional use with consent of 'child care centre' to the existing uses permitted under the current IN1 General Industrial zone in the LEP;
2. The intended outcome of the planning proposal is:
 - i. Enabling the additional 'child care centre' use, further to the existing permitted uses in the designated IN1 General Industrial zone, will maintain the existing zone's objectives and at the same time recognise the specific opportunities the site presents to accommodate additional child care services in the Canada Bay LGA.

4. PART 2 – Explanation of Provisions

Proposed amendments to Canada Bay Local Environmental Plan 2013

Canada Bay Local Environmental Plan 2008	Amendments
Schedule 1 Additional Permitted Uses	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

Note: 95 Queens Road, Five Dock has also been included in the amendment above as this site was recently granted Gateway approval on 5 June 2013 for the same additional use. The Parliamentary Council Office is expected to receive the planning proposal shortly for the preparation of the draft legislation.

5. PART 3 – Justification

Section A - Need for a planning proposal

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

This planning proposal is consistent with Council's Child and Family needs Strategy which Council adopted on 19 March 2013. The Strategy acknowledges that Council will continue to 'encourage the expansion of childcare places for under two year olds through existing Council services, not for profit providers and the private sector.' Although the planning proposal is not age specific, it is expected that any future development application for child care centre use would include this age group.

Council considered the request by the applicant at a meeting on 9 July 2013 and resolved:

1. THAT Council accept a Planning Proposal for an additional use (Child Care centre) at 97-99 Queens Road, Five Dock.
2. THAT the Planning Proposal be submitted to the Department of Planning and Infrastructure for a Gateway determination.
3. THAT following the public exhibition period, a report be provided to Council on the outcome and any further action to be taken.

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

The planning proposal is considered an appropriate method for Council and community to consider the additional use sought.

The site is occupied by a recently approved and constructed building, similar to the adjoining commercial type building at No. 95 Queens Road, which is more akin to a commercial use/occupancy rather than industrial.

The planning proposal to permit child care centre as additional use relates specifically and appropriately to the subject site and the building that occupies it. The additional use will not affect other permitted uses in the surrounding IN1 Industrial Zone.

It is considered that the stand-alone planning proposal provides the most efficient planning mechanism in which to give effect to the additional use.

Council's principle Standard Instrument Local Environmental Plan (SI LEP) was only recently gazetted and came into effect 2 August 2013. It is therefore not expected that a major review of Council's SI LEP would occur in the near future.

Permitting child care centre as additional use under planning proposal application is therefore considered the best means of achieving the objectives and intended outcomes in this instance.

Is there a net community benefit?

It is intended that the planning proposal will deliver a net community benefit. The community benefits include:

- The opportunity of a substantial child care centre catering for various age groups will assist in meeting the present and future needs of the rapidly growing population in Canada Bay and enable children who live locally to be cared for locally.
- The establishment and operation of a child care centre will bring additional economic and community benefits to the local government area by providing opportunities for employment, attracting local investment and encouraging business competition.

Section B - Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The planning proposal is consistent with the aims, objectives and provisions of the *NSW 2021 Plan*.

Table 3 - Consistency with State Plan:

Key Direction	Statement of Consistency
<i>1. Improve the performance of the NSW economy</i>	The planning proposal aims to facilitate the operation of an additional child care centre business within the Canada Bay LGA
<i>4. Increase the competitiveness of doing business in NSW</i>	The planning proposal will encourage business competition between like businesses within the Canada Bay LGA
<i>15. Improve education and learning outcomes for all students</i>	The planning proposal aims to provide quality early childhood education and learning facilities for pre-school aged children

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The planning proposal is consistent with the aims, objectives and provisions of the Metropolitan Strategy (as supported by the *draft Inner West Subregional Strategy*).

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

FuturesPlan20 (FP20) outlines the City's vision for the next 20 years. The City of Canada Bay has set targets, objectives and actions to achieve the themes outlined in FP20.

In summary the planning proposal is consistent with the following FP20 outcomes:

- There are services that meet my needs

Is the planning proposal consistent with the applicable state environmental planning policies?

Table 4 - State Environmental Planning Policies (SEPPs):

Note: SEPPs which have been repealed, or which were never finalised are not included in this Table

No.	SEPP Title	Consistency of Planning Proposal
1	Development Standards	Not applicable.
4	Development Without Consent and Miscellaneous Exempt and Complying Development	Not applicable.
6	Number of Storeys in a Building	Not applicable
14	Coastal Wetlands	Not applicable.
15	Rural Landsharing Communities	Not applicable.
19	Bushland in Urban Areas	Not applicable.
21	Caravan Parks	Not applicable.
22	Shops and Commercial Premises	Not applicable.
26	Littoral Rainforests	Not applicable.
29	Western Sydney Recreational Area	Not applicable.
30	Intensive Agriculture	Not applicable.
32	Urban Consolidation (Redevelopment of Urban Land)	Not applicable.

33	Hazardous and Offensive Development	Not applicable.
36	Manufactured Home Estates	Not applicable.
39	Spit Island Bird Habitat	Not applicable.
41	Casino Entertainment Complex	Not applicable.
44	Koala Habitat Protection	Not applicable.
47	Moore Park Showground	Not applicable.
50	Canal Estate Development	Not applicable.
52	Farm Dams, Drought relief and Other Works	Not applicable.
53	Metropolitan Residential Development	Not applicable.
55	Remediation of Land	Not applicable.
59	Central Western Sydney Economic and Employment Area	Not applicable.
60	Exempt and Complying Development	Not applicable.
62	Sustainable Aquaculture	Not applicable.
64	Advertising and Signage	Not applicable.
65	Design Quality of Residential Flat Development	Not applicable.
70	Affordable Housing (revised Schemes)	Not applicable.
71	Coastal Protection	Not applicable.
	SEPP (Building Sustainability index: BASIX) 2004	Not applicable.
	SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.
	SEPP (Major Development) 2005	Not applicable.
	SEPP (Sydney Region Growth Centres) 2006	Not applicable.
	SEPP (Infrastructure) 2007	Not applicable.
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable.

	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
	SEPP (Temporary Structures and Places of Public Entertainment) 2007	Not applicable.
	SEPP (Exempt and Complying Development Codes) 2008	Not applicable.
	SEPP (Rural Lands) 2008	Not applicable.
	SEPP (Western Sydney Parklands) 2009	Not applicable.
	SEPP (Affordable Rental Housing) 2009	Not applicable.
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable.

Table 5 - Regional Environmental Plans (REPs) - Deemed SEPPs:

Note: Former REPs which have been repealed are not included in this Table

No.	REP Title	Consistency of LEP
5	Chatswood Town Centre	Not applicable.
6	Gosford Coastal Areas	Not applicable.
7	Multi-Unit Housing: Surplus Government Sites	Not applicable.
8	Central Coast Plateau Areas	Not applicable.
9	Extractive Industry (No 2 - 1995)	Not applicable.
10	Blue Mountains Regional Open Space	Not applicable.
11	Penrith Lakes Scheme	Not applicable.
13	Mulgoa Valley	Not applicable.
14	Eastern Beaches	Not applicable.
16	Walsh Bay	Not applicable.
17	Kurnell Peninsula (1989)	Not applicable.
18	Public Transport Corridors	Not applicable.
19	Rose Hill Development Area	Not applicable.
20	Hawkesbury-Nepean River (No. 2-1997)	Not applicable.

21	Warringah Urban Release Area	Not applicable.
24	Homebush Bay Area	Not applicable.
25	Orchard Hills	Not applicable.
26	City West	Not applicable.
27	Wollondilly Regional Open Space	Not applicable.
28	Parramatta	Not applicable.
29	Rhodes Peninsula	Not applicable.
30	St Marys	Not applicable.
31	Regional Parklands	Not applicable.
33	Cooks Cove	Not applicable
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Not applicable.

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

Table 6 - Review of consistency of the Planning Proposal with the Ministerial Directions under s.117 of the Environmental Planning & Assessment Act 1979:

1. Employment and Resources

No.	Title	Comment
1.1	Business and Industrial Zones	Consistent.
1.2	Rural zones	Not applicable.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4	Oyster Aquaculture	Not applicable.
1.5	Rural Lands	Not applicable.

2. Environment and Heritage

No.	Title	Comment
2.1	Environmental Protection Zones	Not applicable.
2.2	Coastal Protection	Not applicable.
2.3	Heritage Conservation	Not applicable.
2.4	Recreation Vehicle Areas	Not applicable.

3. Housing, Infrastructure and Urban Development

No.	Title	Comment
3.1	Residential Zones	Not applicable.
3.2	Caravan parks and Manufactured Home Estates	Not applicable.
3.3	Home Occupations	Not applicable.
3.4	Integrating Land Use and Transport	Not applicable.
3.5	Development Near Licensed Aerodromes	Not applicable.

4. Hazard and Risk

No.	Title	Comment
4.1	Acid Sulfate Soils	Not applicable. A Planning Proposal relates to an additional use of a recently constructed building on the land and will not result in construction or excavation works.
4.2	Mine Subsidence and Unstable Land	Not applicable.
4.3	Flood Prone Land	Not applicable.
4.4	Planning for Bushfire Protection	Not applicable.

5. Regional Planning

No.	Title	Comment
5.1	Implementation of Regional Strategies	Not applicable.
5.2	Sydney Drinking Water Catchments	Not applicable.
5.3	Farmland of State and Regional Significance - NSW Far North Coast	Not applicable.
5.4	Commercial and Retail Development along the Pacific Highway	Not applicable.
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.
5.8	Second Sydney Airport - Badgerys Creek	Not applicable.

6. Local Plan Making

No.	Title	Comment
6.1	Approval and Referral Requirements	Consistent.
6.2	Reserving Land for Public Purposes	Not applicable.
6.3	Site Specific Provisions	Consistent. The Planning Proposal does not impose any development standards or requirements in addition to those already contained in the LEP. The Planning Proposal does change any development standards or requirements already contained in the LEP.

7. Metropolitan Planning

No.	Title	Comment
7.1	Implementation of the Metropolitan Strategy	Consistent.

Section C: Environmental, social and economic impact.

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

Council's Local Planning Strategy does not identify any endangered ecological communities, vulnerable species or areas of high biodiversity significance on the land. This information was sourced from an Estuary Vegetation Management Plan prepared in 2008, a Flora Inventory prepared in 2003 and a Fauna Survey prepared in 2003.

The proposed additional use is unlikely to adversely affect critical habitats, threatened species or ecological communities.

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

Potential environmental impacts are not expected as a result of the planning proposal.

The applicant advises that ample on-site car parking is already provided and any future occupancy of the existing building for the intended use will be subject to development assessment.

Potential traffic and environmental implications will be assessed as part of future development application and against Council's child care centre provisions under the Canada Bay Development Control Plan.

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

Economic effects

The planning proposal will result in increased local employment, commercial activity and business competition.

Social effects

The planning proposal will facilitate a significant sized child care centre which will assist in meeting the future needs of specific pre-school age groups of the rapidly growing population in Canada Bay.

Section D: State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

There are considered to be minimal implications for existing established infrastructure.

Table 6 Availability of public infrastructure

Infrastructure	Availability	Comment
Public Transport	Available	The site is in close proximity to public transport routes along Parramatta Road and Harris Street Five Dock.
Utilities	Available	The subject building has been recently constructed. The use of the site as a child care centre can be catered for in terms of water, sewer and electricity.
Roads	Available	The site has access to Queens Road, which links Harris Road to the East and then Parramatta Road to the South. Queens Road is listed under the RMS's Schedule of Classified & State and Regional Roads, and is a major arterial road which links Sydney CBD with the inner west and Sydney's western suburbs, as well as the M4 Motorway. The RTA will be afforded an opportunity to comment on any future development application.
Waste Management and Recycling services	Available	The planning proposal is not expected to result in any significant implications for waste management and recycling services. A Waste Management Plan will be assessed with any future development application.
Essential Services	Available	The planning proposal does not seek to increase demand on essential services.

What are the views of State and Commonwealth public authorities consulted in the gateway determination?

State and Commonwealth public authorities will be consulted following the outcome of the gateway determination.

6. PART 4 – Mapping

There are no amendments to maps associated with the Canada Bay LEP 2008 as a consequence of the planning proposal.

7. PART 5 – Community Consultation

Details of the Community Consultation that is to be undertaken on the planning proposal

Exhibition of the draft LEP will include:

- a. advertisements in the local newspaper;
- b. individually addressed letters to landowners affected by the rezoning;
- c. letters to government agencies (if applicable);
- d. notification on Council's website - www.canadabay.com.au.

The exhibition material will comprise a package of documents in an electronic form on the Council's website and in hard copy at the Canada Bay Civic Centre, Drummoyne and at Concord and Five Dock libraries.

8. PART 6 – Project Timeline

It is Council's understanding that the applicant has not yet prepared a development application for a child care centre and would like to lodge the application with Council as soon as the LEP amendment is made.

Stage	Completion Date
Commencement date of Gateway	11 October 2013
Completion of required technical information	N/A
Government agency consultation	1 November 2013
Commencement and completion dates for public exhibition	1 November 2013 – 2 December 2013
Consideration of submissions	13 December 2013
Consideration of a proposal post exhibition	31 December 2013
Date of submission to the Department to finalise the LEP	17 January 2014
Anticipated date RPA will make the plan (if delegated)	7 February 2014
Anticipated date RPA will forward to the Department for notification	7 March 2014

