

Planning Proposal - 95 Queens Road, Five Dock

Proposal Title : **Planning Proposal - 95 Queens Road, Five Dock**

Proposal Summary : **Amend the Canada Bay LEP 2008 or draft Canada Bay LEP 2013 to add the land use 'Child Care Centre' to Schedule 1 - Additional Permitted Uses for 95 Queens Road, Five Dock.**

PP Number : **PP_2013_CANAD_001_00** Dop File No : **13/08331**

Proposal Details

Date Planning Proposal Received : **15-May-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 : **95 Queens Road**

Suburb : **Five Dock** City : **Sydney** Postcode : **2046**

Land Parcel : **Lot 92 DP 1047100**

DoP Planning Officer Contact Details

Contact Name : **Tharani Yoganathan**

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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 : **0292286436**

Contact Email : **sandy.shewell@planning.nsw.gov.au**

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 :	12

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 2008 or draft Canada Bay LEP 2013 to add the land use 'child care centres' to Schedule 1 - Additional Permitted at 95 Queens Road, Five Dock.**

The Department supports this planning proposal because:

- It will fulfil a need identified in Council's Child and Family Needs Strategy.
- It is in a suitable location as it is adjoins RE1 Public Recreation, R2 Low Density Residential and R3 Medium Density Residential;
- 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 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 'Child Care Centre' as an additional land use under schedule 1, for 95 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.**

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The planning proposal will amend the Canada Bay LEP 2008 or draft Canada Bay LEP 2013 by adding to schedule 1:

- Use of Certain land at 95 Queens Road, Five Dock being Lot 92 DP 1047100

Development for the following purposes is permitted with consent: child care centre

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 using part of this site for a non industrial use such as a child care centre it reduces the potential floor space for industrial uses in an 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 land use 'child care centre', to schedule 1 - additional permitted use. It will also create 12 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 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 :

This planning proposal does not amend any maps in the Canada Bay LEP 2008 or draft Canada Bay LEP 2013.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

- Council proposes to exhibit the planning proposal for 28 days. A minimum of 14 days will be recommended as this is a low impact proposal.

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- 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?

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 : June 2013

Comments in relation
to Principal LEP :

Council has forwarded the draft Canada Bay LEP 2013 to the Department to be made. The Department is working towards the finalisation of this instrument. The planning proposal will amend either Canada Bay LEP 2008 or draft Canada Bay LEP 2013, depending on the timing of finalising the draft Canada Bay LEP 2013.

Assessment Criteria

Need for planning
proposal :

This planning proposal will amend the Canada Bay Local Environmental Plan 2008 or draft Canada Bay LEP 2013, to add the land use 'Child Care Centre' to Schedule 1 for 95 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 Month** 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
Project Timeline.docx	Determination Document	No
Attachment_4_ - 95 Queens Road, Five Dock.docx	Determination Document	No
Council letter.pdf	Proposal Covering Letter	No
Council Report.pdf	Determination Document	No
Planning Proposal - 95 Queens Road, Five Dock.pdf	Proposal	No

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 the planning proposal proceed subject to the following conditions:**

- Planning proposal is exhibited for 14 days.
- Planning proposal be completed within 6 months.
- A public hearing is not required to be held.
- The Director General considers the inconsistency with directions 6.3 Site Specific Provisions to be of minor significance.
- The Director General's approval for the inconsistency with direction 1.1 Business and Industrial zone is required. It is recommended that the Director General approve this inconsistency with the direction.
- An authorisation to exercise delegation to make the plan be issued to the council for this planning proposal.

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

- It is in a suitable location as it adjoins RE1 Public Recreation, R2 Low Density Residential and R3 Medium Density Residential;
- It is considered this planning proposal will have minimal impact on the surrounding environment;
- It is considered that the addition of 'Child Care Centres' is fulfilling a demand for this use in the area; 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.

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Signature:



Printed Name:

Sandy Shewell

Date:

27.5.13

