

**ITEM 25 - 27 SPENCER STREET, FIVE DOCK - ADDITIONAL
PERMITTED USE, CHILD CARE CENTRE**

Department Planning & Environment

Author Initials: EMM

EXECUTIVE SUMMARY

Council has received a Planning Proposal for an amendment to the Canada Bay Local Environmental Plan (LEP) 2013 for an additional permitted use (Childcare Centre) at 25 – 27 Spencer Street, Five Dock which is currently zoned IN1 General Industrial and is within the Five Dock Industrial Precinct.

The location of Childcare Centres in industrial areas is prohibited under the Canada Bay LEP 2013. However, as detailed within this report, strategic studies undertaken for the future planning of the Five Dock Industrial Precinct and the supporting technical studies submitted with the Planning Proposal such as traffic, air quality, electromagnetic energy levels and noise assessments have demonstrated that a Childcare Centre would be suitable at the proposed subject site.

The Planning Proposal is intended to allow a Childcare Centre as an additional permitted use on the site, whilst maintaining the existing zone IN1 General Industrial objectives.

This report seeks Council’s endorsement to submit a Planning Proposal to the Department of Planning and Environment for a Gateway Determination to proceed to public exhibition.

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:

“There are services that meet my needs”

REPORT

Subject site

The subject site is located on the south eastern corner of Spencer Street and Regatta Road, Five Dock. The site is located within an industrial precinct, which extends south to Parramatta Road, west to Walker Street and east along Queens Road past Harris Road.

The immediate area consists predominantly of industrial development to the west and east along Queens Road as well as to the south to Parramatta Road, residential

development to the north and north-west, and public open space and the Five Dock Leisure, to the north.

Canada Bay Mitre 10 adjoins the subject site to the east. This activity also extends to the southern side of the rear lane, which the subject site also abuts. To the immediate south stands a series of buildings used for industrial purposes, with the exception of the corner site that operates as an approved brothel.

The subject site is also located north-east of 95 and 97 – 99 Queens Road, which both submitted similar Planning Proposals seeking additional permitted use for a Childcare Centre. These were supported by Council and have been approved and gazetted by the Department of Planning and Environment.

The aerial map below illustrates the location of the site and the surrounding context.



The site currently contains a new two (2) storey building with two (2) basement parking levels and a mezzanine level. In addition, the site provides for rear lane access to its southern boundary. Photographs of the site and immediate surrounding properties are provided as attachment 1.

The Planning Proposal

Council has received an application from GAT & Associates (provided as attachment 2) to permit a Childcare Centre as an additional permitted use at 25 – 27 Spencer Street, Five Dock. Childcare Centres are currently a prohibited use in the IN1 General Industrial zone under the Canada Bay Local Environmental Plan 2013.

The proposed amendment to Canada Bay Local Environmental Plan 2013 is provided in the following table:

Canada Bay Local Environmental Plan 2013	Amendment
Schedule 1 Additional Permitted Uses	Use of Certain land at 25 - 27 Spencer Street, Five Dock being Lot 12 and 13, DP 11967 Development for the purpose of a Childcare Centre is permitted with development consent.

Prior to the submission of this Planning proposal, a meeting between the applicant and Council staff was convened on the 18 May 2015 to discuss the site's proximity to a sex services premise on the corner of Parramatta Road and Regatta Road and the impacts the proposal may have on traffic. As a result of the meeting, Council has confirmed that the brothel was approved by Council on the 7th of May 2002 and has operated without incident since this time. In addition, a traffic and parking assessment prepared by Hemanote Consultants on the behalf of the applicant was submitted to Council as part of the Planning Proposal. The outcome of the study will be further discussed in the report.

Intended Development Concept

The Planning Proposal is intended to allow for an additional permitted use to accommodate a Childcare Centre.

The development concept envisages a two (2) storey Childcare Centre with a mezzanine level and an outdoor and rooftop balcony with two (2) levels of basement car parking. An indicative development concept is provided as attachment 3.

Matters for consideration

Child and Family Needs Strategy

In 2012, Council prepared the Child and Family Needs Strategy in order to enhance the wellbeing of families and children in the area and plan for changes in the community. The strategy was reported to the Council Meeting of 19 March 2013 and was endorsed.

The report states: *“Council acknowledges that a lack of childcare places is an ongoing issue. 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.”*

This Planning Proposal will provide for an additional Childcare Centre facility within Canada Bay and is therefore consistent with the Child and Family Needs Strategy Report prepared by Council.

New Parramatta Road Project

The New Parramatta Road project is being led by Urban Growth NSW, and is a program to renew the urban corridor from the Sydney CBD to the City of Parramatta.

The draft Parramatta Road Urban Renewal Strategy generally identifies the subject site as being within the Kings Bay Precinct (which is part of Five Dock). The Kings Bay Precinct has been identified for future mixed use growth. It is understood that public exhibition of more detailed planning for the New Parramatta Road project is to occur in October 2015.

Precedent from similar Planning Proposals

The submission of this Planning Proposal follows similar Planning Proposals for properties located to the north of the subject site at 95, and 97 – 99 Queens Road, Five Dock. These Planning Proposals are also located within the IN1 General Industrial zone and sought an additional use (Childcare Centre) on the site. The amendments were approved by the Minister and gazetted on the 23 August 2013 and 21 February 2014 respectively.

The Planning Proposal is consistent with the 95 and 97 – 99 Queens Road Planning Proposals, and therefore seeks to have the same additional permitted use to be applied to the subject site.

Traffic

The subject site is located on the southern side of Spencer Street and connects with Regatta Road from the west to form a “T” intersection. Spencer Street is a local road.

At present, there is one on-street parking space along the frontage of the subject site in Spencer Street.

Regatta Road has a speed limit of 50km/h and has four (4) on-street parking spaces along the frontage of the subject site in Regatta Road.

As part of this Planning Proposal, Hemanote Consultants have been engaged by the applicant to assess the impact of the proposed Childcare Centre to local traffic conditions. The traffic and parking assessment (provided as attachment 4) concluded that the proposed Childcare Centre will have no major impacts on existing traffic or parking conditions. Below is an excerpt from the traffic study:

- The traffic flows on Regatta Road and Spencer Street are considered to be appropriate for local roads in a mixed commercial and industrial area, with free flowing traffic without any queuing or delay in peak hours.
- The external impact of the traffic generated by the proposal is considered to be satisfactory and will not result in an unacceptable peak hour traffic generation.
- The potential increase in the number of vehicle movements in and about Regatta Road and Spencer Street will remain well within the Environmental capacity of the street, with no adverse impacts on the amenity of the area.
- The level of on-site car parking provision is considered to be adequate and in accordance with Council's requirements.
- The on-site car parking layout is adequate in accordance with Australian Standards AS2890.1:2004 and AS2890.6:2009.
- The proposed development will have no major impact on parking.
- Vehicular access to and from the subject site and proposed modifications to the traffic management system within the site are considered to be adequate and will prevent the queuing of vehicles on street.
- The subject site has good access to public transport services.

Air quality

The site is primarily bounded by motor vehicle repair workshops to the north, south, east and west and is further bounded by Parramatta Road, whereby there is a potential for vehicle exhaust emission to impact the proposed site.

The applicant has engaged Indoor Environmental Solutions to provide an air quality assessment for the site as part of the Planning Proposal. The assessment (provided as attachment 5) revealed that the air quality index was "good" and the local air quality at the subject site will be within acceptable air quality index levels and the air pollutant parameter levels within the National Standards for Criteria Air Pollutants in Australia.

Electromagnetic Energy

Two (2) radiocommunication transmitters were found within a one kilometre radius from the subject site. According to the Canada Bay Development Control Plan (DCP) 2013, the location of Childcare Centres are not to be within close proximity to mobile phone towers and base stations, transmission line easements or other sources of significant electromagnetic radiation.

As a result, the applicant engaged Indoor Environmental Solutions and provided an Electromagnetic Energy Report (attachment 6) as part of the Planning Proposal. The report concluded that the maximum cumulative electromagnetic energy levels were within the guideline levels for existing and proposed equipment at a 500m, 360° radius and 1.5 m above ground level of the radiocommunication transmitters. The subject site is approximately 554m and

555m away from the transmitters and it is unlikely that there is a human health risk.

Noise

The potential noise impact from the proposed development, such as noise from children in outdoor play areas, mechanical plant (e.g. air conditioning) and onsite and offsite road traffic on nearby residential areas have been considered as part of the assessment of the Planning Proposal.

A noise impact report was provided by the applicant as part of the Planning Proposal. EMGA Mitchell McLennan Pty Limited (EMM) was engaged by the applicant to conduct an acoustic assessment of the proposed Childcare Centre at Spencer Street, Five Dock. The assessment (provided as attachment 7) concludes that the noise emission from the Childcare Centre is unlikely to adversely impact upon the acoustic amenity of surrounding residents, given the proposed concept design. Further, emissions from the mechanical services and traffic are in accordance with the Association of Australian Acoustical Consultants (AAAC) guidelines.

The assessment recommends that windows and doors remain closed during play and sleep times indoors.

Conclusion

The intended outcome of the Planning Proposal is to allow an additional permitted use, which recognises the opportunities to accommodate a Childcare facility within Canada Bay. It is recommended that Council endorse the submission of the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

Further, the supporting technical studies submitted with the Planning Proposal such as traffic, air quality, electromagnetic energy levels and noise assessments have demonstrated that a Childcare Centre would be suitable at the proposed subject site.

RECOMMENDATION

1. THAT Council support the Planning Proposal for an additional use (Childcare Centre) at 25 – 27 Spencer Street, Five Dock.
2. THAT the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway determination.
3. THAT authority be delegated to the General Manager to make any minor modifications to the Planning Proposal following receipt of a Gateway Determination.

3. THAT following the public exhibition period a report be provided to Council on the outcome and any further action be taken.

Attachments:

1. Photos – Subject Site and Surrounds
2. Planning Proposal 25 – 27 Spencer Street Five Dock (circulated under separate cover)
3. Indicative Development Concept
4. Traffic and Parking Impact Assessment (circulated under separate cover)
5. Ambient Air Quality Assessment
6. Electromagnetic Energy (EME) Report
7. Noise Assessment (circulated under separate cover)

[Attachment 1. Photos - Subject site and Surrounds](#)

[Attachment 3. Indicative Development Concept](#)

[Attachment 5. Ambient Air Quality Assessment](#)

[Attachment 6. Electromagnetic Energy \(EME\) Report](#)

Agenda Report

Meeting Date: Tuesday, 15 September 2015

ACTION ITEM-2

ITEM 25 - 27 SPENCER STREET, FIVE DOCK - ADDITIONAL PERMITTED USE, CHILD CARE CENTRE

Mr G Turrisi, representing Mr F Elightany, addressed Council.

RESOLVED

(Crs O'Connell/Kenzler)

1. THAT Council support the Planning Proposal for an additional use (Childcare Centre) at 25 – 27 Spencer Street, Five Dock.
2. THAT the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway determination.
3. THAT authority be delegated to the General Manager to make any minor modifications to the Planning Proposal following receipt of a Gateway Determination.
4. THAT following the public exhibition period a report be provided to Council on the outcome and any further action be taken.

(FOR: Crs Ahmed, Cestar, Fasanella, Kenzler, McCaffrey, Megna,
O'Connell, Tsirekas and Tyrrell)

(AGAINST: Nil)