

PLANNING PROPOSAL

Prepared by

GAT & Associates
Town Planners
BASIX/Energy Assessors
ABGR Assessors

Proposed Amendment to
Canada Bay Local Environmental Plan 2013

25-27 Spencer Street, Five Dock

Sydney Office

Suite 15, Level 1, 469-475 Parramatta Road,
Leichhardt NSW 2040

Brisbane Office

Level 1, River Quarter, 46 Edward Street,
Brisbane QLD 4000

PO Box 96, Haberfield 2045
Email: gat@gatassoc.com.au

Phone: 9569 1100
Facsimile: 9569 1103
Mobile: 0416 257 833

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1.0 INTRODUCTION

1.1 Preamble

This Report has been prepared to explain the intended effect of, and justification for, a Planning Proposal in relation to No. 25-27 Spencer Street, Five Dock.

The subject site is located on the south eastern corner of Spencer Street and Regatta Road, Five Dock within the IN1 General Industrial Zone. The industrial precinct in which the site is located, extends between Parramatta Road (to the south) and Queens Road (to the north).

GAT & Associates have been engaged to prepare the Planning Proposal which seeks an additional permitted land use on the site under the Canada Bay Local Environmental Plan 2013. The additional permitted land use sought is a child care centre, to be included under Schedule 1 of the current Local Environmental Plan.

By including the additional permitted land use under Schedule 1, the land does not need to be rezoned in its entirety, and therefore the permissible uses of the broader IN1 General Industrial Zone, in which the site is located, will not be compromised.

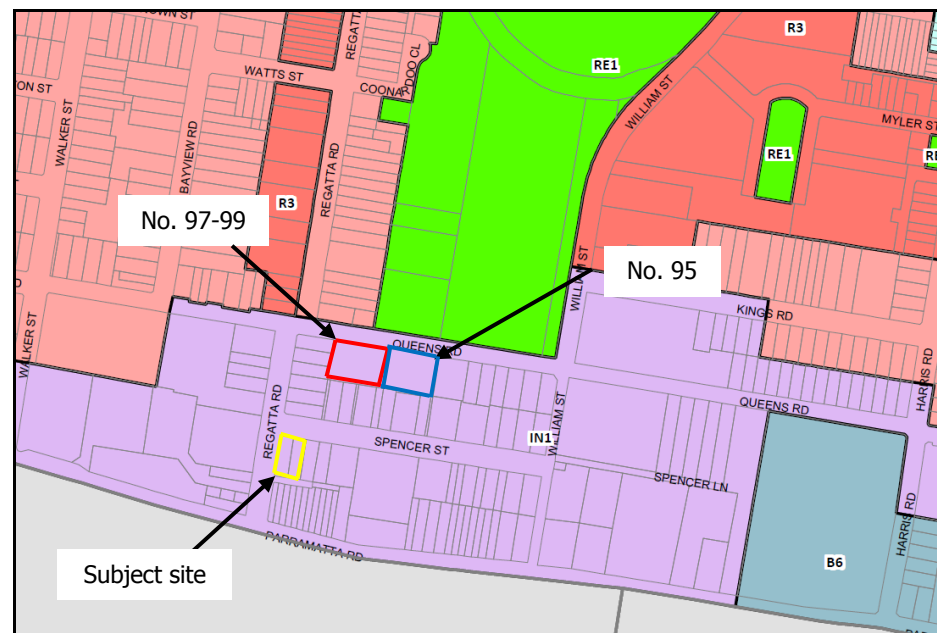
The submission of this Planning Proposal follows similar Planning Proposals for properties located to the north of the subject site at No. 95, and No. 97-99 Queens Road, Five Dock. These Planning Proposals sought an additional use (child care centre) on the site. It is worthy to note that these properties are also located within the IN1 General Industrial Zone. The Planning Proposals were approved by the Minister and the amendments to the Local Environmental Plan published on the 23 August 2013 and 21 February 2014 respectively.

Therefore, we seek to have the same additional land use as No. 95 and No. 97-99 Queens Road be applied to the site at No. 25-27 Spencer Street, Five Dock.

The subject site currently contains a two level light industrial building with basement parking, which was approved under Development Consent No. DA569/2007 by Canada Bay Council on 2 August 2011. The consent subsequently became operational with the building now standing on the site.

A subsequent Development Application (DA 389/2012) was then approved by Council on 28 March 2013 for the construction of an additional basement parking level to the approved industrial building.

Figure 1: Zoning extract from Canada Bay Local Environmental Plan 2013



Source: <http://www.legislation.nsw.gov.au>

The design of the approved building is quite contemporary in its design, and incorporates multiple floor levels, including a mezzanine level and basement parking. A concurrent development application has been submitted to Canada Bay Council for consideration of the proposed child care centre use which includes modifications to the existing building, including the extension of the mezzanine level.

The building is currently unoccupied.

This Report has been prepared to accompany a formal request to amend the current Canada Bay Local Environmental Plan 2013, to permit child care centres as an additional permitted land use at No. 25-27 Spencer Street, Five Dock, under Schedule 1 of the Local Environmental Plan 2013.

As detailed within this report, studies undertaken for the future planning of the area demonstrate that a commercial zoning would be the most appropriate outcome for the site. Therefore the proposed use of the site as a child care centre, would align with these future uses.

We believe that the building is well suited for a child care centre use, given the floor layouts and the 34 basement car spaces (including 4 accessible spaces) provided within the basement car park.

1.2 Purpose

This Report has been prepared pursuant to the provisions of the Environmental Planning & Assessment Act 1979 and accompanying Regulation. To that end, it:

- identifies the site and describes the surrounding locality;
- describes the nature and purpose of the proposed Local Environmental Plan amendment;
- identifies the relevant planning controls and land use strategies;
- provides a preliminary assessment of the proposed Local Environmental Plan amendment against the provisions of Section 55(2) of the Environmental Planning & Assessment Act 1979 to assist in the preparation of a formal Planning Proposal; and
- considers the development application that has been lodged concurrently.

2.0 SITE AND CONTEXT

2.1 Site Details

The subject site is located on the south eastern corner of Spencer and Regatta Streets, Five Dock. The site is legally referred to as Lots 12 and 13 in Deposited Plan 113967 and commonly known as 25 - 27 Spencer Street, Five Dock.

The site is perfectly rectangular in its shape, with a primary frontage to Spencer Street of 23.775 metres and a secondary frontage to Regatta Road of 36.575 metres. The site has an overall area of 869.57m².

The site provides for rear lane access to its southern boundary.

The subject site is located within an industrial precinct and is adjoined by industrial development. The area is generally characterised by single and two storey buildings.

The site is located within the IN1 General Industrial Zone under the Canada Bay Local Environmental Plan 2013, which extends between Parramatta Road (to the south) and Queens Road (to the north). No. 95 and Nos. 97-99 Queens Road, which already has a Planning Proposal applying to the site, are located to the north-east of the subject site and are also zoned IN1 General Industrial, as shown in Figure 1 of this Report.

The site currently contains a two storey industrial building with 34 basement car parking spaces, which was approved under Delegation by Canada Bay Council on 2 August 2011. The consent subsequently became operational with the building now standing on the site.

The building comprises two (2) basement parking levels and two (2) floor levels, plus a mezzanine level.

The design of the approved building can be easily converted into a child care centre use given it has multiple floor levels which include balconies and two levels of basement parking.

Council has since issued the following approvals for the building:

- ❑ Development Application No. 569/2007 was approved on 19 November 2007 for the demolition of three existing buildings and the re-development of the site involving erection of a new light industrial building, containing 2 levels and basement car parking.
- ❑ Development Application No. 389/2012 was approved on 28 March

2013 for the construction of an additional basement parking level to an approved industrial building.

- ❑ Development Application No. 0020/2015 was approved on 21 July 2015 for modifications to external openings, new mezzanine level, relocation of water tank to basement and extension of lift and staircase to service a roof top terrace.

Provided below is a photo of the existing building located on the site.



Photograph 1: The existing two storey building as viewed from the corner of Spencer Street and Regatta Road. The building's appearance is that of a commercial building, with two (2) floor levels and two (2) basement parking levels.

2.2 Site Context

The site is located within an industrial precinct in Five Dock, which extends south to Parramatta Road, west to Walker Street and east along Queens Road past Harris Road.

The immediate area is characterised by a diversity of land uses and building forms extending over multiple development eras, including older and new industrial development to the west and east along Queens Road as well as to the south to Parramatta Road, older residential development to the north and north-west, and public open space (Charles Heath Reserve and Barnwell Park Golf Club) and the Five Dock Leisure Centre on the northern side of Queens Road, 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 a brothel.

The entry/exit to the service centre that contains Shell, Officeworks, McDonalds and KFC is located off centre from the rear lane.

Council's site depot is located direct opposite the site, being on the western side of Regatta Street.

Development to the north consists of other industrial type uses within buildings that occupy almost their entire site areas. Most of the existing development that is newer in form is two storeys in appearance.

Provided below is an aerial location map to show the site in relation to Spencer Street, surrounding streets and adjoining land uses.

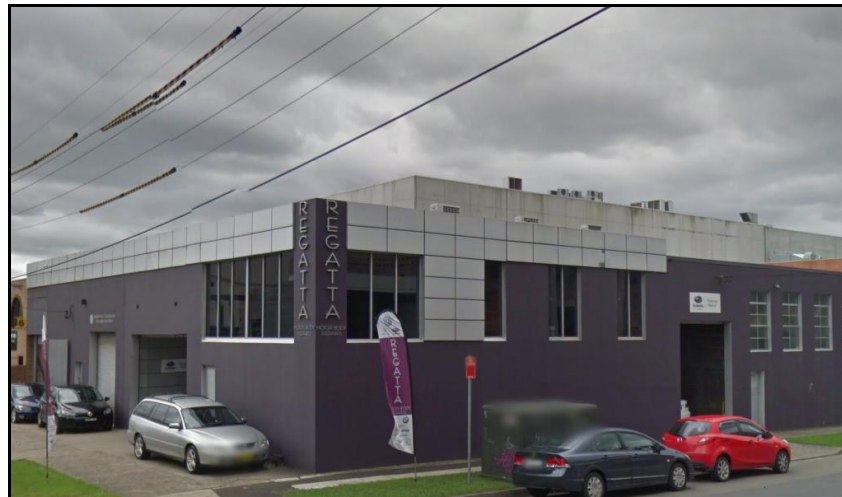


Figure 2: Aerial Photo of Subject Site (No.25-27 Spencer Street, Five Dock)
Source: SIX Maps, NSW Government 2015

Provided below are photos of the properties located in the vicinity of the subject site.



Photograph 2: The entry/exit to the service centre that contains Shell, Officeworks, McDonalds and KFC is located off centre from the rear lane. Council's site depot is located direct opposite the site, being on the western side of Regatta Street.



Photograph 3: An example of new industrial development in the area. This building is located immediately opposite the subject site.

3.0 BACKGROUND

3.1 Discussions with Council

Prior to the submission of this Planning Proposal and concurrent Development Application, a meeting was held with Council Officers on 18 May 2015 to discuss the applications.

Council expressed their support of the proposal and subsequent correspondence between Council engineers and our traffic consultant, Hemanote Consultants have endeavoured to resolve traffic management concerns.

In addition, discussions have been held with Council's Compliance Officers who have confirmed that no incidences have been recorded with regards to the sex services premise at the corner of Regatta and Parramatta Road.

3.2 Approved and Current Uses

A series of Development Applications have been lodged for the site, including applications for the redevelopment of the site and subsequent Section 96 Modifications.

The following Development Applications and approvals are relevant to the current development which exists on the site. Separate applications for signage have not been included as these are not relevant, in terms of this submission.

❑ Development Application No. 569/2007:

The application was approved on 19 November 2007 for the demolition of three existing buildings and the re-development of the site involving erection of a new light industrial building, containing 2 levels and basement car parking.

❑ Development Application No. 389/2012:

This application was approved on 28 March 2013 for the construction of an additional basement parking level to an approved industrial building.

❑ Development Application No. 0020/2015:

The application was approved on 21 July 2015 for modifications to external openings, new mezzanine level, relocation of water tank to basement and extension of lift and staircase to service a roof top terrace.

□ **Current Uses:**

The building is currently vacant.

3.3 Context

The site is located within the IN1 General Industrial Zone under the Canada Bay Local Environmental Plan 2013, which extends between Parramatta Road (to the south) and Queens Road.

Recent studies have been undertaken by Council to inform planning for the Parramatta Road industrial precinct in Five Dock, namely a Socio-Economic Impact Study which provided recommendations regarding the future zoning and use of the precinct based on evidence and research and a Traffic and Transport Assessment which demonstrated the impacts of the recommendation of the Socio Economic Study on the surrounding road network and to provide advice on road infrastructure improvements required to offset these impacts.

The Socio-Economic Study referred to in Council's Report was prepared by Hill PDA Pty Ltd prior to the implementation of the Canada Bay Local Environmental Plan 2013, and outlined the three (3) stages of the project:

Stage 1 – Socio-Economic Impact Study (completed by Hill PDA);
Stage 2 – Traffic and Transport Assessment; and
Stage 3 – Urban Design Study.

The Socio-Economic Impact Study completed by Hill PDA assessed the following planning scenarios:

- Scenario 1 – no changes to the Precinct's existing IN1 General Industrial and B6 Enterprise Corridor Zone.
- Scenario 2 – facilitates a broader mix of employment generating uses within the Precinct through the extension of uses that may be permitted with consent and the use of a new employment zone.
- Scenario 3 – facilitates a broader mix of non-employment generating land uses including residential through the use of the B6 Enterprise Corridor Zone.

The Study found that Scenario 2 would have the best economic and social outcomes, and it was recommended to rezone the land currently zoned IN1 General Industrial to B5 Business Development. While the Canada Bay Local Environmental Plan 2013 does not provide for the B5 zone, the Standard Template allows for the following development with consent within the B5 zone:

"Bulky goods premises; Child care centres; Garden centres; Hardware and building supplies; Landscaping material supplies; Passenger transport facilities; Respite day care centres; Warehouse or distribution centres"

Therefore, this Planning Proposal for an additional use of a child care centre is in line with the Socio-Economic Study prepared by Hill PDA Pty Ltd.

It is acknowledged that although the current Canada Bay Local Environmental Plan 2013 retained an industrial zoning on the site, as this Planning Proposal will retain the IN1 General Industrial zone and instead amend Schedule 1 of the Local Environmental Plan, the broader industrial precinct will not be impacted.

In order for Council to consider the possible increased intensity of development within the Precinct, the cumulative impact of traffic generated by the three (3) planning Scenarios on the surrounding local and collector road network is required to be assessed.

In October 2012, Council appointed URS Australia to prepare a Traffic and Transport Assessment to support the future development of the Parramatta Road Industrial Precinct at Five Dock.

The report found that under Scenario 2 (as detailed above), it was recommended that Regatta Rd and Spencer Street were greater utilised.

As part of this Planning Proposal and concurrent Development Application, Hemanote Consultants and AGD Intelligent Detection Systems have assessed the impact of the proposed childcare centre to local traffic conditions.

Our consultants have determined that the proposed child care centre will result in increased traffic flow during peak periods with vehicles queuing out into Regatta Road. Subsequent discussions have been held between Council's Engineers and our consultants and no objection was raised to the proposed driveway configuration/signal system.

As detailed in the concurrent Development Application, the carpark has been designed to ensure minimal traffic disruption to Spencer Street and Regatta Road. This has been achieved through a two way traffic signal placed at either end of the existing ramp to ensure safe, one way traffic movement at any one time. A holding bay with provision for three vehicles, will be line marked at the traffic signal to regulate traffic movement and will further ensure that queuing of vehicles, if it is to occur, it would take place within the site boundaries and not on the street. In addition, a green light priority will be given to vehicles entering

the basement level, in order to avoid any queuing of vehicles on the street.

As noted previously in this report, No. 95 and No. 97-99 Queens Road, Five Dock have submitted Planning Proposals to allow a child care centre as an additional land use for the site under Schedule 1 – Additional Permitted Uses.

It is considered that the Proposal for No. 25-27 Spencer Street, Five Dock, is consistent with these Planning Proposals which have subsequently been approved and implemented by the Department of Planning and Infrastructure. The building at No. 25-27 Spencer Street provides for a large amount of on-site parking that would solely be used in conjunction with the child care centre use. Therefore we believe that the building at No. 25-27 Spencer Street is capable of providing an additional use of this nature.

We submit that the Planning Proposal to allow a child care centre as an additional use on the site will maintain the existing zone's objectives, and recognise the specific opportunities which the approved and constructed built form presents to accommodate a child care centre for the Canada Bay Local Government Area.

Background reports, prepared as part of the Development Application, should also be considered as part of this Planning Proposal. The is found as part of the overall development package.

4.0 LEGISLATIVE CONTEXT

Section 55(1) of the Environmental Planning & Assessment Act, 1979 specifies that before an environmental planning instrument is made, the relevant planning authority is required to prepare a document that explains the intended effect of the proposed instrument, and sets out the justification for its making ("the Planning Proposal").

Section 55(2) specifies that the Planning Proposal is to include a statement of objectives and intended outcomes of the proposed instrument; an explanation of the provisions that are to be included in the proposed instrument; the justification for those objectives, outcomes and provisions; maps to be adopted by the proposed instrument; and details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Department of Planning has published "*A Guide to Preparing Planning Proposals*" (October 2012), to explain the format and content of a Planning Proposal to be prepared by the relevant planning authority. The Department of Planning's guideline is issued under Section 55(3) of the Environmental Planning & Assessment Act 1979 and provides guidance and information on the process for preparing planning proposals.

4.1 Objectives and Intended Outcomes

In general terms, the objective of the proposed Local Environmental Plan amendment is to facilitate an additional land use of 'Child Care Centre' to the existing permissible uses on the site at No. 25-27 Spencer Street, Five Dock, which is zoned IN1 General Industrial.

The intended outcome of the Planning Proposal is to allow an additional land use which recognises the specific opportunities the site presents to accommodate an additional child care facility within Canada Bay, while maintaining the objectives of the existing IN1 General Industrial Zone.

4.2 Explanation of Provisions

The proposed outcome will be achieved by:

- Amending Schedule 1 of the Canada Bay Local Environmental Plan 2013 to permit a child care centre as an additional use at 25-27 Spencer Street, Five Dock (being Lots 12 and 13 in DP 11967).

4.3 Justification of Provisions

Section A – Need for the planning proposal

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

Council has obtained funding from the Department of Planning and Infrastructure to investigate the future zoning of the Five Dock industrial area. A Socio-Economic Study has been completed by Hill PDA Pty Ltd, and outlined the three (3) stages of the project:

Stage 1 – Socio-Economic Impact Study (completed by Hill PDA);
Stage 2 – Traffic and Transport Assessment; and
Stage 3 – Urban Design Study.

The Socio-Economic Impact Study completed by Hill PDA assessed the following planning scenarios:

- Scenario 1 – no changes to the Precinct's existing IN1 General Industrial and B6 Enterprise Corridor Zone.
- Scenario 2 – facilitates a broader mix of employment generating uses within the Precinct through the extension of uses that may be permitted with consent and the use of a new employment zone.
- Scenario 3 – facilitates a broader mix of non-employment generating land uses including residential through the use of the B6 Enterprise Corridor Zone.

The Study found that Scenario 2 would have the best economic and social outcomes, and it was recommended to rezone the land currently zoned IN1 General Industrial to B5 Business Development. While the draft Canada Bay Local Environmental Plan 2012 did not provide for the B5 zone, the Standard Template allows for the following development with consent within the B5 zone:

"Bulky goods premises; Child care centres; Garden centres; Hardware and building supplies; Landscaping material supplies; Passenger transport facilities; Respite day care centres; Warehouse or distribution centres"

Therefore, this Planning Proposal for an additional use of a child care centre is in line with the Socio-Economic Study prepared by Hill PDA Pty Ltd which looked at the broader industrial zone. Although the study related to a to an up zoning of the entire precinct, it still reinforces that that this type of land use would be appropriate for the area.

In order for Council to consider the possible increased intensity of development within the Precinct, the cumulative impact of traffic generated by the three (3) planning Scenarios on the surrounding local and collector road network is required to be assessed.

Following the Council Meeting held on 17 July 2012 where the report on the draft Local Environmental Plan was considered, Council resolved:

1. *"THAT the rezoning of the Five Dock industrial precinct be considered following the finalisation of the Socio Economic Study, Traffic Study and Urban Design study.*
2. *THAT in relation to the Parramatta Road, Five Dock Socio-Economic Study:*
 - a) *THAT the Hill PDA Report be received and noted.*
 - b) *THAT Council proceed with the preparation of a Traffic and Transport Assessment to test the impact of the scenarios detailed in the report.*
 - c) *THAT following the completion of the Traffic and Transport Assessment a report be provided to Council on the outcome."*

In October 2012, Council appointed URS Australia to prepare a Traffic and Transport Assessment to support the future development of the Parramatta Road Industrial Precinct at Five Dock. The report found that under Scenario 2 (as detailed above), it was recommended that Regatta Rd and Spencer Street were utilised, with Queens Road flaring.

As part of this Planning Proposal and concurrent Development Application, Hemanote Consultants and AGD Intelligent Detection Systems have assessed the impact of the proposed childcare centre to local traffic conditions.

Our consultants have determined that the proposed child care centre will result in increased traffic flow during peak periods with vehicle queuing out into Regatta Road.

Accordingly, management strategies have been designed with regards to the carpark to ensure minimal traffic disruption to Spencer Street and Regatta Road. A two way traffic signal placed at either end of the existing ramp will ensure safe, one way traffic movement at any one time while a holding bay, with provision for three vehicles, will be line marked at the traffic signal will further ensure that queuing of vehicles, if it is to occur, will take place within the site boundaries and not on the street. A green light priority will be given to vehicles entering the basement level, in order to avoid any queuing of vehicles on the street. The proposal is therefore considered to adequately address traffic management considerations.

This Planning Proposal is also consistent with a recent Child and Family Needs Strategy Report, which was prepared by Council and reported to the Council Meeting of 19 March 2013 and was endorsed. The report states:

"The need for more childcare places was also raised by another comment and is covered in the Strategy. Council is developing a plan for a new childcare centre at Powell's Creek but it does acknowledge 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."

The Report concludes:

"While the City of Canada Bay has always been a popular area for families, the 2011 Census reveals that there have been significant increases in the number of children in the City in recent years. The continued focus on improving opportunities for all children and their families against the internationally recognised UNICEF child friendly framework will secure the City's standing as a child friendly city."

This Planning Proposal will provide for an additional child care centre facility within the City of Canada Bay is therefore consistent with the Child and Family Needs Strategy Report prepared by Council.

2. 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 the most appropriate means of achieving the objective or intended outcome. This Planning Proposal seeks to allow an additional use on the subject site for a child care centre, which suits the layout of the building and is an appropriate land use within the surrounding area. As this proposal only relates to the site at No. 25-27 Spencer Street, Five Dock, the broader industrial zone will not be affected.

There will be a community benefit as a result of the Planning Proposal, in that it will allow for an additional child care centre service within the Canada Bay Local Government Area, which will be able to assist in meeting the current and future demands of the local community for child care. Economically, the centre will encourage additional business competition and will generate on-going employment opportunities within the local government area.

Section B – Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The NSW State Government released *A Plan for Growing Sydney* in December 2014 which sets out a new plan for the city’s future over the next two decades which replaces the Sydney Metropolitan Plan. It provides direction for Sydney’s productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

A Plan for Growing Sydney includes six subregions, noting that the subject site will be located within the “Central” subregion.

The priorities for the *Central Subregion* include a competitive economy with world class services and transport. Direction 1.11 “*Deliver infrastructure*” considers the importance of long term planning for social infrastructure, including child care centres, to support growing communities.

The NSW State Government also has a NSW 2021 Plan, which is a 10 year plan to rebuild the economy, return quality services, renovate infrastructure, restore accountability to government, and strengthen our local environment and communities. It replaces the State Plan as the NSW Government’s strategic business plan. The Plan establishes 32 goals, with the following goals being relevant to this Planning Proposal:

Goal	Statement of Consistency
1. Improve the performance of the NSW economy	The Planning Proposal will allow an additional child care centre within the Canada Bay LGA will provide opportunity for additional business to operate on the site, contributing to the NSW economy.
4. Increase the competitiveness of doing business in NSW	The Planning Proposal will allow an additional child care centre within the Canada Bay LGA, which will encourage competition between similar users.
15. Improve education and learning outcomes for all students	The Planning Proposal will allow an additional child care centre within the Canada Bay LGA, which will provide education and learning facilities for pre-school aged children.

4. *Is this planning proposal consistent with a council’s local strategy or other local strategic plan?*

‘FuturesPlan20’ (FP20) is a blueprint for the future of the City of Canada Bay. FP20 was first developed in 2008 based on what the community

saw as its vision for the City, and is now under review. With a range of input and feedback from community members, Council has used the information to create an updated version of FuturesPlan20.

FuturesPlan20 is built around four theme areas. The themes are a summary of the aspirations and desires which the community has. Each theme has a number of goals within it, which paint a clearer picture of the theme. Each goal is further defined by a number of directions; being broad statements which indicate how the community will achieve the goals.

The following table summarises the themes and goals which are applicable to this Planning Proposal:

Theme	Goal
Theme 1 – Active and Vibrant	There are services that meet my needs.
Theme 3 – Innovative and Engaged	I know where to find the services I need and feel comfortable in accessing them. My City is well managed and my needs are met through high quality services and well maintained facilities and infrastructure
Theme 4 – Thriving and Connected	I am able to expand my skills and strengths while still working close to home. I have access to local businesses of a high quality, global standard

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The following table lists the current State Environmental Planning Policies and Sydney Regional Environmental Plans (being deemed SEPPs):

State Environmental Planning Policy	Statement of Consistency
No. 1 – Development Standards	Not applicable.
No 14—Coastal Wetlands	Not applicable.
No 15—Rural Landsharing Communities	Not applicable.
No 19—Bushland in Urban Areas	Not applicable.
No 21—Caravan Parks	Not applicable.
No 26—Littoral Rainforests	Not applicable.
No 29—Western Sydney Recreation Area	Not applicable.
No 30—Intensive Agriculture	Not applicable.
No 32—Urban Consolidation (Redevelopment of Urban Land)	Not applicable.
No 33—Hazardous and Offensive Development	Not applicable.
No 36—Manufactured Home Estates	Not applicable.

State Environmental Planning Policy	Statement of Consistency
No 39—Spit Island Bird Habitat	Not applicable.
No 44—Koala Habitat Protection	Not applicable.
No 47—Moore Park Showground	Not applicable.
No 50—Canal Estate Development	Not applicable.
No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
No 55—Remediation of Land	Not applicable.
No 59—Central Western Sydney Regional Open Space and Residential	Not applicable.
No 62—Sustainable Aquaculture	Not applicable.
No 64—Advertising and Signage	Not applicable.
No 65—Design Quality of Residential Apartment Development	Not applicable.
No 70—Affordable Housing (Revised Schemes)	Not applicable.
No 71—Coastal Protection	Not applicable.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable.
State Environmental Planning Policy (Infrastructure) 2007	Not applicable.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable.
State Environmental Planning Policy (Kurnell Peninsula) 1989	Not applicable.
State Environmental Planning Policy (Major Development) 2005	Not applicable.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Not applicable.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable.
State Environmental Planning Policy (Rural Lands) 2008	Not applicable.
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	Not applicable.
State Environmental Planning Policy (State and Regional Development) 2011	Not applicable.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable.
State Environmental Planning Policy (Three Ports) 2013	Not applicable.
State Environmental Planning Policy (Urban Renewal) 2010	Not applicable.

State Environmental Planning Policy	Statement of Consistency
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable.
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable.

In addition, the following Sydney Regional Environmental Plans are not relevant to the Planning Proposal:

- Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas);
- Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995);
- Sydney Regional Environmental Plan No 16—Walsh Bay;
- Sydney Regional Environmental Plan No 18—Public Transport Corridors;
- Sydney Regional Environmental Plan No 19—Rouse Hill Development Area;
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997);
- Sydney Regional Environmental Plan No 24—Homebush Bay Area;
- Sydney Regional Environmental Plan No 25—Orchard Hills;
- Sydney Regional Environmental Plan No 26—City West;
- Sydney Regional Environmental Plan No 28—Parramatta;
- Sydney Regional Environmental Plan No 30—St Marys;
- Sydney Regional Environmental Plan No 33—Cooks Cove; and
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?*

The following tables outline the Ministerial Directions under s.117 of the Environmental Planning and Assessment Act, 1979.

1. Employment and Resources		
No.	Title	Comment
1.1	Business and Industrial Zones	<p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic centres.</p> <p>The objectives are satisfied as the proposal retains the existing industrial zone and allows an additional land use on the site.</p>
1.2	Rural Zones	Not applicable.

1. Employment and Resources		
No.	Title	Comment
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	Environment Protection Zones	Not applicable.
2.2	Coastal Conservation	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.
3.6	Shooting Ranges	Not applicable.

4. Hazard and Risk		
No.	Title	Comment
4.1	Acid Sulfate Soils	Not applicable. The Planning Proposal does not alter the built form existing on the site.
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 on the NSW Far North Coast	Not applicable.

5. Regional Planning		
No.	Title	Comment
5.4	Commercial and Retail Development Along the Pacific Highway, North Coast	Not applicable.
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGS)	Revoked 18 June 2010.
5.6	Sydney to Canberra Corridor	Revoked 10 July 2008. See amended Direction 5.1.
5.7	Central Coast	Revoked 10 July 2008. See amended Direction 5.1.
5.8	Second Sydney Airport: Badgerys Creek	Not applicable.

6. Local Plan Making		
No.	Title	Comment
6.1	Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This Planning Proposal will not alter this.
6.2	Reserving Land for Public Purposes	Not applicable.
6.3	Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. This Proposal does not place further restrictions on the site or industrial zone.

7. Metropolitan Planning		
No.	Title	Comment
7.1	Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. This Planning Proposal is consistent with the Metropolitan Plan for Sydney 2036.

Section C – Environmental, social and economic impact

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

The site has been developed for industrial purposes. The site is not identified on Council's maps as having any endangered ecological communities. The Planning Proposal will not affect any critical habitat or threatened species.

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

There are no environmental effects likely to arise as a consequence of the Planning Proposal.

A concurrent development application has been submitted to Council which provides for a full and detailed assessment of the proposed child care centre and demonstrates that the building/site is capable of satisfying the requirements of State and Council policies in relation to child care centres.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The Planning Proposal will contribute to subregional employment targets, and facilitate the implementation of Council's vision regarding the provision of additional child care within the Canada Bay Local Government Area, for which there is a high demand.

The building layout in terms of the floor plans is conducive to such a use, and the basement levels provide ample car parking for all users.

Section D – State and Commonwealth interests

10. *Is there adequate public infrastructure for the planning proposal?*

The site is serviced by all necessary public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?*

Any comments from State and Commonwealth public authorities received during the Gateway process can be responded to as required.

4.4 Part 4 – Mapping

As the Planning Proposal is to amend Schedule 1 to allow an additional land use, there are no amendments required to maps associated with the Canada Bay Local Environmental Plan 2013.

4.5 Part 5 – Community Consultation

The community consultation process will be implemented in accordance with Section 57 of the Environmental Planning and Assessment Act, 1979.



5.0 CONCLUSION

This Report has been prepared to explain the intended effect of, and justification for, a Planning Proposal in relation to No. 25-27 Spencer Street, Five Dock.

This Planning Proposal for No.25-27 Spencer Street, Five Dock, seeks to have an additional permitted land use allowed on the site under the Canada Bay Local Environmental Plan 2013. The additional permitted land use sought is a child care centre, to be included under Schedule 1 of the current Local Environmental Plan.

Having the additional permitted land use included under Schedule 1 avoids the rezoning of the land and does not compromise the permissible uses of the broader IN1 General Industrial Zone in which the site is located.

The intended outcome of the Planning Proposal is to allow an additional land use which recognises the specific opportunities the site presents to accommodate an additional child care centre facility within the Canada Bay Local Government Area, while maintaining the objectives of the existing IN1 General Industrial Zone.

The Planning Proposal is consistent with the recent strategic studies, being the Socio-Economic Study prepared by Hill PDA Pty Ltd in relation to the Five Dock Industrial Area, Council's *FuturesPlan20*, and the Child and Family Needs Strategy Report prepared by Council in 2013, as well as the Metropolitan Plan for Sydney to 2036 and supporting draft Inner West Subregional Strategy.

GAT & Associates
Plan 2395

		Draft	Final
Prepared by: Melissa Rodrigues	MR	✓	✓
Checked by: Gerard Turrisi	GT	✓	✓

Project Timeline

Milestone	Timeframe and/or date
Anticipated commencement date of Gateway	Date of Gateway determination.
Anticipated timeframe for completion of required technical information	<p>Technical studies have been provided to support the Planning Proposal</p> <p>However applicable, if further information is required.</p>
Timeframe for government agency consultation	As specified in Gateway determination.
Commencement and completion dates for public exhibition period	Dates are dependent on Gateway determination.
Timeframe for Consideration of submissions	Two (2) weeks following completion of public exhibition
Timeframe consideration of a proposal post exhibition	Three (3) weeks
Date of submission to the Department to finalise the LEP	To be determined.
Anticipated date the Council make the plan if delegated	Not applicable.
Anticipated date Council will forward to the department for notification	To be determined.