

PLANNING  
PROPOSAL  
ADDENDUM

ADDENDUM TO PLANNING PROPOSAL  
25 – 27 SPENCER STREET, FIVE DOCK

March 2015

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## Introduction

Council at its meeting on the 16 February 2016 endorsed a Planning Proposal for 25 – 27 Spencer Street, Five Dock to proceed to gazettal. The Planning Proposal seeks an additional permitted use at the subject site to permit a childcare centre in the existing IN1 General Industrial zone.

The Planning Proposal was endorsed by Council for public exhibition on 15 September 2015 and submitted documentation to the NSW Department of Planning and Environment for a Gateway Determination. The Gateway Determination was issued on 17 November 2015 allowing the planning proposal to proceed to public exhibition.

Prior to commencement of the exhibition, Council requested the applicant to update the planning proposal to demonstrate consistency with conditions 1, 2 and 3 of the Gateway Determination. The applicant's response is provided as Attachment 1.

Following the update of the Planning Proposal, the exhibition period of the proposal occurred for forty six (46) days from the 15 December 2015 to 29 January 2016. Council received one (1) submission from Urban Growth NSW. Detail of the submission is provided in this document.

This document is an addendum to the Planning Proposal which includes the applicant's response to the conditions of the Gateway Determination, submission from Urban Growth NSW, information on the community consultation and an updated project timeline.

## Applicant response to conditions 1, 2 & 3 of the Gateway Determination

Prior to undertaking public exhibition, Council updated the planning proposal to demonstrate consistency with condition 1, 2 and 3 of the Gateway Determination.

### Condition 1

The planning proposal is to be updated to give consideration to the existing approved sex service premises on the corner of Parramatta Road and Regatta Street. The planning proposal must demonstrate how this potential land use conflict will be mitigated, including the impact the proposed childcare centre may have on the operation of the sex service premises with reference to Clause 6.7 Location of Sex Services Premises in Canada Bay Local Environmental Plan 2013.

In response to condition 1, the applicant acknowledged that the subject site is located opposite an approved sex service premise. The proposed childcare centre will not result in any adverse impact to the operation of the approved premise. In addition, the two land uses are separated by an existing laneway with the primary entry/exit to the proposed childcare centre is via Spencer Street and the sex service premise is via Parramatta Road. Further, the proposed childcare centre will also incorporate external screens to the rooftop playground allowing for obscured sight lines between the two uses, ensuring that the land use conflict is minimised.

The existing sex service premise does not include any distinctive signage that can be viewed from the proposed childcare centres. The local police and Council's compliance officers have raised no issues or recorded incidences at the premise during its operation.

### Condition 2

The planning proposal is to be updated to demonstrate consistency with State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).

The applicant's response to condition 2 is the existing building is a new construction and has not been occupied by any industrial use which would have impacted the health of the building. Prior to the construction of the existing building, the site previously contained dwelling houses indicating residential use. A workshop formerly located off the laneway occupied the entire site with its operation contained within a capped environment. The previous houses were used by graphic designers and sign writers. Therefore it is not likely that the site has experienced any form of contamination and is considered to be suitable for the proposed use.

### Condition 3

The planning proposal is to be updated to demonstrate consistency with the Draft New Parramatta Road Urban Transformation Strategy.

The applicant acknowledges that the subject site is located within the Kings Bay Precinct and has been identified as a future mixed use zone under the strategy. The childcare centre will support new communities along the corridor and contribute to employment opportunities in the area. The existing building will be retained on the site with predominantly internal alterations sought to create the proposed use.

The applicant's letter is provided as Attachment 1.

## State and Commonwealth interests

### What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

In accordance with section 56 (2) (d) of the *Environmental Planning and Assessment Act 1979*, consultation is required with the public agency, Urban Growth NSW.

### Submission from Urban Growth NSW

The subject site is located within the Kings Bay Precinct as identified in the draft Parramatta Road Urban Transformation Strategy. The public consultation of the draft strategy ended on the 18 December 2015 and Urban Growth NSW is now reviewing all feedback received. It is anticipated that the draft strategy will be finalised and adopted in June 2016.

Urban Growth NSW has worked cooperatively with Council to deliver land use and infrastructure planning for the Parramatta Road Corridor. Urban Growth supports Council's view that:

- There needs to be a holistic approach to the planning for the corridor.
- Permitting spot rezoning to proceed would establish an undesirable precedent for the wider corridor.
- Clear policy/mechanisms must be in place to ensure that coordinated planning and delivery of housing affordability, public transport, open space and social infrastructure.
- There is no public transport solution yet agreed for Parramatta Road in this location.

### Council's Response to Submission

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

Council is in full agreement with Urban Growth NSW that Planning Proposals that undermine the delivery of the draft strategy for Parramatta Road or establish an undesirable precedent for the wider corridor should not be supported.

The subject Planning Proposal does not change the development standards applicable to the land or generate a significant demand for local infrastructure. The use of the site for the purpose of a Childcare centre is also consistent with the proposed mixed use zone envisaged for the Kings Bay Precinct.

The proposed childcare centre will not undermine the broader objectives of the draft Parramatta Road Urban Transformation strategy and is therefore considered appropriate to proceed prior to the finalisation of the draft strategy.

## Community Consultation

Following the Gateway Determination from the Department of Planning and Environment, the Planning Proposal was exhibited from the 15 December 2015 to 29 January 2016 and included the following:

- Letters sent to land owners along Regatta Road, Parramatta Road and Spencer Street 25 – 27 Spencer Street.
- A newspaper advertisement in the local paper.
- Letter sent to Urban Growth NSW as directed by the Gateway Determination.
- The Planning Proposal and supporting documentation were publicly exhibited on the Council's website, and hard copies placed in Five Dock Library and Council's Civic Centre, Drummoyne.

Council received one (1) submission from Urban Growth NSW provided as Attachment 2.

## Updated Project Timeline

| Milestone                                                                | Timeframe and/or date                                                  |
|--------------------------------------------------------------------------|------------------------------------------------------------------------|
| Anticipated commencement date of Gateway                                 | 17 November 2015                                                       |
| Anticipated timeframe for completion of required technical information   | Technical studies have been provided to support the Planning Proposal. |
| Timeframe for government agency consultation                             | 21 December 2015                                                       |
| Commencement and completion dates for public exhibition period           | 15 December 2015 to 29 January 2016<br>(46 days)                       |
| Timeframe for consideration of submissions                               | One week following completion of public exhibition.                    |
| Timeframe for consideration of a proposal post exhibition                | Two (2) weeks                                                          |
| Date of submission to the Department to finalise the LEP                 | 7 <sup>th</sup> April 2016                                             |
| Anticipated date the Council make the plan if delegated                  | April 2016                                                             |
| Anticipated date Council will forward to the department for notification | 7 <sup>th</sup> April 2016                                             |

## **Attachment 1 -Letter from Applicant**

30 November 2015

The General Manager  
Canada Bay Council  
Locked Bag 1470  
DRUMMOYNE NSW 1470

Attention: Elvie Magallanes

Dear Elvie,

**RE: 25-27 SPENCER STREET, FIVE DOCK**

I refer to the Gateway Determination regarding the above property which sought to amend Schedule 1 of the Canada Bay Local Environmental Plan 2013 to permit the use of a child care centre at 25-27 Spencer Street, Five Dock. This letter seeks to address Conditions 1, 2 and 3 of the Gateway Determination.

Condition 1:

Prior to undertaking public exhibition, Council is to update the planning proposal to give consideration to the existing approved sex service premises on the corner of Parramatta Road and Regatta Street. The planning proposal must demonstrate how this potential land use conflict will be mitigated, including the impact the proposed use may have on the operation of the sex service premises with reference to Clause 6.7 Location of Sex Service Premises in Canada Bay Local Environmental Plan 2013.

Comment:

It is acknowledged that the subject site, being No. 25-27 Spencer Street, Five Dock is located opposite an approved sex service premise. The two sites are currently separated by an existing laneway.

With regards to Condition 1, we submit that that the proposed child care centre, will not result in any adverse impact to the operation of the approved sex service premise. At the time of the Planning Proposal being submitted, a concurrent Development Application was also submitted and proposes operating days/hours of Monday – Friday between 6:30am and 6:30pm and therefore would not conflict with the expected peak operating hours of the sex service premises.

As described above, the two land uses are also separated by the existing laneway with the primary entry/exit to the proposed child care centre being via Spencer Street. As primary access to the sex service premise is via Parramatta Road this ensures further separation is maintained between the two uses.

In addition, at roof level, the proposed child care centre also incorporates external screens to the rooftop playground allowing for obscured sight lines between the two uses, ensuring any conflict is minimised.

■ **Sydney Office**  
Suite 15, Level 1  
469-475 Parramatta Rd  
Leichhardt NSW 2040

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We also acknowledge that with regards to the operation of the proposed child care centre, in addition to the matters raised above, the existing sex services premise does not include any explicit or distinctive signage that can be viewed from the proposed child care centre and as stated in the submitted Planning Proposal, in discussions with the local Police Command and Canada Bay Council, there has been no recorded incidence at the sex service premises during its operation.

Condition 2:

Prior to undertaking public exhibition, the planning proposal is to be updated to demonstrate consistency with State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).

Comment:

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated, the consent authority, must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.

The existing building is of a new construction and has not been occupied by any industrial use which would have impacted the health of the building. The proposal does not involve any substantial building works other than the internal fit out and extension of the mezzanine level. The existing concrete capped basement level will be retained.

Prior to the construction of the existing building, the site contained dwelling houses indicating a previous residential use. A workshop formerly located off the laneway occupied the entire site with its operation contained within a capped environment. The previous houses were used by graphic designers and sign writers. Therefore it is not likely that the site has experienced any form of contamination that would render the site undevelopable.

The site is thus considered to be suitable for the proposed use.

In accordance with State Environmental Planning Policy No. 55, Council is able to conclude that no further assessment of contamination is necessary.

Condition 3:

Prior to undertaking public exhibition, the planning proposal is to be updated to demonstrate consistency with the Draft New Parramatta Road Urban Transformation Strategy.

Comment:

The subject site is located within the Kings Bay Precinct and has been identified as a Mixed Use site under the Structure Plan.

It is considered that the proposed child care centre reflects the evolution of the Precinct from a formerly industrial precinct dominated by vehicle showrooms and related uses to a residential and mixed use urban village. The proposed land use will complement the increased residential accommodation proposed for the area providing an essential service to new residents given

an expected population increase from 425 people to 6,201 people by 2050. The proposed land use will also positively contribute to employment opportunities in the area.

In terms of built form, the existing building will be retained on the site with predominantly internal alterations sought to create the proposed use.

I trust that the information provided satisfies Conditions 1, 2, 3 of the Gateway Determination and look forward to the progression of the Planning Proposal.

Should you have any questions please do not hesitate to contact me.

Kind regards

Melissa Rodrigues  
GAT & Associates  
Plan 2395

## **Attachment 2 -Submission from Urban Growth NSW**

**From:** [Stephanie Ballango](#)  
**To:** [Meredyth Davies](#)  
**Cc:** [Tony McNamara](#); [New Parramatta Rd](#)  
**Subject:** RE: 25-27 Spencer Street, Five Dock  
**Date:** Monday, 21 December 2015 4:35:24 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)

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Dear Meredith,

Thank you for the opportunity to review and respond to the planning proposal at 25-27 Spencer Street, Five Dock. The site is located within the Kings Bay Precinct as identified by the draft Parramatta Road Urban Transformation Strategy. The public consultation of the draft Strategy ended on 18 December 2015 and UrbanGrowth NSW is now reviewing all feedback received. It is anticipated the draft Strategy will be finalised and adopted in March/April 2016.

UrbanGrowth NSW mirrors Council's previously expressed view that:

- there needs to be a regional and holistic approach to planning for the Corridor;
- permitting spot rezonings to proceed would establish an undesirable precedent for the wider Corridor;
- clear policy/mechanisms must be in place to ensure the coordinated planning and delivery of housing affordability, public transport (including timing/staging), open space and social infrastructure, and value capture; and
- there is no public transport solution yet agreed for Parramatta Road in this location.

More specifically, the draft Parramatta Road Urban Transformation Strategy relies on changes to the function of Parramatta Road and the implementation of a significantly improved public and active transport system. The draft Strategy has planned in accordance with "Transit Oriented Development" principles, providing a range of higher density development nodes adjacent to good public transport to promote increased patronage of public transport and decrease people's cost and time of travel. It also seeks to provide long term relief to the road system, as increased use of public transport has a lesser traffic demand on the road network compared to car based travel patterns. If large scale development were to proceed now, people would be likely to use cars rather than public transport, as there is currently very limited public transport choice. This will increase the load on an already heavily loaded road network.

Trust this is clear however please do not hesitate to call or email if you have any questions or wish to discuss the proposal further.

Stephanie Ballango  
Assistant Development Director  
[www.urbangrowthnsw.com.au](http://www.urbangrowthnsw.com.au)  
Level 21, 227 Elizabeth Street,  
Sydney NSW 2000  
PO Box 237 Parramatta NSW 2124

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**From:** Meredyth Davies  
**Sent:** Thursday, 17 December 2015 8:29 AM  
**To:** Stephanie Ballango  
**Subject:** 25-27 Spencer Street, Five Dock  
Attention:  
Stephanie Ballango  
Assistant Development Director

Urban Growth  
Level 21, 227 Elizabeth Street  
SYDNEY NSW 2000

Dear Madam,

**Public Exhibition of Planning Proposal, 25 – 27 Spencer Street, Five Dock.**

Council has prepared a Planning Proposal to amend Canada Bay Local Environmental Plan (LEP) 2013 to allow a Childcare Centre as an additional permitted use on the site under the current IN1 General Industrial zone. A Development Application has also been lodged and is being also notified concurrently with the Proposal. The Development Application seeks approval for alterations/additions to the existing building for a 132 place Childcare Centre. The plans and documentation for the Development Application can be viewed at the following [link](#).

Condition 5 of the Gateway Determination issued by the Department of Planning and Environment on 18 November 2015 requires Council to refer the Planning Proposal to Urban Growth for comment.

In accordance with section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979*, it would be appreciated if Urban Growth could provide comment on the Planning Proposal within 21 days of receipt of this letter. Alternatively, please advise Council where you require additional time to comment on the proposal or require additional information or matters to be addressed.

**The Planning Proposal and supporting material can be found at the following [link](#).**

Should you have any specific enquiries in relation to this letter, please contact Elvie Magallanes on 9911 6410.

Yours sincerely,



Paul Dewar  
Co-ordinator, Strategic Planning

**City of Canada Bay**

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UrbanGrowth NSW wishes you a safe, happy and festive holiday season. Our offices will be closed during the Christmas / New Year break, from Wednesday 23 December 2015 to Tuesday 5 January 2016. Please note: as a state owned corporation UrbanGrowth NSW operates a strict -no gift- policy.

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