

Item 10.**Development Application, 1-7 Raglan Street, Waterloo**

File No.: D/2019/82

Summary**Date of Submission:** 4 February 2019**Applicant:** KU Children's Services**Owner:** City of Sydney Council**Cost of Works:** \$16,489**Zoning:** The site is zoned R1 - General Residential Zone. The proposed umbrella is ancillary to the use of the site as a 'centre-based child care facility', which is a permissible land use with consent.**Proposal Summary:** The subject development application seeks consent for the installation of a 4.2m high and 5m wide shade umbrella to be located in the outdoor play area of the KU James Cahill Preschool at 1-7 Raglan Street, Waterloo.

The height of the proposed umbrella/shade structure exceeds the maximum height development standard in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and therefore, cannot be undertaken as exempt development.

The application is referred to the Local Planning Panel for determination as the City of Sydney Council is the land owner.

The application was notified for a 14-day period between 11 February 2019 and 26 February 2019. No submissions were received.

The site is located in the Waterloo Conservation Area.

The proposal is generally compliant with relevant planning controls.

The proposed development is supported as it is compliant with the requirements under the Sydney DCP 2012, the Education and Care Services National Regulations, the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guideline 2017.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

- Development Controls:**
- (i) Environmental Planning and Assessment Act 1979
 - (ii) Education and Care Services National Regulations
 - (iii) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
 - (iv) Child Care Planning Guideline August 2017
 - (v) Sydney Local Environmental Plan 2012 (as amended)
 - (vi) Sydney Development Control Plan 2012

- Attachments:**
- A. Recommended Conditions of Consent
 - B. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2019/82 subject to the conditions set out in Attachment A to this report.

Reasons for Recommendation

The application is recommended for approval for the following reason:

- (A) The proposed development is consistent with the requirements under the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012 and the Education and Care Services National Regulations.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 1 DP 74967 and Lots 6, 7 and 8 DP 112169, and is commonly known as 1-7 Raglan Street, Waterloo. The site is located on the northern side of Raglan Street, between Surrey Street and Elizabeth Street.
2. The site has an area of 1390.1sqm and is generally square in shape. It has a primary street frontage to Raglan Street of 37 metres and a secondary street frontage to Surrey Street.
3. Existing on site is a single storey building located towards the front of the site (the Raglan Street frontage). The site is currently occupied by the KU James Cahill Preschool. There is an outdoor play area and a shed at the rear. The site contains mature vegetation at the rear.
4. The surrounding land uses are predominately residential dwelling houses, with the exception of several business and retail premises to the east of the site on Elizabeth Street.
5. The site is not a heritage item but is located within the Waterloo Conservation Area (C70).
6. A site inspection by Council's Planner was undertaken on 13 February 2019.
7. Photos of the site and surrounds are provided below at Figures 1 to 5:

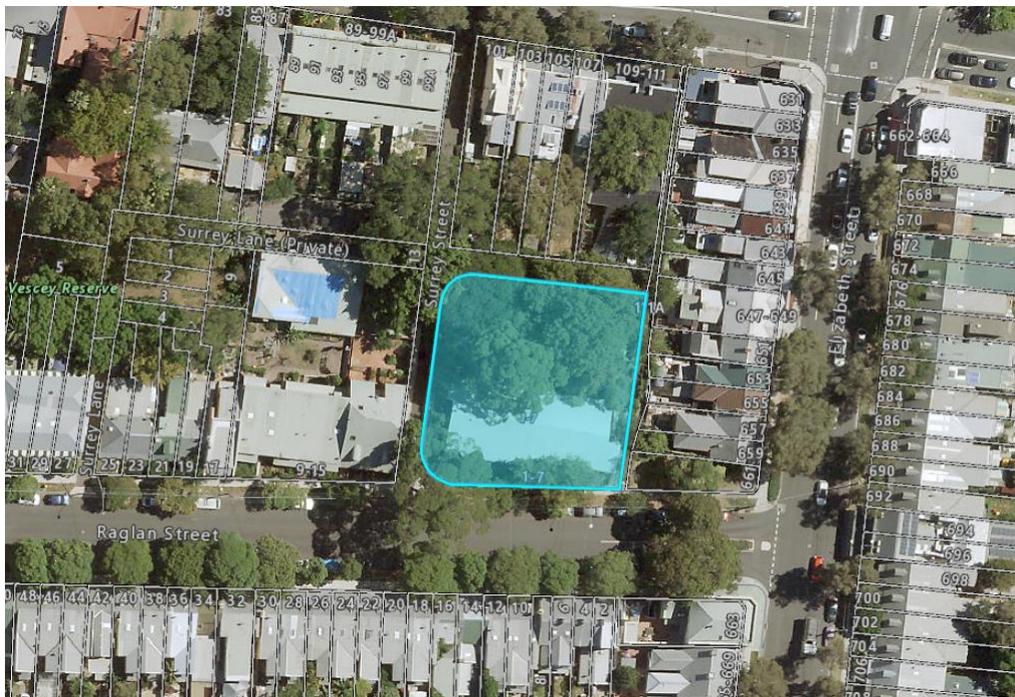


Figure 1: Aerial image of subject site (in blue) and the surrounding area.



Figure 2: View of the preschool from Raglan Street



Figure 3: View of the rear playground of the preschool from Surrey Street



Figure 4: View of the outdoor play area



Figure 5: Proposed location of the shade umbrella structure within the site

Proposal

8. The subject application seeks consent for the installation of a 4.2 metre high, 5 metre wide shade umbrella within the existing outdoor play area of the KU James Cahill Preschool at 1-7 Raglan Street, Waterloo.
9. A plan and elevation drawing of the proposed umbrella is shown below at Figures 6 and 7.

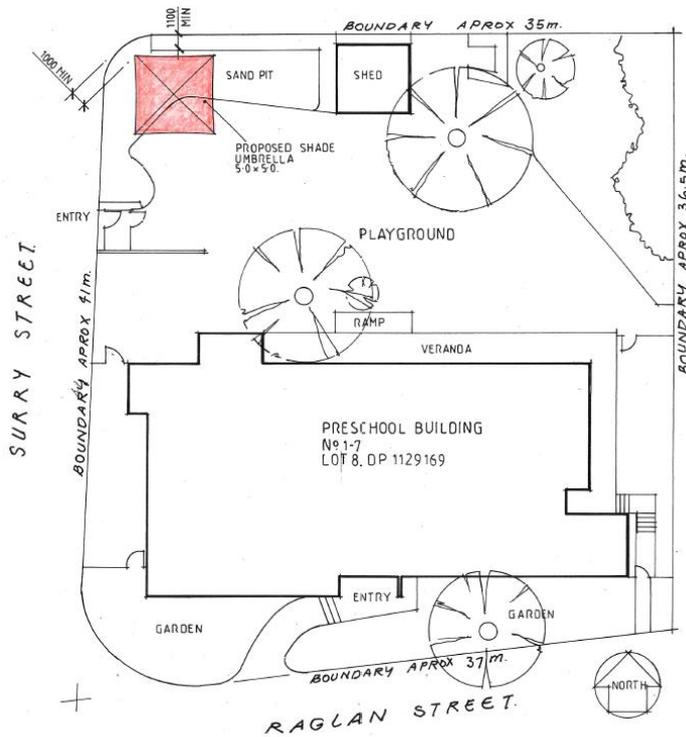


Figure 6: Proposed location of shade umbrella on the site.

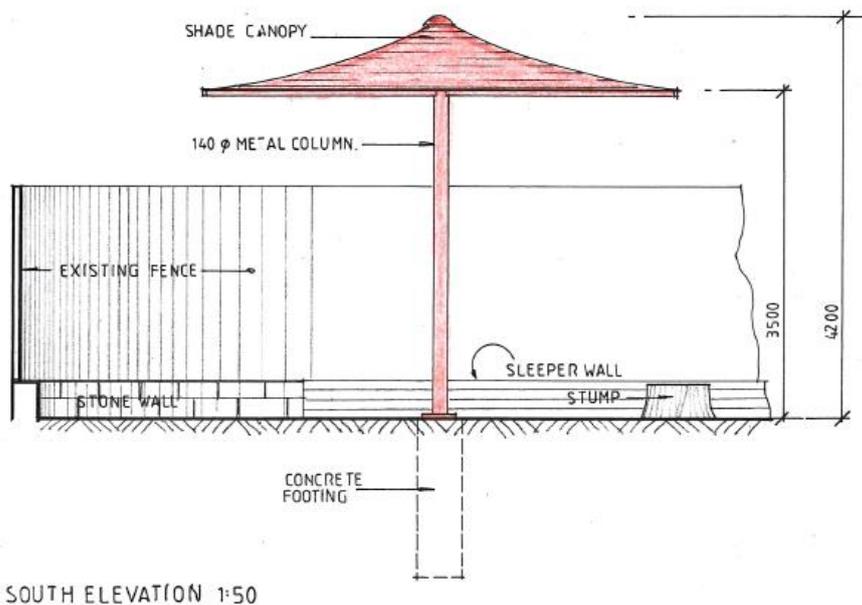


Figure 7: Elevation plan of proposed shade umbrella.

History Relevant to the Development Application

10. Development Application U00-00286 was approved on 16 March 2000, and granted consent for additions and alterations to the preschool building.

Economic/Social/Environmental Impacts

11. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

12. The proposed development is not subject to the exempt or complying provisions of this SEPP. Due to the height of the umbrella, the proposal also cannot be carried out as exempt development under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Therefore, development consent is required.
13. The scope of works does not alter the provision of indoor floor area or outdoor space, and as such, the application does not require concurrence of the NSW Department of Education under the provisions of Section 22 of this SEPP.
14. Pursuant to Section 23 of the SEPP, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline before determination.
15. The proposed development is acceptable under Section 4.11 - Shade, of the Child Care Planning Guideline. The proposal has been reviewed under these provisions and is acceptable as it will provide additional shade in the play area to protect the health and well-being of children.
16. Section 25 of the SEPP includes non-discretionary development standards which relate to centre-based child care facilities, and if complied with, these prevent the consent authority from requiring more onerous standards. The proposal complies with the non-discretionary development standards relating to centre-based child care facilities.

Sydney LEP 2012

17. The site is located within the R1 General Residential zone. The proposal is for the installation of new shade umbrella. These works are ancillary to the existing use of the site as a 'centre-based child care facility', which is a permissible use in the zone, with consent.
18. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 9m is permitted. The shade structure will have a maximum height of 4.2m.
4.4 Floor Space Ratio	Yes	A maximum FSR of 1.25:1 is permitted. There is no additional gross floor area created as part of this development.
5.10 Heritage conservation	Yes	The subject site is located within the Waterloo Conservation Area. Council's Heritage Specialist supports the proposal as it is not visible from Raglan Street and is partially visible the rear lane, Surrey Street. The umbrella will be sympathetic with the streetscape and Waterloo Conservation Area.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.21 Design excellence	Yes	<p>The installation of an umbrella is not considered to be an external alteration to an existing building, and as such, the design excellence provisions are not strictly applicable. Notwithstanding this, consideration has been given to the provisions of Clause 6.21(4) of SLEP 2012 below:</p> <p>The proposed umbrella is required to provide adequate shade to the outdoor play area of the child care facility, and is a suitable form of development for the use of the land.</p> <p>The site is located in the Waterloo Conservation Area. The proposed umbrella is located to the rear of the site, and will not be visible from the Raglan Street frontage of the site. The umbrella will be visible from the Surrey Street frontage, however, is not considered to detract from the significance of the area.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.14 Acid Sulfate Soils	Yes	The site is located in class 5 acid sulfate soils and development consent is not required under this clause to install the concrete footing as the works will disturb less than 1 tonne of soil and the works are not likely to lower the watertable.

Sydney DCP 2012

19. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Redfern Park South Locality

The subject site is located in the Redfern Park South locality. The proposed shade umbrella at a child care facility is considered to be in keeping with the unique character of the area and design principles in that it retains the predominant residential character of the locality, encourages a mix of community, commercial and service uses. This proposal will not impact on the heritage conservation area and does not alter the existing land uses in the locality.

3. General Provisions	Compliance	Comment
3.5.2 Urban vegetation 3.5.3 Tree management	Yes	The existing outdoor play area and its surrounds includes a number of large trees. The installation of the proposed umbrella will not result in the removal of any trees or require the pruning of any vegetation.
3.9 Heritage	Yes	The existing building is identified as a detracting building in the Waterloo Conservation area. No objection has been raised to the installation of the shade umbrella by the City's Heritage Specialist as it will not be visible from Raglan Street and only partially visible from the rear of the site. The umbrella will be compatible with the conservation area.
3.11 Transport and Parking	Yes	The installation of the umbrella within the existing rear outdoor play area will not alter the existing drop off/collection arrangements of the centre.

3. General Provisions	Compliance	Comment
3.12 Accessible design	Yes	The installation of the shade umbrella will not impact the existing accessibility of the pre-school site for persons with disabilities.

4. Development Types	Compliance	Comment
4.4 Other development types and uses		
4.4.4 Child Care Centres 4.4.4.2 Allocation of child care places	Yes	The proposed development will not modify the number of children, staff or the size of the indoor and outdoor play area.
4.4.4.4 Design of play areas	Yes	<p>The size and active play spaces of the outdoor area are unchanged by the proposed development.</p> <p>The subject application seeks to provide additional shade over the existing sand pit to ensure adequate shade is provided to children in accordance with relevant legislation and guidelines.</p> <p>The proposal has been reviewed by the City's Manager Child and Family Services, who has raised no objection to the installation of the umbrella.</p> <p>They noted that installation of the umbrella will assist the centre with compliance with shaded areas requirements of the Education and Care Services National Regulations.</p>

Other Impacts of the Development

20. The proposed development is capable of complying with the BCA.
21. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

22. The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst compatible to the proposal.

Internal Referrals

23. The conditions of other sections of Council have been included in the proposed conditions.
24. The application was discussed with the Heritage Specialist and Child Services Unit who advised that the proposal is acceptable subject to the recommended conditions.

Notification, Advertising and Delegation (No Submissions Received)

25. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified. As such the application was notified for a period of 14 days between 11 February 2019 and 26 February 2019, no submissions were received.

Public Interest

26. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S7.11 Contribution

27. The development does not alter the existing gross floor area and is therefore not subject to a S7.11 development contribution.

Relevant Legislation

28. The Environmental Planning and Assessment Act 1979.
29. Education and Care Services National Regulations.

Conclusion

30. The application seeks consent for the installation of a 4.2 metre high shade umbrella located at the rear of the KU James Cahill Preschool. The proposal is generally compliant with the relevant planning controls for the site and the Education and Care Services National Regulations and will not have any adverse impacts on the appearance/character of the conservation area.
31. Development application D/2019/82 is recommended for approval.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Harry Choi, Planner