

Item 6.**Development Application: 80 Broughton Street, Glebe - D/2019/1155****File No.:** D/2019/1155**Summary****Date of Submission:** 17 October 2019

Amended 11 and 13 November 2019

Applicant: City of Sydney**Architect:** Nordon Jago**Owner:** City of Sydney**Cost of Works:** \$145,000**Zoning:** The site is located within the SP2 Infrastructure (Community Facility) zone and the development is permissible with consent.**Proposal Summary:** The subject application proposes alterations and additions to the existing child care centre on the site, known as the Broughton Street Kindergarten. The application proposes demolition of the existing office and construction of a new office administration area.

The proposed works do not alter the number of children at the child care centre and the proposed works encroach on 2.1sqm of the existing unencumbered outdoor play area of the centre, the outdoor play area will however continue to achieve the required amount of outdoor space.

The design achieves a standard of architectural design, with materials and detailing that is appropriate to the existing building and does not negatively impact the surrounding conservation area.

In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development was notified for a period of 14 days between 25 October 2019 and 9 November 2019. A total of 100 properties were notified and no submissions were received.

The application is referred to the Local Planning Panel as Council is the applicant and land owner of the subject site.

The application was amended on 11 November 2019 in response to a request to increase floor to ceiling height so as to meet BCA standards.

The application was further amended on 13 November 2019 in response to a request to detail the materials and finishes.

The proposed development complies with the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and the relevant SEPPs.

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

Development Controls: State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
Sydney Local Environmental Plan 2012
Sydney Development Control Plan 2012
City of Sydney Development Contributions Plan 2015

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

Recommendation

It is resolved that consent be granted to Development Application No. D/2019/1155 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed alterations and additions are considered acceptable as the works are permissible within the SP2 Infrastructure zone (Community facility) and will allow for the continuation of the community use.
- (B) The proposed development is suitable to its setting and satisfies the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and the relevant SEPPs.
- (C) Subject to the recommended conditions the proposed development will not detract from the amenity of nearby residences.

Background

The Site and Surrounding Development

1. A site visit was carried out by staff on 8 November 2019.
2. The site has a legal description of Lot 1 DP 861527, Lot 1 DP 837450 & Lot 5 DP 837450, and is known as 80 Broughton Street, Glebe. The site is located on the eastern side of Broughton Street, between Railway Street and Lyndhurst Street. The site is irregular in shape, with an area of approximately 680m². The site has a primary street frontage to Broughton Street, and a secondary street frontage to Darling Street. The primary pedestrian access to the site is via Darling Street. The site does not have vehicular access.
3. A freestanding, single storey building exists to the south of the site. The remainder of the site consists of a playground, associated with the use of the site as a childcare centre.
4. A large gum tree (approximately 19m high) is located on the neighbouring site at 78 Darling Street, and is located less than 0.5 metres from the southern boundary of the site.
5. The surrounding area is predominantly residential. The site is not a heritage item but is located within the Lyndhurst Conservation Area (CA 31).
6. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area



Figure 2: View of the entrance to site as viewed from Darling Street



Figure 3: Looking south from within centres playground, at location of the proposed office extension highlighted in red.



Figure 4: Administration office to be extended highlighted in red.

Proposal

7. The subject application seeks consent for alterations and additions to the existing child care facility on the site.
8. The proposal involves demolition of the existing office and the construction of a new ground floor extension to accommodate an enlarged administration office for the child care centre. The proposed extension has the dimensions of 6 metres by 2.1 metres. Modifications are proposed to the existing gates and fences in response to the amended built form of the centre.

9. Plans of the proposed development are provided below.

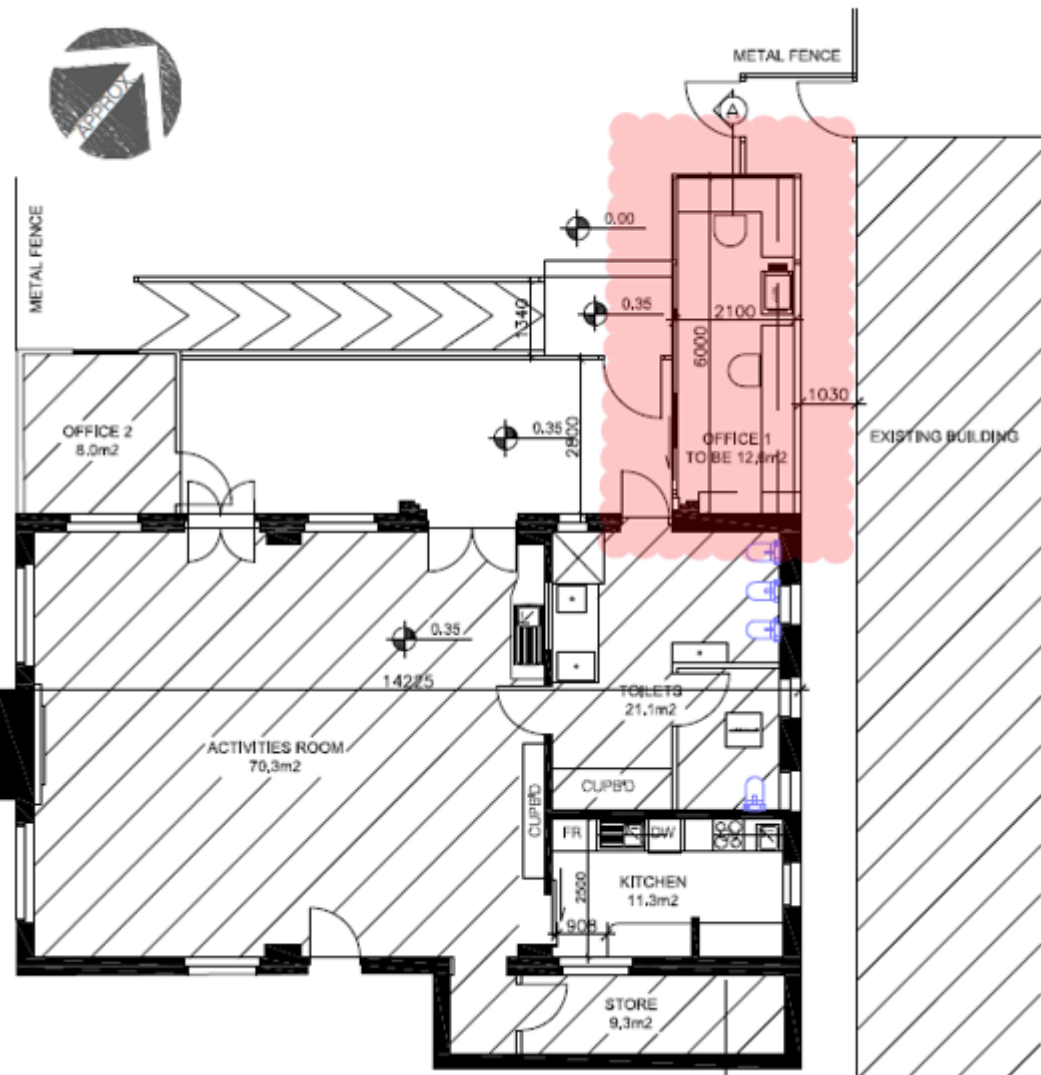


Figure 5: Floor Plan, administration office to be extended highlighted in red.

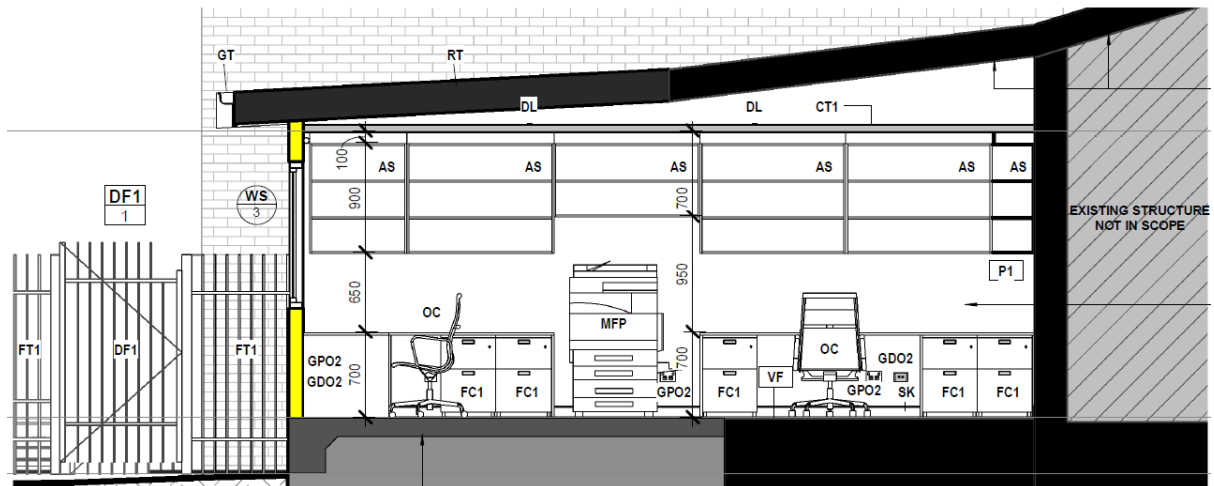


Figure 6: Section of western elevation

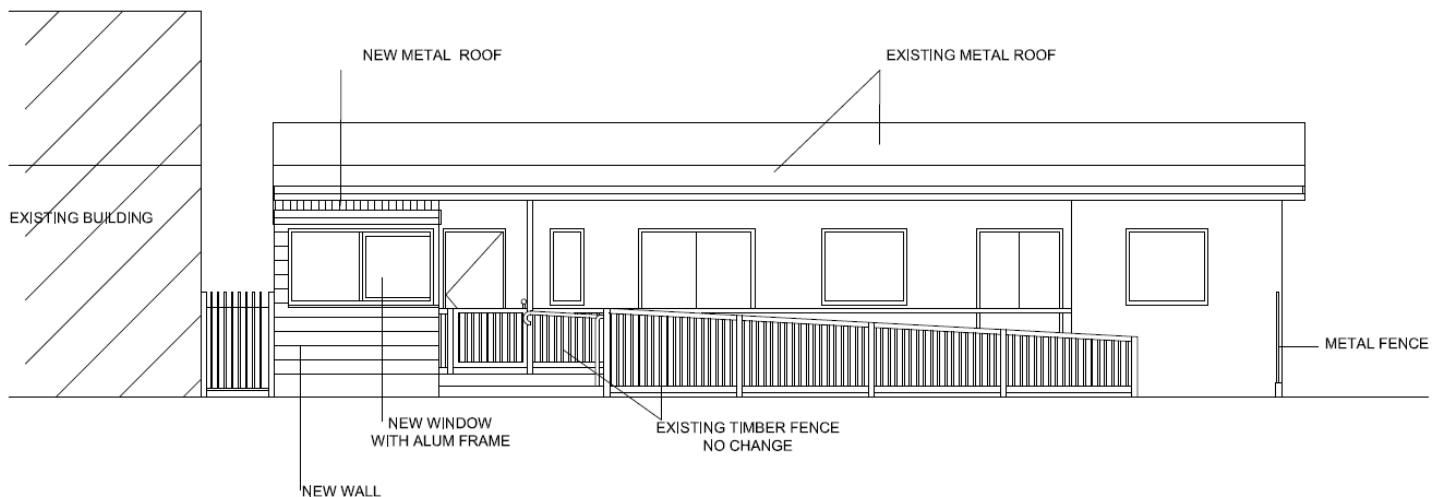


Figure 7: Northern Elevation Plan

History Relevant to the Development Application

10. Development Application D/2014/698 was approved on 14 July 2014 and granted consent for alterations to the existing childcare centre, including demolition of existing storeroom and construction of new storeroom to rear of site, new entrance to existing building and new side fence and gate.
11. The applicant sought pre-lodgement advice on the proposal, with feedback being provided on 2 September 2019.
12. The subject application was lodged on 17 October 2019.
13. Following a preliminary assessment of the application, including a site inspection, the applicant was requested to amend the plans to provide further details and address BCA requirements regarding floor to ceiling height .

14. Amended plans were provided on 11 and 13 November 2019.
15. These amended plans are the subject of assessment of this report.

Economic/Social/Environmental Impacts

16. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

Environmental Planning Instruments and DCPs

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

17. The existing use of the site is as a 'centre-based child care facility', and as such, is subject to the provisions of the above SEPP.
18. Part 3 of the SEPP applies to early education and care facilities, which includes a centre-based child care facility.
19. The proposed development did not require concurrence of the Regulatory Authority under Clause 22 of the SEPP, as the proposed alterations and additions to the office administration component of the centre as the amount of unencumbered indoor or outdoor play areas provided still exceeds the minimum requirement.
20. Clause 23 of the SEPP requires all applications for development to take into consideration any applicable provisions of the *Child Care Planning Guideline*. The relevant matters to be considered under Section 3 of the Guideline for the proposed development are outlined in the table below.

| Matters for Consideration | |
|--|--|
| Consideration | Comment |
| 3.1 Site selection and location | The child care centre has already been approved and is operational. Nevertheless, the location of the site is considered suitable and meets objectives of the Guideline. |
| 3.2 Local character, streetscape and the public domain interface | <p>The proposed alterations and additions respect the character and appearance of the existing building and surrounds in terms of building form and scale.</p> <p>The new development will be positioned behind the front building line of neighbouring 31 Cardigan Street mitigating any impact to the streetscape.</p> |

| Matters for Consideration | |
|--|---|
| | <p>Access to the site will continue to be by the Darling Street entry as the existing gate and fence are to remain in place post development.</p> |
| <p>3.3 Building orientation, envelope and design</p> | <p>The centre has a north-south orientation allowing sufficient solar access into the building and onto both the indoor play areas and the outdoor play area.</p> <p>The extension does not include any windows or openings facing private open space, living rooms and bedrooms of the adjoining residential properties</p> <p>The design of the building allows for accessible and safe access in accordance with the National Construction Code and the Guidelines.</p> |
| <p>3.4 Landscaping</p> | <p>The proposal does not include external landscaping. The existing landscaping provided is considered satisfactory.</p> |
| <p>3.5 Visual and acoustic privacy</p> | <p>The proposal is not considered to detrimentally impact privacy of adjoining properties in that the extension is not creating any windows or openings facing the neighbouring property.</p> <p>As the works are less than 50% of the existing floor area the requirement to use acoustic fencing during construction is not required.</p> <p>The works will not create additional indoor/outdoor play space and will not increase the number of children on site, in turn the requirement to provide an acoustic report is not necessary as there will be no increase in children and existing acoustic amenity will be maintained.</p> |
| <p>3.6 Noise and air pollution</p> | <p>The office extension will act to further buffer noise received from Darling Street traffic.</p> <p>The site is located in an area that is sufficiently removed from any potential external sources of air pollution.</p> |
| <p>3.7 Hours of operation</p> | <p>The proposal will not affect the hours of operation of the child care centre.</p> |

| Matters for Consideration | |
|---|---|
| 3.8 Traffic, parking and pedestrian circulation | The site does not include any parking facilities, and the proposal will be maintaining the existing Darling Street pedestrian access point. |

21. In addition to the matters of consideration under Section 3 of the Guidelines, Section 4 of the Guidelines requires developments to be considered against the provisions of the *Education and Care Services National Regulation*. These considerations are outlined below.

| Applying the National Regulations | |
|--|---|
| Regulation | Comment |
| 104 Fencing or barrier that encloses outdoor space | The outdoor space will continue to remain secured by a 1.8m high fence. |
| 106 Laundry and hygiene facilities | The proposed development will not impact existing laundry and hygiene facilities. |
| 107 Unencumbered indoor space | The proposed development will not encroach on the unencumbered indoor space. |
| 108 Unencumbered outdoor space | <p>The centre caters for 18 children and as such is required to provide 126sqm (7sqm per child) of unencumbered outdoor space. The site currently provides 360.1sqm of unencumbered outdoor space.</p> <p>The proposed siting of the office extension removes approximately 2.1sqm of unencumbered outdoor space. The centre will still provide 358sqm of unencumbered outdoor space which is well above the requirement.</p> |
| 109 Toilet and hygiene | The proposed development will not impact existing toilet and hygiene facilities. |
| 110 Ventilation and natural light | The indoor space currently utilised by the children will not be impacted by the proposed development. |
| 111 Administrative space | The proposed development intends to upgrade the existing administrative space provided. |

| | |
|---|---|
| 112 Nappy change facilities | The proposed development will not impact upon existing nappy change facilities. |
| 113 Outdoor space – natural environment | The proposed development will not impede access to the outdoor space currently provided. |
| 114 Outdoor space - shade | <p>The centre has a north-south orientation allowing sufficient solar access into the building and on to both the indoor play areas and the outdoor play area.</p> <p>The proposed development will have minimal impact upon existing shadowing, the site will continue to utilise the natural shade provided by the trees on and surrounding site.</p> |

22. The proposed development does not alter the location of the centre, the existing provision of unencumbered indoor and outdoor space or the site area. Therefore, these non-discretionary development standards in Clause 25 are not applicable in the assessment of the subject application.
23. As the centre is located within a heritage conservation area, consideration will be given to the colour of building materials under Clause 25(2)(d) of the SEPP. This is addressed further in the LEP compliance table.
24. The development is considered generally acceptable when assessed against the above stated provisions and the SEPP generally, which are replicated in large part within Council's planning controls.

Sydney Local Environmental Plan 2012

25. The site is located within the SP2 Infrastructure (Community Facility) zone. The proposal is alterations and additions to the existing use of the site that is defined as a 'centre-based child care facility'. The use of the site as a centre-based child care facility is consistent with the purpose shown on the Land Zoning Map as a Community Facility, and is therefore permissible in the zone.
26. 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 | <p>A maximum height of 9m is permitted.</p> <p>The maximum height of the proposed new works is 3.21m.</p> |
| 4.4 Floor Space Ratio | Yes | <p>A maximum FSR of 1.25:1 is permitted.</p> <p>The existing development has a FSR of 0.20:1 (or 140sqm).</p> <p>The proposal results in the creation of an additional 7.5sqm of gross floor area. This equates to the development having a FSR of 0.21:1 (or 147.5sqm), which is compliant with the development standard.</p> |
| 5.10 Heritage conservation | Yes | <p>On the Building Contributions Map, the site is identified as a neutral item in the Lyndhurst Conservation Area.</p> <p>The proposed addition has been designed to be consistent with the materiality of the existing centre. Noting the neutral listing of the existing building/s on site, the proposed additions are not considered to detract from the site and surrounds of the wider conservation area.</p> <p>The development proposes to match the colour and materials of the existing building.</p> |
| <p>Division 4 Design excellence</p> <p>6.21 Design Excellence</p> | Yes | <p>Subject to conditions, the proposed development satisfies the requirements of this provision.</p> <p>The design achieves an appropriate standard of architectural design, with materials and detailing that is appropriate to the existing building and does not negatively impact the surrounding conservation area.</p> |

| Development Control | Compliance | Comment |
|---|------------|---|
| Division 1 Car parking ancillary to other development 7.9 Other land uses - centre based child care facilities | Yes | A maximum of 2 car parking spaces are permitted No car parking space is proposed. |
| 7.14 Acid Sulphate Soils | Yes | The site is identified as containing class 2 Acid Sulphate Soil. The proposed works consist of minor excavation and as such, not likely to lower the watertable. No acid sulphate soils management plan is required. |
| 7.15 Flood planning | Yes | The site is subject to possible flooding to its south-eastern corner. The City's Interim Floodplain Management Policy provides a concession for minor additions up to 40m ² of habitable floor area at or above the existing floor level. It is noted that the proposed new floor area is 12.6m ² . The proposal meets the requirements for concessional development and is acceptable. |

Sydney Development Control Plan 2012

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

2. Locality Statements – St Phillips

The subject site is located in the St Phillips locality. The proposed alterations and additions are considered to be in keeping with the unique character of the area and design principles in that it generally responds to and retains the scale and proportion of development within the area.

| 3. General Provisions | Compliance | Comment |
|----------------------------|------------|--|
| 3.5 Urban Ecology | Yes | The proposed development does not involve the removal of any trees, nor are the works proposed in the tree preservation zone of existing trees and will not adversely impact on the local urban ecology. |
| 3.9 Heritage | Yes | <p>The existing building is identified as a neutral building within a Conservation Area.</p> <p>As discussed the LEP compliance table, the proposed development is considered appropriate and is sympathetic to the surrounding conservation area.</p> |
| 3.11 Transport and Parking | Yes | <p>A maximum of 2 car parking spaces are permitted.</p> <p>The proposed development will not change the amount of children on site, nor will it increase or decrease the gross floor space enough to warrant a change in permissible car spaces allocated to the centre.</p> <p>The existing site does not have parking facilities. The centre will be maintaining its pedestrian access points on Darling and Broughton Street.</p> |
| 3.12 Accessible Design | Yes | <p>The existing building provides suitable access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p> <p>The proposed development will not interfere with the buildings existing access arrangements. The office extension itself will continue to be accessible for persons with disabilities in accordance with the DCP and the BCA.</p> |

| 4. Development Types 4.2 Residential flats, commercial and mixed use developments | Compliance | Comment |
|--|------------|---|
| 4.2.1 Building height | Yes | A maximum of 2 storeys is permitted. The proposed development is 1 storey in height. |
| 4.2.2 Building Setbacks | Yes | The addition is setback 7.5m from the Broughton Street Boundary. The office extension falls behind the front building line of the eastern neighbour at 31 Cardigan Street. |

SDCP 2012 - Section 4.4.4. Child Care Centres

28. Clause 26 of SEPP (Educational Establishments and Child Care Facilities) 2007 overrides most of the provisions contained in Section 4.4.4 of the SDCP 2012. However, the provisions of 4.4.4 of the SDCP 2012 that are of pertinence and are not addressed by the SEPP are outlined below.

| 4.4 Other Development Types and Uses 4.4.4 Child care centres | Compliance | Comment |
|---|------------|--|
| 4.4.4.4 Design of play areas | Yes | The office extension further enables clear lines of sight to allow for staff supervision from the office to other areas of the child care centre. |
| 4.4.4.7 Safety and security | Yes | The proposal incorporates windows on the north elevation which enables natural surveillance over the outdoor playground and the Darling Street entrance. |

Other Impacts of Development

29. The proposed development is capable of complying with the BCA.

Suitability of the site for Development

30. The proposal is considered to be suitable for the site. The premises are in a residential surrounding and is considered a compatible use within it surrounds.

Internal Referrals

31. Where relevant, the conditions of other sections of Council have been included in the proposed conditions.

The application was discussed with the Heritage and Urban Design Specialists, Public Domain Team and Child Care Services who advised that the proposal is acceptable subject to the recommended conditions.

External Referrals

Notification, Advertising and Delegation (No Submissions Received)

32. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified. The application was notified for a period of 14 days between 25 October 2019 and 9 November 2019. A total of 100 properties were notified and no submissions were received.
33. Some minor amendments to the plans were made at Councils request post notification. The amendments are not considered to result in any significant additional environmental impacts and as such the application was not required to be re-notified.

Public Interest

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

S7.11 Contribution

35. The development is not subject to a S7.11 development contribution as it is for works being undertaken on behalf of Council, which is a type of development listed in Table 2 of the City of Sydney Development Contributions Plan 2015 and is excluded from the need to pay a contribution. A contribution is therefore not payable.

Relevant Legislation

36. Environmental Planning and Assessment Act 1979.

Conclusion

37. The subject application proposes alterations and additions to the existing child care centre on the site, known as the Broughton Street Kindergarten. The application proposes demolition of the existing office and construction of a new office administration area. The proposed works do not alter the number of children at the child care centre and the proposed works encroach on 2.1sqm of the existing unencumbered outdoor play area of the centre, the outdoor play area will continue to achieve the required amount of outdoor space.
38. The application is referred to the Local Planning Panel as the Council is both the applicant and land owner of the subject site.
39. The proposed development has been assessed as complying with the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and relevant SEPPs.
40. The subject DA is recommended for approval, subject to conditions.

GRAHAM JAHN, AM

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