

## IDAP REPORT

<b>Property:</b>	19 Florence Street Strathfield
	Lot 15 Section 2 DP 581
	Lot 14 Section 2 DP 581
	Lot 13 Section 2 DP 581
	Lots 1-5 DP 456916
	DA 2021/231
<b>Proposal:</b>	Additions and alterations to child care facility including extension of existing office building.
<b>Applicant:</b>	Architecture & Urban Design Atelier
<b>Owner:</b>	Malek Group P/L
<b>Date of lodgement:</b>	9 September 2021
<b>Notification period:</b>	16 September 2021 - 30 September 2021
<b>Submissions received:</b>	One written submission received
<b>Assessment officer:</b>	L Gibson
<b>Estimated cost of works:</b>	\$181,500.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	Yes – Within the vicinity of Heritage Item I232 (Strathfield Synagogue) located on the subject site.
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>



*Figure 1: Aerial view of subject site (outlined in yellow with subject administrations building outlined in red) and surrounding residential context.*

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the additions and alterations to child care facility involving extension of existing office building.

### **Site and Locality**

The site is identified as 19 Florence Street Strathfield and has a legal description of Lot 15 in Sec 2 in DP581; Lot 14 in Sec 2 in DP581; Lot 13 in Sec 2 in DP581 and Lots 1- 5 in DP456916. The subject proposal is located on Lot 15 Section 2 in DP 581.

The site provides an average frontage width of 54m, an average site depth of 50m and an approximate site area of 3,139m<sup>2</sup>.

The current streetscape is low density residential in nature and is primarily characterised by single and two (2) storey dwellings of varying architectural qualities.

### **Strathfield Local Environmental Plan**

The site is zoned R2 – Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

### **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

### **Notification**

The application was notified in accordance with Council's Community Participation Plan from (16 September 2021 - 30 September 2021) where one (1) written submission was received raising concerns with the following:

- Zoning (permissibility);
- Traffic and parking;
- Streetscape character; and
- Cumulative impact.

### **Issues**

- Streetscape compatibility;
- Heritage; and
- Ongoing use / operations.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/231 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

Council has received an application for the additions and alterations to child care facility including extension of the existing office building. More specifically, the proposal includes;

#### Ground Floor

- Partial enclosure of existing courtyard area;
- Demolition of some internal walls;
- Replacement of existing windows with new windows;
- Construction of new stairwell to first floor; and
- Revised entrance with planter box and balustrading.

#### First Floor

- Demolition of roof and construction of new first floor addition to comprise of 2 offices, bathrooms, kitchenette, front balcony and open plan office area.

#### External works

- Associated landscaping

NOTE: The proposal does not involve an increase in the number of staff or students. The proposal does not result in any change to the approved hours of operation for the premise being Monday – Friday 7AM – 6PM.

Figure 2 below is a 3D render of the proposed development.



*Figure 2: 3D render of proposed development from Albyn Road.*



## **The Site and Locality**

The subject site is located on the northern side of Albyn Road at the cul-de-sac intersection with Florence Street to the east. The site is comprised of eight (8) separate allotments and is currently occupied by an existing childcare centre including a separate administrations building accessed via Albyn Road. The site provides an average frontage width of 54m, an average site depth of 50m and an approximate site area of 3,139m<sup>2</sup>. The specific lot relevant to the proposed works is Lot 15 in DP 581.

The proposed development is located in the far western portion of the site. Existing development comprises of the existing administrations building which was previously utilised as a dwelling house. This structure remains visually separate from the childcare building. This portion of the site features a single storey flat roofed dwelling with car parking to service staff (refer to Figures 3 and 4). A change of use to utilise the dwelling as an office building associated with the childcare was approved under DA2015/127 as part of alterations and additions to the childcare.



*Figure 3: Streetscape view of subject site (adjoining childcare buildings located east).*



*Figure 4: Front setback of site as you approach driveway from Albyn Road.*

The current streetscape is low density residential in nature and is primarily characterised by single and two (2) storey dwellings of varying architectural qualities (refer to Figures 5, 6 and 7).

The childcare centre is provided with visitor/patron parking accessed via Albyn Road along the eastern side boundary with an exit provided to the cul-de-sac of Florence Street (refer to Figures 8 and 9).



*Figure 5: Dwellings opposite the site on the southern side of Albyn Road*



*Figure 6: Streetscape view looking west along Albyn Road.*





*Figure 7: Streetscape view with 75 Albyn Road (left), existing administrations building (centre) and childcare buildings (right).*

A portion of the site is heritage listed as it forms part of the former Synagogue Hall (I232) under Schedule 5 of the SLEP 2012. The building is a good example of modernist émigré architect HP Oser's work. Despite its alterations, the building has associational significance of the post-war Jewish community including Holocaust survivors who came to live in the Strathfield District in the mid-20<sup>th</sup> Century (refer back to Figures 8 and 9 showing further developments on the site including new carpark works).



*Figure 8: Former Strathfield Synagogue building in July 2013 (Star of David is still seen on the glazing to the right).*



*Figure 9: Current streetscape view of former Strathfield Synagogue as viewed from Florence Street.*

## **Background**

20 August 1973	Building application 244/73 for the establishment of a kindergarten was approved by Council.
02 November 2008	Service approval SE-00009624 was issued by the Department of Educations and Communities for a 60-place centre based childcare facility.
19 April 2016	DA2015/127 for alterations and additions to an existing childcare centre and expansion of the centre into the adjoining property (heritage listed Strathfield Synagogue) was approved by Council at their Council meeting.
6 September 2018	DA2015/127/2 for alterations, additions and expansion of the existing child care centre to increase the number of children from 99 to 121 was refused by Council's Local Planning Panel.
1 June 2021	<p>A Pre-Da Meeting was held with Council for the proposed development. The following matters were raised:</p> <ul style="list-style-type: none"> <li>• BCA report required;</li> <li>• Heritage Impacts;</li> <li>• Off-street parking requirements;</li> <li>• Waste Management; and</li> <li>• Plan of Management.</li> </ul>
9 September 2021	9 September 2021 The subject application was lodged with Council
16 September 2021 - 30 September 2021	The application was placed on public notification.

29 November 2021

Site inspection was conducted by Council officer.

24 January 2022

A Stop the Clock letter was issued by Council raising concern with the following matters:

- Insufficient detail;
- Permissibility;
- Streetscape / design;
- Front parking area.

## **Referrals – Internal and External**

### **Waste**

The application was referred to Council's Waste officer for comment. The following comments were made:

*“A Waste Management Plan (WMP) for demolition and construction must be provided.*

- *Waste Management Plan (WMP) also needs to indicate requirements in respect of the provision of waste storage facilities for commercial waste, estimated ongoing waste and recycling generation, collection points, paths and methods must be provided.*
- *WMP must indicate how waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.”*

A condition of consent has been recommended to ensure a waste management plan is prepared in accordance with Part H – Waste management of the SCDCP 2005.

### **Building**

The application was referred to Council's Building Surveyor for comment. No concerns were raised subject to standard conditions of consent.

### **Stormwater**

The application was referred to Council's Development Engineer for comment. No concerns were raised as the proposal will connect to the existing drainage system for the building. The proposal does not result in any additional roof area and thus a new system is not required for the site.

## **Section 4.15 Assessment – EP&A Act 1979**

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

### ***(1) Matters for consideration – general***

***In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:***

- (a) the provision of:***
- (i) any environmental planning instrument,***



## **Strathfield Local Environmental Plan**

The development site is subject to the Strathfield Local Environmental Plan 2012

### **Part 2 – Permitted or Prohibited Development**

#### **Clause 2.1 – Land Use Zones**

The subject site is zoned R2-Low Density Residential and the proposal is a permissible form of development with Council's consent.

### **Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	7.46m	Yes
<b>4.4</b> Floor Space Ratio	Max 0.50:1 (1,569.5m <sup>2</sup> )	0.41:1 (1,283.1m <sup>2</sup> )	Yes

### **Part 5 – Miscellaneous Provisions**

#### **Heritage Conservation**

The subject site is identified as being within the vicinity of the heritage item the *Strathfield Synagogue* (I232). The site's significance is described as follows:

*The Synagogue has been the focus of Jewish communal worship and culture in western Sydney since its construction in 1959 up until the sale of the building in 2015, and has significance for its historical associations with the Strathfield and District Hebrew Community, now greatly diminished in number. The 1959 building has historical significance because of its importance to the local Congregation in the Postwar period.*

The proposal has therefore been considered in accordance with the requirements under Clause 5.10 of the SLEP 2012.

The proposed works seek to undertake alterations and additions to the existing administrations building accessed off Albyn Road. The administrations building does not form part of the heritage listing of the site as it was once a dwelling house and was only recently retrofitted for the business admin purposes of the childcare in 2016.

The proposed works will result in a new first floor level to the building which will be constructed within the existing building envelope. The front, side and rear setbacks will therefore remain unchanged and will have no discernible impacts upon the former synagogue building. The proposal seeks a 7.46m building height which fits well below the maximum 9.5m building height plane and will enable the heritage item to be interpreted as a stand-alone building which will remain visually separate from the modern-style office building proposed. The proposal does not involve any modifications to the former synagogue structure.

It is considered that the proposed works, as conditioned, satisfactorily address the provisions of this Clause.

## **Flood Planning**

The subject site has been identified as being at or below the flood planning level. The application did not require review by Council's Engineer in this regard as the proposed works will not result in any increase in the existing building envelope. No changes are therefore proposed to the existing ground floor levels.

The development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

## **Part 6 – Additional Local Provisions**

### **Acid Sulfate Soils**

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

### **Earthworks**

The proposal does not include any excavation or basement works. The proposed works are within the existing building footprint and therefore no footings or levelling of the site is required.

### **Essential Services**

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

## **SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005**

All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

## **STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)**

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

The proposed development does not involve a change of use and will not result in any ground works that would cause concern for ground contamination. The proposal therefore does not trigger the need for any further site investigations to be undertaken as part of this assessment. The objectives outlined within SEPP55 are considered to be satisfied.

## STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

## STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

The aims and objectives outlined within the SEPP are considered to be satisfied. An assessment against the National Quality Framework has therefore been undertaken below.

### Design Quality Principles

The design quality principles establish the broad design context guide of all new proposals for child care facilities, regardless of whether they are stand alone, part of a mixed-use development, modifications or retrofits of existing buildings or seeking to occupy premises without incurring new building works.

Whilst the childcare facility is existing and the proposal relates to the business administration building only, an assessment of the principles relevant to the proposal have been provided in the table below:

<b>Principle</b>	<b>Objective</b>	<b>Proposed</b>	<b>Complies</b>
<b>Principle 1 - Context</b>	Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.	The proposal is located within a low-density residential area. The new business administration building is two (2) storey and responds well to existing two (2) storey dwellings in the streetscape. The development is appropriate for the site in terms of its setting, bulk and scale. Whilst modern in its appearance, the proposed white, black and natural timber-look colour scheme and finishes are understated so that the new development will integrate nicely with existing development in the streetscape.	<i>Complies</i>
<b>Principle 2 - Built form</b>	Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area. Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions,	The façade is well articulated through provision of varied setbacks from the front property boundary and introduction of a first floor balcony. This reduces the apparent bulk of the development as viewed from the street. The design is modern yet is proposed of high quality material	<i>Complies</i>



	<p>building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>finishes so that it integrates well with the prevailing streetscape.</p>	
<b>Principle 3 - Adaptive learning spaces</b>	<p>Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out. Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning.</p>	<p>The proposed facility provides for a number of offices including an open-plan office and meeting room. This will be used for staff in association with the childcare in the planning and ongoing management of the centre.</p>	<i>Complies</i>
<b>Principle 4 - Sustainability</b>	<p>Sustainable design combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.</p>	<p>The development has been designed with a number of windows and openings across all elevations to ensure that ample light and ventilation is achieved.</p>	<i>Complies</i>
<b>Principle 5 - Landscape</b>	<p>Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Well-designed landscapes make outdoor spaces assets for learning.</p>	<p>The submitted landscape plan proposes embellishment of the site with new planting along the front and western side boundaries of the site. The planting scheme is considered appropriate for the site, particularly given the limited scope to reduce hard paved areas of the front carpark. The new scheme will assist in further reducing the hardstand areas in the front setback.</p>	<i>Complies</i>
<b>Principle 6 - Amenity</b>	<p>Good design positively influences internal and external amenity for children, staff and neighbours.</p>	<p>The proposal achieves ample solar access, natural ventilation and is appropriately treated to minimise visual and acoustic</p>	<i>Complies.</i>

	Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.	impacts where possible through careful consideration of windows and openings through the building. The proposal will achieve adequate amenity for staff.	
<b>Principle 7 - Safety</b>	Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).	The proposal is orientated to the street with multiple windows and balcony to its façade. This achieves passive surveillance to the street.	<i>Complies.</i>

### **Child Care Planning Guideline**

The consideration matters below give guidance to applicants on how to design a high-quality proposal that takes account of its surroundings and any potential environmental impacts the development may cause and to be mindful of potential impacts that may arise from existing uses and conditions within a locality. The matters support the design principles and must be considered by the consent authority when assessing a DA for a child care facility.

Similarly to the table above, only matters relevant to the proposal have been addressed in the table below:

<b><i>Control</i></b>	<b><i>Objective</i></b>	<b><i>Proposal</i></b>	<b><i>Complies</i></b>
<b>3.3 Building orientation, envelope and design</b>  <b>C12:</b> <b>To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining</b>	Orient a development on a site and design the building layout to: • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential	The proposal has been considered with respect to adjoining land uses and has been designed to minimise visual and acoustic privacy impacts to adjoining residents. Building walls around the peripheries of the site	Complies

<p><b>buildings is minimised.</b></p> <p><b>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</b></p> <p><b>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</b></p>	<p>properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses</p> <ul style="list-style-type: none"> <li>• optimise solar access to internal and external play areas</li> <li>• avoid overshadowing of adjoining residential properties</li> <li>• minimise cut and fill</li> <li>• ensure buildings along the street frontage define the street by facing it</li> <li>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	<p>are predominantly enclosed.</p> <p>The site contains a north-south orientation which will ensure that the adjoining residential property west of the site receives a minimum 3 hours solar access through the day. The outdoor play areas of the centre will not be affected as a result of the proposal.</p> <p>The building will maintain its prevailing 1.8m western side setback and its 11m front setback to the street. Adequate building separation is therefore achieved between the site and western adjoining dwelling. The setback aligns with the prevailing setbacks in the street and is therefore acceptable.</p>	
<p><b>Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</b></p> <p><b>C15</b></p>	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> <li>• contributes to the identity of the place</li> <li>• retains and reinforces existing built form and vegetation where significant</li> <li>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> <li>• responds to its natural environment including local landscape setting and climate</li> </ul>	<p>The proposal is located in a relatively traditional-style streetscape with a few examples of contemporary-style development. The proposed façade is well articulated through its varied front setback, incorporation of front balcony and semi-open external louvres along the eastern wall.</p>	<p>Complies</p>



	<ul style="list-style-type: none"> <li>• contributes to the identity of place.</li> </ul>		
<b>Objective: To ensure that buildings are designed to create safe environments for all users.</b>	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• located to allow ease of access, particularly for pedestrians</li> <li>• directly accessible from the street where possible</li> <li>• directly visible from the street frontage</li> <li>• easily monitored through natural or camera surveillance</li> <li>• not accessed through an outdoor play area.</li> </ul>	<p>The proposal provides a clearly defined entry directly off Albyn Road. The entry allows ease of access directly from the street and is easily monitored via natural surveillance. The building does not enable direct access to the childcare or play areas.</p>	Complies

<b>C17: To ensure that child care facilities are designed to be accessible by all potential users.</b>	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> <li>• providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> <li>• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul>	<p>Direct entrance and level surface provided to the site via Albyn Road.</p>	Complies
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### 3.4 Landscaping

<b>Objective: To provide landscape design that contributes to the streetscape and amenity.</b>	<p>Appropriate planting should be provided along the boundary integrated with fencing</p> <p>Incorporate car parking into the landscape design</p>	<p>The landscape scheme has sought to improve existing landscaping as well as provide additional landscaping in the front setback so to minimise hardstand</p>	Complies
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		areas as much as possible.	
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### 3.5 Visual and Acoustic Privacy

<b>Objective: To protect the privacy and security of children attending the facility.</b>	<p>C21. Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitably locating pathways, windows and doors</li> <li>• Permanent screening and landscape design.</li> </ul>	The proposal is for office spaces only and will unlikely result in adverse acoustic impacts. Overlooking has been minimised through minimal window openings to the western elevation and maximising light through the northern, eastern and southern elevations of the building.	Complies
<b>Objective: To minimise impacts on privacy of adjoining properties.</b>	<p>C22. Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable location of pathways, windows and doors</li> <li>• Landscape design and screening.</li> </ul>		

### 3.6 Noise and air pollution

<b>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</b>	<p>C25. Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>• creating physical separation between buildings and the noise source</li> <li>• orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• using landscaping to reduce the perception of noise</li> <li>• limiting the number and size of openings facing noise sources</li> <li>• using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>• using materials with mass and/or sound</li> </ul>	The proposal is for office spaces only and will unlikely result in adverse acoustic impacts. The majority of office spaces have been located upon the eastern portion of the building with minimal window openings provided along the western elevation so to reduce any potential adverse acoustics impacts to the western adjoining neighbour.	Complies
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	insulation or absorption properties, such as solid balcony balustrades, external screens and soffits <ul style="list-style-type: none"> <li>• locating cot rooms, sleeping areas and play areas away from external noise sources</li> </ul>		
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### 3.7 Hours of Operation

<b>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments</b>	C29. Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	No changes to hours of operation at facility being 7am-6pm Monday to Friday	Complies
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<b>Objective: To provide parking that satisfies the needs of users and demand generated by the centre</b>	C31. Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	No change proposed to existing parking scheme approved under previous applications for the site.	Complies
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<b>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</b>	C36. The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings included within large car parking areas</li> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable two prams to pass each other</li> <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> </ul>	Existing car parking in front setback of the site. Available to staff only.	Complies
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	<ul style="list-style-type: none"> <li>• vehicles can enter and leave the site in a forward direction</li> </ul> <p>C38. Car parking design should:</p> <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>• include wheelchair and pram accessible parking</li> </ul>		
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### Education and Care Services National Regulations (2011 SI 653)

Section	Requirement	Proposed	Complies
<b>Division 2 Additional requirements for centre-based services'</b>  <b>111 Administrative space</b>	<p>The approved provider of a centre-based service must ensure that an adequate area or areas are available at the education and care service premises for the purposes of—</p> <p>(a) conducting the administrative functions of the service; and</p> <p>(b) consulting with parents of children; and (conducting private conversations.</p>	<p>The proposal includes a ground floor meeting room and multiple offices to the ground and first floor of the building. The building will be capable of conducting administrative functions of the service including consulting with parents of children.</p>	Complies

**(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and**

There are no draft planning instruments that are applicable to this site.

**(iii) any development control plan,**

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

## PART E – CHILDCARE CENTRES

An assessment of the proposal against the objectives and development controls contained within Part E of SCDCP 2005 is included below:

Section 26 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 confirms that in the event of any inconsistency between the controls of the SEPP and Child Care Planning Guideline and Council's Development Control Plan, the principles, objectives and regulations set out under the SEPP and Guideline prevail.

Section 26 specifies that Council DCP controls relating to building height, side and rear setbacks and car parking rates will continue to apply to proposed developments. For all other controls, the SEPP and Guideline override council DCPs where they cover the same matters. Thus, this confirms that in the event of any inconsistency between the SEPP and Council DCP, the principles, objectives and regulations set out under the SEPP and Guideline prevail. The remaining matters of relevance provided in the DCP are addressed in the table below:

## 1.2: Objectives of Part E

1.2	Objectives	Satisfactory
A.	To encourage the provision of child care centres to meet the needs of the community and ensure that such centres will be appropriate for the purpose and provide a functional and pleasant environment for users.	Yes
B.	To ensure that there is a consistent approach to the provision, construction and approval of child care centres.	Yes
C.	To ensure that child care centres are compatible with neighbouring land uses.	Yes
D.	To ensure the amenity of adjoining neighbours is retained (including protection of privacy, access to property, etc) and is not detrimentally affected by noise emissions from the site.	Yes
E.	To ensure child care centres are located with adequate, convenient and safe parking for visitors that do not impose on any residential neighbourhoods or commercial areas.	Yes
F.	To ensure that child care centres integrate into existing residential environments and are unobtrusive in terms of size, bulk, height and the amount of landscaped area provided.	Yes
G.	To provide child care centres that are located or designed so as not to pose a health risk to children using the centre.	Yes
H.	To retain and protect significant existing vegetation in the Strathfield Municipality.	Yes

**Comments:** Development appears acceptable in this regard seeking an extension to the existing administrative building that is appropriate to the streetscape and the needs of the childcare.

## 5.6: Traffic, Parking and Access

5.6	Objectives	Satisfactory
A.	To ensure that the relationship between child care centres and adjoining land uses are favourable in terms of parking, traffic and vehicular access	Yes
B.	To ensure that a child care centre is safe for children	Yes
5.6	Guidelines	Complies

1	Car parking shall be provided at a rate of 1 space per employee (stack parking is permitted for staff parking) and 1 visitor space per 8 children or part thereof (stack parking is not permitted for parents or guardians).	<b>No change proposed – 4 spaces</b>
3	Dimensions of parking spaces and vehicle access areas shall comply with Part I - Provision of Off-street Parking Facilities.	<b>Noted</b>
8	Access for people with disabilities provided to allow continuous wheelchair access from the street, car park, building entry and into individual playrooms and toilets.	<b>Yes</b>
9	Parking and vehicle access areas separated from any area used by children by safety fencing and gates	<b>Yes</b>

**Comments:** No change proposed to the front carpark which currently accommodates 4 staff parking spaces. The proposal will continue to enable access to and from the building via Albyn Road.

## PART P- HERITAGE

An assessment of the proposal against the objectives and development controls contained within Part P of SCDCP 2005 is included below:

### 1.5: Objectives of this DCP Part

1.5	Objectives	Satisfactory
a.	To encourage development which complements existing heritage items and heritage Conservation Areas in a modern context.	Yes
b.	To retain evidence of historic themes of development evident in the Strathfield Local Government Area, through the proper care and maintenance of individual heritage items and heritage Conservation Areas.	Yes
c.	To protect those items and areas that are of value to the local community	Yes
d.	To ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item.	Yes
e.	To retain any significant horticultural or landscape features that assist in the interpretation of Strathfield's heritage.	Yes

## 3. Development in the Vicinity of Heritage Items

### 3.1: Setting

3.1.1	Objectives	Complies
1	To ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item.	Yes
2	To ensure that new development respects the contribution of heritage items to the streetscape and/or townscape.	Yes
3.1.2	Development Controls	Complies

(1)	Development in the vicinity of a heritage item should not be of such bulk or height that it visually dominates or overshadows the heritage item.	<b>Yes</b>
(2)	Views to or from a heritage item should not be obscured by new development	<b>Yes</b>
(3)	Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage item should incorporate elements of the dominant style, form and materials in the streetscape.	<b>Yes</b>
(4)	Where trees are integral to the significance of a heritage item, development should not be allowed beneath the drip zone of the trees.	<b>Yes</b>

**Comments:** The development is of an appropriate bulk and scale that is not considered visually obtrusive in the streetscape or impinges upon the appreciation and interpretation of the heritage building.

### 3.2: Scale

3.2.1	Objectives	Complies
1	To ensure that new development in the vicinity of a heritage item is of a scale that does not detract from the significance of the heritage item.	<b>Yes</b>

3.2.2	Development Controls	Complies
(1)	The scale of new development in the vicinity of a built heritage item should not be substantially greater than that of the heritage item.	<b>Yes</b>
(2)	New development that obscures important views of a heritage item is not permitted.	<b>Yes</b>

**Comments:** The proposed development will not reduce the prevailing front, side or rear setbacks provided by the existing building on the site. The established front setback will continue to align with the front setback of the adjoining heritage building so that the development does not obscure views to the item and its curtilage.

### 3.3 Siting

3.3.1	Objectives	Complies
1	To ensure new development in the vicinity of a heritage item is sited so that it does not obscure important views to or from the heritage item.	<b>Yes</b>

2	To ensure that new development in the vicinity of a heritage item does not adversely impact landscape elements that are significant or are associated with a heritage item.	<b>Yes</b>
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3.3.2	Development Controls	Complies
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	(1)	The siting and setback of new development (including alterations and additions) in the vicinity of a heritage item should ensure that important views to or from the heritage item are not adversely impacted on.	<b>Yes</b>
	(2)	The siting and setback of new development in the vicinity of a heritage item should ensure that landscape elements associated with or listed as a heritage item are not adversely affected by the development.	<b>Yes</b>

**Comments:** The proposed additions are confined within the building envelope of the existing building on the site. The front, side and rear setbacks of the development will therefore remain unchanged and will not impact upon view lines from the street toward the heritage building. The proposal seeks a building height of 7.46m which falls well within the maximum 9.5m building height limit and ensure it is not visually obtrusive to the heritage item on the site.

### **3.4: Materials and colours**

<b>3.4.1 Objectives</b>		<b>Complies</b>
<b>1</b>	<i>To ensure that new development in the vicinity of a heritage item does not detract from the significance of the heritage item.</i>	<b>Yes</b>

<b>3.4.2 Development Controls</b>		<b>Complies</b>
(1)	Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance and significance of the heritage item being reduced.	<b>Yes</b>

**Comments:** The proposal seeks a neutral colour palette with an exterior cladding material to the façade which will unlikely detract from the adjoining heritage item east of the site.

## Part Q – Urban Design Controls

The proposed development has been assessed against the relevant principles of Part Q Urban Design Controls. The proposal achieves with the following requirements:

- *Development is to be designed to address elements of the public domain, including the building interface between private and public domains, circulation patterns and access ways, gateways, nodes, edges, landscape features, heritage items, ground floor activity and built form definition to the street.*
- *New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene*
- *The bulk and scale of any development must be compatible with the amenity of the immediately and surrounding locality.*
- *Building heights are to be reduced and setbacks increased to provided appropriate transitions to heritage buildings and places or sensitive uses such as public recreation areas and schools.*
- *The internal layout of buildings including windows must be designed so as to reduce the effects of noise transmission.*
- *Development must be designed and sited to minimise the extent of shadows that it casts on.*
- *Landscaping must enhance the visual setting and accentuate the design qualities of the built form. Landscaping solutions shall be used to create a screening effect for visually obtrusive land uses or building elements*

**Comment:** The new addition is confined within the existing building footprint of the site and will ensure that appropriate building separation is maintained between existing buildings. The façade is well articulated through incorporation of a balcony, louvres and its varied front setback.

The building responds to the prevailing heights, bulk and scale of existing development of the street so that it integrates nicely with existing development in the street including the adjoining heritage item.

A series of shadow diagrams were submitted with the proposal (refer to Figures below). The site is provided with a north-south orientation and thus the shadow moves considerably so to enable ample solar access to be received by the subject site and adjoining properties.



Figure 10: Shadow diagrams

The proposal does not result in any considerable change to the front setback as it will continue to be used as off-street parking for staff. Notwithstanding, the proposal has sought to improve existing landscaped spaces around the peripheries of the carpark so soften the appearance of its hardstand surfaces. The landscaping is considered suitable to the use of the site and its surrounding context.

Overall, the proposal is considered suitable having regard for the above and is therefore acceptable.

#### **PART H – Waste Management (SCDCP 2005)**

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. As previously discussed, Council's Waste Officer has raised concern that the site requires a combined waste management plan to include the childcare and associated administration building uses. A condition of consent is therefore recommended which requires a combined waste management plan for the site to be prepared in accordance with Part H of the SCDCP 2005.

#### **(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,**

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

**(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,***

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. The proposed development has been designed with respect to the heritage item on the site and is unlikely to detract from the appearance of the item as viewed from the street. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

**(c) *the suitability of the site for the development,***

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

**(d) *any submissions made in accordance with this Act or the regulations,***

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. One submission was received raising the following concerns:

1. *Permissibility – The DA is attempting to use the supposed “auxiliary nature” of the “office building” to circumvent the regulations of the SLEP 2012. The R2 Zones Low Density residential does not allow for the construction of a two storey commercial office building. A detached two-storey office building is not in the spirit nor the regulations of the objectives of the R2 zoning laws.*

Assessing Officer's Comment: The development is defined as “*Centre-based child care facilities*” under the Strathfield Local Environmental Plan as the building and its use is ancillary to the childcare. This use is permitted within the R2 Low Density Residential zone so long as the use is in association with the child care centre. Any additional businesses operating on the site is prohibited as this is defined as a commercial use. For clarity, a condition of consent has been recommended restricting the use of the administrations building for purposes associated with the childcare only. No other business is to operate on the premises.

2. *Current Use - The building was in fact the residential dwelling of Synagogue Rabbi Samuel Tov-Lev. The building was then converted from a residential dwelling into an office building without Council approval. The applicant is now seeking to transform that original residential dwelling into a two storey commercial building that is detached from the childcare facility.*

Assessing Officer's Comment: The conversion of the dwelling to the administrations building in association with the childcare facility was approved under DA2015/127. Notwithstanding this, upon site inspection conducted 29<sup>th</sup> November 2021, it was evident based on the multiple business identification signs on the façade of the administration building that multiple businesses appeared to be operating on the site. Council's assessing officer therefore sought further clarification on this and further information about the anticipated future intended use of the site.



The applicant submitted a statement prepared by the owner stating that the building was to be used in association with the childcare only. No other businesses will operate on the site. This will be conditioned to ensure that the space operates as part of the childcare only and continues to comply with the zoning requirements which prohibits commercial development.

3. *Character – The current building and proposed DA site has a front-yard full of concrete, albeit a single tree and an artificial row of shrubs. It lacks considerable residential character and fails to assimilate into the residential characteristics of the streetscape.*

Assessing Officer's Comment: The proposal does not seek to modify the existing front carpark approved under DA2015/127. There is therefore limited scope to provide for additional landscaping in the front setback of the site. Notwithstanding, the proposal was accompanied by a revised landscape plan which seeks to further embellish the site with new and additional landscaping along the western and front property boundaries. A new garden bed is also proposed along the front building wall to assist in softening the building. The landscape scheme is considered appropriate for the site.

4. *Heritage – There should be serious concern raised regarding the visual damage the proposed development application will cause to the heritage conservation of the Strathfield Synagogue. From the Florence Street cul-de-sac and Nature Reserve, the proposed development will tower over the synagogue and dismantle the visual beauty of one of Strathfield's finest monuments.*

Assessing Officer's Comment: The proposal seeks a maximum building height of 7.46m which is well below the 9.5m building height plane. The development will not be visually obtrusive as viewed from Florence Street given its considerable distance from the street and its building height which is well below the maximum 9.5m building height plane. The proposed development is a modest first floor addition extending directly above the existing building envelope so that the prevailing front, side and rear setbacks are maintained. The proposed colour and materials palette is understated so that it does not visually detract from the heritage item and integrates well with existing development along Albyn Road.

5. *Expansion of premises – The proposal would accommodate for the expansion of the operations of the childcare becoming one of the largest residential child care facilities that has already caused enough frustrations to local residents.*

Assessing Officer's Comment: The proposal does not seek any increase beyond the existing staff and student numbers. The hours of operation remains unchanged. A condition of consent is recommended to ensure that any expansion of staff or students is lodged under separate cover.

6. *The current fence between 19 Florence Street and 75 Albyn Road has almost collapsed and at the point where children playing on the swings located on the eastern boundary fence can be seen as they play. The noise has become extremely loud and is of irritation to many residents who are working from home. The applicant should be concerned with operating within regulations of the child care facility and erecting a suitable sound acoustic and screen fence.*

Assessing Officer's Comment: Any non-compliance with conditions of consent for the childcare will be addressed and investigated by Council's Compliance department.

7. *The current site already features excessive maintenance practices such as leaf blowers at 7am every morning which causes immeasurable disruption and pain to local residents. The construction of a double storey commercial building will further exacerbate this level of noise pollution.*

Assessing Officer's Comment: As previously discussed, the proposal does not propose any increase in the current number of staff or students nor the existing hours of operation. The subject building will be utilised by existing staff only and will therefore unlikely adversely impact adjoining residential dwellings.

8. *Traffic and parking – In the past, staff and parents of the childcare facility have consistently parking in front of the residences of Albyn Road. The staff have done this in order to keep the small carpark the facility does have for parents of children. Such actions have caused much frustration to local residents and has been the source of numerous traffic disputes and accidents in the street. It is disingenuous for the DA to suggest that staff will not park or disrupt Albyn Road. There is no incentive for staff to park in Florence Street which is located over 50m away from the office building. Any lot which can park 7 cars across the front-yard of a building is clearly a contravention of residential character and detracts from the quality of the streetscape.*

Assessing Officer's Comment: As previously discussed, the proposal does not result in any increase in existing staff numbers. Further, the proposal does not seek any modifications to the existing car parking provided on the site.

#### Mediation

**29 November 2021** – Council Officer met with objector to discuss concerns with the proposal. Concerns raised in the submission were discussed including permissibility, streetscape, traffic/parking, safety and current use.

**28 January 2022** – Council Officer contacted objector with further information to explain that the use was approved under previous application DA2015/127 and that written confirmation has been sent by the owner to confirm that no other businesses will be operating on the site. The building is to be used in association with the childcare. Any additional businesses operating on the site are not permissible.

#### **(e) *the public interest.***

The proposed development is of a scale and character that does not conflict with the public interest.

#### **Local Infrastructure Contributions**

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

#### **STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN**

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Based on the Cost of Works of \$181,500.00 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 0.5% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$908.00
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### Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDP 2005.

Following detailed assessment it is considered that Development Application No. 2021/231 should be approved subject to conditions.



**Signed:**

**L Gibson  
Senior Planner**

**Date: 22 February 2022**

- ☐ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☐ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.



**Signed:**

**Jake Brown  
Planner**

**Date: 22 February 2022**

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

## 1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site Plan	A102	5 April 2021	-	AUDAA Architecture and Urban Design Atelier Australia
Demolition Plan	A105	5 April 2021	-	AUDAA Architecture and Urban Design Atelier Australia
Ground Floor Plan	A106	5 April 2021	-	AUDAA Architecture and Urban Design Atelier Australia
Proposed First Floor Plan	A107	5 April 2021	-	AUDAA Architecture and Urban Design Atelier Australia
Elevations 1 and 2	A200	5 April 2021	-	AUDAA Architecture and Urban Design Atelier Australia
Elevations 3 and 4	A201	5 April 2021	-	AUDAA Architecture and Urban Design Atelier Australia
Section 1 and 2	A300	5 April 2021	-	AUDAA Architecture and Urban Design Atelier Australia
External Material Finishes	A401	5 April 2021	-	AUDAA Architecture and Urban Design Atelier Australia
Ramp Detail	A406	5 April 2021	-	AUDAA Architecture and Urban Design Atelier Australia
Landscape Plans	LPDA 22-261/1-4	Feb 2022	Issue B	Conzept Landscape Architects
Operational Plan of Management	Prepared by Phillip Malek			



## **2. Duration of Consent**

This consent shall run concurrently with that of the childcare operations approved under DA2015/127. The duration of this consent shall cease in the event that the childcare use ceases so

## **3. Child Care Centre**

This approval does not allow for any increase in child numbers for the site.

## **SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION**

## **4. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993**

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

These separate activity approvals (a)-(g) must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

## **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

### **5. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **6. Fees to be Paid**

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$ 635.00
Security Damage Deposit	\$ 5,250.00

Tree Bond	\$ 20,300.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$130.00

<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 908.00

### **General Fees**

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

### **Development Contributions**

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A Indirect Development Contributions Plan.

### Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

### Timing of Payment

The contribution must be paid and receipted by Council

- Prior to the release of the Construction Certificate.

### Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).

## **7. Damage Deposit – Minor Works**

In order to insure against damage to Council property the following is required:

- Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$5,250.00
- Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- Submit to Council, before the commencement of work, a photographic



record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

## **8. Tree Bond**

A tree bond of \$10,150.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

A request for refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

## **9. Site Management Plan**

### **Minor Development**

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

## **10. Drainage System – Maintenance of Existing System**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

#### **11. Waste Manage Plan (WMP)**

Prior to the issue of a Construction Certificate, a revised Waste Management Plan (WMP) of the entire site (inclusive of all childcare operations and ancillary administrations building) must be submitted and must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimisation and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

#### **12. Fire Safety Measures**

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

#### **13. Engineer's Certificate**

A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

#### **14. Access for Persons with a Disability**

Access and sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

**15. Commonwealth Disability (Access to Premises) Standard**

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

**16. Child Care Centre Waste Management**

All waste and recycling containers shall be stored in an approved waste storage area, located in an area of the site that is satisfactory for these purposes. Facilities are to be provided in accordance with any requirements of the NSW Family and Community Services and the Education and Care Services National Regulations.

Details of the Waste Storage Area must be illustrated on the plans submitted with the application for the Construction Certificate for approval.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

**17. Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

**18. Tree Protection and Retention**

The following trees shall be retained and protected:

- Council Street trees

Details of the trees to be retained must be included on the Construction Certificate plans.

**General Tree Protection Measures**

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.

- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

## **PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)**

### **19. Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

### **20. (Demolition Notification Requirements)**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

## **21. Demolition Work Involving Asbestos Removal**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

## **22. Registered Surveyors Report - During Development Work**

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (b) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (c) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (d) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (e) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.



## **DURING CONSTRUCTION**

### **23. Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

## **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **24. Completion of Landscape Works**

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan.

### **25. Minor Development**

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

## **OPERATIONAL CONDITIONS (ON-GOING)**

### **26. Hours of Operation**

The approved hours of operation shall be restricted to the following:

7am – 6pm Monday to Friday

### **27. Maintenance of Landscaping**

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

### **28. Use of Structure**

The subject business administrations building is not to be used for human habitation or for any commercial or industrial purpose. The building is to be used for the purposes of the childcare as an ancillary use only. Any business operating separately from the associated childcare on the property is strictly prohibited.

**29. Maximum Staff Numbers**

The proposal does not permit any additional staff numbers beyond which has been approved under DA2015/127 and any subsequent modification.

**30. (Annual Fire Safety Statement**

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

**OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**31. Requirement for a Construction Certificate**

The erection of a building must not commence until a Construction Certificate has been issued.

**32. Appointment of a PCA**

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner - Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

**33. Notification of Critical Stage Inspections**

No later than two days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

**34. Notice of Commencement**

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

**35. Critical Stage Inspections**

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

**36. Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

**PRESCRIBED CONDITIONS**

**37. Clause 98A – Erection of Signs**

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

### **38. Clause 98B – Home Building Act 1989**

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

## **ADVISORY NOTES**

### **I. Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

### **II. Appeal Rights**

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

### **III. Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

### **IV. Access to NSW Legislations (Acts, Regulations and Planning Instruments)**

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

### **V. Long Service Levy**

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

## **VI. Disability Discrimination Act**

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

## **VII. Child Care Centre – Staff to Child Ratios**

The operator of a centre based or mobile children's

service must ensure that appropriate approvals are obtained from [NSW Family & Community Services](#). This will include maintaining the regulated ratio of carers to children.

## **VIII. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993**

To apply for approval under Section 138 of the [Roads Act 1993](#):

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA DA2021/231) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.



## **IX. Site Safety Fencing**

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

## **X. SYDNEY WATER SECTION 73 CERTIFICATES**

The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.