

COUNCIL ASSESSMENT REPORT

SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSEC-213 – DA-2022/196
PROPOSAL	Demolition of existing dwelling at 1A Dunmore St Nth and gravel car park next to heritage listed church building; Alterations, additions and change of use of the existing church hall to a childcare facility with capacity for 49 children operating 7:00am to 7:00pm Monday to Friday, construction of a two-storey multi-purpose hall, basement and at grade parking, bicycle parking, signage, tree removal and associated landscaping works
ADDRESS	1A Dunmore St Nth BEXLEY NSW 2207 1B Dunmore St Nth BEXLEY NSW 2207 1C Dunmore St Nth BEXLEY NSW 2207 38 Albyn Street BEXLEY NSW 2207 Lot 18 Sec 2 DP 1680, Lot 19 Sec 2 DP 1036, Lot 20 Sec 2 DP 1036, Lot 21 Sec 2 DP 1680, Lot 1 DP 927085
APPLICANT	Sustainable Development Group Limited
OWNER	Anglican Church Property Trust Diocese Of Sydney
DA LODGEMENT DATE	7 July 2022
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Private infrastructure and community facilities over \$5 million
CIV	\$7,535,000.00
SECTION 4.6 REQUESTS	N/A
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazard) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i>

	<ul style="list-style-type: none"> • <i>Bayside Local Environmental Plan 2021;</i> • <i>Rockdale Development Control Plan 2011.</i>
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	<p>76 Submissions of which 70 are in support and 6 are in objection. The issues raised are primarily in regard to:</p> <ul style="list-style-type: none"> - Overdevelopment of the site - Tree removal - Heritage impacts and suitability of demolition works - Traffic and noise impacts
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Attachment A: Draft Notice of Determination • Attachment B: Architectural Plans • Attachment C: Landscape Plans • Attachment D: Arborist Report • Attachment E: Plan of Management- Child Care • Attachment F: Plan of Management- Ministry (Multi-purpose hall) • Attachment G: Heritage Impact Statement • Attachment H: Urban Design Report
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval, subject to conditions
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	18 May 2023
PLAN VERSION	Dated 8 March 2023
PREPARED BY	Angela Lazaridis – Coordinator Development Administration and Advisory
DATE OF REPORT	8 May 2023

EXECUTIVE SUMMARY

Council received Development Application No. 2022/196 on 7 July 2022 for the demolition of existing dwelling at 1A Dunmore Street North and gravel car park next to heritage listed church building; Alterations, additions and change of use of the existing church hall to a childcare facility with capacity for 49 children operating 7:00am to 7:00pm Monday to Friday, construction of a two-storey multi-purpose hall, basement and at grade parking, bicycle parking, signage, tree removal and associated landscaping works at 1A, 1B, and 1C Dunmore Street North, Bexley and 38 Albyn Street, Bexley.

The Development Application is required to be referred to the Sydney Eastern City Planning Panel (SECPP) pursuant to Clause 5 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the Capital Investment Value of the proposal is greater than \$5,000,000.00 for a community facility, childcare and place of public worship.

The development was advertised for a period of fourteen (14) days between 27 July to 10 August 2022. There were 76 submissions received, with 6 in objection and 70 in support of the application. The submissions raised issues regarding to the overdevelopment of the site, tree removal, increase in traffic and noise, and heritage impacts. These are discussed within Section 4.3 of this report.

The site is located within the R4 High Density Residential Zone, where the proposed *place of public worship* and *centre-based childcare facility* are permitted with consent. The change of use of existing structures are considered suitable for the site.

In the early stages of the development application, key issues were raised relating to solar amenity to the neighbouring southern development, visual impact from the roof form and the built form of the new multi-purpose hall, noise, and parking allocation.

A briefing with the Panel was held early in the assessment of the development application in addition to meetings held between Council and the Applicant to resolve the issues presented above. Further revisions of the plans and redesign of the roof form and slope, greater solar analysis plans and justification for the levels proposed of the hall was provided which adequately addressed and resolved these key issues.

The proposal was referred to several external agencies including CASA, SACL, NSW Police, Ausgrid and Sydney Water. No objections were raised in their advice and appropriate conditions have been imposed in the draft Notice of Determination.

In summary, the proposed development application has been assessed against the relevant controls and on balance, Council is generally supportive of the proposal. It is recommended that the application be issued with an approval, subject to the conditions within the draft Notice of Determination within Attachment A.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site comprises five lots and is legally identified as Lot 18 Sec 2 DP 1680, Lot 19 Sec 2 DP 1036, Lot 20 Sec 2 DP 1036, Lot 21 Sec 2 DP 1680 and Lot 1 DP 927085. The site is known as 1A, 1B & 1C Dunmore Street North, & 38 Albyn Street, Bexley. The Site has a south-west boundary width of 51.22 metres fronting Dunmore Street North, north-west boundary width of 63.425 metres fronting Albyn Street and rear boundary width of 13.025 metres. The side boundary is 69.03 metres deep on the north-eastern side of 38 Albyn Street towards the adjoining 36 Albyn Street, and 50.29 metres deep on the south-eastern side of 1A Dunmore Street North towards the adjoining 1 Dunmore Street North. The subject site has a substantial site area of 3,435sqm. The topography of the site is relatively flat.

The subject site contains a Church at the corner of Dunmore Street North and Albyn Street, car parking spaces accessed from Dunmore Street North, one-storey dwelling which acts as a rectory and detached garage at the rear, Church hall and fibro building (former kindergarten hall) at the rear of the site at Albyn Street. The site is located on the corner of Dunmore Street North and Albyn Street, specifically on the north-western side of Dunmore Street and south-eastern side of Albyn Street between Harrow Road and Queen Victoria Street.



Figure 1. Locality Plan



Figure 2. Aerial Map of Subject Site

The site is located within the R4 High Density Residential zone and is not impacted by any easements on the site. The site falls within the 20-25 ANEF Contour and is not flood affected.

There are several existing trees located across the site including in front of the existing church at 1C Dunmore Street North, within the centre of the site adjoining the existing car park and within the rear yard of 1A Dunmore Street. There are a number of street trees located along Dunmore Street North.



Figure 3. North western corner with existing church along Albyn Street



Figure 4. Existing Hall (38 Albyn Street) viewed from Albyn Street

The subject property is listed as an item of local heritage significance on Schedule 5 of the Bayside Local Environmental Plan (BLEP) 2021, item I114 'Christ Church Anglican Church and hall' at 1A, 1B and 1C Dunmore Street North (Lots 19 and 20, Section 2, DP 1036; Part Lot 18, Section 2, DP 1680). The property description of the hall at 38 Albyn Street is not included in the heritage item I114, however the hall is mentioned in the heritage item description. Whilst the hall at 38 Albyn Street is not currently legislatively listed, it has been considered and assessed as a heritage item for the purposes of this development application. The subject site is also in vicinity if heritage items listed in Schedule 5 of the BLEP 2021 including I113 'Street plantings' at Dunmore Street North, I115 'Federation house' located at 12 Dunmore Street North, I116 'Federation house' located at 14 Dunmore Street North and I117 'Federation house' located at 16 Dunmore Street North.



Figure 5. Existing dwelling (rectory) at 1A Dunmore Street



Figure 6. Existing Church viewed from Albyn Street towards Dunmore Street North



Figure 7. Existing hall viewed from within the site



Figure 8. Existing rear yard at 1A Dunmore Street North looking south



Figure 9. Existing car parking area central to the site

1.2 The Locality

The locality is characterised by a mix of zones including low density residential, medium density residential, high density residential and mixed use zone. This includes the development directly adjoining the site to the east at 36 Albyn Street as a three storey residential flat building with their driveway abutting the common boundary. Directly to the south at 1 Dunmore Street North comprises two storey town house development with their private open space located on their northern side directly next to the site. Directly opposite the street comprises several detached dwelling houses and the development along Albyn Street and Forest Road comprises of shop or shoptop housing development which is currently undergoing transition to a higher density development type.



Figure 10. Adjoining three storey residential flat building at 36 Albyn Street



Figure 11. Adjoining town house development at 1 Dunmore Street North



Figure 12. Low density residential development opposite the site

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the demolition of existing dwelling at 1A Dunmore Street North and gravel car park next to heritage listed church building; alterations, additions and change of use of the existing church hall to a childcare facility with capacity for 49 children operating 7:00am to 7:00pm Monday to Friday, construction of a two-storey multi-purpose hall, basement and at grade parking, bicycle parking, signage, tree removal and associated landscaping works.

Specifically, the proposal involves:

- Demolition of the single-storey brick residential dwelling (rectory) at 1A Dunmore Street North and the existing gravel car park alongside the existing church building and removal of 19 trees to facilitate the Site's redevelopment.
- Minor alterations to the existing heritage listed church.
- Retention, refurbishment and change of use of the existing church hall for the purpose of a childcare facility.
- Construction of childcare playground and ancillary facilities to support the childcare, including a staff room, laundry and admin room near the existing church hall.
- Construction of a two-storey contemporary multi-purpose ministry hall at the southern portion of the Site, comprising:
 - A place of public worship, including a 250-seat hall, foyer and kitchen /servery on the ground floor and a learning space, meeting room and creche room on the second storey.
 - A partial basement car park containing a plant room, storage area, toilet amenities and 15 car spaces. Thirteen of these spaces will be used for the place of public worship, and two will be used for two SDA dwellings once they are approved and constructed. The SDA dwellings are not subject to this application and will be dealt with in a separate development application.
- Construction of an at-grade car park between the proposed ministry hall and existing church building containing 14 car spaces. In total, the place of public worship and childcare facility will be serviced by 29 spaces, 14 spaces in the at-grade car park and 15 spaces in the basement car park.
- Construction of 12 bicycle spaces alongside the existing church building.
- Site wide landscaping.
- Construction of fencing along the length of the site within the front setback of Dunmore Street North.

Table 1: Development Data

Control	Proposal
Site area	3,435sqm
GFA	1,262sqm
FSR	0.37:1
Max Height	10.4 metres

Landscaped area	1,334.9sqm (38.9%) (including area where SDA development proposed) 568.4sqm (16.5%) (excluding area where SDA development proposed)
Car Parking spaces	Total 29 spaces (broken down into 15 basement spaces and 14 spaces at grade)
Setbacks	<u>Multi-purpose hall:</u> Southern (rear) setback: Ground: 1m to 2m; First floor: 4.5m Western (front) Setback: 6m Eastern (Side) Setback: 26.5m <u>Child Care Centre:</u> Eastern (side) Setback: 3m Southern (rear) Setback: 15m to 35m rear Western (side) Setback: 50m Northern (front) Setback: 2.8m

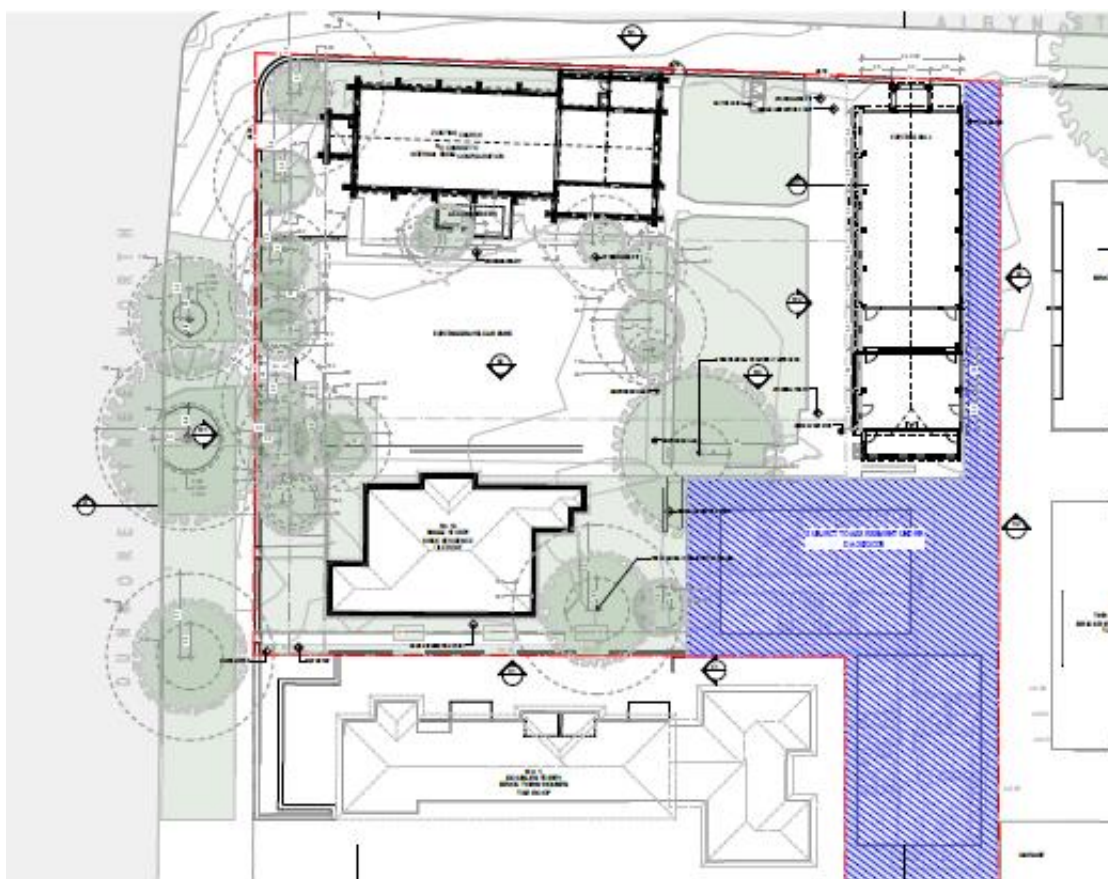


Figure 13. Proposed Site Plan

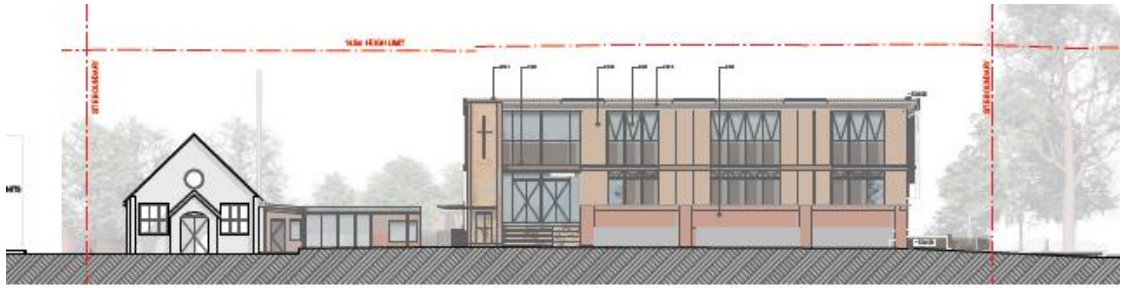


Figure 14. Proposed Northern Elevation



Figure 15. Proposed Western Elevation



Figure 16. Proposed Southern Elevation

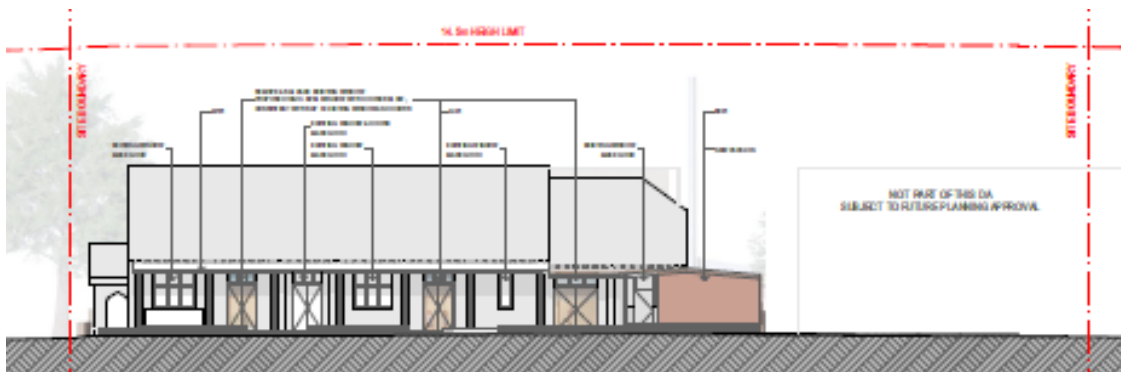


Figure 17. Proposed Eastern Elevation



Figure 18. Photomontage of the proposal viewed from Albyn Street



Figure 19. Photomontage of the proposal viewed from Dunmore Street North

2.2 Background

A pre-DA application was made on 26 November 2021 which proposed similar works to those proposed (Demolition of the rear of the parish hall and construction of a new multi purpose facility, including a place of public worship. Conversion of the existing church to a multi purpose space. Demolition of the dwelling house and other associated structures to construct SDA housing for people with a disability). A summary of the key issues raised are as below:

- Heritage
Demolition works to the heritage item were not supported due to the impact onto the significance of the item. Additional information including Conservation Management Plan was recommended for any future lodgement. Further, it was recommended that opportunity to maintain buildings and explore change of use to buildings was encouraged.
- Landscaping
The plans did not show an appropriate level of canopy trees and landscaping to soften the appearance of the development from the street and neighbouring properties and

required a minimum of 15% of the site to be provided with soft landscaping. Additionally, appropriate landscaped front and side setbacks were to be provided for the Development Application.

- **Car Parking**

Concern was raised regarding the traffic generated from the proposal and the impact onto the neighbouring development, particularly relating to car parking provided on the site.

The development application was lodged on **7 July 2022**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
7 July 2022	DA lodged
26 July 2022	DA referred to external agencies
27 July – 10 August 2022	Exhibition of the application
10 August 2022	Application was presented to Bayside Traffic Advisory Committee Meeting for recommendations
8 September 2022	Kick-off briefing meeting between the Panel, Council and the Applicant held
5 October 2022	Request for Information from Council to applicant
11 November 2022	Amended plans submitted by applicant in response to Council's additional information request
14 November 2022	Correspondence with applicant as amended scheme missing information
17 November 2022	Outstanding information submitted
13 January 2023	Further request for information from Council
9 February 2023	Amended plans submitted by applicant
27 February 2023	Meeting between Council and the Applicant held
9 March 2023	Amended plans submitted by applicant following meeting with Council
14 March 2023	Briefing meeting between the Panel, Council and the Applicant held.

2.3 Site History

The following applications were assessed and determined on the site:

- **DA-1994/350-** Approval was granted for the use of the existing church hall for long day child care centre for 29 children
- **PDA-2021/58-** A pre-DA meeting was held on 25 January 2021 for the demolition of the rear of the parish hall and construction of a new multi purpose facility, including a place of public worship. Conversion of the existing church to a multi purpose space. Demolition of the dwelling house and other associated structures to construct SDA housing for people with a disability.
- **TP-2022/126-** Tree Application was lodged for the removal of three (3) trees on the site and was completed on 18 May 2022
- **DA-2022/150-** Demolition of the fibro building and adjacent garage located at the rear of the Church hall and remediation was approved by Council on 26 September 2021.
- **DA-2022/279-** Construction of two (2) permanent group homes and tree removal is currently under assessment

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Requiring concurrence/referral (s4.13) (CASA)

Section 4.13 – Consultation and Concurrence of the Environmental Planning and Assessment Act 1979

The application seeks approval for the redevelopment of the site to a maximum overall building height of 10.4 metres (RL 60.8 metres AHD). The proposal exceeds the Obstacle Limitation

Surface height of RL 51 metres AHD and therefore is required to receive concurrence from CASA. Concurrence was received from CASA on 21 October 2022 with their conditions imposed in the draft Notice of Determination.

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *Bayside Local Environmental Plan 2021*;

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas	Y
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage <ul style="list-style-type: none"> • Section 3.6 – granting consent to signage • Section 3.11(1) – matters for consideration 	Y
State Environmental Planning Policy (Planning Systems) 2021	<ul style="list-style-type: none"> • Part 2.19(1) declares the proposal as regionally significant development pursuant to Clause 5 of Schedule 6. 	Y
SEPP (Resilience & Hazards)	<ul style="list-style-type: none"> • Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 3: Educational Establishments <ul style="list-style-type: none"> • Section 3.23 - Centre-based childcare facility—matters for consideration by consent authorities 	Y
Bayside LEP 2021	<ul style="list-style-type: none"> • Section 2.3 – Permissibility and zone objectives • Section 5.10- Heritage Conservation Area 	Y

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development for a place of public worship, community facility and childcare centre. Accordingly, the Sydney Eastern City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the proposal. The application seeks consent for the removal of nineteen (19) trees from the site.

An arboricultural impact assessment report prepared by Arborsaw and dated June 2022 accompanied the development application. The report outlined the species of trees sought to be removed as follows:

- Tree 1: *Olea europaea ssp. Cuspidata* (African Olive)
- Tree 2: *Howea belmoreana* (Curly Palm)
- Tree 3: *Howea belmoreana* (Curly Palm)
- Tree 4: *Melaleuca salicina* (Willow Bottlebrush)
- Tree 5: *Callistemon viminalis* (Weeping Bottlebrush)- approval granted in TP-2022/126
- Tree 6: *Callistemon citrinus* (Crimson Bottlebrush)- approval granted in TP-2022/126
- Tree 7: *Jacaranda mimosifolia* (Jacaranda)- approval granted in TP-2022/126
- Tree 9: *Feijoa sellowiana* (Feijoa)
- Tree 10: *Viburnum sp* (Viburnum)
- Tree 11: *Syzygium luehmannii* (Lilly Pilly)
- Tree 12: *Callistemon citrinus* (Crimson Bottlebrush)
- Tree 13: *Quercus robur* (English Oak)
- Tree 14: *Eriobotrya japonica* (Loquat Tree)
- Tree 15: *Cupressocyparis leylandii* (Leyland Cypress)
- Tree 16: *Cupressocyparis leylandii* (Leyland Cypress)
- Tree 17: *Callistemon viminalis* (Weeping Bottlebrush)
- Tree 18: *Callistemon viminalis* (Weeping Bottlebrush)
- Tree 19: *Callistemon viminalis* (Weeping Bottlebrush)
- Tree 20: *Callistemon viminalis* (Weeping Bottlebrush)
- Tree 21: *Callistemon viminalis* (Weeping Bottlebrush)
- Tree 22: *Callistemon viminalis* (Weeping Bottlebrush)
- Tree 23: *Callistemon viminalis* (Weeping Bottlebrush)

The following street trees are to be retained and protected as part of the proposal:

- Tree 24: *Lophostemon confertus* (Brushbox)
- Tree 25: *Eucalyptus saligna* (Sydney Blue Gum)
- Tree 26: *Lophostemon confertus* (Brushbox)

The Applicant proposes to replace the trees that will be removed with twenty-six new trees that are proposed across the site. Council's Tree Management Officer and Landscape Architect reviewed the proposal and provided appropriate conditions to be imposed in the draft notice of determination.

Subject to compliance with the conditions of consent, the proposal is satisfactory in relation

to the Biodiversity and Conservation SEPP 2021.

State Environmental Planning Policy (Industry and Employment) 2021

This policy applies to all signage that is visible from a public place or public reserve except for signage that is exempt development. Part 3.2 of the SEPP requires the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- a) that the signage is consistent with the objectives of this Policy as set out in Section 3.1(1) (a), and
- b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

The proposal seeks consent for the following signs:

- One (1) flat mounted wall zone sign near the ministry hall's entrance (currently proposed as the cross)
- One (1) under awning sign zone above the entrance to the ministry hall

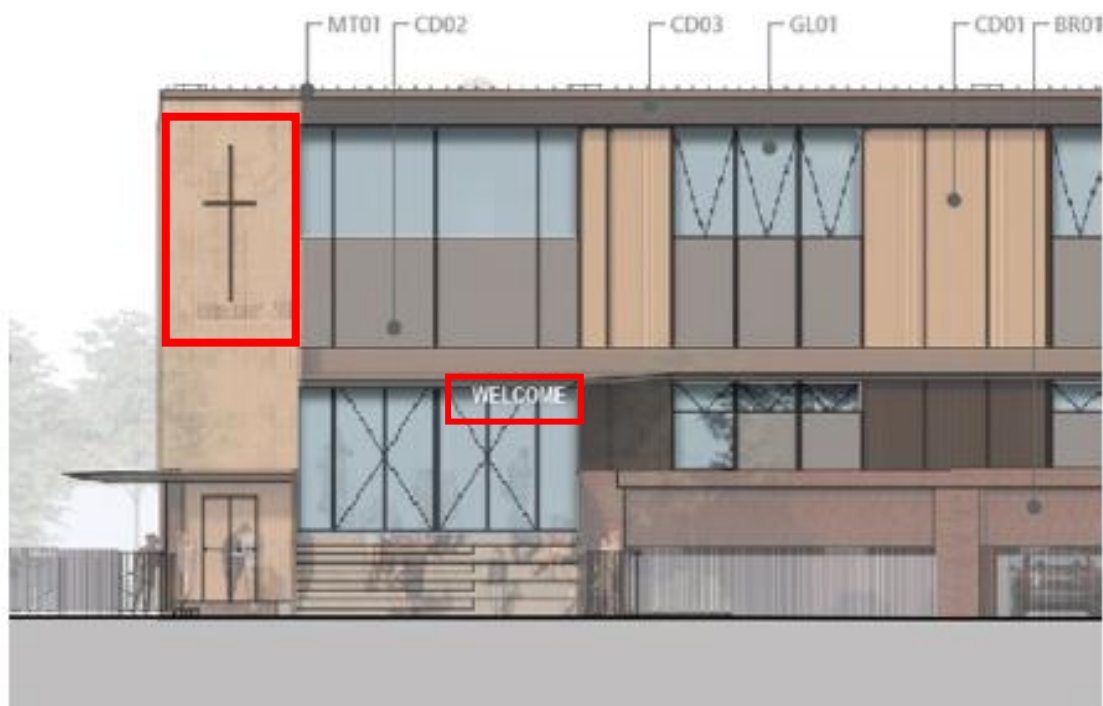


Figure 20. Proposed location of signage on the northern elevation of the hall

In a previous version of the proposal, there were another two larger signage zones proposed with one being illuminated. Considering the heritage nature of the site, the streetscape character and impact on neighbouring properties, these two signs were removed.

An assessment of the proposed signage against the SEPP assessment criteria has been undertaken and due to the minimal size and insignificance, there are no objections to the

proposed signage in its current form. The proposed signage continues to be compatible with the scale of the proposed and existing buildings on the site and will not distract from essential sight lines for vehicles users, pedestrians and cyclists.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of Chapter 4 of the SEPP have been considered in the assessment of the development application. Section 4.6 of the SEPP requires Council to be satisfied that the site is or can be made suitable for its intended use at the time of determination of an application.

The applicant provided the following four reports associated with the application:

- Preliminary and Detailed Site Investigation Report (P&DSI) prepared by Alliance Geotechnical Pty Ltd
- Remedial Action Plan (RAP) prepared by Alliance Geotechnical Pty Ltd
- Hazardous Material Risk Assessment prepared by Greencap
- Geotechnical Investigation Report prepared by Alliance Geotechnical Pty Ltd

The P&DSI identified a number of minor areas of environmental concern across the site typically associated with remnants/weathering of hazardous building materials and potential application of pesticides for termite treatment. Uncontrolled filling was identified at the gravel carpark. Other hazardous materials found include lead, bonded asbestos and asbestos fines and friable asbestos.

The P&DSI recommended a Remedial Action Plan (RAP) to be prepared to address the identified contamination impacts. The P&DSI also recommended the RAP to include a supplementary contamination assessment to address the data gaps. The RAP may need to be updated subject to findings from the supplementary contamination assessment.

The RAP also outlined a reasonable validation strategy following remediation. The RAP recommended a Remediation and Validation Report to be prepared at the completion of the remedial works. The RAP concluded that the site can be made suitable for the proposed land use, subject to:

- Implementation of the RAP, including the supplementary contamination assessment
- Preparation of the Remediation and Validation Report

The reports demonstrate that the site could be made suitable for the intended use of a place of public worship, community facility and childcare centre. The application was referred to Councils Environmental Scientist who had no objections to the proposal subject to conditions within the draft notice of determination. It is considered the proposal satisfies the requirements of the SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, has been considered in the assessment of the Development Application. The key controls within the SEPP that are applicable to the application are addressed below:

Section 3.22 - Concurrence of Regulatory Authority for certain application

Provision - Concurrence of regulatory authority required where a variation to the minimum required indoor / outdoor play areas is proposed. (Reg.107/108 of Education & Care

Services National Regulations). (Reg.107/108 of Education & Care Services National Regulations).

Officer Comment:

Indoor play areas

The size of the indoor play areas achieve compliance. Each child has a minimum of 3.25sqm of unencumbered indoor space. Based on 49 children, 159.25sqm of indoor play space is required. The proposal provides 162.1sqm.

Outdoor play areas

The size of the outdoor play areas achieve compliance. Each child has a minimum of 7sqm of unencumbered outdoor space. Based on 49 children, 343sqm of outdoor play space is required. The proposal provides 351sqm.

Section 3.24 - Child Care Planning Guideline

Provision - The consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

Officer Comment - The applicable provisions of the Child Care planning guideline have been considered in this report.

Section 3.25 - Floor space ratio

Provision – Development consent must not be granted for the purposes of a centre-based child care facility in zone R4 High Density Residential if the floor space ratio for the building on the site of the facility exceeds 1:1.

Officer Comment: The proposal (including other uses on the site) achieves an FSR of 0.37:1 and is compliant.

Section 3.26 - Non-discretionary development standards

Provisions-

a) Location - the development may be located at any distance from an existing or proposed early education and care facility.

b) Indoor/Outdoor space

- (i) 3.25 sqm/per child indoor
- (ii) 7sqm/per child outdoor

c) Site Area & Site Dimensions - the development may be located on a site of any size and have any length of street frontage or any allotment depth.

d) Colour of building materials or shade structures - the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area (HCA).

Officer Comment - The sizes of the indoor and outdoor play areas comply with the

minimum requirements. The site is located over five lots however the childcare building is located at 38 Albyn Street. The site has been identified as a heritage item and has been designed and adapted accordingly. The external colour scheme of the rear addition is acceptable and consistent with the existing streetscape.

Section 3.27 - Development Control Plans

Provisions -

A provision of a DCP that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre based child care facility:

- (a) operational or management plans or arrangements (including hours of operation),
- (b) demonstrated need or demand for child care services,
- (c) proximity of facility to other early childhood education and care facilities,
- (d) any matter relating to development for the purpose of a centre based child care facility contained in:
 - i) the design principles set out in Part 3 of the Child Care Planning Guideline, or
 - ii) The matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning height, side and rear setbacks or car parking rates).

Officer Comment – A plan of management has been submitted with the proposal. An assessment of the RDCP 2011 has been undertaken below in the report.

Child Care Planning Guideline

Child care centres are required to comply with the key design criteria of the Child Care Planning Guideline which has been addressed below:

Clause 3.1 – Site Selection & Location

Objectives

- *To ensure that appropriate zone considerations are assessed when selecting a site.*
- *To ensure that the site selected for a proposed child care facility is suitable for the use.*
- *To ensure that sites for child care facilities are appropriately located.*
- *To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.*

Officer Comment- The site is generally flat in nature. There are no environmental or health risks that are located on or surrounding the site. The location of the childcare centre is suitable.

Clause 3.2 - Local character, streetscape and the public domain interface

Objectives

- *To ensure that the child care facility is compatible with the local character and surrounding streetscape.*
- *To ensure clear delineation between the child care facility and public spaces.*

Officer Comment- There is no real change to the streetscape for the childcare centre. The use is contained within an existing building on the site. The outdoor play area will be located directly to the west of the existing hall and will be fenced. The key change from the Albyn Street streetscape would be the new fencing and landscaped area.

Clause 3.3 – Building orientation, envelope and design

Objectives

- *To respond to the streetscape and site, while optimising solar access and opportunities for shade.*
- *To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.*
- *To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.*
- *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.*
- *To ensure that buildings are designed to create safe environments for all users.*
- *To ensure that child care facilities are designed to be accessible by all potential users.*

Officer Comment- The proposal does not involve the construction of a new building. The childcare centre will be located within the existing hall located at 38 Albyn Street with minor rear addition to accommodate for the needs of the staff and operations. The new additions are minor in nature and are contained to a single storey element. The new addition is consistent with the built form and materials of the existing building.

Clause 3.4 - Landscaping

Objectives

- *To provide landscaping design that contributes to the streetscape and amenity*

Officer Comment- The landscaping provided is considered satisfactory. The proposal provides ample deep soil landscaped area centre to the site as well as turf area along the eastern boundary to the side. Trees will be planted within the site to allow for consistent landscape setting when viewed from the streetscape.

Part 3.5 - Visual and Acoustic Privacy

Objectives

- *To protect the privacy and security of children attending the facility*
- *To minimise impacts on privacy of adjoining properties*
- *To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments*

Officer Comment- The proposal is located within an existing hall building which is to be converted to this new use. Modifications include new windows along the eastern elevation

which face the neighbouring residential flat building. Considering the single storey nature of the building and the building separation existing, there is not considered to be any visual privacy concerns from the childcare centre. The outdoor play area is centralised to the site and away from the neighbouring development.

Clause 3.6 - Noise & Air Pollution

Objectives

- *To ensure that outside noise levels on the facility are minimised to acceptable levels.*
- *To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.*

Officer Comment- There are no significant issues identified with respect to external noise and/or air pollution. Any noise generated from the use, including use of speakers and music is regulated through conditions in the draft Notice of Determination.

Clause 3.7 - Hours of Operation

Objectives

- To minimise the impact of the child care facility on the amenity of neighbouring residential developments

Officer Comment - The proposed hours of 7.00am to 7.00pm, Monday to Friday is acceptable.

Clause 3.8 - Traffic, Parking & Pedestrian Circulation

Objectives

- *To provide parking that satisfies the needs of users and demand generated by the centre.*
- *To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.*
- *To provide a safe and connected environment for pedestrians both on and around the site.*

Officer Comment- The proposed development incorporates a basement car parking area which contains a compliant amount of car parking. The car parking area is located at grade adjoining the outdoor area for the ministry hall which separates the childcare centre outdoor area. The proposal has been designed to achieve safe travel from the car park to the childcare centre.

Part 4 – Education & Care Services National Regulations

The proposed development has been assessed against the relevant clauses below in the Education & Care Services National Regulations:

- Clause 104 Fencing or barrier that encloses outdoor spaces
- Clause 106 Laundry & Hygiene Facilities
- Clause 107 Indoor Space Requirements
- Clause 108 Outdoor Space Requirements
- Clause 109 Toilet & hygiene facilities

- Clause 110 Ventilation and Natural Light
- Clause 111 Administrative space
- Clause 112 Nappy change facilities
- Clause 113 Outdoor space natural environment
- Clause 114 Outdoor space shade
- Clause 115 Premises designed to facilitate supervision
- Clause 97/168 Emergency & Evacuation procedures

No issues have been raised based on the regulations listed above. The proposal is compliant.

Bayside Local Environmental Plan 2021

The relevant local environmental plan applying to the site is the *Bayside Local Environmental Plan 2021* ('the LEP'). The proposal is consistent with the aims of the BLEP 2021.

Zoning and Permissibility (Part 2)

The site is located within the R4 High Density Residential zone pursuant to Section 2.2 of the LEP.

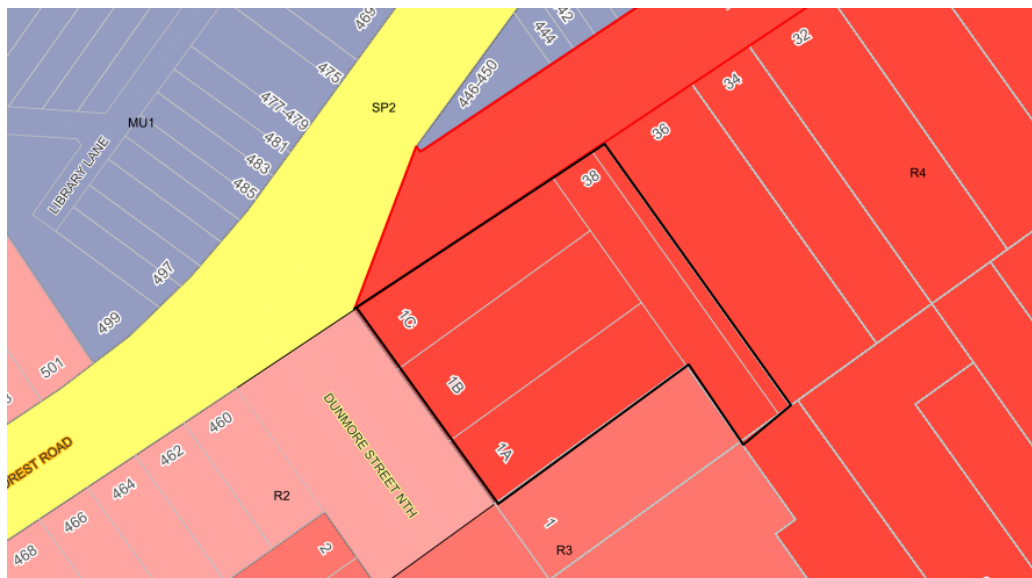


Figure 21. Zoning Map of Subject Site

According to the definitions in Section 1.4 (contained in the Dictionary), the proposal satisfies the definition of *place of public worship, community facility and centre-based child care centre* which are permissible uses with consent in the Land Use Table in Section 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Section 2.3):

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To ensure land uses are carried out in a context and setting to minimise impact on the character and amenity of the area.
- To enable residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.

The proposal is consistent with these zone objectives for the following reasons:

- Meets day to day needs of residents through the provision of childcare and a contemporary space where the community can meet, worship, hold events and thus strengthen social cohesion. Council acknowledges the need for additional childcare facilities to meet population growth and support social sustainability in Bayside.
- Provides community facilities within walking distance of the surrounding Bexley residential neighbourhood and accessible via cycling and bus.

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are as follows:

2.7 - Demolition

The proposal seeks consent for demolition of the existing dwelling (rectory) and any structures at 1A Dunmore Street North, the existing gravel car park between the dwelling and the existing church and the removal of numerous trees. A demolition plan has been submitted with the application. In this regard, the proposal satisfies the provisions of this Section.

4.3 - Height of Buildings

A maximum height standard of 14.5 metres applies to the subject site.

The proposal has a maximum height of 10.4 metres (RL 60.8 metres AHD) which complies with the provisions and objectives of this Section.

4.4 – Floor Space Ratio

A maximum FSR standard of 1:1 (3,435sqm) applies to the subject site.

The proposal has a maximum FSR of 1,262sqm (0.37:1) which complies with the provisions and objectives of this Section.

5.10 – Heritage Conservation Area

The site has been identified as Heritage Item No. 113- Christ Church Anglican Church and Hall.

The application was accompanied by a heritage impact statement prepared by Weir Phillips Heritage and Planning.

The Applicant has provided some of the following points as justification for the changes to the site relating to heritage:

- *The Church Hall has not been used for some time and requires structural repair. The Heritage Impact Statement notes that it is critical that a new use for this building. Its proposed use as a childcare facility enables the retention of the hall, provides a revenue stream for the hall's upkeep and maintenance and delivers a social benefit to the community through the provision of needed childcare spaces.*
- *The proposed works to the Church Hall will have a positive impact as they retain a full understanding of the hall's original form and style and ensure that users can safely use it. The proposed internal works will facilitate the hall's adaptive reuse, and new internal walls will be of a lightweight construction that can be removed later.*
- *Removing the rectory allows for the construction of a new ministry hall that will serve the congregation's needs. The rectory is not a rare building type, with minimal aesthetic significance and is less significant than the Church and Church Hall, both of which are retained.*
- *The Heritage Impact Statement confirms that the rectory site is the best location for the ministry hall's massing and scale. It is well removed from the Church and Hall, outside of their significant view corridors, and located adjacent to two-storey townhouses, providing a good transition between this site and the surrounding area.*
- *The proposed ministry hall is appropriately designed to not detract from the heritage significance of the Church and Church Hall. It is not taller than the existing Church, and its contemporary design is an appropriate response for a new building on a heritage site. The ministry hall's finishes will not overwhelm the Church's painted finish or the Church Hall's brick finish.*
- *The removal of the Church's pews will not impact the primary significance of the site for its association with the Church congregation for over 140 years. Instead, removing the pews will increase this space's flexibility for use by the congregation and reflects the trend for churches to remove this seating, which is not fit for purpose. The Statement advises that the pews can be archived before their removal to mitigate the impact of their removal. The Proposal retains all other key elements of the Church's original furnishings, including the pulpit.*

The application was referred to Council's Heritage Advisor who provided the following commentary:

'The proposed alterations and additions to the existing church hall will restore the hall and provide a new use. The changes are considered acceptable as they support a function for the hall which will ensure its future conservation.'

The hall is generally supported as it provides enough setback to the church and hall that these buildings will retain their aesthetic value.

The proposed childcare areas provide spaces that are interactive and retain the setback between the hall and the church.

Hedge planting alongside the northern wall of the church is not recommended as this is likely to cause damp and possibly structural issues in the future. It is recommended there be no landscaping between the stone wall and the church.'

The recommendation provided is as follows:

- *The landscape plan must be amended to remove reference to planting on the northern side of the church*
- *The rectory building shall be archivally recorded internally and externally, according to the documents published by the NSW Heritage, Department of Premier and Cabinet. Guidelines, How to prepare archival recordings and Photographic recording of heritage items using film or digital capture. The archival record is to be made prior to any works taking place.*

6.1 – Acid Sulfate Soils

The site is identified as being affected by Class 5 Acid Sulfate Soils (ASS). Development Consent is required as the proposed works is within 500 metres of adjacent Class 1, 2, 3 or 4 that is below 5 AHD and the works may lower the watertable beyond 1m of adjacent Class 1, 2, 3 or 4 land.

The proposal does not involve the excavation of a basement deeper than 5 metres BGL and is not within 500m of Class 1, 2, 3 and 4 zones, therefore an acid sulfate soils management plan is not warranted in this instance.

Notwithstanding the above, the development application was reviewed by Council's Environmental Scientist who had no objections to the proposal subject to the imposition of conditions of consent.

The proposal is consistent with the objectives and requirements of Section 6.1.

6.2 – Earthworks

The proposal seeks excavation for a partial basement at a depth of 1.3 metres BGL (RL 49.1m AHD).

The impacts of the proposed earthworks have been considered in the assessment of this proposal. Conditions have been imposed in the draft Notice of Determination to ensure minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. The proposal meets the objectives of this Section.

6.3 – Stormwater and WSUD

Stormwater management plans were prepared by Northrop Consulting Engineers. The plans demonstrate on-site detention tank proposed located underneath the proposed at grade car park. Additionally, the proposal incorporates an underground rainwater tank adjacent to the site's OSD tank. Rainwater will be used for irrigation and toilet flushing.

The application was reviewed by Councils Development Engineer who had no objections to the proposal subject to conditions imposed within the draft Notice of Determination.

6.7 – Airspace Operations

The site is located within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application seeks approval for the redevelopment of the site to a maximum overall building height of 10.4 metres (RL 60.8 metres AHD). The proposal exceeds the Obstacle Limitation Surface height of RL 51 metres AHD and therefore is required to receive concurrence from CASA.

The application was referred to Civil Aviation Safety Authority (CASA) who did not object to the proposal and provided their concurrence in a letter dated 21 October 2022.

The proposal is satisfactory with respect of the objectives and requirements of this Section and appropriate conditions have been imposed within the notice of determination.

6.8 – Development in Areas subject to Aircraft Noise

The subject site is located within the 20 to 25 ANEF Contour, thus subject to adverse aircraft noise. Accordingly, appropriate noise attenuation measures are required for the proposed development.

The proposal was accompanied by an Acoustic Report prepared by ADP Consulting Engineering dated 10 November 2022.

The proposal has been conditioned to ensure the recommendations of the report are implemented on site. As conditioned the proposal is satisfactory with respect of the requirements and objectives of this Section.

(a) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no draft instruments that are relevant to this development application.

(b) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Rockdale Development Control Plan 2011* ('the DCP')

The development proposal has been assessed against the controls contained in the Rockdale Development Control Plan 2011 as follows:

Part 4.1 – Site Planning

4.1.1 Views and Vistas

The proposal will be at its highest point 2 ½ storeys in nature and is located under the maximum building height limit. It is not considered that the proposal will obstruct any significant views or vistas. Additionally, the site's layout has been carefully thought out to prevent any view obstructions to the existing heritage church building and hall which remain visually prominent from the corner of Dunmore Street North and Albyn Street.

Part 4.2 – Streetscape and Site Context

Dunmore Street North is characterised by a mix of high and low density development including three storey residential flat buildings, single and two storey detached dwelling houses and two storey townhouses. Albyn Street is characterised by three storey walk up residential flat

buildings along its southern side and shops/shoptop housing along its northern side. Due to this characterisation of buildings, there is a range of zones abutting the site. The figure below demonstrates an aerial view of the pattern of development in the area. The subject site is outlined in red.



Figure 22. Aerial of Street Context

The works to the existing church and hall building will not detract from the existing streetscape considering that the works are predominantly internal. The new multipurpose hall has been setback from Dunmore Street North by 6 metres which is consistent with the setbacks established by the neighbouring town house development and residential flat buildings on the eastern side of the street as well as the setback of the existing church building.

The roof form has been amended to be setback and angled downwards off the southern boundary to maximise the amount of sunlight received by the neighbouring townhouse development. The height of the development is 2 ½ storeys which aligns with the existing church buildings' steeples. The height is comparable with other existing residential flat buildings along the street. The building has been setback away from Dunmore Street North and with the existing street planting and new planting on the site, will further obstruct any direct views of the built form when viewed from either street frontage.

The materials used on the new hall building are consistent with the colour, tone and materiality found in surrounding developments including facebrick, cladding, render, and glazing. The below figure shows a photomontage of the proposed hall with a description of the materials proposed.



Figure 23. Photomontages of the proposal

Vehicle access to the site is limited to off Dunmore Street North while there are a number of pedestrian access points to the site along Dunmore Street North and Albyn Street. Access to the multi-purpose hall is via the partial basement car park and entry along its northern elevation. Access to the existing church building and child care centre is maintained, however the child care centre can also be accessed within the site through the outdoor play area. The construction of fence area around the child care centre clearly defines this area as private space for children.

The proposal retains the existing low fencing along both street frontages whereas the proposed fencing around the childcare centre will be at a height of 1.8 metres.

It is considered that the proposal is consistent with the existing streetscape character along the street.

Part 4.3 – Landscape Planning and Design

4.3.1 Open Space and Landscape Design

The DCP requires the site to comprise a minimum of 15% (515.25sqm) landscaped area. The proposal provides the following breakdown:

- 1,334.9sqm (38.9%) (including area where SDA development proposed)
- 568.4sqm (16.5%) (excluding area where SDA development proposed)

Landscape plans prepared by Umbaco Landscape Architects were provided with the application. The proposal was reviewed by Council's Landscape Architect who has imposed conditions within the draft Notice of Determination relating to landscape treatment, including the childcare centre outdoor play area, deep soil, tree planting and preservation. Therefore, the proposal is compliant with the landscape area requirement.

Part 4.4 – Sustainable Building Design

4.4.2 Solar Access

Dwellings at adjoining properties are required to receive a minimum of 3 hours direct sunlight to habitable rooms and to at least 50% of private open spaces between 9am and 3pm in mid-winter (June 21).

There have been several iterations to the new hall building particularly relating to the building height and roof design. Council initially had serious concerns in the design and impact the roof form would have to the neighbouring townhouses.

The applicant has provided shadow diagrams which are provided in Attachment B including half hourly diagrams between 9am to 3pm in June from both the existing development, proposed, alternate option of a detached dwelling house and an ADG compliant development. The Applicant has demonstrated that the neighbouring private open space and windows to the townhouses will continue to receive sunlight in mid-winter due to the redesign of the roof slope and setbacks proposed off the southern boundary. The degree of overshadowing proposed is less than any other alternate built form that is permissible on the site including a three storey residential flat building or a two storey dwelling house which allows setbacks of 900mm to 1.5m from the boundary.

It is considered that the proposal appropriately addresses solar access onto the site and neighbouring development.

4.4.3 Natural Lighting and Ventilation

The development proposes a number of windows along the northern elevation of the new hall and replaces windows along the eastern elevation of the childcare centre. This will allow for appropriate natural lighting and ventilation into these two buildings. Mechanical ventilation in the form of air conditioning units are existing and proposed on the site. Appropriate conditions have been imposed in the draft Notice of Determination to mitigate any noise generated by these services.

4.4.5 Visual and Acoustic Privacy

An assessment of the adjoining properties and any overlooking contributed by the proposal has been undertaken. The new multipurpose hall has been designed to not comprise any windows along the southern elevation facing the adjoining townhouse development therefore there is no visual impact at this boundary. The building is also appropriately setback 6 metres from the western front boundary and 26.5 metres from the eastern boundary. Visual impact from the childcare centre is limited considering the structure is a change of use of an existing single storey building. There should be no visual impact to the neighbouring three storey residential flat building.

The application was accompanied by an acoustic report which has been discussed earlier in the report and measures raised in the report have been incorporated within the buildings. Noise mitigation which is relevant and related to the uses on the site is restricted by the hours of operation which are imposed in the consent and operations outlined in the plan of management.

It is not considered that the proposal will generate any visual or acoustic privacy concerns. The proposal is satisfactory regarding to visual and acoustic privacy.

4.4.6 Noise Impact

Noise impacts generated by the use are discussed below in the report and are found satisfactory subject to the imposition of suitable conditions.

Part 4.6 – Car Parking, Access and Movement

4.6 Parking Rates, Car Park Location and design, site access

The proposal will provide a total of twenty-nine (29) car spaces across the site. This will be accommodated between an at grade car park located between the existing church and the new hall and is to have fourteen (14) spaces as well as a partial basement car park which will be located as part of the new hall and will accommodate fifteen (15) car spaces.

The car parking rate for a childcare centre is 1 space per 2 staff members and 1 space for every 20 children. Considering that there are 49 children and 11 staff proposed, a total of 9 spaces are required for the childcare. The plans show a total of 10 spaces are provided at the at grade car park directly adjacent to the car park. Appropriate pedestrian movement around the car park is provided to achieve safe travel between the car park and the childcare. Two of the car parking spaces in the basement will be associated with the future SDA dwellings that are subject to a separate development application and has been conditioned accordingly.

The remaining car spaces in the basement and the at grade car park are associated with the new hall. The DCP does not specify a car parking rate for places of public worship, instead relying on a traffic report to justify the car parking numbers. Currently, the site contains 20 car parking spaces associated with the existing church. The new hall can accommodate a total of 250 patrons. As the hall operations generally fall outside the times where the childcare centre will be in use, patrons to the hall could also use the childcare centre parking spaces. Therefore there will be a total of 27 spaces associated with the hall. This is considered acceptable as the proposal doubles the existing capacity of the existing site conditions. It is evident in the traffic report that the car parking capacity will double in comparison to the number of patrons increasing by 22% therefore the parking spaces is a significant improvement.

The proposal will continue to have ingress and egress from Dunmore Street North in accessing the basement and at grade car park. The width of the driveway will be increased to 6 metres to accommodate a two way driveway that allows vehicles to come and go at the same time. A swept path diagram has been provided as part of the development application.

There is currently vehicular crossing located along the eastern boundary along 36 Albyn Street. The Applicant has sought to retain this access temporarily for access to the future SDA dwellings to be located at the rear of the site and which will also have two temporary car parking spaces located in front of the dwelling till time the hall construction is finalised. It is likely the SDA dwellings will be completed before the hall therefore the nature of the proposal. Further assessment of the car parking provisions for these SDA is subject to its respective application.

Loading and unloading including waste collection will be carried out from within the site. A waste enclosure with a height of 1.2 metres is located on the western front setback adjoining the hall.

The proposal has been reviewed by Council's Development Engineer with the latest plans supported subject to the imposition of conditions within the draft Notice of Determination.

Part 4.7 – Site Facilities

The plans demonstrate the location of air conditioning units located on the southern side of the existing church and adjoining the car park. These air conditioning units will be screened by fencing.

The proposed fire hydrant is to be located on the western side of the new hall within the front setback. This is considered appropriate.

The waste holding area is also located in an enclosure along the front setback adjoining the hall. Considering that there will be landscaped area and a separate fence in front of this area, it is not considered that there will be substantial visual impact from its location.

Part 6.1 – Child Care Centres

The controls in this part of RDCP 2011 state the following:

- *Child care centres must provide a minimum of 33% of their child care spaces for children under the age of 2 years.*
- *The breakdown of ages of the proposed number of children and the clarification in relation to group sizes are required to be provided with the Development Application.*
- *A maximum number of 50 children is permitted in a child care centre in residential zones, unless it can be demonstrated by the applicant that any additional children will not result in unreasonable impact on the amenity of adjoining properties and/or streetscape.*

Section 3.27 of SEPP (Transport and Infrastructure) 2021 overrides the above controls and they therefore are not applicable. Child care place numbers are discussed above in the report.

Child Care Centre – Location

There are no other child care centres located on Dunmore Street North or Albyn Street. The location of the proposal is satisfactory as it is not located in a flood zone, on a cul-de sac, on a steep site, direct frontage to a classified road. While the use is in a high-density residential area, child care centres are permissible within the zone.

Child Care Centre – Building Design

Control 11 in this part of the DCP states that *child care centres must be designed in character with the existing streetscape (i.e. – buildings located in residential areas must maintain an appearance consistent with the nearby residential streetscape)*. The site is within an R4 – High Density Residential zone. The existing streetscape is predominately low to medium density in nature along Dunmore Street North and high density in nature along Albyn Street. The childcare centre will be located within the existing single storey hall located on the eastern side of the site with a small addition proposed to the rear to accommodate staff rooms and storage. The built form will not change to the existing and will not impact on the adjoining three storey residential flat building. The proposal is consistent with the maximum FSR LEP control therefore is not an overdevelopment of the site.

Child Care Centre – Visual and Acoustic Impact

The application was accompanied by an acoustic report which concludes that compliance with the applicable noise criteria is capable of being met subject to various measures being

implemented. The outdoor play areas have been located centre to the site away from any neighbouring residential development to mitigate any noise generated during operation hours. The Plan of Management has also addressed noise mitigation and this will be further regulated by conditions imposed in the draft Notice of Determination.

Child Care Centre – Indoor and Outdoor Space

The sizes of the indoor spaces are compliant and are discussed above under the SEPP.

Child Care Centre – Parking and Pedestrian Safety

The DCP sets parking rates as follows:

- 1 space/20 children
- 1 space/2 members of staff (part or full time)

The proposed development incorporates 49 children and 11 staff. On that basis, a total of 9 car parking spaces are required. There are a total of 10 car spaces allocated to the childcare centre located at grade.

Child Care Centre – Hours of Operation

Control 38 in the DCP which states that *In residential zones the hours of operation are limited to between 7am and 7pm Monday to Friday*. The proposed hours of operation are Monday to Friday 7:00am to 7:00pm which complies with the controls.

(c) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(d) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- If demolition of a building proposed - provisions of AS 2601;

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

Noise

The use as a place of public worship and childcare centre may generate some noise due to the nature of activities that are undertaken. To mitigate any adverse noise impacts onto the neighbouring properties, the Applicant has designed the new hall to limit the amount of windows that directly open to the southern neighbouring residential development as well as providing a plan of management to regulate the operation of the development. The application was reviewed by Council's Environmental Health Officer who had no issues with the proposal subject to conditions imposed in the draft Notice of Determination including limiting the amount of occupants to the hall, restricting large speakers and loud music in outdoor spaces (with the exception of small speakers associated with mothers group) and restricting the hours of operation of the two uses.

Plan of Management

Both childcare centre and the new hall require a plan of management which was provided by the Applicant. The Plan of Managements' stipulate the operational procedures associated with the different uses. The documents are satisfactory and have been conditioned within the draft Notice of Determination.

Visual Impact

Consideration was given on the visual impact of the new hall when viewed from the neighbouring development at 1 Dunmore Street North and from the streetscape when walking towards Albyn Street. The Applicant has provided a strong analysis of the visual bulk of the proposal in comparison to a comparable residential flat building which is also permissible on the site and would create greater impact on adjoining neighbours than the subject proposal. As demonstrated in the figures below, the roof has been sloped down from a two and a half storey development to a single storey element, as well as recessed at numerous sections including material and colour changes to break the amount of roof perceivable from the neighbouring property. The use of existing and proposed tree planting assist in ameliorating bulk when viewed from the street.



Figure 24. View analysis of the proposed hall viewed from Dunmore Street North facing north

The setbacks proposed along the southern boundary range between 1m to 2m at the ground level and is further setback 4.5m at the first floor. Should the development have proposed a two storey dwelling house in the same location, the development would have had a reduced setback of 900mm at the ground level and 1.5m at the first floor level. This would have resulted in a much closer and more dominant development along this elevation and would have created adverse impacts to the solar amenity experienced by the neighbouring development. It is

considered the proposal, as amended, has adequately designed the development to conform to the existing scale and bulk of neighbouring development and consciously attempts to maintain appropriate sunlight and visual separation to 1 Dunmore Street North.



Figure 25. Southern elevation of proposal and analysis of alternate dwelling option

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The site is affected by aircraft noise being situated within the 20-25 ANEF Contour. The application was accompanied by an acoustic report which has been reviewed and is acceptable.

Adequate information has been submitted to demonstrate that the site is suitable for the proposed development when considering contamination. Appropriate conditions have been imposed within the consent.

Noise and hours of operation are mitigated and should comply with the plan of management as conditioned within the consent and any other relevant conditions.

Impacts relating to aviation and the OLS have been resolved by imposing conditions of consent sent through by CASA.

The proposed use as a place of public worship, community facility and centre based child care centre is permissible within the R4 High Density Residential zone as identified within the BLEP 2021 and achieves the objectives and controls of both the BLEP 2021 and RDCP 2011. It is considered that the development is suitable for the site.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 4.3 of this report below.

3.5 Section 4.15(1)(e) - Public interest

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity. The proposed building is a high-quality building that will add architectural value to the existing streetscape. Furthermore, the proposal does not create unreasonable impacts on surrounding properties and any potential impacts are mitigated through the adherence to the plan of management for both uses and conditions of consent. As such it is considered that the development application is in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 4.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
CASA	Section 183 of the Airports Act and referral under Regulation 11(2) of the Airports (Protection of Airspace) Regulations 1996	No issues presented. Conditions to be included in consent	Y
Referral/Consultation Agencies			
Sydney Water	Sydney Water Act 1994 Section 78	No issues presented. Conditions to be included in consent	Y
Ausgrid	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	No issues presented. Conditions to be included in consent	Y
SACL	Section 6.3 and 6.4 of the RLEP 2011	No issues presented. Conditions to be included in consent	Y

NSW Police		Advisory conditions have been imposed	Y
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4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Conditions provided for determination	Y
Traffic	Recommendations provided to Development Engineer.	Y
Building Surveyor	Conditions provided for determination	Y
Environmental Health	Conditions provided for determination	Y
Environmental Scientist	Conditions provided for determination	Y
Landscaping	Conditions provided for determination	Y
Tree Management	Conditions provided for determination	Y
Waste	Conditions provided for determination	Y
Heritage	Conditions provided for determination	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the DCP 27 July 2022 until 10 August 2022. The notification included the following:

- An advertisement in the local newspaper;
- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties;
- Notification on the Council's website.

The Council received a total of 76 submissions, comprising 6 objections and 70 submissions in favour of the proposal. The issues raised in these submissions are considered in **Table 6** below.

Table 6: Community Submissions

Issue	No of submissions referring to issue	Council Comments
<p>Overdevelopment</p> <p>Submissions raised concern this would result in an overdevelopment of the site.</p>	1	<p>Concerns were raised by objectors regarding the overdevelopment on the site. The proposal is significantly less than the maximum FSR proposed of 1:1 as well as being significantly under the building height limit. The scale of the proposal is consistent with the existing scale found along Dunmore Street North. The proposal is a better outcome than a high density residential development which is permissible on the site.</p>
<p>Tree Removal</p> <p>There are nineteen (19) trees proposed for removal, and the submission raises concern that this will affect the green spaces available within the locality and have adverse impacts.</p>	5	<p>Concern is raised relating to the removal of 19 trees on the site. It is noted that a large number of trees will be removed and Council's Tree Management Officer has reviewed the arborist report attached to the development application. The Applicant has proposed to plant an additional 26 trees on the site. Additional conditions have been imposed in the draft Notice of Determination relating to tree planting, preservation and the types of species and tree size.</p>
<p>Heritage</p> <p>Submission raised concern over the demolition of the rectory building for the construction of the new multipurpose hall is detrimental to the heritage item.</p>	2	<p>Concerns are raised relating to the necessity of building a multipurpose hall and SDA homes on the site by removing the existing rectory building/dwelling at 1A Dunmore Street. Concern is also raised relating to content and assessment of the heritage impact statement and the existing heritage conservation plan.</p> <p>The application was assessed by Council's Heritage Advisor who has no objection to the proposed bulk, scale and materials proposed for the hall. The SDA dwellings are not assessed in this application and will be subject to an assessment in a separate development application.</p> <p>The HIS has addressed the heritage significance of the rectory. Considering Council's Heritage Advisor was not opposed to its removal, its demolition is appropriate. Any demolition works of structures on the site will be properly mitigated and will not impact on the existing church. Appropriate conditions have been imposed.</p>

Related applications Submissions concerned that demolition of rectory for the multipurpose hall is unnecessary and related application for group homes should be considered holistically	2	The assessment of the SDA dwellings is subject to a separate development application that is currently under assessment and will factor in the subject proposal. Consideration for car parking associated within the dwellings has been factored into the basement car park.
Noise Submission raising concern over the operating hours of the buildings, increased capacity and proximity to residential development.	1	Concerns are raised regarding to noise generated from the two uses on the site as well as the hours of operation. Noise has been mitigated by pushing any outdoor areas centre to the site rather than abutting the eastern side boundary. The Plan of Managements have been reviewed and conditioned within the draft Notice of Determination in addition to other conditions mitigating noise.

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in the executive summary have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

6. RECOMMENDATION

That the Development Application DA No 2022/196 for the demolition of existing dwelling at 1A Dunmore St Nth and gravel car park next to heritage listed church building; Alterations, additions and change of use of the existing church hall to a childcare facility with capacity for 49 children operating 7:00am to 7:00pm Monday to Friday, construction of a two-storey multi-purpose hall, basement and at grade parking, bicycle parking, signage, tree removal and associated landscaping works, at 1A, 1B and 1C Dunmore Street North and 38 Albyn Street in Bexley be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Notice of Determination
- Attachment B: Architectural Plans
- Attachment C: Landscape Plans
- Attachment D: Arborist Report
- Attachment E: Plan of Management- Child Care
- Attachment F: Plan of Management- Ministry (Multi-purpose hall)
- Attachment G: Heritage Impact Statement
- Attachment H: Urban Design Report