



## DEVELOPMENT ASSESSMENT PANEL REPORT

<b>Application No.</b>	DA/2025/0164
<b>Address</b>	6 Railway Street CROYDON
<b>Proposal</b>	Alterations and additions to an existing preschool, including demolition of the existing playground fence, construction of a new playground fence
<b>Date of Lodgement</b>	19 March 2025
<b>Applicant</b>	Nagy Khoury Design Pty Ltd
<b>Owner</b>	Inner West Council - Ashfield
<b>Number of Submissions</b>	Initial: 0
<b>Cost of works</b>	\$22,875.00
<b>Reason for determination at Planning Panel</b>	Council Property
<b>Main Matters</b>	Nil
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development



## LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing preschool, including demolition of the existing 1.6m high playground fence and construction of a new 1.8m high playground fence at 6 Railway Street CROYDON.

The application was notified to surrounding properties and no submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Security for children

## 2. Proposal

- Demolition of front metal fence of Child Care Centre
- Construction of a new front metal fence.

## 3. Site Description

The subject site is located on the eastern side of Railway Street, between Bastable Street and Horden Parade. The site consists of 5 allotments and is generally square shaped with a total area of 991.14 sqm and is legally described as Lots 10,11,12,13 and 14 in Section 5, DP 795.

The site has a frontage to Railway Street of 31.839 metres. There are no known easements affecting the site.

The site supports a single storey brick and tiled roof childcare building and a detached shade structure adjacent to an outdoor play area. The adjoining properties support two storey commercial buildings to the north and single storey dwelling houses to the south.

The property is identified as a flood prone lot.

The following tree is located on the site and within the vicinity.

- 1 x *Plantanus x acerifolius* (plane tree) adjacent to the northern boundary of the subject site. See photograph in figure 1 below



*Figure 3: Photo of subject site as viewed from Railway Street*



**Surrounding properties**

Application	Proposal	Decision & Date
DA 010.2004.00000348.001	Fit out and change of use to real estate office -204 Elizabeth Street Croydon	Approved 28/01/2004
DA 006.1979.00008096.001	Additions to dwelling house at 7 Railway Street Croydon	Approved 05/07/1971

**5. Assessment**

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*.

**A. Environmental Planning Instruments**

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

**Inner West Local Environmental Plan 2022**

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

**Part 1 – Preliminary**

Section	Proposed	Complies
Section 1.2 Aims of Plan	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> <li>• The proposal conserves and maintains the natural, built and cultural heritage of Inner West,</li> <li>• The proposal prevents adverse social, economic and environmental impacts on the local character of Inner West,</li> <li>• The proposal prevents adverse social, economic and environmental impacts, including cumulative impacts</li> </ul>	Yes

**Part 2 – Permitted or prohibited development**

Section	Proposed	Complies
Section 2.3 Zone objectives and Land Use Table	<ul style="list-style-type: none"> <li>• The application proposes a fence (ancillary development) to a child care centre. Child Care Centres are permissible with consent in the R2 zone.</li> <li>• The proposal is consistent with the relevant objectives of the zone, as it will enable a land use</li> </ul>	Yes

Section	Proposed	Complies
	that provide facilities or services to meet the day to day needs of residents.	
Section 2.7 Demolition requires development consent	The proposal satisfies the section as follows: <ul style="list-style-type: none"> <li>• Demolition works are proposed, which are permissible with consent; and</li> <li>• Standard conditions are recommended to manage impacts which may arise during demolition.</li> </ul>	Yes, subject to conditions

### Part 5 – Miscellaneous provisions

Section	Proposed	Complies
Section 5.21 Flood planning	The site is located in a flood planning area. The development is considered to be compatible with the flood function and behaviour on the land now and under future projections. The design of the proposal and its scale will not affect the flood affectation of the subject site or adjoining properties and is considered to appropriately manage flood risk to life and the environment. Conditions are recommended to ensure flooding is appropriately managed and mitigated.	Yes, subject to conditions

### Part 6 – Additional local provisions

Section	Proposed	Complies
Section 6.2 Earthworks	<ul style="list-style-type: none"> <li>• The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.</li> </ul>	Yes

## B. Development Control Plans

### Summary

The application has been assessed and the following provides a summary of the relevant provisions of Comprehensive Inner West Development Control Plan 2016 (CIWDCP 2016) for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill

CIWDCP 2016	Complies
<b>Section 1 – Preliminary</b>	
B – Notification and Advertising	Yes – see discussion
<b>Section 2 – General Guidelines</b>	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
3 - Flood Hazard	Yes
4 - Solar Access and Overshadowing	Yes



5 - Landscaping	Yes
6 - Safety by Design	Yes
7 - Access and Mobility	Yes
11 - Fencing	Yes – see discussion
14 - Contaminated Land	Yes
3 – Waste and Recycling Design & Management Standards	Yes – see discussion
4 – Tree Management	Yes – see discussion
F – Development Category Guidelines	
8 – Child Care Centres	Yes – see discussion

## Comprehensive Inner West Development Control Plan 2016

The application was assessed against the following relevant parts of the Comprehensive Inner West Development Control Plan for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill 2016 (CIWDCP 2016).

### Chapter A – Miscellaneous

Control	Assessment	Complies
Part 2 – Good Design	<ul style="list-style-type: none"> <li>The development is well designed and appropriately considers context, scale, built form, landscape, amenity, safety and security, social dimensions and aesthetics.</li> </ul>	Yes
Part 3 – Flood Hazard	<ul style="list-style-type: none"> <li>The proposal will minimise risk to human life and damage to property, maintain the existing flood regime, enable the safe occupation of the land and avoid significant adverse impacts upon flood behaviour.</li> <li>The application has been reviewed by Council's Development Engineer and no objections are raised subject to the imposition of recommended conditions of consent.</li> </ul>	Yes, subject to conditions
Part 4 – Solar Access and Overshadowing	<ul style="list-style-type: none"> <li>The fence will not result in a loss of sunlight to any adjoining property.</li> </ul>	Yes
Part 6 – Safety By Design	<ul style="list-style-type: none"> <li>The development contributes to the creation of safe, active and welcoming public spaces and will minimise the risk of personal or property crime and has designed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).</li> </ul>	Yes
Part 7 – Access and Mobility	<ul style="list-style-type: none"> <li>The proposal provides appropriate universal access.</li> </ul>	Yes
Part 11 - Fences	<ul style="list-style-type: none"> <li>The proposed fence measures 1.8m in height and is setback in line with the front building line of the child care building on the site.</li> <li>The design of the fence will provide adequate security and surveillance.</li> </ul>	Yes

**Chapter C – Sustainability**

<b>Control</b>	<b>Assessment</b>	<b>Complies</b>
Part 3 – Waste and Recycling Design & Management Standards	<ul style="list-style-type: none"> <li>Standard conditions are recommended to ensure the appropriate ongoing management of waste and during the construction phase.</li> </ul>	Yes, subject to conditions
Part 4 – Tree Management	<ul style="list-style-type: none"> <li>Six prescribed trees were found on the property. Given the site area is 991sqm, no additional tree planting/s are recommended to be conditioned in accordance with C11 of this part.</li> </ul>	Yes

**C. The Likely Impacts**

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

**D. The Suitability of the Site for the Development**

The proposal is of a nature in keeping with the overall function of the site. The property is in a residential and commercial surrounding and amongst commercial and residential uses.

**E. Submissions**

The application was required to be notified in accordance with Council's Community Engagement Strategy between 27 March 2025 to 10 April 2025.

No submissions were received

**F. The Public Interest**

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

This has been achieved in this instance.

**6. Referrals**

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Development Engineer;



## 7. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 8. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2025/0164 for alterations and additions to an existing preschool, including demolition of the existing playground fence and construction of a new playground fence at 6 Railway Street CROYDON subject to the conditions listed in Attachment A below for the following reasons

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

### GENERAL CONDITIONS

	Condition
<b>1.</b>	<p><b>Permits</b></p> <p>Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:</p> <ul style="list-style-type: none"> <li>• Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;</li> <li>• A concrete pump across the roadway/footpath;</li> <li>• Mobile crane or any standing plant;</li> <li>• Skip Bins;</li> <li>• Scaffolding/Hoardings (fencing on public land);</li> <li>• Public domain works including vehicle crossing, kerb &amp; guttering, footpath, stormwater, etc.;</li> <li>• Awning or street veranda over the footpath;</li> <li>• Partial or full road closure; and</li> <li>• Installation or replacement of private stormwater drain, utility service or water supply.</li> </ul> <p>If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>
<b>2.</b>	<p><b>Insurances</b></p> <p>Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.</p> <p>Reason: To ensure Council assets are protected.</p>

3.

Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by
202531-01/02	Site/ Site Analysis Plan	17/02/2025	Nagy Khoury Design Pty Ltd
202531-02/02	Fence Plan and Elevation	17/02/2025	Nagy Khoury Design Pty Ltd

As amended by the conditions of consent.

Reason: To ensure development is carried out in accordance with the approved documents.

4.

Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

Reason: To ensure works are in accordance with the consent.

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
5.	<p><b>Dilapidation Report – Pre-Development – Minor</b></p> <p>Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.</p> <p>Reason: To ensure Council assets are protected.</p>
6.	<p><b>Design Change</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:</p> <p style="padding-left: 40px;">a. The fence gates shall be self-closing and latching for the safety of children.</p> <p>Reason: To ensure that the design changes protect the safety of children and amenity of the neighbourhood.</p>
7.	<p><b>Sydney Water – Tap In</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water</p>

	<p>mains, stormwater drains and/or easements, and if further requirements need to be met.</p> <p>Note: Please refer to the web site <a href="http://www.sydneywater.com.au/tapin/index.htm">http://www.sydneywater.com.au/tapin/index.htm</a> for details on the process or telephone 13 20 92.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p>
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### BEFORE BUILDING WORK COMMENCES

	Condition
<b>8.</b>	<p><b>Waste Management Plan</b></p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
<b>9.</b>	<p><b>Erosion and Sediment Control</b></p> <p>Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>

### DURING BUILDING WORK

	Condition
<b>10.</b>	<p><b>Construction Hours – Class 2-9</b></p> <p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:</p> <p>7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm); 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and at no time on Sundays or public holidays.</p> <p>Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.</p> <p>In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.</p> <p>This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.</p>

	<p>Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to 8:00am to 12:00pm, Monday to Saturday; and 2:00pm to 5:00pm Monday to Friday.</p> <p>The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works. "Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
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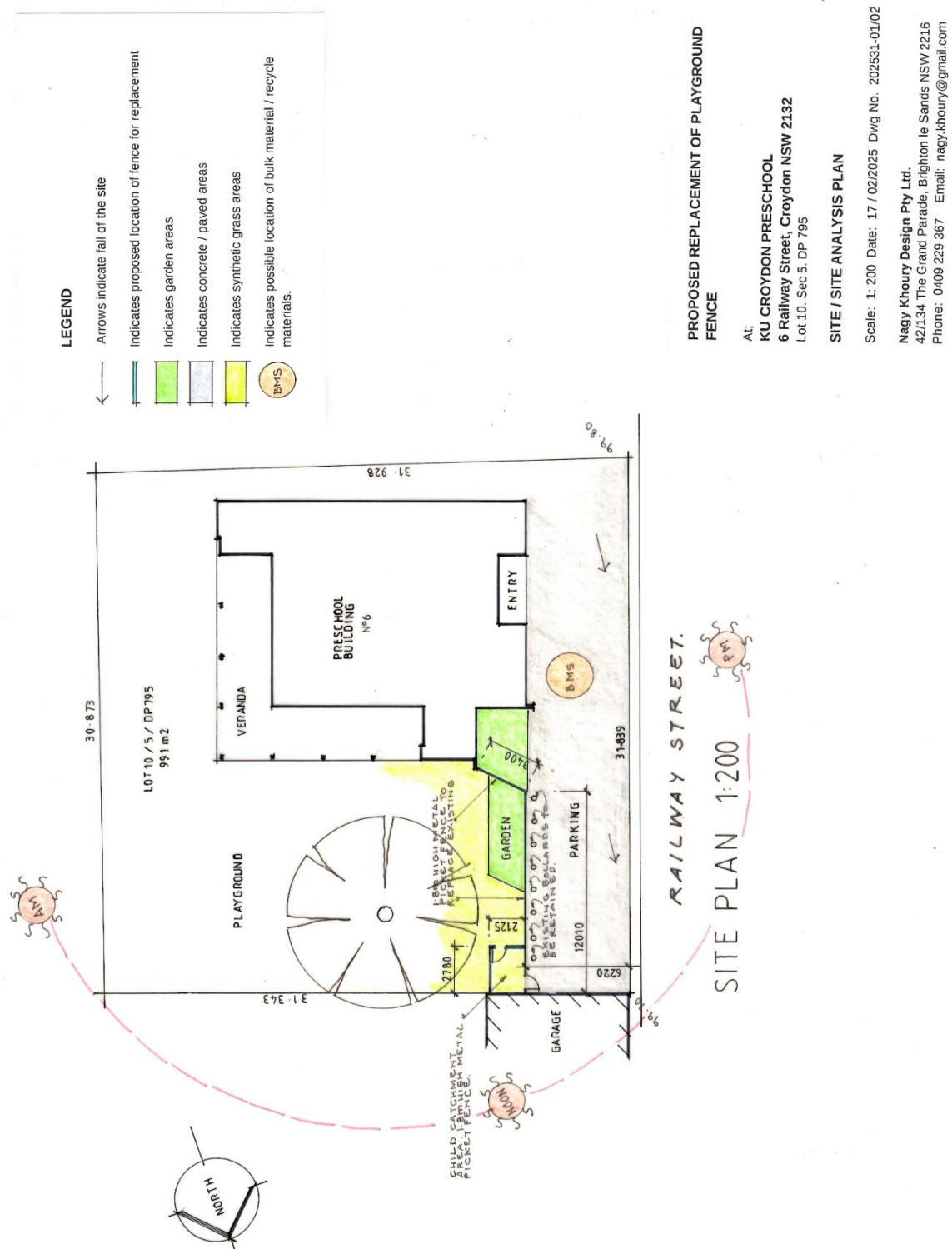
### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

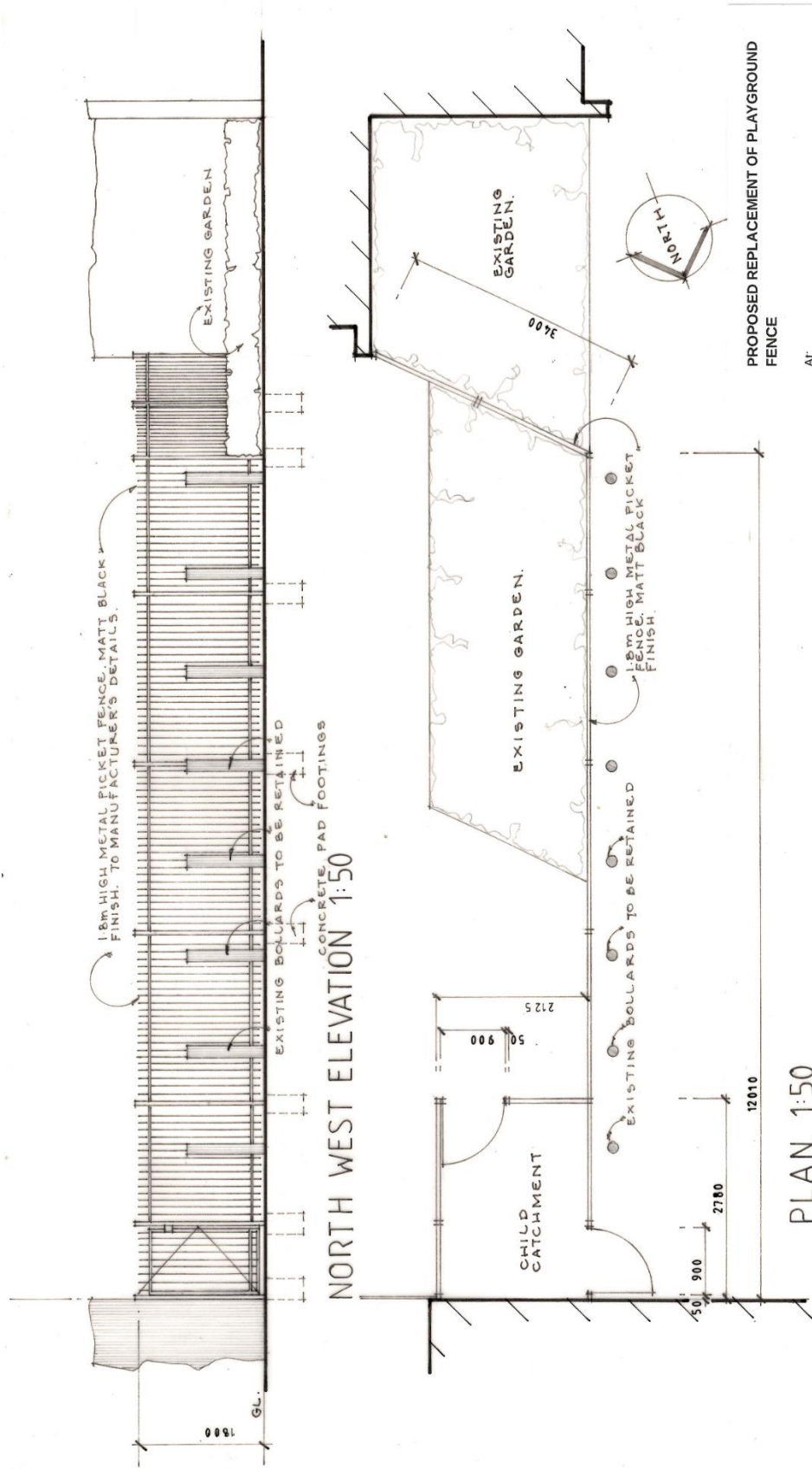
	Condition
<b>11.</b>	<p><b>No Encroachments</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p>
<b>12.</b>	<p><b>Flood Risk Management Plan - Certification</b></p> <p>At the completion of work / Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the proposed new "open type" fencing is incorporated in a Flood Risk Management Report for the property. Given the 'sensitive use' of the site for a Child Care Centre, the Flood Risk Management Report shall be prepared for the total site, for all flood events including the PMF event and shall be in accordance with the requirements in Part 3, Flood Hazard, in the Comprehensive Inner West DCP 2016..</p> <p>Reason: To manage overland flood and protect life and property during a flood.</p>

### OCCUPATION AND ONGOING USE

	Condition
<b>13.</b>	<p><b>Flood Risk Management Plan</b></p> <p>The Flood Risk Management Plan must be implemented and kept in a suitable location on site at all times.</p> <p>Reason: To protect human life and property during a flood/inundation event.</p>

## Attachment B – Plans of proposed development





PROPOSED REPLACEMENT OF PLAYGROUND  
FENCE

AT:  
KU CROYDON PRESCHOOL  
6 Railway Street, Croydon NSW 2132  
Lot 10, Sec 5, DP 795

FENCE PLAN & ELEVATION

Scale: 1:50 Date: 17/02/2025 Dwg No. 202531-02/02

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