

Attachment 15 – Compliance Assessment

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15.1 State Environmental Planning Policies

i. State Environmental Planning Policy No. (Resilience and Hazards) 2021

Clause 4.6 Contamination and remediation to be considered in determining development application

Contamination and remediation have been considered in the Detailed Site Investigation Report.

Council's Environmental Health Section has provided the following comments:

The submitted Detailed Site Investigation Report prepared by Neo Consulting dated 8 February 2023, does not appear to be prepared or reviewed and certified by a suitably qualified environmental consultant who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

ii. State Environmental Planning Policy No. (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in non-rural areas

The proposal does not exceed the biodiversity offsets scheme threshold.

Chapter 6: Water Catchments

The subject land is located within the Georges River catchment and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable, in particular Part 6.2 – Development in regulated catchments. Part 6.2 of the SEPP generally aims to protect the environment of water catchments by ensuring that impacts of future land uses are considered in a state, regional, and local context.

When determining a development application, consideration shall be given to the matters listed in Division 2 and 3 of Part 6.2. Accordingly, a table summarising the matters for consideration in determining development applications, and compliance with such is provided below.

Division 2 Controls on development generally	Comment
6.6 Water Quality and Quantity	Council's Development Engineering Section has indicated that a water quality device has not been provided, as per Part 6.5 of the LDCP 2008. This could be conditioned if required.
6.7 Aquatic ecology	As noted above, a standard water quality treatment device is required to be incorporate into the design, which would reduce water pollution and improve the quality of water entering the waterway and catchment.
6.8 Flooding	The proposed development is located above the 1% AEP flood level and will have no impact on flood behaviour within the catchment.

6.9 Recreation and public access	Not applicable
6.10 Total catchment management	It is considered unlikely that the proposal will have any adverse impact upon the catchment.

It is considered that the proposed development is not in conflict with the objectives of Chapter 6 of the SEPP which seeks to promote the protection of the Georges River Catchment. It is considered that appropriate conditions can be imposed relating to erosion and sediment control and storm water runoff mitigation.

iii. **State Environmental Planning Policy (Transport and Infrastructure) 2021**

Chapter 2 – Infrastructure

Clause 2.119 – Development with frontage to a classified road

Whilst the development has frontage to a Classified, all vehicular and pedestrian is via Lachlan Street. In this regard, there is no impact to the operation of the Classified Road.

The proposed development is however of a type that is sensitive to traffic noise and vehicle emissions. As such, an acoustic report and air quality assessment was undertaken. Comments from Council's Environmental Health Section are provided below with respect to air quality. Acoustic comments are provided in relation to Cl. 2.120.

Air Quality Assessment

The Applicant must arrange for the Air-Quality Impact Assessment to be peer reviewed by a suitably qualified environmental consultant who is a Certified Air Quality Professional under the CAQP Scheme administered by the Clean Air Society of Australia and New Zealand (CASANZ) or Certified Environmental Practitioner under the CEnvP Scheme administered by the Environment Institute of Australia and New Zealand (EIANZ).

Clause 2.120 – Impact of road noise or vibration on non-road development

Clause 2.120 provides:

- (1) *This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*
 - (a) *residential accommodation,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*
 - (d) *an educational establishment or centre-based child care facility.*
- (2) *Before determining a development application for development to which this section applies, the consent authority must take into consideration any*

guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.

The proposed development constitutes a 'child care centre' on land adjacent to a road corridor with an annual average daily traffic volume of > 40,000 vehicles, as per the RTA (now TfNSW) traffic volume maps.

Subclause (2) of the SEPP provides that the consent authority must take into consideration any guidelines issued for the purpose of this section. The Department of Planning document entitled 'Development Near Rail Corridors and Busy Roads – Interim Guideline 2008' is the relevant Guideline in this case.

Having regard to the above, an acoustic report was undertaken by the applicant in support of the development. Comments from Council's Environmental Health Section are provided below.

Acoustic Assessment

The Applicant must arrange for the submitted acoustic report to be peer reviewed by a suitably qualified acoustic consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Chapter 3 – Educational establishments and child care facilities

Whilst now forming part of the Transport and Infrastructure SEPP, the aim of the Educational establishments and child care facilities SEPP introduced in 2017 was to make it easier for child-care providers, schools, TAFEs and universities to build new facilities and improve existing ones by streamlining the planning process to save time and money and deliver greater consistency across NSW.

Compliance with the relevant provisions of Chapter 3 is outlined in the Table below.

Educational establishments and child care facilities			
Clause	Required	Provided	Complies
Part 3.3 Early education and care facilities—specific development controls			
3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development	(1) This section applies to development for the purpose of a centre-based child care facility if— (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> , or	The proposal complies with Regulation 107.	N/A
	(b) the outdoor space requirements for the building or place do	The proposal does not comply with the requirements of	No

	<p>(indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p>	<p>comply with Regulation 108.</p>	
	<p>(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p>	<p>Noted</p>	
	<p>(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.</p>	<p>Noted – the site is not identified as a state or local heritage item, nor is the site located within a heritage conservation area.</p>	<p>Yes</p>

	<p>(3) To remove doubt, this section does not prevent a consent authority from—</p> <p>(a) refusing a development application in relation to a matter not specified in subsection (2), or</p> <p>(b) granting development consent even though any standard specified in subsection (2) is not complied with.</p>	Noted	
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Compliance with Child Care Planning Guideline (September 2021)

The Guideline establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in NSW. Consent Authorities must consider Parts 2, 3 & 4 of the Guideline.

An assessment against Parts 2, 3 & 4 of the Guideline is provided in the tables below:

Part 2 – Design quality principles

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

Good design is integral to creating sustainable and liveable communities. There is growing appreciation of the significant role that good design can play in education with increasing evidence that learning outcomes are closely related to the quality of learning environments.

Factors such as air quality, ventilation, natural lighting, thermal comfort and acoustic performance have been shown to have a profound impact on learning, engagement, social interactions and competencies. They also contribute to wellbeing through creating a sense of belonging, self-esteem and confidence.

Comment:

The 7 design quality principles are considered in detail within the Part 3 assessment below, entitled *Matters for consideration*. The proposed development is considered to have been designed having regard to the 7 design quality principles and is considered satisfactory.

Part 3 – Matters for consideration

The *Matters for consideration* give guidance to applicants on how to design a high-quality proposal that takes account of its surroundings and any potential environmental impacts the development may cause and to be mindful of potential impacts that may arise from existing uses and conditions within a locality.

The matters support the design principles and must be considered by the consent authority when assessing a DA for a child care facility. Child care facilities can be developed in a broad range of locations and need to be flexible in how they respond to the requirements and challenges this brings.

Criteria	Provided	Compliance
3.1 Site selection and location		
C1 For proposed developments in or adjacent to a residential zone, consider: <ul style="list-style-type: none"> - the acoustic and privacy impacts of the proposed development on the residential properties - the setbacks and siting of buildings within the residential context - traffic and parking impacts of the proposal on residential amenity. For proposed developments in commercial and industrial zones, consider: <ul style="list-style-type: none"> - potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions - the potential impact of the facility on the viability of existing commercial or industrial uses. 	Acoustic report submitted. Visual privacy should be maintained for dwelling to east. Required front setbacks not provided in accordance with DCP. Traffic report submitted. Parking provision does not meet DCP requirements. N/A	Refer to comments from EHU Yes No Refer to Traffic comments N/A
C2 When selecting a site, ensure that: <ul style="list-style-type: none"> - the location and surrounding uses are compatible with the proposed development or use 	The locality is in transition from low density to high density residential development on the periphery of the Town Centre.	Yes

	It is considered that a purpose-built child care centre is appropriate for the site and locality subject to meeting minimum amenity standards.	
- the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards	The site is affected by low level flooding.	Refer to ENG comments
- there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed	The submitted DSI concludes that the site is suitable for its intended purpose. The PSI submitted indicates that there are no properties in close that are on the NSW EPA Contaminated Land Database. There are no known hazardous land uses in close proximity to the site.	Refer to EHU comments.
- the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> length of street frontage, lot configuration, dimensions and overall size number of shared boundaries with residential properties 	The characteristics of the site are considered satisfactory.	Yes
- the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas	It is considered that the development will not result in any adverse environmental impacts, subject to meeting acoustic noise requirements.	Refer to comments from EHU
- where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item.	N/A	N/A
- there are suitable drop off and pick up areas, and off and on street parking	The proposal includes a basement car parking area for short-term drop off, as well as a long frontage which would also be used for drop off.	Yes
- the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume,	Lachlan Street is a local road, however, it services a number of apartment buildings in the locality. Notwithstanding, the road	Yes

<p>heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use</p> <ul style="list-style-type: none"> - the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities - it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>frontage is considered appropriate for drop off.</p> <p>Yes</p> <p>There are no premises of this nature in the surrounding area.</p>	<p>Yes</p> <p>N/A</p>
<p>C2</p> <p>A child care facility should be located:</p> <ul style="list-style-type: none"> - near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship - near or within employment areas, town centres, business centres, shops - with access to public transport including rail, buses, ferries - in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The site is located near public open space.</p> <p>The site is located within the Liverpool Town Centre.</p> <p>The site has good access to the local bus network operating in the locality.</p> <p>The site is located within 450 of the Liverpool Westfields.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>C4</p> <p>A child care facility should be located to avoid environmental conditions arising from:</p> <ul style="list-style-type: none"> - proximity to: <ul style="list-style-type: none"> o heavy or hazardous industry, waste transfer depots or landfill sites 	<p>There are no known land uses of this nature in close proximity to the site.</p>	<p>Yes</p>

<ul style="list-style-type: none"> - integrate car parking into the building and site landscaping design in residential areas. <p>C6</p> <p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> - fencing to ensure safety for children entering and leaving the facility - windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and a connection between the facility and the community - integrating existing and proposed landscaping with fencing. <p>C9</p> <p>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>The centre will provide adequate security gates and fencing so that children are unable to leave the premises without adult supervision.</p> <p>Achieved</p> <p>Achieved</p> <p>Achieved</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.3 Building orientation, envelope and design		
<p>C11</p> <p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> - ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by <ul style="list-style-type: none"> o facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties 	<p>Windows on side elevations are all hi-light.</p>	<p>Yes</p>

<ul style="list-style-type: none"> o placing play equipment away from common boundaries with residential properties o locating outdoor play areas away from residential dwellings and other sensitive uses 	<p>Whilst the ground level play space is adjacent to the rear backyard of the adjoining property to the east, the 2.1m high acoustic fence should maintain visual and acoustic privacy.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - optimise solar access to internal and external play areas 	<p>All indoor and outdoor spaces are orientated to north.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - avoid overshadowing of adjoining residential properties 	<p>The residential property to the east will still be able to achieve the minimum level of direct sunlight to rear living and POS areas.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - minimise cut and fill 	<p>There is no fill proposed. Cut is proposed for the basement levels.</p>	<p>Yes Considered satisfactory</p>
<ul style="list-style-type: none"> - ensure buildings along the street frontage define the street by facing it 	<p>Achieved</p>	<p>Yes</p>
<ul style="list-style-type: none"> - ensure where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>Achieved</p>	<p>Yes</p>
<p>C12</p> <p>The following matters may be considered to minimise the impacts of the proposal on local character:</p>		
<ul style="list-style-type: none"> - building height should be consistent with other buildings in the locality - building height should respond to the scale and character of the street 	<p>Consistent with other multi storey buildings in locality.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility 	<ul style="list-style-type: none"> - 3m setback to eastern boundary considered acceptable as per earlier discussion. - 2.1m high fence at ground level - Hi-light windows at upper levels. 	<p>Yes</p>
<ul style="list-style-type: none"> - setbacks should provide adequate access for building maintenance 	<ul style="list-style-type: none"> - Zero setback along eastern boundary for fire stair does not allow for maintenance to this structure. 	<p>No</p>
	<ul style="list-style-type: none"> - The front and rear setbacks are non-compliant with the DCP. 	<p>No</p>

<ul style="list-style-type: none"> - setbacks to the street should be consistent with the existing character. <p>Where a Local Environmental Plan or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a child care facility in the R2 zone.</p>	N/A	N/A
<p>C13</p> <p>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use</p>	The DCP requires a setback of 8m to the Hume Highway, which is considered appropriate in the circumstances (i.e. rear boundary). The proposal is inconsistent with this requirement.	No
<p>C15</p> <p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> - located to allow ease of access, particularly for pedestrians - directly accessible from the street where possible - directly visible from the street frontage - easily monitored through natural or camera surveillance - not accessed through an outdoor play area. - in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>Achieved</p> <p>Achieved</p> <p>Complies</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
<p>C16</p> <p>Accessible design can be achieved by:</p>		

<ul style="list-style-type: none"> - taking into account streetscape, local character and context when siting car parking areas within the front setback - using low level landscaping to soften and screen parking areas. 		
3.5 Visual and acoustic privacy		
<p>C20</p> <p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> - appropriate site and building layout - suitably locating pathways, windows and doors - permanent screening and landscape design. <p>C21</p> <p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> - appropriate site and building layout - suitable location of pathways, windows and doors - landscape design and screening. <p>C22</p> <p>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> - provide an acoustic fence along any boundary where the adjoining property contains a residential use. An acoustic fence is one that is a solid, gap free fence - ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>Direct overlooking into the indoor and outdoor spaces is restricted, having regard to the nature of neighbouring properties and to the design of the centre.</p> <p>The privacy of adjoining properties is maintained.</p> <p>Acoustic fencing recommended.</p> <p>Future mechanical plant and equipment to be checked to ensure noise levels are met – condition accordingly.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> - on industrial zoned land - where the ANEF contour is between 20 and 25 - along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 - on a major or busy road - other land that is impacted by substantial external noise. 		
<p>C26</p> <p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>The site is located adjacent to the Hume Hwy (Classified Road), which has the potential to cause air pollution.</p>	<p>Refer to comments from EHU</p>
<p>C27</p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> - creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution - using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway 	<p>Air quality assessment undertaken.</p>	<p>Refer to comments from EHU</p>

- incorporating ventilation design into the design of the facility.		
3.7 Hours of operation		
C28 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	The core operating hours for the centre proposed are contained to between 7.00am and 6.00pm, which has been assessed by the acoustic consultant as satisfactory.	Yes
C29 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	The hours of operation for the proposed child care centre are considered to be compatible with adjoining and surrounding residential land uses.	Yes
3.8 Traffic, parking and pedestrian circulation		
C30 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	Parking does not comply with Council's DCP.	No
C32 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses to optimise the safety and convenience of the parking area(s) and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: <ul style="list-style-type: none"> the amenity of the surrounding area will not be affected there will be no impacts on the safe operation of the surrounding road network. 	Traffic report submitted.	Refer to comments from Traffic

<p>C35</p> <p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> - separate pedestrian access from the car park to the facility - defined pedestrian crossings and defined/separate paths included within large car parking areas - separate pedestrian and vehicle entries from the street for parents, children and visitors - pedestrian paths that enable two prams to pass each other - delivery, loading and vehicle turnaround areas located away from the main pedestrian access to the building and in clearly designated, separate facilities - minimise the number of locations where pedestrians and vehicles cross each other - in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas - vehicles can enter and leave the site in a forward direction - clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. 	<p>Pedestrian access is separate from vehicular access.</p> <p>There is a defined pedestrian access way in close proximity to the visitor parking area.</p> <p>Separate access is provided.</p> <p>The width of the pedestrian paths is considered appropriate.</p> <p>Delivery space / turnaround are not provided.</p> <p>Considered satisfactory.</p> <p>N/A</p> <p>Vehicle manoeuvrability appears tight for a number of spaces.</p> <p>Refer to comments from Traffic.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>N/A</p> <p>Refer to comments from Traffic.</p>
<p>C37</p> <p>Car parking design should:</p> <ul style="list-style-type: none"> - include a child safe fence to separate car parking areas from the building entrance and play areas 	<p>N/A, as basement parking proposed.</p>	<p>N/A</p>

- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards	Provided	Refer to comments from Traffic
- include wheelchair and pram accessible parking.	Accessible parking provided, however shared spaces do not achieve 2.4m width.	Refer to comments from Traffic

Part 4 – Applying the National Regulations to development proposals			
Criteria	Required	Provided	Compliance
4.1 Indoor space requirements			
(Regulation 107)			
Min. 3.25sqm of unencumbered indoor space per child	124 x 3.25sqm = 403m ²	G/F – 175.58 L1 – 152.26 L2 – 138.06 = 465.9m ²	Yes
Storage: - Min. 0.3m ³ per child of external storage	124 x 0.3m ³ = 37.2m ³	32.2m ³ of storage provided within basement level.	No Can be conditioned.
- Min. 0.2m ³ per child of internal storage	124 x 0.2m ³ = 24.8m ³	28.24m ³	Yes
4.2 Laundry and hygiene facilities			
(Regulation 106)	On-site laundry facilities should contain: <ul style="list-style-type: none"> a washer or washers capable of dealing with the heavy requirements of the centre a dryer laundry sinks adequate storage for soiled items prior to cleaning. 	Laundry provided.	Yes
4.3 Toilet and hygiene facilities			
(Regulation 109)	Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include: <ul style="list-style-type: none"> junior toilet pans, low level sinks and hand drying facilities for children 	Achievable	Yes

	<ul style="list-style-type: none"> a sink and handwashing facilities in all bathrooms for adults direct access from both activity rooms and outdoor play areas windows into bathrooms and cubicles without doors to allow supervision by staff external windows in locations that prevent observation from neighbouring properties or from side boundaries 	<p>Provided</p> <p>Provided</p> <p>Supervision is achievable.</p> <p>Window locations and sizes considered appropriate.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4.4 Ventilation and natural light			
(Regulation 110)	<p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p> <p>Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</p>	<p>All rooms achieve satisfactory access to daylight and ventilation.</p> <p>Condition accordingly</p> <p>The depth of all rooms from a primary light source is <2.5 times height.</p>	<p>Yes</p> <p>Can be conditioned.</p> <p>Yes</p>
4.5 Administrative space			
(Regulation 111)	A service must provide adequate area or areas for the purposes of conducting the administrative functions	Provided	Yes

	of the service, consulting with parents of children and conducting private conversations.		
4.6 Nappy change facilities			
(Regulation 112)	<p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p>	<p>Provided</p> <p>Condition accordingly for compliance with the BCA.</p>	<p>Yes</p> <p>Can be Conditioned.</p>
4.7 Premises designed to facilitate supervision			
(Regulation 115)	<p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p> <p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	<p>Adequate supervision is achievable.</p> <p>Condition accordingly for compliance with the BCA.</p>	<p>Yes</p> <p>Can be Conditioned.</p>
4.8 Emergency and evacuation procedures			
(Regulation 97 & 168)	Regulation 168 sets out the list of procedures that a care service must have, including procedures for	Emergency and evacuation procedures provided with the	Yes

	<p>emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. 	accompanying Plan of Management.	
4.9 Outdoor space requirements			
(Regulation 108)	<p>Min. 7sqm of unencumbered outdoor space per child.</p> <p>124x 7sqm = 868sqm</p> <p>Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements 	<p>976.57m² unencumbered area provided.</p> <p>As per acoustic requirements, the outdoor space on Levels 1 & 2 is fully enclosed, and thus may not constitute unencumbered outdoor space. This area may constitute a 'simulated outdoor environment'. However, it is noted that concurrence from the Regulatory Authority is required.</p>	<p>Yes</p> <p>Concurrence required to be obtained.</p>
4.10 Natural environment			
(Regulation 113)	The approved provider of a centre-based service must	The proposed landscape plan	Yes

	ensure that the outdoor spaces allow children to explore and experience the natural environment.	(ground floor) allows children to explore and experience the natural environment.	
4.11 Shade			
(Regulation 114)	<p>Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year.</p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> • have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required. • adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • have evenly distributed shade structures over different activity spaces. 	Covered / enclosed outdoor spaces are orientated to north and would achieve minimum solar access requirements, whilst also providing for shaded areas.	Yes
4.12 Fencing			
(Regulation 104)	Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	2.1m high fencing is proposed for the boundaries.	Yes
4.13 Soil Assessment			
Regulation 25	To ensure consistency between the development consent and the service	A PSI and DSI undertaken indicating that the site is suitable	Refer to comments from EHU

	<p>approval application, a soil assessment should be undertaken as part of the development application process.</p> <p>Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil.</p>	for a proposed child care centre.	
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15.2 Liverpool Local Environmental Plan 2008

As identified in Figure 1 below, the site is zoned R4 High Density Residential pursuant to the Liverpool Local Environmental Plan 2008.

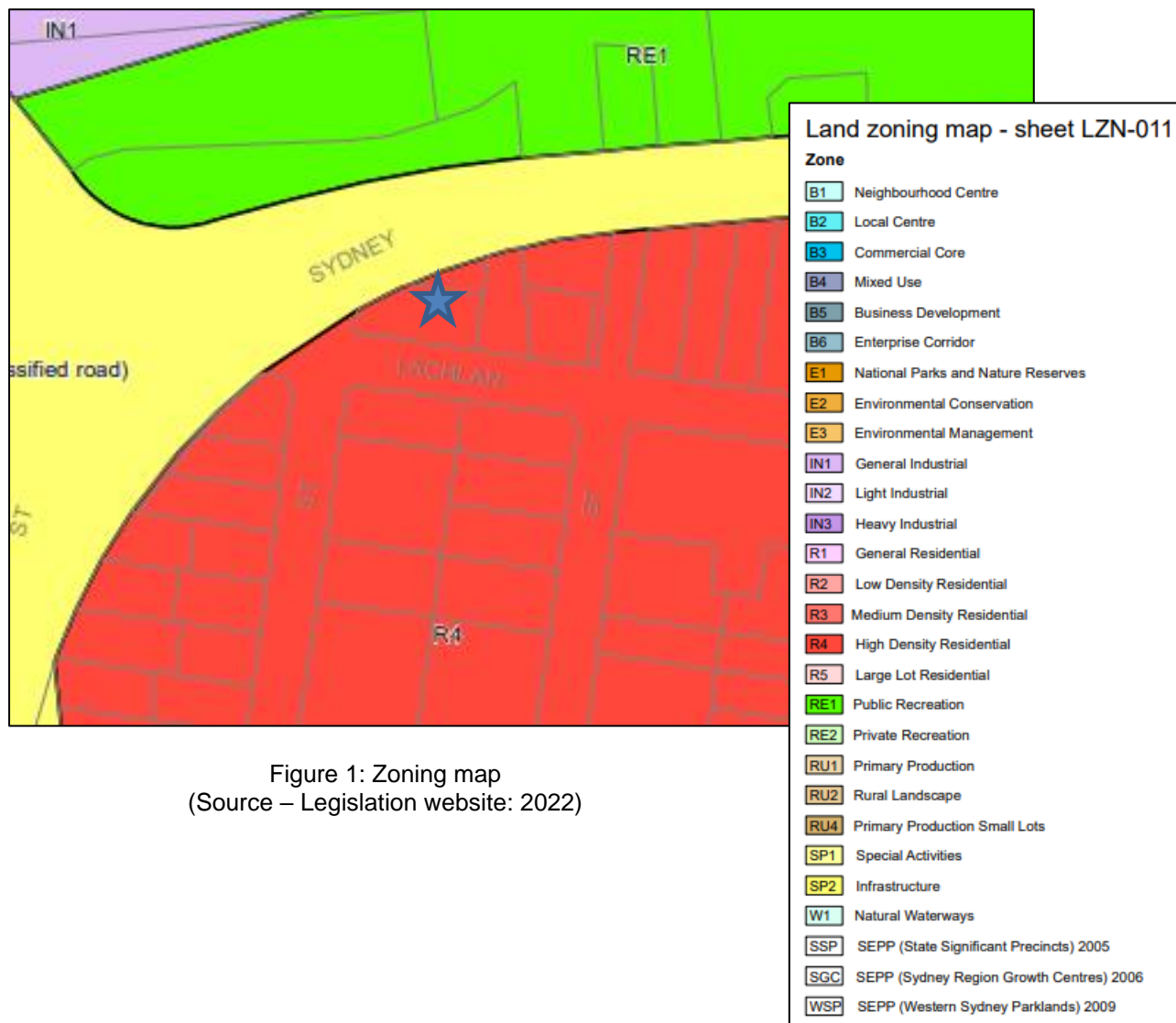


Figure 1: Zoning map
(Source – Legislation website: 2022)

The Liverpool Local Environment Plan 2008 Land Use Table for the R4 High Density Residential zone is replicated below:

Zone R4 High Density Residential

1 Objectives of zone

- *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 provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high density residential development.*

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing

4 Prohibited

Any other development not specified in item 2 or 3

Comment:

The site is zoned R4 High Density Residential under the provisions of the Liverpool Local Environmental Plan 2008. The proposed centre-based child care is permitted within the zone and would meet the objectives of the zone as it provides a facility that would serve the needs of people who live in the area.

Compliance with the relevant provisions of the Liverpool LEP 2008 is outlined in the Table below.

Compliance with Liverpool LEP 2008

LIVERPOOL LEP 2008			
Clause	Required	Provided	Complies
Part 1 Preliminary			
1.3 Land to which this Plan applies	(1) This Plan applies to the land identified on the Land Application Map.	The site is identified on the Land application map.	Yes
Part 2 Permitted or prohibited development			
2.2 Zoning of land to which Plan applies	For the purposes of this Plan, land is within the zone shown on the Land Zoning Map.	The site is zoned R4 High Density Residential.	Yes
Part 4 Principal development standards			
4.1 Minimum subdivision lot size	(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	N/A	N/A
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. - Max. 35 metres (V)	The overall height of is 13.998m (i.e. max. ridge height RL25.498m minus NGL 11.500m).	Yes
4.4 Floor space ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. - Max. 2.0:1 (T)	FSR for the proposed development is calculated as follows: - Site area = 1,150.6m ² - Proposed GFA = 872.33m ² - FSR (872.33m ² / 1,150.6m ²) = 0.75:1 Note – Total floor area (includes all floor area within building footprint / envelope) has been calculated at 1,650m ² , or 1.4:1.	Yes

4.6 Exceptions to development standards	(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	N/A	N/A
Part 5 Miscellaneous provisions			
5.1 Relevant acquisition authority	(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).	The site is not identified as land required to be acquired.	N/A
5.2 Classification and reclassification of public land	(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the <i>Local Government Act 1993</i> .	The site is not identified as land to be classified or reclassified as operational land or community land.	N/A

5.10 Heritage conservation	<p>(5) Heritage assessment</p> <p>The consent authority may, before granting consent to any development:</p> <ul style="list-style-type: none"> (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>The land is not identified as a heritage item or land within a heritage conservation area.</p> <p>However, the site is located in close proximity to a heritage item listed within Schedule 5 as Item 89 – ‘Plan of Town of Liverpool (early town centre street layout–Hoddle 1827)’.</p> <p>It is considered that the proposed development is unlikely to have any impact the existing street layout of the Liverpool Town Centre.</p>	<p>Yes</p>
5.11 Bush fire hazard reduction	<p>Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without development consent.</p> <p>Note— The <i>Rural Fires Act 1997</i> also makes provision relating to the carrying out of development on bush fire prone land.</p>	<p>The subject site is not bushfire prone land.</p>	<p>N/A</p>
5.21 Flood planning	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <ul style="list-style-type: none"> (a) is compatible with the flood function and 	<p>The site is identified within LEP maps as being flood prone land located with the flood planning area. Council’s on-line mapping system indicates that the site is affected by low level flood risk.</p>	<p>Considered satisfactory</p>

	<p>behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>		
Part 7 Additional local provisions			
Division 1 Liverpool city centre provisions			
7.1 Objectives for development in Liverpool city centre	<p>Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development—</p> <p>(a) to preserve the existing street layout and reinforce the street character</p>	Main street setbacks are non-complaint.	No

	through consistent building alignments,		
	(b) to allow sunlight to reach buildings and areas of high pedestrian activity,	The shadow impact of the proposal will not have an adverse impact on adjoining / surrounding development or areas of high pedestrian activity.	Yes
	(c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,	Vehicular access is achieved via Lachlan Street, and thus pedestrian / vehicular conflict along the Hume Highway is unlikely to be increased as a result of the development.	Yes
	(d) to improve the quality of public spaces in the city centre,	N/A	N/A
	(e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,	N/A	N/A
	(f) to enhance the natural river foreshore and places of heritage significance,	N/A	N/A
	(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.	N/A	N/A

7.4 Building separation in Liverpool city centre	<p>(1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</p> <p>(2) Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least—</p> <p>(a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and</p> <p>(b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and</p> <p>...</p>	<p>The eastern elevation of the building is 13.998m in height and is within 9 metres of a building on an adjoining lot (approx. 5m separation).</p> <p>N/A</p>	<p>No</p> <p>N/A</p>
7.5 Design excellence in Liverpool city centre	<p>(1) The objective of this clause is to deliver the highest standard of architectural and urban design.</p> <p>(2) Development consent must not be granted to development involving the construction of a new building or</p>	<p>Application referred to Design Excellence Panel.</p>	<p>Refer to DEP comments.</p>

	<p>external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.</p> <p>(3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters—</p> <ul style="list-style-type: none"> (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain, (c) whether the proposed development detrimentally impacts on view corridors, (d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue), 		
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	<ul style="list-style-type: none"> (e) any relevant requirements of applicable development control plans, (f) how the proposed development addresses the following matters— <ul style="list-style-type: none"> (i) the suitability of the site for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, waste and recycling infrastructure, overshadowing, wind and reflectivity, 		
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	<p>(viii) the achievement of the principles of ecologically sustainable development,</p> <p>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</p> <p>(x) the impact on, and any proposed improvements to, the public domain.</p> <p>(4)–(8) (Repealed)</p>		
Division 2 Other provisions			
7.6 Environmentally significant land	<p>(2) Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant—</p> <p>(a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,</p> <p>(b) the importance of the vegetation in that particular location to native fauna,</p> <p>(c) the sensitivity of the land and the effect of clearing vegetation,</p> <p>(d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream,</p> <p>(e) the effect of the development on water</p>	The site is not identified as environmentally significant land.	N/A

	<p>quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity),</p> <p>(f) the effect of the development on public access to, and use of, any waterbody and its foreshores.</p>		
7.7 Acid sulfate soils	(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The subject site is not affected by acid sulfate soils.	N/A
7.9 Foreshore building line	<p>2) Subject to the other provisions of this Plan, development may be carried out, with development consent, for the purposes of a building on land in the foreshore area only if—</p> <p>(a) the levels, depth or other exceptional features of the site make it appropriate to do so, or</p>	The subject site is not identified on the foreshore building line map.	N/A
7.11 Minimum dwelling density	(2) Development consent must not be granted for the subdivision of land shown on the Dwelling Density Map unless the consent authority is satisfied that the dwelling density likely to be achieved by the subdivision is not less than the dwelling density shown for the land on that Map.	The subject land is not identified on the dwelling density map.	N/A
7.12 Maximum number of lots	The total number of lots created by the subdivision of land in an area of land identified as "Restricted Lot Yield" on the Dwelling Density Map must not exceed the number shown on that map for that area.	The subject land is not identified on the dwelling density map.	N/A

7.14 Minimum building street frontage	<p>(2) Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres—</p> <p>(a) any building on land in Zone B3 Commercial Core or B4 Mixed Use, or</p> <p>(b) any building of more than 2 storeys on land in Zone R4 High Density Residential, B1 Neighbourhood Centre or B2 Local Centre, or</p> <p>(c) any residential flat building.</p>	<p>N/A</p> <p>The proposed building has a height of 3 storeys and is located within the R4 zone. Lachlan Street has a frontage of 47.63m</p> <p>N/A</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p>
7.17A Hospital helicopter airspace	<p>(2) Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority—</p> <p>(a) refers the application for development consent to the chief executive of the relevant local health district, and</p> <p>(b) considers any submission to the consent authority by the chief executive made within 21 days of the referral, and</p> <p>(c) is satisfied the development does not present a hazard to helicopters using hospital</p>	<p>The subject site is located within the helicopter flight path as shown on the key sites map. Referral required.</p>	

	helicopter airspace.		
7.18 Development in areas subject to potential airport noise	(5) In this clause— ANEF means Australian Noise Exposure Forecast as shown on the Airport Noise Map.	The subject land is not identified on the airport noise map.	N/A
7.31 Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>Refer to comments from ENG.</p> <p>The proposed development is unlikely to affect any future use or redevelopment of the site.</p> <p>DSI indicates potential for soil contamination to be low.</p> <p>Acoustic report submitted.</p> <p>Fire stair located on boundary</p> <p>N/A</p> <p>The site is not affected by any aboriginal archaeology.</p> <p>The proposed development is unlikely to have any adverse impact on nearby any watercourses, drinking water catchments or environmentally sensitive areas.</p>	<p>Yes</p> <p>Refer to comments from EHU</p> <p>Refer to comments from EHU</p> <p>Easement required</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

15.3 Liverpool Development Control Plans 2008

The Liverpool Development Control Plan 2008 supports the Liverpool Local Environmental Plan 2008 by setting additional development controls for development located in the Liverpool LGS.

Compliance with the relevant provisions of the Liverpool Development Control Plan 2008 is outlined in Table below:

Compliance with Liverpool Development Control Plan 2008

Liverpool Development Control Plan 2008			
Clause	Required	Provided	Complies
Part 1 General Controls for all Development			
2. Tree Preservation			
	Consideration shall be given to the potential impact of development on existing vegetation.	All vegetation proposed to be removed. There are also a number of trees located on the adjoining property to east in close proximity to the boundary. No street trees are proposed to be removed.	Refer to Comments from Council's Landscape Section.
3. Landscaping and Incorporation of Existing Trees			
	Incorporate existing trees where appropriate.	All vegetation is proposed to be removed. Extensive landscaping will be provided to complement the proposed development. Refer to submitted landscape plan.	Refer to Comments from Council's Landscape Section.
4. Bushland and Habitat Preservation			
	Consideration shall be given to the potential impact of the development on surrounding bushland and animal habitat.	The development site is not identified as containing any native flora or fauna, nor is there any potential for threatened ecological communities.	Yes
5. Bushfire Risk			
	Any development on or adjacent to bushfire prone land to comply with RFS requirements.	The site is not identified as bushfire prone land.	N/A
6. Water Cycle Management			
	Consideration shall be given to the impacts associated with stormwater.	This aspect has been reviewed by Council's Development Engineering Section, who has raised no objections, subject to conditions.	Refer to Comments from ENG.

7. Development Near a Watercourse			
	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	The development site is not within close proximity to a water course.	N/A
8. Erosion and Sediment Control			
	Erosion and sediment control plan to be submitted.	Erosion and sediment control plan submitted and considered satisfactory. Standard conditions of consent recommended to be incorporated in the draft conditions of consent.	Yes
9. Flooding Risk			
	Consideration shall be given to the potential of flood affectation on the development, and the potential for the development to affect flood behaviour and impact to surrounding properties.	The site is identified as a Flood Prone Land and is within the Flood Planning Area. However, flood affectation is low level (between 1% AEP and PMF)	Refer to Comments from Flooding.
10. Contaminated Land Risk			
	The potential for site contamination shall be considered having regard to previous land uses and the requirements of SEPP.	A DSI has been submitted which concludes that the site is suitable for the intended development.	Refer to Comments from EHU.
11. Salinity Risk			
	Salinity Management response required for affected properties.	<p>The site is located in an area of 'High Salinity Potential'. The submitted DSI concludes that the top soil is not affected by salinity, however, recommends that further investigation of the underlying bedrock should be conducted.</p> <p>Standard conditions recommended to be incorporated in the draft conditions of consent.</p>	To Condition
12. Acid Sulfate Soils Risk			
	This section applies to any development that is located in an area identified as having an acid sulfate soil potential within the Liverpool LEP 2008.	The subject site is not affected by acid sulfate soils.	N/A
14. Demolition of Existing Developments			
Demolition	All demolition work must comply with the Australian	The application proposes the demolition of all existing	Yes

	<p>Standard AS2601 - 1991, The Demolition of Structures</p> <p>A Waste Management Plan (WMP) is to be submitted with the Development Application. The WMP must include realistic estimates of the volume or area of all types of waste material to be generated from the demolition and excavation activities. Details of how each of those materials will be re-used, recycled or disposed of is to be provided, including the locations to which the materials will be taken.</p>	<p>structures. Standard conditions recommended to be incorporated in the draft conditions of consent.</p> <p>A Waste Management Plan has been submitted which is considered to be satisfactory.</p> <p>Refer to Comments from EHU.</p>	Yes
17. Heritage and Archaeological Sites			
	<p>This section applies to development affecting a heritage item, land in a heritage conservation area or an archaeological site as identified in the Liverpool Local Environmental Plan 2008, as well as land in the vicinity of a heritage item.</p>	<p>The site is not identified as having any archaeological potential.</p>	N/A
20. Car Parking and Access			
Off-Street - Car Parking Provision other than Liverpool City Centre	<p>Off street car parking provision and service and loading provision shall be provided in accordance with Table 11.</p> <p><u>Child Care Centres</u></p> <p>1 space per staff member and 1 space per 10 children (Stack parking of employees cars, maximum 2 deep, will be considered if there is good design for flow-through of short term car parking) Pick up and set down of children must address their safety</p>	<p>Child to staff ratio (Reg 123)</p> <ul style="list-style-type: none"> - 0-2 = 24 6 staff - 2-3 = 40 8 staff - 3-6 = 60 6 staff <p>Parking required:</p> <ul style="list-style-type: none"> - 20 staff = 20 - 124 children = 12.4 (13) - 33 <p>Parking provided:</p> <ul style="list-style-type: none"> - 28 - Including 2 accessible spaces <p>Issues:</p> <ul style="list-style-type: none"> - Shortfall of 5 spaces 	No

	<u>Service and Loading</u> - Service facilities for a van	- Accessible spaces are not compliant with width for shared area - Not provided Refer to comments from Traffic.	No
20.4 Car Parking Design			
		Refer to comments from Traffic.	
20.7 Driveway Crossings			
		The plans do not identify the erection of a new crossing, although vehicular access proposed to the basement levels will necessitate the provision of a new VC.	No
23. Reflectivity			
	New buildings and facades must not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	Standard conditions recommended to be incorporated in the draft conditions of consent.	Yes
25. Waste Disposal & re-use Facilities			
Residential development	Provision must be made for on-site waste storage and collection by private contractor.	The proposed development provides for a waste storage area in close proximity to the street frontage for the storage of 5 x 240 litre waste bins. The WMP indicates that collection by a private contractor will occur weekly.	Yes
Waste Management Plan	A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste. The WMP is provided in three sections: Liverpool Development Control Plan 2008 Waste Disposal and Re-use Facilities Part 1 115 - Demolition; - Construction; and - On-going waste management.	A WMP submitted which addresses waste reuse and disposal for demolition, construction and on-going waste.	Yes
26. Outdoor Advertising and Signage			

		The application does not propose the erection of any signage.	N/A
27. Social Impact Assessment			
	Child care centres with 20 or more children required to undertake a Social Impact Comment, as per the proforma provided in Council's Social Impact Policy 2022.	Brief commentary provided in SoEE, however not to the level required as per the Policy.	No
29. Safety and Security			
	Address 'Safer-by-Design' principles in the design of public and private domain, and in all developments including the NSW Police 'Safer by Design' Crime Prevention Through Environmental Design (CPTED) principles	It is considered that the four (4) main principles of CPTED have been satisfactorily incorporated into the design.	Yes
30. Additional Uses			
30.4 Child Care Centres			
Building Appearance	1. The building shall be designed so:		
	– That it is in character with the surrounding residential area in terms of bulk, scale, size and height; and	The form and scale of the building is considered to be consistent with the surrounding high density residential area, in that the 3 storey building is designed to look like a contemporary apartment building.	Yes
	– That it employs passive solar and energy saving techniques where possible.	The northern façade provides a creative shade structure in front of the glazed façade. The ground floor and upper level outdoor spaces are all provided with appropriate shading devices.	Yes
	2. The front pedestrian entrance must be visible from the street.	The front pedestrian entrance is clearly visible.	Yes
	3. Buildings that face two street frontages or a street and public space must address both frontages by the use of verandas, balconies, windows or similar modulating elements.	The development appropriately addresses the two street frontages.	Yes

Landscaping	<ol style="list-style-type: none"> 1. A landscape plan must be submitted to Council with the development application. Refer to Part 1 of the DCP. 2. Areas of grass are to be limited to play areas. Other landscaped areas are to be planted. 3. Trees adjacent to/or within the play area, are to provide shade and allow winter sun entry. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry. 4. Landscaping species must be appropriate to prevent injury to children. No toxic, spiky or other hazardous plant species. 5. If there are setback areas these are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services. 6. Landscape planting should principally comprise of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local 	<p>The proposed landscape plan is considered satisfactory.</p> <p>Refer to Comments from Council's Landscaping Section</p>	<p>Yes</p>
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	<p>microclimate and to improve solar access.</p> <p>7. Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. The minimum height of screening to be provided is 2.5m to 3m at maturity.</p> <p>8. Landscaping on any podium level or planter box shall be appropriately designed and irrigated. See ADG Planting on Structures.</p>		
Car Parking and Access			
	Access for the disabled including those with prams is to be provided from the car parking area to the building.	<p>2 accessible spaces provided. Shared areas are non-compliant.</p> <p>Refer to comments from Council's Traffic Section.</p>	No
Amenity and Environmental Impact			
	<p>1. Child Care Centres shall be designed and operated so that noise generated by the centre does not impact significantly upon adjoining properties.</p> <p>2. Child Care Centres shall not be constructed on sites that are contaminated.</p> <p>3. All buildings, whether to be built, extended, renovated or converted to a Child Care Centre shall not contain any material or substance that will cause lead or asbestos or other contamination or poisoning.</p>	<p>Acoustic report submitted, which is considered satisfactory.</p> <p>DSI submitted which confirms that the site is suitable for the proposed child care centre.</p> <p>All existing structures to be demolished. Hazardous Materials Survey required prior to demolition.</p> <p>All new structures to be built using current materials.</p>	<p>Refer to comments from EHU</p> <p>Refer to comments from EHU</p> <p>Yes To condition</p> <p>Yes</p>
Part 4 Liverpool City Centre			
4.2 Controls for Building Form			
4.2.1 Building form			
Controls	Develop new buildings in Liverpool city centre using the following building typologies for		

	precincts as identified in Figure 4-2: - 7. Detached building typology for High Density Residential sites.	The proposal achieves a detached building typology within the R4 zone.	Yes
4.2.7 Street Alignments and Street Setbacks			
Controls	1. Buildings are to comply with the front setbacks as set out in Figures 4-12.	Required setbacks: - Hume Highway = 8m - Lachlan Street = 4.5m landscaped area. Proposed: - Hume Highway = Ranges from 1.325m up to 4.711m - Lachlan Street = Ranges from 1.237m up to 6.0m	No
	2. Upper level frontages to a lane/serviceway must be setback 6 metres from the centre line of the lane/serviceway.	N/A	N/A
	3. Construct perimeter block buildings and podiums, which comply with the building envelope requirement, to the street and side boundaries (0m setback).	N/A	N/A
	4. Buildings with a boundary to the Hume Highway have a minimum setback of 8m.	The proposal is required to incorporate an 8m landscaped setback to the Hume Highway. The proposed setback ranges from ranges from 1.325m up to 4.711m.	No
	5. Buildings on the southern side of streets identified in Figure 4-10 have minimum front setbacks as follows, in order to maximise solar access: a. Elizabeth Street between Bathurst Street and Bigge Street - 6m.	N/A	N/A

	<p>b. Railway Street, Scott Street and Memorial Avenue - 3m.</p> <p>c. Parts of George, Bathurst, Terminus and Bigge Streets – 2.5m.</p>		
	6. Pave the land in the set-back zone to match the paving in the public street so that it provides a seamless and level ground plane.	N/A	N/A
	7. Ensure that no columns, blade walls or other building elements encroach the ground level of the front setback.	Structures encroach the front setback area.	No
	8. Ensure that balconies project a maximum of 1.2 metres into front building setbacks in the R4 - High Density Residential Zone.	N/A	N/A
	9. Ensure that minor projections into front building lines and setbacks above ground level are designed for sun shading, entry protection or building articulation and enhance the amenity of the public domain.	Noted	
	10. Allow enclosures or screening of balconies only if they are moveable and aid the amenity of the apartments.	N/A	N/A
4.2.8 Side and rear boundary setbacks			
	1. All residential and commercial buildings must comply with the separation distances in SEPP 65 and the ADG unless otherwise agreed with Council in an approved concept development application.	<p>For buildings up to 4 storeys in height, the ADG requires the following separation distances:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms 	

		<ul style="list-style-type: none"> • 6m between non-habitable rooms <p>Proposed: 3m to non-habitable on subject site and therefore 3m / 6m to non-habitable / habitable on adjoining.</p> <p>Whilst a 3m side setback to the eastern boundary might be considered appropriate having regard to ADG building separation and solar access requirements, it is noted that Cl. 7.4 of the LLEP 2008 requires a 9m separation between buildings.</p>	<p>Yes</p> <p>No</p>
	<p>2. For existing buildings that do not comply with the setback requirements identified in control 1 above, appropriate screening must be installed should the building be refurbished or converted.</p> <p>3. Buildings with a rear or side boundary to the rail corridor are to provide a minimum setback of 12m. The setback is to be appropriately landscaped.</p> <p>4. Buildings on land zoned B6 – Enterprise Corridor and B1 – Neighbourhood Centre located in the Liverpool city centre, to have setbacks consistent with Table 4-1 below.</p> <p>5. Construct buildings across the site facing the street and the rear boundaries rather than facing side boundaries.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Achieved</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>
4.2.9 Minimum Floor to Ceiling Heights			
	<p>The minimum floor to ceiling heights are:</p> <p>1. Ground floor: 3.6m.</p> <p>2. Above ground level:</p>	<p>- G/F = 3.7m</p> <p>- Levels 1 & 2 = 3.3m</p>	<p>Yes</p> <p>Yes</p>

	a) Commercial office 3.3m. b) Capable of adaptation to commercial uses 3.3m. c) Residential 2.7m. d) Active public uses, such as retail and restaurants 3.6m. 3. Car Parks: Sufficient to cater to the needs of all vehicles that will access the car park and, if aboveground, adaptable to another use, as above.	- 3m provided. The basement levels accommodate passenger vehicles only.	Yes
4.2.11 Deep Soil Zones and Site Cover			
	1. The maximum permitted site coverage for development is specified in Table 4-2. Commercial & Mixed Use: - 60%	Basement level: - $842\text{m}^2 / 1,150\text{m}^2 = 73\%$	No
4.2.13 Landscape Design			
Private Open Space	1. Submit a landscape plan prepared by a registered landscape architect that demonstrates consistency with the above objectives and section 4V, water management and conservation, of the ADG.	Landscape plan submitted.	Yes
4.3.3. Active Street Frontage			
	1. Locate active street frontages on the ground level of all commercial or mixed use buildings, including adjacent through-site links.	<p>Whilst commercial in nature, the proposed child care centre land use is not 'commercial' for the purposes of the LEP or DCP.</p> <p>It is not considered appropriate that a child care centre provide an 'active' frontage to either Lachlan Street, or the Hume Highway in particular.</p> <p>Notwithstanding this, The Lachlan Street frontage provides an appropriate address to the street, through architectural articulation, windows, entries and low height fencing.</p>	Considered acceptable
4.3.4 Street Address			

Specific controls for two storey dwellings	1. Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments.	Provided	Yes
	2. Provide multiple entrances to large developments on all street frontages.	N/A in this case.	N/A
	3. Provide direct 'front door' and/or garden access to the street in ground floor residential units.	N/A	N/A
4.3.5 Street and Building Interface			
Garages	1. Design the area between the building and the public footpath so that it: a) provides visibility to and from the street (if non-residential use);	Visibility and passive surveillance over the street is achieved via street-facing windows on the upper levels.	Yes
	b) provides privacy if residential uses are on the ground floor;	N/A	N/A
	c) introduces paving and/or landscaping between the street and the building; and/or	Front setback area to be extensively landscaped.	Yes
	d) screens any above ground car parking.	N/A	N/A
	2. Use front fences that: a) do not present a solid edge to the public domain greater than 1.2 m above the footpath / public domain level; and	Achieved	Yes
	b) are not constructed of sheet metal or opaque glass.	Achieved	Yes
4.3.8 Building Design and Public Domain Interface			
	1. Design new buildings that adjoin existing buildings, particularly heritage buildings and those of		

	<p>architectural merit so that they consider:</p> <ul style="list-style-type: none"> a) the street 'wall' alignment and building envelope; b) the 'depth' within the façade; c) facade proportions; and d) the response to the corners at street intersections. 	Street setbacks are non-compliant.	No
	2. Provide balconies and terraces appropriately orientated where buildings face public spaces.	N/A	N/A
	3. Articulate façades to address the street, proportion the building, provide 'depth' in the street wall when viewed obliquely along the street and add visual interest.	The front façade is articulated to provide depth and will add visual interest to the street.	Yes
	4. Use high quality robust finishes and avoid finishes with high maintenance costs, and those susceptible to degradation due to a corrosive environment. Large expanses of rented concrete finish is discouraged.	Achievable	Yes
	5. Select lighter-coloured materials for external finishes including roofs and avoid the use of darker-coloured materials (e.g. black, charcoal) to reduce the urban heat island effect.	The proposed colour palette is considered appropriate.	Yes
	6. Maximise glazing in the facades for retail uses.	N/A	N/A
	7. For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level.	N/A	N/A

	<p>8. Construct only minor projections up to 600mm from building walls into the public space. These must not add to the GFA and must provide a benefit, such as:</p> <p>a) expressed cornice lines that assist in enhancing the definition of the street; or</p> <p>b) projections such as entry canopies that add visual interest and amenity.</p>	Building elements along the Lachlan Street frontage encroach within the setback area well beyond 600mm, and which add to GFA.	No
	9. Do not locate communication towers such as mobile phone towers, but excluding satellite dishes, on residential buildings or mixed use buildings with a residential component.	N/A	N/A
	10. Incorporate roof top structures, such as air conditioning and lift motor rooms, into the architectural design of the building.	Achievable	Yes
	11. Screen air conditioning units on balconies.	Achievable	Yes
	12. No clothes drying facilities to be allowed on balconies.	N/A	N/A

4.4 Traffic and Access

4.4.1 Vehicular Access and Manoeuvring Areas

Fencing	<p>1. Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible.</p>	Vehicle access is achieved via Lachlan Street, which is considered appropriate in this case.	Yes
	<p>2. Design of vehicle entry points must be of high quality and relate to the architecture of the building, including being constructed of high quality materials and finishes.</p>	Achievable	Yes

	<p>3. All weather access:</p> <p>a) Locate and design porte cochere (for hotels only) to address urban design, streetscape, heritage and pedestrian amenity considerations.</p> <p>b) Design porte cochere to be internal to the building, where practical, with one combined vehicle entry and exit point, or one entry and one exit point on two different frontages of the development.</p> <p>c) In exceptional circumstances for buildings with one street frontage only, an indented porte cochere with separate entry and exit points across the footpath may be permitted, as long as it is constructed entirely at the footpath level and provides an active frontage at its perimeter.</p>	<p>Basement level parking provided, as well as an awning over the pedestrian entrance.</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>
4.5.2 Noise			
	<p>1. Design development on sites adjacent to road and rail noise sources identified in Figure 4-16, in a manner that shields any residential development from the noise source through the location and orientation of built form on the site, supported by an appropriate acoustic report as required by the State Environmental Planning Policy (Infrastructure) 2007.</p>	<p>Acoustic report submitted.</p>	<p>Refer to comments from EHU</p>