



Development Application
Statement of Environmental Effects

73 Lachlan Street, Warwick Farm



Submitted to: Liverpool Council
On behalf of: FLDC Architects
Date: December 2022

BMA URBAN STAFF RESPONSIBLE FOR THIS REPORT WERE:

Managing Director	Bernard Moroz
Associate Director	-----
Project Planner	Marearna Maroun
Project Code	WF-103/22
Report Number	Final - 20/12/22

CONTACT DETAILS:**BMA URBAN**

THREE INTERNATIONAL TOWERS

Suite 5, Level 24 300 Barangaroo Avenue

Sydney, NSW 2000

enquires@bmaurban.comBMAURBAN.com

This report has been prepared by BMA Urban with input from other expert consultants. The information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. BMA Urban accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

Copyright © BMA Urban P/L ACN 623 236 608

All Rights Reserved. No material may be reproduced without prior permission.

TABLE OF CONTENTS

1. INTRODUCTION.....	5
1.1. Report Structure.....	5
1.2. Supporting Documentation	6
2. SITE ANALYSIS AND CONTEXT	7
2.1 The Subject Site.....	7
2.2 Site Description.....	7
2.3 Existing Built Form and Landscaping.....	8
2.4 Site Surrounds	8
3. THE PROPOSAL	9
3.1. Description	9
4. NUMERICAL OVERVIEW	13
4.1 Building Design	13
4.2 Operation and Management	14
5. STATUTORY PLANNING CONSIDERATIONS	15
5.1. Overview	15
5.2 Environmental Planning and Assessment Act 1979.....	15
5.3 Environmental Planning and Assessment Regulations 2000	16
5.4 State Environmental Planning Policies	16
5.4 Local Environmental Plans	34
5.5 The Provisions of any exhibited Draft Environmental Planning Instruments.....	40
5.6 Development Control Plans	40
6. ENVIRONMENTAL IMPACT ASSESSMENT	46
6.1 Visual Privacy	46
6.4 Public Amenity and Safety	46
6.5 Traffic, Parking And Access	46
6.6 Waste Management	47
7. NATURAL AND BUILT ENVIRONMENTAL IMPACTS	48
7.1. Landscaping	48
7. SOCIAL AND ECONOMIC IMPACTS	50
7.1 Economic and employment	50
8. SUITABILITY OF THE SITE	51
9. THE PUBLIC INTEREST	52
10. CONCLUSION	53

FIGURES

Figure 1: Site Aerial.....	7
Figure 2: The existing dwelling as viewed from Lachlan Street	8
Figure 3: The existing building at the western edge of the site	8
Figure 4: Basement Level 2	9
Figure 5: Basement Level 2	10
Figure 6: Ground Floor Plan.....	11
Figure 7: First Floor Plan.....	11
Figure 8: Second Floor Plan.....	12
Figure 9: Perspectives.....	14
Figure 10: Zoning Map	34
Figure 11: Concept Landscape Plan – ground floor.....	48
Figure 12: Concept Landscape Plan – first floor	48
Figure 13: Concept Landscape Plan – second floor	49

1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for FLDC Architects (**the applicant**) in support of a Development Application (DA) to Liverpool Council, prepared in accordance with Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation 2000.

The proposed development comprises demolition of the existing improvements and construction of a new three (3) storey child care centre with basement car parking capable of accommodating 124 children, operating between the hours of 7:00am-6:30pm (Monday to Friday).

The proposed development is assessed in detail against the relevant provisions of the *Liverpool Local Environmental Plan 2008* and the *Liverpool Development Control Plan 2008*. The proposal has also been designed generally in accordance with the Child Care Planning Guidelines and the National Quality Framework Assessment Criteria, as established under the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

1.1. Report Structure

This SEE is structure in the following manner:

- **Section 1** – Introduction;
- **Section 2** - Analysis of site and surrounding context;
- **Section 3** - Background to the project;
- **Section 4** - A description of the proposed development;
- **Section 5** - Assessment of the proposal's compliance with relevant planning instruments and policies;
- **Section 6 - 10** - Impact assessment and consideration of key planning issues as required by Section 4.15 of the EP&A Act; and
- **Section 11** – Conclusion.

1.2. Supporting Documentation

The technical and design documents that have been prepared to accompany this DA are identified in **Table 1** and are as follows;

Document:	Prepared by:	Dated:
Architectural Plans	FLDC Architects	6 December 2022
Survey Plan	C&A Surveyors	14 June 2022
Landscape Concept Plan	Edible Kids Gardens	11.2022 and 12.2022
Traffic Report	McLaren Traffic Engineering	9 December 2022
Acoustic Report	VMS Australia	23 November 2022
Plan of Management	Ology	December 2022
Air Quality	Airsafe	24 October 2022
Stormwater Plans	John Romanous & Associates	28 September 2022
Stage 1 PSI	Airsafe	15 September 2022

Table 1: Technical and design documentation

2. SITE ANALYSIS AND CONTEXT

2.1 The Subject Site

The subject site is located within the Local Government Area (LGA) of Liverpool. **Figure 1** below provides an aerial view identifying the location of the site within its immediate context.



Figure 1: Site Aerial
Source: Six Maps

Subject site 

2.2 Site Description

The subject site is legally described as Lot 1 & Lot 2 in DP 1058859. The site is commonly known as 73 Lachlan Street, Warwick Farm. The subject site is an irregular shaped allotment which has a frontage to Lachlan Street to the south and Sydney Road (Hume Highway) to the north. The sites primary frontage to Lachlan Street extends approximately 47.63 metres. The total site area is 1150.6m². The site is relatively flat throughout. Refer to Survey Plan extract below:

2.3 Existing Built Form and Landscaping

The subject site currently accommodates an existing double storey dwelling, detached metal garage, and detached garage at the rear with swimming pool. There is also a detached single storey building located within the front setback area to Lachlan Street, towards the western edge of the site. There is an existing vehicular entrance point to the site from Lachlan Street. There are a number of existing trees dispersed throughout the site.

Figures 2 and 3 below provide a clearer appreciation of the site and its current built form characteristics.



Figure 2: The existing dwelling as viewed from Lachlan Street



Figure 3: The existing building at the western edge of the site

2.4 Site Surrounds

The site is generally surrounded by industrial developments to the north and residential dwellings in all other directions with Westfield Liverpool located approximately 400m to the south, Marsden Road Public School located approximately 700m to the west and both Liverpool Girls High School located and Liverpool Boys High School located approximately 950m to the east of the site. It is noted that there are high density residential buildings (in the form of residential flat buildings) located on the opposite side of Lachlan Street.

3. THE PROPOSAL

3.1. Description

The proposed development comprises demolition of the existing improvements and construction of a new three (3) storey child care centre. This centre is proposed to accommodate up to 124 children and operate between the hours of 7:00am and 6:30pm Monday to Friday. There is a total of twenty (20) staff members provided.

The proposed development is further described as follows:

Basement Level 2

- 16 x staff car parking spaces; and
- Services, lift and stair access.

An extract of the proposed basement level 2 plan is reproduced below for reference:

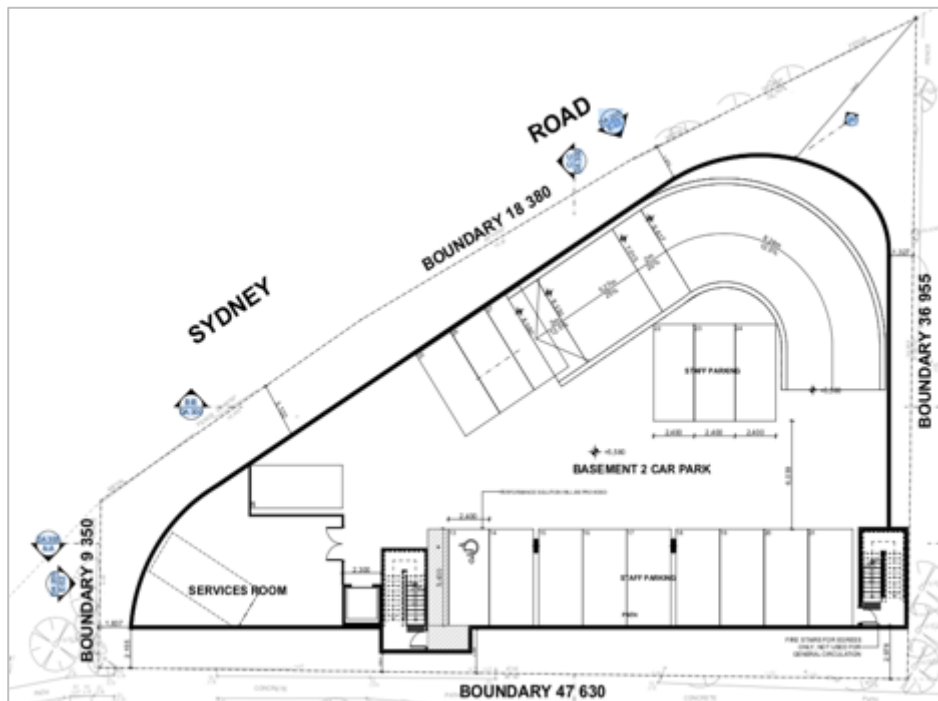


Figure 4: Basement Level 2

Source: FLDC Architects

Basement Level 2

- 12 x visitor car parking spaces;
- Storage;
- Dedicated pedestrian pathways; and
- Services, lift and stair access.

An extract of the proposed basement level 2 plan is reproduced below for reference:

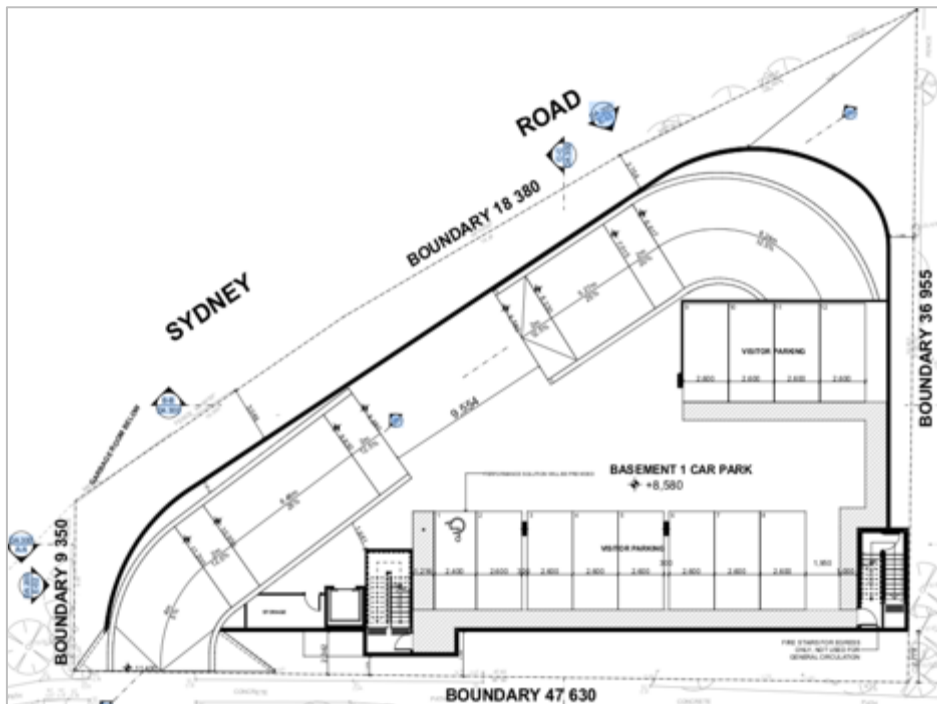


Figure 5: Basement Level 2

Source: FLDC Architects

Ground Floor Plan

- Vehicular access the proposed basement;
- Foyer, lift and stair access;
- Kitchen, laundry and accessible toilet;
- Tree removal;
- Indoor and outdoor children's areas; and
- Landscaping works.

An extract of the ground floor plan is reproduced below for reference.

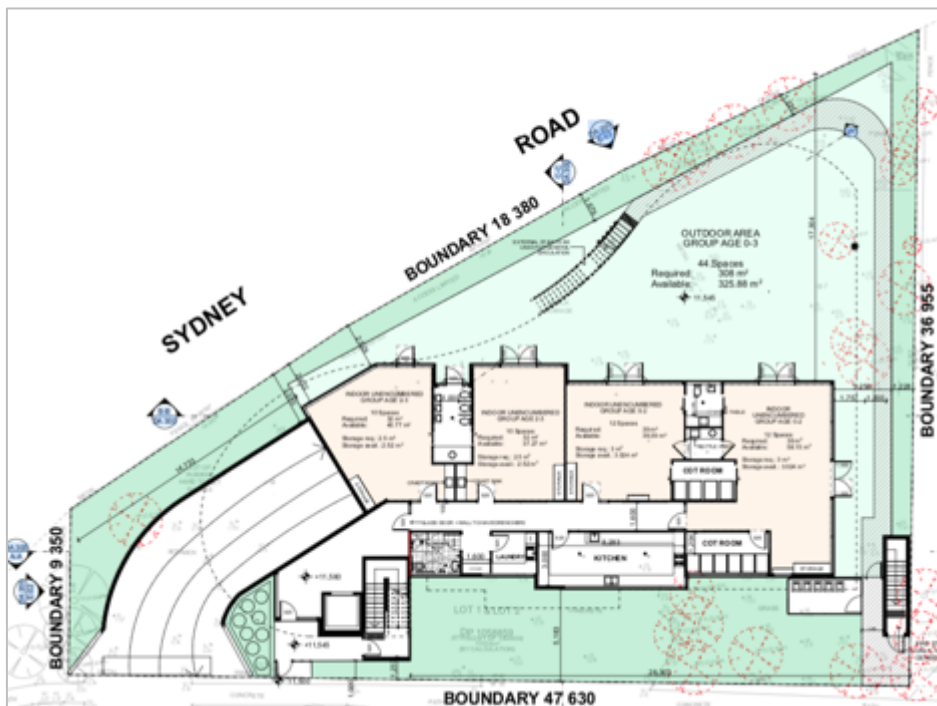


Figure 6: Ground Floor Plan

Source: FLDC Architects

First Floor Plan

- Foyer, staff room, office, educational room and accessible toilet; and
- Indoor and outdoor children's areas.

An extract of the first floor plan is reproduced below for reference.

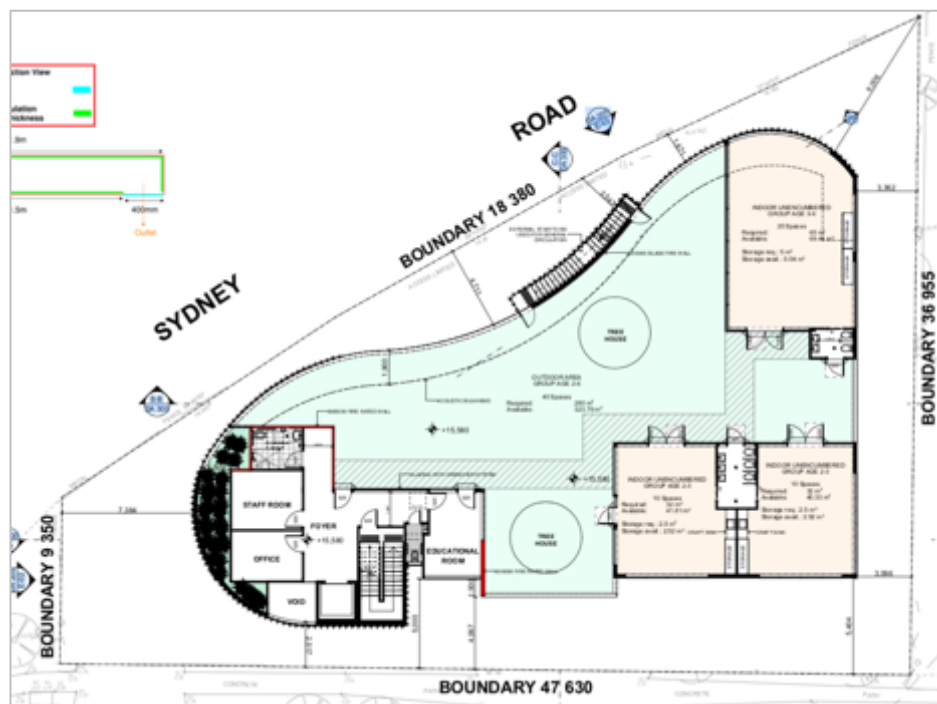


Figure 7: First Floor Plan

Source: FLDC Architects

Second Floor Plan

- Foyer, staff room, office, educational room and accessible toilet; and
- Indoor and outdoor children's areas.

An extract of the second floor plan is reproduced below for reference.

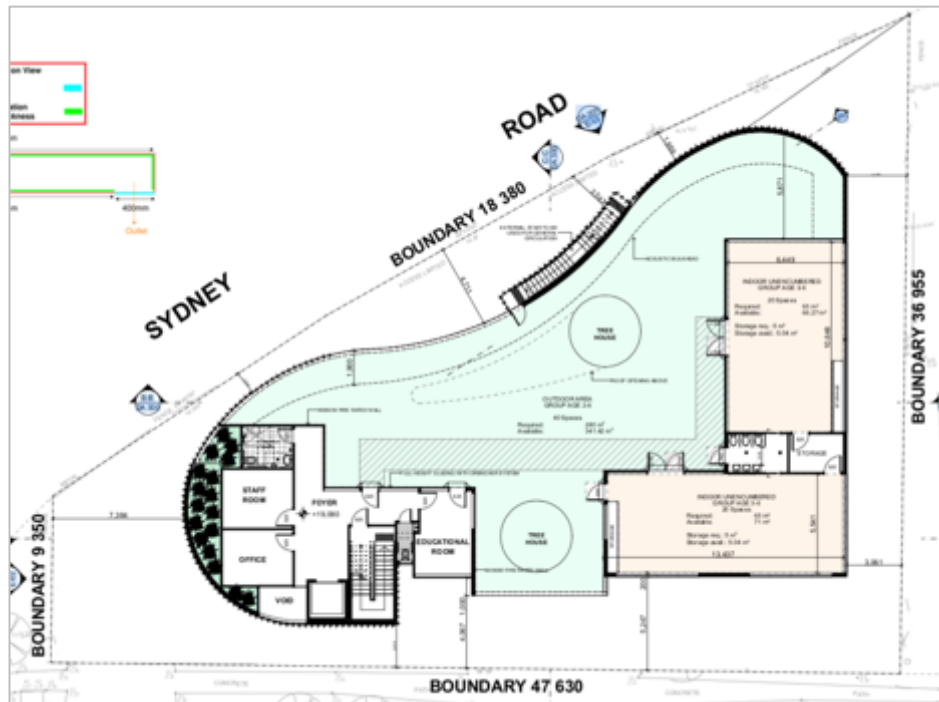


Figure 8: Second Floor Plan
Source: FLDC Architects

4. NUMERICAL OVERVIEW

The key numerical aspects of the proposed development are outlined in **Table 2** and described in further detail in the following sections.

Parameter	Proposal	
Site Area	1150.6m ²	
Parking	Vehicles	Sixteen (16) staff spaces Twelve (12) drop off/pick up Total: Twenty-eight (28) spaces
Number of Children	0-2 years = 24 2-3 years = 40 3-6 years = 60 Total 124 children	
Total allocated internal playroom area	464.43m ²	
Total allocated external outdoor area	991.06m ²	

Table 2: Numeric Overview of the proposed development

4.1 Building Design

The proposed child care centre presents as a modern, contemporary form. The building itself incorporates some curves and a mixture of external finishes. The perspectives from the architectural plan set are reproduced below for reference:

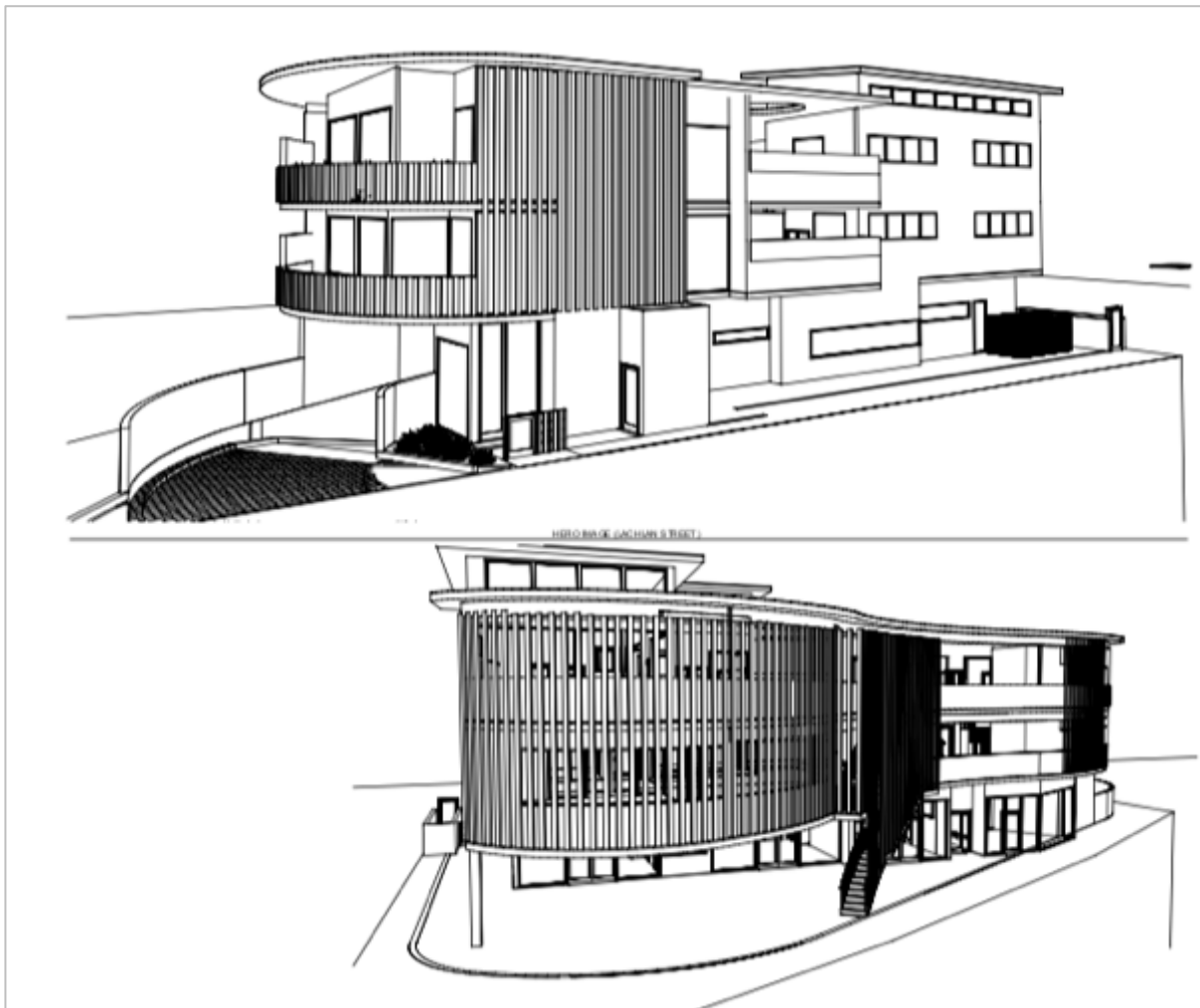


Figure 9: Perspectives
Source: FLDC Architects

4.2 Operation and Management

The proposed child care centre will accommodate a maximum of 124 children and will operate from 7.00am – 6.00pm, Monday to Friday. No operation will occur on Public Holidays and 20 staff will be employed. An operational Plan of Management for the proposed child care centre has been prepared by *Ology Early Childhood Consulting* to provide an understanding of how the proposed centre is intended to operate.

An Acoustic Assessment Report has been prepared by VMS Australia and is submitted with the application. This report presents the results and findings of the noise assessment for the proposed child care centre at tenancy.

The findings from the assessment have shown that noise the proposed child care centre will be minimal and unlikely to be audible at any residential receivers, subject to the implementation of various measures.

5. STATUTORY PLANNING CONSIDERATIONS

5.1. Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Liverpool Local Environmental Plan 2008; and
- Liverpool Development Control Plan 2008.

The relevant provisions and controls of the above Instruments and Plans are summarised in the following sections of this SEE.

5.2 Environmental Planning and Assessment Act 1979

5.2.1 Section 1.3 – Objects

The Environmental Planning and Assessment Act, 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

- a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- c) *to promote the orderly and economic use and development of land,*
- d) *to promote the delivery and maintenance of affordable housing,*
- e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- g) *to promote good design and amenity of the built environment*
- h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is considered to be consistent with the objects of the EP&A Act for the following reasons:

- It promotes the social and economic welfare of the community by continuing to provide for a high quality, purpose-built child care centre that supplements the numbers and diversity of child care places within the Liverpool LGA to the benefit of local residents;
- It promotes the orderly and economic use and development of the land with the continuation of a land use and built form that is consistent with the zoning and character of the site and surrounding locality; and
- It promotes good design whilst ensuring that the amenity of the built environment in the immediate locality remains uncompromised.

5.3 Environmental Planning and Assessment Regulations 2000

5.3.1 Section 61 – Demolition

All demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider AS 2601 - 1991: The Demolition of Structures.

5.3.2 Section 69 – Compliance with the BCA

Pursuant to the prescribed conditions under Clause 98 of the Regulation, any building work *"must be carried out in accordance with the requirements of the Building Code of Australia"*. All proposed works are deemed capable of complying with the relevant provisions of the BCA. Refer to the accompanying report prepared by Building Innovations Australia.

5.4 State Environmental Planning Policies

5.4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

The purpose of State Environmental Planning Policy (Resilience and Hazards) 2021 is to ensure that land which is contaminated is identified and appropriately remediated so as to be suitable for the proposed development. Clause 4.6 (1) of this SEPP states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

The application is supported by a Stage 1 Preliminary Site Investigation prepared by *Airsafe*. This report makes various recommendations for further information to be provided to the consent authority before it can be satisfied that the site is suitable for the proposed development.

5.4.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

Chapter 2 of this state policy applies to the non-rural areas of the State inclusive of the subject local government area and aims to (a) *protect the biodiversity values of trees and other vegetation in non-rural areas of the State* and (b) *preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation*. The proposed development incorporates the removal of a number of trees throughout the site. There are however a number of replacement trees proposed to be provide as compensatory planting.

5.4.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 17 – Roads and Traffic

Subdivision 2 – Development in or adjacent to road corridors and road reservations

2.118 Development with frontage to classified road

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

This clause applies to development with frontage to a classified road. In this regard, Sydney Road is identified as a Classified Road and therefore, the provisions of this clause apply to this development.

As detailed in the accompanying traffic report prepared by McLaren, the development has been designed so that access is not proposed off the Classified Road. Access is via Lachlan Street. In consideration of this, the proposal is unlikely to compromise the effective and ongoing operation and function of the Classified road.

In terms of the emission of smoke or dust from the development, measures will be put in place during the construction phase mitigating the extent of any construction generated smoke and or dust emissions. Additional consent conditions may be imposed in this regard.

Having regard to the commentary above, the proposed development is capable of satisfying the relevant provisions of Clause 2.118 of the SEPP.

2.119 Impact of road noise or vibration on non-road development

This clause 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 RMS) 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.

The subject site is located adjacent to Sydney Road, requiring that a mandatory assessment be undertaken in accordance with the SEPP. The application is accompanied by an acoustic report prepared by *VMA Australia*. The assessment concludes that the proposed development is capable of achieving the noise attenuation criteria where relevant to the development subject to the recommendations detailed within the report being adhered to.

The proposed development is therefore capable of satisfying the provisions of Clause 2.119 of TISEPP.

Child Care Centres

This SEPP adopts/transitions the provisions from State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ('Educational Establishments and Child Care Facilities SEPP') and aims to facilitate the effective delivery of educational establishments and early education and care facilities across the state of New South Wales.

Clause 3.22 of the Educational Establishments and Child Care Facilities SEPP indicates that a consent authority must not grant consent to development for the purpose of a centre-based child care facility except with the concurrence of the regulatory authority for the purposes of that clause, if the floor area of the building and required outdoor space for the building do not satisfy regulations 107 and 108 respectively of the *Education and Care Services National Regulations*.

Regulation 107 prescribes that an education and care service premises is to have at least 3.25m² of unencumbered indoor space for each child being educated and cared for by a service, equating to 403m² of unencumbered indoor space for the 124 children proposed in this case. The development achieves this standard by providing 464.43m² of unencumbered indoor space.

Regulation 108 prescribes that an education and care service premises is to have at least 7m² of unencumbered outdoor space for each child being educated and cared for by a service, equating to 868m² of unencumbered outdoor space for the 120 children proposed in this case. The proposed development achieves this standard by providing 991.06m² of unencumbered outdoor space.

Given the above, the concurrence of the relevant regulatory authority is not required in this case.

Clause 3.23 of the Educational Establishments and Child Care Facilities SEPP prescribes that a consent authority must take into consideration any applicable provisions of the *Child Care Planning Guideline* in relation to a proposed development, before determining a development application for development for the purpose of a centre-based child care facility. This guideline was published on 1 September 2017 and establishes an assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in New South Wales.

The relevant provisions of the above guideline are outlined and addressed in the compliance table as follows.

Child Care Planning Guideline Compliance Table			
Controls	Requirement	Proposed	✓/x
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 	<p>The proposed facility will only directly adjoin one residential receiver to the immediate east. The interface is suitably dealt with through the provision of large setbacks and the minimisation of window openings along the East elevation. Outdoor play areas have been suitably screened where possible.</p> <p>An acoustic report has prepared by VMS Australia. This report confirms that any proposed noise likely to be generated by the use as a childcare centre, will be minimal and unlikely to be audible from any residential receivers, subject to the implementation of various recommendations.</p>	✓
	<ul style="list-style-type: none"> the setbacks and siting of buildings within the residential context 	<p>The proposed building incorporates setbacks from all allotment buildings to ensure that it follows the established pattern of development in the street.</p>	✓
	<ul style="list-style-type: none"> traffic and parking impacts of the proposal on residential amenity 	<p>A traffic and parking assessment has been prepared by McLaren. This report demonstrates that the local road network has the capacity to accommodate the traffic likely to be generated by the proposed child care centre.</p> <p>A sufficient number of off-street car parking spaces are provided for staff and visitors in accordance with the DCP requirements.</p>	✓
	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 	<p>The proposed facility is located within an already established area in Warwick Farm where it will function as a compatible land use. The R4 High Density Residential land use zone contemplates that child care centres can harmoniously integrate with other permitted uses.</p> <p>The objectives of the zone also encourages other land uses that provide facilities or services to meet the day to day needs of residents, and this is facilitated by the subject proposal.</p>	✓
	<ul style="list-style-type: none"> the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards 	<p>The site is not affected by any environmental impediments which would preclude the proposed development from being carried out.</p>	✓

	<ul style="list-style-type: none"> there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed 	There are no known records of contaminating activity being conducted on the site within the subject building.	✓
	<ul style="list-style-type: none"> the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. 	The characteristics of the building and more broadly the site lends itself to this form of development. In particular, the proposed use is located within an established area where there will be no adverse environmental impacts on the surrounding area, noting in particular that the site is not within a sensitive environmental or cultural area.	✓
	<ul style="list-style-type: none"> there are suitable drop off and pick up areas, and off and on street parking 	<p>The accompanying traffic impact assessment prepared by McLaren confirms that the drop off and pick up arrangement proposed as part of this development is acceptable subject to any car parking spaces for these purposes being marked and located in proximate distance to the entrance of the centre.</p> <p>Consent conditions may be imposed in this regard.</p>	✓
	the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use	<p>The traffic and parking assessment prepared by McLaren confirms that the function and capacity of adjoining roads will not be adversely affected by the traffic generated by the proposed development.</p> <p>The traffic generation of the proposed development has been estimated to be:</p> <ul style="list-style-type: none"> 99 morning peak hour vehicle trips (50 in, 49 out); and 87 afternoon peak hour vehicle trips (43 in, 44 out). <p>It should be noted that the above figures are generated on the basis of the generation rates derived from the RTA Guide to Traffic Generating Development (2002) as adopted by Transport for NSW (TfNSW).</p>	✓

	The estimated peak period traffic generation is demonstrated to be of acceptable impacts with no unreasonable negligible impact on the existing road network as a result of the proposed development.	
<ul style="list-style-type: none"> 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. 	The site is not located in any notable proximity to these uses.	✓
C3 - A child care facility should be located:		
<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 	The subject site is located in proximity to: Apex Park, All Saints Catholic Primary School, All Saints Catholic College and Liverpool Girls High Schools. There are a number of existing churches on the southern side of Westfield Liverpool.	✓
<ul style="list-style-type: none"> near or within employment areas, town centres, business centres, shops 	The proposed use located in close proximity to Westfield Liverpool and Macquarie Mall Liverpool.	✓
<ul style="list-style-type: none"> with access to public transport including rail, buses, ferries 	The site is located in proximity to a number of frequent bus services as indicated in Part 2.4 of the Traffic Report prepared by McLaren.	✓
<ul style="list-style-type: none"> in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	The subject site is provided with a superior level of access and pedestrian connectivity to public transport, shops, services and facilities.	✓
C4 - A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from proximity to:		
<ul style="list-style-type: none"> <i>heavy or hazardous industry, waste transfer depots or landfill sites</i> <i>LPG tanks or service stations</i> <i>water cooling and water warming systems</i> <i>odour (and other air pollutant) generating uses and sources or sites</i> <i>which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</i> 	The site is not proximate to any of the potentially harmful or hazardous uses described in this part of the Guideline.	✓

	<ul style="list-style-type: none"> extractive industries, intensive agriculture, agricultural spraying activities 		
	<ul style="list-style-type: none"> any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site. 	No other known environmental hazards are identified on the site.	✓
3.2 Local character, streetscape and the public domain interface	C5- The proposed development should:		
	<ul style="list-style-type: none"> contribute to the local area by being designed in character with the locality and existing streetscape 	The centre is proposed to be sited within an established residential setting. The locational characteristics of the centre are such that they will not result in any adverse impact to the streetscape or broader locality.	✓
	<ul style="list-style-type: none"> reflect the predominant form of surrounding land uses, particularly in low density residential areas 	The site is not within a low density residential area.	✓
	<ul style="list-style-type: none"> recognise predominant streetscape qualities, such as building form, scale, materials and colours 	The building form proposed is complimentary to the streetscape. There are new materials and colours on the front elevation that are appropriate for the proposed use and have a harmonious relationship with the existing streetscape qualities.	✓
	<ul style="list-style-type: none"> include design and architectural treatments that respond to and integrate with the existing streetscape 	Refer to the comment above.	✓
	<ul style="list-style-type: none"> use landscaping to positively contribute to the streetscape and neighbouring amenity 	Landscaping is incorporated around the perimeter of the site, including within the front setback area to Lachlan Street.	✓
	<ul style="list-style-type: none"> integrate car parking into the building and site landscaping design in residential areas. 	The proposed development incorporates a basement car parking solution that is well integrated into the overall building form.	✓
	C6- Create a threshold with a clear transition between public and private realms, including:		
	<ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility 	The nature of the development is such that the footpath serves as a delineation between the private and public realms. No fencing is proposed to be provided.	✓

<ul style="list-style-type: none"> windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community 	Adequate glazing is provided along the front elevation facing Lachlan Street.	✓
<ul style="list-style-type: none"> integrating existing and proposed landscaping with fencing. 	This control is not relevant to the proposed development.	N/A
<p>C8 - Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <i>clearly defined street access, pedestrian paths and building entries</i> <i>low fences and planting which delineate communal/ private open space from adjoining public open space</i> 		N/A
<p>C9- 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 proposal does not seek to construct and fencing or walls along the front building alignment.</p> <p>The site is not identified as a heritage item, nor is it adjacent to a heritage item.</p>	✓
<p>C10- High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	Acoustic screening is provided in accordance with the required noise attenuation measures set out within the submitted Acoustic Report.	✓

3.3 Building orientation, envelope and design	C11- Orient a development on a site and design the building layout to: Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties placing play equipment away from common boundaries with residential properties locating outdoor play areas away from residential dwellings and other sensitive uses. 	Appropriate noise modelling has been undertaken within the acoustic assessment. It has been established that the outdoor play area is the main noise source, however, this is capable of being managed which will ensure compliance with the relevant noise criteria is achieved. Refer to the Acoustic Report for complete details.	✓
	<ul style="list-style-type: none"> Optimise solar access to internal and external play areas 	Outdoor play areas are north facing and will receive an optimal amount of solar access. The internal play areas have a range of varying orientations to facilitate appropriate solar access.	✓
	<ul style="list-style-type: none"> avoid overshadowing of adjoining residential properties 	The proposed development will result in some additional overshadowing impacts given the inclusion of an additional level. However, it is not anticipated to result in any unreasonable loss of residential amenity to surrounding properties.	✓
	<ul style="list-style-type: none"> minimise cut and fill 	Cut is proposed in order to accommodate the basement car parking levels. This outcome is similar to other development in the locality which also contains basement car parking.	✓
	<ul style="list-style-type: none"> ensure buildings along the street frontage define the street by facing it 	The building will continue to address the street in accordance with this requirement.	✓
	<ul style="list-style-type: none"> ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	Some parts of the centre are sited above ground level and have perimeter wall/screening structures which result in these spaces being protected from wind and other climatic conditions.	✓
	C12 - The following matters may be considered to minimise the impacts of the proposal on local character:		
	<ul style="list-style-type: none"> building height should be consistent with other buildings in the locality 	The proposed development results in an increase to the existing building height. However, it will be below the LEP maximum.	✓

	<ul style="list-style-type: none"> building height should respond to the scale and character of the street 	As above.	✓
	<ul style="list-style-type: none"> setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility 	The setbacks are acceptable given the context of the building within the R4 High Density Residential zone.	✓
	<ul style="list-style-type: none"> setbacks should provide adequate access for building maintenance 	Access to the building for maintenance purposes is capable of being provided.	✓
	<ul style="list-style-type: none"> setbacks to the street should be consistent with the existing character. 	The front setback to Lachlan Street is generally consistent with the adjoining dwelling to the east at No.71.	✓
	C13- 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.	This control is not applicable to the proposed development.	N/A
	C14 - On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The applicable setback requirements have been addressed in the DCP discussion.	✓
	C15 - The built form of the development should contribute to the character of the local area, including how it:		
	<ul style="list-style-type: none"> respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage 	The siting and form of the works enable the continued provision of a development form that appropriately responds to its physical context. Both the subject and adjoining lands/structures are not identified as having any degree of heritage value nor are they located within a heritage conservation area.	✓
	<ul style="list-style-type: none"> contributes to the identity of the place 	<p>The proposed centre will facilitate a positive land use interaction by complementing the existing uses.</p> <p>The facility is a use that remains compatible with and endorsed by the zone objectives and is considered to contribute rather than detract from the identity of the place.</p>	✓

<ul style="list-style-type: none"> retains and reinforces existing built form and vegetation where significant 	No remnant or contributory vegetation will be impacted by the proposed development. There will be new landscaping provided throughout the balance of the site.	✓
<ul style="list-style-type: none"> considers heritage within the local neighbourhood including identified heritage items and conservation areas 	The site is not identified as a Heritage Item, is not located in proximity to any Item nor is not located within a Heritage Conservation Area.	✓
C16 - Entry to the facility should be limited to one secure point which is:		
<ul style="list-style-type: none"> located to allow ease of access, particularly for pedestrians 	A single pedestrian access point is provided along the front façade to Lachlan Street.	✓
<ul style="list-style-type: none"> directly accessible from the street where possible 	The proposed entry is directly accessible from Lachlan Street at the front of the site.	✓
<ul style="list-style-type: none"> directly visible from the street frontage 	The proposed entry is directly accessible and visible from Lachlan Street at the front of the site.	✓
<ul style="list-style-type: none"> easily monitored through natural or camera surveillance 	The entry is located immediately adjacent to the office such that it can be easily monitored through various means.	✓
<ul style="list-style-type: none"> not accessed through an outdoor play area. 	Entry to the facility is direct and does not involve any access by way of an outdoor play area.	✓
<ul style="list-style-type: none"> in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	Whilst the site is not within a mixed-use zone, there are no other uses proposed within the subject building.	✓
C17- Accessible design can be achieved by:		
<ul style="list-style-type: none"> providing accessibility to and within the building in accordance with all relevant legislation 	The proposal is accompanied by an access report prepared by Design Confidence demonstrating compliance with the relevant standards.	✓
<ul style="list-style-type: none"> linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry 	An accessible path of travel is provided throughout spaces within the development.	✓

	<ul style="list-style-type: none"> minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities. 	Finished floor levels throughout the facility remain continually level.	✓
3.4 Landscape	<ul style="list-style-type: none"> C18- Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by: 		
	<ul style="list-style-type: none"> reflecting and reinforcing the local context 	Landscaping is provided throughout the balance of the site.	✓
	<ul style="list-style-type: none"> incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	A Landscape Concept Plan has been provided which demonstrates the intended finishes to the outdoor play areas. The scheme has been designed so that children are still able to experience the natural outdoor environment as far as practically possible in the site context.	✓
3.5 Visual and acoustic privacy	C20- Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	N/A – the proposed is not classified as a mixed use development.	N/A
	C21- Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:		
	<ul style="list-style-type: none"> appropriate site and building layout 	The outdoor play area has been sited so as to prevent overlooking from public areas.	✓
	<ul style="list-style-type: none"> suitably locating pathways, windows and doors 	Windows allow for passive surveillance without compromising the privacy or security of children in the centre.	✓

	<p>C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> <i>• appropriate site and building layout</i> <i>• suitable location of pathways, windows and doors, landscape design and screening.</i> 	The design and layout of the proposed child care centre will not permit direct overlooking of any main internal living areas and private open space within adjoining developments.	✓
	<p>C23- 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>		
	<p>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).</p>	The proposed development is required to incorporate appropriate acoustic fencing as outlined within the Acoustic Report.	✓
	<p>C24- A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p>		
	<p>identify an appropriate noise level for a child care facility located in residential and other zones</p>	The acoustic report determines an appropriate background noise level relevant to the context.	✓
	<p>determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</p>	The acoustic report determines an appropriate background noise level for the outdoor play areas.	✓
	<p>determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</p>	The acoustic report determines an appropriate height for the fencing for the outdoor play areas.	✓

3.6 Noise and air pollution	<p>C25 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source <ul style="list-style-type: none"> ▪ <i>orienting the facility perpendicular to the noise source and where possible buffered by other uses</i> ▪ <i>using landscaping to reduce the perception of noise</i> ▪ <i>limiting the number and size of openings facing noise sources</i> ▪ <i>using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</i> ▪ <i>using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</i> ▪ <i>locating cot rooms, sleeping areas and play areas away from external noise sources.</i> 	<p>The proposal is accompanied by an Acoustic Report prepared VMA. This report confirms that noise the proposed child care centre will be minimal and unlikely to be audible at any residential receivers.</p>	✓
	<p>C26- An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • along a railway or mass transit corridor, as defined by <i>State Environmental Planning Policy (Infrastructure) 2007</i> • on a major or busy road • other land that is impacted by substantial external noise. 	<p>The acoustic report identifies appropriate noise levels for all parts of the building.</p>	✓
	<p>C27- 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 proposed centre is not proximate to any industrial uses. Sydney Road to the north is a noise source which has been addressed in the submitted Acoustic Report.</p>	✓

	C28- 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.	The proposed centre is in direct proximity to a major road in the form of Sydney Road. Accordingly, an Air Quality report has been prepared and accompanies the DA submission.	✓
3.7 Hours of operation	C29- Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	The hours of operation will be 7am-6.30pm Monday to Friday and the centre will be closed on weekends and Public Holidays.	✓
3.8 Traffic, parking and pedestrian circulation	C31 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	The extent of parking proposed is compliant with the requirements set out within the Liverpool DCP.	✓
	C33- A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised.	A Traffic and Parking Impact Assessment has been prepared by McLaren and is submitted with the DA.	✓
	<ul style="list-style-type: none"> the amenity of the surrounding area will not be affected 	The proposal provides sufficient parking while the volume of vehicular movements anticipated to be generated by the development is not deemed to have an adverse impact on the surrounding area.	✓
	<ul style="list-style-type: none"> there will be no impacts on the safe operation of the surrounding road network. 	The traffic and parking assessment indicates that the capacity and efficiency of the surrounding road network will not be adversely compromised by the proposed development.	✓
	C38 Car parking design should:		
	<ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and play areas 	The secure front building entry will prevent unsupervised access/egress by children in care.	✓
	<ul style="list-style-type: none"> provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards 	Clearly marked accessible parking will be provided. Consent condition may be imposed in this regard.	✓

National Regulations Assessment Summary

Regulation 25	<p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	Refer to the discussion in Part 5.4.1 of this SEE	✓
Regulation 104	<p>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.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.</p> <p>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p>	The outdoor play spaces are enclosed by appropriate barriers/screens/walls.	✓
Regulation 106	<p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p>	A laundry is provided on the ground floor plan.	✓

Regulation 109	There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.	Age-appropriate toilet facilities are provided throughout the centre.	✓
Regulation 110	Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. 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.	The building is capable of facilitating an appropriate degree of natural ventilation.	✓
Regulation 111	A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	The proposal incorporates appropriate staff and administrative facilities throughout.	✓
Regulation 112	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. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.	A nappy change room has been provided. The proposal is deemed capable of compliance with the prescribed NCC guidelines for nappy changing and bathing facilities	✓

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>	The Internal layout and design of the building ensures adequate supervision of children.	✓
Regulation 97 and 168	<p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>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. 	<p>Detailed emergency and evacuation procedures will be provided prior to the issuing of an occupation certificate, once a service provider has been confirmed for the child care centre.</p> <p>Refer to the accompanying Plan of Management for further details regarding emergency procedures.</p>	✓
Regulation 108	<p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises,</p>	<p>Spaces have been calculated accordingly.</p> <p>Noted</p> <p>The site does not contain a swimming pool.</p>	<p>✓</p> <p>N/A</p> <p>N/A</p>

	unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.		
Regulation 113	The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.	Outdoor play areas will incorporate elements of the natural environment. Refer to the Concept Landscape Plan submitted separately with the application.	✓
Regulation 114	The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Outdoor spaces are suitably shaded, including new shade sails on the second floor plan.	✓

Table 3: Child Care Planning Guidelines Compliance Table

5.4 Local Environmental Plans

5.4.1 Liverpool Local Environmental Plan 2008

The Liverpool Local Environmental Plan 2008 applies to the subject site which is identified as being within Zone R4 – High Density Residential zone. The proposed development is best characterised as a “**Centre Based Child Care Facility**”, being a permissible form of development with the consent of Council in the R4 High Density Residential Zone.

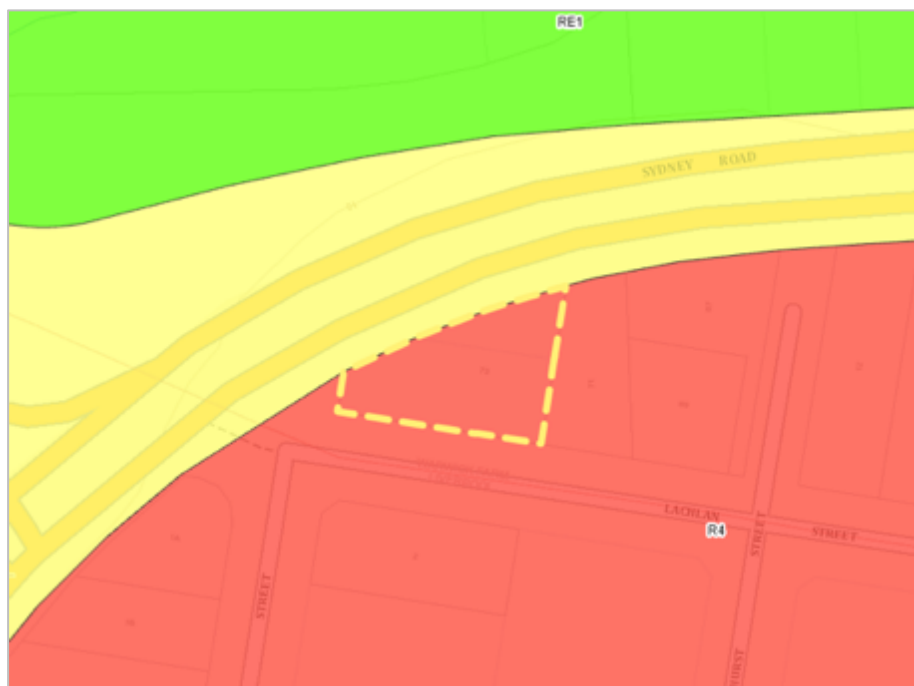


Figure 10: Zoning Map
Source: LLEP 2008

The objectives of the R4 – High Density Residential zone are as follows:

- 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.

The proposed development is consistent with the objectives of the zone. A summary of our assessment of the proposed development against the LEP provisions is detailed below.

Liverpool Local Environmental Plan 2008			
CL	Requirement	Proposed	✓/x
Part 2 - Permitted or Prohibited development			
1.4	Definitions	The proposed development is consistent with the definition of a “Centre-Based childcare facility”.	✓
2.3	Zoning and Objectives	The proposed development is permissible within the R4 High Density zone and is consistent with the objectives of the zone.	✓
2.7	Demolition requires development consent	This application proposes to demolish the existing improvements on the site as annotated on the architectural drawings.	✓
Part 4 – Principal development standards			
4.3	Height of Buildings		✓
	The development is subject to the provisions of Clause 4.3, which as indicated on the associated “Height of Buildings” Map, limits the height of buildings to 35m.	The maximum allowable building height on the site is 35m. The height of the proposed development is well below this.	
4.4	Floor Space Ratio		✓
	Clause 4.4 permits an FSR of 2:1.	The proposed development does not breach the 2:1 FSR development standard.	

Part 5 – Miscellaneous provisions			
5.1	Relevant acquisition authority	The site is not identified as being reserved for acquisition on the Land Reserved for Acquisition Map.	N/A
5.10	Heritage Conservation	The site is not identified as a heritage item nor is not located within a Heritage Conservation Area. The surrounding road network is identified as listed item I89 – Plan of Town of Liverpool (early town centre street layout – Hoddle 1827). However, the proposed development would not alter the existing street pattern.	✓
5.21	Flood Planning	We have not been provided with any advice to suggest that the site is impacted by flooding.	N/A
Part 7 – Additional local provisions			
7.1	Objectives for development in Liverpool city centre	The proposed development is consistent with the applicable objectives set out within this clause in that:	✓
7.1A	Arrangements for designated State public infrastructure in intensive urban development areas	The proposed development is not for residential purposes and this clause is therefore not applicable.	N/A
7.2	Sun access in Liverpool city centre	This clause is not applicable to the subject site.	✓
7.3	Car parking in Liverpool city centre	This clause is not applicable to the subject site.	N/A
7.4	Building separation in Liverpool city centre	This clause is not applicable on the basis that the proposed building does not exceed 12 metres in height (clause 7.4(2)(a)).	N/A
7.5	Design excellence in Liverpool city centre	<p>This clause is applicable to the assessment of the application. Development consent must not be granted unless the consent authority considers that the development exhibits design excellence. The design of the development is considered to exhibit design excellence. The matters relevant to the proposal identified in clause 7.5(3) are addressed as follows:</p> <p>The building will present as a modern architectural design, with a strong emphasis on visual identity and contextual integration. The building siting and form responds to the local context and</p>	✓

	<p>desired character, while the range in materiality employed across the development will accentuate its key features; however, will remain consistent with the tactility of the setting.</p> <p>The development will provide for a high quality built form which addresses the streetscape and provides for a number of façade undulations, vertical and horizontal articulation, outdoor play area design and fenestration. The building exhibits a strong presentation to the locality with the use of curved building elements.</p> <p>The siting, scale and built form relationship the development will have with both neighbouring properties and public domain, will not result in any visual impediment to established view corridors. There will be no overshadowing impacts caused to the public areas identified in clause 7.5(d).</p> <p>The requirements of the Liverpool DCP 2008 have been addressed later within this SEE.</p> <p>The subject site is zoned R4 – High Density Residential where child care centres are a contemplated form of development. The proposal seeks to replace an existing dwelling which appears to form part of the areas original housing stock with a high quality child care centre designed in response to Council's controls.</p> <p>The land does not contain any streetscape constraints or heritage impediments which could preclude the ability for this development to be carried out. There are no tower forms proposed.</p> <p>The site involves the consolidation of two (2) lots which is an orderly and logical response to the block pattern in this part of Lachlan Street.</p> <p>The siting, scale and setbacks of the development have been guided by the applicable planning controls. The building will provide for several façade undulations, vertical and horizontal articulation, outdoor play design and fenestration all of which will work in conjunction so as to ensure the building identifies as appropriately scaled, and a desired 'fit' for the emerging character of the locality.</p> <p>The development successfully mitigates the potential for unreasonable amenity impacts to arise across neighbouring properties noting that the neighbouring property to the east will</p>	
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

		<p>also over time, be demolished and redeveloped to a scale envisaged by the zoning and more generally, the precinct.</p> <p>The proposal seeks the provision of vehicular access/egress from the site directly from Lachlan Street which as described in the accompanying traffic impact assessment prepared by McLaren, will adhere to the RMS guidelines and Australian Standards.</p> <p>A pedestrian entry point is provided from the Lachlan Street frontage in a central location to ensure that it is suitably identifiable.</p> <p>The provision of high quality landscaping is proposed across the site but most importantly, along the private/public domain street interface. A detailed landscaping plan accompanies the application. In brief, the landscape resolution for the site will comprise of trees, shrubs and grasses all of which will soften the built form and improve the landscaped character of the streetscape. A contiguous relationship at ground level is proposed where possible to create meaningful consolidated landscaped areas throughout the site. It is anticipated that conditions of consent would be imposed to require the upgrading of the public domain (i.e. – footpath) along the sites frontage.</p>	
7.5A	Additional provisions relating to certain land at Liverpool city centre	This clause is not applicable to the subject site.	N/A
7.17A	Hospital helicopter airspace	The subject site is identified as being within the identified airspace on the Key Sites Map. However, the height of the building will not exceed RL55.	✓
7.31	Earthworks	<p>The proposed excavation works will not disrupt or detrimentally affect drainage patterns and soil stability in the locality, given that the site is gently sloped and not traversed by drainage lines or subject to geotechnical risks.</p> <p>Any excavated material is understood to be virgin material and highly unlikely to be contaminated given the long standing use of the site for residential purposes. It is anticipated that standard conditions of consent will be imposed in relation to unexpected contamination and disposal of excavated material.</p> <p>Where earthworks are within or adjacent to the zone of influence of neighbouring structures, specific excavation and</p>	✓

	<p>earth retention methods will be implemented to ensure the structural integrity of adjacent buildings is not compromised.</p> <p>It is considered unlikely that the site contains relics or any items of historic significance. Should any such items be encountered during site preparation works, excavation will cease immediately and the appropriate government authority will be notified. It is anticipated that a standard condition of consent will be imposed in this respect.</p> <p>The subject site is not located adjacent to any waterways or other environmentally sensitive areas. In any event, appropriate sediment and erosion controls will be installed and maintained for the duration of the demolition, excavation and construction phases to ensure there is no risk of sediment laden water leaving the site.</p> <p>Excavation techniques which focus on minimising disturbance resulting from noise and vibration transmission will be implemented.</p> <p>In summary, the proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Table 4: Liverpool Local Environmental Plan 2008 Compliance Table

5.5 The Provisions of any exhibited Draft Environmental Planning Instruments

There are no draft exhibited Environmental Planning Instruments which are of direct relevance to the proposed development.

5.6 Development Control Plans

5.6.1 Liverpool Development Control Plan 2008

The Liverpool Development Control Plan 2008 is applicable to the proposal. The relevant provisions of the DCP are addressed below. It is noted that some of the controls have been deliberately omitted on the basis that they are not applicable to the proposed development.

Liverpool Development Control Plan 2008				
Part 1 – General Controls				
Ref	Design Solution	Requirements	Proposed	✓/x
2	Tree Preservation	This section applies to applications to remove trees with or without a development application for a development and involves trees greater than 3.5m in height and/or canopy spread of greater than 4m and/or a primary trunk diameter greater than 400mm.	The proposed development seeks the removal of a number of trees/shrubs from across the site; however, this removal is offset by way of the planting of a number of more appropriate species as detailed in the accompanying landscape plan.	✓
3	Landscaping	This section applies to land, which will need to provide landscaping or retain existing trees as part of a development.	Refer to the accompanying landscape plan.	✓
4	Bushland and Fauna Habitat Preservation	This section contains objectives and controls to protect and manage natural assets, biodiversity and ecology in Liverpool.	The provisions of this Part 4 are not applicable given that the site is not located adjacent to bushland. There are no known or potential habitat for threatened species, populations of communities.	✓
5	Bush Fire Risk	This section applies to land identified as being Bushfire Prone Land or designated as Bushfire Prone Lands Buffer Zones on Liverpool City Council Bushfire Prone Land Maps.	The subject site is not identified as bushfire prone land.	✓

Liverpool Development Control Plan 2008

Part 1 – General Controls

Ref	Design Solution	Requirements	Proposed	✓/x
6	Water Cycle Management	This chapter includes a number of objectives and controls relating to stormwater and flood management.	A stormwater plan accompanies this application. On-site stormwater is capable of being treated in accordance with Council's water management practices.	✓
7	Development near a Watercourse	This chapter includes objectives and controls to protect, restore and maintain ecological processes, natural systems and biodiversity in wetlands and waterfront areas.	The subject site is not within 40m of a watercourse, creek or river.	✓
8	Erosion and Sediment Control	The development application shall be accompanied by either a Soil and Water Management Plan (SWMP) or an Erosion and Sediment Control Plan (ESCP).	The application is accompanied by an Erosion and Sediment Control Plan in accordance with the requirement of this part of the DCP.	✓
9	Flooding Risk	This chapter applies to land identified as at or below the flood planning level.	The subject site is not identified as being affected by flooding.	✓
10	Contaminated Land Risk	This chapter applies to land identified as being potentially or actually contaminated.	Refer to Stage 1 PSI report submitted under a separate cover.	✓
11	Salinity Risk	This chapter applies to land that is potentially affected by salinity.	Any site salinity risk will be confirmed upon the carting out of a geotechnical assessment of the site. This may be undertaken at CC stage.	✓
13	Weeds	This chapter identifies measures to remove noxious weeds in conjunction with the development of land.	These controls are not applicable to the proposed development.	✓
14	Demolition of Existing Developments	This chapter identifies various controls and measures to ensure that the demolition of buildings minimises adverse environmental impacts and is undertaken in accordance with the applicable regulatory requirements.	All demolition will be carried out in accordance with Workcover practices.	✓

Liverpool Development Control Plan 2008

Part 1 – General Controls

Ref	Design Solution	Requirements	Proposed	✓/x
15	On-site Sewage Management Systems		These chapters are not applicable to the assessment of the proposed development.	N/A
16	Aboriginal Archaeology			
17	Heritage and Archaeological Sites			
18	Notification of Applications	This chapter identified the requirements for the notification of development applications.	It is anticipated that the application will be notified to adjoining properties in accordance with the provision in this part of the DCP. The applicant would welcome the opportunity to respond to, and address any concerns raised by adjoining properties.	✓
20	Car Parking and Access	<i>Child Care Centres</i> 1 space per 10 children 1 space per staff member	The proposed development provides 28 spaces whereas a total of 32 are required. The shortfall has been addressed in the Traffic and Parking Assessment Report prepared by McLaren.	On merit
21	Subdivision of Land and Buildings	This chapter applies to development which involves subdivision of land or buildings.	This application does not propose any form of land subdivision as part of the development application.	✓
22	Water Conservation	These chapters state that development applications are required to demonstrate compliance with BASIX, where applicable.	This form of development is not subject to the BASIX requirements.	✓
23	Energy Conservation			
24	Landfill	This chapter contains controls that seek to minimise land cut and filling.	The proposed development seeks to undertake some earthworks. Refer to the discussion in address of cl. 7.31 of the LLEP 2008.	✓

Liverpool Development Control Plan 2008

Part 1 – General Controls

Ref	Design Solution	Requirements	Proposed	✓/x
25	Waste Disposal and Re-use Facilities	A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste.	A Waste Management Plan (WMP) has been submitted with the development application.	✓
27	Social Impact Assessment	A social impact assessment is required to be submitted for certain types of development.	A Social Impact Comment is required to be provided in accordance with the DCP provisions. In this regard, it is anticipated that the development would primarily result in positive social impacts in the form of access to education and access to social infrastructure. In addition, the centre will directly employ at least 20 educators as well as other support staff (i.e. – cleaners). The proposed child care centre is very likely to have a positive impact upon the locality community by helping to meet the demand for additional child care places in the local area driven by future development associated population growth. The centre will generate positive impacts by providing greater access to employment and procurement opportunities for the local community.	✓
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.	Refer to the discussion in this this SEE with respect to the address of the CPTED principles.	✓

Table 5: Liverpool Development Control Plan 2008 Compliance Table

Part 3.8 – Non Residential Development in Residential Zones Child Care Centres

2.1 – License Requirements

The appropriate license will be ascertained before operation of the centre commences.

2.2 – Lot Sizes

The controls which restrict the number of children within certain age brackets have no effect given Section 3.27(1) within SEPP (Transport and Infrastructure) 2021. The open space areas have been complied with.

2.3 – Site Planning

Broadly speaking, the site is considered to be suitable for the development having regard to the matters set out in this clause of the DCP. The site is within the Liverpool city centre which contains various amenities to support such a use. There are schools within reasonable proximity to the centre as well as public transport. Whilst the rear of the site adjoins a Classified Road, no access is required from Sydney Road. The building addresses Lachlan Street with identifiable vehicular and pedestrian entry points. The outdoor play areas are designed to face north and therefore benefit from a high level of amenity for children. Further, casual surveillance is facilitated by pedestrian entries and windows along the southern elevation facing Lachlan Street. The site is relatively flat throughout and does not present any physical impediments for the construction of a child care centre as proposed.

2.4 – Setbacks

The front and rear setbacks are superseded by the site-specific controls set out in Part 4 – Liverpool city centre. The side setbacks are 3m (east) and 7.3m (west) which complies with the 1.2m DCP control.

2.5 – Landscaped Area and Open Space

A minimum of 25% of the site is required to consist of landscaped area. The architectural plans indicate that a total of 29% (336.27m²) is achieved which exceeds the minimum requirement. Unencumbered areas of 5m x 6m are not achieved due to the footprint of the basement below which makes compliance difficult. A basement is the preferred car parking solution to avoid unsightly at-grade car parking areas. The front setback area achieves a minimum of 50% being landscaped area. However, similar to the rear setback, there is some encroachment due to the basement. This however has not precluded this area being finished with soft landscaping and provides a garden setting in the front setback area as intended by the control. A compliant amount of unencumbered outdoor area is provided in the building.

2.6 – Building Form, Style and Streetscape

The building presents a modern architectural form with curves, articulation and a varied roof form. It has an external form, style and appearance that will enhance the character of the neighbourhood and promotes a variation of building façade and design. The main entrance has been orientated towards Lachlan Street and there are no blank walls addressing the street frontage.

2.7 – Landscaping and Fencing

A Landscape Plan prepared by a Landscape Architect (Stephen Webb) has been prepared and accompanies the DA submission. There is a total of 16 new trees proposed to be planted in addition to various shrubs and groundcover. Overall, the extent of landscaping has been maximised throughout the balance of the site. A 2.1m fence is required around a portion of the perimeter as identified within the Acoustic Report. This height is not considered to be excessive although it slightly exceeds the 1.8m DCP control. The variation of only 300mm is minor.

2.8 – Car Parking and Access

A Traffic and Car Parking assessment report has been prepared by *McLaren* which concludes that the design of the development is acceptable on car parking and access/traffic grounds.

2.9 – Amenity and Environmental Impact

Noise impacts and acoustic privacy have been addressed within the submitted Acoustic report. The proposed hours of operation are compliant with the DCP provisions. The application is supported by shadow diagrams which demonstrate that there is unlikely to be any adverse amenity impacts caused to surrounding residential properties as a result of overshadowing. In terms of privacy, appropriate screening of the elevated outdoor play areas has been utilised. Further, window openings along the eastern side elevation have been minimised where possible. The building itself incorporates reasonable setback to assist with privacy and separation.

2.10 – Site Services

The proposal is capable of achieving compliance with the waste management, letterbox/numbering and frontage works/damage to Council assets controls. It is anticipated that conditions of consent would be imposed in this respect.

Part 4 – Liverpool City Centre

The site is identified as being within the High Density Residential precinct which encourages *Detached building typology for High Density Residential sites*. Whilst the proposed land use is not residential, it is a permitted form of development within the R4 – High Residential zone in accordance with the LEP. Due to the proposed land use, many of the controls within *Part 4 – Liverpool City Centre* are not directly relevant. However, the controls of relevance are addressed below:

Figure 4-10 Street Setbacks identifies that a 4.5m landscaped setback is required to Lachlan Street and an 8m landscaped setback is required to Sydney Road. The 4.5m landscaped setback to Lachlan Street is not fully complied with. There are some encroachments proposed with regards to the pedestrian entry, bin room and fire stairs (adjacent to eastern side boundary). The majority of the remainder of the building does however exceed the 4.5m minimum. The largest extent of the non-compliance is at the western end which co-incides with the narrow tapering of the allotment, thereby making full compliance difficult. In a similar fashion, full compliance with the rear 8m landscaped setback is also not achieved. Strict compliance with the front and rear setback controls would restrict the building envelope to small centralised component with little to no built form at the western end of the allotment where it tapers. It is also noted that the side setback exceed the 1.2m requirement which enables improved soft landscaping opportunities. At the rear, the site adjoins Sydney Road so there are no interface issues arising out of the non-compliant built form at the rear.

The site is not identified as being required to accommodate or create a new through site link. The site is not identified as being within a High Pedestrian Priority Area (*Figure 4-15*). The height of the building is below 35m so a Wind Effects Report is not required. The application is supported by an appropriate Acoustic Report in light of the controls within 4.5.2 – Noise.

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1 Visual Privacy

The proposal is not anticipated to have any unreasonable visual privacy impacts upon nearby residential development, noting that the site only directly adjoins one residential receiver to the east at No.71 Lachlan Street. To the east, 3m setbacks are provided and the outdoor play areas have been orientated away from that interface as much as possible.

6.2 Solar Access/Overshadowing

The proposal will generate some additional overshadowing. However, there will be no adverse impacts caused to any nearby residential properties. Shadow diagrams have been prepared and are incorporated into the architectural plan set which demonstrate that the additional overshadowing caused as a result of the proposal is minimal. Most of the overshadowing is cast across the public domain at the front of the site given the orientation of north relative to the proposed building.

6.3 Acoustic Impact

As demonstrated in the acoustic report prepared by VMS, the proposed development will not result in any flow on acoustic impacts onto nearby residential properties nor will the centre itself be burdened by any level of adverse acoustic outputs from both internal and external noise sources.

6.4 Public Amenity and Safety

6.4.1 Building Design and Appearance

The proposal is considered to maintain an appropriate design response to the site and surrounding context, providing a high-quality development that enhances the visual amenity of the immediate area through the provision of a new, architecturally designed purpose-built child-care centre.

6.5 Traffic, Parking And Access

6.5.1 Vehicular Access

The accompanying traffic report prepared by McLaren draws the following conclusions:

The subject child care centre proposal at 73 Lachlan Street, Warwick Farm is fully supportable in terms of its traffic and parking impacts. The following outcomes of this traffic impact assessment are relevant to note:

- *The proposal includes the provision of 28 car parking spaces within a proposed carpark, comprised of 12 for parent use and 16 for staff use, satisfying the demand applicable to the development.*
- *Council's DCP requires the provision of four (4) bicycle parking spaces which can be informally provided onsite resulting in compliance with Council's requirements.*
- *The parking areas of the site have been assessed against the relevant sections of AS2890.1:2004, AS2890.2:2018 and AS2890.6:2009 and have been found to satisfy the*

objectives of each standard with any acceptable variances have been outlined in Section 3.6. Swept path testing.

- *The traffic generation of the proposed development has been estimated to be some 99 trips in the AM peak period (50 in, 49 out) and 87 trips in the PM peak period (43 in, 44 out). The impacts of the traffic generation have been modelled using SIDRA INTERSECTION 9.0, indicating that there will be no detrimental impact to the performance of the intersections as a result of the generated traffic.*

On the basis of the assessment and justification presented within the *McLaren* report, the proposed development is considered to be satisfactory on traffic, parking and access grounds.

6.6 Waste Management

The demolition and construction phase will be appropriately managed to mitigate the environment impact of the development. Appropriate strategies for environmental protection will also be demonstrated in a Sedimentation and Erosion Plan. Refer to Waste Management Plan prepared by FLDC Architects.

7. NATURAL AND BUILT ENVIRONMENTAL IMPACTS

7.1. Landscaping

A concept landscape scheme as demonstrated in the landscape plan prepared by Stephen Webb – Landscape Architect. The proposal nominates examples of the landscaping treatment proposed to be provided internally within the centre. An extract of this plan is provided as **Figures 11 to 13** below.



Figure 11: Concept Landscape Plan – ground floor

Source: Stephen Webb Landscape Architect



Figure 12: Concept Landscape Plan – first floor

Source: Stephen Webb Landscape Architect



Figure 13: Concept Landscape Plan - second floor
 Source: Stephen Webb Landscape Architect

7. SOCIAL AND ECONOMIC IMPACTS

7.1 Economic and employment

The proposed development will result in an increase in available child care places in the locality. The subject site enjoys superior access to commercial and retail services, schools and public transport routes. The proposed development will utilise existing infrastructure including electricity, sewer, water and telecommunication services.

Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects. Accordingly, it is considered that the proposed development is likely to have only positive social and economic impacts in the locality.

8. SUITABILITY OF THE SITE

The proposal is consistent with the objectives of the zone and is situated within an established area such that access to services and stormwater infrastructure are readily available. These include electricity, gas, water and telephone services and drainage for stormwater and sewerage, which will be enhanced to accommodate for the proposed development as required. The proposed works have been designed sympathetically to address the defining commercial setting.

The proposed development maintains a high-quality built form while the site itself is not impacted by any hazard that would preclude the ability for redevelopment to take place.

9. THE PUBLIC INTEREST

The proposed development is of a scale and character that does not present any conflict with the public interest nor does it present an unacceptable precedent for development in the locality. The proposal satisfies an assessment of those matters under S4.15(1)(e) of the Environmental Planning and Assessment Act 1979 and is considered to be in the public interest.

10. CONCLUSION

The proposed development has been assessed in accordance with Section 4.15 of the EP&A Act 1979 and Council's planning instruments. The proposal is identified as a permissible development pursuant to the zoning of the site as Zone R4 –High Density Residential under the Liverpool LEP 2008.

An assessment of the proposal against the objectives of the zone has been undertaken and it is considered that the proposal is consistent with the objectives of the LEP. Importantly, the proposal complies with the aims and objectives of the SEPP (Transport and Infrastructure) 2021.

The design and external appearance of the proposed child care centre are appropriate to the character of the locality. The proposal does not impact on views, privacy or solar access of neighbouring properties and will have no significant impact on the topography, micro-climate, air or water quality of the locality.

No significant adverse amenity impacts to nearby residential property owners in terms of privacy, noise, traffic or views are anticipated and, on this basis, it is considered that the development is an acceptable built form, scale and density and can be supported.

DISCLAIMER

This report incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of BMA Urban Pty Ltd opinion in this report. BMA Urban prepared this report on the instructions, and for the benefit only, FLDC Architects (**Instructing Party**) for the purpose of the Statement of Environmental Effect (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, BMA Urban expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, BMA Urban was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to BMA Urban at the date of this report, and upon which BMA Urban relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which BMA Urban has no control.

Whilst BMA Urban has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. BMA Urban (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which BMA Urban relies, provided that such errors or omissions are not made by BMA Urban recklessly or in bad faith.

This report has been prepared with due care and diligence by BMA Urban and the statements and opinions given by BMA Urban in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.