

JNS NEHME INVESTMENTS PTY LTD  
203/25-27 GROSE ST  
PARRAMATTA NSW 2150

## **SECTION 4.56 MODIFICATION OF DEVELOPMENT CONSENT**

(In accordance with the provisions under Section 4.56 of the *EP&A Act 1979*)

**ADDRESS:** LOT 1 DP 1058859, LOT 2 DP 1058859  
73 LACHLAN STREET, WARWICK FARM

**DESCRIPTION:** Modification to Development Consent DA-19/2023 under Section 4.56 of the Environmental Planning and Assessment Act 1979, for internal and external alterations to an approved centre-based childcare facility, including reduction in the number of children to 113.

Reference is made to Modification Application DA-19/2023/A which seeks amendment to Development Consent DA-19/2023 issued for *Demolition of existing structures and construction of a 4-storey centre-based childcare centre facility over 2 levels of basement car parking to accommodate 120 children.*

Modification Application DA-19/2023/A seeks consent for:

- Alterations and additions to the approved childcare centre building; and
- Reduction in the total number of children to 113.

Pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979*, the Sydney Western City Planning Panel grants approval for the modifications sought. Accordingly, Development Consent DA-19/2023 has been amended as follows (***amendments in bold and italics***):

**A. The description of development has been amended to read as follows:**

*Demolition of existing structures and construction of a 4-storey centre-based childcare centre facility over 2 levels of basement car parking to accommodate **113** children.*

**B. The following condition 4A has been inserted to form part of Development Consent DA-19/2023/A, and read as follows:**

**4A. Amended Plan of Management**



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170 **DX** 5030 Liverpool  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170  
**Fax** 9821 9333 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

*The approved Plan of Management shall be amended to accurately reflect the reduced number of children as approved under modification application DA-19/2023/A. The amended breakdown of the age groupings of the children and how they will be managed across the various play areas within the premises must be detailed accordingly. The amended Plan of Management shall be submitted to Council for approval prior to the issue of a Construction Certificate.*

- C. Condition 1 of Development Consent DA-19/2023 has been amended to read as follows:

#### **Approved Plans**

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows, except where modified by the undermentioned conditions.

| <b>Plan Name</b>                       | <b>Project No.</b> | <b>Sheet No.</b> | <b>Date</b>       | <b>Revision</b> | <b>Prepared by</b>                 |
|----------------------------------------|--------------------|------------------|-------------------|-----------------|------------------------------------|
| <b>Architectural Plans</b>             |                    |                  |                   |                 |                                    |
| <b>Cover Sheet – S4.56 Application</b> | <b>1017</b>        | <b>S 001</b>     | <b>22-05-2026</b> | <b>3</b>        | <b>Design Formation Architects</b> |
| Site Analysis                          | P2204WAR           | DA002            | 28/5/24           | CC              | FLDC Architects                    |
| <b>Site Plan</b>                       | <b>1017</b>        | <b>S002</b>      | <b>22-05-2026</b> | <b>3</b>        | <b>Design Formation Architects</b> |
| <b>Basement Level 02</b>               | <b>1017</b>        | <b>S 003</b>     | <b>22-05-2026</b> | <b>3</b>        | <b>Design Formation Architects</b> |
| <b>Basement Level 01</b>               | <b>1017</b>        | <b>S 004</b>     | <b>22-05-2026</b> | <b>3</b>        | <b>Design Formation Architects</b> |
| <b>Ground Floor Level</b>              | <b>1017</b>        | <b>S 005</b>     | <b>22-05-2026</b> | <b>3</b>        | <b>Design Formation Architects</b> |
| <b>Level 01</b>                        | <b>1017</b>        | <b>S 006</b>     | <b>22-05-2026</b> | <b>3</b>        | <b>Design Formation Architects</b> |
| <b>Level 02</b>                        | <b>1017</b>        | <b>S 007</b>     | <b>22-05-2026</b> | <b>3</b>        | <b>Design Formation Architects</b> |
| <b>Level 03</b>                        | <b>1017</b>        | <b>S 008</b>     | <b>22-05-2026</b> | <b>3</b>        | <b>Design Formation Architects</b> |
| <b>Roof Level</b>                      | <b>1017</b>        | <b>S 009</b>     | <b>22-05-2026</b> | <b>3</b>        | <b>Design Formation Architects</b> |
| <b>Elevations</b>                      | <b>1017</b>        | <b>S 010</b>     | <b>22-05-2026</b> | <b>3</b>        | <b>Design Formation Architects</b> |

|                                               |               |              |                   |          |                                                     |
|-----------------------------------------------|---------------|--------------|-------------------|----------|-----------------------------------------------------|
| <b>Elevations</b>                             | <b>1017</b>   | <b>S 011</b> | <b>22-05-2026</b> | <b>3</b> | <b>Design<br/>Formation<br/>Architects</b>          |
| <b>Elevations</b>                             | <b>1017</b>   | <b>S 012</b> | <b>22-05-2026</b> | <b>3</b> | <b>Design<br/>Formation<br/>Architects</b>          |
| <b>Elevations</b>                             | <b>1017</b>   | <b>S 013</b> | <b>22-05-2026</b> | <b>3</b> | <b>Design<br/>Formation<br/>Architects</b>          |
| <b>Sections</b>                               | <b>1017</b>   | <b>S 014</b> | <b>22-05-2026</b> | <b>3</b> | <b>Design<br/>Formation<br/>Architects</b>          |
| Driveway<br>Sections                          | P2204WAR      | DA301        | 28/5/24           | CC       | FLDC Architects                                     |
| Garbage<br>Room<br>Section                    | P2204WAR      | DA302        | 28/5/24           | CC       | FLDC Architects                                     |
| Shadow<br>Diagrams –<br>21 Mar                | P2204WAR      | DA400        | 28/5/24           | CC       | FLDC Architects                                     |
| Shadow<br>Diagrams –<br>21 June               | P2204WAR      | DA401        | 28/5/24           | CC       | FLDC Architects                                     |
| Shadow<br>Diagrams –<br>21 Sep                | P2204WAR      | DA402        | 28/5/24           | CC       | FLDC Architects                                     |
| Shadow<br>Diagrams –<br>21 Dec                | P2204WAR      | DA403        | 28/5/24           | CC       | FLDC Architects                                     |
| <b>Schedule of<br/>External<br/>Finishes</b>  | <b>1017</b>   | <b>S 015</b> | <b>22-05-2026</b> | <b>3</b> | <b>Design<br/>Formation<br/>Architects</b>          |
| Demolition<br>Plan                            | P2204WAR      | DA800        | 28/5/24           | CC       | FLDC Architects                                     |
| <b>Stormwater Plans</b>                       |               |              |                   |          |                                                     |
| <b>Basement 2<br/>Drainage<br/>Plan</b>       | <b>C09171</b> | <b>H01</b>   | <b>26/08/25</b>   | <b>1</b> | <b>Struct<br/>Consulting<br/>Engineers</b> <b>a</b> |
| <b>Basement 1<br/>Drainage<br/>Plan</b>       | <b>C09171</b> | <b>H02</b>   | <b>26/08/25</b>   | <b>1</b> | <b>Struct<br/>Consulting<br/>Engineers</b> <b>a</b> |
| <b>Ground<br/>Floor<br/>Drainage<br/>Plan</b> | <b>C09171</b> | <b>H03</b>   | <b>26/08/25</b>   | <b>1</b> | <b>Struct<br/>Consulting<br/>Engineers</b> <b>a</b> |
| <b>First Floor<br/>Drainage<br/>Plan</b>      | <b>C09171</b> | <b>H04</b>   | <b>26/08/25</b>   | <b>1</b> | <b>Struct<br/>Consulting<br/>Engineers</b> <b>a</b> |
| <b>Second<br/>Floor<br/>Drainage<br/>Plan</b> | <b>C09171</b> | <b>H05</b>   | <b>26/08/25</b>   | <b>1</b> | <b>Struct<br/>Consulting<br/>Engineers</b> <b>a</b> |

|                                    |                  |               |                 |          |                                    |          |
|------------------------------------|------------------|---------------|-----------------|----------|------------------------------------|----------|
| <b>Roof Drainage Plan</b>          | <b>C09171</b>    | <b>H06</b>    | <b>26/08/25</b> | <b>1</b> | <b>Struct Consulting Engineers</b> | <b>a</b> |
| <b>Stormwater Drainage Detail</b>  | <b>C09171</b>    | <b>H07</b>    | <b>26/08/25</b> | <b>1</b> | <b>Struct Consulting Engineers</b> | <b>a</b> |
| <b>Landscape Plans</b>             |                  |               |                 |          |                                    |          |
| <b>Ground Floor Landscape Plan</b> | <b>90.26(25)</b> | <b>135'A'</b> | <b>01.06.26</b> | <b>A</b> | <b>iScape Landscape Architects</b> |          |
| <b>Level 1 – 3 Landscape Plan</b>  | <b>90.26(25)</b> | <b>136'A'</b> | <b>01.06.26</b> | <b>A</b> | <b>iScape Landscape Architects</b> |          |
| <b>Landscape Details</b>           | <b>90.26(25)</b> | <b>137'A'</b> | <b>01.06.26</b> | <b>A</b> | <b>iScape Landscape Architects</b> |          |
| <b>Landscape Details 2</b>         | <b>90.26(25)</b> | <b>138'A'</b> | <b>01.06.26</b> | <b>A</b> | <b>iScape Landscape Architects</b> |          |

| <b>Report Name</b>                           | <b>Job Number</b>  | <b>Date</b>   | <b>Revision</b> | <b>Prepared By</b>                                    |
|----------------------------------------------|--------------------|---------------|-----------------|-------------------------------------------------------|
| Detailed Site Investigation Certification    | 2405 CEnvP SCS DSI | 13/02/24      |                 | Old Maple Pty Ltd                                     |
| Detailed Site Investigation Report           | N7609              | 8/02/24       |                 | Neo Consulting                                        |
| Embedding the Noise Management Policy        |                    | 8/02/24       |                 | Ology Early Childhood Consulting                      |
| Plan of Management                           |                    | February 2024 | Version 1.6     | Ology Early Childhood Consulting                      |
| Noise Impact Assessment                      | 22145.1            | 19/02/24      | 4               | VMS Australia                                         |
| Noise Impact Letter to Council               |                    | 19/02/24      |                 | VMS Australia                                         |
| Traffic & Parking Impact Assessment          | 230678.01FA        | 5/03/24       |                 | McLaren Traffic Engineering & Road Safety Consultants |
| Statement of Environmental Effects           | WF-103/22          | 20/12/22      |                 | BMA Urban                                             |
| Clause 6.6 Water Quality and Quantity Report |                    | 12/02/24      |                 | John Romanous & Associates                            |
| Clause 7.5 Design Excellence Report          |                    | 24/04/24      |                 | FLDC Architects                                       |
| Schedule of Amendments                       |                    | 24/06/24      |                 | FLDC Architects                                       |

|                                                                  |  |          |  |                                  |
|------------------------------------------------------------------|--|----------|--|----------------------------------|
| Solar Access Letter                                              |  |          |  | Ology Early Childhood Consulting |
| Supplementary Report – Ventilation in an Early Childhood Setting |  | 29/01/24 |  | Ology Early Childhood Consulting |

- D. Condition 3 of Development Consent DA-19/2023 has been amended to read as follows:**

**Submission of Amended Architectural Plans**

3. Amended architectural plans shall be submitted to and approved by a Senior Development Assessment Planner of Liverpool Council prior to the issue of a Construction Certificate that provides the following:
- The amended architectural plans shall include details of photovoltaic panels proposed on the roof of the building to harness solar from the sun to generate electricity for the building as a low-energy alternative;
  - The amended architectural plans shall also include the provision of crash resistance barriers to be constructed to the relevant standards supported by engineering certification along the Sydney Road frontage of the site;
  - The solid wall fencing proposed along the Sydney Road frontage of the site shall be of masonry construction to match the materials and finishes of the building.
  - The proposed dark coloured cladding (Dulux Monument) along the South Elevation building wall and front entrance shall be amended to incorporate only the approved facebrick finish.***

- E. Condition 28 of Development Consent DA-19/2023 has been amended to read as follows:**

**On Site Detention**

28. On-site Stormwater Detention (OSD) shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by ***Struct a Consulting Engineers, reference number C09171, drawings H01 – H07, revision 1, dated 26/08/2025.***

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the onsite detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the onsite detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's OnSite Stormwater Detention policy and Technical Specification.

- The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is collected, within the site, and conveyed through the site without adverse impact on the development (including the proposed OSD) or adjoining properties.

- ii. The outlet pipe across the public footpath area shall be RC pipe or concrete encased.
- iii. A stainless-steel orifice plate is to be utilised.
- iv. Child proof access to the basin area.
- v. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's OSD policy and Technical Specification.

**F. Condition 123 of Development Consent DA-19/2023 has been amended to read as follows:**

**Car Parking**

A total of 28 off-street car parking spaces must be provided in accordance with Council's relevant development control plan. **Three** of the spaces must be designed and signposted/marked for the specific use of persons with a disability.

**G. Condition 129 of Development Consent DA-19/2023 has been amended to read as follows:**

**Childcare Centres**

Approval is granted for a maximum of one hundred and **thirteen (113)** children to be on the premises at one time, in accordance with the following groupings:

- 20 children (0- 2 years old)
- **28** children (2-3 years old); and
- **65** children (3 years and over)

**All other conditions of Development Consent DA-19/2023 remain unchanged.**

**Note:** This determination notice is strictly for changes sought under Modification Application DA-19/2023/A. No approval is granted or implied for any other works / changes proposed to the submitted development.

**ADVISORY NOTES:**

- (a) Section 8.2 of the EP&A Act provides that an applicant may request that Council review the determination of the Modification Application (this does not relate to designated development or Crown development).

Section 244 of the EP&A Regulations provides that an application for review must be submitted within 28 days of the date of the determination, and Section 8.2 of the EP&A Act provides that an application cannot be reviewed/determined after 6 months of the date of determination.

- (b) Section 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Modification Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- (c) The Section 4.56 Modification Application does not extend the timeframe of the Development Consent initially granted by Council.
- (d) Modification of the Development Consent does not remove the need to obtain any other statutory consent necessary under the EP&A Act.

If you have any further enquiries, please contact Sarah Ilma on the abovementioned contact details.

Yours faithfully,

**Patrick Curmi**  
**Team Leader Development Assessment**  
**DEVELOPMENT ASSESSMENT**