



PRAGMA

— URBAN PLANNING —

Statement of Environmental Effects

Address: 73 Lachlan Street, Warwick Farm

Proposal: 4.56 Modification Application for Development Consent seeking 'internal and external alterations to an approved centre-based child care facility'

Pragma Urban Planning Pty Ltd

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Revision: B

Date: June 2026

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Document History

Prepared by	Date Prepared	Reviewed by	Date Reviewed	Revision Issue
M.B.	September 2025	M.B.	September 2025	A
M.B.	June 2026	M.B.	August 2026	B

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Introduction

This document has been prepared by Pragma Urban Planning Pty Ltd ('Pragma') for a modification application relating to Development Consent DA19/2023 for 73 Lachlan Street, Warwick Farm. The modification application proposes 'internal and external alterations to an approved centre-based child care facility'. The Development Consent was granted by the Land and Environment Court and as such the modification is sought pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979 No 203 (EP&A Act).

The Site is zoned R4 High Density Residential zoning under the provisions of the Liverpool Local Environmental Plan 2008 ('LLEP 2008'). Figures 1 - 8 assist in illustrating the zoning and context of the site.

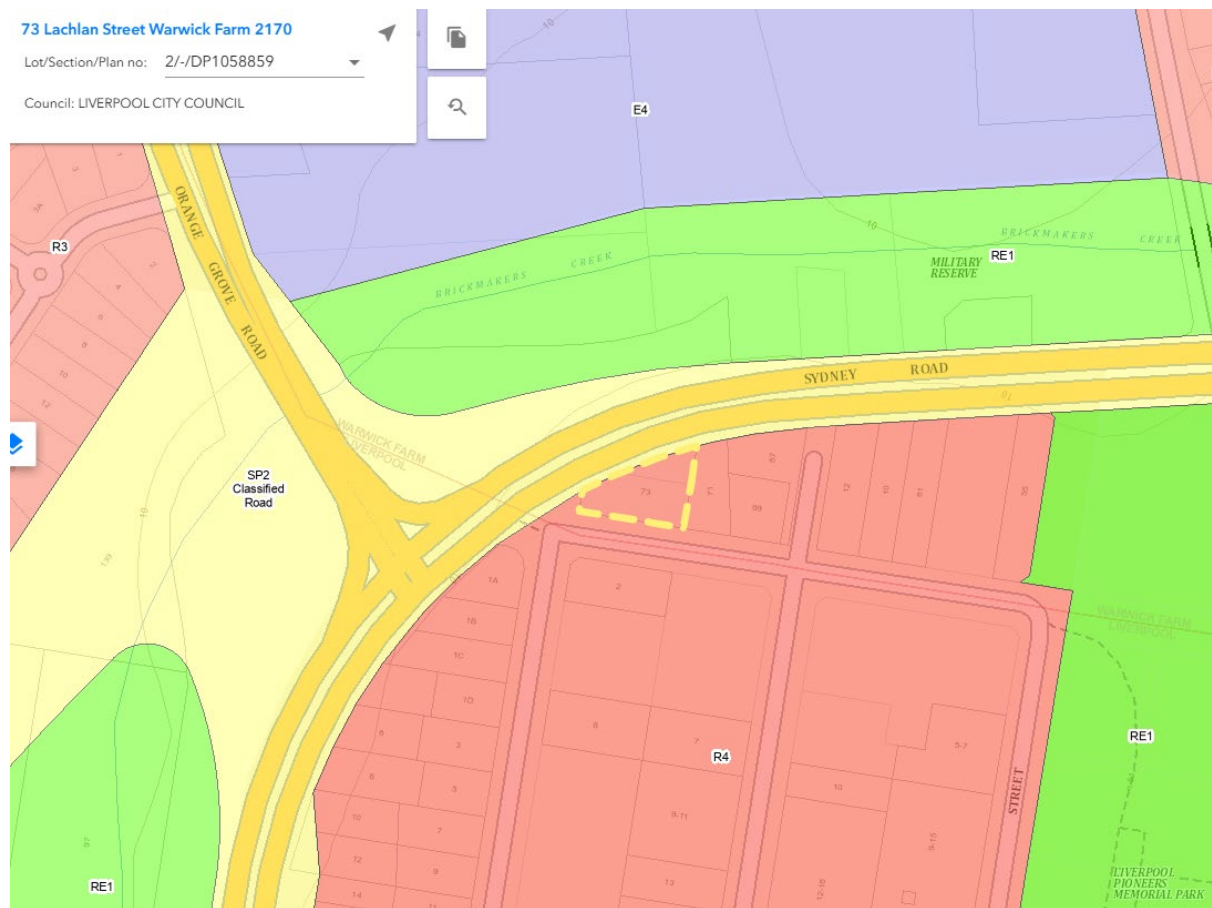


Figure 1. Zoning Map Overlay – R4 High Density Residential – LLEP 2008 (Extracted from <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)



Figure 2. Extract of Aerial Image of Site (Extracted from <https://portal.spatial.nsw.gov.au/explorer/index.html>)

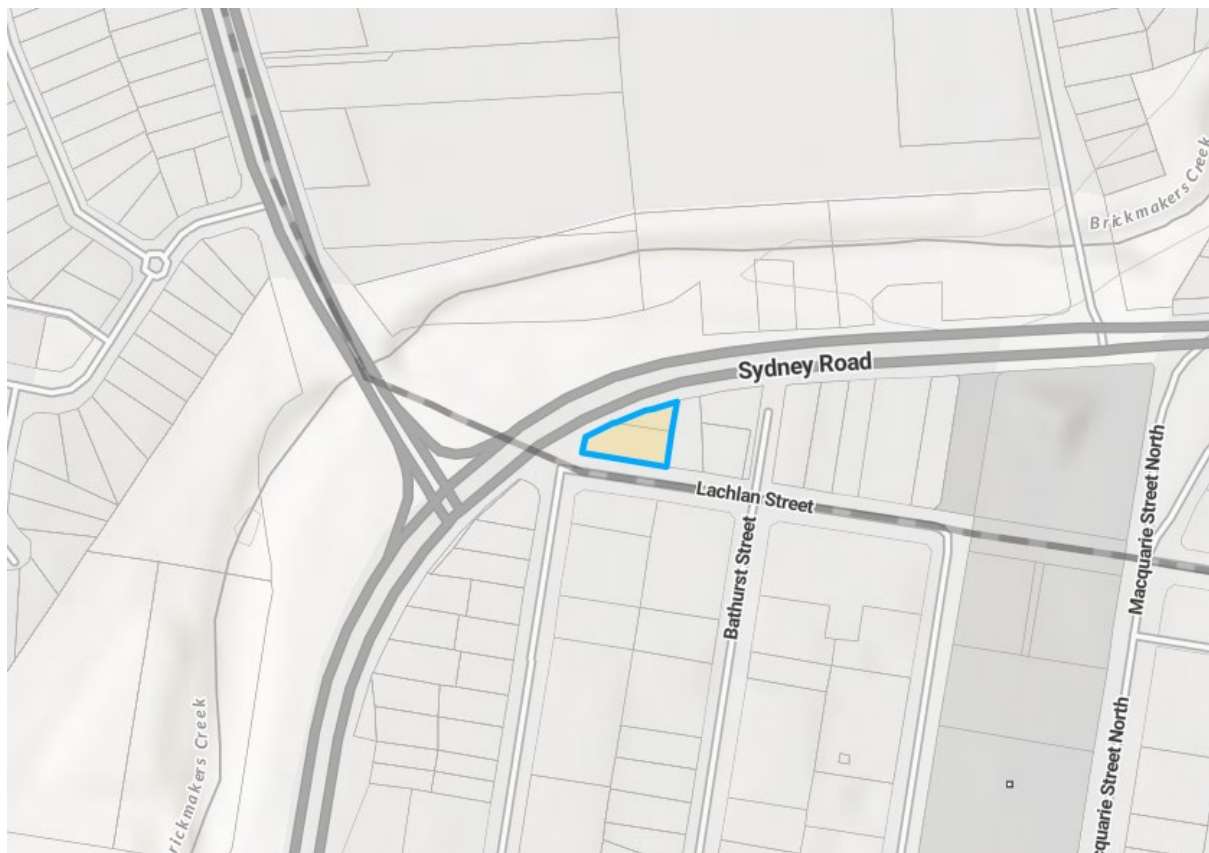


Figure 3. Extract of Hybrid Map of Site (Extracted from <https://portal.spatial.nsw.gov.au/explorer/index.html>)

Site Context

The subject site is known as 73 Lachlan Street, Warwick Farm having the legal description of Lots 1 and 2 in DP1058859 ('the Site'). The Site is comprised of two allotments which form a wedge shape with frontages to Sydney Road (Hume Highway) and Lachlan Street. The Site has a total area of 1,150.60m² and has a relatively flat topography with little variance across the site. A single storey residential structure is currently on the Site as can be perceived in Figures 4, 5 and 6 below.



Figure 4. Google Street View image of the Site from Sydney Road (Extracted from <https://www.google.com/maps/place>)



Figure 5. Google Street View image of the Site and streetscape from Lachlan Street (Extracted from <https://www.google.com/maps/place>)



Figure 6. Google Street View image of the Site and streetscape from Lachlan Street (Extracted from <https://www.google.com/maps/place>)

The Site is bound to the east by 71 Lachlan Street, which contains a two-storey clad dwelling as reliant upon Figure 7.

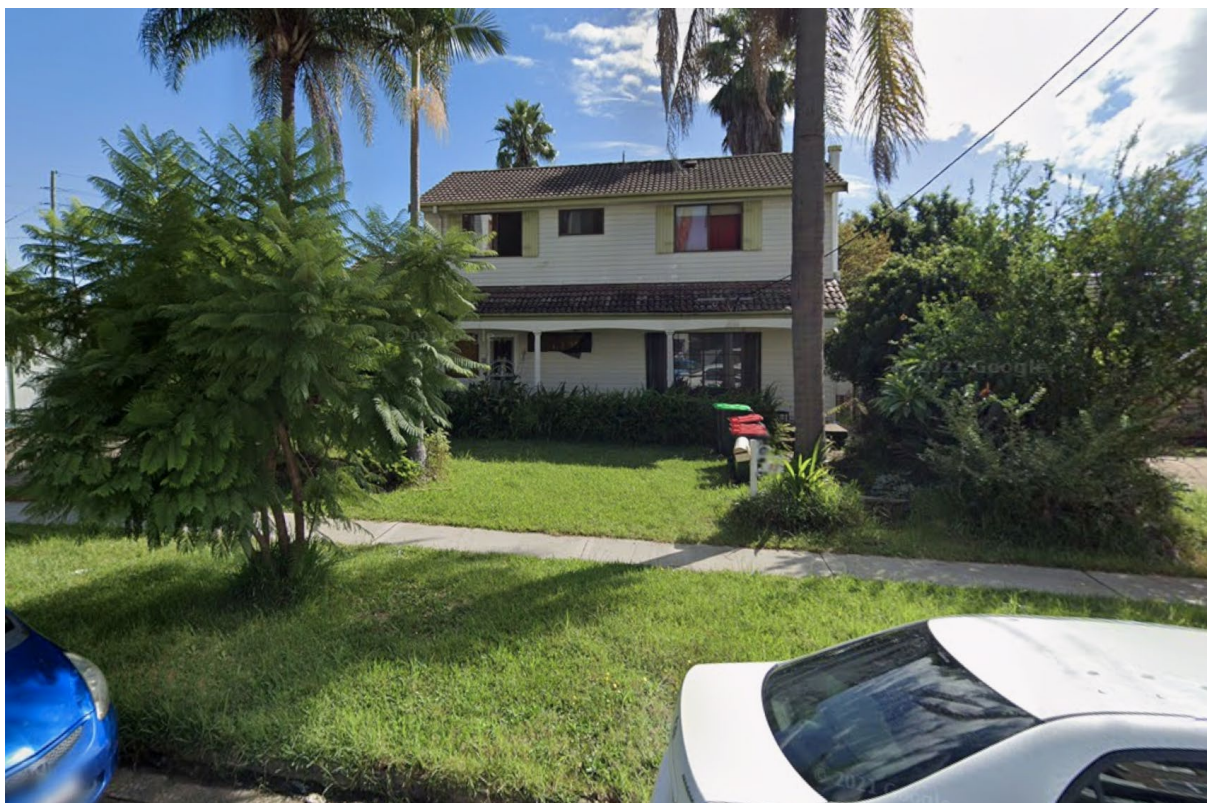


Figure 7. Google Street View image of 71 Lachlan Street (Extracted from <https://www.google.com/maps/place>)

Opposite the Site is 2 Castlereagh Street, a five-storey residential flat building. The development presents a façade comprising a combination of face brick and rendered finishes.



Figure 8. Google Street View image of 2 Castlereagh Street (Extracted from <https://www.google.com/maps/place>)

The immediate locality appears to be characterised by a mixture of low-density detached dwellings and higher-density residential flat developments, which is reflective of the R4 High Density Residential zoning prescribed in the 'LLEP 2008' (see Figure 1).

Application History

On 10 January 2023, Development Application DA-19-2023 was lodged with Liverpool City Council seeking approval for the 'Demolition of all existing structures, tree removal and construction of three storey Centre Based Child Care facility over basement car parking'. The application was initially refused on 15 December 2023; however, a Class 1 Appeal was lodged with the Land and Environment Court, and the proposal was subsequently approved on 7 August 2024 in *FLDC Pty Ltd v Liverpool City Council* (LEC No. 2023/203811). Accordingly, this proposal is sought pursuant to Section 4.56 of the EP&A Act. See below extract of the consent for detail:

Outcome Date: 07 Aug 2024

FLDC Pty Ltd v Liverpool City Council

LEC No: 2023/203811

Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-19/2023

Development: 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.

Site: 73 Lachlan Street, Warwick Farm (Lots 1 & 2 DP 1058859)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 07 August 2024

Date from which consent takes effect: Date of determination.

ATTACHMENTS:

1. Section 7.12 Payment Form
2. Sydney Water Requirements
3. Endeavour Energy Requirements

Proposal

The Development Application proposes 'internal and external alterations to an approved centre-based child care facility', as per the architectural plans and associated documentation. The Proposed Development seeks the below listed changes:

- Amended basement car parking layout to reduce structural spans.
- Increased passenger lift size.
- Integrated building services and structure into the built form (pump rooms, meter cupboards, switch/communications room, and mechanical ducts).
- Integrated shoring design and added dry walls to fire exits and plant rooms.
- Relocated OSD tank to the setback with Sydney Road. To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool DCP 2008, the amended Drawing S 002 in the architectural plan prepared by Design Formation Architects relocate the OSD tank out of the deep soil zone to beneath the driveway. This addresses Council's concern by retaining the ability to provide meaningful landscaping and deep soil planting within the front setback and other landscaped areas.
- Added fire sprinkler pump room and booster assemblies.
- Added fire egress gate to the Sydney Road boundary.

- Added egress stair to the northern elevation.
- Amended fire-isolated stairs along the southern elevation.
- Modification of steel roof framing to a concrete roof.
- Adjusted level 03 slab area
- Altered ground floor elevation, replacing stacked stone tile finish with cladding and face brick. To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool DCP 2008, the amended architectural plans prepared by Design Formation Architects illustrate the amended material strategy maintains a varied articulated façade while responding to Council's concerns. Face brick is proposed to replace the stacked stone in relevant ground floor locations, and the extent of dark cladding has been reduced where appropriate. The timber-look aluminium is retained.
- Added planter box for landscaping above the basement on the ground floor. To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool DCP 2008, the amended architectural plans prepared by Design Formation Architects reduced the planter wall to RL 12.48. The amended landscape response should be read in conjunction with the landscape documentation, which identifies planting capable of softening the frontage and reducing the visual impact of the planter wall.
- Reduced glazing on the elevation to 2,500mm head height with window sills 1,200mm above FFL
- Proposed awning windows along the Sydney Road elevation. To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool DCP 2008, the amended architectural plans prepared by Design Formation Architects have been updated to include additional awning and façade details. Drawings S008, S009, S010, S011, S012 and S019 illustrate the awning edge/detail and demonstrate the proposed cladding fixed to the slab edge, together with the intended awning/façade resolution.
- Changes to facilitate fire compartmentalisation on each level
- Altered floor layouts, landscaping arrangement, and elevations to facilitate the above.
- The proposal has reduced the approved places from 120 to 113 places.

The age group breakdown for Indoor Play Area is as follows:

- 0–2 years: 20 children
- 2–3 years: 28 children
- 3–6 years: 65 children

This Statement should be read in conjunction with the architectural and other design documentation which form part of the Development Application and detail the different elements of the Proposed Development.

Section 4.56 of the Environmental Planning and Assessment Act 1979 No 203

Matters relating to Section 4.56 of the EP&A Act and Development Consent PAN-264681 are considered below:

Environmental Planning and Assessment Act 1979 No 203

Current version for 15 August 2025 to date (accessed 24 September 2025 at 15:11)

4.56 Modification by consent authorities of consents granted by the Court(cf previous s 96AA)

- (1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—
- (a) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: The proposed modifications do not significantly alter the overall form or operation of the approved centre. Rather, they are sought to ensure constructability and functionality, including appropriate provisions for egress and building services within the built form and on the site. Accordingly, the development, as modified, remains substantially the same as that originally granted by the Consent Authority.

- (b) it has notified the application in accordance with—
- (i) the regulations, if the regulations so require, and
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: It is assumed that Liverpool City Council will notify the application.

- (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: It is assumed that Liverpool City Council will notify any persons who made a submission in respect of the original development application.

- (1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment: Matters relevant to Section 4.15(1) are considered later in this document.

- (1B) To avoid doubt, a consent authority is not prevented from modifying a consent under this section merely because the modification only modifies a condition of consent and would not result in a change to the development the subject of the consent.

- (1C) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment: Note.

(2) After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to each person who made a submission in respect of the application for modification.

Comment: Note.

(3) The regulations may make provision for or with respect to the following—

(a) the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,

Comment: Note.

(b) the effect of any such deemed determination on the power of a consent authority to determine any such application,

Comment: Note.

(c) the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.

Comment: Note.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (the 'Transport and Infrastructure SEPP') sets out a range of overarching controls and guidelines for centre-based child care facilities, which are addressed in this statement and throughout the documentation accompanying this application. Under provisions of the Transport and Infrastructure SEPP, a centre-based child care facility is defined as:

centre-based child care facility means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

(i) long day care,

(ii) occasional child care,

(iii) out-of-school-hours care (including vacation care),

(iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

(c) a building or place used for home-based child care or school-based child care, or

- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Provisions within the Transport and Infrastructure SEPP are considered below.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Current version for 15 August 2025 to date (accessed 24 September 2025 at 15:17)

Chapter 3 Educational establishments and child care facilities

Part 3.3 Early education and care facilities—specific development controls

3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development

(1) This section applies to development for the purpose of a centre-based child care facility if—

- (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or
- (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.

Comment: The architectural plans prepared by Design Formation Architects illustrate compliance with the indoor and outdoor space requirements prescribed by the Education

and Care Services National Regulations. See below extract of the calculations:

INDOOR PLAY AREA CALCULATIONS

ROOM	AGE	NO. KIDS	MIN. AREA	PROPOSED AREA
PLAY RM 01	0-2	10	32.5 m ²	34.4 m ²
PLAY RM 02	0-2	10	32.5 m ²	38.9 m ²
PLAY RM 03	2-3	8	26.0 m ²	26.1 m ²
PLAY RM 04	2-3	10	32.5 m ²	35.1 m ²
PLAY RM 05	2-3	10	32.5 m ²	35.5 m ²
PLAY RM 06	3-6	18	58.5 m ²	61.2 m ²
PLAY RM 07	3-6	20	65.0 m ²	65.8 m ²
PLAY RM 08	3-6	27	87.8 m ²	88.8 m ²
TOTAL		113	367.3 m ²	385.8 m ²

OUTDOOR PLAY AREA CALCULATIONS

ROOM	AGE	NO. KIDS	MIN. AREA	PROPOSED AREA
OUT PLAY 01	0-3	38	266.0 m ²	269.6 m ²
OUT PLAY 02	2-6	28	196.0 m ²	260.7 m ²
OUT PLAY 03	3-6	20	140.0 m ²	140.2 m ²
OUT PLAY 04	3-6	27	189.0 m ²	237.0 m ²
TOTAL		113	791.0 m ²	907.5 m ²

3.23 Centre-based child care facility—matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

Comment: The Child Care Planning Guideline has been considered later in this document.

3.24 Centre-based child care facility in certain zones—additional matters for consideration by consent authorities

(1) The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in a prescribed zone.

(2) The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in a prescribed zone—

(a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,

(b) whether the proposed development has the potential to restrict the operation of existing industrial land uses,

(c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.

(3) The matters referred to in subsection (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based child care facility.

(4) In this section—

prescribed zone means any of the following land use zones—

(a) Zone E4 General Industrial,

(b) Zone E5 Heavy Industrial,

(c) Zone IN1 General Industrial,

(d) Zone IN2 Heavy Industrial.

Comment: The subject Site is zoned R4 which is not a prescribed zone.

3.25 Centre-based child care facility—floor space ratio

(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.

(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.

Comment: The Site is not zoned R2.

3.26 Centre-based child care facility—non-discretionary development standards

(1) The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.

(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—

(a) location—the development may be located at any distance from an existing or proposed early education and care facility,

(b) indoor or outdoor space

(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or

(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary

Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,

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

(3) To remove doubt, this section does not prevent a consent authority from—

(a) refusing a development application in relation to a matter not specified in subsection (2), or

(b) granting development consent even though any standard specified in subsection (2) is not complied with.

Comment: The objective of this clause is to prevent consent authorities from requiring more onerous standards for those matters identified.

3.27 Centre-based child care facility—development control plans

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

(a) operational or management plans or arrangements (including hours of operation),

(b) demonstrated need or demand for child care services,

(c) proximity of facility to other early education and care facilities,

(d) any matter relating to development for the purpose of a centre-based child care facility contained in—

(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or

(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

(2) This section applies regardless of when the development control plan was made.

Comment: The objective of this clause is to prevent consent authorities from implementing provisions within their Development Control Plan relating to ages, age ratios, groupings, numbers or the like. Liverpool Development Control Plan 2008 has been considered as part of this statement.

Note. The SEPP Transport and Infrastructure require consideration of the provisions contained within the Child Care Planning Guideline, September 2021 which has occurred in Appendix A.

Liverpool Local Environmental Plan 2008

Provisions of the LLEP 2008 which may relate to Proposed Development are considered below.

Liverpool Local Environmental Plan 2008

Current version for 1 August 2025 to date (accessed 24 September 2025 at 15:36)

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a high concentration of housing with good access to transport, services and facilities.
- To minimise the fragmentation of land that would prevent the achievement of high density residential development.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

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

4 Prohibited

Any other development not specified in item 2 or 3

Note. Highlight added.

Comment: The Proposal relates to a centre-based child care facility which is permissible with consent in the R4 High Density Residential zone.

4.3 Height of buildings

(1) The objectives of this clause are as follows—

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
- (b) to permit building heights that encourage high quality urban form,
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Note.

Clauses 5.6, 7.2 and 7.5 provide for circumstances under which a building in the Liverpool city centre may exceed the maximum height shown for the land on the Height of Buildings Map.

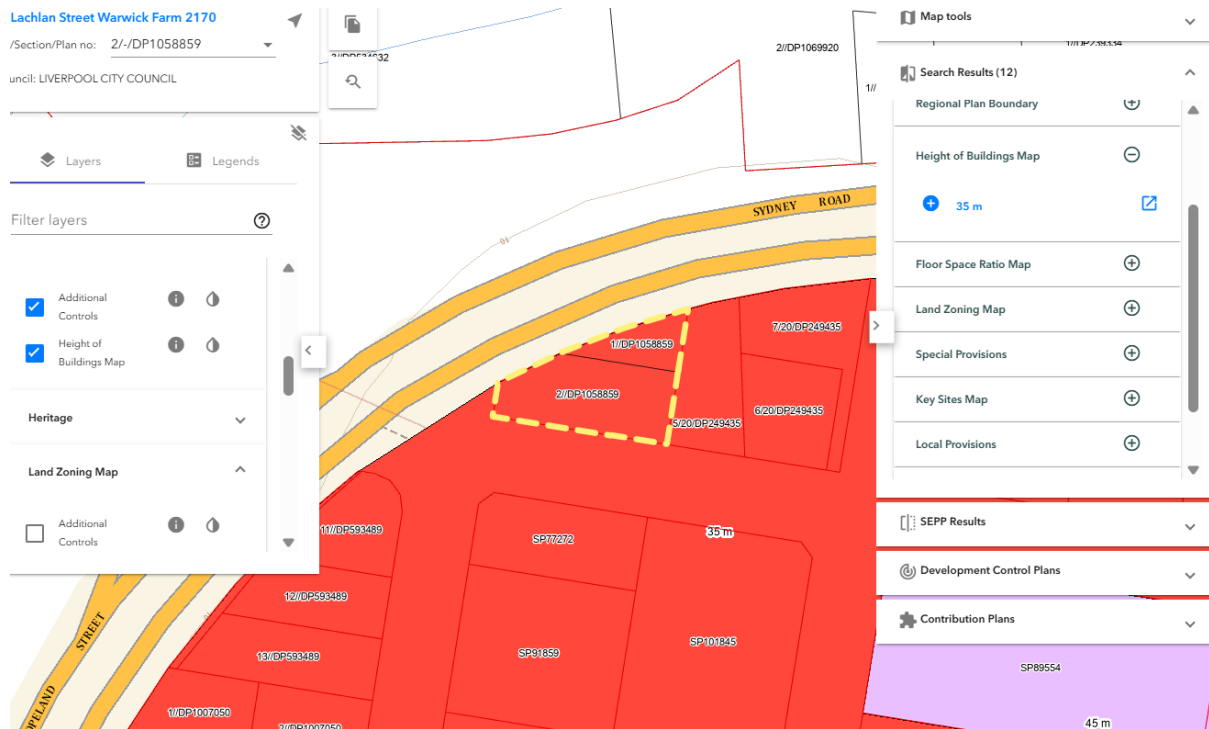


Figure 9. Height Map Overlay – 35m – LLEP 2008 (Extracted from <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)

Comment: The consent as modified maintains the same number of storeys as approved and is well within the 35m height limit as per Figure 9.

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to establish standards for the maximum development density and intensity of land use, taking into account the availability of infrastructure and the generation of vehicle and pedestrian traffic,
- (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different locations,
- (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
- (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,
- (e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
- (f) to facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite subclause (2)—

(a) a 3 storey building containing dwellings, or

(b) a building used for the purposes of an attached dwelling, multi dwelling housing, semi-detached dwellings, a secondary dwelling or 2 or more dwellings where each dwelling is attached to another dwelling by a common wall, that is on land shown to be within Area 2 or Area 3 on the Floor Space Ratio Map, may have a maximum floor space ratio of—

(c) up to 0.05:1 greater than that shown on the Map, or

(d) if the building is on a lot that adjoins a rear or side lane that provides vehicular access to the lot, up to 0.1:1 greater than that shown on the Map.

(2B) Despite subclause (2), the maximum floor space ratio of a building in the Liverpool city centre that is—

(a) on a site area greater than 1,000 square metres, and

(b) on land in a zone specified in the Table to this clause, and

(c) on land for which the maximum building height shown on the Height of Buildings Map is as specified in Column 1 of the Table under the heading for that zone, is the amount specified opposite that height in—

(d) Column 2 of the Table, if the site area for the building is greater than 1,000 square metres but less than 2,500 square metres, or

(e) Column 3 of the Table, if the site area for the development is equal to, or greater than 2,500 square metres.

(2C) For the purposes of Column 2 of the Table to this clause, X is to be calculated in accordance with the following formula—

Zone R4 High Density Residential

18m	$(1 + X):1$	2:1
24m	$(1.5 + X):1$	2.5:1
35m	$(2 + X):1$	3:1
45m	$(2 + 1.5X):1$	3.5:1



Figure 10. Floor Space Ratio Map Overlay – 2:1 – LLEP 2008 (Extracted from <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)

Comment: The consent as modified maintains a gross floor area well within the 2:1 floor space ratio prescribed as per Figure 10.

5.10 Heritage Conservation

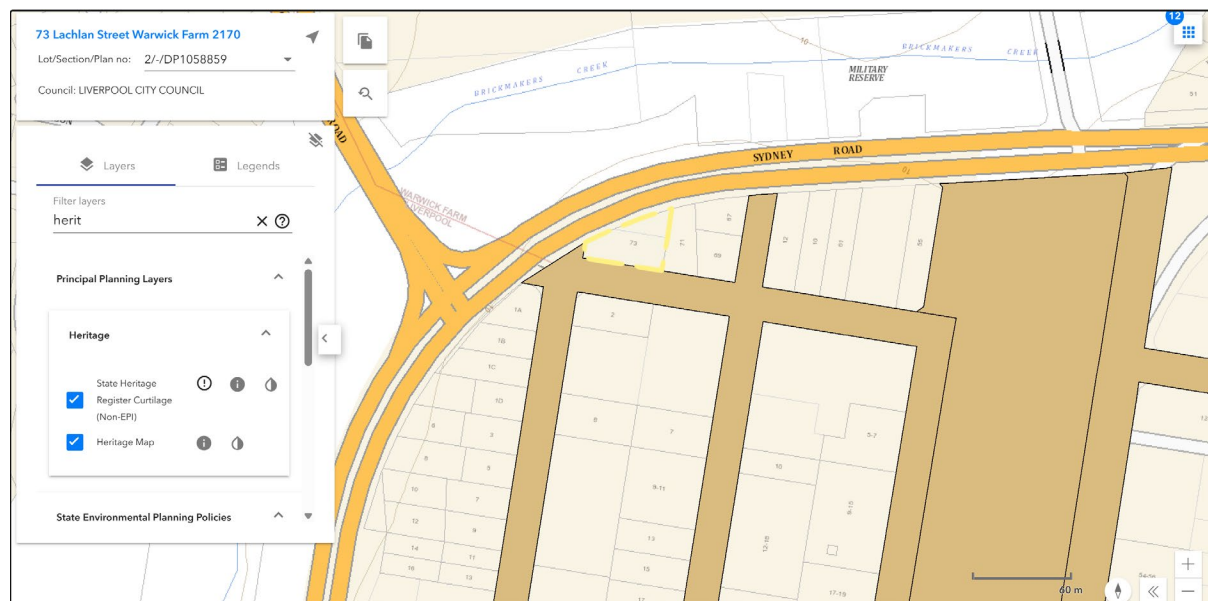


Figure 11. Heritage Map (LLEP 2008) Overlay with State Heritage Register Curtilage Overlay from ePlanning Spatial Viewer (Extracted from <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)

Comment: The consent as modified does not alter the development in a way that would unduly impact upon the heritage significance of the road network.

7.4 Building separation in Liverpool city centre

- (1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.
- (2) Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least—
 - (a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and
 - (b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and
 - (c) 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential and
 - (d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone E2 Commercial Centre or MU1 Mixed Use, and
 - (e) 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone E2 Commercial Centre or MU1 Mixed Use.

Comment: The modifications would not undermine consistency with these provision in line with the existing consent.

7.5 Design excellence in Liverpool city centre

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- (2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters—
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),
 - (e) any relevant requirements of applicable development control plans,
 - (f) how the proposed development addresses the following matters—
 - (i) the suitability of the site for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,

- (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (v) bulk, massing and modulation of buildings,
- (vi) street frontage heights,
- (vii) environmental impacts such as sustainable design, waste and recycling infrastructure, overshadowing, wind and reflectivity,
- (viii) the achievement of the principles of ecologically sustainable development,
- (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (x) the impact on, and any proposed improvements to, the public domain.

Comment: The proposed modifications do not undermine the design excellence achieved by the approved development. Rather, the changes principally respond to detailed design, constructability, building services, access and fire egress requirements arising during the project's development. The amended design also responds to the matters raised in Council's Request for Additional Information dated 1 May 2026 and the relevant provisions of the Liverpool DCP 2008. In particular, the amended package:

- integrates the additional fire egress stair into the approved built form and façade articulation;
- relocates the on-site detention (OSD) tank from the deep soil area to beneath the driveway;
- reduces and reorients building services along the Lachlan Street frontage;
- rotates the waste storage area to reduce its presentation to the street;
- reinstates the Level 3 staff room;
- improves circulation within the lift lobby and foyer;
- reduces the extent of dark cladding while retaining façade variation and timber-look aluminium elements; and
- provides updated landscaping and deep soil calculations.

The modifications retain the approved land use, building envelope, tower location and overall architectural expression. Accordingly, they do not materially alter the development's relationship with surrounding buildings, identified view corridors, the streetscape or the public domain, or result in additional overshadowing of the public spaces identified under clause 7.5. The revised materials, façade treatment and service integration continue to provide an appropriate standard of architectural design and detailing for the building type and its Liverpool city centre location.

On balance, the development, as modified, maintains the approved design intent while delivering a more coordinated, functional and constructable outcome. It therefore continues to exhibit design excellence and remains consistent with the objective and relevant considerations of this provision.

Liverpool Development Control Plan 2008

Provisions of the Liverpool Development Control Plan 2008 ('LDCP 2008') which may relate to Proposed Development are considered below.

Liverpool Development Control Plan 2008

Part 3.8 Non Residential Development in Residential Zones

2. Child Care Centres

2.1 Licence Requirements *In order to operate a child care centre, the applicant needs to obtain the following:*

1. Development consent from Council under the Environmental Planning and Assessment Act 1979.
2. A licence to operate from the NSW Department of Community Services (DOCS) under the Children and Young Persons (Care and Protection) Act 1998 and the Children's Services Regulation 2004. It is strongly recommended that applicants arrange a meeting with Council prior to submitting a development application to ensure that all the pre-requisite documentation is in order.

Comment: Note.

2.2 Lot Size

1. The maximum number of children in any centre cannot exceed 45 for 0-5 year olds; however Council may consider a maximum number of 60 children per centre of which 30% must be aged between 0-2.

Comment: Please refer to Clause 3.7 of the Transport and Infrastructure SEPP.

2. The proposed child care centre must comply with open space requirements as set out in the Children Services Regulation 2004.

Comment: The architectural plans prepared by Design Formation Architects detail compliance with the unencumbered indoor and outdoor play area requirements.

2.3 Site Planning

Comment: The Proposal relates to a modification application.

2.4 Setbacks

Front and Secondary Setbacks

1. Child Care Centres shall be setback in accordance with the following Table 1.

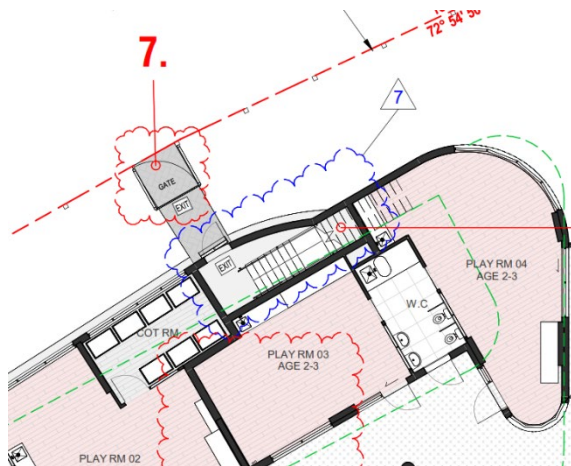
Table 1 Front and Secondary Setbacks

Street	Front Setback	Secondary Setback
Street setbacks	5.5m	4m
For sites in Part 2 Localities, which involve controls for Land Subdivision and Development, refer to the controls for the particular site for setback requirements.		

2. Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.
3. The secondary setback is the longest length boundary

Comment: The proposal largely maintains the approved minimum primary and secondary road setbacks. To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool (DCP) 2008, the architectural plans prepared by Design Formation Architects have been amended to reduce the built form associated with the basement fire egress. The amendments also include changes to the external materials and the addition of glazing to

enhance the Sydney Road façade, together with additional windows to the playrooms along the northern elevation, resulting in improved integration of the stair elements into the overall architectural expression of the building. An extract of the amended architectural plans is provided below.



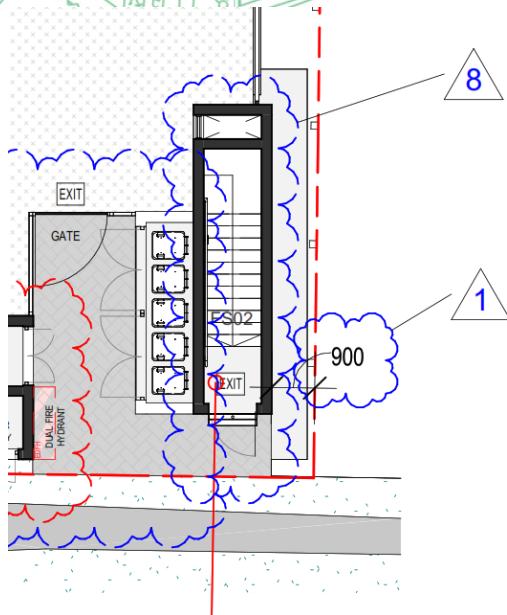
Side and Rear Setbacks

4. Buildings shall be setback from the side and rear boundaries in accordance with Table 2.

Table 2 Side and Rear Setbacks

Item	Side Setback	Rear Setback
Single storey buildings	1.2m	4m
Second storey component of buildings	1.2m	8m
Access doors from children's internal space	4m	4m
For sites in Part 2 Localities, which involve controls for Land Subdivision and Development, refer to the controls for the particular site for setback requirements.		

Comment: The Proposal increases the separation at the upper level between the facility and the common boundary with 71 Lachlan Street. To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of Part 4 of the Liverpool (DCP) 2008, the architectural plans have been amended to relocate the eastern fire stair, providing a 900 mm setback from the eastern side boundary. An extract of the amended architectural plans is provided below.



2.5 Landscaped Area and Open Space

1. A minimum of 25% of the site area shall consist of Landscaped Area, this may include lawn, deep rooted trees, garden beds and mulched areas.
2. There must be an unencumbered area of 5 x 6m in the rear setback for the opportunity to accommodate the planting of deep rooted trees.
3. A minimum of 50% of the front setback area shall be landscaped area.
4. There must be an unencumbered area of 3 x 5m in the front setback for the opportunity to accommodate deep rooted trees.

Comment: To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool (DCP) 2008, as reflected in the amended architectural plan prepared by Design Formation Architects in Drawing S 018 The Proposal provides 20.31% of the site area as landscaped area, equating to approximately 233.67m² based on a site area of 1,150.60m². While this represents a reduction from the 31.85% landscaped/deep soil area approved under the parent development consent, the reduction is required to accommodate necessary services and structural changes associated with the modified childcare centre development.

The site is zoned R4 High Density Residential, where residential flat buildings are permissible. In this context, the proposed landscaped area remains well in excess of the minimum 7% deep soil area that would otherwise apply to a residential flat building under Objective 3E-1 of Apartment Design Guide. Accordingly, the proposed 20.31% landscaped area is considered appropriate in the circumstances of the site and the nature of the modification, noting that the development continues to provide a meaningful landscaped setting and does not result in an unreasonable planning outcome.

See below extract of the of the architectural plan landscaping calculations:



LANDSCAPING CALCULATIONS		
SITE AREA:	1,150.60 m ²	
	APPROVED	PROPOSED
DEEP SOIL AREA:	366.51 m ²	233.67 m ²
% OF TOTAL SITE AREA	31.85 %	20.31 %
MIN. REQUIREMENT IN ACCORDANCE WITH LIVERPOOL DCP 2008	15 %	
LANDSCAPING AREA:	968.34 m ²	534.31 m ²
% OF TOTAL SITE AREA	84.16 %	46.44 %
MIN. REQUIREMENT IN ACCORDANCE WITH LIVERPOOL DCP 2008	45 %	

To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool (DCP) 2008, The outdoor play area finishes and planting arrangement should be read in conjunction with the amended landscape concept plan accompanying this application.

Open Space

1. A proposed Child Care Centre must comply with open space requirements as set out in the Children Services Regulation 2004.
2. Outdoor open space is to be located behind the childcare centre i.e. away from roads/streets.

Comment: The architectural plans prepared by Design Formation Architects illustrate compliance with the indoor and outdoor space requirements prescribed by the Education and Care Services National Regulations.

2.6 Building Form, Style and Streetscape

1. Where large glass areas cannot be avoided appropriate shade devices shall be incorporated into the design.
2. The roof design shall be compatible with surrounding properties with respect to height, pitch, building materials and colour.
3. The building shall be designed so that it is in character with the surrounding residential area in terms of bulk, scale, size and height.
4. The front pedestrian entrance must be visible from the street.
5. The front building facades shall be articulated. This articulation may include front porches, entries, wall indents, changes in finishes, balconies and/or verandahs.
6. For two storey developments, the side walls shall be articulated if the wall has a continuous length of over 10m.
7. Buildings that face two street frontages or a street and public space must address both frontages by the use of verandahs, balconies, windows or similar modulating elements.

Comment: The Proposal maintains a contemporary architectural form characterised by curves, articulation, and a varied roof profile. The main entrance is orientated towards Lachlan Street, and the development avoids presenting blank walls to the street frontage. The modifications to the building form have been introduced to accommodate essential building services necessary for the functioning of the development. To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool (DCP) 2008, the amended architectural plan prepared by Design Formation Architects Drawing S 008 & S009 outline the amended Level 03 and roof plans include the approved slab edge/building outline for comparison. The adjustment to the Level 03 slab profile is to align the slab with the

approved building envelope below and assist with construction, rather than to introduce additional building massing or floor area. The amended plans confirm that the works remain generally within the approved building envelope and do not result in an unreasonable change to the approved built form, overshadowing or amenity outcome.

2.7 Landscaping and Fencing

Comment: To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool (DCP) 2008, the amended Drawing S 018 identifies a site area of 1,150.60m², proposed deep soil area of 233.67m² (20.31%) and proposed landscaped area of 534.31m² (46.44%). The plans therefore demonstrate compliance with the nominated Liverpool Development Control Plan 2008 minimum requirements of 15% deep soil and 45% landscaped area. Please refer to the landscape plan prepared by iScale Landscape Architects and acoustic documentation prepared by Acoustic Logic accompanying the application.

2.8 Car Parking and Access

Site Access

1. All vehicles shall enter and leave the site in a forward direction.
2. Dead end streets or cul-de-sacs present traffic movement and parking problems and are inappropriate locations for Child Care Centres or facilities.

Comment: The Proposal relates to a modification application. It seeks minor alterations to the basement layout which are not anticipated to affect the ability of vehicles to enter and exit in a forward direction.

Location

1. To provide adequate vehicle access and on-site car parking facilities for residents and visitors.
2. To minimise reliance on on-street parking.
3. To provide safe and easy access to and from the site for pedestrians and motorists.
4. To provide adequate turning areas for manoeuvring into and out of car parking spaces and/or garages.
5. To minimise the impact of driveways and parking areas on existing landscaping, landform and streetscape.
6. To ensure pavement or driveway materials are sympathetic to the streetscape and surrounding landscape character.
7. Refer to Section *** for the number of spaces required.

Comment: The Proposal relates to a modification application.

2.9 Amenity and Environmental Impact

Noise

Development for childcare centres shall not be permitted in areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF).

Comment: The Proposal relates to a modification application.

Contaminants

All buildings whether to be built, extended, renovated or converted shall not contain any material or substance that will cause lead or asbestos or other contamination or poisoning.

Comment: Note.

Site Operation

1. In residential zones the days/hours of operation shall be limited to 7.00 am - 7.00 pm: Monday – Saturday. No operation on Sundays or public holidays.
2. Child Care Centres or facilities shall be no closer than 50m to mobile phone towers or antennas or transmission line easements or other similar electromagnetic radiation sources

Comment: The Proposal does not seek to alter the approved hours of operation.

Overshadowing

- Adjoining properties must receive a minimum of three hours of sunlight between 9am and 3pm on 21 June to at least:
- one living, rumpus room or the like and/or
 - 50% of the private open space

Comment: The modifications sought result in negligible change to overshadowing compared with the existing approval.

Privacy

1. Habitable room windows facing side boundaries are to be offset by at least 1m from any habitable room windows in an adjoining dwelling.
2. Habitable room windows on the first floor that face the side boundary are to avoid unreasonable overlooking by having a minimum sill height of 1.5m, except where they face a street or public open space.
3. Building siting, window location, balconies and fencing must consider the importance of the privacy of on-site and adjoining buildings and private open spaces.
4. Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.

Comment: The modifications sought do not create undue opportunity for overlooking into or out of the property.

Acoustic Privacy

1. Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.
2. Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.
3. The proposed buildings must comply with the Department of Environment and Climate Change criteria and the current relevant Australian Standards for noise and vibration and quality assurance.

Comment: Please refer to the acoustic documentation prepared by Acoustic Logic

2.10 Site Services

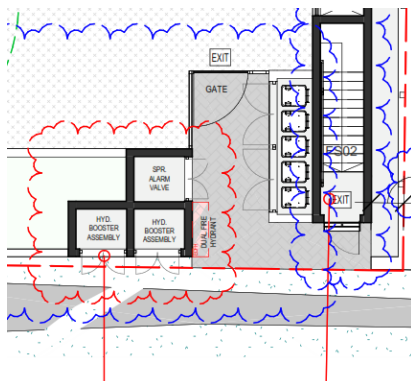
Waste Management

1. Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.
2. Any structure involving waste disposal facilities shall be located as follows:
 - Setback 1m from the front boundary to the street.

- Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape.
 - Not be located adjacent to an adjoining residential property.
3. Details of the design of waste disposal facilities are shown in Part 1 of the DCP.

Comment: Note. To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool (DCP) 2008, the amended Drawing S 005 in the architectural plan prepared by Design Formation Architects reduced the visual dominance of services. In particular, the storage area has been rotated so that it does not directly address Lachlan Street; the sprinkler alarm valve and related fire services have been reoriented to reduce their direct presentation to the street; the extent of services on the Lachlan Street frontage has been reduced to improve Lachlan Street interface and additional landscape area has been restored along both frontages.

The amended plans rotate the bin storage area by 90 degrees so that it no longer directly addresses Lachlan Street. The surrounding services have also been reduced/reoriented and additional landscape area has been restored along the Lachlan Street frontage. These amendments materially improve the public domain interface and address the cumulative impact identified by Council. An extract of the amended architectural plans Drawing S 005 is provided below.



Letterboxes and Numbering

1. Letterboxes shall be located along the front boundary and be clearly visible and accessible from the street.
2. The street number of a site must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the site.

Comment: Note

Frontage works and damage to Council assets

1. Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.
2. Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.
3. Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting, it may be a condition of consent that street trees are provided in the footpath area immediately in front of the site.

Comment: Note

Evaluation of Section 4.15 of the Environmental Planning and Assessment Act 1979 No 203

Context and Setting

The Site is located at 73 Lachlan Street, Warwick Farm. The locality is characterised by single dwellings and residential flat buildings which have been developed in alignment with the R4 zoning. The resulting development maintains compatibility with the existing and intended landscape of the character of the locality given its siting and form in comparison to the existing approval. It is anticipated that the proposed works are capable of being undertaken in a manner that maintains suitable level of amenity for future occupant, visitors and adjoining properties subject to appropriate conditions of consent.

Social, Environmental and Economic Impacts

As considered in this statement, the works are anticipated to improve the built environment by improving the amenity of the resulting centre while attempts have been made through the design to minimise undue impacts on the adjoining property through setbacks, breaks in the building form, height and location of the development on the Site. The centre will contribute to the character of the locality.

The Suitability of the Site for the Development

The Proposed Development is a permissible development under provisions of the R4 High Density Residential zoning and the proposal is considered to be generally compatible with the fundamental planning provisions within the LLEP 2008 and LDCP 2008 considered in this statement except where justified, as such it is our view that the proposal is suitable for the site subject to appropriate conditions of consent and a multidisciplinary analysis.

Any submissions made in accordance with the Act

It is anticipated Liverpool City Council will consider any submissions in its assessment of the proposal.

The Public Interest

As considered in this Statement, it is our view that the Proposed Development is generally compatible with the objectives of the planning instruments considered within it and as such it is anticipated to result in the revitalisation of the allotment while maintaining the integrity of the local area.

Conclusion

Throughout this statement Pragma Urban Planning has attempted to consider potential environmental and amenity impacts relating to the proposed development modifications. It is in our opinion that the Proposed Development may be capable of being undertaken in a manner that is generally compatible with the overarching objectives and greater public interest, as guided by the planning instruments which have been reviewed and considered in this document subject to a multidisciplinary analysis and suitable conditions of consent being imposed in a development consent. The application is to be lodged to Liverpool City Council for an independent assessment and analysis of the proposal.

Appendix A – Child Care Planning Guideline September 2021

The SEPP Transport and Infrastructure requires consideration of the provisions contained within the Child Care Planning Guideline, September 2021. Please see below consideration of the document.

Child Care Planning Guideline	
Provision	Comment
2. Design quality principles	
Principle 1 - Context Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising access by walking and public transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.	The proposal does not alter the design in a way that undermines the development's presentation within the local area context.
Principle 2 - Built form Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area. Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.	The modifications sought result in minor changes to the built form such as the addition of an egress path and modifications to the basement parking arrangement. As such the proposal is not considered to undermine the consent with respect to the built form.
Principle 3 - Adaptive learning spaces Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in	The proposed modification only results in marginal changes to the outdoor learning spaces.

buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces' fit-out.

Good design achieves a mix of inclusive learning spaces to cater for all children and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

Principle 4 - Sustainability
Sustainable design combines positive environmental, social and economic outcomes.

This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.

The application is accompanied by an amended Section J certificate.

Principle 5 - Landscape
Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks

The proposed modification seeks minor change to the approved landscape arrangement.

To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool (DCP) 2008, The amended landscape concept plan provides an improved landscape outcome when compared to the original modification package. In particular, the relocation of the OSD tank has enabled additional planting to be provided within the southern and south-eastern portions of the site.

Principle 6 - Amenity
Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes

The proposed modifications ensure suitable amenity for the future use of the spaces.

to positive learning environments and the well-being of children and staff.

Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility. Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise

Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise

Principle 7 - Safety

Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.

Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).

Well designed vehicular parking and access minimise traffic safety risks on children and staff.

The proposed changes are not considered to undermine the safety of the ongoing operation of the facility.

3. Matters for consideration

3.1 Site selection and location

C1

For proposed developments in or adjacent to a residential zone, particularly if that zone is for low density residential uses consider:

- the acoustic and privacy impacts of the proposed development on the residential properties
- the setbacks and siting of buildings within the residential context
- visual amenity impacts (e.g. additional building bulk and overshadowing, local character)
- traffic and parking impacts of the proposal on residential amenity and road safety

The proposal relates to an existing approval and only seeks minor changes.

For proposed developments in commercial and industrial zones, consider:

The Site is located within a Residential Zone.

- potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions
- the potential impact of the facility on the viability of existing commercial or industrial uses.

For proposed developments in public or private recreation zones, consider:

- the compatibility of the proposal with the operations and nature of the community or private recreational facilities
- if the existing premises is licensed for alcohol or gambling
- if the use requires permanent or casual occupation of the premises or site
- the availability of on-site parking
- compatibility of proposed hours of operation with surrounding uses, particularly residential uses
- the availability of appropriate and dedicated sanitation facilities for the development.

For proposed developments on school, TAFE or university sites in Special Purpose zones consider:

- the compatibility of the proposal with the operation of the institution and its users
- the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling
- proximity to sources of noise, such as places of entertainment or mechanical workshops
- proximity to odours, particularly at agricultural institutions
- previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like.

C2

When selecting a site, ensure that:

- the location and surrounding uses are compatible with the proposed development or use
- the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards
- there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed

The proposal relates to an existing approval and only seeks minor changes.

- the characteristics of the site are suitable for the scale and type of development proposed having regard to:
 - o length of street frontage, lot configuration, dimensions and overall size
 - o 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
- where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item.
- there are suitable and safe drop off and pick up areas, and off and on street parking
- the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use
- the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities
- it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.

C3
A child care facility should be located:

- near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship
- near or within employment areas, town centres, business centres, shops
- with access to public transport including rail, buses, ferries
- in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.

Note.

C4

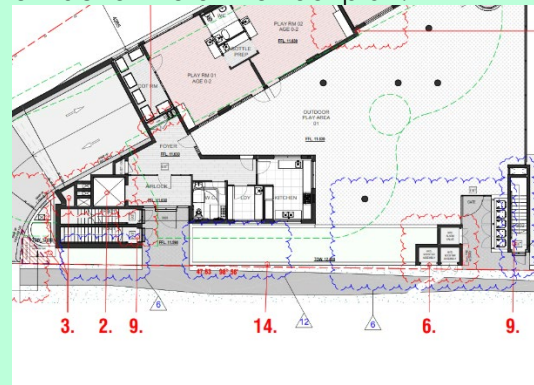
Note.

A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

- proximity to:
 - o heavy or hazardous industry, waste transfer depots or landfill sites
 - o Liquefied Petroleum Gas (LPG) tanks or service stations
 - o water cooling and water warming systems
 - o odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses
 - o extractive industries, intensive agriculture, agricultural spraying activities
- any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.

3.2 Local character, streetscape and the public domain interface

To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool (DCP) 2008, the amended Drawing S 005 in the architectural plan prepared by Design Formation Architects reduced the visual dominance of services. In particular, the storage area has been rotated so that it does not directly address Lachlan Street; the sprinkler alarm valve and related fire services have been reoriented to reduce their direct presentation to the street; the extent of services on the Lachlan Street frontage has been reduced to improve Lachlan Street interface and additional landscape area has been restored along both frontages. See below extract of the the floor plan:



The public domain and landscape documentation is to be updated to

	reference the Liverpool City Centre Public Domain Master Plan Technical Guidelines. The amended proposal remains substantially consistent with the approved child care centre and is considered to provide an improved planning, design and public domain outcome compared with the modification package previously reviewed by Council. We respectfully request that Council continue its assessment of the application on the basis of the amended documentation submitted.
C5 The proposed development should: • contribute to the local area by being designed in such a way to respond to the character of the locality and existing streetscape • build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise and respond to predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that respond to and integrate with the existing streetscape and local character • use landscaping to positively contribute to the streetscape and neighbouring and neighbourhood amenity • integrate car parking into the building and site landscaping design in residential areas • in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved	The proposal relates to an existing approval and only seeks minor changes to the built form and presentation.
C6 Create a threshold with a clear transition between public and private realms, including: • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and a connection between the facility and the community	Note.

• integrating existing and proposed landscaping with fencing.	
C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	The changes do not create additional entry paths into the facility, with the exception of an egress stairway along the northern elevation
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: • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/private open space from adjoining public open space • minimal use of blank walls and high fences.	The development does not adjoin a public park, open space or bushland.
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.	Note.
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	Please refer to the acoustic documentation prepared by Acoustic Logic accompanying the application.
3.3 Building orientation, envelope, building design and accessibility	
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 - o facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - o placing play equipment away from common boundaries with residential properties - o locating outdoor play areas away from	The Proposal does not alter the orientation of the resulting centre.

residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions	
C12 The following matters may be considered to minimise the impacts of the proposal on local character: • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character. Where a Local Environmental Plan or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a child care facility in the R2 zone.	The modifications will result in a development that is remains within the prescribed LLEP 2008 height limit and in keeping with the existing approval to which this modification application relates.
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.	Note.
C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The proposal has sought to observe the setbacks of the existing approval.
C15 Entry to the facility should be limited to one secure point which is: • located to allow ease of access, particularly	The Proposal does not seek to alter the number of entryways into the facility itself. The Proposal does, however, to provide an additional egress stairway.

for pedestrians

- directly accessible from the street where possible
- directly visible from the street frontage
- easily monitored through natural or camera surveillance
- not accessed through an outdoor play area.
- in a mixed-use development, clearly defined and separate from entrances to other uses in the building.

C16

Accessible design can be achieved by:

- providing accessibility to and within the building in accordance with all relevant legislation

- 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
- providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible
- minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.

Note.

Note: The National Construction Code and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.

Note.

3.4 Landscaping

C17

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:

- reflecting and reinforcing the local context
- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.

The Proposal results in minor changes to the approved landscaped area on the Site.

C18

Incorporate car parking into the landscape design of the site by:

- planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings
- taking into account streetscape, local character, pedestrian safety and context when siting car parking areas within the front setback

Note.

• using low level landscaping to soften and screen parking areas	
4. Applying the National Regulations to development proposals	
4.1 Indoor space requirements	
Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP Transport and Infrastructure. Unencumbered indoor space excludes any of the following: • passageway or thoroughfare (including door swings) used for circulation • toilet and hygiene facilities • nappy changing area or area for preparing bottles • area permanently set aside for the use or storage of cots • area permanently set aside for storage • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry • other space that is not suitable for children.	The architectural plans prepared by Design Formation Architects illustrate compliance with indoor and outdoor space requirements prescribed by the Education and Care Services National Regulations.
Design guidance Verandahs as indoor space For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space (refer to Figure 1).	Note.

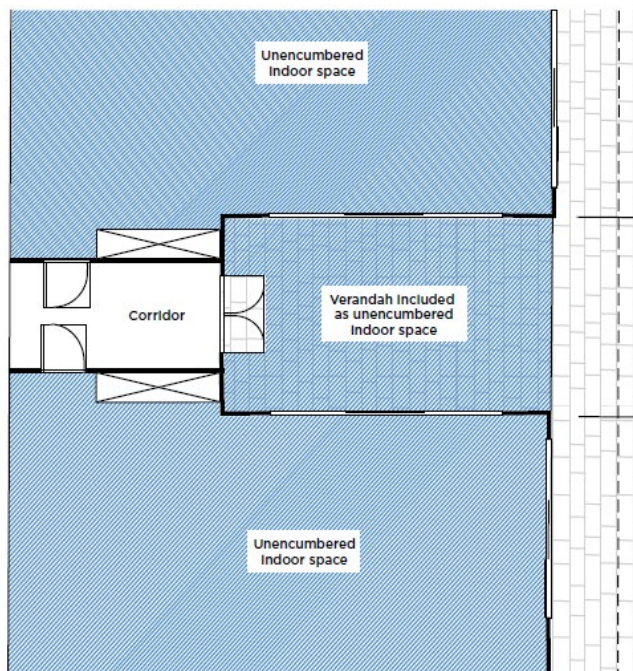


Figure 1 An outdoor verandah can be included as unencumbered indoor space with written approval. In spatial calculations this can only be counted once.

Note.

Storage

Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas need to be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:

- a minimum of 0.3m³ per child of external storage space
- a minimum of 0.2m³ per child of internal storage space.

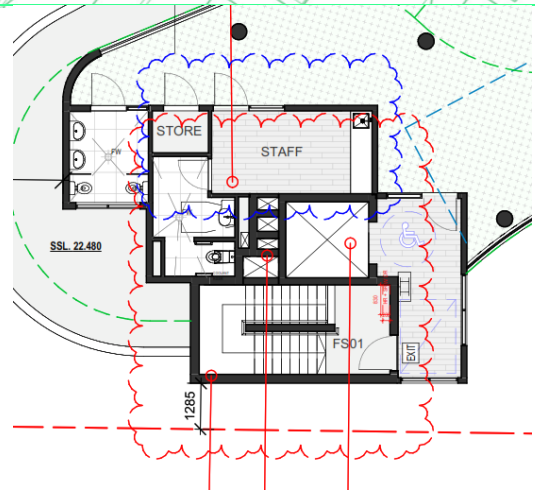
Storage does not need to be in a separate room or screened, and there should be a mixture of safe shelving and storage that children can access independently.

Storage of items such as prams, bikes and scooters should be located adjacent to the building entrance.

Where an external laundry service is used, storage and collection points for soiled items should be in an area with separate external access, away from children.

The modifications proposed seek to remove the previously approved staff room on Level 3 and replace it with a storage room, to accommodate for storage requirements. To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool (DCP) 2008, the amended architectural plans prepared by Design Formation Architects on Drawing S 008 reinstated the staff room on Level 03. See below extract of the of the floor plan:

This will prevent clothes being carried through public areas and reduce danger to children during drop off and collection of laundry.



3.5 Visual and acoustic privacy

C19

Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.

The Proposal does not relate to a mixed-use development.

C20

Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

- appropriate site and building layout
- suitably locating pathways, windows and doors
- permanent screening and landscape design.

The alterations sought do not create undue opportunity for overlooking internally or externally of the property.

C21

Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

- appropriate site and building layout
- suitable location of pathways, windows and doors
- landscape design and screening.

C22

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:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use. An acoustic fence is one that is a solid, gap free fence
- ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

Please refer to the acoustic memorandum prepared by Acoustic Logic which supports the proposed amendments, subject to the recommendations.

C23

A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:

- identify an appropriate noise level for a child care facility located in residential and other zones
- determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use
- determine the appropriate height of any acoustic fence to enable the noise criteria to be met.

3.6 Noise and air pollution

C24

Adopt design solutions to minimise the impacts of noise, such as:

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of openings facing noise sources
- using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources.

Please refer to the acoustic memorandum prepared by Acoustic Logic which supports the proposed amendments, subject to the recommendations.

C25

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:

- on industrial zoned land
- where the ANEF contour is between 20 and 25
- along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007
- on a major or busy road
- other land that is impacted by substantial external noise.

Note.

C26

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.

The Proposal relates to a modification application to an existing approval.

C27

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 air quality assessment report should evaluate design considerations to minimise air pollution such as:

- creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution
- using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway
- incorporating ventilation design into the design of the facility.

4.2 Laundry and hygiene facilities

Regulation 106 Education and Care Services National Regulations

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 is not accessible by, and does not pose a risk to children.

Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.

Design guidance

Laundry and hygiene facilities are a key consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of children accommodated. On site laundry

On site laundry facilities should contain:

- a washer or washers capable of dealing with the heavy requirements of the facility
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning
- an on-site laundry cannot be calculated as useable unencumbered play space for children (refer to Figure 2).

External laundry service

The Proposal maintains a laundry on the ground floor.

A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.

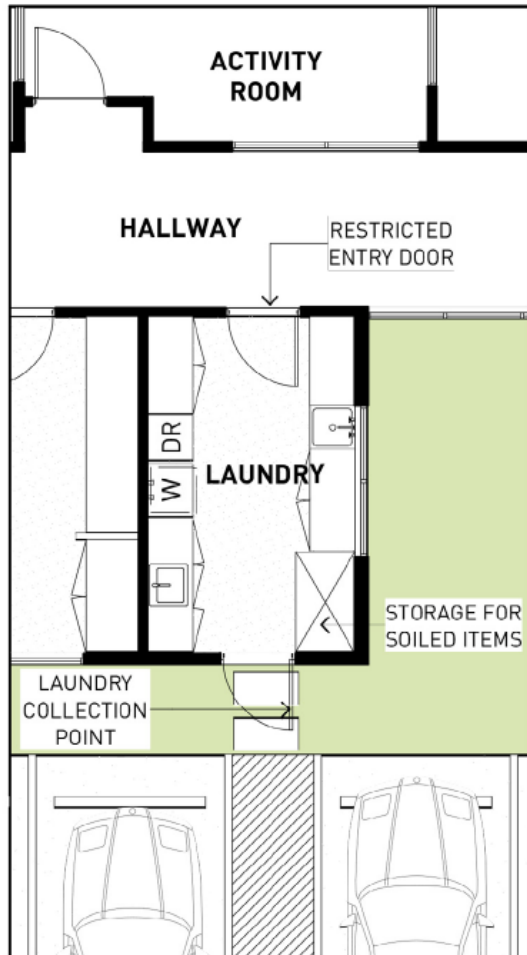


Figure 2 A typical child care facility laundry layout. External access may be provided if laundry is done off site or for deliveries.

4.3 Toilet and hygiene facilities

Regulation 109 Education and Care Services National Regulations

A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Please refer to the architectural plans prepared by Design Formation Architects which detail the toilet and hygiene facility arrangement.

Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.

Design guidance

Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to Figure 3). Design considerations could include:

- junior toilet pans, low level sinks and hand drying facilities for children
- a sink and handwashing facilities in all bathrooms for adults
- direct access from both activity rooms and outdoor play areas
- windows into bathrooms and cubicles without doors to allow adequate supervision by staff
- external windows in locations that prevent observation from neighbouring properties or from side boundaries.

4.4 Ventilation and natural light

Regulation 110

Education and Care Services National Regulations

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.

Design guidance

Ventilation

Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility.

To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.

Natural light

The Proposal seeks to modify the window arrangement in an attempt to improve opportunity for cross ventilation.

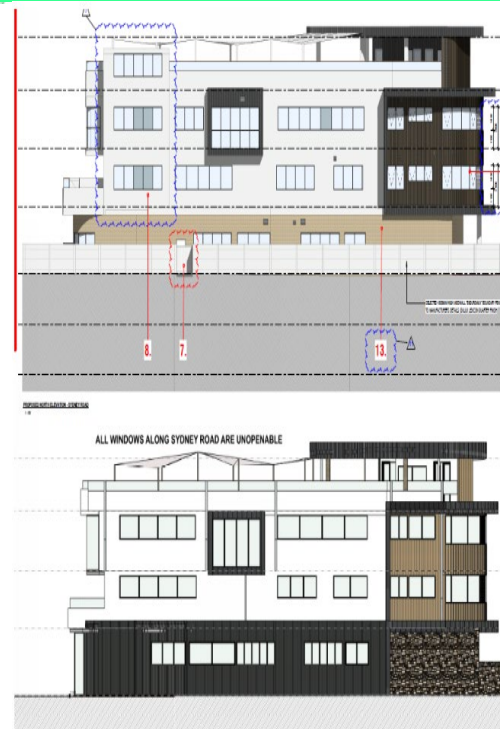
The alterations to the layout do not undermine the opportunity for natural light penetration into the facility.

To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool (DCP) 2008, the amended architectural plans prepared by Design Formation Architects increase window tot the play rooms along the northern façade, which assist in maintaining natural light and amenity to the indoor play areas. Please refer to the below extract of the elevation plans which detail the modified versus the approved elevations:

Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights.

Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.



4.5 Administrative space

Regulation 111

Education and Care Services National Regulations 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.

Design guidance

Design considerations could include closing doors for privacy and glass partitions to ensure supervision.

Note: Areas or rooms for staff and administration are excluded in the calculation of unencumbered indoor space under National Regulation 107.

When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot (refer Figure 4). Sound proofing of meeting rooms may be appropriate where they are located adjacent to public areas, or in large rooms where sound can easily travel.

Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheel chair.

The Proposal maintains a foyer entry on the ground floor as well as office and staff rooms located on Levels 01 and 02. To address the matters raised in Council's Request for Additional Information dated 1 May 2026 in relation to Modification Application DA-19/2023/A and the requirements of the Liverpool (DCP) 2008, the amended architectural plans prepared by Design Formation Architects on Drawing S 006 retained the required lift size and increased the Lift Lobby/Foyer areas to improve circulation and Drawing S 004 Basement Level 01 Lift Lobby area secured from parking manoeuvring. See below extract of the of the floor plan:

Drawing S 004 extract

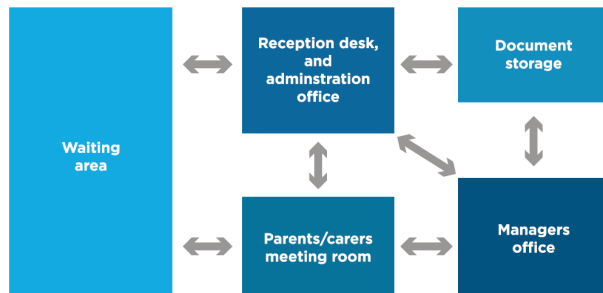
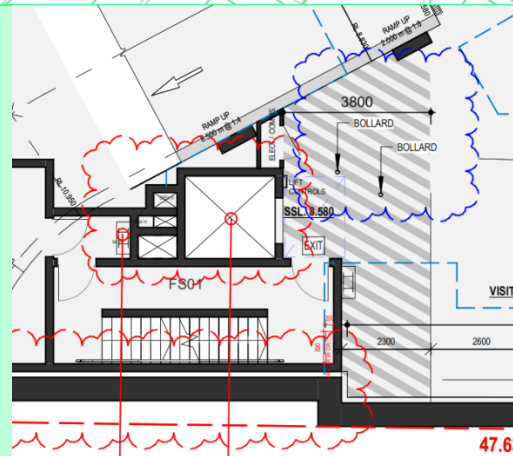
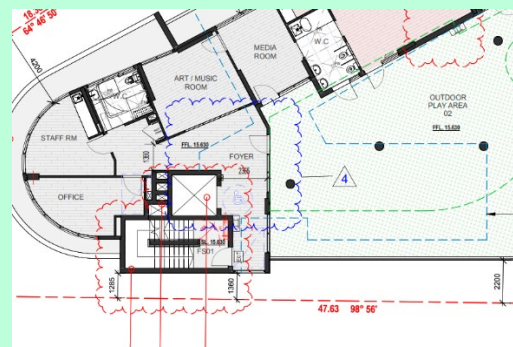


Figure 4 Diagram showing relationships between administrative spaces within a child care facility. Requirements of rooms and functions may vary depending on the size and individual requirements of the facility.



Drawing S 006 extract



4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

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.

Design guidance

In circumstances where nappy change facilities must be provided, design considerations should include:

- properly constructed nappy changing bench or benches
- a bench type baby bath within one metre from the nappy change bench
- the provision of dedicated hand cleansing facilities for adults in the immediate vicinity of the nappy change area
- a space to store steps
- positioning to enable adequate supervision of the activity and play areas.

The Proposal retains all aspects of the approved facilities.

4.7 Premises designed to facilitate supervision

Regulation 115

Education and Care Services National Regulations

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 adequate supervision of children at all times, having regard to the need to maintain their rights and dignity.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.

The layout of the internal and external play areas is largely retained in accordance with the existing approval to which the consent relates.

Design guidance

Design considerations should include:

- solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision
- locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties
- avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children
- avoiding multi-level rooms which compromise, or require additional staffing, to ensure adequate supervision. If multi-level spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities (refer to Figures 5, 6 and 7).

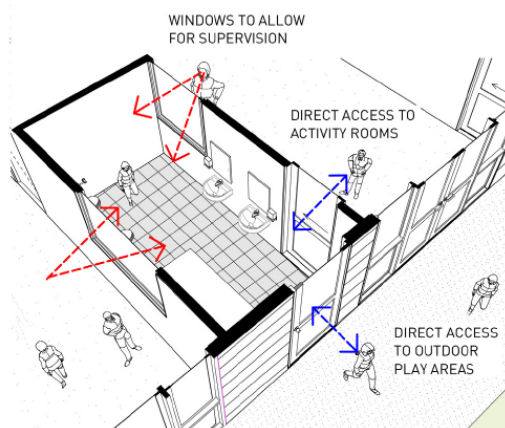


Figure 5 Bathroom facilities to have direct access to outdoor areas and activity rooms. Supervision requirements need to be considered in the design to prevent blind spots.

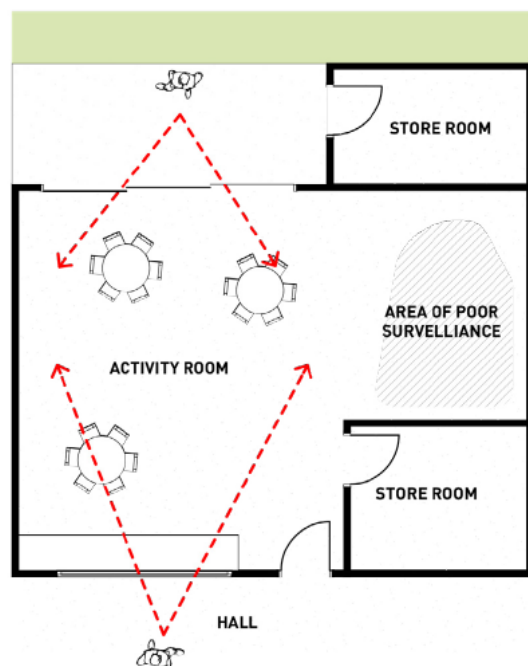


Figure 6 Avoid tucked away areas as these reduce effective supervision.

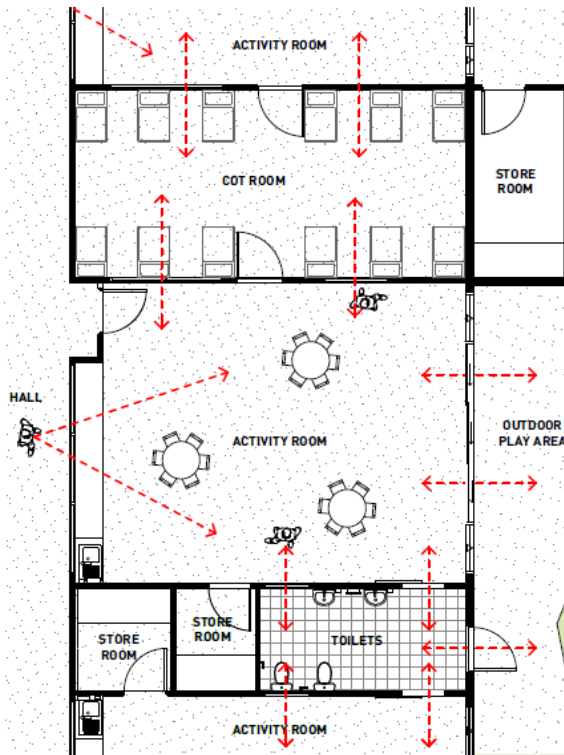


Figure 7 Good design of spaces allows for effective supervision between all areas children will occupy.

4.8 Emergency and evacuation procedures

Regulations 97 and 168

Education and Care Services National Regulations Regulation 168 sets out the list of procedures that an education and care service must have, including procedures for emergency and evacuation.

Regulation 97 sets out the detail for what those procedures must cover including:

- 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.

Risks associated with multi-storey buildings, including the appropriate child-to-staff ratios and emergency and evacuation plans, need to be assessed in the context of the service approval.

The proposal seeks to add an additional fire egress pathway orientated toward Sydney Road.

These matters need to be considered by the Quality Assurance and Regulatory Services Directorate, Early Childhood Education on behalf of the Secretary of the NSW Department of Education.

There are circumstances where a service approval may approve a maximum number of children that is lower than the development consent, for example due to complexities related to evacuation.

The lowest maximum number of children should prevail, whether it be in the development consent or the service approval to further the health, safety and well being of children. That said, the applicant may still apply to modify either the service approval or the development consent to increase the maximum number of children.

B. External physical environment

4.9 Outdoor space requirements

Regulation 108

Education and Care Services National Regulations An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.

If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP Transport and Infrastructure.

Unencumbered outdoor space excludes any of the following:

- 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.

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.

Applicants should also note that Regulation 274 (Part 7.3 NSW Provisions) states that a

Note.

centrebased service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.

A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.

Design guidance

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play (refer to Figure 9 and 10).

When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.

Verandahs (covered outdoor space) as outdoor space

Where a covered space such as a verandah is to be included in outdoor space it should:

- be open on at least one third of its perimeter
- have a clear height of 2.1 metres
- have a wall height of less than 1.4 metres where a wall with an opening forms the verandah perimeter

- have adequate flooring and roofing
- be designed to provide adequate protection from the elements (refer to Figure 8).

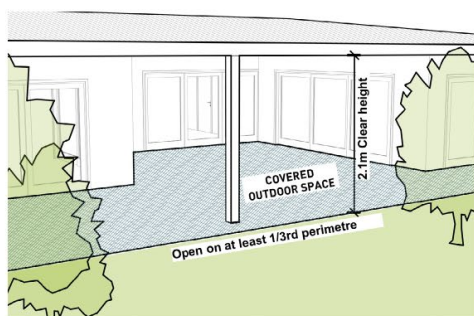


Figure 8 Covered outdoor space can be included in calculations.



Figure 9 Dense planting along boundaries and other areas not suitable for children's play can be excluded when calculating unencumbered space.

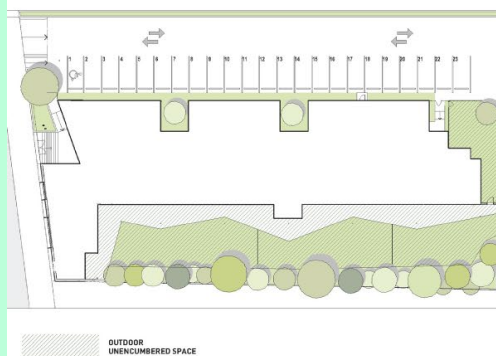


Figure 10 Areas that are not suitable for calculating outdoor space.