

DATE OF DETERMINATION	11 September 2026
DATE OF PANEL DECISION	10 September 2026
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Jeremy Thomas, Ellie Robertson
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 7 September 2026.

MATTER DETERMINED

PPSSWC-675 – Liverpool – DA-19/2023/A – 73 Lachlan Street, Warwick Farm - Modification to Development Consent DA-19/2023 under Section 4.56 of the *Environmental Planning and Assessment Act 1979*, for internal and external alterations to an approved Centre-based childcare facility.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented in Schedule 1.

Design changes

The Panel refused the original development application (DA) for the child-care centre in December 2023.

However, the Land and Environment Court subsequently approved the DA after Council and the Applicant agreed to several design changes to the development in the Section 34 conciliation conference.

These changes included reducing the number of children to 120, increasing building separation and landscaping, and reorienting the building to improve its relationship to the streetscape and extend the rear setback of the building from the adjacent dwelling.

The Applicant is now seeking further changes to the design of the building, mostly to achieve compliance with the relevant fire and building safety standards.

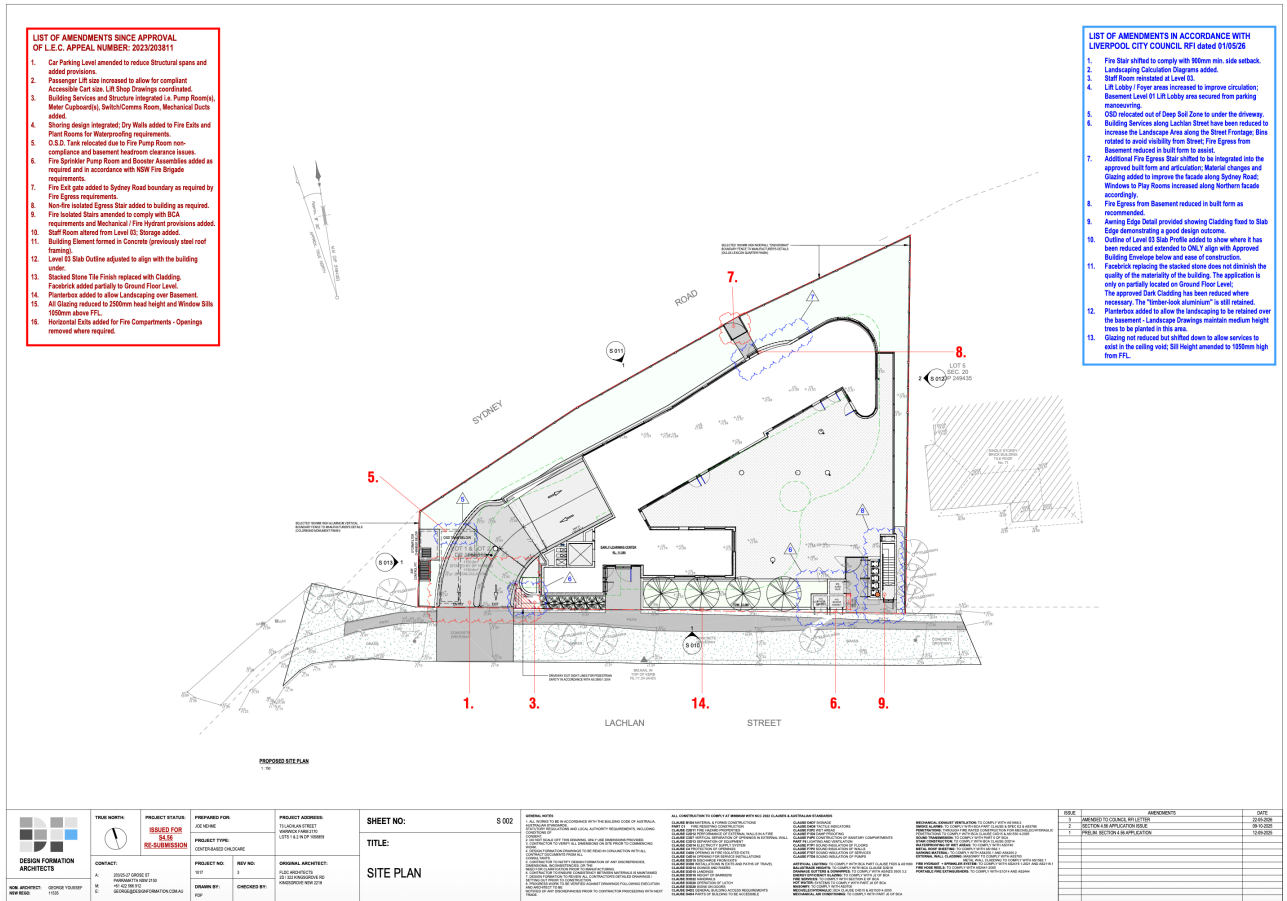
The design changes are largely inside the approved building, but the new fire exist gate onto Sydney Road (see 7 on figure below) and the new pump room along Lachlan Street (see 3 on the figure below) will intrude into the approved landscaping of the development, and the design involves replacing the parts of the approved facebrick finish with dark cladding.

During the assessment of the modification application, the Applicant revised the proposed design changes to address concerns raised by Council (see blue text in figure blow). These changes included:

- Relocating the OSD out of the deep soil zone and under the driveway
- Reducing the size of the new building services along Lachlan Street to reduce the intrusion on the approved landscaping
- Adding planter-boxes with medium height trees above the basement on Lachlan Street to increase the landscaping
- Reducing the use of dark cladding
- Making several improvements to various other parts of the building.

Further, in the proposed conditions Council has recommended that the Applicant be required to amend the revised plans for the development to “incorporate only the approved facebrick finish” along the southern elevation instead of the proposed dark cladding.

With the amendments to the design made during the assessment process and the proposed conditions, the Panel is satisfied that proposed modifications strike a reasonable balance between ensuring compliance with relevant fire and building standards and maintaining the integrity of the approved landscaping and building design.



Modification application

The Panel determined to approve the modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the modification application for the reasons outlined in the Council’s assessment report.

CONDITIONS

The modification application was approved subject to the conditions in Council’s assessment report, including the condition requiring the proposed dark cladding on the South Elevation to be replace with the approved facebrick finish.

CONSIDERATION OF COMMUNITY VIEWS

The modification application was exhibited from 14 November 2025 to 2 December 2025, and Council received one submission objecting to the proposed modifications.

This submission was concerned about the traffic, parking and noise impacts of the proposed modifications.

The Panel agrees with Council that these concerns relate to the approved development rather than the proposed modifications, and is satisfied that they have been adequately considered in Council’s assessment report.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	Jeremy Thomas 
Ellie Roberston 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-675 – Liverpool – DA-19/2023/A
2	PROPOSED DEVELOPMENT	Modification to Development Consent DA-19/2023 under Section 4.56 of the Environmental Planning and Assessment Act 1979, for Internal and external alterations to an approved Centre-based childcare facility.
3	STREET ADDRESS	73 Lachlan Street, Warwick Farm
4	APPLICANT/OWNER	Applicant: Design Formation Architects Owner: JNS Nehme Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Education and Care National Regulations ○ Child Care Planning Guideline (September 2021) ○ Liverpool Local Environmental Plan 2008 • Draft environmental planning instruments: Nil • Development control plans: ○ Liverpool Development Control Plan 2008 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 4 September 2026 • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1
8	COUNCIL RECOMMENDATION	Approval
9	DRAFT CONDITIONS	Attached to the council assessment report