

**MATTERS FOR
LIVERPOOL LOCAL PLANNING PANEL
DETERMINATION**

Monday 25th May 2020

To be held online Via
“Microsoft Teams”

The online meeting will commence at **2:00 PM**

Note: Submissions by the applicant and concerned parties will be considered at the hearing. A concerned party is deemed to be a person who has made a written submission in respect to the application. The Panel shall, upon request, hear submissions from persons who identify prior to a hearing that they wish to make a submission to be considered by the Panel. Presentations to the Panel by the applicant and concerned parties shall be restricted to **3 minutes each**. The Panel Chairperson has the discretion to extend the period if considered appropriate.

Due to the COVID-19 pandemic the meeting will be held online and via teleconference, should you wish to address the Panel, please advise Danielle Hijazi, Panel Support Officer on 8711 7627 or 1300 36 2170, or via the following e-mail hijazid@liverpool.nsw.gov.au by 4pm, Friday, 22nd May 2020.

The following development applications are referred to the Liverpool Local Planning Panel for its determination.

ITEM No.	SUBJECT	PAGE No.
1	Development Application DA-615/2018 Child-care centre – Demolition of existing structures and construction of a two-storey child-care centre with basement parking for 35 children. Lot 8040, DP 825138 2 Oatlands Court Wattle Grove	2-146

ITEM No.	SUBJECT	PAGE No.
2	Development Application DA-913/2019 Alterations to the front foyer of Liverpool Library Lots 3 & 4 DP 1005917 Liverpool Library & Car Parking Station, 166-170 George Street Liverpool	147-177

ITEM No.	SUBJECT	PAGE No.
3	Development Application DA-93/2020 Construction of a spectator stand and associated works Lot 3, DP 816815 91 Junction Road, Moorebank	178-200

Item no:	1
Application Number:	DA-615/2018
Proposed Development:	Child-care Centre – Demolition of Existing Structures and Construction of a Two-Storey Child-care Centre with Basement Parking for 35 Children.
Property Address	2 Oatlands Court Wattle Grove
Legal Description:	Lot 8040, DP 825138
Applicant:	Amgad S T Henein
Land Owner:	Amgad S T Henein
Cost of Works:	\$1 638 208.00
Recommendation:	Approval, subject to conditions of consent
Assessing Officer:	Peter Nelson

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-615/2018) for the demolition of the existing dwelling house and construction of a child care centre with basement car parking. The original proposal sought consent for fifty-four children. Subsequent amended plans have reduced that number to thirty-eight (38) children in order to more closely comply with the planning requirements for child care centre development. In order to bring the proposal into full compliance, the total maximum number of children permitted will be thirty five (35) children as specified in the development description above.

The subject site is zoned R3 Medium Density Residential under Liverpool Local Environmental Plan (LLEP) 2008, under which the proposed development is permissible with consent.

The proposal generally complies with the LLEP 2008 and LDCP 2008 and is proposed to be conditioned so as to be fully compliant with the relevant child care centre controls specified under the Education and Care Services National Regulations, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guideline.

The application as originally proposed was notified to the neighbouring properties in accordance with Liverpool Development Control Plan (LDCP) 2008 between 30 August 2018 and 13 September 2018 during which time a total of twenty four (24) objections were received. These submissions predominately noted that the site was not suitable for the development of a child care centre based on its size, location, amenity impacts and perceived significant impacts on the local road network in relation to traffic, access, parking and safety.

Following the provision of multiple sets of amended plans provided in response to issues raised throughout the assessment, a final set of amended plans resulting in a proposal for a child care centre with a total of thirty eight (38) children was submitted. This final set of amended plans was renotified to the neighbouring properties in accordance with Liverpool Development Control Plan (LDCP) 2008 between 3 March 2020 and 18 March 2020 during

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

which time fourteen (14) submissions were received. These submissions raised similar issues to the originally raised issues and are discussed at more detail within this report.

Due to the application receiving fourteen (14) unresolved objections the proposal is referred to the LPP for determination.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979 and resultantly the amended proposal is considered generally satisfactory and achieves compliance with the planning controls relevant to the proposal including Liverpool LEP 2008 and LDCP 2008. Accordingly, the proposed development, as amended by the applicant and as conditioned is considered an acceptable development for the site and locality. The proposal is to be recommended for approval.

2. SITE DESCRIPTION AND LOCALITY

The Site

The site is identified as Lot 8040 in DP 825138 and is located at 2 Oatlands Court, Wattle Grove. The site is rectilinear, with an area of 709.5m² and a primary frontage to Oatlands Court of 17.5m, a splayed corner of 8.485m and a secondary frontage to Conroy Road of 24.965m. A single storey dwelling, swimming pool and shed currently exist on the property.



Figure 1: Aerial view of site

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

The Locality

The locality is predominately characterised by low single storey dwelling houses development. The site is approximately 1.7km south of the Heathcote Road intersection with the M5 Motorway. Australis Park is located approximately 250m to the south west of the site.

The immediate adjoining properties to the south and east and the adjoining properties on the opposite site of Oatlands Court and Conroy Road are single storey dwelling houses.



Figure 2: Locality map

3. HISTORY OF PROPOSAL

- | | |
|-----------------|---|
| 5 February 2018 | Pre-DA application submitted for the proposal. |
| 28 March 2018 | Pre-DA advice provided. |
| 9 August 2018 | Application DA-615/2018 lodged for a Child Care Centre with a total of fifty six (56) children with floor plans as follows: |

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020



Figure 3: Basement Plan with staff and student numbers detailed



Figure 4: Ground Floor Plan with staff and student numbers detailed

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020



Figure 10: Street Perspectives

- 3 October 2019 Following a complete assessment of the amended plans and information the applicant was advised in writing that of the significant departures from the relevant planning controls resulting from the proposal and was requested to withdraw the application.

- 19 November 2019 Meeting held with Council officers and representatives of the applicant to discuss solutions in relation to the design of the proposal.

- 3 January 2020 Amended plans completely altering the proposed floor plans and reducing the capacity of the centre from 50 children to 38 children provided to Council. These amended plans were as follows:



Figure 11: Basement plan with staff and student numbers detailed

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020



Figure 12: Ground Floor plan with staff and student numbers detailed

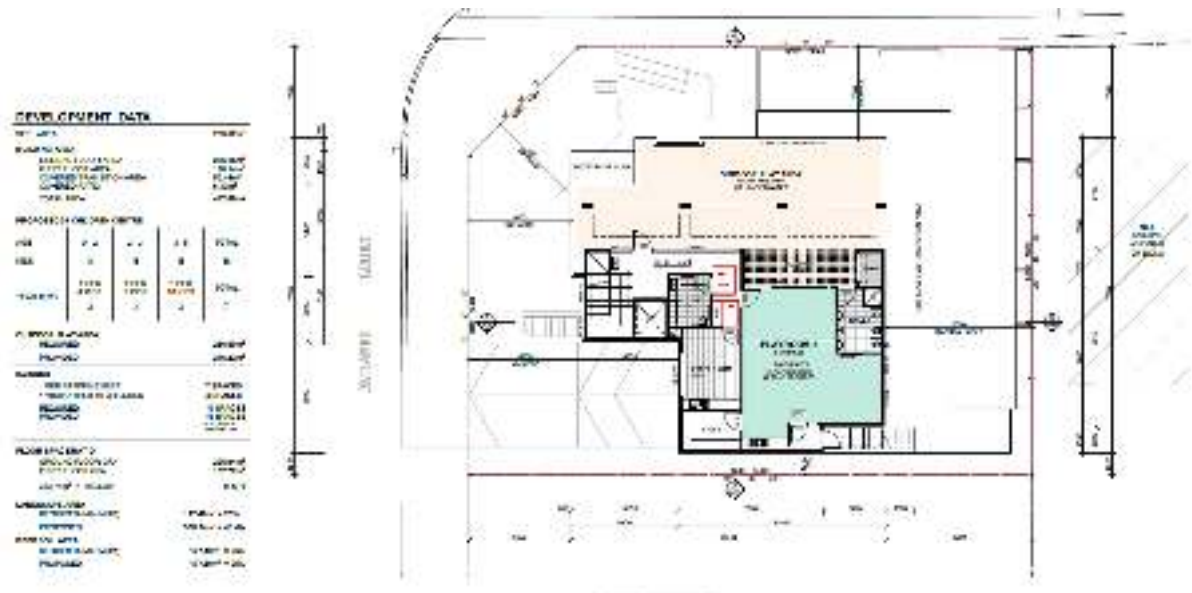


Figure 13: First Floor plan with staff and student numbers detailed

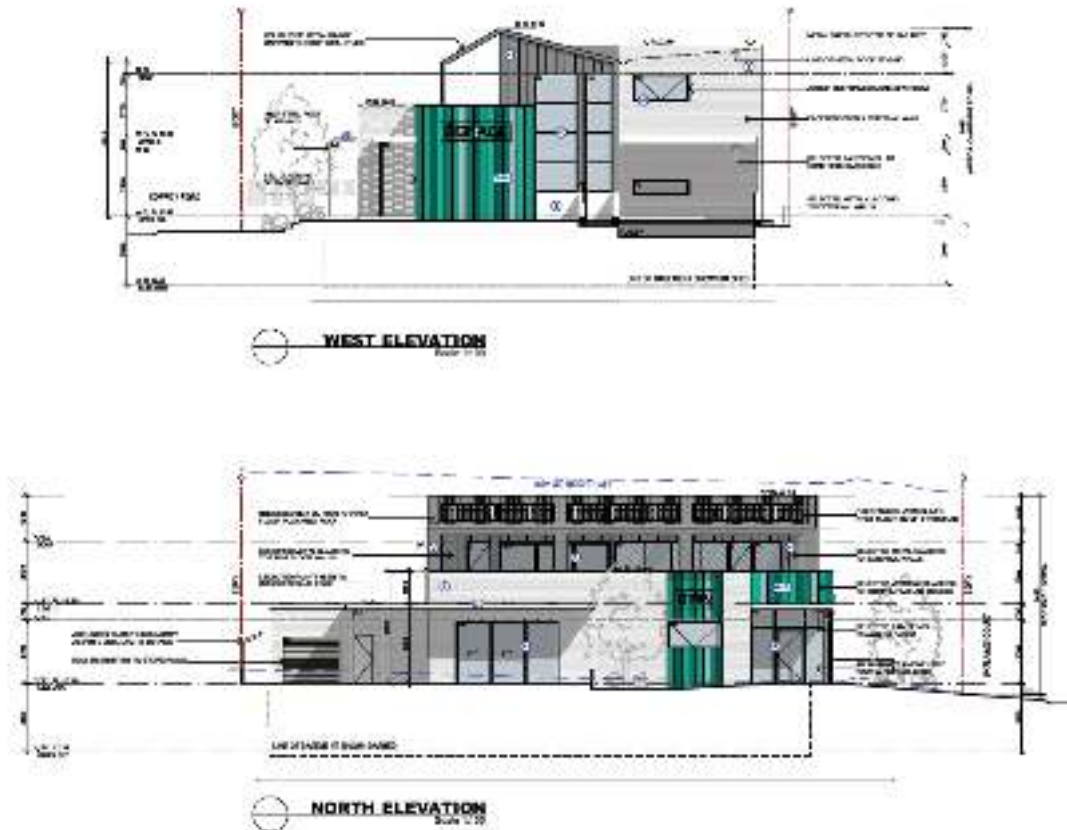


Figure 14: Street elevations; West (Oatlands Court) and North (Conroy Road)

3 March 2020 Amended plans renotified to neighbouring properties from 3 March 2020 to 18 March 2020. Neighbours were advised that amended plans had been received in relation to the original application for a child care centre for 56 children. It is noted that the amended proposal for thirty eight (38) was notated within the notified plans. Thirteen (13) submissions were received in relation to the proposal during this notification period.

The applicant has made significant amendments to the originally submitted proposal throughout the assessment process and the amended development is considered worthy of support subject to conditions, despite the objections received. See Section 6.8 of this report for more details regarding assessment of the submissions.

4. DETAILS OF THE PROPOSAL

The DA seeks consent for the demolition of existing structures, construction of a childcare centre for thirty eight (38) children, including basement car parking for eleven (11) vehicles and associated landscaping and fencing. Details of the proposed development can be summarised as follows:

- Ground Floor:
 - Entry area
 - Reception

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Lift access to basement and first floor

Playroom for 8 (eight) 0-2 year old children

Playroom for 15 (fifteen) 2-3 year old children

Children's toilet

Staff toilet

Cot room

Bottle preparation area

Nappy change room

Kitchen and pantry

Laundry

Internal store rooms

- First Floor:

Playroom for 15 (fifteen) 3-5 year old children

Outdoor play area for the 3-5 year olds on a balcony addressing Conroy Road

Accessible toilet

Children's toilet

Staff room

Internal store rooms

- Rear yard area comprising outdoor play space for the 0-2 and 2-3 year old children.
- The proposed hours of operation are 7:00am to 7:00pm, Monday to Friday. The child care centre will be closed on weekends and public holidays.
- The basement will pump out and roof and surface waters will drain to an onsite detention system located within the Oatlands Court frontage of the site. Stormwater will then be discharged to the existing drainage easement.
- A suitably engineered wall for the northern side of the rear yard is proposed (to the Conroy Road yard boundary) to provide a barrier to any potential vehicle strike.
- The proposal involves the removal all trees on the site and planting of new vegetation in a deep soil area on the north western corner of the site.
- Vehicular access to the car park is provided via a combined entry/exit driveway from the southern side of the Oatlands Court frontage.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

The proposed floor plans and streetscape elevations are provided in Figures 11 – 14 above.

5. STATUTORY CONSIDERATIONS

Zoning

The subject site is zoned R3 Medium Density Residential pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 15 below.

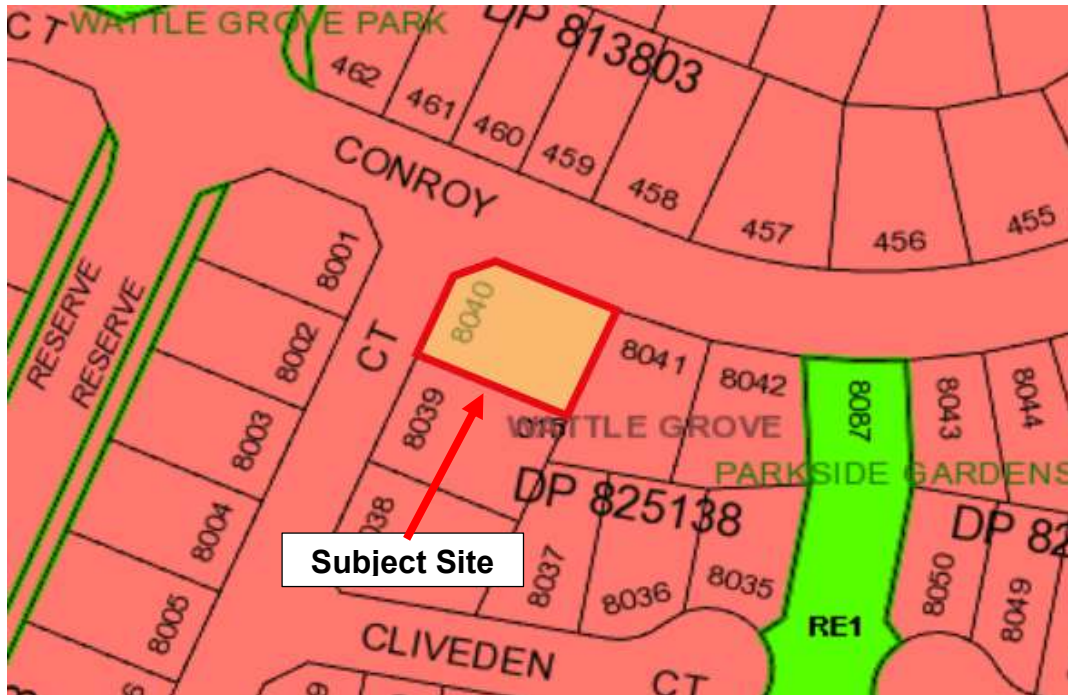


Figure 15: Zoning Map – subject site zoned R3 Medium Density Residential highlighted

Relevant matters for consideration

The relevant planning instruments/policies for the proposed development are as follows:

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP);
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 3.8: Non Residential development in Residential zones

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the EP&A 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

6.1 Section 79C(1)(a)(1) – Any Environmental Planning Instrument**(a) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP).**

The subject land is located within the Georges River Catchments and as such The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application.

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principles are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The proposed stormwater treatment is in accordance with the aims of the plan.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Stormwater concept plan reviewed by Council's Engineers with no downstream impacts identified.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	A Stormwater concept plan submitted and reviewed by Council's Development Engineers. No impacts on the catchment were identified.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	Council's engineers have assessed the proposal in accordance with the relevant drainage controls.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The current proposal is considered to be satisfactory.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application, see below.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The subject site is not identified on Council's mapping system as being affected by Acid Sulfate Soils
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries will result from the current proposal.
(3) Flooding	The site is not identified as being flood affected.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan aims to minimise erosion and sediment impacts during construction.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan submitted.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Erosion and sediment control to be implemented during construction. Salinity measures to be implemented in earthworks and construction.
(13) Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls being implemented during construction and the imposition of conditions as required by Council's engineers.

(b) State Environmental Planning Policy No. 55 – Remediation of Land

The objectives of SEPP 55 are:

- *to provide for a state wide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

The proposal is located on land that was subject to subdivision and construction during the 1990's. Having been used for entirely residential purposes since development occurred, it is unlikely that the site is contaminated.

Pursuant to Clause 7 of SEPP 55 Council must take into consideration the following matters before determining development application:

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	There is not sufficient evidence to suggest that the land is contaminated.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	N/A No evidence of possible land contamination.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	N/A

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development.

(c) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

An assessment of the SEPP is included below:

Part 3 Early Education and Care Facilities – Specific Development Controls

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

(1) *This clause 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.*

(2) *The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.*

(3) *The consent authority must, within 7 days of receiving a development application for development to which this clause applies:*

(a) *forward a copy of the development application to the Regulatory Authority, and*

(b) *notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.*

(4) *In determining whether to grant or refuse concurrence, the Regulatory Authority is to*

consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).

(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subclause (3).

Note.

The effect of section 4.13 (11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.

(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.

(7) In this clause:

Regulatory Authority means the Regulatory Authority for New South Wales under the Children (Education and Care Services) National Law (NSW) (as declared by section 9 of the Children (Education and Care Services National Law Application) Act 2010).

Note.

Concurrence to development may be granted subject to conditions. A development consent subject to concurrence may be voidable if it is granted not subject to any conditions of the concurrence. (See section 4.13 of the Act.)

Comment: The application has been assessed under the "Child Care Planning Guideline." An assessment under this has concluded that the outdoor space provided is deficient. In this regard the outdoor play space required on the first floor is 105m² and the outdoor play space provision is 103.36m². Additionally the outdoor play space required for the ground floor to cater for the 0-2 and 2-3 year old age groups is 161m², and 169.82m² is provided. However this area does not allow for the provision of age appropriate landscaping within the deep soil area of the outdoor play space. A condition to include this area will necessarily reduce the ground floor outdoor area to 152.96m². These minor variations to play space areas are proposed to be addressed by conditions of consent reducing each age group by one child to give a new ratio as follows:

0-2 year-olds – 7 children

2-3 year-olds – 14 children

3-5 year-olds – 14 children

The inclusion of these conditions have negated the necessity of referring the proposal to the Regulatory Authority prior to determination of the proposal. It is noted that the proposal cannot be determined without a referral to the Regulatory Authority if conditions bringing the proposal into compliance with this clause are not included in the determination.

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 proposal has been assessed in relation to the Child Care Planning Guideline in the table included below.

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

(1) The object of this clause 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:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

(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 clause does not prevent a consent authority from:

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

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

Comment: The proposal does not provide sufficient unencumbered outdoor space in accordance with Clause 108 of the Education and Care Services National Regulations. However as detailed above, the outdoor play space variation has been addressed by conditions of consent reducing child numbers that would bring the outdoor play space areas into compliance with the minimum areas required.

26 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 clause applies regardless of when the development control plan was made.

Comment: The relevant clauses of the Liverpool DCP have been included in the assessment table later in this report and provide an assessment in relation to height, side and rear setbacks and car parking rates.

Child Care Planning Guideline

Clause	Control	Plan	Compliance
1.3 Objectives	(1) promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations.	(1) The proposed centre may be conditioned to comply with requirements of the regulations as detailed in the table above.	Yes (by condition, see assessment in table above)
	(2) ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses.	(2) The proposal results in a built form that differs from the generally single storey nature of surrounding development. However the building finishes, setbacks, heights and presentation to the street are generally sympathetic to the existing character of the area and will not unreasonably clash with the existing context.	Yes
	(3) minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment	(3) The proposal will result in a satisfactory streetscape, and will provide the minimum required solar access requirements to the southern neighbour. Appropriate landscaping will be provided to the street frontages and general compliance with DCP controls will result in acceptable impacts on the natural and built environment.	Yes
2 Design Quality Principles	Principle 1 – Context Good design responds	The surrounding area is	Yes

	<p>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.</p> <p>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</p> <p>Well-designed child care facilities take advantage of its context by optimising nearby 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.</p> <p>Principle 2 - Built form</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</p> <p>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</p>	<p>characterized predominately by single storey dwelling houses. In instances where two storey dwelling houses are evident, none provide for balconies. However the provision of a first floor balcony facing the Conroy Road frontage responds appropriately to the future envisioned character of the area in that the Liverpool DCP (Part 3.2 Section 5 Two Storey Dwellings) permits the provision of balconies addressing the street.</p> <p>The proposal has a majority of facades with a face brick finish that respond sympathetically to the existing character of the area.</p> <p>The proposal results in a satisfactory built form. The proposal results in complying height and setback provision and provides appropriate deep soil planting and landscaping to both street frontages.</p> <p>The first floor area of the proposal is not excessive and the roof form, façade treatment and building articulation breaks up the perceived bulk of the building, resulting in an appropriate built form.</p>	<p>Yes</p>
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	<p>materials, colours and textures.</p> <p>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.</p> <p>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.</p> <p>Principle 3 - Adaptive learning spaces</p> <p>Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in 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.</p> <p>Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology</p>	<p>The provision of a two storey centre will not be as easy to operate as a single storey centre. Operation of the centre will rely on the functioning and continued maintenance of the lift and continued evolution of the management plan in relation to these operational issues.</p> <p>The 3 - 5 year old children located on the first floor will only have access to a balcony area for outdoor open play space. This is not ideal as interaction with the natural environment is preferable for outdoor play. A condition of consent will require the provision of play times for the 3 – 5 year olds in the ground floor outdoor play area to allow for access to the natural</p>	<p>Yes, by condition.</p>
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	<p>and opportunities for interaction.</p> <p>Principle 4- Sustainability</p> <p>Sustainable design combines positive environmental, social and economic outcomes.</p> <p>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.</p> <p>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.</p> <p>Principle 5 – Landscape</p> <p>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</p>	<p>environment.</p> <p>All internal play rooms provide for sufficient natural light and cross ventilation.</p> <p>The site also allows for the provision of 152.57m² of deep soil area (21.5% of the site) with areas for deep soil planting available to both street frontages and within the ground floor outdoor play area. The provision of appropriate planting within the play area will be achieved by an appropriate condition of consent as indicated in the assessment above.</p> <p>As detailed in the previous point, the provision of deep soil area available for the site is appropriate. A condition of consent will require the provision of appropriate planting for child interaction within the outdoor play area.</p>	<p>Yes</p> <p>Yes</p>
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	<p>achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</p> <p>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.</p> <p>Principle 6 – Amenity</p> <p>Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.</p> <p>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</p>	<p>The proposal provides a satisfactory level of amenity with all internal play rooms having access to natural light and ventilation.</p> <p>All outdoor play areas have access to both direct solar access and shade throughout the day.</p>	<p>Yes</p>
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	<p>access for all age groups and degrees of mobility.</p> <p>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p> <p>Principle 7 – Safety</p> <p>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.</p> <p>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).</p>	<p>The child play areas will be private while still allowing for casual surveillance of both street frontages.</p>	<p>Yes</p>
<p>3.1 Site Selection and location</p>	<p>Objective</p> <p>To ensure that appropriate zone considerations are assessed when selecting a site.</p> <p>C1</p> <p>For proposed</p>	<p>The site is Zoned R3 under the Liverpool LEP and centre based child care facilities are permitted in the Zone.</p>	<p>Yes</p>

	<p>developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> • the acoustic and privacy impacts of the proposed development on the residential properties. • the setbacks and siting of buildings within the residential context. • traffic and parking impacts of the proposal on residential amenity. <p>Objective</p> <p>To ensure that the site selected for a proposed child care facility is suitable for the use.</p> <p>C2</p> <p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • 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. 	<p>The 1.39m acoustic barrier around the first floor balcony and the acoustically treated eastern boundary fence have been identified as satisfactory measures to ensure for acoustic privacy.</p> <p>The setbacks and siting are appropriate in a residential context.</p> <p>Council's Traffic Engineer has raised no issues in relation to traffic and parking.</p> <p>The subject site has been demonstrated to be suitable for the development of a child care centre with conditions required in relation to the capacity of the centre.</p> <p>Residential neighbours are not generally compatible with child care facilities however the proposed design provides for appropriate residential amenity.</p> <p>The corner site position has been identified by the applicant as potentially being impacted by vehicle accidents and the fencing to the secondary frontage has been designed to respond accordingly.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>
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	<ul style="list-style-type: none"> • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed. • the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size. - number of shared boundaries with residential properties. - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. • there are suitable drop off and pick up areas, and off and on street parking. • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use. • it is not located closely to incompatible social 	<p>The site is Zoned R3 and has been used consistently for residential purposes since the Lot was registered in 1992.</p> <p>The site is not suitable for the scale of development as currently proposed. The centre as proposed cannot appropriately accommodate the total number of children proposed. This issue is to be overcome by a condition of consent limiting the total number of children at the centre.</p>	<p>Yes</p> <p>Yes, by condition</p>
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	<p>activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</p> <p>Objective</p> <p>To ensure that sites for child care facilities are appropriately located.</p> <p>C3</p> <p>A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship. • near or within employment areas, town centres, business centres, shops. • with access to public transport including rail, buses, ferries. • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. <p>Objective</p> <p>To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</p>	<p>The child care facility is generally appropriately located within the neighbourhood context. The site is close to other schools and shopping areas.</p> <p>The design of the centre fencing responds to a potential conflict between the outdoor play area facing</p>	<p>Yes</p> <p>Yes</p>
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	<p>C4</p> <p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites. - LPG tanks or service stations-water cooling and water warming systems. - 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. 	<p>the secondary street and potential traffic accidents.</p>	
<p>3.2 Local character, streetscape and the public domain interface</p>	<p>Objective</p> <p>To ensure that the child care facility is compatible with the local character and surrounding streetscape.</p> <p>C5</p> <p>The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape. • reflect the predominant form of surrounding land uses, particularly in low density residential areas. • recognise predominant 	<p>The proposal is sympathetic to the existing streetscape. As identified above, few dwellings in the immediate vicinity are of two storey design and none of the observed two storey dwellings have balconies. However the height, setbacks, building articulation, finishes and landscaping all respond appropriately so, while not identical, is generally sympathetic to the existing character of the area.</p>	<p>Yes</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

	<p>streetscape qualities, such as building form, scale, materials and colours.</p> <ul style="list-style-type: none"> • include design and architectural treatments that respond to and integrate with the existing streetscape. • use landscaping to positively contribute to the streetscape and neighbouring amenity. • integrate car parking into the building and site landscaping design in residential areas. <p>Objective</p> <p>To ensure clear delineation between the child care facility and public spaces.</p>		
	<p>C6</p> <p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> •fencing to ensure safety for children entering and leaving the facility. •windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community. •integrating existing and proposed landscaping with fencing. 	<p>The fencing design provides for a clear delineation between public and private spaces.</p> <p>A clear transition is provided.</p> <p>Pedestrian access to the premises is separate from vehicular access.</p> <p>Passive surveillance is available to both street frontages.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>C7</p> <p>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.</p>	<p>Vehicular access is provided from the primary frontage and pedestrian access is provided from the secondary frontage.</p>	<p>Yes</p>
	<p>C8</p> <p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • 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. 	<p>The proposal does not adjoin a public park etc.</p>	<p>N/A</p>
	<p>Objective</p> <p>To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</p>	<p>The extent of fencing proposed is appropriate and allows the building to address both street frontages and the corner without being impeded by fencing.</p>	<p>Yes</p>
	<p>C9</p> <p>Front fences and walls within the front setback should be constructed of</p>	<p>Appropriate casual surveillance is provided from the child care centre to</p>	<p>Yes</p>

	<p>visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p> <p>C10</p> <p>High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>both street frontages.</p> <p>The site is not located on a classified road.</p>	<p>N/A</p>
<p>3.3 Building orientation, envelope and design</p>	<p>Objective</p> <p>To respond to the streetscape and site, while optimising solar access and opportunities for shade.</p> <p>C11</p> <p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties. - placing play equipment 	<p>The internal layout of the proposal is appropriate and two storey elements directly adjoining the southern neighbor have been reduced to ensure appropriate solar access for this neighbor.</p> <p>The proposal incorporates boundary and building treatments to reduce noise impacts.</p> <p>The external sliding door providing Playroom 1 with access to the outdoor area is 7.3m from the adjoining dwelling house and 5.5m from the adjoining rear yard. The acoustic report lodged in support of the proposal has indicated that a</p>	<p>Yes</p> <p>Yes</p>

	<p>away from common boundaries with residential properties.</p> <p>- locating outdoor play areas away from residential dwellings and other sensitive uses.</p> <ul style="list-style-type: none"> • 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 that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. <p>Objective</p> <p>To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</p> <p>C12</p> <p>The following matters may be considered to minimise the impacts of the proposal on local</p>	<p>boundary treatment will be required to negate any potential noise issues experienced by this eastern neighbor.</p> <p>Appropriate solar access is achieved.</p> <p>The southern neighbor will not be unreasonably impacted by overshadowing during the midwinter solstice.</p> <p>The proposal results in the provision of a true basement with the basement ceiling level being a minimum of 380mm below natural ground level.</p> <p>The building addresses both street frontages.</p> <p>The outdoor play area is appropriately located.</p> <p>The scale of the proposal is not in keeping with the generally single storey nature of the surrounding residential area, however the setbacks, articulation, and landscaping provided results in an appropriate result that minimizes the impact of this built form on adjacent neighbours.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality. • building height should respond to the scale and character of the street. • 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. <p>Objective</p> <p>To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</p> <p>C13</p> <p>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required</p>	<p>Building height is compliant with a maximum of 7.82m proposed.</p> <p>Height is appropriate.</p> <p>Setbacks are appropriate.</p> <p>Access to the full curtilage of the building is for maintenance purposes is available within the site.</p> <p>Street setbacks are generally in accordance with existing character.</p> <p>Street boundary setbacks are generally consistent with surrounding development.</p> <p>The proposal is not located on a classified road.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
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	<p>for the predominant adjoining land use.</p> <p>C14</p> <p>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p> <p>Objective</p> <p>To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</p> <p>C15</p> <p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage. • contributes to the identity of the place. • retains and reinforces existing built form and vegetation where significant. • considers heritage within the local neighbourhood including identified heritage items and conservation areas. 	<p>Side and rear boundary setbacks are appropriate.</p> <p>The height and setbacks proposed are appropriate. The building design responds appropriately to the existing context.</p> <p>Adjacent neighbours are brick faced single storey dwelling houses with pitched tile rooves. The proposal is a two storey face brick building with a pitched roof addressing the street. The design responds satisfactorily to the existing character and identity of the area.</p> <p>The proposal provides sufficient landscaping that responds to the local landscape setting.</p> <p>The proposal is not near a heritage item.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>N/A</p>
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	<ul style="list-style-type: none"> • responds to its natural environment including local landscape setting and climate. • contributes to the identity of place. <p>Objective</p> <p>To ensure that buildings are designed to create safe environments for all users.</p> <p>C16</p> <p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians. • directly accessible from the street where possible. • directly visible from the street frontage. • easily monitored through natural or camera surveillance. • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. <p>Objective</p> <p>To ensure that child care facilities are designed to be accessible by all</p>	<p>Appropriate.</p> <p>Appropriate.</p> <p>Both a stair and a ramp is provided to the main entrance of the facility.</p> <p>Access is directly from the street.</p> <p>The main entrance is visible from the street.</p> <p>The primary access is visible from the waiting area. The secondary frontage is visible from the admin area and playroom 2.</p> <p>Access is direct from the street.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
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	<p>potential users.</p> <p>C17</p> <p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • 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. 	<p>Equitable access is provided by way of ramps and an internal lift.</p> <p>Internal access is appropriate.</p> <p>Provided.</p> <p>Ramp provision at the front boundary is appropriate.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.4 Landscaping</p>	<p>Objective</p> <p>To provide design that contributes to the streetscape and amenity.</p> <p>C18</p> <p>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</p>	<p>An amended detailed landscaping plan that corresponds to the amended floor plans has not been provided. As indicated in the assessment above, it will be necessary to include a condition of consent requiring the provision of a landscaped bed within the outdoor play area for children. This planting bed will be deducted from the total outdoor play space as</p>	<p>Yes, by condition.</p> <p>Yes, by condition.</p>

	<p>feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context. • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. <p>C19</p> <p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • 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 and context when siting car parking areas within the front setback. • using low level landscaping to soften and screen parking areas. 	<p>required by C18.</p> <p>The site plan details sufficient landscaped space within the front boundary setbacks to satisfy the landscaping objective.</p>	<p>N/A</p>
<p>3.5 Visual and acoustic privacy</p>	<p>Objective</p> <p>To protect the privacy and security of children attending the facility.</p> <p>C20</p> <p>Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p>Privacy is provided to children attending the centre.</p> <p>The facility is a stand-alone centre and is not within a mixed use development.</p>	<p>Yes</p> <p>N/A</p>

	<p>C21</p> <p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> •appropriate site and building layout. •suitably locating pathways, windows and doors. •permanent screening and landscape design. <p>Objective</p> <p>To minimise impacts on privacy of adjoining properties.</p>	<p>View of outdoor areas is minimised through the use of high boundary fencing.</p> <p>The site and building layout satisfactorily prevents overlooking.</p> <p>The privacy, both visual and acoustic, is to be maintained by treated acoustic boundary fences and the provision of a 1.39m high acoustic wall to the first floor outdoor play space balcony.</p> <p>Privacy for the adjoining southern and rear (eastern) neighbor is preserved through boundary design and balustrade design and building orientation.</p> <p>The southern boundary neighbor is separated from outdoor and indoor play areas by building walls and an outdoor storage structure.</p> <p>Landscaped screening is not required to boundaries as the acoustically treated fencing proposed is adequate.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>C22</p> <p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> •appropriate site and building layout. •suitable location of pathways, windows and doors. •landscape design and screening. <p>Objective</p> <p>To minimise the impact of child care facilities on</p>	<p>Privacy for the adjoining southern and rear (eastern) neighbor is preserved through boundary design and balustrade design and building orientation.</p> <p>The southern boundary neighbor is separated from outdoor and indoor play areas by building walls and an outdoor storage structure.</p> <p>Landscaped screening is not required to boundaries as the acoustically treated fencing proposed is adequate.</p> <p>The site and building layout</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>the acoustic privacy of neighbouring residential developments.</p> <p>C23</p> <p>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>appropriately responds to visual and acoustic privacy issues.</p> <p>An acoustic fence is provided to the both adjoining neighbours.</p> <p>The location of mechanical plant is not indicated on the plans. It is assumed that an external air conditioning unit will be required as part of the proposal and this should be identified on the plans.</p> <p>A condition of consent will require that any air conditioning unit be located a minimum of 3m from the southern or eastern boundaries and not be visible from any street frontage.</p>	<p>Yes, by condition.</p>
<p>3.6 Noise and air pollution</p>	<p>Objective</p> <p>To ensure that outside noise levels on the facility are minimised to acceptable levels.</p> <p>C25</p> <p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where 	<p>The site is located in a residential neighbourhood and background noise levels are unlikely to impact on the operation of the facility.</p> <p>No significant noise source identified.</p> <p>As above.</p> <p>As above.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

	<p>possible buffered by other uses</p> <ul style="list-style-type: none"> • 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. <p>C26</p> <p>An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • along a railway or mass transit corridor, as defined by State 	<p>As above.</p> <p>As above.</p> <p>Acoustic treatment to the building has been incorporated in accordance with the Acoustic report.</p> <p>As above</p> <p>The cot room is located at the furthest point away from both street frontages.</p> <p>An acoustic report has been provided.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
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	<p>Environmental Planning Policy (Infrastructure) 2007</p> <ul style="list-style-type: none"> • on a major or busy road • other land that is impacted by substantial external noise. <p>Objective</p> <p>To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p> <p>C27</p> <p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p> <p>C28</p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution</p>	<p>N/A</p> <p>N/A</p> <p>The proposal is not adjacent to a major road or an industrial facility.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
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	<p>such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility. 	<p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
<p>3.7 Hours of operation</p>	<p>Objective</p> <p>To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</p> <p>C29</p> <p>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p> <p>C30</p>	<p>The use is proposed to operate from 7am to 7pm weekdays, with no operation on weekends or public holidays.</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p>

	<p>Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>N/A</p>	<p>N/A</p>
<p>3.8 Traffic, parking and pedestrian circulation</p>	<p>Objective</p> <p>To provide parking that satisfies the needs of users and demand generated by the centre.</p> <p>C31</p> <p>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children. • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. In other areas: • 1 space per 4 children. A reduction in car parking rates may be 	<p>Basement car parking is provided in accordance with the Liverpool DCP.</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>

	<p>considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item. • the site is in a B8 Metropolitan Zone or other high density business or residential zone. • the site is in proximity to high frequency and well connected public transport. • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks). • there is sufficient on street parking available at appropriate times within proximity of the site. <p>C32</p> <p>In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p> <p>C33</p> <p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the</p>	<p>N/A</p> <p>Provided</p>	<p>N/A</p> <p>Yes</p>
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	<p>surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected. • there will be no impacts on the safe operation of the surrounding road network. <p>Objective</p> <p>To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p> <p>C34</p> <p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road. • roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: • the prevailing traffic conditions. • pedestrian and vehicle safety including bicycle movements. • the likely impact of the development on traffic. C35 Child care 	<p>Driveway location is appropriate.</p> <p>The site does not front a classified road.</p>	<p>Yes</p> <p>N/A</p>
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	<p>facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p> <p>Objective</p> <p>To provide a safe and connected environment for pedestrians both on and around the site.</p> <p>C36</p> <p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility. • defined pedestrian crossings included within large car parking areas. • separate pedestrian and vehicle entries from the street for parents, children and visitors. • pedestrian paths that enable two prams to pass each other. • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities. • in commercial or industrial zones and mixed use 	<p>Pedestrian access to the site is appropriate, however the provision of a footpath fronting Oatlands Avenue will be required.</p> <p>Pedestrian access is separate to the car park.</p> <p>There is no direct conflict between driveway and pedestrian areas.</p> <p>Provided.</p> <p>Not available on ramp areas but provided on rest areas between graded ramps.</p> <p>Provided in the basement in a visitor space during non-peak times.</p> <p>N/A</p>	<p>Yes, by condition.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
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	<p>developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas.</p> <ul style="list-style-type: none"> • vehicles can enter and leave the site in a forward direction. <p>C37</p> <p>Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks. • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or maneuvering areas used by vehicles accessing other parts of the site. • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. <p>C38</p>	<p>Yes</p> <p>N/A</p> <p>Car parking in within a</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
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	<p>Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas. • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards. • include wheelchair and pram accessible parking. 	<p>basement.</p> <p>The accessible parking space is not directly adjacent to the lift, however lift access from the basement and the accessible parking space is provided.</p> <p>Provided.</p>	<p>Yes</p> <p>Yes</p>
<p>4.1 Indoor space requirements</p>	<p>Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> •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 	<p>8 x 0-2 year-olds requiring 26m² Provided 30.79m²</p> <p>15 x 2-3 year-olds requiring 48.75m² Provided 49.41m²</p> <p>15 x 3-5 year-olds requiring 48.75m² Provided 48.33m²</p> <p>When each age group is reduced by one child in accordance with the condition proposed to satisfy outdoor play space requirements, all indoor spaces will be of sufficient area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes, by condition.</p>

	<ul style="list-style-type: none"> •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. <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.</p>	<p>Verandahs have been included as outdoor play area so have not been</p>	
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	<p>Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p>	<p>included as part of the internal area.</p>	<p>N/A</p>
	<p>Verandahs as indoor space</p>	<p>N/A</p>	
	<p>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.</p>		<p>N/A</p>
	<p>Storage</p> <p>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 must be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:</p>	<p>Storage has not been used in the calculation of play space.</p>	<p>Yes</p>
	<ul style="list-style-type: none"> • a minimum of 0.3m³ per child of external storage space. 	<p>This equates to 11.4m³ - 16.2m³ is provided.</p> <p>7.6m³ required, 18.39m³ provided</p>	<p>Yes</p>
	<ul style="list-style-type: none"> • a minimum of 0.2m³ per child of internal storage space. 		<p>Yes</p>
	<p>Storage does not need to be in a separate room or screened, and there should be a mixture of safe shelving and</p>		

	<p>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. This will prevent clothes being carried through public areas and reduce danger to children during drop off and collection of laundry.</p>		
<p>4.2 Laundry and hygiene facilities</p>	<p>Regulation 106 Education and Care Services National Regulations</p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p> <p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p> <p>On site laundry</p> <p>On site laundry facilities should contain:</p>	<p>An internal laundry is proposed as part of the facility.</p>	<p>Yes</p>

	<ul style="list-style-type: none"> • 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 usable unencumbered play space for children. 	<p>The laundry floor plan provides a 650mm x 660mm area for a washing machine.</p> <p>Dryer area not shown. It is assumed this will be mounted on the wall above the washing machine.</p> <p>Double laundry sink provided.</p> <p>Storage areas provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.3 Toilet and hygiene facilities</p>	<p>Regulation 109</p> <p>Education and Care Services National Regulations</p> <p>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.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p> <p>Design Guidance</p> <p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could</p>	<p>Toilets are provided to Playrooms on both the ground and first floors.</p> <p>Toilet facilities are provided. It would appear that sufficient area is provided for toilets and hand wash and the design allows for access and observation in accordance with this section</p>	<p>Yes</p> <p>Yes</p>

	<p>include:</p> <ul style="list-style-type: none"> • 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 supervision by staff. • external windows in locations that prevent observation from neighbouring properties or from side boundaries. 	<p>of the Child Care Planning Guideline.</p>	
<p>4.4 Ventilation and natural light</p>	<p>Regulation 110</p> <p>Education and Care Services National Regulations</p> <p>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.</p> <p>Design Guidance</p> <p>Ventilation</p>	<p>All areas are provided with sufficient natural ventilation and natural light.</p> <p>The layout of the facility will require artificial lighting to be used in Playroom 2 and Playroom 3 and it is likely that these Playrooms will also require mechanical ventilation for either heating or cooling purposes.</p>	<p>Yes</p>

	<p>designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> • providing windows facing different orientations. • using skylights as appropriate. • ceiling heights. <p>Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</p>		
<p>4.5 Administrative space</p>	<p>Regulation 111</p> <p>Education and Care Services National Regulations</p> <p>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.</p> <p>Design Guidance</p> <p>Design considerations could include closing doors for privacy and glass partitions to ensure supervision.</p>	<p>A visitor waiting area is provided adjacent to the front door and a staff admin area/office is provided immediately adjacent to this waiting area. It does not appear as if this office is designed for privacy as the office also includes a reception desk facing the waiting area.</p> <p>The lack of provision of a private area for consultation with parents is not ideal. A condition requiring the sign in counter be provided with a shutter when required</p>	<p>Yes, by condition.</p> <p>Yes, by condition.</p>

	<p>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.</p> <p>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.</p>	<p>would overcome this issue.</p> <p>A staff room is provided for the use of all staff on the first floor area.</p> <p>The provision of a staff room in the form of an eat-in kitchen on the first floor is appropriate however the utility of this room for staff attending children on the ground floor is significantly reduced as no indirect supervision can be provided from this room. This is a matter for the provision of appropriate shifts to allow for both the appropriate supervision of children while allowing for staff to have appropriate breaks.</p> <p>A condition will require the sign in desk to provide appropriate equitable access.</p>	<p>Yes</p>
<p>4.6 Nappy change facilities</p>	<p>Regulation 112</p> <p>Education and Care Services National Regulations</p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p>	<p>A nappy change room is provided.</p> <p>TBC.</p>	<p>Yes</p> <p>TBC</p>

	<p>Design Guidance</p> <p>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> • properly constructed nappy changing bench or benches. • a bench type baby bath within one metre from the nappy change bench. • the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area. • a space to store steps. • positioning to enable supervision of the activity and play areas. 	<p>Nappy change bench is provided.</p> <p>A baby bath is not shown but sufficient area is available for the inclusion of a baby bath.</p> <p>A hand wash sink is provided.</p> <p>Storage area is provided.</p> <p>Glazing treatment of the wall allows for supervision of Playroom 1.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.7 Premises designed to facilitate supervision</p>	<p>Regulation 115</p> <p>Education and Care Services National Regulations</p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p> <p>Child care facilities must also comply with any</p>	<p>The design allows for direct supervision between Playroom 1 and 2, should the sliding wall between these areas be retracted.</p>	<p>Yes</p>

	<p>requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p> <p>Design Guidance</p> <p>Design considerations should include:</p> <ul style="list-style-type: none"> • 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 proper 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. 	<p>View from the outdoor area to the toilet area is provided in order to enable visual monitoring of the toilet during outdoor play. Similar visual monitoring of the toilet area is available from Playroom 1 during indoor play.</p> <p>Playroom 3 has appropriate visual monitoring between the playroom, the outdoor area and the toilet.</p>	Yes
<p>4.8 Emergency evacuation procedures</p>	<p>Regulations 97 and 168 Education and Care Services National Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must</p>	<p>A fire egress plan has been provided to accompany the application.</p>	Yes

	<p>have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency. • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit. • a risk assessment to identify potential emergencies that are relevant to the service. <p>Design Guidance</p> <p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency. Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> • independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations. 	<p>The plan provides emergency instructions.</p> <p>Provided as part of DA.</p> <p>Emergency plan covers fire and bomb threat.</p> <p>The application proposes a two storey facility. Evacuation via either the internal or external stairwell is indicated on the fire egress plan.</p> <p>A separate fire stair is provided from the first floor providing access to the street via the side access passage on the southern side of the site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<ul style="list-style-type: none"> • a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation. <p>An emergency and evaluation plan should be submitted with a DA and should consider:</p> <ul style="list-style-type: none"> • the mobility of children and how this is to be accommodated during an evacuation. • the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings. • how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios. 	<p>The fire egress plan does not indicate an internal mustering area. A condition of consent will require the fire egress plan to be amended to show a fire mustering area.</p> <p>Provided</p> <p>Plan must be amended to indicate how less mobile children should be evacuated from the first floor in an emergency.</p> <p>An emergency evacuation point is identified on the street in the corner splay area outside the site.</p> <p>This has not been discussed in the fire egress plan. A condition will require the amendment of the fire egress plan to demonstrate how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.</p>	<p>Yes, by condition.</p> <p>Yes</p> <p>Yes, by condition.</p> <p>Yes</p> <p>Yes, by condition.</p>
4.9 Outdoor space requirements	<p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must</p>	<p>0-2 and 2-3 year-olds use the rear yard. For the 23 children, 161m² is required</p>	<p>Yes</p>

	<p>provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program. • car parking area. • storage shed or other storage area. • laundry. • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the</p>	<p>and 169.82m² is provided. 3-5 year-olds use the first floor balcony play area. For the 15 children, 105m² is required and 103.36m² is provided.</p> <p>Unencumbered outdoor space has been calculated in accordance with the requirements of the Child Care Planning Guideline with; door and gate swing areas, areas of screen planting and dense shrub planting have not been included. A condition of consent requiring the inclusion of a landscaped planting bed for child use has been included. This will further reduce the unencumbered outdoor play space available. A condition of consent reducing the total number of children in each age group by one (1) child will result in the outdoor play space being compliant with the minimum areas required.</p>	<p>No</p> <p>Yes, by condition.</p>
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	<p>swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p> <p>Design Guidance</p> <p>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. When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p> <p>Verandahs as outdoor space</p> <p>Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> • be open on at least one third of its perimeter. • have a clear height of 2.1 metres. • have a wall height of less than 1.4 metres where a wall with an opening forms the 	<p>Verandah areas on both the ground and first floors have been included in the outdoor play space areas.</p> <p>These areas have been excluded from the calculation of outdoor play space.</p> <p>Verandahs have been included as outdoor space only.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>perimeter.</p> <ul style="list-style-type: none"> • have adequate flooring and roofing. • be designed to provide adequate protection from the elements. 		
<p>4.10 Natural environment</p>	<p>Regulation 113</p> <p>Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>Design Guidance</p> <p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> • are known to be poisonous, produce toxins or have toxic leaves or berries. • have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches. 	<p>The provision of a first floor outdoor play area significantly limits the available interaction with the natural environment. Making the outdoor play space on the ground floor available for those children on the first floor has been included as a condition of consent.</p> <p>A condition of consent will require that the planting provision within the outdoor play area is undertaken in accordance with these requirements.</p>	<p>Yes, by condition.</p> <p>Yes, by condition.</p>

	<p>Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should:</p> <ul style="list-style-type: none"> • have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered. • provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area. • have evenly distributed shade structures over different activity spaces. <p>Natural shade</p> <p>Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended. Dense shrubs can also provide shade. They should be planted around the site perimeter so they don't obstruct supervision. Pruning shrubs on the underside may create</p>	<p>Provided.</p> <p>Verandahs and rooves provide for appropriate shade.</p> <p>Shade structures are available in multiple areas.</p> <p>Canopy tree on the western corner of the site will provide some shade from the hot western sun.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>shaded play nooks underneath.</p> <p>Planting for shade and solar access is enhanced by:</p> <ul style="list-style-type: none"> • placing appropriately scaled trees near the eastern and western elevations. • providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter. <p>Built shade structures</p> <p>Built structures providing effective shade include:</p> <ul style="list-style-type: none"> • permanent structures (pergolas, sails and verandahs). • demountable shade (marquees and tents). • adjustable systems (awnings). • shade sails. <p>Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 metres.</p>	<p>No trees are planted within the eastern elevation, however shade is provided in this area from the neighbouring dwelling..</p> <p>Permanent shading is provided in the form of verandahs.</p> <p>Support posts used for the upstairs shaded area have appropriate visibility.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>outdoor spaces should:</p> <ul style="list-style-type: none"> • prevent children climbing over, under or through fences. • prevent people outside the facility from gaining access by climbing over, under or through the fence. • not create a sense of enclosure. <p>Design considerations for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> • being made from solid prefinished metal, timber or masonry. • having a minimum height of 1.8 metres. • having no rails or elements for climbing higher than 150mm from the ground. <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.</p>	<p>Appropriate.</p> <p>Appropriate.</p> <p>Appropriate.</p> <p>Appropriate.</p> <p>Provided.</p> <p>Provided.</p> <p>A splayed corner design is provided for sight lines for motorists.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.13 Soil Assessment</p>	<p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of</p>	<p>A soil assessment has not</p>	<p>Yes</p>

	<p>regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises. • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken. • a statement made by the applicant that states, to the best of the applicant’s knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. <p>Design Guidance</p> <p>To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process.</p> <p>Where children will have access to soil the</p>	<p>been submitted however the Statement of Environmental Effects has included a statement that states:</p> <p>“The site history and Council’s Planning Certificate No 5019 states that the site is not contaminated land.”</p>	
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	<p>regulatory authority requires a preliminary investigation of the soil. This includes sites with or without buildings and existing approved children’s services where:</p> <ul style="list-style-type: none"> • the application is to alter or extend the premises. • the alteration or extension requires earthworks or deep excavations (exceeding a depth of one metre). • the works are going to take place in an area used for children’s outdoor play or will be used for children’s outdoor play after the work is completed. • a soil assessment has not been undertaken at the children’s service. <p>Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment.</p> <p>An assessment of soil for a children’s service approval application may require three levels of investigation:</p> <ul style="list-style-type: none"> • Stage 1 - Preliminary investigation (with or without soil sampling). • Stage 2 - Detailed site investigation. • Stage 3 - Site specific 		
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	human health risk assessment.		
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As detailed in the table above; the proposal may be conditioned to comply with the requirements of the regulation with the inclusion of the following conditions:

- *Any air conditioning unit required for the proposal is to be located a minimum of 3m from the southern or eastern boundaries and is not to be visible from any street frontage.*
- *A footpath fronting Oatlands Avenue and Conroy Road must be constructed for the full length of both these street frontages. Prior to the issue of any occupation certificate, the applicant is to demonstrate that this has been approved and constructed in accordance with Council engineering requirements.*
- *A condition requiring the sign in counter be provided with a shutter when required would overcome this issue.*
- *The sign in desk design is to be amended prior to the approval of the construction certificate to provide appropriate equitable access including a step down section that allows for service and interaction for children and those using wheelchairs.*
- *The fire egress plan to be amended to detail:*
 - (a) a fire mustering area/congregation/assembly point.*
 - (b) how less mobile children are to be evacuated from the first floor in an emergency.*
 - (c) how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.*
- *The planting provision within the outdoor play area is to be amended so as to be in accordance with Section 4.10 of the Child Care Planning Guidelines. In this regard, plans lodged with the construction certificate application must ensure that;*
 - (a) Shrubs and trees selected for the play space must be safe for children.*
 - (b) Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:*
 - (i) are known to be poisonous, produce toxins or have toxic leaves or berries.*
 - (ii) have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches.*
 - (c) The outdoor space should be designed to:*
 - (i) provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.*
 - (ii) assist supervision and minimise opportunities for bullying and antisocial behaviour.*
 - (iii) enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

(d) Liverpool Local Environmental Plan 2008

(i) Permissibility

The proposed development is appropriately defined by the LLEP 2008 as “centre-based child care facility”. A centre-based child care facility is identified as a permitted land use with consent within the R3 Medium Density Residential Zone under Liverpool Local Environment Plan 2008.

“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.”*

(ii) Objectives of the zone

The objectives of the R3 Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*

- To provide a variety of housing types within a medium 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 concentration of housing with access to services and facilities.
- To provide for a suitable visual transition between high density residential areas and lower density areas.
- To ensure that a high level of residential amenity is achieved and maintained.

The amended proposal is generally consistent with the above objectives as it will provide a service which will meet the needs of the local community, while ensuring that residential amenity is maintained for adjoining residential development.

(iii) Principal Development Standards

LLEP 2008 contains a number of principal development standards which are relevant to the proposal as follows:-

Development Provision	Requirement	Proposed	Comment
4.3 Height of Buildings	Max Height 8.5m	Maximum overall building height is 7.82m	Complies
4.4 Floor Space Ratio	Max 0.5:1	0.496:1	Complies
5.9 Preservation of trees or vegetation	Consent is required for the removal of trees or vegetation	Tree removal from the site is permitted on the basis that appropriate canopy planting is to be provided as part of the proposed development.	Complies
7.31 Earthworks	Council to consider matters listed (a)-(g)	The excavation proposed for the basement can be achieved in accordance with this section of the LEP subject to standard conditions relation to erosion and sedimentation controls. Should the excavation and shoring of the basement be undertaken in compliance with engineering requirements, the basement construction is unlikely to impact on neighbouring development.	Complies

As demonstrated in the above compliance table, the proposed development is consistent with the provisions of LLEP 2008.

6.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument

There following Draft Environmental Planning Instruments apply to the development:

Remediation of Land SEPP

The Remediation of Land SEPP was exhibited from 25/01/2018 to 13/04/2018. The Draft

Guidelines published on the major projects website has indicated that “the substance of Clause 7 (of SEPP 55 – Remediation of Land) will be incorporated into the new SEPP. On this basis, assessment under clause 7 of SEPP 55 – Remediation of Land is not affected.

Draft SEPP (Environment)

Draft SEPP (Environment) was exhibited from 31/10/2017 to 31/01/2018. The Draft SEPP applies to land within both the Georges River and Hawkesbury-Nepean River Catchment and so applies to the Liverpool LGA. The Draft SEPP proposes changes that will repeal and replace both the Georges River Greater Regional Environmental Plan No 2 and Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River.

The proposal will be conditioned so as to be generally in accordance with the Draft SEPP.

6.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

(a) Liverpool Development Control Plan (LDCP) 2008

The application has been assessed against the relevant controls of the LDCP 2008 in the table below:

Part 1 General Controls for all development			
20.2 Car Parking Provisions and Service Facilities by Land Use	Bicycle parking and cycling facilities		
	1 per 10 staff plus 2 per centre	3 bicycle spaces required, no bicycle parking provided. A condition of consent requiring 3 x bicycle rack adjacent to the front entrance will bring the proposal into compliance with this control.	Yes, by condition.
	Off street Car Parking Provision other than Liverpool City Centre		
	Child Care Centre Residential and Industrial Zones		
	1 space per staff member	7 staff – 7 Spaces provided	Yes
	1 space for 10 children	38 children – 4 spaces provided	Yes
	Service facilities for a van	Van parking available	Yes
20.3 Car Parking Design	Short-term city and town centre car parking, shopping centres, department stores, supermarkets, hospitals		

	<p>and medical centres (generally short term car parking and where children and goods can be expected to be loaded into vehicles)</p> <p>Width 2.6m (+300mm where space is obstructed by a wall, fence or column)</p> <p>Length 5.4m</p> <p>Aisle width 5.8m</p> <p>Blind Aisles – end aisle spaces are to be 1m wider than the remaining spaces</p>	<p>The three northern most spaces are obstructed by a wall on one side and do not provide the minimum required 2.9m width. However the 2.8m width provided is considered to be sufficient.</p> <p>All spaces 5.4m</p> <p>Aisle width 6.96m</p> <p>End aisle 670mm however centre aisle is 6.96m to compensate.</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>20.4 Internal Driveways</p>	<p>Gradient</p> <p>1. Driveways are to be in accordance with the relevant Australian Standard. The maximum change in gradient is to be as shown in the “Maximum Gradients of Internal Driveway” diagram (See Figure 14).</p> <p>2. Measured parallel to the angle of car parking 1 in 20 (5%); and</p> <p>3. Measured at 90° to the angle of car parking – 1 in 16 (6.25%).</p> <p>Widths</p> <p>1. For internal driveways between the access driveway and the car parking area the minimum carriageway width depends on the number of car parking spaces and</p>	<p>Driveway gradients are satisfactory.</p> <p>Driveway widths are satisfactory.</p>	<p>Yes</p> <p>Yes</p>

	<p>service bays served.</p> <p>2. Consideration should be given to increase these widths where high levels of heavy vehicles usage are anticipated.</p> <p>3. By definition circulation driveways should not have car parking on them.</p> <p>4. The minimum driveway widths where 15 spaces or less are provided is 3.5m</p> <p>Where 15 – 40 spaces are provided the minimum driveway width is 5m.</p> <p>Where more than 40 spaces are provided the minimum driveway width is 6 – 6.5m.</p> <p>Design</p> <p>1. Locate and design car-parking areas so they can be observed by adjoining uses.</p> <p>2. Minimise the number of pedestrian and vehicular entry and exit points, and ensure they are in close proximity to each other and to nearby active uses.</p> <p>3. Staff car parking areas should be separated and secured.</p> <p>4. Provide surveillance measures such as security cameras or devices and security guards where possible.</p> <p>5. Underground car parking areas should provide security grilles in</p>	<p>Car parking is provided in a basement.</p> <p>Vehicular and pedestrian entry points are separate.</p> <p>Staff parking is within the basement.</p> <p>The basement car park should be satisfactorily secure.</p> <p>The car park design is satisfactory.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>the roofs or upper walls to allow some street surveillance.</p> <p>6. Lighting must comply with relevant Australian Standards, with brighter lighting located at entrances and pedestrian path or accessways. Lighting should be placed to sufficiently illuminate car parking bays as well as the driveways. Light fittings should be vandal resistant and easily maintained to ensure continued compliance with the Australian Standard.</p> <p>7. Clear directional signs must be provided to stairs, lifts, and exits to shops or businesses, as well as signs to advise users of security measures in place.</p> <p>8. Pedestrian pathways should be integrated into the design and allow for maximum safety, especially for people with a disability and people using prams. Pathways should be clearly marked and well lit.</p> <p>9. Internal driveway should be designed for a low speed environment.</p> <p>Loading Facilities</p> <p>1. Adequate facilities for servicing developments shall be provided on-site to ensure loading/unloading activities do not occur on street and compromise the safety, amenity and capacity of the public road</p>	<p>Noted.</p> <p>Noted.</p> <p>Appropriate.</p> <p>Appropriate.</p> <p>The proposal allows for a van deliveries within the basement during non-peak times.</p>	<p>Noted</p> <p>Noted.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>system.</p> <p>Provision for loading facilities shall be provided for development in accordance with AS 2890.2 – 2002.</p> <p>2. Service facilities shall be conveniently located close to service entrances (or other building entrances) to discourage loading/unloading in other than the designated areas.</p> <p>3. Areas where heavy vehicles are manoeuvring shall be separated from areas of car parking or pedestrian movement with safety being the over-riding consideration.</p>	<p>Design is satisfactory.</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p>
Part 3.8 Non-Residential Development in Residential Zones			
Clause	Control	Plan	Compliance
2 Objectives	(a) To provide and maintain a safe and healthy learning and play environment for children.	The facility is to be conditioned to provide an appropriate environment for children in relation to landscaping.	Yes
	(b) To ensure that Child Care Centres do not interfere with the amenity of adjoining properties.	The facility does not unreasonably impact on adjacent residential neighbours.	Yes
	(c) To ensure Child Care Centres are consistent with the existing streetscape in residential areas.	The design proposed elements of the façade as face brick and elements of the roof are pitched in sympathy with the existing streetscape. The heights proposed are in compliance with the DCP and all setbacks are consistent with that of nearby residential development.	Yes
	(d) To ensure that Child Care Centres maintain the existing character of the surrounding environment.	The play areas are clearly defined and provide for adequate supervision.	Yes
	(e) To ensure that the play areas are clearly defined and to enable children to		

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

	play in a secure environment under supervision.		
2.1 Licence Requirements	1. Development consent from Council under the Environmental Planning and Assessment Act 1979.	Noted.	Noted
	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.	Noted.	Noted
2.2 Lot Sizes	Objectives		
	a) To ensure Child Care Centres are consistent with the amenity, streetscape and residential character of the area.	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 Clause 25(2)(c) states that in relation to site area and site dimensions, early education and care facilities "may be located on a site of any size and have a length of any street frontage or any allotment depth.	N/A
	b) To limit traffic and parking issues to the level found within a residential area.	Parking and traffic issues have been addressed satisfactorily.	Yes
	Controls		N/A
	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.	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 Clause 26(1) states that age ratio requirements under a development control plan are not relevant as these are covered under the Child Care Planning	Yes

	<p>2. The proposed child care centre must comply with open space requirements as set out in the Children Services Regulation 2004.</p>	<p>Guideline.</p> <p>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 Clause 25(2)(b) states that the Education and Care Services National Regulations applies in this instance.</p>	
<p>2.3 Site Planning</p>	<p>Objectives</p>		
	<p>a) To ensure that Child Care Centres are sensitive to site attributes, such as streetscape character, natural landform, drainage, existing vegetation, land capability, slope, solar access and if relevant, heritage items.</p>	<p>The proposal satisfactorily responds to the existing streetscape and area character as detailed in the assessment above.</p>	<p>Yes</p>
	<p>b) To ensure privacy for neighbours</p>	<p>Adjacent neighbours receive satisfactory privacy.</p>	<p>Yes</p>
	<p>Site Planning</p>		
	<p>1. Site planning should be sensitive to site attributes such as; streetscape character; natural landform; existing vegetation; views and land capability.</p>	<p>The siting of the proposal has appropriately responded to the allotment orientation and has attempted to minimise the overshadowing experienced by the southern neighbour.</p>	<p>Yes</p>
	<p>2. The site layout should enhance the streetscape through the use of landscaping and built form.</p>	<p>The setbacks and landscaping provided to both street frontages responds appropriately to the existing streetscape.</p>	<p>Yes</p>
<p>3. Site planning should enable buildings to address streets and public open spaces.</p>	<p>The building fails to address the secondary street frontage by proposing the provision of outdoor play space within the front yard. Unencumbered outdoor play spaces are to be conditioned to be of sufficient area for the</p>	<p>Yes</p>	
<p>4. The site layout should</p>			

	<p>ensure that the external play area is maximised and enjoys solar access.</p> <p>5. The site layout should contribute to personal safety and to the protection of property by permitting casual surveillance of adequately lit outdoor spaces from windows and entries.</p> <p>6. In areas exposed to significant levels of off-site noise, the site layout and building forms should assist in minimising noise entry.</p> <p>7. The site layout should ensure that the front entrance to the Child Care Centre is easily located and accessible.</p> <p>8. The layout must be designed around the site attributes such as slope; existing vegetation; land capability and/or solar access.</p> <p>9. The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties.</p> <p>10. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains</p>	<p>number of children proposed.</p> <p>Casual surveillance is available to and from the footpath running along the northern boundary of the site to the centre. CPTED principles are not appropriately addressed.</p> <p>The site is not exposed to significant noise.</p> <p>The front entry is appropriately designed.</p> <p>The proposal has not been designed in response to the lot orientation. The first floor component has been designed so as to reduce the overshadowing experienced by the southern neighbor.</p> <p>Window locations satisfactorily accommodate for neighbouring privacy.</p> <p>Stormwater disposal is satisfactory.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Refer to Water cycle management in Part 1.		
2.4 Setbacks	<p>Objectives</p> <p>a) To set Child Care Centres back from the street and adjacent properties to provide reasonable space for landscaping, private open space and solar access.</p> <p>b) To set Child Care Centres back from other dwellings to provide visual and acoustic privacy.</p> <p>c) To create a streetscape that provides a desirable and safe environment.</p> <p>d) To establish a streetscape of a scale and sense of enclosure appropriate to the locality.</p> <p>e) To maximise the amount of area capable of allowing the growth of trees and shrubs.</p> <p>Controls</p> <p>Front Setback 5.5m</p> <p>Secondary Setback 4m</p> <p>Verandahs, balconies etc. may encroach the minimum front and secondary setback by up to 1m</p> <p>1 storey side setback</p>	<p>The building setbacks to both frontages are consistent with those provided by immediately adjoining neighbours and result in unsatisfactory landscaping to the street.</p> <p>Visual and acoustic privacy have been achieved through the use of acoustically treated boundary fencing and setbacks.</p> <p>The setbacks and landscaping provided to both street frontages is appropriate.</p> <p>The proposed design is sympathetic to the established streetscape as listed above.</p> <p>The proposal results in the provision of a satisfactory deep soil planting area on the north western corner of the site.</p> <p>5.5m</p> <p>4m</p> <p>All verandahs are set back 5m.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	1.2m 2 storey side setback 1.2m 1 storey rear setback 4m 2 storey rear setback 8m Access door setback 4m	1.2m. 1.2m 6m. 8m. 6m	Yes Yes Yes
2.5 Landscaped Area and Open Space	<p>Landscaped Area Objectives</p> <p>a) To provide an area to allow vegetation to mature.</p> <p>b) To reduce the impact to neighbouring properties and natural waterways from stormwater runoff.</p> <p>c) To reduce the amount of impervious areas.</p> <p>d) To enhance the existing streetscape and soften the visual appearance of the dwelling.</p> <p>e) To maximise the amount of landscaped area within the front setback of the Child Care Centre.</p> <p>Controls</p> <p>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.</p> <p>2. There must be an unencumbered area of 5 x 6m in the rear setback for the opportunity to</p>	<p>Deep soil landscaping on the site totals 152.57m² or 21.5% of the site.</p> <p>Stormwater disposal is appropriate.</p> <p>Appropriate on-site infiltration is provided.</p> <p>The setbacks, landscaping and building articulation provided appropriately softens the appearance of the building.</p> <p>The landscaped area within both the primary and secondary street setbacks is satisfactory.</p> <p>Deep soil landscaping on the site totals 152.57m² or 21.5% of the site. When planting over the basement is included, 264.96m² (37.34%) of the site is landscaped.</p> <p>There is no availability in the rear yard for the planting of deep rooted trees. A 5.6m x 8.6m deep</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, acceptable on merit.</p>

	<p>accommodate the planting of deep rooted trees.</p> <p>3. A minimum of 50% of the front setback area shall be landscaped area.</p> <p>4. There must be an unencumbered area of 3 x 5m in the front setback for the opportunity to accommodate deep rooted trees.</p> <p>Open Space Objectives</p> <p>a) To ensure that a minimum amount of Open Space is provided for outdoor activities.</p> <p>b) To ensure outdoor open space areas are located to minimise any potential risk from errant vehicles to children and staff.</p> <p>Controls</p> <p>1. A proposed Child Care Centre must comply with open space requirements as set out in the Children Services Regulation 2004.</p> <p>2. Outdoor open space is to be located behind the childcare centre i.e. away from roads/streets.</p>	<p>soil are is available in the front yard for this purpose.</p> <p>Front yard area 118.54m² with 71.51m² 60.32% provided as landscaped area.</p> <p>A 5.6m x 8.6m deep soil are is available in the front yard for this purpose.</p> <p>The outdoor open space is of insufficient area to allow for both appropriate landscaping and appropriate outdoor play space. A reduction in children will bring this variation into compliance.</p> <p>An engineered fence to the secondary frontage is proposed to negate this risk.</p> <p>The proposal is to be conditioned to satisfy the unencumbered outdoor open space requirements of the regulation.</p> <p>The outdoor play space is located in the rear yard, however being a corner site a section of the yard borders the secondary street frontage. This is managed by the provision of an engineered fence for safety..</p>	<p>Yes</p> <p>Yes</p> <p>Yes, by condition.</p> <p>Yes</p> <p>Yes, by condition.</p> <p>Yes, on merit.</p>
2.5 Building	Building Appearance		

Form, Style and Streetscape	Objectives		
	a) To encourage designs that will enhance the character of the neighbourhood.	The building design proposes a two storey form with facades with elements of face brick and some pitched rooves in sympathy to the existing residential character.	Yes
	b) To promote variation of building facade and design.	Appropriate setbacks and articulation to both street boundaries is provided.	Yes
	c) To ensure the building enhances the streetscape through the use of suitable built form design and landscaping.	The landscaping and boundary treatment provided results in an appropriate streetscape.	Yes
	d) To ensure buildings address all street frontages.	The proposal appropriately address both frontages.	Yes
	e) To discourage garages and in particular garage doors, from visually dominating the streetscape.		Yes
	f) To ensure that the building design, detailing colour and finish shall add visual interest to the street and shall compliment the street.	The detail and colour proposed will attract visual interest.	N/A
	Controls		
	1. Where large glass areas cannot be avoided appropriate shade devices shall be incorporated into the design.	No large glass areas are proposed.	Yes
	2. The roof design shall be compatible with surrounding properties with respect to height, pitch, building materials and colour.	The roof design is sympathetic to the surrounding pitched rooves.	Yes
		Two storey dwellings are not common in the adjacent	

	<p>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.</p>	<p>area however some two storey dwellings are evident. The height, setbacks, articulation and landscaping are all generally commensurate with area character.</p>	<p>Yes</p>
	<p>4. The front pedestrian entrance must be visible from the street.</p>	<p>The entrance is clearly visible from the primary and secondary frontage.</p>	<p>Yes</p>
	<p>5. The front building facades shall be articulated. This articulation may include front porches, entries, wall indents, changes in finishes, balconies and/or verandahs.</p>	<p>Articulation is provided to the frontage.</p>	<p>Yes</p>
	<p>6. For two storey developments, the side walls shall be articulated if the wall has a continuous length of over 10m.</p>	<p>No two storey wall exceeds 10m in a continuous run.</p>	<p>Yes</p>
	<p>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.</p>	<p>The proposal appropriately addresses both frontages.</p>	<p>Yes</p>
	<p>Security Objectives</p>	<p>Passive surveillance and perceived surveillance (based on window provision) from the centre to both street frontages is appropriate.</p>	<p>Yes</p>
	<p>a) To ensure buildings are orientated to allow surveillance from the street and adjoining buildings.</p>	<p>The front entrance is clearly visible from both frontages.</p>	<p>Yes</p>
	<p>b) To ensure entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders.</p>		<p>Yes</p>

	<p>Controls</p> <p>1. Entrances to buildings should be orientated towards the front of the site facing the street.</p> <p>2. Blank walls addressing the street frontage and other public places must be avoided.</p>	<p>The front entrance is orientated to the secondary frontage adjacent to the splayed corner of the site. This is appropriate.</p> <p>The street facades are satisfactory.</p>	Yes
2.7 Landscaping and Fencing	<p>Landscaping Objectives</p> <p>a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality.</p> <p>b) To provide privacy, summer shade and allow winter sun.</p> <p>c) To enhance the existing streetscape and visual appearance of buildings.</p> <p>d) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality.</p> <p>e) To ensure the visual impact of development is minimised and integrated into the streetscape.</p> <p>Controls</p> <p>1. A landscape plan must be submitted to Council with the development application. Refer to Part 1 of the DCP.</p>	<p>All existing trees on the site are proposed to be removed, however no significant trees exist on site and replacement planting is appropriate.</p> <p>Sufficient deep soil area exists for the provision of canopy trees for these purposes.</p> <p>The planting proposed to the splayed corner will provide some landscaped interest.</p> <p>Sufficient deep soil area is provided for the provision of appropriate native canopy planting.</p> <p>Sufficient deep soil area is provided for the provision of native canopy planting for this purpose.</p> <p>Not provided in relation to amended plans. A condition of consent will be required in relation to the provision of a landscaped plan.</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes, by condition.</p> <p>Yes</p>

	<p>2. Areas of grass are to be limited to play areas. Other landscaped areas are to be planted.</p> <p>3. Trees adjacent to/or within the play area, are to provide shade and allow winter sun entry. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.</p> <p>4. Landscaping species must be appropriate to prevent injury to children. No toxic, spiky or other hazardous plant species.</p> <p>5. The setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.</p> <p>6. Landscape planting should principally comprise of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local</p>	<p>Appropriate.</p> <p>The tree species selection on the north western corner of the site and within both frontages will be conditioned to comply with this requirement.</p> <p>The shrub and turf selection in and adjacent to the play area is to be conditioned to comply with this requirement.</p> <p>The provision of canopy planting within the outdoor play space will not be conditioned as this would likely reduce the available outdoor play area to the extent where significant reductions in child numbers would be required. The planting proposed in the outdoor play area must be appropriate for the conditioned 1m wide landscaping bed. Conditions of consent in relation to the canopy tree planting provided within the front boundary setback will satisfy the 8m canopy height.</p> <p>The trees and shrubs on site may be conditioned to be native varieties.</p>	<p>Yes, by condition.</p> <p>Yes, by condition.</p> <p>Yes, by condition.</p> <p>Yes, by condition.</p> <p>Yes, by condition.</p>
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	<p>microclimate and to improve solar access.</p> <p>7. The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (0.6 – 1.8m) especially along paths and close to windows and doors.</p> <p>8. Tree and shrub planting along-side and rear boundaries should assist in providing effective screening to adjoining properties. The height of screening plants to be provided is 2.5 to 3m at maturity.</p> <p>9. Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from internal rooms as appropriate for gardener</p> <p>Fencing</p> <p>Objectives</p> <p>a) To provide a clear transition between public and private areas.</p> <p>b) To provide a visual element within the streetscape.</p> <p>c) To ensure fencing enhances the streetscape.</p> <p>Controls</p> <p>1. Side (behind the building setback) and rear fencing shall be 1.8m in height.</p>	<p>This may form a condition of consent.</p> <p>No areas for the provision of trees to adjoining neighbours is available, however the acoustic fencing provided is considered to be satisfactory.</p> <p>The landscaping provided above the basement footprint is limited to turf.</p> <p>Boundary fences provide a clear demarcation between public space and private property. Fences are visible.</p> <p>Fencing to the street is appropriate.</p> <p>1.8m.</p>	<p>Yes, on merit.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
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	<p>2. Where a fence adjoins a park it shall be of a high-grade material consistent in quality with the building and the context of the park, and shall be designed to address the park.</p> <p>3. Fences shall be constructed of materials compatible with the proposed building.</p> <p>4. Fencing shall be designed to minimise opportunities for graffiti.</p> <p>5. Gates shall be the same height as the fence, self-closing and be secure and fitted with a childproof lock.</p> <p>6. Wall finishes must have low reflectivity.</p> <p>7. Front fences are to be light coloured and low in height or open form.</p> <p>8. Fences should not prevent surveillance by the building's occupants of the main open or communal areas within the property or the street frontage.</p> <p>9. Where noise insulation is required, consider the installation of double-glazing or other noise attenuation measures at the front of the building rather than construction of a high solid form fence.</p> <p>Primary Frontage</p>	<p>N/A.</p> <p>Yes.</p> <p>Fences to the street are not obscured by landscaping and are visible from adjoining neighbours thereby providing for appropriate casual surveillance.</p> <p>No boundary gates are proposed.</p> <p>Reinforced concrete panels proposed.</p> <p>Yes.</p> <p>Views from the building to both street frontages are available</p> <p>Fences are proposed to the rear yard and do not obscure views from buildings.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
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	<p>1. Front fences shall have a maximum height of 1.2m, and constructed of masonry, timber and/or vegetation.</p> <p>2. The front fence must be 30% transparent.</p> <p>3. The front wall may exceed 1.2m (to a maximum of 1.8m) only if:</p> <ul style="list-style-type: none"> - The fence is articulated by 1m and has landscaping in front of the fence, and - The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site, and - Front fences are to be constructed of materials compatible with the proposed design of the dwelling. <p>Secondary Frontage</p> <p>1. Side fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped.</p> <p>2. For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence/wall may then be stepped up to a maximum of 1.8m.</p> <p>3. The secondary setback is the longest length boundary.</p>	<p>No fence to the primary frontage. A 1.8m high fence is proposed to rear yard that addresses the secondary frontage.</p> <p>No front fence proposed.</p> <p>No front wall.</p> <p>1.8m height.</p> <p>No wall is provided for the first 10m then the fence is provided at a height of 1.8m</p> <p>Noted.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Noted</p> <p>N/A</p>
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	<p>4. Side fencing facing a public street or parkland must not be constructed of sheet metal. However, metal sheet fencing is permitted on internal boundaries.</p>		
<p>2.8 Car Parking and Access</p>	<p>Objectives</p> <p>a) To provide car parking facilities on site that are convenient, safe and have sufficient space for vehicular manoeuvrability, whilst being visually unobtrusive.</p> <p>b) To minimise the need for on street car parking from new dwellings.</p>	<p>The basement car parking design is satisfactory.</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p>
	<p>Site Access</p> <p>1. All vehicles shall enter and leave the site in a forward direction.</p>	<p>All vehicles will enter and exit the site in a forward direction.</p>	<p>Yes</p>
	<p>2. Dead end streets or cul-de-sacs present traffic movement and parking problems and are inappropriate locations for Child Care Centres or facilities.</p>	<p>The proposal is located on a corner site with appropriate access.</p>	<p>Yes</p>
	<p>Location</p> <p>1. To provide adequate vehicle access and on-site car parking facilities for residents and visitors.</p>	<p>Appropriate on-site parking is provided.</p>	<p>Yes</p>
	<p>2. To minimise reliance on on-street parking.</p>	<p>On-street parking is not required to satisfy the required parking for the use.</p>	<p>Yes</p>
	<p>3. To provide safe and easy access to and from the site for pedestrians and motorists.</p>	<p>Appropriate safety is provided.</p>	<p>Yes</p>
	<p>4. To provide adequate</p>		

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

25 May 2020

	<p>turning areas for manoeuvring into and out of car parking spaces and/or garages.</p> <p>5. To minimise the impact of driveways and parking areas on existing landscaping, landform and streetscape.</p> <p>6. To ensure pavement or driveway materials are sympathetic to the streetscape and surrounding landscape character.</p> <p>7. Refer to Section 20.2 for the number of spaces required.</p>	<p>Appropriate turning areas are provided.</p> <p>Landscape provision and streetscape are not affected by the proposed basement.</p> <p>The driveway construction is appropriate.</p> <p>Assessment under 20.2 is included above.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>2.9 Amenity and Environmental Impact</p>	<p>Noise</p> <p>Development for childcare centres shall not be permitted in areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF).</p>	<p>The subject site is not impacted by aircraft noise.</p>	<p>N/A</p>
	<p>Contaminants</p> <p>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.</p>	<p>Should the proposal be considered for approval this issue would be addressed via conditions of consent.</p>	<p>Noted</p>
	<p>Site Operation</p> <p>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.</p>	<p>The application proposes the use to operate within these hours.</p>	<p>Yes</p>
	<p>2. Child Care Centres or</p>	<p>The proposal is not within 50m of a mobile phone tower or transmission lines.</p>	<p>Yes</p>

	<p>facilities shall be no closer than 50m to mobile phone towers or antennas or transmission line easements or other similar electromagnetic radiation sources.</p> <p>Overshadowing</p> <p>Objectives</p> <p>To minimise overshadowing of neighbouring dwellings and their private open space</p> <p>Controls</p> <p>Adjoining properties must receive a minimum of three hours of sunlight between 9am and 3pm on 21 June to at least:</p> <ul style="list-style-type: none"> - one living, rumpus room or the like and/or - 50% of the private open space. <p>Privacy</p> <p>Objective</p> <p>To site and design buildings in a manner which protects the visual privacy of adjoining dwellings and their private open space.</p> <p>Controls</p> <p>1. Habitable room windows facing side boundaries are to be offset by at least 1m from any habitable room windows in an adjoining dwelling.</p>	<p>The proposal allows for appropriate solar access to the private open space of the southern neighbor.</p> <p>This dwelling house receives sufficient solar access.</p> <p>The southern yard has an area of 251m². Solar access is provided to 50%. The adjoining southern neighbouring yard receives the required 3 hours of solar access on 21 June.</p> <p>The design allows for satisfactory visual privacy for adjoining neighbours.</p> <p>Appropriate setbacks are provided to boundaries to achieve privacy.</p> <p>This is achieved through sufficient building setbacks and the provision of a 1.39m high acoustic treatment to the first floor balcony.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>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.</p> <p>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.</p> <p>4. Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.</p> <p>Acoustic Privacy Objective</p> <p>To ensure appropriate noise and vibration attention measures are incorporated into the development.</p> <p>Controls</p> <p>1. Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.</p> <p>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</p>	<p>The setbacks provided and fencing proposed has been demonstrated to allow for appropriate privacy.</p> <p>Landscaping is not able to provide for privacy between the proposal and the eastern and southern neighbor, however this is provided through the provision of appropriately designed fencing.</p> <p>An acoustic report lodged in support of the proposal has recommended treatments to ensure acoustic privacy.</p> <p>Provided.</p> <p>Road and rail noise does not impact on the site.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes, on merit.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Noted</p>
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	<p>buildings and location of sleeping and recreation areas.</p> <p>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.</p>		
2.10 Site Services	<p>Waste Management</p> <p>1. Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.</p> <p>2. Any structure involving waste disposal facilities shall be located as follows:</p> <ul style="list-style-type: none"> - 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. <p>3. Details of the design of waste disposal facilities are shown in Part 1 of the DCP.</p> <p>Letterboxes and numbering</p> <p>1. Letterboxes shall be located along the front boundary and be clearly visible and accessible</p>	<p>A bin storage area is provided in the basement with appropriate access to the driveway to allow for presentation of bins to the street. The location of the bin storage area within the basement will ensure that the amenity of adjacent neighbours will not be affected.</p> <p>A letterbox is not shown. This may be addressed by a relevant condition of consent.</p>	<p>Yes</p> <p>Yes</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

	from the street.		Yes
	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.	As above.	
	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.	Noted.	Noted
	2. Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	Noted.	Noted
	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.	Noted.	Noted

As demonstrated in the table above, the proposal may be conditioned to comply with the requirements of the Liverpool DCP with the inclusion of the following conditions of consent:

- *3 x bicycle parking within a bicycle rack adjacent to the front entrance must be shown on plans lodged with the construction certificate application.*
- *A landscaped plan prepared by a suitably qualified landscape architect is to be provided demonstrating planting in compliance with the Child Care Centre Planning Guideline.*
- *The tree species selection on the north western corner of the site and within both frontages must be a native tree provided in a pot size no less than 75 litres. The selected species must grow to a minimum height of 12m and be pruned following the*

establishment of these trees to allow for the canopy to provide for shade in the summer while allowing solar access in the winter.

- *The shrub and turf species selection in and adjacent to the play area must be appropriate to prevent injury to children. No toxic, spiky or other hazardous plant species are to be proposed. The landscape plan submitted with the construction certificate application is to be certified by a relevantly qualified person specifying that the species nominated are suitable for a child care centre.*
- *The planting proposed in the outdoor play area must be an appropriate height and spread for the available soil volume within the required 1m wide landscaping bed in the rear yard along the Conroy Road boundary.*
- *All trees and shrubs on site are to be native varieties.*
- *When providing the location of shrub species, the landscape plan is to avoid planting shrubs immediately adjacent to doors and where shrubs are proposed adjacent to windows, the mature height of these shrubs must not exceed the bottom sill height of the adjacent window.*
- *All buildings must not contain any material or substance that will cause lead or asbestos or other contamination or poisoning.*
- *A letterbox is to be provided adjacent to the pedestrian entrance. A street number is to be shown prominently on or adjacent to this letterbox.*

6.4 Section 79C(1)(a)(iia) - Planning Agreements

There are no Planning Agreements which apply to the development.

6.5 Section 79C(1)(a)(iv) - The Regulations

Environmental Planning and Assessment Regulation 2000

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the BCA. Accordingly, appropriate conditions of consent will be imposed.

Education and Care Services National Regulations

The table below provides an assessment of the proposal in relation to the relevant clauses of the Education and Care Services National Regulations.

Clause	Control	Plan	Compliance
104 Fencing	Any outdoor space used by children at the education and care service premises is enclosed by a fence or barrier that is of a height and design that children preschool age or	The design and height of the fence is appropriate.	Yes

		under cannot go through, over or under it.		
106 Laundry and hygiene facilities		<p>(1) The approved provider of an education and care service must ensure that the service has—</p> <p>(a) laundry facilities or access to laundry facilities; or</p> <p>(b) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering— that are adequate and appropriate for the needs of the service.</p> <p>(2) The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.</p>	A separate internal laundry is provided.	Yes
107 Space requirements – indoor space		The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.	<p>8 x 0-2 year-olds requiring 26m² Provided 30.79m²</p> <p>15 x 2-3 year-olds requiring 48.75m² Provided 49.41m²</p> <p>15 x 3-5 year-olds requiring 48.75m² Provided 48.33m²</p>	<p>No the proposal provides insufficient indoor space for the 3-5 year-olds. This may be conditioned to comply by reducing the 3-5 year-olds to no more than 14 in total.</p> <p>This condition would be worded as follows:</p> <p>The total number of children on the first floor in the 3-5 year-old age group must not exceed 14</p>

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

25 May 2020

<p>108 Space requirements – Outdoor space</p>	<p>The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.</p>	<p>0-2 and 2-3 year-olds use the rear yard. For the 23 children, 161m² is required and 169.82m² is provided.</p> <p>3-5 year-olds use the first floor balcony play area. For the 15 children, 105m² is required and 103.36m² is provided.</p> <p>However in order to comply with Clause 113 below, the ground floor outdoor unencumbered play space will require a reduction in area.</p>	<p>children</p> <p>No, neither the ground or first floor outdoor play areas are of sufficient size for the number of children proposed. However with the conditions proposed to reduce each age group by one child for a total centre number of 35 children (see discussion above under Clause 107 and below under clause 113) the proposal will comply with the outdoor space requirements.</p>
<p>109 Toilet and hygiene facilities</p>	<p>The approved provider of an education and care service must ensure that—</p> <p>(a) 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</p> <p>(b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p>	<p>Toilet and hand wash facilities are provided on both levels for children and staff.</p>	<p>Yes</p>
<p>110 Ventilation and natural light</p>	<p>The approved provider of an education and care service must ensure that the indoor spaces used by children at the</p>	<p>All indoor play areas receive appropriate natural light and ventilation.</p>	<p>Yes</p>

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

25 May 2020

	<p>education and care service premises—</p> <p>(a) are well ventilated; and</p> <p>(b) have adequate natural light; and</p> <p>(c) are maintained at a temperature that ensures the safety and wellbeing of children.</p>		
111 Administrative space	<p>The approved provider of a centre-based service must ensure that an adequate area or areas are available at the education and care service premises for the purposes of—</p> <p>(a) conducting the administrative functions of the service; and</p> <p>(b) consulting with parents of children; and</p> <p>(c) conducting private conversations.</p>	<p>A separate administration space/office is provided on the ground floor.</p>	Yes
112 Nappy change facilities	<p>(1) This regulation applies if a centre-based service educates and cares for children who wear nappies.</p> <p>(2) The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing.</p> <p>(3) Without limiting sub-regulation (2), the approved provider of the service must ensure that the following are provided—</p> <p>(a) if any of the</p>	<p>A separate nappy change room is provided on the ground floor and this room has a nappy change bench and facilities for hand washing.</p>	Yes

	<p>children are under 3 years of age, at least 1 properly constructed nappy changing bench; and</p> <p>(b) hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</p> <p>(4) The approved provider of the service must ensure that nappy change facilities are designed, located and maintained in a way that prevents unsupervised access by children.</p>		
<p>113 Outdoor space – natural environment</p>	<p>The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.</p>	<p>A landscaping plan has not been provided with the proposal, however it is noted that landscaped beds are not to be included within the area set aside for play space. As per C18 of the Child Care Planning Guideline, it is considered that insufficient outdoor space is available for the provision of both appropriately sized play space and the provision of planting to allow children to experience the natural environment.</p>	<p>No, in order to satisfy this requirement either landscaping must be provided on the first floor or the plan or management must detail daily play for the 3-5 year old group within the ground floor outdoor play area. Provision of appropriate landscaping on a first floor north facing balcony may be problematic so a condition of consent requiring the following is proposed;</p> <p>“The 3-5 year old group on the first floor are to be provided with at least one daily outdoor play session in the ground level outdoor open play space in order that these children may</p>

			<p>experience the natural environment. The plan of management and any future plan of management is to demonstrate compliance with this condition”</p> <p>The ground floor outdoor play area is also required to provide a landscaped area of suitable dimensions. A condition of consent may achieve this by detailing that;</p> <p>“The entirety of the northern side of the ground floor outdoor play space is to be provided with a landscaped bed a minimum width of 1m, measured at any point from the front wall addressing the Conroy Road frontage. The landscaped planting provided in this area is to be prepared by a qualified landscape architect and planting is to demonstrably achieve an educational and exploratory result for children.”</p> <p>This condition will result in the reduction of unencumbered play space for the combined 0-2 year-old and 2-3 year-old groups by 16.86m²</p>
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			<p>to a total area of 152.96m². This will result in the ground floor outdoor play space being suitable for 21 children in total, where currently 23 children in total are proposed. This would most easily be achieved by reducing each age group by 1 child. On this basis an additional condition as follows would be required:</p> <p>“The total number of children on the ground floor in the combined 0-2 year-old age group must not exceed 7 children and the 2-3 year old age group must not exceed 14 children.”</p>
114 Outdoor space - shade	The approved provider of a centre-based service must ensure that outdoor spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Ground and first floor verandah areas are provided in response to this requirement.	Yes
115 Premises designed to facilitate supervision	The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and	The proposal appears to allow surveillance between indoor play spaces, outdoor play spaces, toilets and staff areas.	Yes however to adequately demonstrate appropriate surveillance is provided for a condition of consent will require the following;

	maintained in a way that facilitates supervision of children at all times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.		Plans lodged to satisfy licensing requirements are to provide internal sections demonstrating how child monitoring is to function between rooms in accordance with Clause 115 of the Education and Child Care Services National Regulations.
123 Educator to child ratios – centre based services	(1) The minimum number of educators required to educate and care for children at a centre-based service is to be calculated in accordance with the following ratios— (a) for children from birth to 24 months of age—1 educator to 4 children; (b) for children over 24 months and less than 36 months of age—1 educator to 5 children; (c) for children aged 36 months of age or over (not including children over preschool age)—1 educator to 11 children; (d) for children over preschool age, 1 educator to 15 children.	The application proposes a total of 38 children in the following ratios 0-2 year-olds – 8 children (3 staff required) 2-3 year-olds – 15 children (3 staff required) 3-5 year olds – 15 children (2 staff required) The provision of 7 staff exclusively for child supervision required. It is noted that the staffing requirements will not change as a result of the reduction in children numbers by conditions of consent specified above.	Yes, while the amended plans do not specify the number of staff proposed, there is no impediment to the provision of the minimum number of staff required in relation to the staff facilities and car parking provided as part of the design.

As noted in the table above, the following conditions are required to bring the proposal into compliance with the regulations:

- *The total number of children on the firstfloor in the 3-5 year-old age group must not exceed 14 children.*

- *“The 3-5 year old group on the first floor are to be provided with at least one daily outdoor play session in the ground level outdoor open play space in order that these children may experience the natural environment. The plan of management and any future plan of management is to demonstrate compliance with this condition.”*
- *“The entirety of the northern side of the ground floor outdoor play space is to be provided with a landscaped bed a minimum width of 1m, measured at any point from the front wall addressing the Conroy Road frontage. The landscaped planting provided in this area is to be prepared by a qualified landscape architect and planting is to demonstrably achieve an educational and exploratory result for children.”*
- *“The total number of children on the ground floor in the combined 0-2 year-old age group must not exceed 7 children and the 2-3 year old age group must not exceed 14 children.”*
- *Plans lodged to satisfy licensing requirements are to provide internal sections demonstrating how child monitoring is to function between rooms in accordance with Clause 115 of the Education and Child Care Services National Regulations.*

6.6 Section 79C(1)(b) - The Likely Impacts of the Development

Natural and Built Environment

i. Tree Removal

The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site. While tree removal is proposed, sufficient area is identified on the site plan for the provision of appropriate replacement planting and conditions of consent have been included that require the provision of appropriate replacement canopy planting.

ii. Acoustic Impact

The application was accompanied by an Acoustic Report in order to determine the potential noise impact on adjacent and nearby sensitive receptors. The most sensitive receptors to noises from the development include the immediate adjoining residential developments to the east and south.

The main noise sources associated with the development that have the potential to impact on the sensitive receptors are: children playing both outside and inside; mechanical plant, and cars entering and leaving the car park.

The Acoustic Report concluded that the nearest sensitive receptors will not be adversely impacted by noise from the proposed childcare centre, subject to noise mitigation measures to be adopted within the design. Compliance with the design and management requirements of the acoustic report will be included as a condition of consent.

iii. Traffic and Car Parking Impact

The traffic impacts of the development have been carefully considered in consultation with Council’s Traffic Engineers who have reviewed the applicants Traffic Impact Assessment Report. Consideration has been given to the RMS Guide to Traffic Generating Development and the LDCP 2008.

The proposal would result in additional traffic movements that will result in some delay at the Conroy Road and Oatlands Court intersection, however this intersection has been identified as having spare capacity to accommodate these additional movements. In addition to this,

Council's Traffic Engineers have indicated that a condition requiring that a "no stopping" zone be implemented in front of the site on Oatlands Avenue to ensure that two-way movement on this street is maintained.

Further to this Council's Traffic Engineer has indicated that the design of the car parking area is sufficient to accommodate the proposal and that this be reinforced by ensuring that the management plan for the use ensures that all deliveries to the site occur during non-peak periods.

iv. Streetscape Impact

The proposed development is for a purpose built child care centre which consists of a two storey building. While two-storey buildings are not common in the immediate vicinity, two-storey built form is permissible in the area. Additionally the proposal is a corner site and the provision of a two-storey form appropriately reinforces this corner element. It is also noted that the face brick finish and provision of a pitched roof responds sympathetically to the area character.

Social Impacts and Economic Impacts

The proposed child care centre has been designed in order to limit potential negative social and economic impacts on the immediate area. Design elements have been implemented to reduce noise, building setbacks and articulation have been utilised to appropriately address both street frontages and reduce the amount of overshadowing experienced by the southern neighbour.

Council's Social Planner has noted that the original proposal has resulted in significant neighbour submissions and has indicated that the application as originally proposed with 56 children would result in social impacts predominately in relation to traffic and that the original proposal should not be supported on these grounds. In this regard an assessment has identified that significantly amended plans were required to result in appropriate social outcomes.

Following the provision of significantly amended plans, including the reduction of total child numbers to 38, an assessment of the proposal has identified that to satisfy the relevant planning controls the proposal must be restricted to a total of 35 children.

As conditioned, the provision of a child care centre with 35 children is considered to be of a scale and capacity that is commensurate with the residential nature of the surrounding area and is unlikely to result in any unreasonable social impacts or impacts on the local economy.

6.7 Section 79C(1)(c) - The Suitability of the Site for the Development

The site is considered suitable for the development as conditioned. The site is a total area of 709.5m² and is located on a corner. This poses a site constraint in terms of the capacity of the proposal to provide for setbacks responding to adjacent residential neighbours and the streetscape in general and significantly reduces the potential building footprint area and locations for viable outdoor space.

In this regard the application has overcome the site constraint by providing car parking within a basement and providing a two storey design in order to maximise the space available for outdoor play areas. While a two storey design is not ideal for the simple functioning of a child care centre, sufficient information has been provided demonstrating that the proposal can

satisfy ongoing management concerns in relation to this design necessity.

Conditions specifying that no more than 35 children are to attend the centre will ensure that the centre as designed provides suitable facilities for all children and staff in attendance and will ensure that the child care centre does not represent an over development of the site.

Given the above, the site is considered to be suitable for the proposed development.

6.8 Section 79C(1)(d) - Any submissions made in relation to the Development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

DEPARTMENT	COMMENTS
Community Planning	Objection, as specified in section 6.7 above. This has been addressed as discussed with amended plans.
Development Engineer	No objection, subject to conditions.
Environmental Health	No objection, subject to conditions.
Traffic Engineer	No objection, subject to conditions specifically in relation to; ensuring two-way access in Oatlands Court by installing "no stopping" restrictions in front of the site and ensuring deliveries to the site are during off peak times.
Environmental Health	No objection, subject to conditions.
Natural Environment Landscape	No objection, subject to conditions.

(b) Community Consultation

The proposal was notified to neighbouring properties between 30 August 2018 and 14 September 2018 in accordance with LDCP 2008. A total of twenty six (26) objections were received in response to this public consultation process.

As detailed in the history section above, the final set of amended plans for a 38 child, child care centre was neighbour notified from 3 March 2020 to 18 March 2020, during which time thirteen (13) submissions were received.

The key issues raised in the submissions are included in the table below:

Issues	Comments
Traffic Congestion	
All neighbour submissions have raised serious concerns in relation to the potential for traffic congestion, especially at the intersection of Oatlands Court and Conroy Road. This intersection is the only access out of the area for Oatlands Court and its feeder	Council's Traffic Engineer has indicated that there is currently spare capacity within the street that is capable to accommodate the proposal. Additionally the limiting of child numbers to a total of 35 will decrease the number of

streets and any congestion caused by the proposal would affect all residents within this area.	vehicle movements in relation to the proposal.
Traffic and Pedestrian Safety	
Multiple submissions have identified the narrow width of the road reserve and vehicle carriageway and have said that this is too narrow to allow for on-street parking. The submissions have also noted that the lack of footpath provision is also a safety issue.	Council's Traffic Engineer has indicated that the lack of footpath in front of the site in Oatlands avenue is an issue and has conditioned the provision of a footpath in front of the site.
Street Parking	
Multiple submissions have noted the narrow width of Oatlands Avenue and have identified that parking on the street will narrow the available roadway to single lane only.	Council's Traffic Engineer has identified this issue and has included a condition of consent requiring "No Stopping" restrictions to be installed on Oatlands Court in front of the proposal to address this issue.
Location not permitted	
A number of submissions have noted that Child Care Centres are not permitted on a cul-de-sac.	It is noted that Oatlands Court is a cul-de-sac, however the proposal is approximately 370m from the turning head of the cul-de-sac and the proposal has a dual street frontage with Conroy Road. It is further noted that all required car parking is provided on-site and all vehicles can enter and exit the site in a forward direction thereby limiting potential traffic movements in a southerly direction along Oatlands Court.
Area Character	
It has been noted that the 2 storey child care centre is of a built form and use that is not consistent with that of surrounding development. Another submission has noted that the proposal does not comply with the existing streetscape.	While not the same as surrounding development, the built form of the proposal responds sympathetically to the character of the area by providing for face brick construction and having elements of the roof in a pitched form. The use is permitted within the zone.
Property valuation	
A number of submissions have identified the capacity of the proposal to drive down property values.	Insufficient information is available in relation to this point. Council cannot provide an assessment on property values without additional data.
Neighbour notification not wide-spread enough	

A number of submissions indicated that they were not notified but were able to respond as a result of word of mouth in the local community. These submissions have indicated that the notification was not wide-spread enough.	The proposal was notified on two occasions in accordance with the relevant controls.
Insufficient on-site parking	
A number of submissions have indicated that the staff numbers are unlikely to include additional staff including those undertaking admin, cooking, cleaning, speech therapy etc and that if these staff use spaces within the basement there will be insufficient spaces available for drop off and pick up.	Sufficient car parking is provided within the basement in accordance with one space provided for the 7 identified staff and one space available per 10 children. The total parking required for the centre is 11 which is achieved for the proposal.
Construction traffic issues	
A number of submissions have indicated that all the traffic and safety issues raised will be evident during notification when delivery vehicles are parked on the street.	All delivery vehicles are required to do so in compliance with the road rules. Standard conditions relating to work zones will be included on any future consent.
Existing unauthorised use	
Comment has been raised in relation to the identification of the existing use stating that an unauthorised mechanic is operating out of the garage of the property and that this flaunting of the controls does not bode well in relation to compliance with future conditions relating to the Child Care Centre.	This comment is noted and provided for the information of the LLPP.
Enforcement of parking restrictions	
Queries have been raised in relation to how proposed parking restrictions will be enforced.	Council is responsible for the enforcement of parking restrictions on local roads.
Enforcement of traffic and pedestrian management plan	
Queries have been raised in relation to how proposed the traffic management plan will be enforced.	Any traffic and pedestrian management plan, if approved, is enforceable by Council under the relevant condition of consent.
Acoustic amenity and noise	
Submissions have been raised in relation to acoustic amenity.	The acoustic report accompanying the proposal has demonstrated how the centre is to be built and operated so as to negate acoustic issues.
Site too small for proposal	
A submission has noted that the site is too small for the proposal.	This comment is accurate. The subject site is too small for the application as proposed. A condition of consent will reduce the proposal to a total of 35 children in order to bring the proposal to a scale that is suitable for the size of the site.
Landscape plan inadequate	

<p>One submission has indicated that the landscape plan is inadequate.</p>	<p>This submission is accurate. The landscape response to the amended plans is insufficient and multiple conditions of consent are recommended within this report to require the provision of appropriately designed and located landscaping.</p>
<p>BCA compliance not demonstrated</p>	
<p>One submission has identified areas where the proposal is deficient in relation to the BCA.</p>	<p>Compliance with the BCA is not assessed at the development application stage. Relevant standard conditions of consent require the proposal to demonstrate compliance with the BCA and NCC at the Construction Certificate stage.</p>

Section 79C(1)(e) - The Public Interest

It is considered that the applicant has sufficiently demonstrated that the amended proposed development is worthy of support and will provide a child care centre of an appropriate quality and will appropriately maintain a satisfactory level of neighbour amenity. Accordingly, the development is considered to be in the public interest.

6. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments including the applicable State Environmental Planning Policies, Liverpool LEP 2008, LDCP 2008, and the relevant codes and policies of Council. The proposal may be conditioned to comply in full with the relevant controls and in accordance with these conditions, the proposal is recommended for approval.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

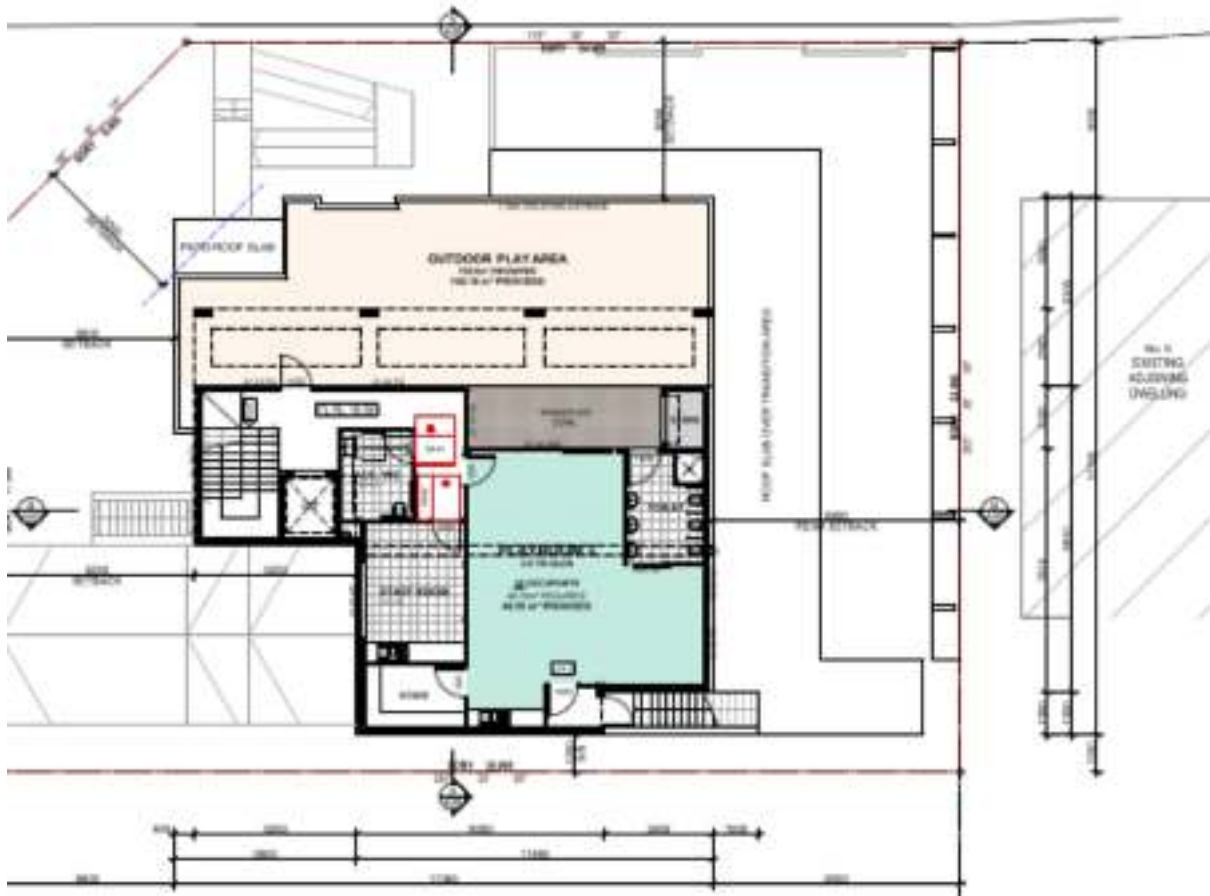
Ground Floor Plan



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

First Floor Plan



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

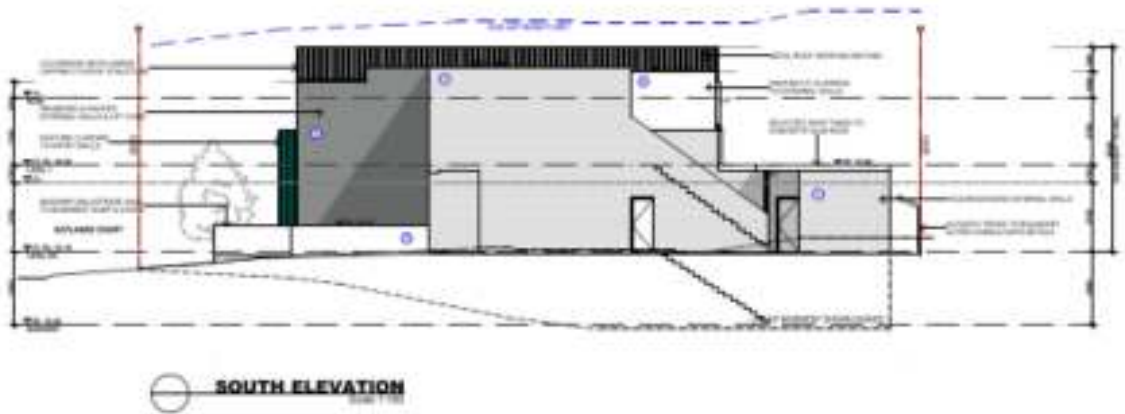
Street Elevations



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

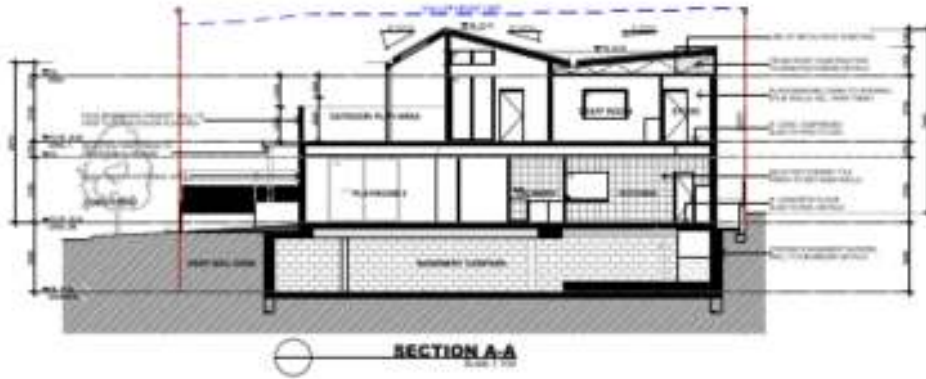
East and South Elevations



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Sections



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

ATTACHMENT 2 – RECOMMENDED CONDITIONS OF CONSENT

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:

Plans

Plan	Drawing No.	Revision	Dated	Prepared by
Site Analysis Plan	A03	D	16.12.2019	Algorry Zappia & Associates
Demolition Plan	A04	D	16.12.2019	Algorry Zappia & Associates
Basement Level Plan	A05	G	16.12.2019	Algorry Zappia & Associates
Ground Floor Plan	A06	E	16.12.2019	Algorry Zappia & Associates
First Floor Plan	A07	E	16.12.2019	Algorry Zappia & Associates
Kitchen Details	A17	D	16.12.2019	Algorry Zappia & Associates
Elevations	A09	E	16.12.2019	Algorry Zappia & Associates
Elevations	A10	E	16.12.2019	Algorry Zappia & Associates
Sections	A08	E	16.12.2019	Algorry Zappia & Associates
Fire Egress Plan	A12	D	8.3.2019	Algorry Zappia & Associates

Documents

Plan	Dated	Prepared by
Operational Plan of Management	-	-
Acoustic Report	March 2019	Sebastian Giglio
Waste Management Plan – Construction	-	-
Traffic and Parking Impact Statement	24 July 2018	TSA

except where modified by the undermentioned conditions.

Amendments to plans and information

2. The following additional information is required to be submitted prior to the issue of any Construction Certificate. Except where specifically stated otherwise, this additional information is to be certified and assessed by the Principal Certifying Authority during assessment of the Construction Certificate application:

(a) Children Numbers;

All plans and reports lodged with the construction certificate application are to detail the following maximum permitted child enrolment requirements for the child care centre;

- i. Seven (7) x 0 – 2 year olds.
- ii. Fourteen (14) x 2 – 3 year olds.

- iii. Fourteen (14) x 3 – 5 year olds.

(b) General Noise Abatement information

A suitably qualified and experienced Acoustic Consultant is to confirm and validate the suitability and applicability of the original Acoustic report prepared by Sebastian Giglio (dated: July 2018,).

This information is to determine whether the amendments required as part of this notice of determination would impact upon on the initial findings and results of the aforementioned report.

If conclusions necessitate an updated acoustic report as a result of the amended floor plans, the applicant is to submit for review an amended acoustic report prepared by a suitably qualified and experienced Acoustic Consultant addressing the potential noise impacts associated with the development to be considered by the PCA as part of the Construction Certificate Application.

The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

(c) Car Park Noise Abatement Measures Required

The following acoustic absorption materials are to be installed in relation to the basement car park and associated access ramp:

- i. Acoustic absorption panels 50mm thick, to the sides of the ramp.
- ii. Quiet stormwater grate at the bottom of the ramp - avoid metal-to-metal contact by installing a plastic grate or inserting rubber between the metal grate and the surrounding mounting.
- iii. Install low-noise panel-hinges and rollers for the garage door.
Plans lodged with the construction certificate application are to be certified by an acoustic engineer indicating these requirements have been satisfied.

Plans lodged with the construction certificate application are to be certified by an acoustic engineer indicating these requirements have been satisfied.

(d) Indoor Noise Abatement Measures Required

The following acoustic absorption materials are to be installed in all indoor child care play rooms. The materials used for reverberation control can be one or more of the following:

- i. Mineral Fibre Ceiling tiles installed in an exposed grid. These tiles must have NRC 0.7

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

and CAC 40 acoustic properties. In addition, the tiles must be overlaid with 50mm thick 32kg/m³ Polyester insulation batts.

ii. Bevelled Edge Melamine Foam Acoustic Tiles, 625x625mm x 50mm thick. These are usually installed by gluing to the underside of a plasterboard ceiling.

iii. 25mm thick fabric-faced panels such as Autex Quietspace Panels. These are usually installed by gluing to the underside of a plasterboard ceiling or face of walls.

iv. 24mm thick Autex Cube Panels. These don't require a fabric facing as the product is the same colour all the way through.

v. The total area of absorption materials in each play room is to be 125% of the ceiling area. This means that the Playrooms must have acoustic absorption panels installed onto the walls as well as the ceilings.

vi. The wall acoustic absorption in the Playrooms can be in the form of "acoustic pinboard" material, such as:

- 25mm thick Autex Quietspace Workstation panels (NRC 0.85) or,
- 24mm thick Autex Cube panels (NRC 0.65).

Plans lodged with the construction certificate application are to be certified by an acoustic engineer indicating these requirements have been satisfied.

(e) Outdoor and transitional play space noise abatement requirements

Plans lodged with the construction certificate are to provide the following noise abatement measures for all outdoor play areas at both ground level and on the first floor:

i. Acoustic absorption treatment to the underside of the covered play areas, awning roofs and transition areas.

ii. Acoustic absorption treatment to the façade of the child care centre building (external wall face, facing the outdoor play area).

iii. Solid, full-height walls along the bounding walls to the outdoor play area (all sides).

iv. Acoustic absorption to the walls bounding the outdoor play areas.

v. Plans must demonstrate that the Laeq(15min) noise level emitted from the outdoor play area not exceed the background noise level by more than 5db at the assessment location.

Plans lodged with the construction certificate application are to be certified by an acoustic engineer indicating these requirements have been satisfied.

(f) Mechanical Plan Noise Abatement Measures Required

All outdoor air-conditioning condensers must be located and/or shielded so as to produce no more than 43dBA at the neighbouring boundary.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

The car park fan(s) are to be vibration-isolated from the building and attached ductwork. The fans must be provided with acoustic duct attenuators to ensure that the noise level at the boundary when on full power is no more than 43dBA.

All mechanical plant is to be identified on plans lodged with the construction certificate application. Specifications of the nominated plant and manufacturer's details are to be identified on these plans with identified noise levels provided.

An acoustic engineer is to certify that plans lodged with the construction certificate application demonstrate full compliance with these noise abatement requirements for all mechanical plant.

(g) Operational Plan of Management

The Operational Plan of Management is to be amended so as to show:

- i. child and staff numbers in accordance with this notice of determination, i.e. 35 children comprising 7 x 0-2 year olds, 14 x 2-3 year olds and 14 x 3-5 year olds.
- ii. An author, date of preparation, date range of operational plan and dates of future operational review.
- iii. A complete copy of this Notification of Determination is to be appended to this and all future Operational Plan of Management.
- iv. The 3-5 year old group on the first floor are to be provided with at least one daily outdoor play session in the ground level outdoor open play space in order that these children may experience the natural environment.

This information is to be lodged with the PCA prior to determination of the construction certificate application.

(h) Landscaping Plan

A landscape plan prepared by a registered landscape architect with guidance from an AQF Level 5 Certified Arborist is to prepare a landscape plan for the proposal that provides for the following:

- i. The entirety of the northern side of the ground floor outdoor play space is to be provided with a landscaped bed a minimum width of 1m, measured at any point from the front wall addressing the Conroy Road frontage. The landscaped planting provided in this area is to demonstrably achieve an educational and exploratory function for children. The plan is to be accompanied by a statement detailing the theme of the educational and exploratory function of this planting bed.
- ii. The planting proposed in the outdoor play area must be an appropriate height and spread for the available soil volume within the required 1m wide landscaping bed in the rear yard along the Conroy Road boundary.
- iii. This landscaped plan is to demonstrate that the proposed planting is in compliance with the Child Care Centre Planning Guideline.
- iv. The tree species selection on the north western corner of the site and within both

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

frontages must be a native tree provided in a pot size no less than 75 litres. The selected species must grow to a minimum height of 12m and be pruned following the establishment of these trees to allow for the canopy to provide for shade in the summer while allowing solar access in the winter.

v. The shrub and turf species selection in and adjacent to the play area must be appropriate to prevent injury to children. No toxic, spiky or other hazardous plant species are to be proposed. The landscape plan submitted with the construction certificate application is to be certified by a relevantly qualified person specifying that the species nominated are suitable for a child care centre.

vi. All tree and shrub varieties nominated must be native species.

vii. When providing the location of shrub species, the landscape plan is to avoid planting shrubs immediately adjacent to doors and where shrubs are proposed adjacent to windows, the mature height of these shrubs must not exceed the bottom sill height of the adjacent window.

This information is to be lodged with the PCA prior to determination of the construction certificate application.

(i) Species selection

The planting provision within the outdoor play area is to be amended so as to be in accordance with Section 4.10 of the Child Care Planning Guidelines. In this regard, plans lodged with the construction certificate application must ensure that;

i. Shrubs and trees selected for the play space must be safe for children.

ii. Plant species that risk the health, safety and welfare of the facility's occupants are avoided, such as those which;

iii. are known to be poisonous, produce toxins or have toxic leaves or berries.

iv. have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches.

A qualified horticulturist is to certify that the species selection satisfies these requirements prior to the release of the Construction Certificate.

(j) Internal sectional plans required;

Construction Certificate Plans are to be provided with additional sections detailing;

i. That all child accessible areas provide for child monitoring between rooms in accordance with licensing requirements and Clause 115 of the Education and Child Care Services National Regulations.

ii. That the sign in counter is provided with a clear security shutter with acoustic attenuation properties (to allow visibility between the admin/office and public area but provide reasonable acoustic separation to allow for private conversations within the staff area).

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

iii. That the sign in desk design provides appropriate equitable access including a step down section that allows for service and interaction for children and those using wheelchairs.

This information is to be lodged with the PCA prior to determination of the construction certificate application.

(k) Site Plan Amendments that detail;

i. 3 x bicycle parking within a bicycle rack adjacent to the front entrance must be shown on plans lodged with the construction certificate application.

ii. A letterbox adjacent to the pedestrian entrance. A street number is to be shown prominently on or adjacent to this letterbox.

iii. Any air conditioning unit required for the proposal is to be located a minimum of 3m from the southern or eastern boundaries and is not to be visible from any street frontage.

iv. A design of the outdoor play space that provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

v. A design of all outdoor play areas that assist staff supervision and minimise opportunities for bullying and antisocial behaviour.

vi. A outdoor urban furniture and play equipment plan providing configurations that facilitate interaction and enhances outdoor learning, socialisation and recreation.

This information is to be lodged with the PCA prior to determination of the construction certificate application.

(l) Building Materials

Plans, specification and information lodged with the construction certificate application must demonstrate that no material or substance is proposed to be used in the construction that will cause lead or asbestos or other contamination or poisoning.

(m) Fire Egress Plan

The Fire Egress Plan is to be amended to detail:

i. Floor plans matching the approved floor plans in this notice of determination, and

ii. a fire mustering area/congregation/assembly point.

iii. how less mobile children are to be evacuated from the first floor in an emergency

The Fire Egress Plan is to include a clearly and concisely worded and legible written section detailing;

iv. how less mobile children are to be evacuated from the first floor in an emergency.

v. how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.

(n) Construction Management Plan

A Construction Management Plan is to be lodged with the construction certificate application. This plan is to include a section prepared by the consulting Traffic Engineer indicating how site deliveries during demolition and construction are to be managed to negate any traffic issues and additional congestion at the Oatlands Court/Conroy Road intersection and the street frontages of the site.

3. Works at no cost to Council

All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.

4. Compliance with the Act and Regulations

The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

5. Disabled Access

Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

Provision of Services

6. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at www.sydneywater.com.au, or telephone 13 20 92.

Following receipt of the application, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape.

7. Telecommunications

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

which complies with the following requirements of the Telecommunications Act 1997:

- (a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
- (b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

8. Cladding

Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

9. Products banned under the Building Products (Safety) Act 2017

No building products that are banned, or products that are subject to a ban if used in a particular way under the Building Products (Safety) Act 2017 are to be used in the construction of the development.

10. Traffic Management Plan

The traffic management plan is to be prepared by an accredited designer and submitted to and approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of a Construction Certificate by the Principal Certifying Authority:

Fee Payments

- 11. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

- 12. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

S138 Roads Act – Minor Works in the public road

- 13. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

- 14. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of Drainage storm water connection to a street drainage system in Oatlands Court.

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note: Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

15. On-Site Detention

On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by prepared by Algorry Zappier & Associates, reference number P4973, Sheets D01 and D02, revision D, dated 02.05.18.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

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

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

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

16. Stormwater Discharge – Basement Car parks

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement carparks.

17. Access, Car Parking and Manoeuvring – Minor Development

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- a) Off street access and parking complies with AS2890.1.
- b) Sight Distance at the street frontage has been provided in accordance with AS 2890.1.
- c) All cars can enter and exit the site in a forward direction

18. Signposting

A signposting plan showing the proposed 'No Stopping' along the full property frontage in Otlands Court is to be submitted for approval by Liverpool Traffic Committee. Following approval, the 'No Stopping' parking scheme is to be installed by the applicant.

Engineering Works

19. Detailed design plans for the access driveway and car park including swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 shall be submitted to Traffic and Transport Section for review.
20. The traffic management plan is to be prepared by an accredited designer and submitted to and approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

21. Retaining Walls on Boundary

All retaining walls shall be of masonry construction and must be wholly within the property

boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

Dilapidation reports

22. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Oatlands Court and Conroy Road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend within the zone of influence of all excavations proposed or 10m to either side of the development (whichever is the greater).
23. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.
24. **Construction Noise, Vibration Assessment and Management Plan**

A site-specific Construction Noise, Vibration Assessment and Management Plan prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. The Construction Noise, Vibration Assessment and Management Plan must include an assessment of expected noise impacts and detail feasible work practices to be adopted to avoid, remedy or mitigate construction noise and vibration impacts.

The Construction Noise, Vibration Assessment and Management Plan shall be consistent with the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and include, but not necessarily be limited to the following information:

- (a) Identification of nearby residences and other noise sensitive land uses;
- (b) Assessment of expected noise impacts;
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;
- (d) Strategies to promptly deal with and address noise complaints;
- (e) Details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);
- (f) Methods for receiving and responding to complaints about construction noise;
- (g) Procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and

(h) Reference to relevant licence and consent conditions.

The Construction Noise, Vibration Assessment and Management Plan must be made available for inspection when requested by the PCA or Liverpool City Council.

25. Mechanical Plant and Equipment

Mechanical plant and equipment shall be selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the consulting Acoustic Engineer of Acoustic Consultant.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

26. Food Premises Construction

To ensure compliance with the relevant standards and requirements, the following details are to be submitted to the Principal Certifying Authority for approval:

Plans, to scale, demonstrating the proposed floor layout (including kitchen, bottle prep room and pantry) as well as associated works is in compliance with;

- (a) AS4674-2004 – Design, construction and fit-out of food premises,
- (b) Food Standards Code (Australia),
- (c) Building Code of Australia,

Proposed/altered mechanical ventilation system/s (Building Code of Australia & Australian Standard 1668 Part 1 & 2).

C. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:

Construction Certificate

- 27. Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*.
- 28. A copy of the construction certificate, the approved plans and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
- 29. A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate.

30. A principal contractor must be appointed for the building work and the PCA and Council are to be notified accordingly; and
31. The principal contractor must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and
32. At least two days' notice must be given to the Council, in writing, prior to commencing any works.
33. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*.

34. Traffic Control Plan

Prior to commencement of works, a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

35. Sediment & Erosion Control

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

36. Notification

Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:

- (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land, and
- (b) The notice shall be given seven (7) days prior to the commencement of work.

37. Excavation

In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

the developer:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Site Facilities

38. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

39. Notification of Service Providers

The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website www.sydneywater.com.au for more information.

40. Food Premises

Plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by the PCA:

- (a) all proposed, altered and required mechanical ventilation systems
- (b) (Building Code of Australia & Australian Standard 1668 Part 1 & 2)
- (c) the commercial garbage and recycling storage room (Liverpool DCP 2008)
- (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all preparation, storage areas and cool rooms (AS4674, the Food Act 2003 and Regulations thereunder).

41. Waste Classification and Disposal of Contaminated Soil and Material

All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal.

All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority within 30 days of the waste being disposed of.

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

42. Demolition Works

Demolition works shall be carried out in accordance with the following:

- a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
- b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
- c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

D. DURING CONSTRUCTION

The following conditions are to be complied with or addressed during construction:

Building Work

43. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
44. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

45. Sign Notice Board

A sign must be erected and maintained in a prominent position on the site, which contains the following details:

- (a) name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)

- (b) name, address and telephone number of the *Principal Certifying Authority*
- (c) a statement stating that 'unauthorised entry to the work site is prohibited'.

46. Car Parking Areas

Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

Traffic Management

- 47. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
- 48. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
- 49. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
- 50. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.
- 51. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
- 52. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
- 53. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

qualified person, which is to include the date and times of closures and any other relevant information.

54. Hours of Construction Work and Deliveries

Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

55. Demolition Inspections

The following inspections are required to be undertaken by Council in relation to approved demolition works:

- (a) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.

- (b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

56. Erosion Control - Measures

Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

57. Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

Air Quality

58. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.

59. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

60. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
61. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

Vehicle loads must be covered when entering and exiting the site with material.

Water Quality

62. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Pollution Control

63. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
64. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Contamination

65. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority.
66. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

Record Keeping of Imported Fill

67. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
 - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;

- (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
- (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
- (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

68. Records of the following accepted waste derived fill material must be submitted to the Principal Certifying Authority at the completion of earth works:

- (a) the course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration,
- (b) Documentation confirming the results of the waste classification assessment carried out on the fill material used in the development, and the results of any chemical testing undertaken on fill material.

69. Unidentified Contamination

Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Council and the Principal Certifying Authority in writing.

A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Ventilation

- 70. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
- 71. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

72. Food Premises – Construction

The construction, fitout and finishes of the premises shall comply with the Australian Standards 4674-2004, Food Act 2003 and Regulations thereunder. Construction is to include fit out and finishes for the kitchen bottle prep room and pantry as part of the proposed development.

73. Toilet Facilities

Toilet facilities must be available or provided at the work site and must be maintained until the

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- (c) be a temporary chemical closet approved under the Local Government Act 1993.

74. Security Fence

A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:

Occupation Certificate

- 75. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.
- 76. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.

77. Liverpool City Council clearance – Roads Act/ Local Government Act

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

78. Works as executed - General

Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

79. Roads Act/ Local Government Act

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

80. Stormwater Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the On-site detention system/s and Basement Carpark pump-out system:

- (a) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
- (b) Have met the design intent with regard to any construction variations to the approved design, and
- (c) Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

81. Restriction as to User and Positive Covenant

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:

- (a) On-site detention system/s,
- (b) Basement Carpark pump-out system:

The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

82. Footpath Provision

A footpath 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) fronting Oatlands Avenue and Conroy Road must be constructed for the full length of both these street frontages. Prior to the issue of any occupation certificate, the applicant is to demonstrate that this has been approved and constructed in accordance with Council engineering requirements.

83. Emergency Evacuation Plans

An emergency evacuation plan must be prepared, maintained and implemented for the child care centre.

84. Dilapidation Report

Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

85. Rectification of Damage

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Prior to the issue an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Oatlands Court and Conroy Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

86. Recommendations of Acoustic Reports

Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled (Acoustic Report), prepared by (Sebastian Giglio) dated March 2019 and any addendums and updates to the acoustic report as required by this Notice of Determination. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

87. Display of Street Numbers

Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

88. Disabled Access

Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

89. Signposting

All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

Compliance with BCA

90. In accordance with section 80A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000* (the Regulation), it is a prescribed condition that the requirements of Schedule 3A of the Regulation are complied with at all times.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Landscaping

91. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

Road Works

92. All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.

Crossing Application

93. A concrete vehicular footpath crossing must be provided at the entrance to the property over Council's verge. This crossing must be constructed in accordance with Council's standard requirements for light duty crossing. The section of the vehicular crossing that traverses the road reserve shall be constructed of plain concrete, i.e., no stencil, pattern, coloured concrete etc. A crossing application must be made at Council's customer service counter together with payment of the standard fee. Conditions apply, including requirement for inspection prior to consent to pour by Council's driveway inspector.

94. Notification of Food Premises

The food business is required to notify Council of the food business details. The PCA is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with any relevant fee.

95. Food Premises - Mechanical Ventilation Certification

Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person shall be submitted to the Principal Certifying Authority (PCA) for their review and approval. The certification shall be accompanied by details of the tests carried out in relation to ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2.

96. Service Provision

The following documentation is to be provided prior to the release of the occupation certificate:

- (a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.

Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.

- (b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- (c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
 - i. The requirements of the Telecommunications Act 1997;
 - ii. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - iii. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connections of optic fibre technology telecommunications.

F. CONDITIONS RELATING TO USE

The following conditions relate to the ongoing use of the premises:

97. Hours of Operation

The hours of operation of the premises are limited to:

Monday to Friday – 7.00am – 7.00pm
No operation on weekends or public holidays.

98. Childcare Centres children numbers

Approval is granted for a maximum of thirty-five (35) children to be on the premises at one time, in accordance with the following groupings:

Seven (7) children 0 – 2 years;
Fourteen (14) children 2 – 3 years; and
Fourteen (14) children – 3 years and over.

99. Staff Provision

A maximum number of seven (7) permanent staff members are permitted to work at the childcare centre at any given time.

Any non-permanent, casual, support staff etc. employed as part of the use are to commence shifts at non peak (that is not during standard child drop off and pick up times).

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Car Parking/Loading

100. A total of eleven (11) off-street car parking spaces must be provided in accordance with the approved plans comprising the following:
- Staff parking – Seven (7) car parking spaces; and
 - Parent/visitor parking – Four (4) car parking spaces.
101. All parking areas shown on the approved plans must be used solely for this purpose.
102. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
103. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

Waste

104. For operational purposes a commercial waste service will be utilised for the ongoing use of the site.
105. All solid and liquid waste is to be removed from the site by a registered waste contractor.
106. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
107. All solid waste stored on site is to be covered at all times.

Waste Storage Area

108. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
109. All materials and goods associated with the use shall be contained within the building at all times.

110. Unreasonable Noise and Vibration

The Child Care Centre use, including but not limited to the operation of vehicles, mechanical plant and equipment, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance, particularly from machinery, plant, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

by a suitably qualified acoustic consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the consultant's recommendations and any additional requirements to the satisfaction of Liverpool City Council.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

111. Noise complaints register

The operator shall keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:

- (a) the date and time, where relevant, of the complaint;
- (b) the means by which the complaint was made (telephone, mail or email);
- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
- (f) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

112. Noise – General

Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:

- (a) The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment shall not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
- (b) The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises shall not cause:
 - i. The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);
 - ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics –

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Recommended design sound levels and reverberation times for building interiors;

iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and

iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

113. Noise spruiking - No persons, such as those commonly known as 'spruikers' shall operate either with or without sound amplification equipment for the purpose of advertising the use of the premises, the sale and availability of goods, services, entertainment or the like.

114. Noise - Silent Alarm System - Any alarm installed on the site is to be "silent back to base" type.

115. Use of building intruder alarm/s - Any building intruder alarm/s associated with the development shall only be permitted to operate in accordance with Clause 42 of the Protection of the Environment Operations (Noise Control) Regulation 2017.

116. Offensive Odour/ Impurities

The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.

117. The operation of the development shall comply with the approved Operational Management Plan titled (Proposed Childcare Centre Wattle Grove – Operational Plan of Management for Childcare Centre at 2 Oatlands Court, Wattle Grove), report reference (revision #2 - V2) dated (25/3/2019) at all times. Any changes to the Operational Management Plan that have the potential to impact on neighbour amenity are to be reviewed by Council's Social Planning section prior to implementation.

118. The use of bar fridges for the storage of bottles in the bottle prep room is prohibited as Bar fridges are often incapable of maintaining adequate temperature control.

119. Lighting

Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

Environment

120. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

121. Waste Management

Waste and recyclable material generated from the operations of the premises shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

be permitted to accumulate near the waste storage bins.

G. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within six months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- d) In accordance with Section 98 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- e) The Planning Assessment Commission has not conducted a review of the application.
- f) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- i) "DIAL BEFORE YOU DIG" DIAL 1100

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct

works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- k) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- l) You are advised that the placement of a concrete path around your home may render your home vulnerable to termite attack. To minimise the possibility of any damage, ensure that a minimum of 75mm clearance is provided between the base of the weephole and the level of the path.
- m) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- n) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- o) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- p) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Item no:	2
Application Number:	DA-913/2019
Proposed Development:	Alterations to the front foyer of Liverpool Library
Property Address:	Liverpool Library & Car Parking Station, 166-170 George Street Liverpool
Legal Description:	Lots 3 & 4 DP 1005917
Applicant:	Liverpool City Council
Land Owner:	Liverpool City Council
Cost of Works:	\$150,000
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Patrick Curmi

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA) seeking consent for alterations to the front foyer of the existing Liverpool Library, located at 166-170 George Street Liverpool, Lots 3 & 4 DP 1005917. The intention of the alterations is to update the entry to this civic building.

The site is zoned B3 Commercial Core under Liverpool Local Environmental Plan 2008 (LLEP), within which the proposed development is permitted with consent. Considering the potential effect to which the proposed development may have on the public domain the application was referred to Council's City Design and Public Domain team for comment. They are supportive of the proposal, subject to conditions. Accordingly, the development is considered to be consistent with Council public domain vision.

The development application was notified for a period of 15 days from 9 to 24 March 2020 in accordance with the Liverpool Community Participation Plan 2019. No submissions were received in response to the notification process.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements in that the development falls into the category of conflict of interest, as the land owner is Council.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979 and accordingly, it is recommended that the application be approved, subject to the imposition of conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The site is located in the centre of the Liverpool CBD, which is categorised by high density high-rise urban form, with the immediate locality containing B3- Commercial Core and B4 –

Mixed Use Land. The adjoining properties to the development site are detailed in the following table.

South (Side) Office buildings, retail premises	33 Moore Street, Liverpool 23 Moore Street, Liverpool 17 Moore Street, Liverpool
North (Side) Local Court, multi-storey public car park	150 George Street, Liverpool 166-170 George Street, Liverpool
East (Rear) Community centre, business premises, medical centres	173 Bigge Street, Liverpool 181 Bigge Street, Liverpool 185 Bigge Street, Liverpool
West (Front) Retail premises, business premises	160 George Street, Liverpool 170 George Street, Liverpool



Figure 1: Locality Surrounding the Proposed Development (Source: Geocortex)

2.2 The site

The subject site is identified as Lots 3 & 4 DP 1005917, Francis Greenway Centre & Liverpool Library, 166-170 George Street and Car Parking Station & Liverpool Central Library, George Street, Liverpool. The site has a primary frontage with pedestrian access to George Street and secondary access via Dewsbury Lane and Warren Serviceway. The subject site contains the Liverpool Library, Library forecourt area and a car parking station.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020



Figure 2: Aerial view of the site (Source: NearMap)

3. BACKGROUND/HISTORY

The following is a list of Development Applications relating to the subject site:

Application No.	Lodged	Proposed Development	Determined
D/867/1993	01 December 1993	Construction of a new central library & refurbishment of the existing library building.	Cancelled 14 January 1994
D/160/1995	22 August 1994	Refurbishment of the existing library.	Approved 20 October 1994
DA-728/2004	03 October 2003	Glazed airlock automatic sliding doors	Approved 13 October 2003
DA-1967/2004	06 April 2004	DA-1967/2004, internal alteration for youth reading room	Approved 11 May 2004
DA-1061/2005	14 January 2005	Alteration-demolition of existing partitions, erection of new partitions office areas, meeting rooms, local studies room.	Approved 09 February 2005
DA-1837/2005	16 June 2005	coffee cart on level one of city library with tables and chairs on forecourt	Approved 12 August 2005
DA-1057/2006	16 February 2006	Internal non-structural work to entry level of library including a customer service desk and a coffee shop.	Approved 28 March 2006
DA-1222/2007	18 May 2007	Use of existing premises as a place of public worship	Approved 24 July 2007
DA-994/2016	24 October	Usage of Liverpool Library forecourt for 5	Approved

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

25 May 2020

	2016	years permit, 10:00-13:00 for Remembrance Day ceremony and to mark the Anniversary of Armistice to run in conjunction with local veterans	07 November 2016
DA-620/2015/A	02 November 2016	Modification to DA-620/2015 pursuant to Section 96(2) of the Environmental Planning & Assessment Act. The modification proposes an amendment to the existing Global DA approval to include additional locations for public events, including: Angle Park, Heron Park, Collimore Park Chipping Norton Lake, Liverpool Library forecourt and Whitlam Centre.	Approved 08 June 2017
DA-36/2017	27 January 2017	Childrens Parliament launch on 28th February 2017 in the Frances Greenway Centre and following lunch in the Library Forecourt	Approved 10 February 2017
DA-60/2017	07 February 2017	International Womens Day event, 8am-4pm, Wed March 8th (including bump in and out). Performances, workshops, and expo of local womens services. No stalls, stages or other constructions are required.	Approved 02 March 2017
DA-913/2019 (Subject DA)	16 December 2019	<i>Alterations to the front foyer of an existing library</i>	<i>Application Under Assessment</i>

4. DETAILS OF THE PROPOSAL

The development application seeks consent for alterations to the front foyer of an existing Liverpool library. The proposal would specifically consist of the following:

Demolition Works

- Removal of glazed airlock including all frames, glazing and sliding doors;
- Removal of all ceiling lining and roof cover, trims, cappings and bird spikes;
- Removal of all electrical services related to sliding door operation and lighting including light fittings;
- Removal of existing pavers;
- Removal of existing air curtain above existing sliding doors;
- Removal of redundant emergency EXIT sign above sliding doors; and
- Removal of all existing electrical services related to sliding door operation.

Alterations and Additions

- Installation of new glazing panels and mullions where existing sliding doors were removed;
- Making good of surrounding floor and framed glazed wall where affected by new work;

- Installation of new blinds to new infill glazed panels, to match existing;
- Installation of new dark window tint to all front facade glazing to prevent strong sunglaze (80% dark tint);
- Installation of new Automatic Sliding Door System;
- Installation of new glazing decal on doors; and
- Relocation and installation of existing electronic barriers.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The relevant planning instruments/policies applicable to the proposed development are as follows:

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 4: Development in the Liverpool City Centre.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the Environmental Planning and Assessment Regulation 2000, as follows:

6.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instrument

(a) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP)

The subject land is located within the Georges River Catchments and as such the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application. The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The DA was referred to Council's Land Development engineering section who reviewed the proposal with regards to stormwater management and water quality. On that basis they raised no objections to the proposal. It should be noted that the proposed alterations will not alter the existing stormwater drainage system onsite and will connect to the existing system. Accordingly, the proposed development is considered to meet the objectives of the SEPP and is unlikely to have a negative impact on the environmental quality of the Georges River Catchment beyond the existing development onsite.

State Environmental Planning Policy No. 55 – Remediation of Land

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

Considering the existing historical use of the property and the extent of works sought, detailed land contamination assessment is not considered to be necessary for this DA. As such, the proposal is considered to be consistent with SEPP 55.

Liverpool Local Environmental Plan 2008

Zoning

The subject site is zoned B3 Commercial Core pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 3 below.



Figure 3: Zoning Map (source: Geocortex)

(26) **Permissibility**

Development Consent D/160/1995 was issued for the refurbishment of the existing library. The proposed development would not alter the existing use. The proposed development is identifiable as being ancillary to the existing information and education facility.

“Information and education facility means a building or place—

*used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, **library**, visitor information centre and the like.”*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

(iii) Objectives of the zone

The objectives of the B3 Commercial Core zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of Liverpool city centre as the regional business, retail and cultural centre of south western Sydney.*
- *To ensure that, for key land in the Liverpool city centre, opportunities for retail, business and office uses exist in the longer term.*
- *To facilitate a high standard of urban design and exceptional public amenity.*

It is considered that the proposal is a permissible type of development within the B3 Commercial Core zone and is generally consistent with the above zone objectives.

(iv) Principal Development Standards

LLEP 2008 contains a number of principal development standards which are relevant to the proposal, as detailed below.

Development Provision	Requirement	Proposed	Complies
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Demolition consent is sought as part of this application.	YES
4.3 Height of Buildings	Maximum height permitted: 100m	No change to building height proposed.	N/A
4.4 Floor Space Ratio	Maximum permitted: 5:1. FSR	No additional gross floor area proposed.	N/A
4.6 Exceptions to Development Standards	Provisions relating to exceptions to development standards	No variations are sought.	N/A
5.10 Heritage Conservation	To protect and conserve existing items/locations identified as containing significant heritage value	Complies. The site has frontage to George Street which is listed as part of heritage item No. 89 – <i>Plan of Town of Liverpool (early town centre street layout–Hoddle 1827)</i> . As the proposal is for alterations and additions	YES

		to the entry of the existing library which is setback approximately 40m from the roadway, there is considered to be no detrimental effect on the heritage road layout.	
7.7 Acid Sulfate Soils	Class 1, 2, 3, 4 or 5	Complies. The site is mapped as containing class 5 acid sulfate soils, however given the proposed works, it is highly unlikely the development would lower the watertable below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	N/A
7.8 Flood Planning	To minimize the flood risk to life and property associated with the use of land	Council's mapping system does not identify the subject site as being flood prone.	N/A
7.31 Earthworks	Earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	No cut or fill proposed.	N/A

As demonstrated in the above compliance table, the proposed development is consistent with the relevant provisions of LLEP 2008.

6.2 Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments which apply to the development.

6.3 Section 4.15(1)(a)(iii) – Any Development Control Plan

(a) Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development and Part 4 Liverpool City Centre*. The development is found to achieve full compliance with the relevant provisions of the LDCP 2008, as detailed within the tables in Attachment 2 of the report. Overall, the proposal is considered to be consistent with the relevant controls outlined in the LDCP 2008.

6.4 Section 4.15(1)(a)(iia) – Planning Agreements

There are no Planning Agreements which apply to the development.

6.5 Section 4.15(1)(a)(iv) – The Regulations

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the BCA and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent will be imposed.

6.6 Section 4.15(1)(b) – The Likely Impacts of the Development

Natural and Built Environment

The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent applying to construction works.

The proposed development is unlikely to create any adverse impacts on the built environment and was referred to Council's City Design and Public Domain team for commentary regarding urban design. They supported the proposed, subject to conditions, noting the following:

1. *The proposed alterations to the library entrance are supported from an urban design and public domain perspective as it will delineate clear segregation between the entry and exit points for the library and facilitate efficient pedestrian movement.*
2. *The removal of the airlock will ensure that there is sufficient space to manoeuvre wheelchairs and prams in front of the entrance door to the library.*
3. *The internal configuration of the library will be improved through implementation of the proposed changes.*
4. *The new paving in front of the library entrance (i.e. landing at the top of the staircase) needs to be the same material and finish, to match the existing paving on the stairs. This is at the entrance to an important civic building. Consider opportunities to incorporate paving inlays and/or artwork with significance to the site/area, in consultation with Council's Heritage Officer/Public Arts Officer.*
5. *Incorporate artwork on the left-hand side blank wall, near the library entrance (i.e. the external wall of the female bathroom, opposite the library returns chute) to provide visual interest. Consult with Council's Public Arts Officer.*

With the inclusion of the above comments, the proposed development is likely to contribute positively to the built environment.

Social Impacts and Economic Impacts

The proposal would result in a positive economic impact in the locality through the capital investment value of the development. As the proposal seeks to improve an existing civic building, upon its completion, it is likely to positively contribute to the locality from a social perspective.

6.7 Section 4.15(1)(c)– The Suitability of the Site for the Development

The proposal generally complies with the relevant planning controls and the site is considered

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

to be suitable for the proposed development.

6.8 Section 4.15(1)(d) - Any submissions made in accordance with the Act or the Regulations

(26) Internal Referrals

The following comments have been received from Council's Internal Departments:

DEPARTMENT	COMMENTS
City Design and Public Domain	Supported, subject to conditions of consent.
Building	Supported, subject to conditions of consent.

(26) External Referrals

DEPARTMENT	COMMENTS
NSW Police Force	Supported, subject to conditions of consent.

(26) Community Consultation

The development application was notified for a period of 15 days from 9 to 24 March 2020 in accordance with the Liverpool Community Participation Plan 2019. No submissions have been received by Council regarding the proposed development.

26.9 Section 4.15(1)(e) – The Public Interest

The proposed development is considered to be in the public interest.

26. DEVELOPMENT CONTRIBUTIONS/ LEVIES

Development Contributions or Levies are not applicable to the proposed development.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, Liverpool LEP 2008, LDCP 2008, and the relevant codes and policies of Council. Based on the assessment of the application, it is recommended that the application be approved, subject to the imposition of conditions.

9. RECOMMENDATION

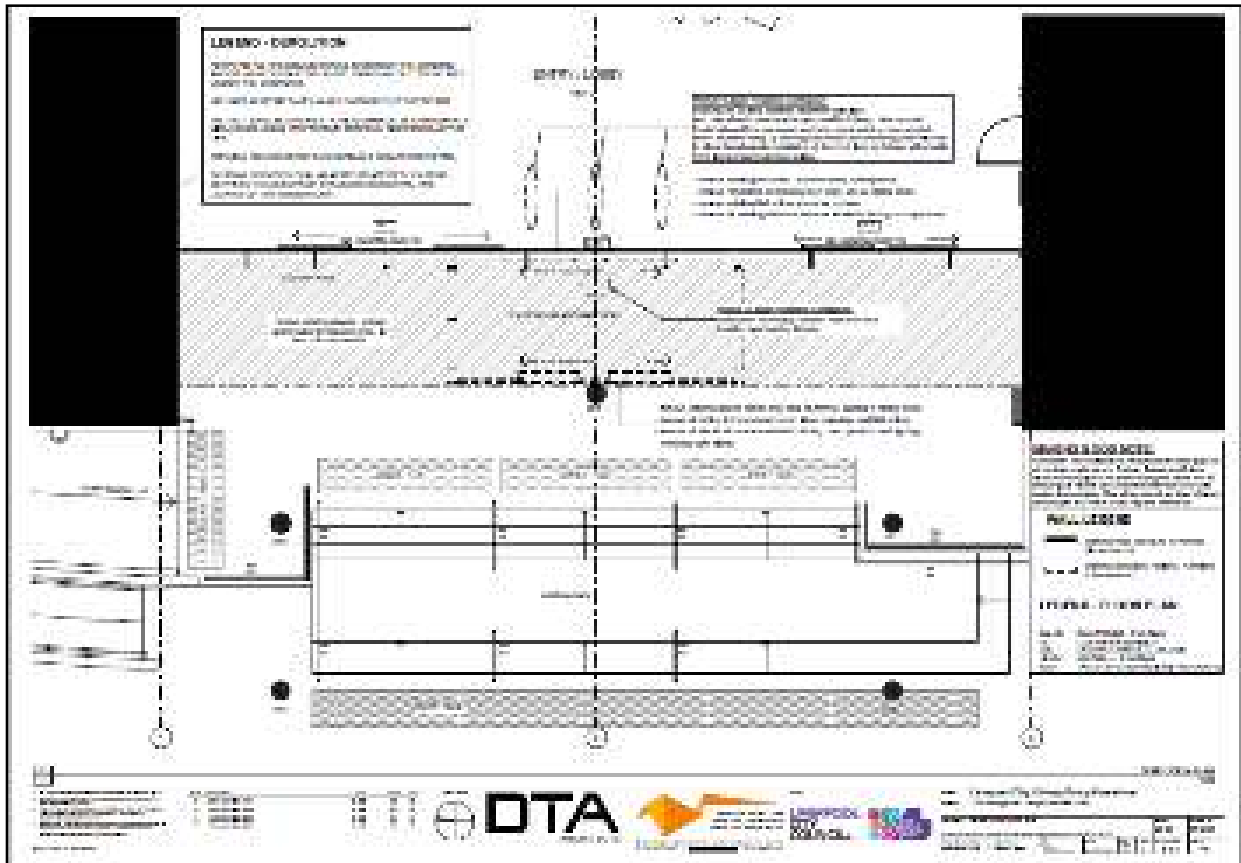
That Development Application DA-913/2019 seeking approval for alterations to the front foyer of an existing library, be approved subject to conditions of consent.

10. ATTACHMENTS

- 1. PLANS OF THE PROPOSAL**
- 2. DCP COMPLIANCE TABLE**
- 3. DRAFT CONDITIONS**

4. NSW POLICE FORCE COMMENTS

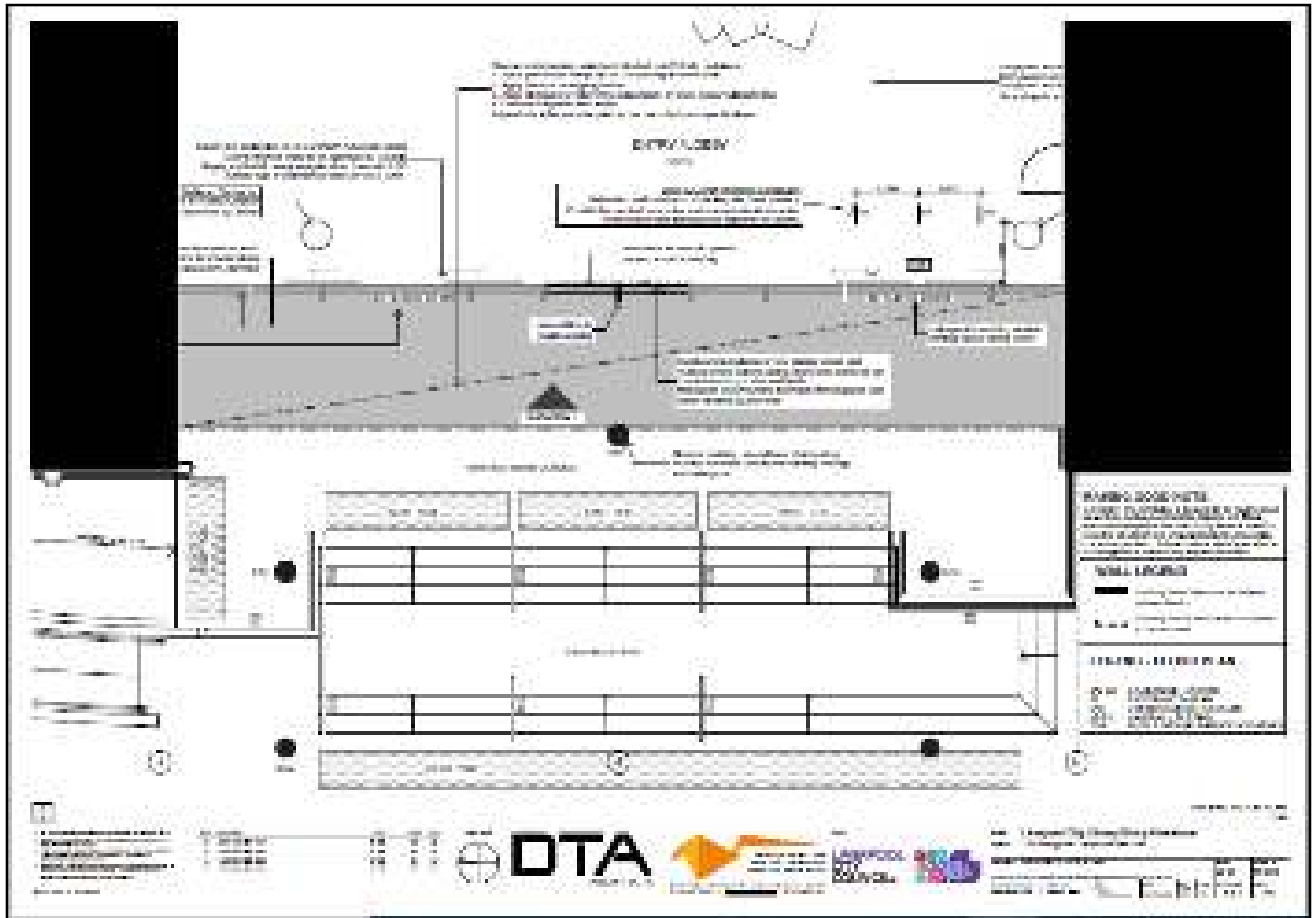
ATTACHMENT 1: PLANS OF THE PROPOSAL



Demolition Plan

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

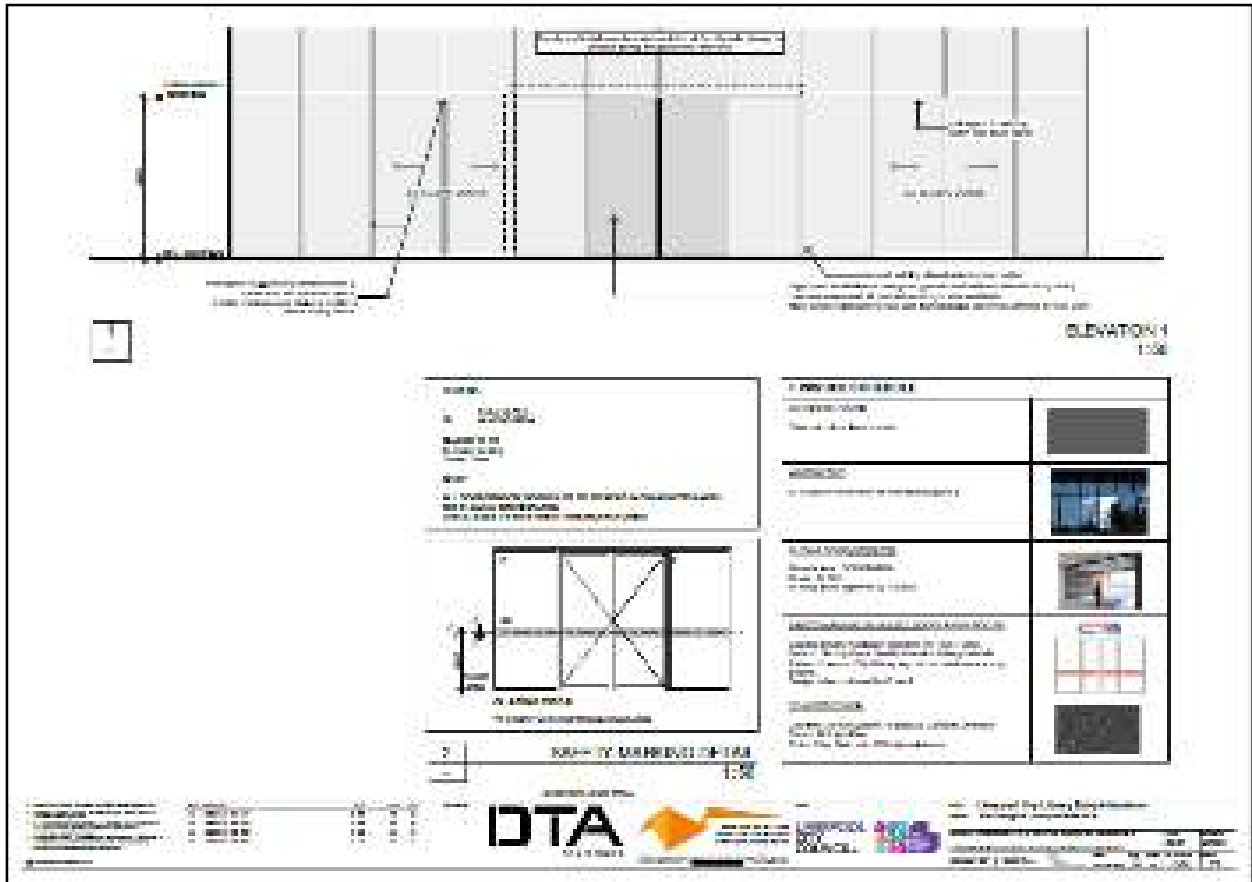
25 May 2020



Ground Floor Plan

LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

25 May 2020



External Elevations, Finishes Schedule

ATTACHMENT 2 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 – Part 1 General Controls for All Development

Development Control	Provision	Comment
Section 2: Tree Preservation	Controls relating to the preservation of trees	N/A. No vegetation to be removed.
Section 3: Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	N/A. No vegetation to be removed.
Section 4: Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	N/A. Minimal to no impact on bushland and habitats considering the location of the development.
Section 5: Bush Fire Risk	Controls relating to development on bushfire prone land	N/A. The subject site is not classified as Bushfire prone land.
Section 6: Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies. Council's Land Development Engineer has reviewed this proposal and has no objection to stormwater management, subject to conditions of consent.
Section 7: Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	N/A. The location of the proposed works is not considered to be within close proximity to a watercourse being located more than 300m from the George's River.
Section 8: Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required.	Complies. Minor works occurring and waste management plan submitted.
Section 9: Flooding Risk	Provisions relating to development on flood prone land.	N/A. The subject site is not mapped as being flood prone.
Section 10: Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies. Existing and historical use of the subject allotment does not warrant a land contamination assessment.
Section 11: Salinity Risk	Provisions relating to development on saline land.	Complies. Condition of consent may be included on a consent requiring design to respond to salinity.
Section 12: Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Complies. The site is mapped as containing class 5 acid sulfate soils, however is highly unlikely to lower the watertable below 1m Australian Height Datum on adjacent Class

Development Control	Provision	Comment
		1, 2, 3 or 4 land.
Section 13: Weeds	Provisions relating to sites containing noxious weeds.	N/A. No noxious weeds have been identified on the subject site.
Section 14: Demolition of Existing Development	Provisions relating to demolition works	Conditions to be imposed. The proposed demolition work would need to comply with AS 2601-2001 standards.
Section 15: On Site Sewage Disposal	Provisions relating to OSMS.	N/A. Site is connected to the sewer.
Section 16: Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	N/A. No known items of aboriginal archaeology are present on the subject property.
Section 17: Heritage and Archaeological Sites	Provisions relating to heritage sites.	N/A. The subject site is not associated with any heritage items.
Section 18: Notification of Applications	Provisions relating to the notification of applications.	N/A. The proposal was required to be notified consistent with the Liverpool Community Participation Plan 2019. No submissions were received in response to the notification process.
Section 19: Used Clothing Bins	Provisions relating to used clothing bins.	N/A. No charity bins located within the subject property.
Section 20: Car Parking and Access	Determines how many car parking spaces are required for the development.	N/A. No extra gross floor area proposed, therefore current parking arrangements are considered to be sufficient.
Section 25: Waste Disposal and Re-use Facilities	This section applies to Subdivision and excavation of land and Demolition of existing buildings.	Complies. A waste management plan for construction has been provided with the application.
Section 26: Outdoor Advertising and Signage	This section applies to applications for Outdoor Advertising and Signage.	N/A. The proposed development does not involve outdoor advertising and signage.

Control	Required	Proposed
Building Form	The external facades of buildings are to be aligned with the streets that they front.	Complies. The main entrance would still present to the Library forecourt and George Street.
Active Street Frontages and Address	<p>Active street fronts are required on ground level of all areas identified in Figure 11, including adjacent through block connections.</p> <p>Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.</p> <p>Only open grill or transparent security (at least 50% visually transparent) shutters are permitted to retail frontages.</p>	<p>Complies. Façade presenting to George Street would promote an active street frontage.</p> <p>Complies. Existing ground floor utilised, with pedestrian access to Library maintained from George Street.</p> <p>N/A. No shutters are proposed.</p>
Safety and Security	<p>Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention through environmental design (CPTED) principles).</p> <p>Ensure that the building design allows for passive surveillance of public and communal spaces, accessways, entries and driveways.</p> <p>Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.</p>	<p>Complies. Appropriate safer by Design crime prevention through environmental design principles have been applied to the proposed development. The application received comment from NSW police, who were supportive of the proposed development, subject to conditions of consent.</p> <p>Complies. The proposed development would allow for passive surveillance of public and communal spaces from the Library overlooking the Library forecourt and George Street.</p> <p>Complies. The entrance from George Street and the Library forecourt would be visually prominent.</p>
Awnings	<p>To provide shelter for public streets where most pedestrian activity occurs.</p> <p>To address the streetscape by providing a consistent street frontage in the city centre.</p>	N/A. No new awnings proposed.
Building Exteriors	Adjoining buildings (particularly	Complies. The site has frontage to

	<p>heritage buildings) are to be considered in the design of new buildings in terms of: - appropriate alignment and street frontage heights, - setbacks above street frontage heights, - appropriate materials and finishes selection, - facade proportions including horizontal or vertical emphasis, and - the provision of enclosed corners at street intersections.</p> <p>Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.</p> <p>Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.</p> <p>Finishes with high maintenance costs, those susceptible to degradation due to a corrosive environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.</p> <p>To assist articulation and visual interest, expanses of any single material is to be avoided.</p> <p>Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.</p> <p>Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.</p> <p>Highly reflective finishes and curtain wall glazing are not permitted above ground floor level</p>	<p>George Street which is listed as a heritage item. As the proposal is for alterations and additions which is minor in nature it would have no significant effect on the existing heritage item.</p> <p>Complies. The façade is considered to be appropriately articulated and would add visual interest.</p> <p>Complies. Blank walls would not be incorporated into the façade design.</p> <p>Complies. No reflective glass would be incorporated.</p> <p>Complies. Multiple materials are incorporated into the façade.</p> <p>Complies. Limited blank walls would be incorporated.</p> <p>Complies. Glazing incorporated in sections.</p> <p>Complies. No changes to façade above ground floor level.</p> <p>N/A.</p> <p>N/A.</p>
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	<p>(refer to Section 5.3)</p> <p>A materials sample board and schedule is required to be submitted with applications for development over \$1million or for that part of any development built to the street edge.</p> <p>Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as:</p> <ul style="list-style-type: none"> - expressed cornice lines that assist in enhancing the streetscape, - projections such as entry canopies that add visual interest and amenity. 	
Corner Treatments	To encourage the use of architectural techniques to place emphasis on corner buildings.	N/A. The proposed works is not located on a corner.
Public Artworks	Major developments in the Liverpool City Centre (i.e. over 5,000sqm in floor space) are required to prepare a Public Art Plan as part of their development proposal.	N/A. The proposed development is not identified as a major development.
Pedestrian Access and Mobility	<p>Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.</p> <p>The development must provide accessible internal access, linking to public stress and building entry points.</p>	<p>Complies. The main building entry points are clearly visible from the George Street and Library forecourt frontage.</p> <p>Complies. The proposed development provides accessible internal access, linking to the public street and building entry points.</p>
Vehicular Driveways and Manoeuvring Areas	The location, type and design of vehicle access points to a development can have significant impacts on the streetscape,	N/A. The proposed development would not involve vehicular driveways.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

25 May 2020

On Site Parking	Onsite parking includes underground (basement) surface (at grade) and above ground parking, including parking stations	N/A. The proposed development does not involve parking.
Energy Efficiency and Conservation	The ability of development to optimise thermal performance, thermal comfort and day lighting	Conditioned. Conditions will be imposed requiring the proposed development to comply with the BCA, which includes standards for energy conservation for non-residential development.
Water Conservation	Building design can contribute to environmental sustainability by integrating measures for improved water quality and efficiency of use.	Conditioned. Conditions will be imposed requiring the proposed development to comply with the BCA, which includes standards for water conservation for non-residential development
Reflectivity	<p>New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.</p> <p>Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.</p> <p>Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.</p>	<p>Complies. The proposed façade would not result in unsubstantial glare.</p> <p>Complies. It is highly unlikely light reflectivity from building materials used on the facades would exceed 20%.</p> <p>A reflectivity report is not required due to the minimal amount of solar glare that would be subject to George Street and the Liverpool Library forecourt.</p>
Wind Mitigation	To ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.	N/A. The proposed works would not cause any additional wind issues.

<p>Noise</p>	<p>An acoustic report is required for all noise affected locations, as identified in Figure 25. This report is to demonstrate that appropriate noise attenuation and barrier planning is to be implemented.</p> <p>Sites adjacent to noise sources identified in Figure 25 are to be designed in a manner that any residential development is shielded from the noise source by virtue of the location and orientation of built form on the site. Depending on the type and scale of development, acoustic assessment may be required for sites outside the noise source 3 areas. Fig. 5.1.</p>	<p>N/A. No additional noise impacts identified.</p> <p>N/A. No additional noise impacts identified.</p>
<p>Waste</p>	<p>Non-residential development</p> <p>Development applications for all non-residential development must be accompanied by a waste management plan that addresses:</p> <ul style="list-style-type: none"> - best practice recycling and reuse of construction and demolition materials, - use of sustainable building materials that can be reused or recycled at the end of their life, - handling methods and location of waste storage areas, such that handling and storage has no negative impact on the streetscape, building presentation or amenity of occupants and pedestrians, and - procedures for the on-going sustainable management of green and putrescible waste, garbage, glass, containers and paper, including estimated volumes, required bin capacity and on-site storage requirements. <p>The waste management plan is to be prepared by a specialist waste consultant and is subject to approval by Council</p>	<p>Complies. A waste management plan has been provided with the application which addresses the points listed.</p>

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

25 May 2020

Floodplain and Water Cycle Management	To reduce the impact and risk of flooding on residents.	N/A. The site is not located within a flood prone area.
Sewage Treatment Plant	To ensure that development near the sewage treatment plant does not encroach on the buffer zoning.	N/A. The proposed site is not located within 400m of the sewage treatment plant.
Business where Trolleys are required	A daily trolley collection service or a coin operated return system is required for all businesses that offer the use of trolleys to their customers.	N/A. The proposed development does not involve trolleys.
Controls for Residential Development	The provisions in the Residential Flat Design Code associated with State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65) are adopted in this DCP to apply to residential development in the Liverpool city centre.	N/A. The proposal does not include any works involving residential development.
Heritage Items and Conservation Areas	To facilitate the conservation and protection of heritage items and heritage conservation areas and their settings.	Complies. The site has frontage to George Street which is listed as a heritage item. As the proposal is for alterations and additions which is minor in nature it would have no significant effect on the heritage item.
Design Excellence	To ensure a high standard of design quality, development subject to the design guidelines provisions or as identified on the Key Sites Map of Liverpool LEP 2008 are subject to a design competition in accordance with the provisions below.	N/A. Notwithstanding, the application has been supported by Council's City Design and Public Domain team would have reviewed the proposal from an urban design perspective.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

ATTACHMENT 3 – DRAFT CONDITIONS

A. THE DEVELOPMENT

1. Approved Plans

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

Plan Name	Prepared By	Drawing/ Sheet Number	Issue/ Revision	Job No.	Date
Demolition Plan	DTA Architects	WD03	P6	2027	15/11/19
Ground Floor Plan	DTA Architects	WD04	P6	2027	15/11/19
External Elevations, Finishes Schedule	DTA Architects	WD05	P6	2027	15/11/19
Waste Management Plan	Urban City Planning	--	--	--	2019

2. Prescribed Condition

In accordance with Section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that all building work must be carried out in accordance with the applicable *Performance Requirements of the National Construction Code*. Compliance with the Performance Requirements can only be achieved by:

- a) Complying with the Deemed to Satisfy Provisions, or
- b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or
- c) A combination of (a) and (b).

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with or addressed prior to the issue of a Construction Certificate by the Principal Certifying Authority.

3. Construction Certificates

Any CC that may be issued in association with this development consent must

ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

4. Fee Payments - Land Development

Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- c) Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

These fees are reviewed annually and will be calculated accordingly.

5. Cladding

Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

6. Paving

The new paving in front of the library entrance (i.e. landing at the top of the staircase) must be the same material and finish, to match the existing paving on the stairs. This shall be included in the construction certificate plans.

The PCA shall liaise with Council's Heritage Advisor and Public Arts Officer in order to investigate opportunities to incorporate paving inlays and artwork with significance to the locality.

7. Art work

The PCA shall liaise with Council's Public Arts Officer in order to provide artwork on the southern elevation of the library entrance area and the external wall of the female bathroom. The art work shall be indicated on the construction certificate plans.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

8. Access

Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

9. Notification

The certifying authority must advise Council, in writing of:

- a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contact is entered into for the work to be done by a different licensee, Council must be immediately informed.

C. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:

10. Construction Certificates

Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

11. Construction Certificates

Prior to the commencement of any building works, the following requirements must be complied with:

- a) Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*,
- b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
- c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
- d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
- e) The PCA must advise Council of the intended date to commence work

which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

12. Sediment & Erosion Control

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the *Protection of the Environment Operations Act 1997* and Landcom's publication "*Managing Urban Stormwater – Soils and Construction (2004)*" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

13. Demolition Works

Demolition works shall be carried out in accordance with the following:

- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
- (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
- (c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

14. Construction Requirements

Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

15. Site Facilities

Adequate refuse disposal methods and builder's storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

16. Sydney Water

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Development plans must be processed and approved by Sydney Water.

D. DURING CONSTRUCTION

The following conditions are to be complied with or addressed during construction:

17. Site Notice Board

A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:

- a) the name, address and telephone number of the principal certifying authority for the work,
- b) the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) unauthorised entry to the premises is prohibited.

18. Erosion Control Measures

Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

19. Hours of Construction Work and Deliveries

Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

20. Notification of Damage

The applicant/builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

21. Craning and Hoardings

If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works.

22. Toilet Facilities

Toilet facilities must be available or provided at the work site and must be

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

23. Refuse Disposal

Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

24. Security Fence

A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

25. Air Quality – Vehicle Movement

All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

26. Erosion Control - Maintenance

Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.

27. Water Quality

All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

28. Pollution Control – Truck Movements

The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

29. Removal of dangerous and/or hazardous waste

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

30. Air Quality - Dust Screens

Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.

31. Pollution Control Site - Operations

Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to water pollution.

32. Police Conditions

The NSW Police conditions for construction works shall be complied with at all times. See Attachment 4 of this report.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifier (PC):

33. Occupation Certificates

The premises must not be utilised until an Occupation Certificate (OC) is issued by the principal certifier.

34. Cladding

Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

35. Dilapidation Report

Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

36. Paving and Art

The PCA shall ensure that paving work and art installed in association with the approved development has been done in accordance with the requirements of Council's Heritage Advisor and Public Art Officer, as per Conditions 6 and 7 of this consent.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

37. Police Conditions

The NSW Police conditions relating to 'after construction', shall be completed to the satisfaction of the PCA. See Attachment 4 of this report.

F. ADVISORY

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

- i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- j) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- k) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

ATTACHMENT 4 – NSW POLICE FORCE COMMENTS

4. Recommendations

I have no objections to this DA. However, I recommend that:

1. During construction phase:

- Site to be secured with temporary fencing or similar.
- Portable lighting to be installed.
- Portable CCTV cameras installed or a monitoring system (if not current CCTV cameras do not provide coverage of the location).
- Trade person to ensure all tools and building products are always adequately secured when not in use.

2. After construction:

- As this is the main entrance to the library ensure CCTV is installed covering both the Ingress and egress from the library.
 - Installation of pedestrian barriers/ gates allowing one-way access only
 - Signage at public, internal & external areas to warn of CCTV cameras being utilised at the location
-

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Disclaimer

The New South Wales Police Force has a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this assessment, any person who does so acknowledges that:

- It is not possible to make all areas evaluated by the NSWPF entirely safe for members of the community or the security of their property.
- It is based upon the information provided to the NSWPF at the time the assessment was made.
- This assessment is a confidential document and is for use of the consent authority unless otherwise agreed.
- The contents of this assessment are not to be copied or circulated otherwise than for the purposes of the consent authority, unless otherwise agreed.

The NSW Police Force hopes that by using the recommendations contained in this assessment, criminal activity will be reduced and the safety of members of the community and the security of their property will increase. However, it does not guarantee that all risks have been identified, or that the area assessed will be free from criminal activity if its recommendations are followed.

Should you have any questions in relation to the evaluation contact the Crime Prevention Officer/s at Liverpool City PAC on 9607 1799.

Yours sincerely,

Crime Prevention Officer
Crime Management Unit
Liverpool City Police Area Command

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Item no:	3
Application Number:	DA-93/2020
Proposed Development:	Construction of a spectator stand and associated works.
Property Address:	91 Junction Road, Moorebank
Legal Description:	Lot 3, DP 816815
Applicant:	Moorebank Liverpool District Hockey Club
Land Owner:	Liverpool City Council
Cost of Works:	\$240,000
Recommendation:	Approval, subject to conditions of consent.
Assessing Officer:	Elissa Martino

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA) seeking consent for the construction of a spectator stand and associated works, located at 91 Junction Road, Moorebank, Lot 3, DP 816815.

The site is zoned RE1 Public Recreation pursuant to the Liverpool Local Environmental Plan 2008 (LLEP), within which the proposed development is permitted with consent. The allotment to which the development is proposed forms part of a greater parkland spine that connects Heathcote Road and the M5 Interchange to Newbridge Road through Moorebank.

Part of the parkland, near the subject site, is identified as Environmental Sensitive Land and as such the DA was referred to Council's Sustainable Environment and Natural Environment/Landscape Sections for comment. The site is mapped as being flooding affected, accordingly the proposed was referred to Council's Flooding and Drainage Engineering Sections. The proposed was also referred to Council's Building Section for construction comments and Traffic Engineers for parking and traffic assessment. Each of these departments are supportive of the proposal, subject to conditions.

The development application was not required to be notified in accordance with the Liverpool Community Participation Plan 2019. As such no submissions were received.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements in that the development falls into the category of conflict of interest, as the land owner is Council.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979 and accordingly, it is recommended that the application be approved, subject to the imposition of conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The site is located approximately 3km from the Liverpool CBD. The locality is comprised of a mix of uses including IN1 – general industry of which is located to the west of the site, R3 – Medium Density Residential to the east and R2 – Low Density Residential located to the south and south east of the site. Anzac Creek is located on the adjoining lot to the west, being Lot 4, DP 816815.

The site is bound by two classified roads, Heathcote Road which is located approximately 100m from the site and subsequently located approximately 500m to the south of the site is the South-Western Motorway (M5).



Figure 1: Locality Surrounding the Proposed Development (Source: ePlanning Portal)

2.2 The site

The subject site is identified as Lot 3, DP 816815, 91 Junction Road, Moorebank. The subject site is an irregular shaped allotment of which is part of the Ernie Smith Reserve Complex. This complex has numerous recreation functions which includes, the Hockey fields, Soccer fields that are located further north and a skate park/ playground area.

At present, the site is comprised of two synthetic turf hockey fields of which is accessible from Junction Road via an access handle that adjoins a parking area which is located to the north of the site and is situated behind the amenities building.

The site is mapped as being highly flood affected and is mapped in the flood planning area.



Figure 2: Aerial view of the site (Source: ePlanning Portal)

3. BACKGROUND/HISTORY

The following is a list of Development Applications relating to the subject site:

Application No.	Lodged	Proposed Development	Determined
<i>DA-93/2020 (Subject DA)</i>	<i>7 February 2020</i>	<i>Construction of a spectator stand and associated works.</i>	<i>Application Under Assessment</i>

4. DETAILS OF THE PROPOSAL

The development application seeks consent for the erection of spectator stands associated with existing hockey fields. The proposal would specifically consist of the following:

- Construction of the spectator stand, this will include minor excavation works for the footing and slab, subsequently a steel frame will be erected to support the roof structure.
- Associated works will include the connection to the existing stormwater infrastructure.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The relevant planning instruments/policies applicable to the proposed development are as follows:

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Liverpool Local Environmental Plan (LLEP) 2008;

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the Environmental Planning and Assessment Regulation 2000, as follows:

6.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instrument

(a) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP)

The subject land is located within the Georges River Catchments and as such the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application. The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The DA was referred to both Council's Flooding and Land Development engineering sections who reviewed the proposal with regards to stormwater management, flooding considerations and water quality. Both sections raised no objections to the proposal. Accordingly, the proposed development is considered to meet the objectives of the SEPP and is unlikely to have a negative impact on the environmental quality of the Georges River Catchment beyond the existing development onsite.

(b) State Environmental Planning Policy No. 55 – Remediation of Land

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

Considering the existing historical use of the property and the extent of works sought, detailed land contamination assessment is not considered to be necessary for this DA. As such, the proposal is considered to be consistent with provisions of SEPP 55.

(c) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned RE1 Public Recreation pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 3 below.



Figure 3: Zoning Map (source: Geocortex)

(ii) Permissibility

The proposed development is best defined as being a Recreation Area,

“Recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children’s playground, or*
 - (b) an area used for community sporting activities, or*
 - (c) a public park, reserve or garden or the like,*
- and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).”*

(v) Objectives of the zone

The objectives of the RE1 Public Recreation zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide sufficient and equitable distribution of public open space to meet the needs of residents.*
- *To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.*

It is considered that the proposal is a permissible type of development within the RE1 Public Recreation zone and is generally consistent with the above zone objectives.

(vi) Principal Development Standards

LLEP 2008 contains a number of principal development standards which are relevant to the proposal, as detailed below.

Development Provision	Requirement	Proposed	Complies
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LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

25 May 2020

2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	No demolition works are proposed as part of the subject application.	N/A
4.3 Height of Buildings	Height is not applicable to the site.	N/A	N/A
4.4 Floor Space Ratio	FSR is not applicable to the site.	N/A	N/A
5.10 Heritage Conservation	To protect and conserve existing items/locations identified as containing significant heritage value	N/A the site is not identified as being located in close proximity to a heritage item.	N/A
7.7 Acid Sulfate Soils	Class 1, 2, 3, 4 or 5	N/A the site is not identified as being impacted by Acid Sulfate Soils.	N/A
7.8 Flood Planning	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the</p>	<p>The site is mapped as being highly flood affected and is mapped in the flood planning area.</p> <p>Council's Flooding Engineers have reviewed the proposal and raise no objections to it subject to conditions.</p>	YES

	community as a consequence of flooding, and (f) is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual.		
7.31 Earthworks	Earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Minimal excavation works are required during the construction of the proposed that will allow for a concrete footing and slab. However, the proposed is not envisaged to cause detrimental impacts on the surrounds. Conditions of consent are to be implemented that will ensure appropriate sediment controls are utilised during the construction phase.	YES

As demonstrated in the above compliance table, the proposed development is consistent with the relevant provisions of LLEP 2008.

6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments which apply to the development.

6.3 Section 4.15(1)(a)(iii) - Any Development Control Plan

(a) Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development*. The development is found to achieve full compliance with the relevant provisions of the LDCP 2008, as detailed within the compliance table in Attachment 2 of the report. Overall, the proposal is considered to be consistent with the relevant controls outlined in the LDCP 2008.

6.4 Section 4.15(1)(a)(iiia) - Planning Agreements

There are no Planning Agreements which apply to the development.

6.5 Section 4.15(1)(a)(iv) - The Regulations

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the BCA. Accordingly, appropriate conditions of consent will be imposed.

6.6 Section 4.15(1)(b) - The Likely Impacts of the Development**Natural and Built Environment**

The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent applying to construction works. The application was referred to Council's Sustainable Environment and Natural Environment/Landscape Sections for comment,

The proposed development is unlikely to create any adverse impacts on the built environment. As such the proposed development is likely to contribute positively to the built environment. The development was assessed by Council's traffic engineers who noted no objections to the impact of the spectator stands on the surrounding street network.

Social Impacts and Economic Impacts

The proposal would result in a positive economic impact in the locality through the capital investment value of the development. As the proposal seeks to improve an existing public recreation area, upon its completion, it is likely to positively contribute to the locality from a social perspective.

6.7 Section 4.15(1)(c) - The Suitability of the Site for the Development

The proposal generally complies with the relevant planning controls and the site is considered to be suitable for the proposed development.

6.8 Section 4.15(1)(d) - Any submissions made in accordance with the Act or the Regulations**(a) Internal Referrals**

The following comments have been received from Council's Internal Departments:

DEPARTMENT	COMMENTS
Flooding	Supported, subject to conditions of consent.
Building	Supported, subject to conditions of consent.
Sustainable Environment	No objection.
Engineering	Supported, subject to conditions of consent.
Traffic	Supported, subject to conditions of consent.
Natural Environment Landscape	Supported.

(b) External Referrals

DEPARTMENT	COMMENTS
APA Gas	No objection raised.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Jemena Gas	No objection raised.
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(c) Community Consultation

The development application was not required to be notified in accordance with the Liverpool Community Participation Plan 2019. No submissions have been received by Council regarding the proposed development.

6.9 Section 4.15(1)(e) - The Public Interest

Based on the above assessment the proposed development is considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS/ LEVIES

A Section 7.12 Levy is applicable to the DA.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, Liverpool LEP 2008, LDCP 2008, and the relevant codes and policies of Council. Based on the assessment of the application, it is recommended that the application be approved, subject to the imposition of conditions.

9. RECOMMENDATION

That Development Application DA-93/2020 seeking approval for the construction of a spectator stand and associated works, be approved subject to conditions of consent.

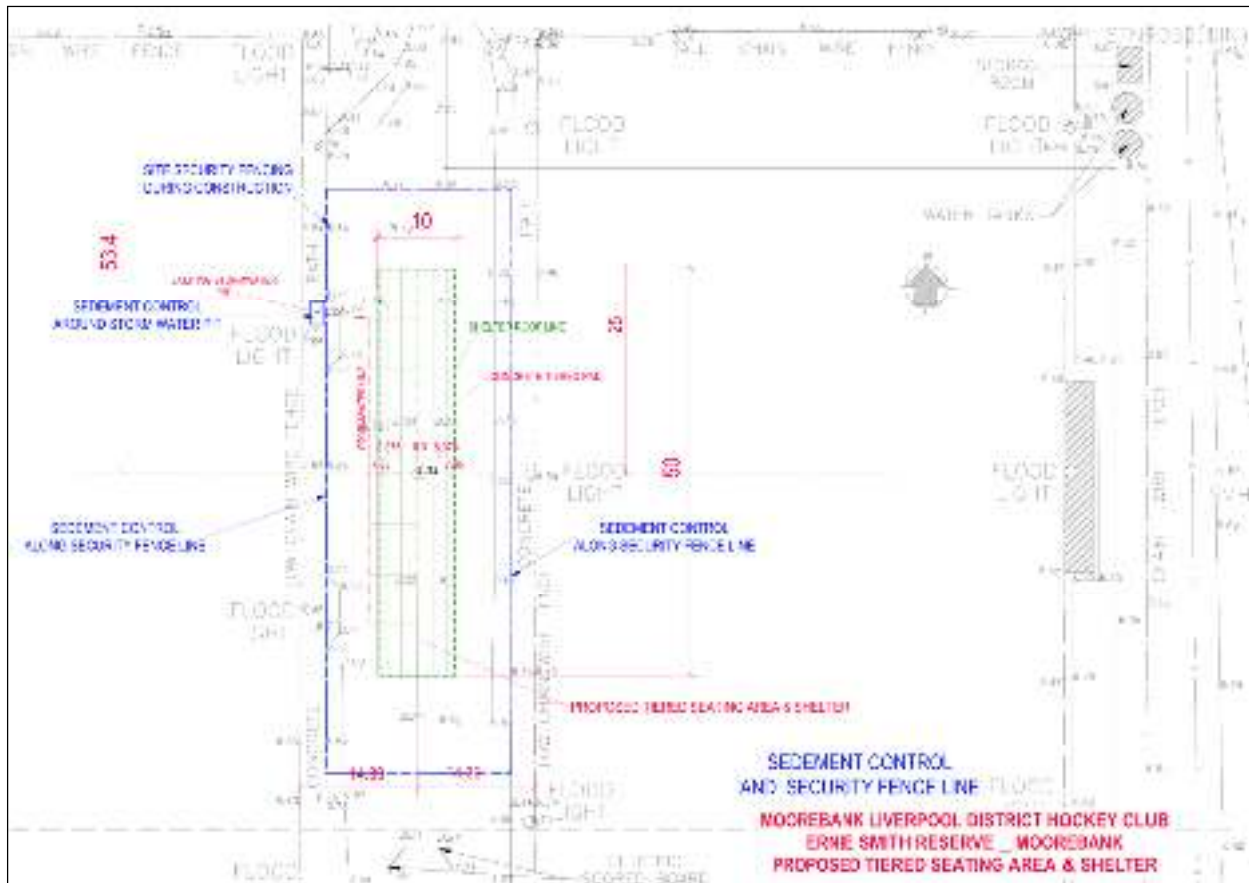
10. ATTACHMENTS

- 1. PLANS OF THE PROPOSAL**
- 2. DCP COMPLIANCE TABLE**
- 3. DRAFT CONDITIONS**

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

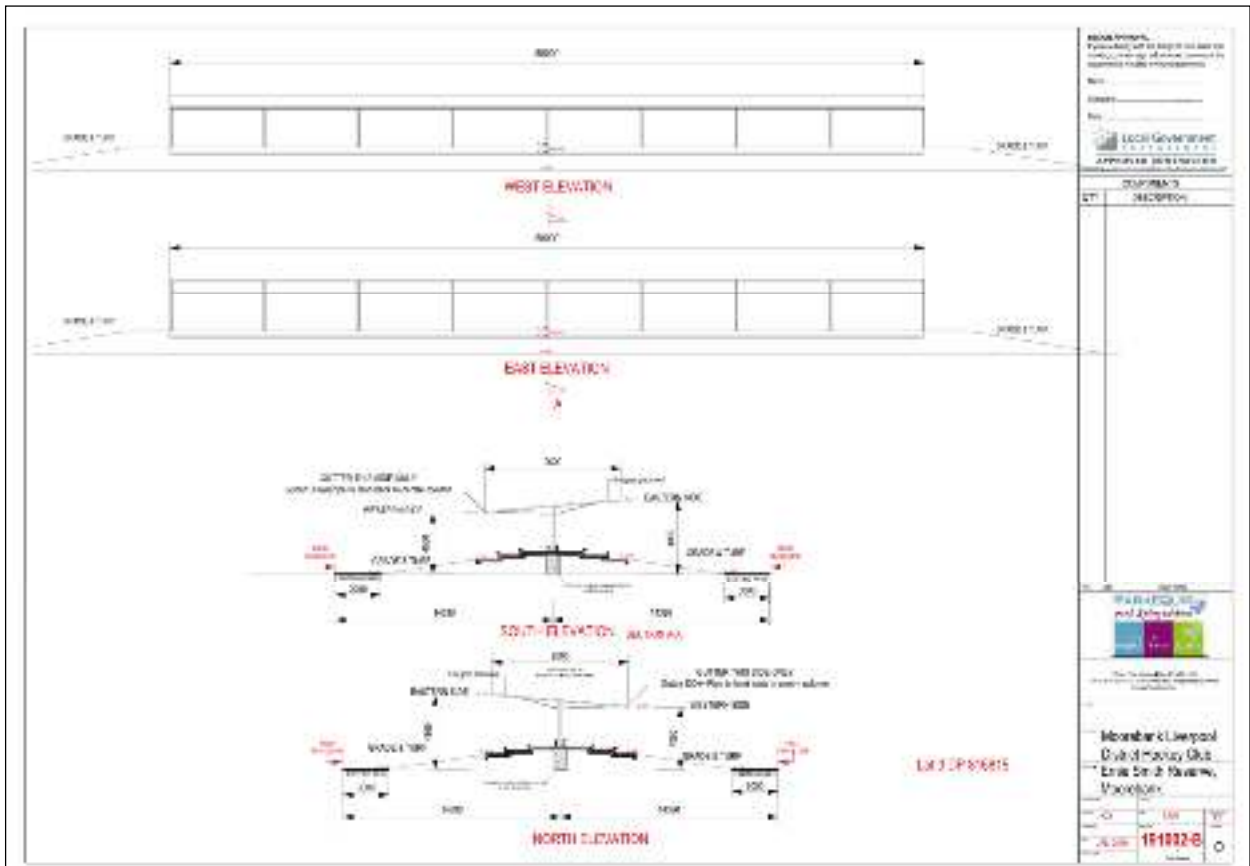
ATTACHMENT 1: PLANS OF THE PROPOSAL



Ground Floor Plan

LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

25 May 2020



Elevations

ATTACHMENT 2 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 - Part 1 General Controls for All Development

Development Control	Provision	Comment
Section 2: Tree Preservation	Controls relating to the preservation of trees	N/A. No vegetation to be removed.
Section 3: Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	N/A. No vegetation to be removed.
Section 4: Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	N/A. Minimal impact on bushland and habitats is envisaged.
Section 5: Bush Fire Risk	Controls relating to development on bushfire prone land	N/A. The subject site is not classified as Bushfire prone land.
Section 6: Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies. Council's Land Development Engineer has reviewed this proposal and has no objection to stormwater management, subject to conditions of consent.
Section 7: Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	The location of the proposed works is not considered to be within close proximity to a watercourse, in this instance referral is not warranted to the NSW Office of Water.
Section 8: Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required.	Complies. Minor excavation works will be required during the construction process. As such appropriate conditions of consent will be implemented to ensure compliance.
Section 9: Flooding Risk	Provisions relating to development on flood prone land.	Complies by condition. The subject site is noted to be flood prone. As such the proposed was referred to Council's Flooding team for comment. The proposed has been supported subject to the imposition of conditions.
Section 10: Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies. Existing and historical use of the subject allotment does not warrant a land contamination assessment.
Section 11: Salinity Risk	Provisions relating to development on saline land.	Complies. Condition of consent may be included on a consent requiring design to respond to salinity.
Section 12: Acid Sulphate Soils	Provisions relating to development on acid	N/A. The site is not mapped as containing acid sulfate soils.

Development Control	Provision	Comment
	sulphate soils	
Section 13: Weeds	Provisions relating to sites containing noxious weeds.	N/A. No noxious weeds have been identified on the subject site.
Section 14: Demolition of Existing Development	Provisions relating to demolition works	N/A. No demolition works are proposed as part of the proposed development.
Section 15: On Site Sewage Disposal	Provisions relating to OSMS.	N/A. Site is connected to the sewer.
Section 16: Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	N/A. No known items of aboriginal archaeology are present on the subject property.
Section 17: Heritage and Archaeological Sites	Provisions relating to heritage sites.	N/A. The subject site is not associated with any heritage items.
Section 18: Notification of Applications	Provisions relating to the notification of applications.	N/A. The proposal was not required to be notified in accordance with the Liverpool Community Participation Plan 2019. No submissions were received.
Section 19: Used Clothing Bins	Provisions relating to used clothing bins.	N/A. No charity bins located within the subject property.
Section 20: Car Parking and Access	Determines how many car parking spaces are required for the development.	Complies. No extra gross floor area proposed, therefore current parking arrangements are considered to be sufficient. Notwithstanding, the proposed was referred to Council's Traffic Section for comment. Given the proposed is not envisaged to cause an increase in traffic generation or parking demand, the proposed has been supported subject to the imposition of conditions.
Section 25: Waste Disposal and Re-use Facilities	This section applies to Subdivision and excavation of land and Demolition of existing buildings.	Complies. Conditions of consent to be imposed to ensure compliance.
Section 26: Outdoor Advertising and Signage	This section applies to applications for Outdoor Advertising and Signage.	N/A. The proposed development does not involve outdoor advertising and signage.

ATTACHMENT 3 – DRAFT CONDITIONS**B. THE DEVELOPMENT**

38. Approved Plans

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

Plan Name	Prepared By	Drawing/ Sheet Number	Issue/ Revision	Job No.	Date
Floor Plan (Proposed tiered seating area and shelter)	----	----	---	----	----
Elevations	Parkequip Park and Play Solutions	191002-B	O	---	Jan 2019

39. Comply with EP&A Act

The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

40. Prescribed Condition

In accordance with Section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that all building work must be carried out in accordance with the applicable *Performance Requirements of the National Construction Code*. Compliance with the Performance Requirements can only be achieved by:

- d) Complying with the Deemed to Satisfy Provisions, or
- e) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or
- f) A combination of (a) and (b).

41. Section 7.12 Payment

As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Section 7.12 of *Liverpool Contributions Plan 2018*
 - *Liverpool City Centre.*

The total contribution is **\$2,400** and will be adjusted at the time of payment in

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

accordance with the contributions plan.

A breakdown of the contributions payable is provided in the attached payment form.

The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form.

In response to Covid-19, Council is providing for deferred payment options, for applications lodged or approved between 16 April 2020 and 31 December 2020. These provide for a deferral of 50% of the contribution amount to the occupation certificate stage. Please contact Council to discuss these options.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with or addressed prior to the issue of a Construction Certificate by the Principal Certifying Authority.

42. Construction Certificates

Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

43. Fee Payments - Land Development

Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- d) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- e) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- f) Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

These fees are reviewed annually and will be calculated accordingly.

44. Access

Access must be provided to the building for people with a disability in

accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

45. Flooding Conditions

- a) The applicant is required to demonstrate that the proposed development will not cause loss in floodplain storage volume below the 1% AEP flood. The applicant is required to submit detailed calculations demonstrating no loss in floodplain storage volume below the 1% AEP flood.
- b) Flood evacuation plan prepared by appropriately qualified professional shall be prepared for the site. The flood evacuation plan shall include suitable warning systems, signage and exits to ensure the safe evacuation of people during floods up to and including the Probable Maximum Flood. The flood evacuation plan shall be submitted to Council's Flood Engineering Section for their review and approval.
- c) The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. $8.5\text{m} + 0.5\text{m} = 9.0\text{m}$ Australian Height Datum).
- d) An engineers report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including a 1% AEP flood plus half a metre freeboard (i.e. $8.5\text{m} + 0.5\text{m} = 9.0\text{m}$ Australian Height Datum).

46. Notification

The certifying authority must advise Council, in writing of:

- c) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- d) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

47. Stormwater Discharge – Minor Development

Stormwater drainage from the site shall be discharged to the:

- a) Existing site drainage system,

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

C. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:

48. Construction Certificates

Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

49. Construction Certificates

Prior to the commencement of any building works, the following requirements must be complied with:

- f) Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*,
- g) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
- h) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
- i) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
- j) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

50. Sediment & Erosion Control

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the *Protection of the Environment Operations Act 1997* and Landcom's publication "*Managing Urban Stormwater – Soils and Construction (2004)*" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

51. Site Facilities

Adequate refuse disposal methods and builder's storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

52. Sydney Water

Development plans must be processed and approved by Sydney Water.

D. DURING CONSTRUCTION

The following conditions are to be complied with or addressed during construction:

53. Identification Survey Report

The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

54. Identification Survey Report

On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

55. Excavation

In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation,
- b) where necessary, underpin the adjoining premises to prevent any such damage, and
- c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
- d) retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

56. Site Notice Board

A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:

- d) the name, address and telephone number of the principal certifying authority for the work,
- e) the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- f) unauthorised entry to the premises is prohibited.

57. Erosion Control Measures

Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

58. Drainage Connection

Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

59. Hours of Construction Work and Deliveries

Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

60. Notification of Damage

The applicant/builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

61. Craning and Hoardings

If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public or road reserve area, a separate Road Occupancy Certificate

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works.

62. Toilet Facilities

Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- d) be a standard flushing toilet connected to a public sewer, or
- e) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- f) be a temporary chemical closet approved under the *Local Government Act 1993*.

63. Refuse Disposal

Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

64. Security Fence

A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

65. Air Quality – Vehicle Movement

All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

66. Erosion Control - Maintenance

Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.

67. Water Quality

All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

68. Pollution Control – Truck Movements

The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

Measures must be implemented to prevent tracking of sediment by vehicles

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

onto roads.

69. Removal of dangerous and/or hazardous waste

All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

70. Air Quality - Dust Screens

Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.

71. Pollution Control Site - Operations

Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to water pollution.

72. Traffic Management

If a Works Zone is required, an application is to be made to Council's Traffic & Transport Section for approval. The application form can be found at <https://www.liverpool.nsw.gov.au/council/Fees-Forms-Policies-and-Enforcement/forms>

73. Traffic Management

Applications must be made to Council's Traffic & Transport Section for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.

74. Traffic management

All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifier (PC):

75. Occupation Certificates

The premises must not be utilised until an Occupation Certificate (OC) is issued by the principal certifier.

76. Dilapidation Report

Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

77. Flood Evacuation Plan

The PCA shall ensure that the Flood Evacuation Plan required as per Condition 8(a) of this consent shall be satisfactorily prepared.

F. ADVISORY

- m) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- n) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- o) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- p) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- q) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- r) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- s) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- t) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 May 2020

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- u) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- v) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- w) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- x) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.