

## Attachment B – Tables of Compliance

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## ENVIRONMENTAL ASSESSMENT

### Statutory Framework

#### Environmental Planning and Assessment Act 1979

This Statement has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979. The proposed development has been considered having regard to the requirements of Part 4 of the Act.

#### Design Excellence Panel (DEP)

In accordance with Council's adopted Design Excellence Panel Charter, the proposal is required to be reviewed by the Design Excellence Panel. The Charter forms part of Council's assessment framework for achieving high-quality design outcomes and informs Council's consideration of the application under section 4.15 of the EP&A Act 1979.

The application was referred to the Liverpool Design Excellence Panel (DEP) on 13 November 2025. At its meeting the panel voted that **the proposal is not supported** and must return to the panel, with all feedback incorporated or addressed.

While a formal Request for Additional Information (RFI) Letter requiring a response to the minutes of the panel meeting was not issued to the applicant under Clause 36 of the *EP&A Regulation 2021*, a copy of the minutes was provided to the applicant on 4 December 2025. A response to the DEP requests has not been provided by the applicant and as such the proposal is not considered to promote good design, pursuant to Section 1.3(g) of the *Environmental Planning and Assessment Act 1979*.

i. Design Excellence Panel Minutes

DEP Comment 13 November 2025	
<b>Context</b>	
1. The Panel discussed that given the significant size of the site and complexity of the proposed intensive uses on an environmentally constrained site, the project can greatly benefit from engagement with an urban designer. An urban designer can zoom out to approach the site from the bigger picture, and develop scenarios for the overall site planning strategy to inform the final master plan. This will also enable the project design team to focus on the design and detailing of the buildings, external spaces, safe and legible connectivity and landscape treatments.	
2. Additionally, the Panel recommends a peer review of the project by an architect with experience in projects of this unique typology and mix of intensities of uses.	
3. Incorporating Connecting with Country and embedding Country-centric approaches in new developments is an important part of new development applications and adds great value to the design and sustainability outcomes and the Liverpool community. The Panel recommends Connecting with Country is explored in this development, and the GANSW Connecting with Country Framework should be referred to. Initiatives can include through the landscape, interior design, sustainability outcomes, built form, orientation, interior design, materiality and public art. The Panel requests the Connecting with Country overlay be provided at the next DEP and can also form part of the peer review with an urban designer or architect.	
4. The Panel expresses concern that the \$5 million project budget does not correlate with the significant scope of work and size of the site, noting a GFA of 5,065m <sup>2</sup> is proposed. An inadequate budget at the design stage can lead to compromises in construction and quality as the project progresses. A detailed review of the construction cost is recommended to ensure alignment with the scope of work and the aspirations for the site.	
5. The Panel recognises there are environmental factors such as the presence of the riparian zone, flood prone and bushfire prone land, requirements for regional basins and coordination with Sydney Water. These are all important factors needed to be further interrogated, overlaid and mitigation measures demonstrated on the design drawings at the next DEP. The Panel notes this	

is from a design perspective only and expects detailed technical review from Council's Planning Officer.

6. Larger scale drawings illustrating the surrounding context should be provided, including environmental factors, existing and proposed developments, particularly the adjoining property DA to the east. This information is important in developing a robust site planning strategy and developing a suitable design response to its context.

#### **Built Form and Aesthetics**

7. The Panel acknowledges the minaret exceeds the LEP height limit control however notes the religious and architectural importance, and contribution to the mosque's identity. The height breach could be supported in principle from a design perspective, based on the material presented, and subject to overall improvement of the architectural design, urban design and landscape design proposition.

8. The applicant explained contemporary benchmark studies had been undertaken however these were not in the documentation provided to the Panel. These form an important part of understanding the design, particularly of this unique typology. The Panel recommends reference projects and imagery be provided at the next DEP.

9. Further to the above, the Panel notes the built form and architecture appears blocky, basic shed-like in nature, and not in keeping with design excellence. The architectural form and expression needs more delight and exploration into bringing a sense of 'sacredness' or 'divinity' into the design. This needs to be achieved through thoughtful architectural and landscape design, which is currently lacking in the proposal.

10. The Panel recommends investigation into similar building typologies including contemporary and successful examples of Places of Worship and Child Care Centres, and incorporation of well-considered detailing, materiality, and reference images. [The St. Patricks Cathedral in Parramatta by Mitchell, Giurgola and Thorpe is referred to as a good example of a beautifully designed building while at a reasonable cost.

11. The applicant described 'retro 70s styled forms' (or mid to late century modern architecture) as influencing their architecture; however, based on the documentation reviewed, the Panel is unconvinced. Further research and precedent studies should be provided if this style is intended to be adopted.

12. The Panel requests 3D perspectives illustrating what the buildings will look like in their landscape setting, including planting, pathways, surrounding context, arrival experience or drop off and pick up etc. Safety is paramount at peak use times and consideration for this is currently not indicated. (See below for detailed requirements)

#### **Density and Circulation**

13. The Panel emphasises concerns toward the potential intensity of the proposed uses, how arrival and leaving the buildings is managed, and pedestrian safety prioritised. Circulation diagrams and analysis should be provided, that demonstrate how vehicles, people and bicycles flow in and out of the site and various uses and conflicts are mitigated. This analysis should inform the design progression and coordination of the architecture and landscape design.

14. The journey of how different people arrive and circulate throughout the development at different times should be analysed and overlaid over the site plan, and provided at the next DEP. For example, the journey between the mosque and the youth centre is unclear and needs further investigation. How are large crowd gatherings (up to 900 people for the Friday Mass as described by the applicant) accommodated for, large movements of people managed and circulation conflicts mitigated.

15. Further to the above, well considered pedestrian footpaths, crossings, and traffic calming strategies that prioritise pedestrian safety and comfort should be incorporated throughout the development, particularly throughout the car park.

16. The applicant should provide thorough CPTED (Crime Prevention through Environmental Design) analysis because it directly influences safety, functionality and long-term success of the proposal. Given the large community-based development, the stakes are even higher that CPTED matters are avoided through design rather than enforcement.

#### **Landscape and Sustainability**

17. The Panel highlights that sustainability initiatives are a part of design excellence and also a part of applying Connecting with Country into the design. The Panel appreciates the rain water tanks on site. The Panel requests sustainability initiatives be incorporated into the design and presented at the next DEP, including Solar Panels, EV Charging, and a water reuse strategy. The applicant also needs to demonstrate how they are addressing the 1st order stream that extends through the proposed carpark area.

18. The Liverpool LGA and especially the growth areas are experiencing significant urban intensification and at risk of severe Urban Heat Island Effect. Tree canopy plays a key role in mitigating these effects and urban cooling. The Panel recommends an increase of canopy cover throughout the development. Canopy cover percentage diagrams should be provided. The Liverpool City Council Tree Management Framework requests a 30% canopy cover percentage through car parks, and this should be demonstrated.

19. The architecture and landscape drawings presented appear to be prepared independently without adequate coordination. For example, the architectural drawings depict the car park as a uniform, hard surface, whereas the landscape plans show rows of trees. Both drawings don't show adequate footpaths, retaining walls, drop off and pick up points, and that vehicle and pedestrian movement is accommodated for. The Panel urges well-coordinated drawings provided at the next DEP with all these factors included in these Minutes incorporated in the design. Architecture and landscape drawing packages should always be developed concurrently, not in isolation.

20. The Panel recommends a stronger landscape response, with a significant increase in planting and tree canopy throughout the development. A more considered site planning approach could integrate the riparian corridor and capitalise on the proximity of this natural area by creating open space connections and orienting buildings.

21. The site is significantly sized, in a unique landscape setting, and is an opportunity for connection to the outside and outdoor spaces to be strengthened for each building and use. Greater accommodation of outdoor spaces is recommended, such as gathering spaces, play areas and recreational such as basketball courts.

22. The buildings present as 'floating' and more information is needed to illustrate how the buildings connect and sit within the ground plane, the relationships and levels between. The Panel recommends greater resolution of the ground floor plane and levels, and revised elevations, sections and 3D visualisations that take into account topographical changes and annotate RLs.

## State Environmental Planning Policy (Resilience and Hazards) 2021

### i. Chapter 4: Remediation of Land

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land.

The objectives of SEPP (Resilience and Hazards) 2021 are:

- *to provide for a statewide 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.*

The application is supported with a document titled Stage 1 Preliminary and Stage 2 Detailed Site Investigation prepared by Sydney Environmental Group. The report notes that soil sampling was undertaken on 17 October 2023. A total of thirty-one (31) test pits (TP01 to TP30 and TP39) were advanced across the site. Councils Environmental Health officer notes that whilst the number of samples were generally consistent with the minimum number of sampling locations specified within the Environment Protection Authority Sampling design part 1 - application Contaminated Land Guidelines 2022, the samples were taken 2 years ago and may not be an adequate reflection of the current status of the site.

Notwithstanding, the report recommends a Remedial Action Plan is to be prepared by a suitably qualified environmental consultant detailing the steps required to delineate and remediate identified surficial asbestos and Benzo(a)pyrene impacts.

The application is supported by a Remedial Action Plan (RAP) prepared by Sydney Environmental Group. The potential list of remediation options associated with impacted soil is extensive. Consequently, only relevant remediation strategies that have been considered which include the following:

- On-site treatment and beneficial reuse; and
- Off-site landfill disposal – excavation / removal and disposal.

The preferred remediation option will comprise of a combination of ‘on-site treatment (in-situ / ex-situ raking / picking)’ and ‘off-site removal / disposal’ as it will be consistent the ultimate end land use of the site. Table 8.3.1 summarises the preferred remediation strategies with regards to the identified contamination within the site.

Concerns are raised regarding the appropriateness of the selected remediation strategies outlined in Table 8.3.1, in particular, for AEC02, reuse of soil contaminated with bonded asbestos on site, when a childcare centre is proposed. In this regard, Council is able to request that a B2 Site Audit Statement and associated report/s are provided to verify that the information provided by the proponent adheres to appropriate standards, procedures and guidelines.

### **EPA Site Audit Statement**

A Site Auditor accredited under the Contaminated Land Management Act 1997 must be engaged to issue a Section B2 Site Audit Statement in accordance with the Contaminated Land Management Act 1997 and approved Guidelines made thereunder including the ‘Guidelines for the NSW Site Auditor Scheme’ (3rd Edition) published by the NSW Environment Protection Authority dated October 2017.

The Site Audit Statement and Site Audit Report must certify the suitability of the land for the use. The Section B2 Site Audit shall determine the appropriateness of the investigation plan (combined PSI and DSI document) and the remediation plan documents supporting this application. The Statement and Site Audit Report must be submitted to Liverpool City Council for review.

Clause 4.6(1) prescribes the contamination, and remediation matters that must be considered by Council before determining the development application. Specifically, Council must consider:

- whether the land is contaminated; and
- if the land is contaminated, the Council must be satisfied that the land is suitable in its contaminated state (or will be suitable after remediation); and
- if the land requires remediation to be made suitable, Council is satisfied that the land will be remediated before it is used.

Pursuant to Clause 4.6(1) the following shall be addressed:

<b>Clause</b>	<b>Comment</b>
(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	As noted above, the provided PSI and DSI have identified surficial asbestos and Benzo(a)pyrene impacts.
(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	As noted above, the land in its current contaminated state is not considered suitable for the purpose of the development.  While remediation option have been considered, Council raises concerns regarding the

	<p>appropriateness of the selected remediation strategies outlined in Table 8.3.1, in particular, for AEC02, reuse of soil contaminated with bonded asbestos on site, when a childcare centre is proposed.</p> <p>It is therefore, requested that a Site Audit Statement (SAS) is provided to determine the appropriateness of the investigation plan (combined PSI and DSI document) and the remediation plan documents supporting this application.</p>
(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.	Council cannot be satisfied that the land will be remediated before the land is used until the remediation measures have been confirmed by a Site auditor in a SAS.

Based on the above assessment, the proposal in its current form does not adequately satisfy the requirements of Chapter 4 and is not considered to comply with the SEPP (Resilience and Hazards) 2021.

## State Environmental Planning Policy (Biodiversity and Conservation) 2021

### i. Chapter 2 – Vegetation in non-rural Areas

While the C4 Zone area functions in a similar context when land is not urbanised to that of the rural area, it is not part of the standard Rural zone and as such Chapter 2 applies.

It is noted that only a small portion (21.%) of the north-eastern part of the site has biodiversity certification.


The proposal does not exceed the biodiversity offsets scheme threshold, however, it involves the removal of three (3) trees to accommodate the proposed childcare centre. The application is supported by an Arborist Report which indicates that trees T6 and T7 are identified as Category A, being worthy of constraint. These trees do not impede the location of the Childcare Centre, and the applicant is encouraged to explore options for their retention

Furthermore, the application has been referred to Department of Planning and Environment-Water who have notes that the application involves the realignment of mapped watercourses and encroachment into prescribed Vegetated Riparian Zones without demonstrating avoidance, minimisation or adequate protection of riparian vegetation. The required minimum VRZ widths are not provided, inner VRZ areas are impacted by built works, and no adequate Vegetation Management Plan or justification has been submitted to address these impacts in accordance with the SEPP and as such cannot be supported in its current form.

### ii. Chapter 6 – Water Catchments

The subject land is located within the Hawkesbury-Nepean River catchment and as such Part 6.2 – Development in regulated catchments applies to the application. The relevant clauses are as follows:

Clause	Comment
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<p>6.6 Water quality and quantity</p>	<p><b>Non-Compliance – Additional Information Required</b></p> <p>The application is supported by a Stormwater Management Plan prepared by Colliers. The proposed works for stormwater management includes construction of biofiltration beds, and a pit and pipe drainage network to discharge runoff into an existing drainage line within the site, which ultimately drains to Kemps Creek. This site is located at the immediate downstream end of the Basin 17 catchment and it is proposed to construct a trunk drainage path through the northern portion of the site as part of the regional basin works.</p> <p>Given the site’s location within an active floodway and the absence of sufficient supporting stormwater, water quality and flood impact modelling, Council cannot be satisfied that the proposal would achieve neutral or beneficial water quality outcomes or minimise impacts on water flows within the regulated catchment until the requirements set out in Part 6.8 below are addressed.</p> <p>Furthermore, Council’s recent records confirm that unauthorised filling and construction have been undertaken within the site’s floodway area. These works adversely impact the existing water catchment and neighbouring properties.</p> <p>The application was reviewed by Council’s Land Development Engineer and Floodplain Engineer who are not supportive of the proposal in its current form.</p>
<p>6.7 Aquatic ecology</p>	<p><b>Non-Compliance – Additional Information Required</b></p> <p>A First order - Strahler tributary extending off Kemps Creek traverses the site. The south west Riparian protection area extends through the western and southern sides of the site. No tree removal or clearing of riparian vegetation is proposed within this area.</p>  <p>However, the proposal has the potential to result in direct and cumulative impacts on aquatic and riparian ecology through filling, altered flows and sedimentation. Therefore, Council cannot be satisfied that the proposed development would not result in any adverse impacts on aquatic ecology until an amended Stormwater Management Plan is provided in accordance with the requirements set out in Part 6.8 below.</p>

6.8 Flooding	<p><b>Non-Compliance – Additional Information Required</b>  Council cannot be satisfied that the proposed development would not result in a release of pollutants in the case of a flood. In the absence of the constructed regional drainage infrastructure, the proposal may impede the natural recession of floodwaters and increase the risk of pollutant impact during flood events.</p> <p>The application has been reviewed by Councils Floodplain Engineer who noted the land is heavily flood-affected, with approximately 80% situated within the floodway of Tributary 2 of Kemps Creek (KC08). To enable development within the Austral and Leppington North precincts, Council has prepared designs for regional basins and trunk drainage systems. These works are expected to reduce flood impacts at the subject site, particularly once Regional Basin 17 (proposed immediately west of the site) is constructed.</p> <p>However, until Basin 17 and its associated trunk drainage system are completed, the site will remain within the active floodway of Tributary 2. Consequently, no filling or development can proceed prior to their construction. This advice has previously been provided to the applicant during the Pre-DA meeting and in Pre-DA correspondence dated 21/02/2024.</p> <p>Council's recent records confirm that unauthorised filling and construction have been undertaken within the site's floodway area. These works adversely impact the existing flood regime and neighbouring properties. All unauthorised works must be removed, and the site restored to pre-fill levels before any development application can be considered. Evidence of rectification, including pre- and post-work survey plans, must be submitted to Council.</p> <p>Following the completion of Basin 17 and its trunk drainage system, the site may be developed in accordance with its C4 zoning. Development on C4 land is restricted, with filling generally limited to building pads and driveways. Any loss of floodplain storage below the 1% AEP level must be fully compensated. Cut-and-fill volume calculations must be based on the site's pre-unauthorised natural landform.</p>
6.9 Recreation and public access	<p><b>Not Applicable</b>  No impact proposed to recreational land uses within the regulated catchment.</p>
6.10 Total catchment management	<p><b>Non-Compliance – Additional Information Required</b>  Council cannot be satisfied that the proposed development will not have an adverse environmental impact on the existing stormwater management system of neighbouring LGAs until an amended Stormwater Management Plan is provided in accordance with the requirements set out in Part 6.8 above.</p>

Based on the above assessment, the proposed development does not satisfactorily satisfy the requirements of Chapter 6 and is not considered to be consistent with the SEPP (Biodiversity and Conservation) 2021.

## State Environmental Planning Policy (Sustainable Buildings) 2022

SEPP (Sustainable Buildings) 2022 (SEPP Sustainable Buildings) was made in August 2022 and came into effect on 1 October 2023 and applies to both residential and non-residential development. The aims of the SEPP encourage design and construction of more sustainable buildings across NSW. The standards prescribed by the SEPP ensure the general sustainability measures incorporated into the building design including but not limited to water usage, energy consumption and thermal performance as well as the monitoring of embodied energy used within building materials.

### i. Chapter 3: Standards for non-residential development

Chapter 3 applies to development, other than development for the purposes of residential accommodation, that involves-

- (a) *the erection of a new building, if the development has a capital investment value of \$5 million or more, or*
- (b) *alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.*

The proposal involves the erection of a new non-residential building with a CIV of greater than \$5 million, therefore the requirements set out within Chapter 3 of the SEPP apply.

A Section J Report, prepared by Efficiency Assessments, has been provided. The report confirms the proposed meets the energy efficiency requirements of Section J of the NCC using deemed-to-satisfy methods subject to the implementation of specific measures.

Pursuant to Clause 3.2(1), all impacted non-residential development must report on the general sustainability measures incorporated into the scheme for the consent authority's consideration. As outlined within the Planning Circular PS 23-001, "It is not critical that all general provisions are incorporated into the development, however the applicant should show due consideration. In some cases, there may be sound reasons why some or all measures are not achieved."

An assessment against Clause 3.2 is provided in the table below.

Objective	Comment
<b>3.2 Development consent for non-residential development</b>	
(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—	
(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,	<b>Non-Compliance</b> The report does not specifically address this item.  The application is also supported by a Waste Management Plan, prepared WPS, however this does not specifically address reuse.
(b) a reduction in peak demand for electricity, including through the use of energy efficient technology	<b>Additional Information Required</b> The report touches on minimum energy efficiency AC equipment requirements, energy saving lift performance, lighting timers, and a requirement checklist for Energy Efficiency etc.

(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,	<b>Additional Information Required</b> While the report touches on artificial lighting and mechanical heating via AC systems. It also references skylight controls and light-coloured roofing which support passive cooling.
(d) the generation and storage of renewable energy,	<b>Non-Compliance</b> The report does not specifically address this item.
(e) the metering and monitoring of energy consumption,	<b>Additional Information Required</b> The report touches on timed electronic devices.
(f) the minimisation of the consumption of potable water.	<b>Non-Compliance</b> The report does not specifically address this item.
3.2 (2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	<b>Non-Compliance</b> The report does not specifically address this item.  A NABERS Embodied Emissions Material Form should be provided to demonstrate that the embodied emissions attributable to the development have been quantified
<b>3.3 Other considerations for large commercial development</b>	
This section contains standards in relation to large commercial development.	<b>Not Applicable</b> The proposal is not considered to be large commercial development.
<b>3.4 Other considerations for certain State significant development</b>	
This section contains standards in relation to State Significant Development.	<b>Complies</b> The proposal does not meet the trigger for State Significant Development.

It is noted that the SEPP requires additional sustainability measures and reporting beyond the provided Section J Report, which only addresses energy efficiency compliance in relation to the NCC. Additional information, such as an ESD Report or a NABERS Embodied Emissions Material Form if applicable should be provided to demonstrate that Chapter 3, Clause 3.2 of SEPP (Sustainable Buildings) 2022 has been addressed in full.

## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

This proposal has been assessed under the provisions of *SEPP (Transport and Infrastructure) 2021*, specifically Chapter 2 – Infrastructure.

### Chapter 2 – Infrastructure: Part 2.3 Development Controls

#### Division 17 Roads and Traffic

##### i. Clause 2.122 Traffic-generating development

The proposed development constitutes Traffic-generating development in accordance with Column 1 of the Table to Schedule 3 as the proposal generates 200 or more motor vehicles per hour. The application was referred to TfNSW who advised that the proposal traffic generation will unlikely impact the surrounding classified road network and that no further comment was required.

### Chapter 3 – Educational Establishments and Child Care Facilities

#### Part 3.3 Early Education and Care Facilities – Specific development controls

This proposal has been assessed under the provisions of *SEPP (Transport and Infrastructure) 2021*, specifically Chapter 3 – Educational establishments and child care facilities (previously known as *SEPP (Educational Establishments and Child Care Facilities) 2017*). The key controls are discussed in the following table:

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

**Chapter 3 – Educational Establishments and child care facilities**

**Part 3.3 Early education and care facilities – specific development controls**

<b>Clause</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Comment</b>
<p><b>3.22</b> - Centre-based child care facility— concurrence of Regulatory Authority required for certain development</p>	<p>This clause applies to development for the purpose of a centre-based child care facility if:</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i>, or</p>	<p>Regulations 107 and 108 of Educational and Care Services National Regulation specifies the following:</p> <ul style="list-style-type: none"> <li>Indoor - 3.25m<sup>2</sup> per child</li> <li>Outdoor - 7.0m<sup>2</sup> per child</li> </ul> <p><b>Required Indoor:</b> (118 x 3.25sqm) = 383.50m<sup>2</sup></p> <p><b>Provided Indoor:</b></p> <p>0-2 Years Rm – 38.64m<sup>2</sup></p> <p>1-2 Years Rm – 53.07m<sup>2</sup></p> <p>2-3 Years Rm A – 63.05m<sup>2</sup></p> <p>2-3 Years Rm B – 63.90m<sup>2</sup></p> <p>2-3 Years Rm C – 82.60m<sup>2</sup></p> <p>4-5 Years Rm – 81.86m<sup>2</sup></p> <p><b>Total proposed indoor</b> = 383.12m<sup>2</sup></p>	<p><b>Complies</b></p>
	<p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations</p>	<p><b>Required outdoor:</b> (118 x 7) = 826m<sup>2</sup></p> <p><b>Provided Outdoor:</b></p> <p>0.5-3 Years – 160.22m<sup>2</sup></p> <p>2-3 Years – 326.78m<sup>2</sup></p> <p>4-5 Years – 612.45m<sup>2</sup></p> <p><b>Total proposed outdoor</b> = 1,099.45m<sup>2</sup></p>	
<p><b>23</b> - Centre-based child care facility—matters for consideration by consent authorities</p>	<p>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</p>	<p>The assessment of the proposed is in accordance with the Child Care Planning Guidelines. As demonstrated in part (ii) of this report, multiple non-compliances have been identified.</p>	<p><b>Non-Compliance</b></p>
<p><b>24-</b> Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by</p>	<p>To minimise land use conflicts with existing industrial development</p>	<p>The Childcare centre is located within the C4-Environmental Living area of the site and is not located in proximity to industrial development.</p>	<p><b>Complies</b></p>


consent authorities			
<b>25</b> - Centre-based child care facility—floor space ratio	FSR in zone R2 – Low Density Residential is not to exceed 0.5:1 unless specified elsewhere.	The Childcare centre is located within the C4-Environmental Living area of the site.	<b>N/A</b>
<b>26</b> - Centre-based child care facility—non-discretionary development standards	<p>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. –</p> <p>a) the development may be located at any distance from an existing or proposed early education and care facility</p> <p>b) indoor and outdoor space complies with regulation 107 and 108 of the Education and Care Services National Regulations</p> <p>c) the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>d) 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.</p>	<p>Noted</p> <p>Complies as per Clause 3.22 above.</p> <p>Noted</p> <p>Noted. The site is not a State or local heritage item.</p>	<b>Complies</b>
<b>27</b> - Centre-based child care facility—development control plans	<p>(1) A provision of a development control plan that specifies a requirement, standard or control does not apply in relation to</p> <p>a) Operational or management plans or arrangements (including hours of operation)</p> <p>b) Demonstrated need or demand for child care services</p> <p>c) Proximity of facility to other early education and care facilities</p>	<p>The assessment is accompanied by a PoM. The core hours of operation are Monday to Friday: 7:00am to 7:00pm. Closed Saturdays, Sundays, and Public Holidays</p> <p>The application is supported by a Social Impact Assessment that suggests a demand for child care services.</p> <p>The nearest childcare centre is approximately 1.5km south-east of the site.</p>	<p><b>Noted</b></p> <p><b>Noted</b></p> <p><b>Noted</b></p>

	d) Any matter in relation to development for the purpose of a centre-based child care facility contained in design principles set out in Part 2 of the <i>Child Care planning Guideline</i> or matter for consideration set out in Part 3 of the requirements set out in Part 4 of Guideline other than height, side and rear setback or car parking rates	Noted.	<b>Noted</b>
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i. Education and Care Services National Regulations 2011

In accordance with the Child Care Planning Guideline 2021, Chapter 4 of the *Education and Care Services National Regulations 2011* is to be applied. The key controls are discussed in the following table:

<b>Education and Care Services National Regulations 2011</b>			
<b>Chapter 4 National Regulations</b>	<b>Requirement</b>	<b>Assessment</b>	<b>Comment</b>
<b>97 Emergency and Evacuation Procedures</b>	The emergency and evacuation procedures required under regulation 168 must set out — (a) instructions for what must be done in the event of an emergency; and  (b) an emergency and evacuation floor plan.	The provided PoM details emergency service contacts. While a separate Evacuation floor plan is provided with instructions on evacuation procedure.	<b>Complies</b>
<b>104 Fencing</b>	The approved provider of an education and care service must ensure that 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 under cannot go through, over or under it.	The provided Landscape Plan illustrates a 1.2m rural fence to the south-western perimeter of the outdoor unencumbered space and a privacy fence to the southern perimeter. This conflicts with the SEE in which it is stated that a 2.1m timber lapped and capped boundary fence is proposed around the outdoor play area.  Council cannot be satisfied that the outdoor space is enclosed by a fence of a height and design that children cannot go through, over or under it. A separate fencing plans with additional detail sections and elevations must be provided.	<b>Non-compliance</b>

		 <p>6 1200mm high rural fence</p> <p>Furthermore, the Acoustic Report makes recommendations for 1.5m fencing that is not illustrated on the relevant Landscape or Site Plans, and should form part of the separate Fencing Plan.</p>	
<b>106 Laundry and Hygiene Facilities</b>	The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering. Laundry/hygienic facilities are located where they do not pose a risk to children	Laundry facilities have appropriately been located away from children's play areas, utilising the space adjacent to the reception and bin room.	<b>Complies</b>
<b>107 Indoor Space Requirements</b>	3.25m <sup>2</sup> of unencumbered space per child.	<p><i>Refer to detailed SEPP (Transport and Infrastructure) 2021 &gt; Clause 3.22 assessment above.</i></p> <p><b>Required Indoor:</b> (118 x 3.25sqm) = 383.50m<sup>2</sup></p> <p><b>Proposed indoor</b> = 383.12m<sup>2</sup></p>	<b>Complies</b>
	<p>It is <u>recommended</u> that a child care facility provide:</p> <ul style="list-style-type: none"> <li>• a minimum of 0.3m<sup>3</sup> per child of external storage space</li> <li>• a minimum of 0.2m<sup>3</sup> per child of internal storage space.</li> </ul>	<p><b>Recommended:</b> External – (118 x 0.3) 35.4m<sup>3</sup></p> <p>Proposed external storage: 95.50m<sup>3</sup></p> <p>However, detailed plans and elevations of the external storage shelter must be submitted.</p> <p><b>Recommended:</b> Internal – (118 x 0.2) 23.6m<sup>3</sup></p> <p>Proposed internal: 18.70m<sup>3</sup></p>	<b>Non-compliance</b>
<b>108 Outdoor Space Requirements</b>	7m <sup>2</sup> of unencumbered space per child.	<i>Refer to detailed SEPP (Transport and Infrastructure)</i>	<b>Complies</b>

		<p>2021 &gt; Clause 3.22 assessment above.</p> <p><b>Required outdoor:</b> (118 x 7) = 826m<sup>2</sup></p> <p><b>Proposed outdoor</b> = 1,099.45m<sup>2</sup></p>	
<b>109 Toilet and Hygiene Facilities</b>	<p>The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service. The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</p>	<p>The proposed development provides for toilets and hygiene facilities that are located adjacent to each playroom allowing surveillance. However, the provided door and window schedule does not specify the Glazing type. Confirmation must be provided as to the degree of transparency must be provided to ensure that adequate supervision is capable.</p> <p>Laundry facilities have appropriately been located away from children's play areas, utilising the space adjacent to the reception and bin room.</p>	<b>Additional Information Required</b>
<b>110 Ventilation and Natural Light</b>	<p>The approved provider of an education and care service must ensure that the indoor spaces used by children at the 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>	<p>The proposed childcare centre offers windows and opening facing multiple directions encouraging well-ventilated spaces.</p> <p>The northern orientation of the centre and location of openings ensure adequate natural light is available.</p>	<b>Complies</b>
<b>111 Administrative Space</b>	<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>Adequate administrative areas have been proposed to facilitate conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p> <p>The ground floor foyer contains a central office space, with further consultation and waiting rooms located on the first floor.</p>	<b>Complies</b>
<b>112 Nappy Change Facilities</b>	<p>The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed</p>	<p>Nappy change facilities have been provided for children who wear nappies (0-3), these facilities located between the childcare rooms and include a</p>	<b>Additional Information Required</b>

	<p>nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</p> <p>The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.</p>	<p>bench and hand cleansing facilities for adults.</p> <p>Each 2-3 Age room incorporates windows to allow constant supervision. However, the provided door and window schedule does not specify the Glazing type. Confirmation must be provided as to the degree of transparency must be provided to ensure that adequate supervision is capable.</p> <p>Furthermore, the 0-2 Age room on first floor is not located directly adjacent to a nappy change room. The relocation of this room should be considered to ensure appropriate surveillance from the educator responsible for the child using the nappy change room.</p>	
<b>113 Outdoor Space - Natural Environment</b>	<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>The centre proposes an outdoor play area which is considered to incorporate high quality designed outdoor areas to enable a safe learning environment for children. The outdoor play areas incorporate vegetable gardens, sensory tables, timber log steps, sandpits, and sensory garden.</p>	<b>Complies</b>
<b>114 Outdoor Space - Shade</b>	<p>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.</p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> <li>• have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m<sup>2</sup>) of the 7.0m<sup>2</sup> of outdoor space per child required.</li> <li>• adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet</li> </ul>	<p>The provided Shadow Diagrams (Page 8 – 10) appear to indicate a minimum of 2 hours of solar access for at least 30% of the space.</p> <p>However, a separate Shadow Diagram specific to the Childcare Centre must be provided illustrating the boundary of the outdoor unencumbered area, location of all fencing, canopy trees and shade sails to allow an accurate measurement.</p> <p>Furthermore, the provided Shadow Diagrams illustrate that the Level 1 outdoor play area (0.5-3 age) will receive almost no direct solar access. This may be further exacerbated by the 1.5 high balustrade recommended in the Acoustic Report.</p> <p>The 4-5 age group play area will also be largely shaded in winter afternoons by the child care</p>	<b>Additional Information Required</b>

	<p>radiation to at least 30 per cent of the outdoor play area</p> <ul style="list-style-type: none"> <li>• have evenly distributed shade structures over different activity spaces.</li> </ul>	<p>facility itself. Council recommends an alternative positioning and layout of the child care facility to enable solar access in winter and shade in summer. Preference would be to provide for a single storey facility.</p>		
<b>115 Premises Designed to Facilitate Supervision</b>	<p>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 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.</p>	<p>The proposed development provides for toilets and hygiene facilities that are located adjacent to each playroom allowing surveillance. However, the provided door and window schedule does not specify the Glazing type. Confirmation must be provided as to the degree of transparency must be provided to ensure that adequate supervision is capable.</p>	<b>Additional Information Required</b>	
<b>123 Educator to child ratios—centre-based services</b>	<p>The minimum number of educators required to educate and care for children at a centre-based service as follows;</p> <p>Children age between 0 to 24 months- 1 educator to 4 children;</p>	<p><u>0-2 years:</u> 28 children are proposed between 0 and 2 years of age.</p> <p>Educators required: 7</p>	<b>Additional Information Required</b>	
	<p>Children age between 24 months to 36 months - 1 educator to 5 children;</p>	<p><u>2-3 years:</u> 65 children are proposed between 2 and 3 years of age</p> <p>Educators required: 13</p>		
	<p>Children age between 36 months and over - 1 educator to 11* children; and</p> <p><i>*It is noted that 1 to 10 educators are required pursuant to NSW Specific provisions Regulation 271.</i></p>	<p><u>3-5 years:</u> 25 children are proposed between 4 and 5 years of age</p> <p>Educators required: 3</p> <p>Confirmation should be provided that no allowance has been accommodated for children 3 years of age.</p>		
		<p><b>Total Educators required: 23</b></p> <p><b>Total Educators Provided: 23</b></p>		<b>Complies</b>
	<p><i>As per the provided Plan of Management 1 admin/director will also be available at all times and 1 cook will be on site.</i></p>			
<p>Children over preschool age- 1 educator to 15 children.</p>	<p>Nil.</p>		<b>Not Applicable</b>	
<p><i>The PoM also provides a staff roster. However additional information must be provided to illustrate how the proposed roster will work.</i></p>				

ROOM	QUALIFICATION	ARRIVE TIME	DEPARTURE TIME
0 - 2 years and 2-3 years	Diploma x3	7:00am	6:00pm
	ECT x3	8:30am	4:30pm
	Cert III x4	7:00am	3:30pm
	Trainee x4	9:00am	5:00pm
3 - 5 years	Diploma x4	7:00am	3:30pm
	Cert III x4	10:00am	6:00pm
	ECT x3	8:30am	4:30pm

**TABLE 2: PROPOSED STAFF ROSTER**

For instance, the roster suggests a total of 14 staff to cover 0-2 and 2-3 years, however, this is inconsistent with the 20 educators required as per Regulation 123 above.

ii. Child Care Planning Guideline 2021;

In determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline (CCPG) 2021.

<b>Child Care Planning Guideline 2021</b>			
<b>Part 3. Matters for considerations</b>			
<b>Objectives</b>	<b>Considerations</b>	<b>Assessment</b>	<b>Comment</b>
<b>3.1 Site Selection and location</b>			
<b>C1</b> <i>Proposed developments in or adjacent to a residential zone must consider:</i>	The acoustic and privacy impacts of the proposed development on the residential properties;	An Acoustic Assessment prepared by Renzo Tonin & Associates Pty Ltd, has been submitted. The report contains predictive modelling based on worst-case assumption (that being 98 of the 118 children are within the outdoor play area at one time).  1.8m high acoustic fencing is recommended along the Western boundary, 1.5m acoustic balustrade is recommended to the first floor, and 1.5m acoustic fencing to the eastern boundary. If these recommendations are implemented the predicted noise emissions meet the required childcare centre targets mitigating impact on nearby residential properties.  Notwithstanding, Council recommends reviewing the child care configuration for an improved site layout which can envelop the child play areas and preclude the use of acoustic fencing, particularly to possible eastern residential uses.	<b>Complies</b>  <b>Additional Information Requested</b>

	<p>The setbacks and siting of buildings within the residential context; and</p>	<p>While the setbacks and siting of the development are considered suitable within the rural-residential context, Council has reservations regarding the placement of a 1.8m fence surrounding the Childcare Centre.</p> <p>Council also has concerns regarding the internal separation to the car park as the rooms on ground floor can be directly looked into from the adjacent car park</p>	<p><b>Non-Compliance</b></p>
	<p>Visual amenity impacts (e.g. additional building bulk and overshadowing, local character)</p>	<p>The location and bulk of the Childcare Centre is not considered suitable within the local context.</p> <p>The child care facility provides for an upper-level outdoor play space. Given the proximity with surrounding neighbours and the impacts on amenity and fencing due to noise sources, and also the site area availability, Council does not support the need for the child care facility to be two storeys given the land available on the site. Council recommends the overall site design be revised to consider alternative options for the placement of facilities based on their specific requirements and number of users.</p> <p>There is a separate Development Application (DA-345/2025) by the same applicant for the subdivision of the neighbouring lot to the east (295 Fourteenth Avenue) into 22 lots (20 residential and 2 residue lots) over four stages. Council recommends greater integration between the two developments by the same owner. The positioning of the child care facility can establish a corner on the proposed new street on the adjacent development, while providing for an area of children outdoor play area secluded from Fourteenth Avenue</p>	<p><b>Non-Compliance</b></p>
	<p>Traffic and parking impacts of the proposal on residential amenity.</p>	<p>The application is supported by a Traffic Impact Assessment, prepared by McLaren Traffic Engineering &amp; Road Safety</p>	<p><b>Additional Information Requested</b></p>

		<p>Consultants, in which it is concluded the proposed development is expected to integrate into the community as planned by the <i>Austral &amp; Leppington North Precinct Indicative Layout Plan</i> indicating that the impacts on residential amenity are acceptable.</p> <p>The application was referred to Council's Traffic &amp; Transport engineer who requested additional information</p>	
<p><b>C2</b> <i>To ensure that the site selected for a proposed child care facility is suitable for the use.</i></p>	<p>The location and surrounding uses are compatible with the proposed development or use.</p>	<p>The location of the childcare centre is not considered to be suitable.</p> <p>The child care facility is accessed from the internal car park and provides the play areas facing Fourteenth Avenue. Council recommends revising the layout of the facility to allow for direct accessibility and visibility from existing and proposed streets adjacent to the site. Refer to Child Care Planning Guidelines item <b>C15</b> below.</p>	<p><b>Non-Compliance</b></p>
	<p>The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards.</p>	<p>The site is not mapped as being both flood prone and bushfire land.</p> <p>The proposal is for a Special Fire Protection Purpose and is accompanied by a Bush Fire Assessment Report, prepared by Bushfire Consulting Services, the report makes several recommendations and concludes that the proposal can comply with the objectives of Planning for Bush Fire Protection (PFBP) 2022. The application was referred to NSW Rural Fire Services who was unable to support the application as it is uncertain whether the proposed buildings are able to meet the 10 kW/m<sup>2</sup> requirement for APZ as per Table A1.12.1 of PBP 2019 due to lack of information on management of land within SP2 zoned land.</p> <p>The land is heavily flood-affected, with approximately 80% situated within the floodway of Tributary 2 of</p>	<p><b>Non-Compliance</b></p>

		<p>Kemps Creek (KC08). The application is supported by a Flood Impact Assessment Report, prepared by Colliers, in which it is concluded that the flood impacts do not increase the flood risk to people or property and is considered acceptable. The application was referred to Council's floodplain engineer who was unable to support the application noting that until Basin 17 and its associated trunk drainage system are completed, the site will remain within the active floodway of Tributary 2. Consequently, no filling or development can proceed prior to their construction.</p> <p>Based upon the above, the site is not considered to be environmentally safe.</p>	
	<p>There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed.</p>	<p>The application is supported by a Stage 1 Preliminary and Stage 2 Detailed Site Investigation and a further Remedial Action Plan (RAP), prepared by Sydney Environmental Group. The application was referred to Council's Environmental Health Officer who raised concerns regarding the appropriateness of the selected remediation strategies within the RAP, in particular, for AEC02, reuse of soil contaminated with bonded asbestos on site, when a childcare centre is proposed.</p> <p>In this regard, Council is able to request that a B2 Site Audit Statement and associated report/s are provided to verify that the information provided by the proponent adheres to appropriate standards, procedures and guidelines.</p>	<p><b>Additional Information Required.</b></p>
	<p>The characteristics of the site are suitable for the scale and type of development proposed having regard to:</p> <ul style="list-style-type: none"> <li>• size of street frontage, lot configuration, dimensions and overall size</li> </ul>	<p>As previously noted in <b>C1</b>, council has reservations with regards to the proposed childcare centres overall size. Council does not support the need for the child care facility to be two storeys given the land available on the site.</p>	<p><b>Non-Compliance</b></p>

	<ul style="list-style-type: none"> <li>number of shared boundaries with residential properties</li> </ul>	<p>Furthermore, as noted in <b>C2</b> the child care facility is accessed from the internal car park and provides the play areas facing Fourteenth Avenue frontage. Council recommends revising the layout of the facility to allow for direct accessibility and visibility from existing and proposed streets adjacent to the site.</p>	
	<p>The development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</p>	<p>The development is not anticipated to have significant adverse environmental impacts on the surrounding area. Solar access and privacy are addressed via the appropriate siting of the development, while mitigation measures have been incorporated to address acoustic privacy as detailed in <b>C1</b>.</p>	<p><b>Complies</b></p>
	<p>Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item.</p>	<p>The proposal does not involve the occupation, or retrofitting of an existing premises.</p>	<p><b>N/A</b></p>
	<p>There are suitable drop off and pick up areas, and off and on street parking.</p>	<p>While adequate, the proposed drop off and pick up areas are not considered to be optimal. Consideration should be given to pick up and drop off areas for parents directly from the local road, without needing for vehicles to access the central car park.</p>	<p><b>Additional Information Required</b></p>
	<p>The characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use</p>	<p>The childcare centre component is bound by a Local Roads to the south (Fourteenth Avenue). The provided Traffic Impact Assessment does not identify any safety concerns associated with the characteristics of Fourteenth Avenue. The application was referred to Council's Traffic &amp; Transport officer who raised no objection.</p>	<p><b>Complies</b></p>
	<p>The site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities</p>	<p>The site does not involve direct access to roads with high traffic volumes.</p>	<p><b>Complies</b></p>

	It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.	The site is not in close vicinity to restricted premises and the like.	<b>Complies</b>
<b>C3</b> <i>To ensure that sites for child care facilities are appropriately located.</i>	Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship.	The overall proposal incorporates compatible social uses within the development application including educational establishments, places of worship and ancillary uses.	<b>Complies</b>
	Near or within employment areas, town centres, business centres, shops.	The site is located within the Austral & Leppington North Precinct, however, the subject site is located 1.2km from the nearest strategic centre at the intersection of Edmondson Avenue and Fourteenth Avenue. The site is placed on the western edge of Austral and separated from future development to the west of Kemps Creek  Council requests the strategic merit of the placement of the community centre in this location be further justified by the applicant in the form of an urban design/master plan report.	<b>Non-Compliance</b>  <b>Additional Information Required</b>
	With access to public transport including rail, buses, ferries.	As identified within the provided Traffic Impact Assessment, the site is not within close proximity to any public transport facilities.  Notwithstanding, urban growth within the Austral and Leppington North Precincts is expected to drive the delivery of public transport facilities particularly with the future upgrade of Fifteenth Avenue.	<b>Considered Acceptable</b>
	In areas with pedestrian connectivity to the local community, businesses, shops, services and the like.	As noted above, current Pedestrian connectivity is not considered to be suitable. the subject site is located 1.2km from the nearest strategic centre  Council requests the strategic merit of the placement of the community centre in this location be further justified by the applicant in the form of an	<b>Non-Compliance</b>  <b>Additional Information Required</b>

		urban design/master plan report.	
<b>C4</b> <i>To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</i>	Heavy or hazardous industry, waste transfer depots or landfill sites.	The site is not located in close proximity to heavy or hazardous industries.	<b>Complies</b>
	LPG tanks or service stations	The site is not located in close proximity to service stations or LPG tanks.	<b>Complies</b>
	Water cooling and water warming systems.	The site is not located in close proximity to water cooling systems.	<b>Complies</b>
	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.	The application is supported by an Odour Assessment, prepared by Todoroski Air Sciences. the report concludes that dispersion modelling of potential odour impacts associated with the nearby poultry farms were reviewed and indicate that the site would be suitable for development.	<b>Complies</b>
	Extractive industries, intensive agriculture, agricultural spraying activities.	While the above-mentioned Odour Assessment addresses the odour impacts of the poultry farms, potential agricultural spraying activities (given the semi-rural nature of the locality) may be present and have not been identified.	<b>Additional Information Required</b>
Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.	Refer to item C1 above with regards to potential flood and fire risk.	<b>Non-Compliance</b>	
<b>3.2 Local Character, streetscape and the public domain interface</b>			
<b>C5</b> <i>To ensure that the child care facility is compatible with the local character and surrounding streetscape.</i>	Contribute to the local area by being designed in character with the locality and existing streetscape.	As noted in items <b>C1</b> and <b>C2</b> above, the location and bulk of the Childcare Centre is not considered suitable within the local context. Council recommends revising the layout of the facility to allow for direct accessibility and visibility from existing and proposed streets adjacent to the site.	<b>Additional Information Required</b>
	Build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place.		
	Reflect the predominant form of surrounding land uses, particularly in low density residential areas.	The material selection of the Childcare Centre component is considered sound, however, the distribution of the materials through the four facilities within the overall site would gain from a greater level of integration and composition of materials.	
	Recognise predominant streetscape qualities, such as building form, scale, materials and colours. Include design and architectural treatments that respond to and integrate with the existing streetscape.		

	<p>Use landscaping to positively contribute to the streetscape and neighbouring amenity.</p>	<p>The Arborist Report indicates that there are trees within the site for the child care facility which can be retained. The landscape design for the children play areas does not seem to allow for the tree retention. It is also noted that buildings should be set back a minimum of 3 metres from existing trees. Council requires clarification of the tree retention and recommends the trees to be retained and if not, for a replacement ratio of 3 new trees per tree removed to be applied, consistent with the requirements of the Liverpool Tree Management Strategy (Refer to Liverpool Growth Centres DCP Parts 2.3.5.1 to 2.3.5.5).</p> <p>Further, Council recommends the use of low fences and planting to delineate communal and private and open spaces from adjoining public open space, namely through the Riparian Zone at the front of the site to Fourteenth Avenue.</p> <p>For the child care facility, appropriate planting should be provided along the boundary integrated with fencing. The proposal does not include provision for edge planting along internal fences.</p>	<p><b>Non-Compliance</b></p>
	<p>Integrate car parking into the building and site landscaping design in residential areas.</p>	<p>The car park will be required to be appropriately planted with suitable, broad spreading shade trees, demonstrating a reasonable prospect of achieving a minimum of 30% canopy cover to the area of the site applied as an open-air, at-grade car park. Refer to item <b>C18</b> and Liverpool Tree Management Strategy Direction 10, action 10.8.</p>	<p><b>Non-Compliance</b></p>
<p><b>C6, C7 and C8</b> <i>To ensure clear delineation between the child care facility and public spaces</i></p>	<p>Fencing to ensure safety for children entering and leaving the facility.</p>	<p>As mentioned above, <b>Regulation 104</b> requires outdoor spaces to be enclosed by a fence of a suitable height that children cannot go over it ensuring that Consideration C6, C7 and C8 are adhered to.</p> <p>The provided Landscape Plan illustrates a 1.2m rural fence to the south-western perimeter of</p>	<p><b>Additional Information Required</b></p>

		<p>the outdoor unencumbered space and a privacy fence to the southern perimeter. This conflicts with the SEE in which it is stated that a 2.1m timber lapped and capped boundary fence is proposed around the outdoor play area.</p> <p>Council cannot be satisfied that the outdoor space is enclosed by a fence of a height and design that children cannot go through, over or under it. A separate fencing plans with additional detail sections and elevations must be provided.</p> <p>Furthermore, the Acoustic Report makes recommendations for 1.5m fencing that is not illustrated on the relevant Landscape of Site Plans, and should form part of the separate Fencing Plan.</p> <p>The front fences and walls within the front setback should be constructed of visually permeable materials and treatments. The proposed 1800mm solid privacy fence facing Fourteenth Avenue is not supported.</p>	
	<p>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</p>	<p>The site design is dominated by the central car park. The pedestrian entrance to separate facilities including the childcare centre is poorly distributed on the site resulting in a facility that effectively turns its back to the street frontage. While windows are provided facing towards the public domain the connection between the facility and community requires refinement. The siting of facilities should take in consideration the needs of the several users of the site from the perspective of the pedestrian movement, and the large groups expected to use the site at different times.</p> <p>As noted in <b>C1</b> there is a separate Development Application (DA-345/2025) by the same applicant for the subdivision of the neighbouring lot to the east (295 Fourteenth</p>	<p><b>Additional Information Required</b></p>

		Avenue) into 22 lots (20 residential and 2 residue lots) over four stages. Council recommends greater integration between the two developments by the same owner. The positioning of the child care facility can establish a corner on the proposed new street on the adjacent development, while providing for an area of children outdoor play area secluded from Fourteenth Avenue	
	Integrating existing and proposed landscaping with fencing.	As noted in <b>C5</b> above, appropriate planting should be provided along the boundary integrated with fencing. The proposal does not include provision for edge planting along internal fences.	<b>Non-Compliance</b>
	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.	As noted above the site design is dominated by the central car park. The pedestrian entrance to the separate facilities is poorly distributed on the site, with the Childcare Centre turning its back to the street frontage, while the mosque is facing the youth centre, and turning its side to the car park and its rear to the tuition building. The entrance to the mosque should be celebrated as an arrival place, with a spacious forecourt able to accommodate a large group of people.  Council recommends the preparation of an urban design report with exploration of different options for the placement of each facility on the site, and the determination of a preferred option. These options should consider the site and its adjacent context, including the development of DA-345/2025. The siting of facilities should take in consideration the needs of the several users of the site from the perspective of the pedestrian movement, and the large groups expected to use the site at different times.	<b>Non-Compliance</b>
	Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by	The site does not adjoin public parks, open space or bushland.	<b>N/A</b>

	<p>adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>• clearly defined street access, pedestrian paths and building entries</li> <li>• low fences and planting which delineate communal/private open space from adjoining public open space</li> <li>• minimal use of blank walls and high fences.</li> </ul>		
<p><b>C9 and C10</b>  <i>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.</i></p>	<p>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>As noted in item <b>C6</b> the front fences and walls within the front setback should be constructed of visually permeable materials and treatments. The proposed 1800mm solid privacy fence facing Fourteenth Avenue is not supported.</p>	<p><b>Non-Compliance</b></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>While acoustic fencing is suitably setback from the boundary as noted in item <b>C1</b> Council recommends reviewing the child care configuration for an improved site layout which can envelop the child play areas and preclude the use of acoustic fencing, particularly to possible eastern residential uses.</p>	<p><b>Additional Information Required</b></p>
<p><b>3.3 Building orientation, envelope, building design and accessibility</b></p>			

<p><b>C11</b>  <i>To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade.</i></p>	<p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by:</li> <li>- Facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties.</li> <li>- Placing play equipment away from common boundaries with residential properties</li> <li>- Locating outdoor play areas away from residential dwellings and other sensitive uses.</li> </ul>	<p>While the orientation of the facility ensures visual privacy from Fourteenth Avenue, as noted in item <b>C1</b> and <b>C6</b> the pedestrian entrance to separate facilities including the childcare centre is poorly distributed on the site resulting in a facility that effectively turns its back to the street frontage.</p> <p>There is a separate Development Application (DA-345/2025) by the same applicant for the subdivision of the neighbouring lot to the east (295 Fourteenth Avenue) into 22 lots (20 residential and 2 residue lots) over four stages. Council recommends greater integration between the two developments by the same owner. The positioning of the child care facility can establish a corner on the proposed new street on the adjacent development, while providing for an area of children outdoor play area secluded from Fourteenth Avenue.</p>	<p><b>Additional Information Required</b></p>
	<p>Optimise solar access to internal and external play areas.</p>	<p>As noted in <b>Regulation 114</b> above, the provided Shadow Diagrams (Page 8 – 10) appear to indicate a minimum of 2 hours of solar access for at least 30% of the outdoor space.</p> <p>However, a separate Shadow Diagram specific to the Childcare Centre must be provided illustrating the boundary of the outdoor unencumbered area, location of all fencing, canopy trees and shade sails to allow an accurate measurement. A separate internal solar access diagram is also required.</p> <p>Furthermore, the provided Shadow Diagrams illustrate that the Level 1 outdoor play area (0.5-3 age) will receive almost no direct solar access. This may be further exacerbated by the 1.5 high balustrade recommended in the Acoustic Report.</p> <p>The 4-5 age group play area will also be largely shaded in</p>	<p><b>Non-Compliance</b></p>

		winter afternoons by the child care facility itself. Council recommends an alternative positioning and layout of the child care facility to enable solar access in winter and shade in summer. Preference would be to provide for a single storey facility.	
	Avoid overshadowing of adjoining residential properties.	The proposed childcare centre is sufficiently isolated so as to avoid overshadowing of neighbouring properties.	<b>Complies</b>
	Minimise cut and fill.	<p>While only minor earthworks, limited to cut and fill, appear to be proposed to enable the construction of the childcare centre the proposed engineering cross section indicates vertical changes in level at the main frontage to Fourteenth Avenue (sections 1 and 2) and also across the site (section 3). The landscape plan does not indicate retaining walls are required nor does it provide for details of their materiality.</p> <p>The engineering and the landscape design should be coordinated. Also level changes to be further detailed and precisely identified in the engineering package - current changes in levels between 1 and 1.2m.</p>	<b>Additional Information Required</b>
	Ensure buildings along the street frontage define the street by facing it.	As noted in item <b>C6</b> , the pedestrian entrance to separate facilities including the childcare centre is poorly distributed on the site resulting in a facility that effectively turns its back to the street frontage. While windows are provided facing towards the public domain the connection between the facility and community requires refinement to define the street.	<b>Non-Compliance</b>
	Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.	<p>The upper floor outdoor area plan is annotated as being 'sheltered', however, the roof outline indicates that this area will be open to the elements. A separate Roof Plan including the location of any proposed shade sails should be provided.</p> <p>While it is accepted that the balustrade height may assist in</p>	<b>Additional Information Required</b>

		terms of wind protection, inconsistencies between plans make an accurate assessment difficult. While the architectural plans illustrate a 1.4m glass balustrade, the acoustic report a 1.5m high balustrade.	
<p><b>C12</b>  <i>To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i></p>	<p>Building height should be consistent with other buildings in the locality.</p> <p>Building height should respond to the scale and character of the street.</p>	<p>The provided elevations indicate a maximum building height of 8.999m, while this may be consistent with the maximum building height prescribed under the relevant SEPP (9m), the provided elevations lack adequate information to verify the accuracy of these dimensions. Elevations must illustrate the Natural Ground Line (existing) based upon the Survey (AHD) and RLs at the highest point of the structure.</p> <p>While the proposed height is inconsistent with predominantly single-storey dwelling height of the street, the area is considered to be one undergoing transition, and the proposed two-storey height is not considered to be out of character. Notwithstanding, as mentioned in item <b>C1</b> and <b>C11</b> above, Council does not support the need for the child care facility to be two storeys given the land available on the site.</p>	<b>Additional Information Required</b>
	Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility.	Side and rear setbacks are consistent with the requirements of the LGC DCP 2021.	<b>Complies</b>
	Setbacks should provide adequate access for building maintenance.	Side and rear setbacks are consistent with the requirements of the LGC DCP 2021.	<b>Complies</b>
	Setbacks to the street should be consistent with the existing character.	<p>While the childcare centre itself is setback from the street frontage in accordance with the requirements of the LGC DCP 2021, an inadequate landscape setback has been provided.</p> <p>Furthermore, while the locality is considered to be one in transition the prevailing setback of the existing street is approximately 20m, whereas the Childcare Centre itself is only setback 7.7m</p>	<b>Non-Compliance</b>

<b>C13 and C14</b> <i>To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context</i>	Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	Prevailing setback controls exist under the LGC DCP 2021.	<b>N/A</b>
	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	Side and rear setbacks are consistent with the requirements of the LGC DCP 2021.	<b>Complies</b>
<b>C15</b> <i>To ensure that buildings are designed to create safe environments for all users.</i>	Located to allow ease of access, particularly for pedestrians.	Access is located directly from the main carpark. A 1.5m wide pedestrian path separates the entry from the carparking bays.	<b>Complies</b>
	Directly accessible from the street where possible.	As noted in item <b>C2</b> and <b>C5</b> above the child care facility is accessed from the internal car park. Council recommends revising the layout of the facility to allow for direct accessibility and visibility from existing and proposed streets adjacent to the site.  Consideration should be given to pick up and drop off areas for parents directly from the local road, without needing for vehicles to access the central car park.  Further, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site. Council recommends reviewing the design with consideration for child care pick up and drop off areas which are not included or overlapping with the central car park. Refer to <b>C36</b> below.	<b>Non-Compliance</b>
	Directly visible from the street frontage.	While pedestrian entry is visible from the main carpark it is not visible from the street frontage.	<b>Non-Compliance</b>
	Easily monitored through natural or camera surveillance.	The carpark entry to the facility is easily monitored through natural surveillance of windows.	<b>Complies</b>
	Not accessed through an outdoor play area.	The entrance is not accessed through outdoor play area.	<b>Complies</b>
	In a mixed-use development, clearly defined and separate	While the entry to the Childacre Centre is clearly separate from	<b>Non-Compliance</b>

	from entrances to other uses in the building.	the neighbouring uses on the site as noted in <b>C1</b> , <b>C6</b> and <b>C11</b> above, it is considered that the pedestrian entrance to separate facilities including the childcare centre is poorly distributed on the site. The siting of facilities should take in consideration the needs of the several users of the site from the perspective of the pedestrian movement, and the large groups expected to use the site at different times.	
<b>C16</b> <i>To ensure that child care facilities are designed to be accessible by all potential users.</i>	Providing accessibility to and within the building in accordance with all relevant legislation	<p>The application is supported by an Access Review, prepared by Future Access. The report confirms that the proposed is capable of compliance with mandatory access requirements of the NCC and relevant Australian Standards for Access and Mobility.</p> <p>While it is noted that the architectural plans illustrate one disabled access car space directly adjacent to the childcare centre, the engineering plans illustrate two spaces. Consistency across plans is required.</p> <p>Furthermore, the current architectural drawings depict the car park and childcare centres as a uniform, hard surface, making it difficult to determine the ease of accessibility from the car park, through to the Childcare Centre, and then out to the outdoor play area.</p> <p>Architectural plans must be consistent with all other documentation and illustrate the relevant level changes.</p>	<b>Additional Information Required</b>
	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.		
<b>3.4 Landscaping</b>			
<b>C17 and C18 Landscaping</b> <i>To provide landscape design that contributes to the streetscape and amenity.</i>	Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.	<p>The landscape plan mentions a mix dianella caerulea, lirioppe, melaleuca, westringia with additional syzgium and callistemon as a screen hedging along the various boundaries.</p> <p>However, screen planting should be provided to all boundaries, particularly those adjacent to car parking areas. It is recommended that screen</p>	<b>Additional Information Required</b>

		planting species be reviewed to incorporate screen planting of a suitable height for privacy.	
	Use the existing landscape where feasible to provide a high quality landscaped area by: <ul style="list-style-type: none"> <li>• Reflecting and reinforcing the local context</li> <li>• Incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>	The provided Arborist Report indicates a number of Category A Trees worthy of being retained in the location of the proposed childcare centre. However, the landscape plans indicates that these trees are to be removed despite some of which not sitting within the building footprint. Further consideration to retention, or adequate justification for the removal of existing trees should be provided.  The proposed landscape design does not provide adequate planting and tree canopy throughout the development. The proposal fails to integrate the riparian corridor or conserve existing ecological values of the Precinct.	<b>Additional Information Required</b>
	Incorporate car parking into the landscape design of the site by: <ul style="list-style-type: none"> <li>• Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>• Taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>• Using low level landscaping to soften and screen parking areas.</li> </ul>	It is not considered that the car park has been adequately incorporated within the landscape design of the site.  Concern is raised with regards to the extent of hard paved surfaces throughout the car park, and risk of Urban Heat Island Effect. The Liverpool City Council Tree Management Framework requires a 30% canopy cover percentage through car parks, and this has not been demonstrated.	<b>Additional Information Required</b>
<b>3.5 Visual and acoustic privacy</b>			
<b>C19 and 20</b> <i>To protect the privacy and security of children attending the facility</i>	Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: Appropriate site and building layout	There is potential for direct overlooking of the ground floor Childcare 2-3yrs Rm adjacent to the car park. Two awning-fixed-windows face directly onto the public walkway. The provided window schedule does not indicate any specialised glazing to improve privacy.  A separate Fencing Plan should be provided to confirm the proposed fence type and	<b>Additional Information Required.</b>

		height around the outdoor play areas. The plans illustrate a 1.5m acoustic fence to the eastern boundary which does not adequately minimise overlooking. No information has been provided detailing the type of fencing facing Fourteenth Avenue, or the northern boundary adjacent to the car park area. While screen planting is proposed on the northern boundary the callistemon hedge only reaches 1.2m in height.	
	Suitably locating pathways, windows and doors	As noted above, the location of the car park pathways is not suitably separated from the windows of the childcare facility.	<b>Non-Compliance</b>
	Permanent screening and landscape design.	As noted in <b>C17 &amp; C18</b> above, screen planting is provided in retain areas. It is recommended that screen planting is provided to all boundaries and the planting species be reviewed to incorporate screen planting of a suitable height for privacy.	<b>Additional Information Required.</b>
<b>C21</b> <i>To minimise impacts on privacy of adjoining properties.</i>	Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: Appropriate site and building layout	The proposed childcare centre is sufficiently isolated to prevent overlooking of adjoining developments.	<b>Complies</b>
	Suitable location of pathways, windows and doors	Pathways, windows and doors are generally located in such a way that overlooking concerns to neighbouring development are minimised.	<b>Complies</b>
	Landscape design and screening.	While the proposed childcare centre is sufficiently isolated to prevent overlooking of adjoining developments, additional detail on screen planting to the Fourteenth Avenue frontage should be provided.	<b>Additional Information Required.</b>
<b>C22 and 23</b> <i>To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</i>	A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should: Provide an acoustic fence along any boundary where the adjoining property contains a residential use.	While the Childcare Centre itself is not directly adjacent to adjoining residential use, 1.5m high acoustic fencing is proposed along the eastern boundary adjacent to the vehicular access point.	<b>Complies</b>

	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.	Mechanical Plant equipment has not been selected at this stage, however, indicative locations should be identified on plans.	<b>Additional Information Required.</b>
	<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> <li>Identify an appropriate noise level for a child care facility located in residential and other zones</li> <li>Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> <li>Determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>	<p>As noted in item <b>C1</b> above, an Acoustic Assessment prepared by Renzo Tonnin &amp; Associates Pty Ltd, has been submitted. The report contains predictive modelling based on worst-case assumption (that being 98 of the 118 children are within the outdoor play area at one time).</p> <p>1.8m high acoustic fencing is recommended along the Western boundary, 1.5m acoustic balustrade is recommended to the first floor, and 1.5m acoustic fencing to the eastern boundary. If these recommendations are implemented the predicted noise emissions meet the required childcare centre targets mitigating impact on nearby residential properties.</p> <p>Notwithstanding, Council recommends reviewing the child care configuration for an improved site layout which can envelop the child play areas and preclude the use of acoustic fencing, particularly to possible eastern residential uses</p>	<b>Additional Information Required.</b>
<b>3.6 Noise and air pollution</b>			
<b>C24 and 25</b> <i>To ensure that outside noise levels on the facility are minimised to acceptable levels.</i>	Adopt design solutions to minimise the impacts of noise, such as: Creating physical separation between buildings and the noise source.	It is considered that the Childcare centre is sufficiently isolated, with significant building separation distances to mitigate outside noise impact.	<b>Complies</b>
	Orienting the facility perpendicular to the noise source and where possible buffered by other uses	It is considered that the Childcare centre is sufficiently isolated, with significant building separation distances to mitigate outside noise impact.	<b>Complies</b>
	Using landscaping to reduce the perception of noise	Adequate landscape buffering is proposed within the outdoor area with regards to noise reduction.	<b>Complies</b>
	Limiting the number and size of openings facing noise sources	A number of openings have been incorporated in order to maximise natural internal light. Adequate setbacks, acoustic fencing and landscape	<b>Complies</b>

		buffering ensure the potential impact of noise sources are minimised.	
	Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)	The acoustic report makes a number of recommendations to mitigate noise, including glazing requirements and acoustic seals.	<b>Complies</b>
	Using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits	The provided acoustic report provides recommendations which could be conditioned if consent were granted.	<b>Complies</b>
	Locating cot rooms, sleeping areas and play areas away from external noise sources.	While the sleeping (cot) room is positioned adjacent to the car parking area, it has been located on the first floor. Additional glazing and window seal recommendations would be implemented to reduce the impact of external noise.	<b>Complies</b>
	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: <ul style="list-style-type: none"> <li>• On industrial zoned land</li> <li>• Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• On a major or busy road</li> <li>• Other land that is impacted by substantial external noise</li> </ul>	The proposed child care centre is not located in any of the identified locations. Notwithstanding, an Acoustic Report has been provided that examines impacts and noise attenuation measures.	<b>Not Applicable</b>
<b>C26 and 27</b> <i>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.</i>	Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	The surrounding area is peri-urban with a transition to predominantly residential development underway. The proposed child care centre is not located adjacent to major roads or industrial development.  As noted in item <b>C4</b> above the application is also supported by an Odour Assessment, prepared by Todoroski Air Sciences. the report concludes	<b>Not Applicable</b>

		that dispersion modelling of potential odour impacts associated with the nearby poultry farms were reviewed and indicate that the site would be suitable for development.	
	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.	As above.	<b>Not Applicable</b>
	The air quality assessment report should evaluate design considerations to minimise air pollution such as: <ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• incorporating ventilation design into the design of the facility.</li> </ul>	As above.	<b>Not Applicable</b>
<b>3.7 Hours of operation</b>			
<b>C28 and C29</b> <i>To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</i>	Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses	The proposed hours of operation are Monday to Friday: 7:00am to 7:00pm. Closed Saturday, Sundays and Public Holidays.	<b>Complies</b>
	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.	Being located within a mixed-use development additional acoustic measures have been considered, and the recommendations outlined within the provided Acoustic Report would be implemented.	<b>Complies</b>
<b>3.8 Traffic, parking and pedestrian circulation</b>			
<b>C30, C31 and C32</b> <i>To provide parking that</i>	Off street car parking should be provided at the rates for child care facilities specified in a	The proposed development provides 33 car parking spaces, in accordance with the LGC DCP 2021.	<b>Non-Compliance</b>

<p><i>satisfies the needs of users and the demand generated by the centre and to minimise conflicts between pedestrians and vehicles.</i></p>	<p>Development Control Plan that applies to the land.</p>	<p>The proposal provides for 24 staff car parking spaces and 8 visitor spaces. As noted in LGC DCP Section 4.4.3 below a total of 25 staff car parking spaces and 20 visitor spaces is required.</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>On-street parking is not proposed.</p>	<p><b>N/A</b></p>
	<p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>• The amenity of the surrounding area will not be affected</li> <li>• There will be no impacts on the safe operation of the surrounding road network</li> </ul>	<p>As noted in items <b>C1 &amp; C3</b> above, the application is supported by a Traffic Impact Assessment, prepared by McLaren Traffic Engineering &amp; Road Safety Consultants, in which it is concluded the proposed development is expected to integrate into the community as planned by the <i>Austral &amp; Leppington North Precinct Indicative Layout Plan</i> indicating that the impacts on residential amenity are acceptable. The application was referred to Council's Traffic &amp; Transport engineer who raised no objection.</p> <p>Notwithstanding, it cannot be assumed that the amenity of the surrounding area will not be affected until the abovementioned carparking shortfall is addressed.</p>	<p><b>Non-Compliance</b></p>
<p><b>C33 and C34</b> <i>To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</i></p>	<p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> <li>• A classified road</li> </ul>	<p>Site is not fronting a classified road.</p>	<p><b>N/A</b></p>
	<ul style="list-style-type: none"> <li>• Roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul>	<p>Site is not fronting a heavy usage or hazardous road.</p>	<p><b>N/A</b></p>
	<p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> <li>• The prevailing traffic conditions</li> <li>• Pedestrian and vehicle safety including bicycle movement</li> <li>• The likely impact of the development on traffic</li> </ul>	<p>Alternate access is not required.</p>	<p><b>N/A</b></p>
	<p>Child care facilities proposed within cul-de-sacs or via narrow</p>	<p>The site is not within a cul-de-sac or narrow lane.</p>	<p><b>N/A</b></p>

	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.		
<b>C35, C36 and C37</b> <i>To provide a safe and connected environment for pedestrians both on and around the site.</i>	Separate pedestrian access from the car park to the facility.	While separate pedestrian access is not provided, the location of childcare car parking spaces directly adjacent to the facility ensure a safe path of travel.	<b>Considered Acceptable</b>
	Defined pedestrian crossings included within large car parking areas.	Safe pedestrian paths have not been provided within the carpark. Given the shortfall of visitor spaces provided it should be assumed that parents may need to park within the visitor spots allocated to other facilities on the site. Therefore, safe paths of travel should be provided.  Pedestrian access should avoid crossing manoeuvring areas used by vehicles accessing other parts of the site. Council recommends reviewing the design with consideration for child care pick up and drop off areas which are not included or overlapping with the central car park.	<b>Additional Information Required</b>
	Separate pedestrian and vehicle entries from the street for parents, children and visitors.	Separate pedestrian and vehicles entry has not been provided.  As noted in items <b>C2, C5</b> and <b>C15</b> above, the child care facility is only accessed from the internal car park. Council recommends revising the layout of the facility to allow for direct accessibility and visibility from existing and proposed streets adjacent to the site.	<b>Additional Information Required</b>
	Pedestrian paths that enable two prams to pass each other.	The pedestrian path immediately to the front of the facility is able to accommodate two prams passing one another (1.5m wide as recommended in the Austroads Guide to Road Design Part 6A: Paths for Walking and Cycling).	<b>Complies</b>
	Delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities	The Plan of Management notes that delivery vehicles servicing the premises shall be limited to vans and utes which shall utilise the Delivery & Loading Bay nominated in the rear car parking area.	<b>Additional Information Required</b>

		These service bays must be clearly annotated on all plans, it is unclear as to whether this statement refers to the loading bay adjacent the Youth Centre.	
	Minimise the number of locations where pedestrians and vehicles cross each other	As noted above, given the shortfall of visitor spaces provided it should be assumed that parents may need to park within the visitor spots allocated to other facilities on the site. Therefore, additional measures should be put in place to minimise locations where pedestrians and vehicles cross each other.	<b>Non-Compliance</b>
	In commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas	The path of travel from the car parking to the centre entrance is physically separated from any truck circulation or parking areas.	<b>Complies</b>
	Vehicles can enter and leave the site in a forward direction.	Vehicles can enter and leave the site in a forward direction.	<b>Complies</b>
	Clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations.	Clear sightlines are maintained for drivers to child pedestrians.  It is assumed that internal speed limits of 10km/h would apply within the car park increasing the potential stopping distance for drivers to see an oncoming vehicle and take appropriate action as necessary.  It is noted that pedestrian foot traffic does not typically occur near the driveway entry area, rather, this occurs almost 70m away at the childcare centre entry point.	<b>Complies</b>
	Mixed use developments should include: • 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	<ul style="list-style-type: none"> <li>• While driveway access is not separate, manoeuvring areas and parking areas are separate for trucks.</li> <li>• Drop off and pick up areas exclusive to the childcare facility are available. However, as noted above Council recommends revising the layout of the facility to allow for direct accessibility and visibility from existing and proposed streets adjacent to the site.</li> </ul>	<b>Complies</b>

	<p>access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site</p> <ul style="list-style-type: none"> <li>• parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul>	<ul style="list-style-type: none"> <li>• Parking is grouped together, and conveniently located near the entrance.</li> </ul>	
	<p>Car parking design should:</p> <ul style="list-style-type: none"> <li>• Include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>• Provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>• Include wheelchair and pram accessible parking.</li> </ul>	<ul style="list-style-type: none"> <li>• No detail has been provided as to the fence separating the car parking area from the play area along the northern boundary.</li> <li>• One accessible car space is located directly adjacent to the childcare centre.</li> <li>• All car parking is otherwise wheelchair and pram accessible parking.</li> </ul>	<p><b>Additional Information Required</b></p>

### Part 3.7 General Development Controls

#### i. Clause 3.58 Traffic-generating development

The proposed development constitutes Traffic-generating development in accordance with Clause 3.58 as it contains an new educational establishment being able to accommodate 50 or more students. The application was referred to TfNSW who raised no objection.

### **State Environmental Planning Policy (Industry and Employment) 2021**

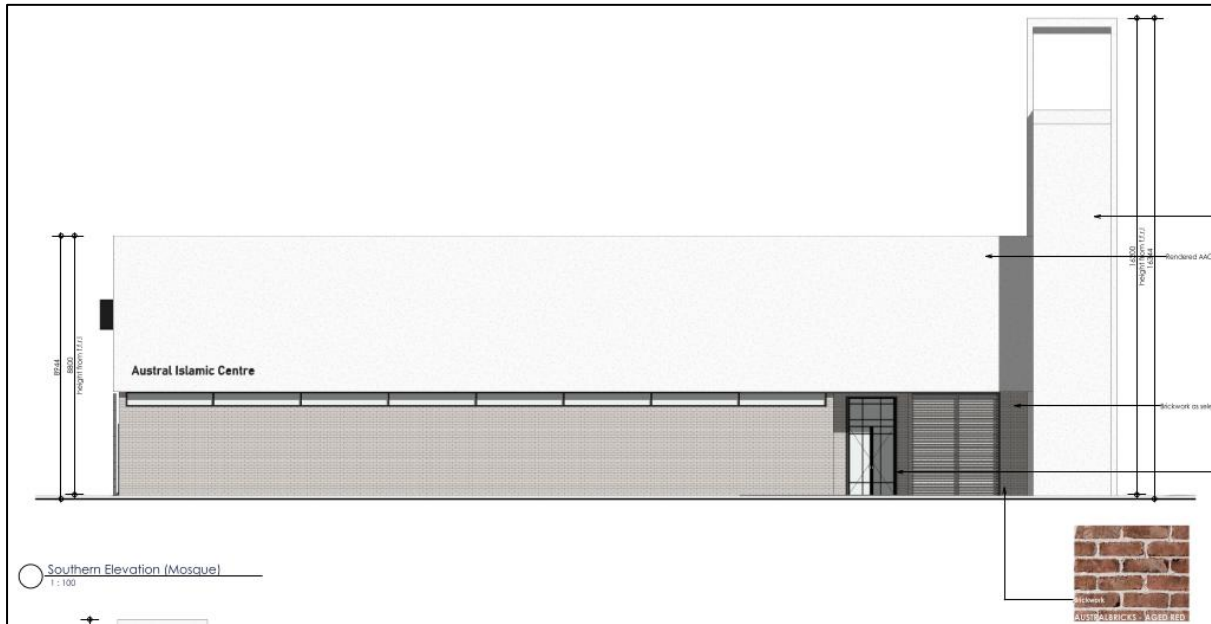
This proposal has been assessed under the provisions of *SEPP (Industry and Employment) 2021*, specifically Chapter 3 – Advertising and signage.

#### Chapter 3 – Advertising and signage

The only signage indicated on the Architectural Plans relates to the Mosque, in which business identification signage states “Austral Islamic Centre”.

**signage** means all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes—

- (a) building identification signs, and
- (b) **business identification signs**, and
- (c) advertisements to which Part 3.3 applies,



**Figure 1:** Proposed signage along southern elevation.

Pursuant to Clause 3.6 a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

(i) Consistency with section 3.1(1)(a)

Consistency with the objectives of SEPP (Industry and Employment) 2021 as set out in clause 3.1(1)(a):

- (a) to ensure that signage (including advertising)—
  - (i) is compatible with the desired amenity and visual character of an area, and
  - (ii) provides effective communication in suitable locations, and
  - (iii) is of high quality design and finish, and

The proposed signage is compatible with the desired amenity and visual character of the area by being integrated with the building architecture, scaled down appropriately for a place of Public Worship and limited in number to avoid visual clutter. The signage effectively communicates the building identification and is suitably located on the southern elevation fronting the main car park. It is noted that the sign is of a high-quality prefabricated form. The trim cap will be painted black while the back will be painted white.

(ii) Schedule 5 Assessment criteria

The criteria specified in Schedule 5 is addressed below:

Requirement	Yes	No	N/A	Comments
1. <u>Character of the area</u>				

<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed signage is modest in scale, simple in design and subdued in colour, ensuring it does not dominate the streetscape. As such it is compatible with the low-rise semi-rural/suburban character of Austral.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The signage is consistent with the prevailing low-key, non-illuminated identification signage typical of community uses in the locality.
<b>2. Special areas</b>				
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal signage does not detract from the amenity or visual quality of surrounding environmentally sensitive areas, as signage is confined to the cleared C4-zoned portion of the site and are well separated from the riparian corridor.
<b>3. Views and vistas</b>				
<i>Does the proposal obscure or compromise important views?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signage would not obstruct or compromise important views.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signage does not dominate the skyline or reduce the quality of any vistas.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Noting that there is no other signage nearby, it would not compromise the viewing rights of other advertisers.
<b>4. Streetscape, setting or landscape</b>				
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes, the signage is modest, well-proportioned to the building façade and visually recessive within the large site.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal provides a subtle level of visual interest by clearly identifying the community use of the site.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposal reduces visual clutter by providing a single, simple identification sign.
<i>Does the proposal screen unsightliness?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed signage is for the purposes of wall signage, as such it will not be designed for screening purposes.
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signage does not protrude over buildings, structures or tree canopies in the area or locality.
<i>Does the proposal require ongoing vegetation management?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No vegetation involved that would require any ongoing management.
<b>5. Site and building</b>				

<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which proposed signage is to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes, the signage is appropriately sized, simply designed and visually subordinate to the overall built form.
<i>Does the proposal respect important features of the site or building, or both?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes, the signage zones respect important site and building features by avoiding obstruction of key architectural elements.
<i>Does the proposal show innovation and imagination in its relationship to the site or building or both?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	As above.
<b>6. <u>Associated devices and logos with advertisements and advertising structures</u></b>				
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is displayed?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No safety devices, platforms, lighting devices or logos been proposed as part of the signage zones. This would be covered in a future DA.
<b>7. <u>Illumination</u></b>				
<i>Would illumination result in unacceptable glare?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No illumination proposed.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No illumination proposed.
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No illumination proposed.
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No illumination proposed.
<i>Is the illumination subject to a curfew?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No illumination proposed.
<b>8. <u>Safety</u></b>				
<i>Would the proposal reduce the safety for any public road?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No, the signage would not distract drivers, or reduce safety for any public road.
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As above
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sight lines from public areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As above

## State Environmental Planning Policy (Precincts – Western Parkland City) 2021

The site is primarily zoned E4 – Environmental Living with the northern and western portions of the site partially zoned SP2 - Infrastructure pursuant to SEPP (Precincts – Western Parkland City) 2021.

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The SEPP (Precincts – Western Parkland City) 2021 Land Use Table for the zones C4 and SP2 are replicated below:

### **Zone E4 Environmental Living**

#### **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

#### **2 Permitted without consent**

*Home-based child care; Home occupations*

#### **3 Permitted with consent**

*Bed and breakfast accommodation; **Centre-based child care facilities**; Community facilities; Drainage; Dual occupancies; Dwelling houses; **Educational establishments**; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Horticulture; **Places of public worship**; Recreation areas; Roads; Secondary dwellings; Waterbodies (artificial)*

#### **4 Prohibited**

*Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

**Comment:** All development is located within the E4 area of the site:

- Childcare Centre:  
**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)),

Permitted with consent: Yes

Consistency with objectives of the zone: The Childcare Centre provides a low-intensity community service that supports family households in a growing area, while being capable of being designed and operated to avoid adverse impacts on ecological and environmental values through appropriate siting, scale and landscaping. Additional information is required to demonstrate how the Childcare Centre would provide low-intensity community service that supports family households in a growing area. Given it accommodates 118 children it is not considered to be of a low-impact domestic scale.

- Tuition Building:  
**Educational establishment means a building or place used for education (including teaching), being—**
  - (a) a school, or
  - (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

Permitted with consent: Yes

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Consistency with objectives of the zone: The tuition buildings is a relatively a small-scale, low-impact educational use that supports the needs of family households, and can be designed to operate at a domestic scale with limited hours, traffic and built form impacts, ensuring no adverse effect on the environmental values of the zone. The SEE is silent on the operational detail of the Tuition Building. Additional information is required as to the operation of the tuition building, and how it meets the objectives.....

- Mosque:  
**Place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

Permitted with consent: Yes

Consistency with objectives of the zone: The mosque supports the social and cultural needs of the surrounding population. However, additional information is required to confirm how it is designed and managed to limit built form, traffic, noise and environmental impacts, particularly during peak religious festival days. In its current form it is not considered to provide for low-impact residential development.

- Youth Centre:  
The Statement of Environmental Effects (SEE) is not clear in its characterisation of the Youth Centre. It is described as an Office, Community Facility, a Canteen & Storage area, and an Indoor Recreational Facility.

**Office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**Community facility** means a building or place—  
(a) owned or controlled by a public authority or non-profit community organisation, and  
(b) used for the physical, social, cultural or intellectual development or welfare of the community,  
but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The characterisation as an **Office premises** cannot be supported as it is not permitted within the zone.

The characterisation as a **Recreation facility (indoor)** cannot be supported as it is not permitted within the zone.

The characterisation as a **Community facility** cannot be supported as the SEE itself describes it as an ancillary development. Therefore, it is considered to be an ancillary development to both the Tuition Building (educational establishment) or Mosque (place of public worship) which does not meet the definition of a Community Facility.

The proposal must make clear under which characterisation the proposed Youth Centre is being applied under. If the youth centre is to be considered a Community Facility it must be demonstrated that the centre operates entirely independently with no reliance upon the Mosque, Tuition Building or Childcare Centre.

Furthermore, it must be demonstrated that the proposed use is consistent with the objectives of the zone.

## **Zone SP2 Infrastructure**

### **2 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

### **2 Permitted without consent**

Roads

### **3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

### **4 Prohibited**

Any development not specified in item 2 or 3

### **Comment:**

No development is proposed within the SP2 zone. Preservation measures are outlined with the provided Vegetation Management Plan, prepared by Narla Environmental, with regards to the Riparian corridor traversing the SP2 zone.

Compliance with the relevant provisions of the SEPP (Precincts – Western Parkland City) 2021 is outlined in Table 2 below.

#### **i. Compliance with Appendix 4 Liverpool Growth Centres Precinct Plan**

<b>Clause</b>	<b>Provision</b>	<b>Proposed</b>
<b>Part 2 Permitted or prohibited development</b>		
<b>2.7 Demolition requires consent</b>	The demolition of a building or work may be carried out only with development consent.	<b>Complies</b> The proposed demolition works are detailed in the submitted Demolition Plan. Conditions of consent could be imposed to ensure demolition is carried out safely.
<b>Part 4 Principal development standards</b>		
<b>4.3 Height of Buildings (as per HOB Map)</b>	9m (E4 Zone)	<b>Additional Information Required*</b>  While the Architectural Plans illustrate the below maximum building heights:  <u>Childcare Centre:</u> 8.999m  <u>Mosque:</u> 8.944m

		<p><u>Minaret</u>: 16.344m (see Clause 5.6 below)*</p> <p><u>Youth Centre</u>: 8.084m</p> <p><u>Tuition Building</u>: 7.712m</p> <p>While the above heights may be consistent with the prescribed maximum building height, the provided elevations lack adequate information to verify the accuracy of these dimensions. Elevations must illustrate the Natural Ground Line (existing) based upon the Survey (AHD) and RLs at the highest point of the structure.</p>
<b>4.4 Floor Space Ratio</b>	No FSR control for this site.	<b>N/A</b>
<b>4.6 Exceptions to development standards</b>	Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.	<p><b>N/A</b></p> <p>The proposal complies with the maximum building height prescribed under Clause 4.3, with the overall building envelope remaining below the applicable height limit. The only elements exceeding this control are architectural roof features that are ancillary to the building and permissible under Clause 5.6. As these elements do not constitute additional storeys, habitable space, or an increase in building bulk, the development does not contravene Clause 4.3 and a Clause 4.6 variation is not required.</p>
<b>Part 5 Miscellaneous provisions</b>		
<b>5.1 Relevant Acquisition Authority</b>	Land to be acquired as identified on the Land Reservation Acquisition Map	<p><b>Noted</b></p> <p>The SP2 land is zoned for acquisition (Local Drainage) in which Council is the authority of the State. Any future subdivision of the land would require separate lots created for the SP2 zoned land.</p>
<b>5.6 Architectural Roof Features</b>	Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by section 4.3 may be carried out, but only with consent.	<p><b>Noted</b></p> <p>The proposal incorporates a tower-like form (referred to as a “column/pillar” in the SEE) that is regarded to be a minaret.</p> <p>The proposed minaret is considered to be an architectural roof form integrated into the mosque.</p> <p>A minaret is a tower form traditionally used to call people to prayer, however in this instance it is a decorative roof form only.</p> <p>The minaret structure is 16.344m high and exceeds building height controls specified under section 4.3.</p> <p>Minaret towers are considered to be architectural roof features as determined in <i>Coptic Orthodox Church – Saint Mary, Saint Kosman and Saint Demian Church v Hills Shire Council [2022] NSWLEC 1295</i>.</p>
	Development consent must not be granted to any such development unless the consent authority is satisfied that—	<p><b>Complies</b></p> <p>The proposed minaret is considered to be a decorative element that will not be used as floor space.</p>

	<p>(a) the architectural roof feature—</p> <p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p>	<p>The proposed minaret is not used as an advertising structure.</p> <p>The proposed minaret does not include floor space area, and conditions of consent could be imposed to ensure that it is not capable of being modified to include floor space area.</p> <p>The submitted shadow diagrams affirm that the minaret will cause minimal overshadowing, with the impact being limited to a small portion of the neighbouring site after 3pm.</p>
	<p>Any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p>	<p><b>N/A</b></p> <p>No building identification signage or equipment proposed.</p>
<p><b>5.9 Preservation of trees and vegetation</b></p>	<p>The objective of this section is to preserve the amenity of the area through the preservation of trees and other vegetation.</p>	<p><b>Additional Information Required</b></p> <p>The proposal preserves all trees located within the Riparian Corridor and is supported by a Vegetation Management Plan.</p> <p>The provided Demolition Plan and Arborist Report indicate the removal of Trees 29, 6 &amp; 7.</p> <p>Trees 6 &amp; 7 are identified as Category A being worth of constraint. These trees do not impede the location of the Childcare Centre, and the applicant is encouraged to explore options for their retention.</p> <p>Tree 29 is a Category ZZ and not worthy of being a constraint.</p>
<p><b>5.10 Heritage conservation</b></p>	<p>Conservation of environmental heritage and consent requirements</p>	<p><b>Additional Information Required</b></p> <p>The application is supported by an Archaeological Due Diligence Assessment. The application was referred to Council's Heritage officer who was generally supportive, however, The archaeological survey section of the report needs to be amended to include site photos of the survey as identified in the Due Diligence requirements.</p> <p>Furthermore, it is recommended that the Landscape plan be amended to remove Olea Europaea (European Olive) and replace with an appropriate native. The Olea Europaea is an identified weed <a href="https://weeds.dpi.nsw.gov.au/Weeds/Feralolive">https://weeds.dpi.nsw.gov.au/Weeds/Feralolive</a> and while not as problematic as Olea Cuspidata (African Olive), it is still recognised as a plant species which can impact native biodiversity, overrun landscapes and become difficult to control.</p>

		Alternatives can include Olea Paniculata, Grevillea olivacea and Photinia x fraseri Red Robin.
<b>5.11 Bushfire Hazard Reduction</b>	Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without consent.	<p><b>Noted.</b> The site is mapped as Bushfire prone land Vegetation Category 3 and Vegetation Buffer 100m and 30m.</p> <p>The proposal is for a Special Fire Protection Purpose and is accompanied by a Bush Fire Assessment Report, prepared by Bushfire Consulting Services, the report makes several recommendations and concludes that the proposal can comply with the objectives of Planning for Bush Fire Protection (PFBP) 2022.</p> <p>The application was referred to NSW Rural Fire Services who was unable to support the application as it is uncertain whether the proposed buildings are able to meet the 10 kW/m2 requirement for APZ as per Table A1.12.1 of PBP 2019 due to lack of information on management of land within SP2 zoned land.</p>
<b>Part 6 Additional local provisions</b>		
<b>6.1 Public Utility Infrastructure</b>	The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure (supply of water, electricity and disposal/management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required	<p><b>Complies</b> The site has existing access to water, electricity and sewage infrastructure.</p>
<b>6.2 Development controls – native vegetation retention areas</b>	The objective of this section is to prevent the clearing of certain native vegetation.	<p><b>Complies</b> Pursuant to South West Growth Centre Native Vegetation Protection Map Sheet NVP_007 the site contains Native vegetation retention area. No vegetation removal is proposed in this area. The application is further supported by a Vegetation Management Plan.</p>
<b>6.3 Development Controls – Existing Native Vegetation</b>	The consent authority must not grant development consent to development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the	<p><b>N/A</b> The site is not identified as containing Existing native vegetation areas.</p>

	meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995)	
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## Liverpool Growth Centre Precincts Development Control Plan 2021 (LGCP DCP 2021)

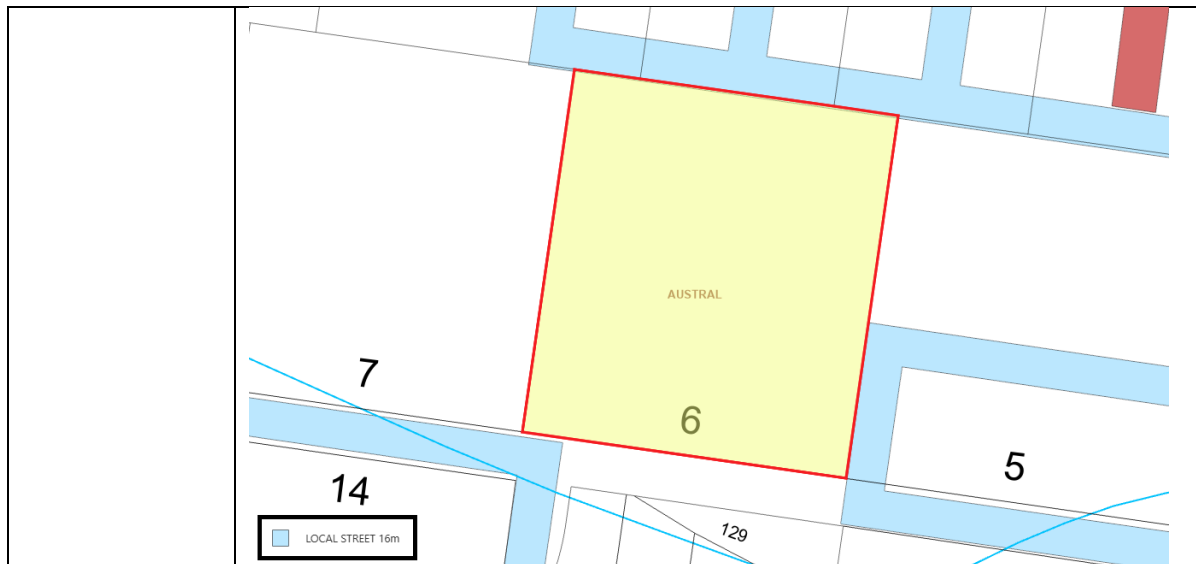
The Liverpool Growth Centre Precincts Development Control Plan 2021 supports the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 by setting additional development controls for development located in the Liverpool Growth Centres Precinct Plan.

Compliance with the relevant provisions of the Liverpool Growth Centre Precincts Development Control Plan 2021 is outlined in the table below:

i. Compliance with Liverpool Growth Centre Precincts DCP 2021

### Part 2 Precinct Planning Outcomes

Development Control	Provision	Comment
2.2 The Indicative Layout Plan (ILP)	All development applications are to be generally in accordance with the Indicative Layout Plan.	<b>Additional Information Required</b> No subdivision is proposed which would alter the Indicative Layout Plan.
	When assessing development applications, Council will consider the extent to which the proposed development is consistent with the Indicative Layout Plan.	However, the provided Civil engineering plans indicate two proposed vehicle crossovers connecting to the neighbouring site to the east (295 Fourteenth Avenue, Austral), where a future local road (Buwura Crescent) is proposed.
	Any proposed variations to the general arrangement of the Indicative Layout Plan must be demonstrated by the applicant, to Council's satisfaction, to be consistent with the Precinct Planning vision in the relevant Precinct Schedule.	As this involves physical works on adjoining land, not only is adjoining land owners' consent required, but the neighbouring site is required to be identified as part of the development application. As the neighbouring land does not form part of the original application, public notification has been undertaken on an incorrect land description. Furthermore, Council cannot determine development on land not identified in the development application.  It is recommended that the DA be withdrawn and relodged with all affected land correctly identified and owners consent provided for each site.



2.3.1  
Flooding

This section controls relating to development on flood prone land

**Non-Compliance**

As noted within the SEPP (Biodiversity & Conservation) Chapter 6 section of this report the application has been reviewed by Councils Floodplain Engineer who noted the land is heavily flood-affected, with approximately 80% situated within the floodway of Tributary 2 of Kemps Creek (KC08). To enable development within the Austral and Leppington North precincts, Council has prepared designs for regional basins and trunk drainage systems. These works are expected to reduce flood impacts at the subject site, particularly once Regional Basin 17 (proposed immediately west of the site) is constructed.

However, until Basin 17 and its associated trunk drainage system are completed, the site will remain within the active floodway of Tributary 2. Consequently, no filling or development can proceed prior to their construction. This advice has previously been provided to the applicant during the Pre-DA meeting and in Pre-DA correspondence dated 21/02/2024.

Council's recent records confirm that unauthorised filling and construction have been undertaken within the site's floodway area. These works adversely impact the existing flood regime and neighbouring properties. All unauthorised works must be removed, and the site restored to pre-fill levels before any development application can be considered. Evidence of rectification, including pre- and post-

		<p>work survey plans, must be submitted to Council.</p> <p>Following the completion of Basin 17 and its trunk drainage system, the site may be developed in accordance with its E4 zoning. Development on E4 land is restricted, with filling generally limited to building pads and driveways. Any loss of floodplain storage below the 1% AEP level must be fully compensated. Cut-and-fill volume calculations must be based on the site's pre-unauthorised natural landform.</p>
2.3.2 Water Cycle Management	<p>This section contains controls relating to stormwater management. In-street raingardens are required in some precincts as supplementary water quality treatment devices to ensure that water quality targets are met. Whilst Council will deliver the raingarden (upon completion of most surrounding lots), the land-developer will be responsible for delivering an interim silt trap device in accordance with Figure 2-1. Interim silt trap devices are required at locations marked as "Proposed Raingarden Locations" as per the figure labelled Proposed Water Quality Control Strategy in the relevant precinct schedule.</p>	<p><b>Non-Compliance</b> As noted within the SEPP (Biodiversity &amp; Conservation) Chapter 6 section of this report the application is supported by a Stormwater Management Plan prepared by Colliers. The proposed works for stormwater management includes construction of biofiltration beds, and a pit and pipe drainage network to discharge runoff into an existing drainage line within the site, which ultimately drains to Kemps Creek. This site is located at the immediate downstream end of the Basin 17 catchment, and it is proposed to construct a trunk drainage path through the northern portion of the site as part of the regional basin works.</p> <p>Given the site's location within an active floodway and the absence of sufficient supporting stormwater, water quality and flood impact modelling, Council cannot be satisfied that the quality of stormwater discharged from urban areas into the environment complies with appropriate standards until the above flooding items have been resolved.</p> <p>Furthermore, Council's recent records confirm that unauthorised filling and construction have been undertaken within the site's floodway area. These works adversely impact the existing water catchment and neighbouring properties.</p>
2.3.3 Salinity and Soil Management	<p>This section contains controls relating to salinity and soil management.</p> <p>Development applications, that include earthworks, on land with a low, or moderate to high risk of salinity (identified in the <b>Areas of potential salinity risk map</b>), are to be accompanied by information detailing</p>	<p><b>Additional Information Required</b> The site is mapped as containing moderate to high salinity potential and minor earthworks are involved.</p> <p>The SEE states that a Soil Salinity Assessment Report, prepared by Sydney Environmental Group, has been submitted, however, this could not be located on the NSW Planning Portal.</p>

	how the design and construction of the proposed subdivision intends to address salinity issues.	This document is required to be submitted to satisfy Section 2.3.3.
2.3.4 Aboriginal and European Heritage	This section contains controls relating to the management of Aboriginal heritage values and to ensure areas identified as European cultural heritage sites or archaeological sites are managed.	<p><b>Additional Information Required</b> As noted in Section 5.10 of SEPP(P-WPC)2021 of this report the application is supported by an Archaeological Due Diligence Assessment. The application was referred to Council's Heritage officer who was generally supportive, however, The archaeological survey section of the report needs to be amended to include site photos of the survey as identified in the Due Diligence requirements.</p> <p>Furthermore, it is recommended that the Landscape plan be amended to remove Olea Europaea (European Olive) and replace with an appropriate native. The Olea Europaea is an identified weed <a href="https://weeds.dpi.nsw.gov.au/Weeds/Feralolive">https://weeds.dpi.nsw.gov.au/Weeds/Feralolive</a> and while not as problematic as Olea Cuspidata (African Olive), it is still recognised as a plant species which can impact native biodiversity, overrun landscapes and become difficult to control.</p> <p>Alternatives can include Olea Paniculata, Grevillea olivacea and Photinia x fraseri Red Robin.</p>
2.3.5 Native Vegetation and Ecology	This section contains controls relating to the conservation and rehabilitation of native vegetation.	<p><b>Additional Information Required</b> As noted in Section 5.9 of SEPP(P-WPC)2021 the proposal preserves all trees located within the Riparian Corridor and is supported by a Vegetation Management Plan.</p> <p>The provided Demolition Plan and Arborist Report indicate the removal of Trees 29, 6 &amp; 7.</p> <p>Trees 6 &amp; 7 are identified as Category A being worth of constraint. These trees do not impede the location of the Childcare Centre, and the applicant is encouraged to explore options for their retention.</p> <p>Tree 29 is a Category ZZ and not worthy of being a constraint.</p>
2.3.6 Bushfire Hazard Management	This section contains controls relating to development on bushfire prone land.	<p><b>Additional Information Required</b> The site is mapped as Bushfire prone land Vegetation Category 3 and Vegetation Buffer 100m and 30m.</p> <p>The proposal is for a Special Fire Protection Purpose and is accompanied by a Bush Fire</p>

		<p>Assessment Report, prepared by Bushfire Consulting Services, the report makes several recommendations and concludes that the proposal can comply with the objectives of Planning for Bush Fire Protection (PFBP) 2022.</p> <p>The application was referred to NSW Rural Fire Services who was unable to support the application as it is uncertain whether the proposed buildings are able to meet the 10 kW/m2 requirement for APZ as per Table A1.12.1 of PBP 2019 due to lack of information on management of land within SP2 zoned land.</p>
<p>2.3.7 Site Contamination</p>	<p>This section contains controls relating to development on potentially contaminated land.</p>	<p><b>Non-Compliance</b></p> <p>As noted within the SEPP (Resilience and Hazards) Chapter 4 section of this report the application is supported with a document titled Stage 1 Preliminary, Stage 2 Detailed Site Investigation and Remediation Action Plan (RAP). prepared by Sydney Environmental Group.</p> <p>Concerns are raised regarding the appropriateness of the selected remediation strategies outlined in, in particular, for AEC02, reuse of soil contaminated with bonded asbestos on site, when a childcare centre is proposed. In this regard, Council is able to request that a B2 Site Audit Statement and associated report/s are provided to verify that the information provided by the proponent adheres to appropriate standards, procedures and guidelines.</p> <p>A Site Auditor accredited under the Contaminated Land Management Act 1997 must be engaged to issue a Section B2 Site Audit Statement in accordance with the Contaminated Land Management Act 1997 and approved Guidelines made thereunder including the 'Guidelines for the NSW Site Auditor Scheme' (3rd Edition) published by the NSW Environment Protection Authority dated October 2017.</p> <p>The Site Audit Statement and Site Audit Report must certify the suitability of the land for the use. The Section B2 Site Audit shall determine the appropriateness of the investigation plan (combined PSI and DSI document) and the remediation plan documents</p>

		supporting this application. The Statement and Site Audit Report must be submitted to Liverpool City Council for review.
2.3.8 Development on and adjacent to electricity and gas easements	This section contains controls relating to development on and adjacent to electricity and gas easements.	<b>N/A</b> The subject site is not adjacent to an electricity or gas easement.
2.3.9 Noise	This section contains controls relating to minimising the impacts of noise from major transport infrastructure, industrial and employment areas on residential amenity.	<b>N/A</b> The site is not situated next to any railway line, arterial or sub-arterial road, or any other road where current or forecasted traffic volumes exceed 6,000 vehicles per day. Additionally, the land is not adjoining any industrial or employment precinct
2.3.10 Odour Assessment and Control	This section relates to land deemed by Council to be affected by an odour source.	<b>Complies</b> The application is supported by an Odour Assessment, prepared by Todoroski Air Sciences. the report concludes that dispersion modelling of potential odour impacts associated with the nearby poultry farms were reviewed and indicate that the site would be suitable for development. The application was referred to Council's Environmental Health officer who raised no objection subject to conditions of consent.
2.3.11 Air Quality	This section contains controls relating to preserving air quality in relation to industrial and/or employment development.	<b>N/A</b> As the proposal is for community uses rather than industrial/employment activities, air emissions are minimal, and any necessary mitigation measures will be addressed at the Construction Certificate stage in accordance with the POEO Act and relevant guidelines.
2.4 Demolition	This section contains controls relating to demolition of buildings	<b>Complies</b> The application supported by a Demolition Plan, Demolition Statement and Waste Management Plan that addresses demolition waste. Standard conditions of consent would apply to ensure demolition is carried out in accordance with AS2601-1991 if approved.
2.5 CPTED	This section contains controls relating to the principles of CPTED.	<b>Additional Information Required</b> While passive surveillance is provided by development that overlooks the internal carpark and entry areas, the site is isolated and lacking adequate scope of active and passive surveillance particularly during after hours.  For an application of this scope, a

		Crime Prevention Through Environmental Design (CPTED) report that also addresses <i>the NSW Police Safer by Design Guidelines for Crime Prevention</i> should be provided.
2.6 Earthworks	This section contains controls relating to earthworks	<p><b>Additional Information Required</b></p> <p>While only minor earthworks, limited to cut and fill, appear to be proposed to enable the construction the proposed engineering cross sections indicates vertical changes in level at the main frontage to Fourteenth Avenue (sections 1 and 2) and also across the site (section 3). The landscape plan does not indicate retaining walls are required nor does it provide for details of their materiality.</p> <p>The engineering and the landscape design should be coordinated. Also level changes to be further detailed and precisely identified in the engineering package - current changes in levels between 1 and 1.2m.</p>

### Part 3 Neighbourhood and subdivision design

Development Control	Provision	Comment
<b>3.1 Residential Density and Subdivision</b>	This section provides for residential density targets.	<b>N/A</b> Residential subdivision not proposed.
<b>3.2 Subdivision Approval Process</b>	This section relates to the land subdivision approval process.	<b>N/A</b> Residential subdivision not proposed.
<b>3.3.1 Steet network layout and design</b>	The locations and alignments of all roads are to be generally in accordance with the locations shown on the Precinct road hierarchy figure in the relevant Precinct Schedule.	<p><b>Additional Information Required</b></p> <p>While no future roads are identified within the subject lot, it is noted that future access is proposed via a local road on the neighbouring lot to the east (Lot 5 DP 30409).</p> <p>Given that this road is not yet constructed and development on the neighbouring Lot has not been approved, access is to be retained from Fourteenth Avenue.</p> <p>As note in LGC DCP Part 2, Section 2.2 above, the provided Civil engineering plans indicate two proposed vehicle crossovers connecting to the neighbouring site to the west (295 Fourteenth Avenue, Austral), where this future local road (Buwura Crescent) is proposed.</p> <p>As this involves physical works on adjoining land, not only is adjoining land owners' consent required, but the neighbouring site is required to be</p>

Development Control	Provision	Comment
		<p>identified as part of the development application. As the neighbouring land does not form part of the original application, public notification has been undertaken on an incorrect land description. Furthermore, Council cannot determine development on land not identified in the development application.</p> <p>It is recommended that the DA be withdrawn and relodged with all affected land correctly identified and owners consent provided for each site.</p>

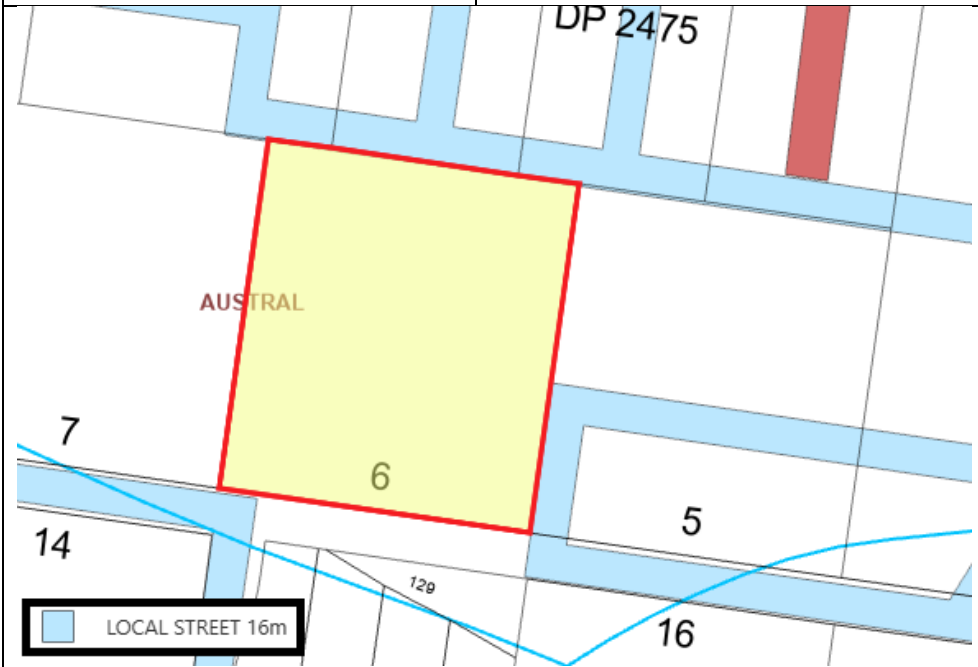


Figure: DCP Road Network

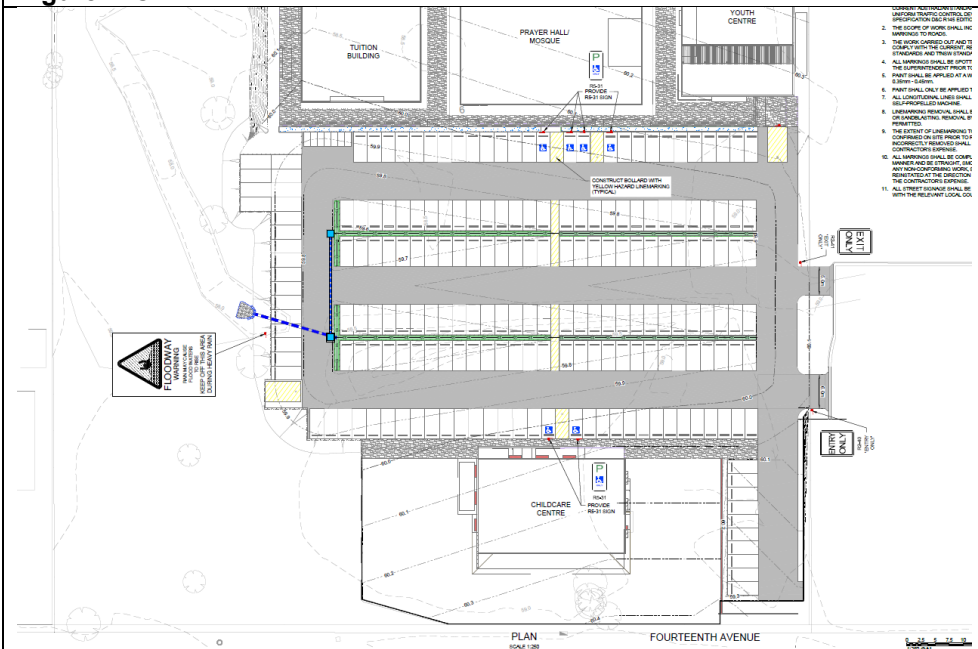
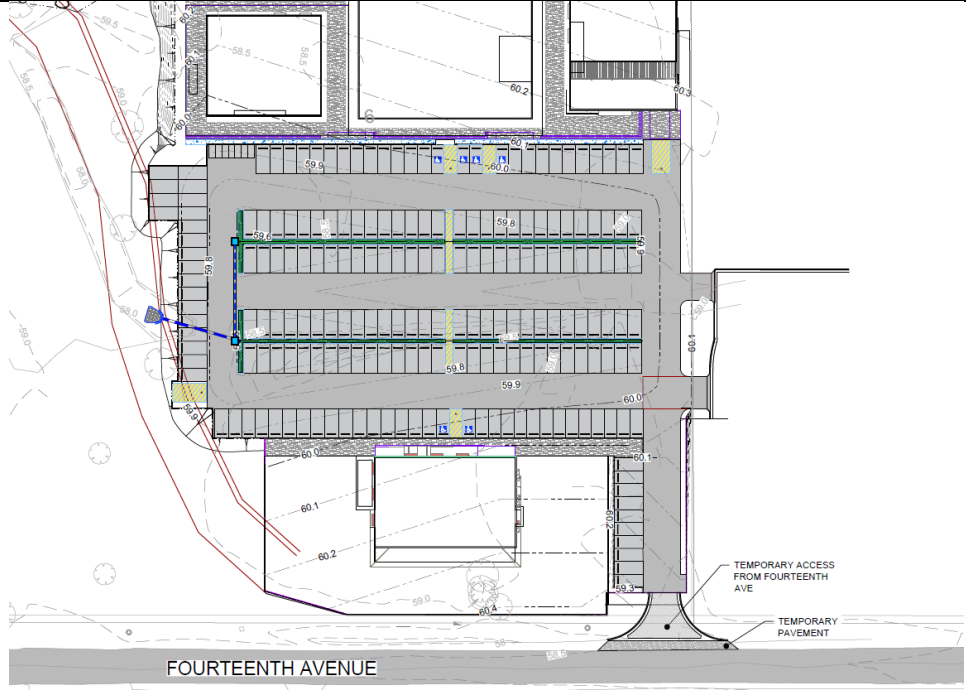


Figure: Extract from Civil Engineering Plans

Development Control	Provision	Comment
3.3.7 Temporary vehicular access	Temporary access roads are to remain in operation only until such time as the road network has been developed to provide permanent access to all properties. A section 88B instrument is required as part of the subdivision requiring that the temporary access road remains open for as long as necessary to ensure access to all properties.	<b>Additional Information Required</b> The provided Civil Engineering Plans indicate that access from Fourteenth Avenue it to be temporary.  Given that access from the site to the east is not yet available a deferred commencement condition may be required. Alternatively, access from Fourteenth Avenue may be retained as the primary entry point with the connection to the neighbouring site the subject of a future development application.
	 <p><b>Figure:</b> Extract from Civil Engineering Plans</p>	
3.4 Construction Environmental Management	This section relates to environmentally responsible construction.	<b>Complies</b> This measures could be conditioned if consent were granted.

#### Part 4 Development in the residential zones

As the objective of the E4-Environmental Living zone is to “provide for low-impact residential development” it is considered a residential zone. Therefore, Part 4 of the DCP applies even if the proposal is not for residential development, specifically Section 4.4 Other development in residential areas.

Development Control	Provision	Comment
4.1.2 Cut and Fill	The maximum cut on a site must not exceed 600mm	<b>Additional Information Required</b> As noted in the LGC DCP Part 2.2 above while only minor earthworks, limited to cut and fill, appear to be proposed to enable the construction the proposed engineering cross sections indicates vertical changes in level at the main

Development Control	Provision	Comment
		<p>frontage to Fourteenth Avenue (sections 1 and 2) and also across the site (section 3). The landscape plan does not indicate retaining walls are required nor does it provide for details of their materiality.</p> <p>The engineering and the landscape design should be coordinated. Also level changes to be further detailed and precisely identified in the engineering package - current changes in levels between 1 and 1.2m.</p>
<p><b>4.1.3 Sustainable Building Design</b></p>	<p>1. The majority of plant species are to be selected from the preferred species listed at Appendix C and indigenous species are preferred.</p> <p>2. The provisions of BASIX will apply with regards to water requirements and usage.</p> <p>3. The design of dwellings is to maximise cross flow ventilation.</p> <p>4. The orientation of dwellings, location of living rooms and the positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to indoor areas and to minimise the need for mechanical heating and cooling.</p>	<p><b>Complies</b></p> <p>1. The majority of trees, grasses and groundcovers have been selected from Appendix C. While numerous proposed shrubs are not, they are native in species.</p> <p>2. BASIX is not applicable. Refer to SEPP(Sustainable Buildings) section above.</p> <p>3. No dwellings proposed.</p> <p>Notwithstanding the proposed buildings incorporate multiple openings maximising cross flow ventilation.</p> <p>4. Building orientation lends itself towards maximising solar access.</p>
<p><b>4.1.4 Salinity, sodicity and aggressivity</b></p>	<p>Development is to consider salinity and sodicity of the site.</p>	<p><b>Additional Information Required</b></p> <p>As noted in the LGC DCP Part 2.3.3 above the site is mapped as containing moderate to high salinity potential and minor earthworks are involved.</p> <p>The SEE states that a Soil Salinity Assessment Report, prepared by Sydney Environmental Group, has been submitted, however, this could not be located on the NSW Planning Portal.</p> <p>This document is required to be submitted to satisfy Section 2.3.3.</p>
<p><b>Table 4-5: Summary of key controls for lots with frontage width &gt; 15m for front accessed dwellings</b></p>		
<p><b>4.2.3 Front Setbacks</b></p>	<p><u>Front Setback:</u>  4.5m to building facade line  3.5m to building façade fronting open space or drainage land  3.0m to articulation zone  2.0m to articulation zone fronting open space or drainage  5.5m to garage line and 1m behind the building line</p>	<p><u>Childcare Centre:</u>  7.7m to façade  3.65m to articulation zone</p> <p><u>Tuition Building:</u>  90m</p> <p><u>Mosque:</u>  88m</p> <p><u>Youth Centre:</u>  90m</p>
<p><b>4.2.4 Side and rear Setbacks</b></p>	<p><u>Side Setback:</u>  Ground Floor: 0.9m (Side A), 0.9m (Side B)  Upper Floor: 0.9m (Side A), 1.5m (Side B)</p>	<p><u>Childcare Centre:</u>  LHS: 79.14m  RHS: 26.595m</p> <p><u>Tuition Building:</u>  LHS: 44.26m  RHS: 70m</p>

Development Control	Provision	Comment
		<p><u>Mosque:</u> LHS: 70m RHS: 30m</p> <p><u>Youth Centre:</u> LHS: 110m RHS: 2.6m</p> <p><u>Rear Setback:</u> 4m (ground level) and 6m (upper levels)</p> <p><u>Childcare Centre:</u> 120m</p> <p><u>Tuition Building:</u> 38.95m</p> <p><u>Mosque:</u> 36m</p> <p><u>Youth Centre:</u> 37m</p>
<b>4.2.5 Dwelling Height, Massing and Siting</b>	2 storeys	<p><u>Childcare Centre:</u> 2 storeys</p> <p><u>Tuition Building:</u> 2 storeys</p> <p><u>Mosque:</u> 2 storeys with minaret tower.</p> <p><u>Youth Centre:</u> 2 storeys</p>
<b>4.2.8 Garages, Storage, Site Access and Parking</b>	Front or rear loaded double and tandem garages permitted Maximum garage door width 3m (Single) and 6m (Double) Triple garages are not permitted. 1-2 bedroom dwellings will provide at least 1 car space. 3 bedroom or more dwellings will provide at least 2 car spaces.	<b>N/A</b> No garages proposed.
<b>4.2.9 Visual and Acoustic Privacy</b>	Development is to consider visual and acoustic privacy of neighbours.	<p><b>Additional Information Required</b></p> <p><u>Acoustic Privacy:</u> An Acoustic Assessment prepared by Renzo Tonnin &amp; Associates Pty Ltd, has been submitted.</p> <p>The report contains predictive modelling based on worst-case assumption (that being 98 of the 118 children are within the outdoor play area at one time) for the childcare centre.</p> <p>The Mosque is proposed to hold 5 daily prayers. In winter, the latest start time for the morning prayer (Fajr) is approximately 4am, and the night prayer (Isha) concludes at approximately 8:30pm. In summer, the latest start time for the morning prayer (Fajr) is approximately 5am, and the night prayer (Isha) concludes at approximately 9:45pm. The proposed capacity for the Mosque is 200 people.</p> <p>The double-storey Canteen and youth indoor activity centre is proposed of a canteen on the ground floor and a youth indoor area with a terrace garden located</p>

Development Control	Provision	Comment
		<p>on the first floor facing the proposed carpark. The terrace garden is open to sky and will be the primary source of noise from Building 3. The proposed Canteen and Youth Indoor Activity Centre operating hours are 7am-10pm.</p> <p>The double-storey Tuition centre is proposed of 10 classrooms (6 on ground floor and 4 on first floor) and 2 workshops (1 on each floor). There is no outdoor activity area associated with Tuition Centre building. The proposed Tuition Centre operating hours are 7am-10pm.</p> <p>The assessment concludes that external noise impacts to the development and operational noise emissions to surrounding residents have been considered. Reasonable controls can be incorporated into the building envelope design, to ensure a suitable level of internal acoustic amenity is achieved. The development will ensure compliance with the noise criteria recommended for all activities. Recommendations are detailed in Section 7. Operational noise from the project to the potentially most affected residential receiver locations around the site was also assessed and compliance with the noise emission goals can be achieved provided the recommendations in Section 7 are adopted.</p> <p><u>Visual Privacy:</u> Significant separation distances between the proposed Childcare Centre, Tuition Building, Mosque and neighbouring sites have been adopted to mitigate privacy concerns.</p> <p>The two-storey Youth Centre is located approximately 2.6m from the eastern boundary. While this is greater than the side setback required for residential development (1.5m) and no windows are located on the first floor, it is noted that balconies are not permitted on the side of first floor dwellings.</p> <p>Additional privacy mitigation measures should be explored to prevent overlooking from the balcony level.</p>
4.2.10 Fencing	Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.	<p><b>Additional Information Required</b> Limited fencing detail is provided. The Landscape plans indicate a 1.2m rural fence running along the Riparian corridor and acoustic fencing to parts of the Childcare Centre, but no detail is</p>

Development Control	Provision	Comment
	<p>Front fences and walls are not to impede safe sight lines for traffic.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line</p>	<p>provided on the proposed front or boundary fence.</p> <p>A separate Fencing Strategy Plan should be submitted. The plan should identify the location, height, material, and level of transparency of all fences. Detailed sections and elevations should also accompany the plan.</p>
<b>4.4.1 General Requirements</b>	<p>Non-residential development on residential zoned land is to comply with the requirements of Clauses 4.1.2 to 4.1.4 and Clauses 4.2.9 and 4.2.10 of this DCP in relation to residential amenity and sustainable building design.</p>	<p><b>Additional Information Required</b> Refer to Clauses 4.12 – 4.14, 4.2.9 and 4.2.10 above.</p>
	<p>For all non-residential development, the controls relating to lots with <u>frontages greater than 15 metres</u> in the following clauses of this DCP apply:</p> <ul style="list-style-type: none"> <li>• Clause 4.2.3 Front setbacks;</li> <li>• Clause 4.2.4 Side and rear setbacks;</li> <li>• Clause 4.2.5 Dwelling height, massing and siting; and</li> <li>• Clause 4.2.8 Garages, storage, site access and parking</li> </ul>	<p><b>Complies</b> Refer to Clauses 4.2.3, 4.2.4, 4.2.5 and 4.2.8 above.</p> <p>Note: As prescribed by this control <b>Table 4-5 Development with frontages greater than 15m</b> has been used in lieu of <b>Table 4-6 Development in the Environmental Living Zone</b>.</p>
	<p>The maximum site coverage of buildings is 60% of the total site area.</p> <p><i>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (e.g. carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</i></p>	<p><b>Complies</b> Site Area: 20,230m<sup>2</sup> Site Coverage: 2,180m<sup>2</sup> (11%)</p>
	<p>The minimum landscaped area for non-residential development is 20% of the total site area of the allotment.</p> <p><i>Landscape Area means any part of a site, at ground level, that is permeable and consists of soft landscaping, turf or planted areas and the like. It does not include driveways, parking areas, hard paved drying yards or other service areas, swimming pools, tennis courts, undercroft areas, roofed areas (excluding eaves &lt;450mm to fascia board), outdoor rooms, balconies, rooftop gardens, terraces, decks, verandahs and the like.</i></p>	<p><b>Complies</b> Site Area: 20,230m<sup>2</sup> Landscaped Area: 9,590m<sup>2</sup> (47%)</p>

#### Part 4.4.3 Child Care Centres

Part 4.4.3 Child Care Centres		
Control	Requirement	Proposed

Distance Separation Requirement	1km from any existing, approved or proposed child care centre, 100m from high voltage transmission lines, mobile phone towers, radio telecommunication facilities, restricted premises, sex services premises. 85m (measured at the site boundary) of service stations and gas storage tanks	<p><b>Complies</b></p> <p>The proposed development is approximately 1.5km from the nearest Childcare Centre, Frogs Lodge, with multiple other Childcare centres (&gt;10) within a 3km radius. Notwithstanding, Clause 3.26(2)(a) of Part 3.3 of SEPP (Transport and Infrastructure) 2021 notes that a childcare facility may be located any distance from an existing facility.</p> <p>The proposed development is not in proximity to any potentially unsafe infrastructure.</p>
Minimum Allotment Size	900m <sup>2</sup>	<p><b>Complies</b></p> <p>20,230m<sup>2</sup></p>
Minimum Frontage Width	26m	<p><b>Complies</b></p> <p>134.44m</p>
Minimum Lot Depth	30m	<p><b>Complies</b></p> <p>150.47m</p>
Maximum Site Coverage	50% <i>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (e.g. carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</i>	<p><b>Complies</b></p> <p>Overall Site Area: 20,230m<sup>2</sup> Overall Site Coverage: 2,180m<sup>2</sup> (11%)</p> <p>Childcare Centre Site Area: 1549.50m<sup>2</sup> Childcare Centre Site Coverage: 609m<sup>2</sup> (39%) (based on Landscape Plans)</p>
Minimum Landscape Area	30% <i>Landscape Area means any part of a site, at ground level, that is permeable and consists of soft landscaping, turf or planted areas and the like. It does not include driveways, parking areas, hard paved drying yards or other service areas, swimming pools, tennis courts, undercroft areas, roofed areas (excluding eaves &lt;450mm to fascia board), outdoor rooms, balconies, rooftop gardens, terraces, decks, verandahs and the like.</i>	<p><b>Complies</b></p> <p>Site Area: 20,230m<sup>2</sup> Landscape Area: 9,590m<sup>2</sup> (47%)</p> <p>Childcare Centre Site Area: 1549.50m<sup>2</sup> Childcare Centre Landscape Area: 505.45m<sup>2</sup> (32.6%) (based on Landscape Plans – excluding softfall but including synthetic turf)</p>
Max no. of storeys	1 storey building or ground floor for children's rooms only	<p><b>Non-Compliance</b></p> <p>Two-storeys proposed. While this may be consistent with the maximum height permitted under the relevant SEPP, as note in the Child Care Planning Guidelines above, Council does not support the need for the child care facility to be two storeys given the land available on the site. Council recommends the overall site design be revised to consider alternative options for the placement of facilities based on their specific requirements and number of users.</p>
Floor to Ceiling Height	Minimum 2.4m	<p><b>Complies</b></p> <p>3 – 3.1m</p>
Capacity	Max 40 children	<b>N/A</b>

	Min 5 places for under 2year olds.	118 Children proposed.  It is noted that the SEPP (Transport and Infrastructure) 2021 non-discretionary development standards override the relevant controls stipulated within the Liverpool Growth Centre Precincts Development Control Plan 2021 therefore this control is not applicable.
Open Space	Refer to Childrens Services Regulation 2004	<b>Complies</b> Refer to the National Quality Framework Assessment above, <b>Regulations 107 &amp; 108.</b>
<b>Setbacks</b>		
Primary Front (Building)	6m	<b>Complies</b> Primary Setback: 7.7m to facility (3.65m to external staircase)
Primary Front (Landscape setback)	2m	<b>Non-Compliance</b> Primary Front (Landscape setback) varies: -17.4m (western side – based on the Landscape plan) -0m (eastern side)*
Side (Building)	2m	<b>Complies</b> Side setback >2m.
Rear (Building)	4m	<b>Complies</b> Rear Setback >4m
<b>Parking</b>		
Car Parking Spaces	1 car parking space per employee (reduced rates of provision may apply where the child care centre is within walking distance of a bus stop or train station).  1 of the car parking spaces shall be designed for people with a disability.	<b>Non-Compliance</b>  The proposal includes 25 staff members: -23 Educators -1 Admin/Manager -1 Cook  <u>Required:</u> 25 staff car parking spaces are required (1 of which is to be accessible).  <u>Total Proposed:</u> Based upon the Architectural Plans a total of 24 staff car parking spaces are provided (1 of which is accessible).  <i>As noted in Childcare <b>Regulation 123</b> earlier, the PoM also provides a staff roster with conflicting staff numbers. Additional information must be provided to confirm these staffing numbers, which may result in a change to the required parking rates</i>
Visitor Parking	1 space per 6 children	<b>Non-Compliance</b>  The proposal includes 118 children.  <u>Required:</u> 20 visitor parking spaces are required.  <u>Total Proposed:</u> Based upon the Architectural Plans a total of 11 visitor car parking spaces are provided, however, 3

		<p>spaces are marked to be removed for emergency access resulting in 8 spaces.</p> <p>The application is supported by a Traffic Impact Assessment in which it is suggested that the LGC DCP exceeds what is typically required for child care centres. Comparatively the RTA Guide recommends 1 space per 4 children, which would equate to an even higher car parking requirement. This justification is not supported.</p>
<p>Site Selection and Location</p>	<p>Child care centres <u>are not appropriate</u> on the following land:</p> <p>Land that has direct frontage to an arterial road, sub-arterial road or transit boulevard (refer to clause 3.3.1);</p> <p>opposite “T” intersections or on bends where sight distances are limited and may create dangerous conditions for vehicle entry to and exit from the site;</p> <p>on cul-de-sacs;</p> <p>flood liable land or land affected by local overland flooding (refer to clause 2.3.1);</p> <p>bushfire prone land (refer to clause 2.3.6); or</p> <p>land that requires significant cut or fill, where retaining walls would create a safety hazard for children.</p> <p>In order to limit impact on neighbouring properties child care centres <u>should</u>:</p>	<p><b>Complies.</b> The proposed childcare centre would not have direct frontage to an arterial road, sub-arterial road or transit boulevard.</p> <p><b>Complies.</b> The proposed childcare centre would not be opposite “T” intersections or on bends where sight distances are limited.</p> <p><b>Complies.</b> The proposed childcare centre would not be located on a cul-de sac.</p> <p><b>Non-Compliance</b> As noted within the SEPP (Biodiversity &amp; Conservation) Chapter 6 section of this report and Clause 2.3.1 the application has been reviewed by Councils Floodplain Engineer who noted the land is heavily flood-affected.</p> <p><b>Additional Information Required</b> As noted in Clause 2.3.36 the site is mapped as Bushfire prone land Vegetation Category 3 and Vegetation Buffer 100m and 30m. The application was referred to NSW Rural Fire Services who was unable to support the application as it is uncertain whether the proposed buildings are able to meet the 10 kW/m<sup>2</sup> requirement for APZ as per Table A1.12.1 of PBP 2019 due to lack of information on management of land within SP2 zoned land.</p> <p><b>Complies.</b> Minor cut and fill is proposed.</p>

	<ul style="list-style-type: none"> <li>▪ Be located in close proximity to other non-residential uses such as community facilities, schools, neighbourhood halls, churches and public recreation areas;</li> <li>▪ be located in close proximity to transport routes and public transport nodes and corridors (collector roads are the preferred location for child care centres).</li> <li>▪ if practical, be located on sites that have minimal common boundaries with residential neighbours;</li> <li>▪ locate play areas as far as possible away from neighbours' living rooms and bedrooms; and</li> <li>▪ be sited on allotments that can provide sufficient buffering so as to minimise noise and loss of privacy.</li> </ul>	<p><b>Complies.</b> The site is located within proximity to similar non-residential uses including schools, childcare centres and the proposed place of worship.</p> <p><b>Considered Acceptable.</b> As identified within the provided Traffic Impact Assessment, the site is not within close proximity to any public transport facilities. Notwithstanding, urban growth within the Austral and Leppington North Precincts is expected to drive the delivery of public transport facilities particularly with the future upgrade of Fifteenth Avenue</p> <p><b>Non-compliance.</b> The subject site shares common boundaries with residential neighbours to all sides.</p> <p><b>Complies.</b> The play areas are located towards the street frontage, away from neighbouring properties.</p> <p><b>Complies.</b> Sufficient noise buffering would be provided without the loss of privacy.</p>
Matters for consideration	<p>Council will consider the following matters when assessing development applications for child care centres:</p> <ul style="list-style-type: none"> <li>▪ Whether the development maintains the privacy and amenity of adjoining developments;</li> <li>▪ The extent to which the design of the proposed development, including any signage, is consistent with the desired character of the residential area in which it is located;</li> <li>▪ The appropriateness of the location of the development, including its location in relation to other existing or proposed child care centres;</li> <li>▪ The size of the land where the development is proposed; and</li> <li>▪ The provision of and location within the development site of car parking.</li> </ul>	<p><b>Complies.</b> The development would maintain adequate visual privacy and amenity for adjoining developments.</p> <p><b>N/A.</b> No signage proposed as part of this application.</p> <p><b>Considered Acceptable.</b> As noted above the centre is located within close proximity to multiple child care centres.</p> <p><b>Complies.</b> The size of the land is considered sufficient.</p> <p><b>Additional Information Required.</b> As noted in the above parking section additional information is required to confirm parking arrangements.</p>
Documents to be Submitted with	Development Applications are to be accompanied by the following, which are to be prepared by an appropriately qualified person or organisation:	

<p>Development Application</p>	<ul style="list-style-type: none"> <li>▪ Acoustic Report – to address the impact of noise generation from the child care centre on the surrounding area;</li> <li>▪ Landscape Plan and associated documentation – to identify existing vegetation and community plant species and the proposed landscaping treatment of the development;</li> <li>▪ Traffic Report/Statement - to address the impact of a child care centre on the local road system and address traffic safety issues and address traffic safety issues; and</li> <li>▪ Location Analysis – to indicate all existing and proposed child care centres within a 2km radius of the proposed child care facility and to address the locational matters in the controls above.</li> </ul>	<p><b>Complies.</b> As noted in the CCPG section above, an Acoustic Assessment prepared by Renzo Tonnin &amp; Associates Pty Ltd, has been submitted.</p> <p><b>Additional Information Required.</b> While a Landscape Plan, prepared by Ground Ink, has been submitted, there are discrepancies between the Landscape Plan and Architectural set that must be addressed.</p> <p><b>Complies.</b> As noted in the CCPG section above, the application is supported by a Traffic Impact Assessment, prepared by McLaren Traffic Engineering &amp; Road Safety Consultants.</p> <p><b>Non-compliance.</b> A separate locations Analysis Plan has not been provided. As noted in CCPG item 6 above Council recommends the preparation of an urban design report that considers the site and its adjacent context, including the development of DA-345/2025.</p>
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Part 4.4.4 Educational Establishments and places of public worship

<p><b>4.4.4 Educational establishments and places of public worship</b></p>	<p>Places of worship are to be located within centres or co-located with other community facilities in residential areas so as to create a community focal point, to share facilities such as parking, and to minimise impacts on residential areas.</p>	<p><b>Considered Acceptable</b> The site is not located within any of the existing Centres identified within Schedule 1 – Austral &amp; Leppington North Precincts.</p> <p>However, the proposal involves the co-location of the Place of Public Worship (mosque) with other proposed community facilities including a Childcare Centre, Tuition Building and Youth Centre, effectively creating a community focal point.</p>
	<p>Places of public worship and educational establishments are preferably to be located on land with frontage to a collector road. Corner sites are preferred.</p>	<p><b>Non-Compliance</b> Neither the Place of Public Workshop or the Educational Establishment are located on land with a frontage to a Collector Road, with Fourteenth Avenue being a Local Street. Local streets are intended for low-traffic residential access, and locating such uses on them may generate traffic congestions, parking conflicts and unacceptable amenity impacts for surrounding residents.</p> <p>While it is noted that the site would become a corner site upon the future construction of Buwura Crescent, potentially allowing separate entry and exit movements, Buwura Crescent is</p>

	<p>In assessing applications, Council will consider the following:</p> <ul style="list-style-type: none"> <li>• the privacy and amenity of adjoining developments;</li> <li>• the need and adequacy for provision of buffer zones to surrounding residential development;</li> <li>• urban design;</li> <li>• location;</li> <li>• the size of the land where the development is proposed;</li> <li>• traffic generation and the impacts of traffic on the road network and the amenity of nearby residents;</li> <li>• the availability of parking;</li> <li>• the scale of buildings and their capacity; and</li> <li>• hours of operation and noise impacts.</li> </ul>	<p>another local street and as such is not considered to be suitable.</p> <p><b>Non-Compliance</b></p> <ul style="list-style-type: none"> <li>• The Place of Public Worship and Educational Establishments are suitably setback from neighbouring properties ensuring both visual and acoustic privacy. This is further supported by the provided Acoustic Report. However, as noted above the suitability of the site on a Local Street generates concerns surrounding traffic amenity.</li> <li>• Sufficient landscaped buffers and separation distances are provided to minimise impacts on nearby residential areas.</li> <li>• The application was referred to Council's Urban Design (CDPD) officer who raised multiple concerns as outlined throughout this report and by the Design Excellence Panel. Refer to Part 5.2 of the Assessment Report for a detailed review of all issues.</li> <li>• While the co-location of supporting community facilities has been strategically located on the site to assist in creating a centre-like focal point within the locality, as noted above the location of the development on a Local Street raises concern. It is considered that the development may be better suited on a nearby Collector Road such as Fourth Avenue, or a Transit Boulevard such as Fifteenth Avenue.</li> <li>• The generous site area allows for the proposed Place of Public Worship, Educational Establishments, associated facilities, parking, and landscaping.</li> <li>• As noted above the potential for traffic congestion within the Local Streets is of concern. While the application is supported by a Traffic Impact Assessment, it is noted that this TIA relies on the assumption that Council did not identify that the intersection of Fourth Avenue / Fourteenth Avenue would be adversely impacted by the expected permissible uses of the surrounding area.</li> <li>• Based upon the assumption made in the TIA it is considered that ample at-grade parking has been provided to service the Place of Public Worship and Educational Establishment. The application was referred to Council's Traffic &amp;</li> </ul>
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		<p>Transport officer who raised noted a total shortfall of 23 on-site car parking spaces across the site.</p> <ul style="list-style-type: none"> <li>• As discussed within the DEP minutes section of this report the scale of the Place of Public Worship and Educational Establishment buildings, including the height breach proposed by the minaret tower is generally considered to be acceptable, however, the built form and architecture “appears blocky, basic shed-like in nature, and not in keeping with design excellence”.</li> <li>• <u>Place of Public Worship (Mosque):</u> 7am-7pm operational hours 7-days per week. 5am – 10pm prayers hours 7- days per week. <u>Educational Establishment (Tuition Building):</u> 9am-9pm Weekdays, 9am-3pm Saturday.</li> </ul> <p>While the application is supported by an Acoustic Report demonstrating that noise impacts on neighbouring residential properties can be appropriately mitigated, the proposed extended hours of operation are not considered suitable given the residential context of the site. Extended operating hours would result in increased evening and early-morning activity, including vehicle movements, lighting and general patron activity, which would adversely affect residential amenity, expectations of quiet enjoyment and the intended low-intensity function of the surrounding local road network.</p>
	<p>A traffic and transport report/statement is to accompany the Development Application addressing the impact of the proposed development on the local road system and defining car parking requirements.</p>	<p><b>Additional Informaiton Required</b></p> <p>The application is supported by a Traffic Impact Assessment, prepared by McLaren Traffic Engineering &amp; Road Safety Consultants, in which it is concluded the proposed development is expected to integrate into the community as planned by the <i>Austral &amp; Leppington North Precinct Indicative Layout Plan map</i> indicating that the impacts on residential amenity are acceptable.</p> <p>As noted above the potential for traffic congestion within the Local Streets is of concern. While the application is supported by a Traffic Impact Assessment, it is noted that this TIA relies on the assumption that Council did not identify that the intersection of Fourth Avenue / Fourteenth Avenue would be adversely impacted by the</p>

	<p>A landscape plan and associated documentation is to be submitted with the Development Application identifying existing vegetation and community plant species and/or existing design elements of the site layout, and the proposed landscaping treatment of the development.</p>	<p>expected permissible uses of the surrounding area.</p> <p><b>Additional Informaiton Required</b> A Landscape Report (with plans), prepared by Ground Ink, has been submitted with the application illustrated landscaping associated with the proposed Place of Public Worship &amp; Educational Establishment. However, the Report/Plan must be amended to include the wider area of the site including the Riparian Corridor, detailing existing vegetation to be retained, key site features, and proposed planting.</p>
	<p>Car parking spaces shall be provided on site in accordance with Table 4-11 unless the applicant can demonstrate to the satisfaction of Council that lower rates of parking are reasonable for the particular development.</p>	
	<p><u>Mosque</u> <u>Place of Public Worship:</u></p> <ul style="list-style-type: none"> <li>• 1 space per 6 seats,</li> <li>• 1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces</li> </ul>	<p><u>Required:</u> Based on a maximum occupancy of 700 persons, this provision requires:</p> <ul style="list-style-type: none"> <li>• 117 car parking spaces,</li> <li>• 4 bicycle spaces,</li> <li>• 4 motorcycle spaces.</li> </ul> <p>-----</p> <p>The application was referred to Councils Traffic &amp; Transport officer who has noted:</p> <p><b>Place of Public Worship:</b></p> <ol style="list-style-type: none"> <li>1. Noting that the peak usage (1 month = approx. 30 days) will be expected to cater for 1000 patrons per day <ol style="list-style-type: none"> <li>a. Patrons: <math>1000 / 6 = 166.7 \sim 167</math></li> <li>b. Bicycle and Motorcycle: <math>167 / 25 = 6.68 \sim 7</math> each (Round up)</li> </ol> </li> <li>2. <b><u>Total: 167 car spaces, 7 bicycle spaces and 7 motorbike spaces required</u></b></li> </ol>
	<p><u>Tuition Building</u> <u>Schools:</u></p> <ul style="list-style-type: none"> <li>• 1 space per staff member Plus</li> <li>• 1 space per 100 students Plus</li> <li>• 1 space per 5 students in Yr 12 (based on estimated capacity for year 12 students to be specified in the Development Application)</li> <li>• A pick up / drop off facility of sufficient size to accommodate the forecast demand identified through a traffic and parking report. The resultant layout</li> </ul> <p><b><u>Tuition Building</u></b></p>	<p><b>Additional Information Required</b> Additional information as to the operational management of the Tuition Building must be provided to determine whether the proposal is for a School, or Tertiary and Adult Education Establishment.</p> <p>Particularly, confirmation must be provided as to the exact number of students in Year 12 are included and the number of seats provided.</p> <p>The provided TIA makes a number of assumptions with regards to students and staff but does not adequately</p>

	<p><u>Tertiary and Adult Educational Establishments:</u></p> <ul style="list-style-type: none"> <li>• 1 space per 5 seats</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• 1 space per 10m<sup>2</sup> of floor area (whichever is greater)</li> </ul>	<p>provide a break down of the parking calculation.</p> <p><u>Schools Required:</u> Based on a maximum occupancy of 150 students, and 13 staff.</p> <ul style="list-style-type: none"> <li>• 13 staff spaces</li> <li>• 2 student spaces</li> <li>• No pick up/drop off areas proposed.</li> </ul> <p><u>Tertiary and Adult Educational Establishments:</u> <u>Required:</u> Number of seats unknown. Therefore, 727m<sup>2</sup> floor area used.</p> <ul style="list-style-type: none"> <li>• 73 spaces required</li> </ul> <p>-----</p> <p>The application was referred to Councils Traffic &amp; Transport officer who has noted:</p> <p><b>1. Tuition Centre Use:</b></p> <ol style="list-style-type: none"> <li>Applicant is providing 45 spaces.</li> <li><b><u>Council is satisfied with the 45 spaces</u></b></li> </ol>
	<p><b><u>Youth Centre</u></b> <u>Schools:</u></p> <ul style="list-style-type: none"> <li>• 1 space per staff member</li> </ul> <p>Plus</p> <ul style="list-style-type: none"> <li>• 1 space per 100 students</li> </ul> <p>Plus</p> <ul style="list-style-type: none"> <li>• 1 space per 5 students in Yr 12 (based on estimated capacity for year 12 students to be specified in the Development Application)</li> </ul> <p>A pick up / drop off facility of sufficient size to accommodate the forecast demand identified through a traffic and parking report. The resultant layout</p> <p><b><u>Youth Centre</u></b> <u>Tertiary and Adult Educational Establishments:</u></p> <ul style="list-style-type: none"> <li>• 1 space per 5 seats</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• 1 space per 10m<sup>2</sup> of floor area (whichever is greater)</li> </ul>	<p><b><u>Additional Information Required</u></b> While it is accepted that the LGC DCP does not provide a parking rate application for the Youth Centre, additional information as to the operational management of the Youth Centre must be provided to determine whether the proposal is for a School, or Tertiary and Adult Education Establishment.</p> <p>Particularly, confirmation must be provided as to the exact number of students in Year 12 are included and the number of seats provided.</p> <p>The TIA makes an assumption of 30 year 12 students out of the proposed 80 youth, but does not adequately provide a break down of the parking calculation.</p> <p><u>Schools Required:</u> Based on a maximum occupancy of 80 visitors, and 5 staff.</p> <ul style="list-style-type: none"> <li>• 5 staff spaces</li> <li>• 1 student spaces</li> <li>• No pick up/drop off areas proposed.</li> </ul> <p><u>Tertiary and Adult Educational Establishments:</u> <u>Required:</u></p>

		<p>Number of seats unknown. Therefore, 694m<sup>2</sup> floor area used.</p> <ul style="list-style-type: none"> <li>• 70 spaces required</li> </ul> <p>-----</p> <p>The application was referred to Councils Traffic &amp; Transport officer who has noted:</p> <p><b>2. Youth Centre:</b></p> <p>a. The consultant has referred to first principle analysis, however Council does not agree with the assumptions put forward.</p> <p>b. <b><u>The applicant should undertake a comprehensive study of a similar development, in a similar area to ascertain appropriate parking requirements.</u></b></p>
	<p>For certain uses, the provision of overflow parking may be necessary particularly where such developments incorporate halls used for social gatherings. Overflow parking areas could be provided on open grassed areas and need not be formally sealed or line-marked. Proposed overflow parking areas are to be clearly shown on plans submitted with the Development Application</p>	<p><b><u>Additional Information Required</u></b></p> <p>No allowance for overflow parking has been accommodated. If the above parking calculations are deemed to be insufficient then overflow parking provisions may need to be provided for.</p> <p>The provided TIA suggests that applying the LGCPDCP parking rates assumes all uses reach peak demand concurrently, which will not occur given the staggered operating hours of the proposal. The Place of Worship, Childcare Centre, Tuition Centre and Youth Centre peak at different times, with no overlap between Friday prayers, childcare drop-off/pick-up periods or other peak activity times.</p> <p>For instance, the TIA suggests that if the childcare centre requirements are removed from the total parking requirements during peak period the proposal would meet car parking requirements.</p>
	<p>Development must be designed to minimise the possibility of noise impacts to the occupants of adjoining or neighbouring dwellings.</p>	<p><b><u>Considered Acceptable</u></b></p> <p><b><u>Acoustic Privacy:</u></b></p> <p>An Acoustic Assessment prepared by Renzo Tonnin &amp; Associates Pty Ltd, has been submitted.</p> <p>The Mosque is proposed to hold 5 daily prayers. In winter, the latest start time for the morning prayer (Fajr) is approximately 4am, and the night prayer (Isha) concludes at approximately 8:30pm. In summer, the latest start time for the morning prayer (Fajr) is approximately 5am, and the night prayer (Isha) concludes at approximately</p>

		<p>9:45pm. The proposed capacity for the Mosque is 200 people.</p> <p>The double-storey Canteen and youth indoor activity centre is proposed of a canteen on the ground floor and a youth indoor area with a terrace garden located on the first floor facing the proposed carpark. The terrace garden is open to sky and will be the primary source of noise from Building 3. The proposed Canteen and Youth Indoor Activity Centre operating hours are 7am-10pm.</p> <p>The double-storey Tuition centre is proposed of 10 classrooms (6 on ground floor and 4 on first floor) and 2 workshops (1 on each floor). There is no outdoor activity area associated with Tuition Centre building. The proposed Tuition Centre operating hours are 7am-10pm.</p> <p>The assessment concludes that external noise impacts to the development and operational noise emissions to surrounding residents have been considered. Reasonable controls can be incorporated into the building envelope design, to ensure a suitable level of internal acoustic amenity is achieved. The development will ensure compliance with the noise criteria recommended for all activities. Recommendations are detailed in Section 7. Operational noise from the project to the potentially most affected residential receiver locations around the site was also assessed and compliance with the noise emission goals can be achieved provided the recommendations in Section 7 are adopted.</p>
	<p>Where appropriate, buffers should be put in place to limit noise impacts on the surrounding area. Extensive noise walls along most or all of a property boundary are not appropriate and other measures should be used to mitigate noise.</p>	<p><b>Complies</b> A 1.8m high Acoustic fence is proposed along the western boundary, this is not considered to be an extensive noise wall.</p>
	<p>Sources of noise such as garbage collection, machinery, parking areas and air conditioning plants are sited away from adjoining properties and screened/ insulated by walls or other acoustic treatment. Noise levels are not to exceed specified limits at the most affected point of the property boundary.</p>	<p><b>Additional Information Required</b> Sources of noise related to the Place of Public Worship and Educational Establishment are located away from adjoining properties.</p> <p>Bin collection areas are located in the south-western corner of the carpark adjacent to the riparian corridor.</p> <p>Mechanical Plant equipment has not been selected at this stage, however, indicative locations should be identified</p>

		on plans to ensure it will not impact on the amenity of neighbours.
	The general hours of operation for places of public worship and educational establishments are between 7am and 9pm.	<p><b>Non-Compliance</b></p> <p><u>Place of Public Worship (Mosque):</u></p> <ul style="list-style-type: none"> <li>• 7am - 7pm operational hours 7-days per week.</li> <li>• 5am – 10pm prayers hours 7- days per week.</li> </ul> <p><u>Educational Establishment (Tuition Building):</u></p> <ul style="list-style-type: none"> <li>• 9am-9pm Weekdays, 9am-3pm Saturday.</li> </ul> <p><u>Educational Establishment (Youth Centre):</u></p> <ul style="list-style-type: none"> <li>• 4pm-9pm Monday – Saturday.</li> </ul> <p>While the application is supported by an Acoustic Report demonstrating that noise impacts on neighbouring residential properties can be appropriately mitigated, the proposed extended hours of operation, particularly 5am-7am and 9pm-10pm during prayer times are not considered suitable given the residential context of the site. Extended operating hours would result in increased evening and early-morning activity, including vehicle movements, lighting and general patron activity, which would adversely affect residential amenity, expectations of quiet enjoyment and the intended low-intensity function of the surrounding local road network</p>
	Variation to the approved hours of operation may be approved by Council subject to other requirements or a merit assessment.	<p><b>N/A</b></p> <p>As noted above, a variation is not considered suitable in this instance.</p>

### Schedule 1 Austral & Leppington North Precents

#### Part 3 Neighbourhood and subdivision design

<b>Development Control</b>	<b>Provision</b>	<b>Comment</b>
<b>4.3.1 Land affected by flooding</b>	An example of the preferred subdivision pattern and locations of dwellings in the Environmental Living zone is at <b>Figure 4-4</b> . All applications for subdivision or for new dwellings are to demonstrate consistency with <b>Figure 4-4</b> .	<p><b>Non-Compliance</b></p> <p>While the proposal is not for subdivision or new dwellings, the proposal does involve development within Flood Prone Land which is inconsistent with Figure 4-4.</p> <p>As noted within the SEPP (Biodiversity &amp; Conservation) Chapter 6 section of this report and Clause 2.3.1 of the LGC DCP, the application has been reviewed by</p>

Councils Floodplain Engineer who noted the land is heavily flood-affected, with approximately 80% situated within the floodway of Tributary 2 of Kemps Creek and cannot be supported.

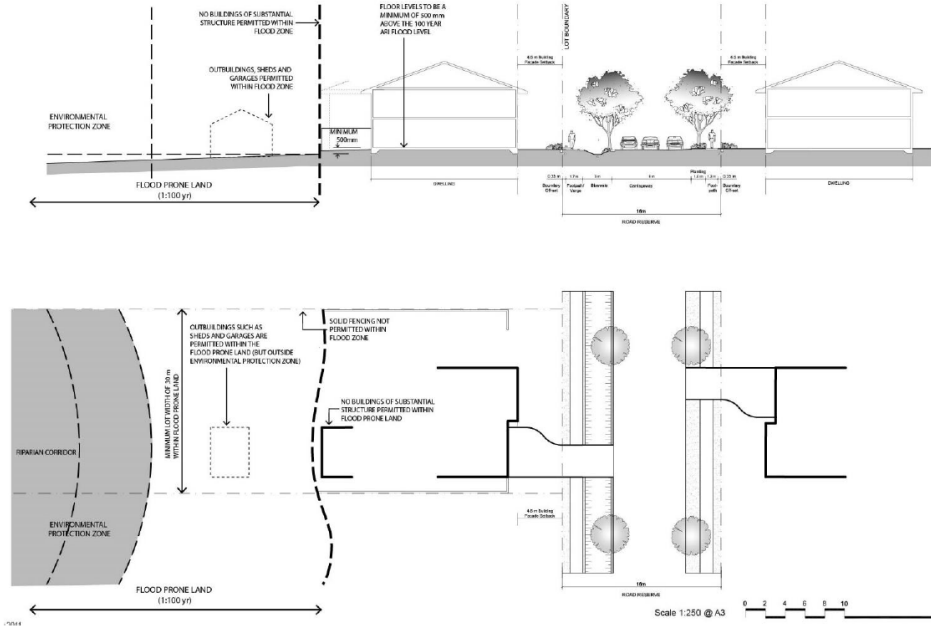


Figure 4-4: Preferred layout of development in Environmental Living zone affected by flooding

Where land zoned Environmental Living is also affected by flooding, dwellings are to be located outside the extent of the 1 in 100 year flood line

**Non-Compliance**  
Development is within the Environmental Living Zone and also affected by Flooding. As noted above, the proposal in its current form is not supported.

The floor level of all dwellings is to be at least 500mm above the level of the 1 in 100 year flood.

Fencing within areas affected by the 1 in 100 year flood is to be minimised, and the design of fencing is to ensure that flood waters are not affected and that debris will not become trapped in fences.

The design of subdivision and the location of dwellings is to ensure that all residents are able to safely evacuate in the event of a flood. Evacuation routes are to be submitted with the development application.

Dwellings and other buildings are not to be located within land affected by the Environmental Protection Overlay, shown on the Indicative Layout Plan.

**N/A**  
The indicative Layout Plan does not include an Environmental Protection Overlay.

Applications for new residential development or subdivision within the Environmental Living zone are to include landscaping plans and a vegetation management plan demonstrating how native vegetation is to be protected, rehabilitated and/or restored as part of the

**Complies**  
While the application is not for residential development or subdivision, it is supported by a Vegetation Management Plan demonstrating how native vegetation is to be protected.

	<p>development. Landscaping is to consist of predominantly native (preferably native to the local area) species.</p>	
	<p>Applicants are to demonstrate compliance with the requirements of Planning for Bushfire Protection where new development is proposed within the Environmental Living zone. The application is to consider protection from bushfire hazards relating to remnant vegetation and to vegetation that is proposed to be planted on the property or on adjoining properties.</p>	<p><b>Additional Informaiton Required</b>  As noted in SEPP(P-WPC) 2021 Clause 5.11 and LGC DCP Clause 2.3.6 above, the site is mapped as Bushfire prone land Vegetation Category 3 and Vegetation Buffer 100m and 30m.</p> <p>The proposal is for a Special Fire Protection Purpose and is accompanied by a Bush Fire Assessment Report, prepared by Bushfire Consulting Services, the report makes several recommendations and concludes that the proposal can comply with the objectives of Planning for Bush Fire Protection (PFBP) 2022.</p> <p>The application was referred to NSW Rural Fire Services who was unable to support the application as it is uncertain whether the proposed buildings are able to meet the 10 kW/m2 requirement for APZ as per Table A1.12.1 of PBP 2019 due to lack of information on management of land within SP2 zoned land.</p>