

LIVERPOOL CITY COUNCIL
NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
Attachment A: Reasons for Refusal

Application number	DA-390/2025 PAN-565722
Applicant	PLANZONE PTY LTD PO BOX 3 LIVERPOOL NSW 1871
Description of development	Demolition of existing structures, construction of a multi-use community centre including a place of public worship, childcare centre, educational establishment, indoor recreational facility & ancillary development (car parking, canteen, storage & office space)
Property	315 FOURTEENTH AVENUE AUSTRAL NSW 2179 Lot 6 DP 30409
Determination:	<to be confirmed> Consent Authority – Liverpool Local Planning Panel
Date of determination	09/03/2026

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by refusing consent using the power in section 4.16(1)(b) of the EP&A Act, for the reasons specified below:

Reasons for refusal

1. Insufficient information has been submitted to sufficiently address the requirements of the Design Excellence Panel (DEP) 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*.
2. Insufficient information has been submitted to Council to sufficiently address State Environmental Planning Policy (Resilience and Hazards) 2021, pursuant to Sections 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
3. Insufficient information has been submitted to Council to sufficiently address State Environmental Planning Policy (Biodiversity and Conservations) 2021, pursuant to Sections 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
4. Insufficient information has been submitted to Council to sufficiently address State Environmental Planning Policy (Sustainable Buildings) 2022, pursuant to Sections 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
5. Insufficient information has been submitted to Council to sufficiently address State Environmental Planning Policy (Transport and Infrastructure) 2021, pursuant to Sections 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*. Clause 3.23 of Chapter 3 Educational Establishments and Childcare Facilities requires the consent authority to take into consideration any applicable provisions of the Childcare Planning Guidelines (CCPG). The proposed development has not demonstrated adequate compliance with the following relevant matters for consideration:
 - 3.1 Site selection and location
 - 3.2 Local character, streetscape and the public domain interface
 - 3.3 Building orientation, envelope, building design and accessibility
 - 3.4 Landscaping
 - 3.5 Visual and acoustic privacy
 - 3.7 Hours of operation
 - 3.8 Traffic, parking and pedestrian circulation
6. Insufficient information has been submitted to Council to sufficiently address compliance with the relevant provisions of the Education and Care Services National Regulations (2011 SI 653). The

proposed development has not demonstrated adequate compliance with the relevant National Quality Framework Assessment Checklist regulations below:

- Regulation 104 Fencing
 - Regulation 109 Toilet and Hygiene Facilities
 - Regulation 112 Nappy Change Facilities
 - Regulation 114 Outdoor Space – Shade
 - Regulation 115 Premises Designed to Facilitate Supervision
 - Regulation 123 Educator to child ratios – centre-based services
 - Regulation 25 Soil Assessment
7. Insufficient information has been submitted to Council to sufficiently address the State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Appendix 4 Liverpool Growth Centres Precinct Plan, Objectives of the C4 – Environmental Living zone, pursuant to Sections 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
8. Insufficient information has been submitted to Council to sufficiently address the State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Appendix 4 Liverpool Growth Centres Precinct Plan, pursuant to Sections 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*. Additional information is required to provide certainty with regards to:
- Clause 4.3 Height of Buildings
 - Clause 5.9 Preservation of trees and vegetation
 - Clause 5.10 Heritage conservation
9. Insufficient information has been submitted to Council to sufficiently demonstrate compliance with the Liverpool Growth Centre Precincts Development Control Plan 2021, Part 2 Precinct Planning Outcomes, pursuant to Sections 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, in terms of the following:
- Section 2.2 The Indicative Layout Plan (ILP)
 - Section 2.3.1 Flooding
 - Section 2.3.2 Water Cycle Management
 - Section 2.3.3 Salinity and Soil Management
 - Section 2.3.4 Aboriginal and European Heritage
 - Section 2.3.5 Native Vegetation and Ecology
 - Section 2.3.6 Bushfire Hazard Management
 - Section 2.3.7 Site Contamination
 - Section 2.5 CPTED
 - Section 2.6 Earthworks
10. Insufficient information has been submitted to Council to sufficiently demonstrate compliance with the Liverpool Growth Centre Precincts Development Control Plan 2021, Part 3 Neighbourhood and subdivision design, pursuant to Sections 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, in terms of the following:
- Section 3.3.1 Street network layout and design
 - Section 3.3.7 Temporary vehicular access
11. Insufficient information has been submitted to Council to sufficiently demonstrate compliance with the Liverpool Growth Centre Precincts Development Control Plan 2021, Part 4 Development in the residential zones, pursuant to Sections 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, in terms of the following:
- Section 4.1.2 Cut and Fill
 - Section 4.1.4 Salinity, sodicity and aggressivity
 - Section 4.2.9 Visual and Acoustic Privacy
 - Section 4.1.10 Fencing

- Section 4.4.3 Child Care Centres
 - Section 4.1.4 Educational Establishments and places of public worship
12. Insufficient information has been submitted to Council to sufficiently demonstrate compliance with the Liverpool Growth Centre Precincts Development Control Plan 2021, Schedule 1 Austral & Leppington North Precincts, Part 3 Neighbourhood and subdivision design, pursuant to Sections 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, in terms of the following:
 - Section 4.3.1 Land affected by flooding
 13. The proposed development is inconsistent with the Objects of the Act in Section 1.3(d), 1.3(f), and 1.3(g) of the *Environmental Planning and Assessment Act 1979* as a result of non-compliance with planning controls, provision of unsatisfactory plans and inadequate information.
 14. Insufficient information has been submitted to Council to sufficiently address the significant likely impacts of the development, pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).
 15. Insufficient information has been submitted to Council to demonstrate that the site is suitable for the proposed development, pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
 16. Insufficient information has been submitted to demonstrate that both public submissions and the requests of external agencies have been suitably addressed, pursuant to Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*.
 17. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposal is not considered to be in the public interest, having regard to the above reasons of refusal, it would risk allowing an undesirable precedent for future development within the locality.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.