

JOINT REGIONAL PLANNING PANEL (Southern Region)

JRPP No	2012STH002
DA Number	DA11/0577
Local Government Area	Wagga Wagga
Proposed Development	Childcare Centre
Street Address	85 Coolamon Rd, Charles Sturt University, NSW 2678
Applicant/Owner	Charles Sturt University
Number of Submissions	2
Recommendation	Approval with Conditions
Report by	Steven Cook, Senior Town Planner

Assessment Report and Recommendation

PURPOSE OF REPORT

The purpose of this report is to seek determination from the Southern Region Joint Regional Planning Panel (SRJRPP) of a development application for a Childcare Centre.

The SRJPP is the determining authority for this Development Application as the cost of development exceeds the \$5 million threshold for Council being the determining authority.

REPORT

DESCRIPTION OF DEVELOPMENT

The proposal is for the construction of a 'childcare centre' catering for a total of 94 children from infants to preschool age. The applicant seeks flexibility in any approval to allow the total numbers to vary slightly (increasing by up to 4 children) should the mix of infants and toddlers change in the future. The centre is proposed to operate from 8am to 6pm Monday to Friday (including a short-stay preschool component to operate from 9:00am to 3:00pm), with staff expected to be present from 7:30am to 6:30pm. From time to time the premises will be used outside of normal business hours for purposes such as parent/teacher nights, seminars and staff development courses. The proposed development will employ 20 staff.

The proposal includes a series of four buildings, stepping down the hill they are situated on, and linked by enclosed walkway ramps. Three of the buildings are

295m² each whilst one is 410m². The three ramps linking each of the buildings have a total area of 36m². This results in an enclosed area of 1404m². There is also a number of outdoor play areas associated with the development. The parapet of the buildings never exceeds 5 metres above ground level, and the top of the roof extends a further 700mm above the parapet.

The proposed childcare centre will replace existing long day care facilities currently located elsewhere on the campus, as well as the existing short day care/preschool located at the Charles Sturt University South Campus.

The proposal is identified as Integrated Development pursuant to Section 91(1) of the *Environmental Planning and Assessment Act 1979* as the development requires a Bushfire Safety Authority under Section 100B of the *Rural Fires Act 1997*.

THE SITE & LOCALITY

The development is proposed within the Charles Sturt University campus, on land described as Lot 4 DP 878214, 85 Coolamon Road. The subject allotment has no public road frontage (the nearest public road being Boorooma Street approximately 750 metres to the south-east) and is largely surrounded by other allotments associated with the university. Land owned by the New South Wales Department of Trade and Investment border the site to the north and north-east. Whilst in separate ownership these allotments are also associated with university activities. The closest private land not associated with the university is approximately 500 metres to the east of the site.

The site is largely devoid of development and contains an amount of vegetation. Within the site is the crest of a hill, located roughly in the centre of the lot. The portion of the site on which the development is proposed slopes away from this crest to the west.

The locality is dominated by the low density university related developments that are characteristic of Charles Sturt University.

SUMMARY OF MAIN ISSUES

Access to public road
Boundary encroachment
Traffic
Bushfire prone land

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 79C(1) of the Environmental Planning and Assessment Act, 1979.

(a)(i) - The provisions of any environmental planning instrument (EPI)

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010

Under the WWLEP 2010 the land is zoned as SP2 Infrastructure (Educational Establishment). Development for “the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose” is permitted with consent. The proposed development is for a childcare centre, which is not an ‘educational establishment’ as defined under the WWLEP 2010. It is considered, however, that a childcare centre is a use that is ordinarily incidental or ancillary to a university, given the large numbers of staff and students that attend the site on a daily basis, and the need for care to be provided for their children. It is not unusual for workplaces to incorporate childcare facilities.

The objectives of the SP2 zone are as follows:

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

The proposal is considered consistent with these objectives as it is for a landuse that is compatible with the infrastructure facility on the land, in that it is for a childcare centre associated with a university.

Part of the subject allotment is identified as being a “Sensitive Area-Biodiversity” on the ‘Natural Resources Sensitivity Map-Biodiversity’ of the WWLEP 2010 and as such clause 7.3 applies.

Clause 7.3 states that:

(1) The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation, including:

- (a) protecting biological diversity of native flora and fauna, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the recovery of threatened species, communities or populations and their habitats.*

(2) This clause applies to development on land that is identified as a “Sensitive Area-Biodiversity” on the Natural Resources Sensitivity Map-Biodiversity.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (a) any potential adverse impact of the proposed development on any of the following:*
 - (i) a native vegetation community,*
 - (ii) the habitat of any threatened species, population or ecological community,*
 - (iii) a regionally significant species of plant, animal or habitat,*
 - (iv) a habitat corridor,*

- (v) *a wetland,*
- (vi) *the biodiversity values within a reserve, including a road reserve or a stock route,*

(b) any proposed measures to be undertaken to ameliorate any such potential adverse impact.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and:

(a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or

(b) if a potential adverse impact cannot be avoided, the development:

- (i) is designed and sited so as to have minimum adverse impact, and*
- (ii) incorporates effective measures so as to have minimal adverse impact, and*
- (iii) mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.*

With regard to 7.3(3) it is noted that the overwhelming majority of the vegetation on the site will remain undisturbed, and that most of the vegetation on the part of the site to be developed is proposed to be retained and incorporated into the development. The development has been designed around the vegetation. As such it is considered that the development will not result in any significant adverse impacts on the matters listed in 7.3(3)(a) and that with regard to 7.3(3)(b) the physical design of the development itself is a positive measure taken to help ameliorate the impacts of the proposal.

In relation to 7.3(4) it is considered that the design and siting of the development (discussed above) is satisfactory to avoid any potential significant environmental impact.

There are no other provisions of the WWLEP 2010 relevant to this application.

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of SEPP (Infrastructure) 2007 designates certain types of development as being “traffic generating developments”. Developments that are traffic generating development must be referred to Roads and Maritime Services (RMS) (formerly the RTA) and must be assessed against certain matters set out in SEPP (Infrastructure) 2007. The proposed childcare centre meets the criteria to be a traffic generating development by virtue of the number of proposed students and as such was referred to RMS.

Clause 104 of SEPP (Infrastructure) also sets out matters for consideration for traffic generating development. These are assessed below:

(b) take into consideration:

(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

RMS advised that they had no objection to the proposal and that, as the proposed childcare centre is replacing an existing centre on the site, they did not expect any significant traffic generation.

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

The site is within Charles Sturt University, which is a significant place of work and study and as such will help maximise the potential for multi-purpose trips to the site. The site is within the campus which has its own road network.

(iii) any potential traffic safety, road congestion or parking implications of the development.

The development is not likely to result in any significant traffic safety or road congestion impacts. Parking is provided on-site which is deep within the campus. As the proposal replaces an existing facility on site and as most children attending the facility will be related to staff and students attending the campus, traffic impacts are not likely to be significant.

(a)(ii) - The provisions of any draft environmental planning instrument

There are no draft environmental planning instruments relevant to this development.

(a)(iii) - Any development control plan

Wagga Wagga Development Control Plan 2010

The Wagga Wagga Development Control Plan 2010 contains controls in relation to both general matters and specific to child care centres.

Clause 2.2 - Vehicle Access and Movements

The objectives of this provision, to ensure the safety and efficiency of urban and rural roads and limit new access points, have been fully met by the developer as the development is deep within the university campus and will not directly access any public roads.

A new vehicle access to and from the development site (from private university roads) will be constructed and vehicles will enter and exit the site in a forward direction. Visibility from the drive is considered to be satisfactory. Adequate area for the loading and unloading of goods on site has been provided.

Accordingly the controls within this section are satisfied.

Clause 2.3 - Off-street Parking

Child care centres require 1 parking space for every four children in the centre. With a capacity of 98 children this results in a requirement of 25 spaces. 39 spaces have been proposed and thus the development complies. The development generally

complies with the remaining controls in this clause such as landscaping requirements and shade tree provision.

Clause 2.4 - Landscaping

A landscape plan was submitted with the application and indicates the proposed planting details to the site. The proposals have been assessed by Council's landscape designer and are considered satisfactory.

Clause 2.5 - Signage

No signage is proposed as part of this application. There are a number of signage types that may be permissible under the provisions of Exempt and Complying Development.

Clause 2.6 - Safety and Security

The building has been designed with the main entrances to the building visible from the road to the south. Movement areas between buildings are entirely enclosed and blank walls to the street have been minimised. In general the development complies with the controls of this section.

Clause 2.7 - Changing the Landform - Cut and Fill

The development has been designed to recede into the landform, with each of the component buildings stepping down the hill they are to be constructed on. The development does not comply with the maximum 1.5 metres cut and 1.5 metres of fill permitted across a site under this clause, however the clause does permit variations "where the design responds to the slope (or incorporates split levels)". This is considered to be the case with the subject development and therefore a variation to the controls of this section is acceptable.

Clause 12.5 - Childcare Centres

Section 12.5 of the WWDGP 2010 outlines specific provisions and clauses for the development of child care centres. The objectives of this section are:

O1 Encourage child care centres to be located on corner sites and sites parking and access to the centre can be easily managed.

O2 Protect the amenity of adjoining land uses through good site planning, landscaping and layout.

O3 Enhance the streetscape and provide a visually attractive buffer between the street and building/ car park.

O4 Provide children with learning and educational opportunities through landscaping initiatives such as flower beds and vegetable gardens.

The proposed development complies with the objectives being located on a site where parking and access can be easily managed. The development is located deep within the Charles Sturt University and as such, does not impact upon the amenity of adjoining land uses, nor does it impact upon streetscape or visual amenity from other sites.

The specific controls for child care centres are detailed below.

C1 Provide adequate space to allow for drop off and parking requirements within the development site.

The existing car park provides sufficient room to allow for parking and drop offs.

C2 Design and locate set down, pick up and parking areas to be visible from the road but to maintain the amenity of adjoining properties.

The set down, pick up and parking areas will not be visible from any public road, and will maintain the amenity of adjoining properties.

C3 The front setback is to include a 2m landscape strip. Landscape buffer areas may be required to side boundaries.

Landscaping, utilising existing vegetation has been provided in front of the site to the private university road adjacent.

C4 Design and locate outdoor activity areas to maximise the natural site features, including climate considerations such as avoiding afternoon sun but take advantage of cooling breezes in summer. All playgrounds must be capable of supervision at all times.

The outdoor play area is located on the northern side of the site, allowing maximum exposure to sun from the north during winter. Covered areas will also be provided for outdoor play during summer months. In addition to this, the outdoor play areas have been located on the site so as to maximise the use of existing shade trees on the site.

C5 Outdoor play areas are to be fenced on all sides. The fencing is to be at least 1.8m in height, and to be equipped with child proof self locking mechanisms. The fence should be designed to prevent children scaling or crawling under.

Fencing has been provided to the outdoor play area. Compliance with this control can be conditioned.

C6 The outdoor play area is to include an undercover space that is large enough for use during wet weather and to provide protection from the sun.

The undercover areas of the outdoor play areas provide sufficient space for both hot and wet weather.

C7 Design outdoor play areas to include a range of opportunities for developmental play.

The area that is available for outdoor play has been designed to provide for many different learning opportunities.

C8 Landscaping, mounding and fencing treatments may be required where there is potential for adverse amenity impacts to adjoining properties. This could include using landscaping to contain outdoor play areas or lapped metal or masonry fencing.

The site of the development is well within the Charles Sturt University campus and therefore is unlikely to impact upon adjoining properties.

C9 Locate play equipment such as cubby houses, trampolines and slides not to overlook neighbours properties. Shade structures should not be located where they will be elevated in relation to boundary fences where they could cause visual or shadow impacts.

The site of the development is well within the Charles Sturt University campus and therefore overlooking is not considered to be of concern.

C10 Use vegetation that is non-allergenic and sensitive to water restrictions.
Specific plant types are subject to further approval with a detailed landscape plan.

There are no other provisions of the WWDCP 2010 relevant to this application.

(a)(iia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

No planning agreements have been entered into in relation to the subject land.

(a)(iv) - any matters prescribed by the regulations

It is considered that the matters prescribed by the Environmental Planning and Assessment Regulation 2000 can be satisfied with the imposition of suitable conditions of consent.

(b) - The likely impacts of the development

Context and setting

The proposed buildings are in keeping with the character of the locality, which possesses a large number of educational and related buildings. The proposed childcare centre itself will be set well back in the university campus from any public roads or adjoining properties and will therefore have minimal impacts on streetscape or the character of the broader locality.

Access, transport and traffic

As discussed earlier the development is not likely to result in any significant traffic impacts as the proposal replaces an existing facility on site and most children attending the facility will be related to staff and students attending the campus. Adequate car parking is proposed.

The lot on which the development is proposed does not, however, have frontage to a public road. This issue can be resolved if the subject land is consolidated with Lot 167 DP 46875 which is also owned by the university. This consolidation may be necessary notwithstanding this issue, due to a possible building encroachment over the boundary (discussed below in site design)

Services

The site is fully serviced.

Heritage

The site does not fall within a conservation area and is also not affected by any heritage items. There are no known Aboriginal heritage items in the locality.

Natural Hazards

The site is identified as being bushfire prone on Council's bushfire prone land map. Under the *Rural Fires Act 1997* childcare centres are identified as being a "special fire protection purpose". Development for a special fire protection purpose on bushfire prone land require a Bushfire Safety Authority pursuant to Section 100B of

the *Rural Fires Act 1997* and as such the development was referred to the NSW Rural Fire Service (RFS) as Integrated Development.

The RFS issued a deemed Bushfire Safety Authority subject to a number of conditions (General Terms of Approval). The General Terms of Approval related to Asset Protection Zones, Water and Utilities, Access, Evacuation and Emergency Management, Design and Construction and Landscaping. These General Terms of Approval are required to be included in any consent.

Economic Impact in the Locality

The child care centre will employ around 20 members of staff, however, it would be expected that a number of these positions would be relocating from the other CSU childcare facilities being replaced.

Social Impact in the Locality

The development is likely to lead to the intellectual and social development of pre-school aged children and therefore is considered to result in positive social impacts.

Pollution and off-site environmental effects

There are not expected to be any detrimental pollution impacts created by the development either on or off site.

A Sediment and Erosion plan will be required to be implemented during works to the site.

Flora and fauna

As discussed previously, the development has been designed to minimise impacts on flora and fauna. A large number of trees on the site of the development will be retained and incorporated into the childcare centre.

Noise and Vibration

Given that the childcare centre is located deep within the Charles Sturt University campus, it is not likely that there will be any significant noise and vibration impacts on adjoining land uses.

Energy Impacts

The building has been designed so as to achieve a 5 star rating under the Green Building Council Australia's Green Star Education V1 rating tool. Therefore it is considered that the development is energy efficient and will not result in substantial energy impacts.

Site Design and internal design

Using Council's mapping system, it appears that the westernmost building is proposed to be erected close (within 3 metres) of a boundary between two allotments. It is noted, however, that the accuracy of the cadastre/aerial overlay in this system is not of a high precision, and therefore it cannot be certain that this is the case. Building within 3 metres of a boundary for a building such as this would not comply with the Building Code of Australia. Given that it is already recommended that a consolidation of the two relevant lots be required to ensure that the subject land has access to a

public road, it is considered that relying on this consolidation is the simplest way to ensure that the building is not erected too close to a property boundary.

The Principles of Ecologically Sustainable Development

The proposal is considered to comply with the principles of Ecologically Sustainable Development such as inter-generational equality and conservation of biological diversity and ecological integrity.

(c) - The suitability of the site for the development

The site, being part of an educational precinct, is considered suitable for a childcare centre. The co-location of childcare facilities with major employment/educational centres is considered desirable. This assessment report has demonstrated that the development is compatible with adjoining uses and that there are no site constraints that would render the site unsuitable for the proposed development.

(d) - any submissions made in accordance with this Act or the Regulations

Referrals

The Development Application was referred to the RFS and RMS and Communities NSW

Notification

In accordance with the provisions of clause 1.10 of the WWDCP 2010 the development was notified to adjoining owners from 13 January 2012 to 31 January 2012.

Advertising

In accordance with the provisions of clause 1.10 of the WWDCP 2010 the development was advertised from 13 January 2012 to 31 January 2012.

Public Submissions and those from public authorities

Two submissions were received, one being from RMS and the other from the RFS. These have been discussed elsewhere in the report.

(e) - the public interest

The public interest is best served by the consistent application of the requirements of the relevant planning controls and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided. The proposed development will have a positive public interest as it increases the availability of child care provision in significant employment areas.

Other Legislative Requirements

Section 5A and Section 79B(3)

Due to the design of the proposed development in minimising its direct impact on existing vegetation on the site, it is considered that the proposed development will not negatively impact upon the matters detailed in Section 5A and 79B(3) of the *Environmental Planning and Assessment Act 1979*.

Council Policies

No additional Council policies are applicable to this application

Comments by Council's Officers and/or Development Assessment Team

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures. Comments or requirements are available on the file.

Development Contributions - Section 94/94A & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 64 and 94A contributions have been assessed. Details are available on file.

Other Approvals

No other approvals have been granted.

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979, the Building Code of Australia and Councils Policies. No objections to the proposal were received.

RECOMMENDATION

It is recommended that the Southern Region Joint Planning Panel approve Development Application DA11/0557 for Childcare Centre, 85 Coolamon Rd CHARLES STURT UNIVERSITY NSW 2678 , Lot 4 DP 878214 in accordance with the following conditions:-

CONDITIONS

Approved Plans and Documentation

1. The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/Doc. No.	Plan/Doc. Title	Prepared by	Issue	Date
	Statement of Environmental Effects	NBRS+PARTNERS		16/09/11
09098-AWD000-p3	Location Plan / Cover Sheet	NBRS+PARTNERS	P3	03/11/11
09098-DA001-B	Site Plan	NBRS+PARTNERS	B	07/02/12
09098-DA002-B	Ground Floor Plan	NBRS+PARTNERS	B	07/02/12
09098-DA003-A	Roof Plan	NBRS+PARTNERS	A	15/09/11
09098-DA004-A	Elevations	NBRS+PARTNERS	A	15/09/11
09098-DA005-	Sections	NBRS+PARTNERS	A	15/09/11

A				
09098-AWD020-A	Pavilion A Ground Floor Plan / Internal Elevations	NBRS+PARTNERS	A	15/09/11
09098-AWD021-A	Pavilion B Ground Floor Plan / Internal Elevations	NBRS+PARTNERS	A	15/09/11
09098-AWD022-A	Pavilion C Ground Floor Plan / Internal Elevations	NBRS+PARTNERS	A	15/09/11
09098-AWD023-B	Pavilion D Ground Floor Plan / Internal Elevations	NBRS+PARTNERS	B	07/02/12
09098-AWD024-A	Wet Area / Joinery Details - Sheet 1	NBRS+PARTNERS	A	15/09/11
09098-AWD025-A	Wet Area / Joinery Details - Sheet 2	NBRS+PARTNERS	A	15/09/11
09098-AWD026-A	Wet Area / Joinery Details - Sheet 3	NBRS+PARTNERS	A	15/09/11
09098-AWD027-B	Wet Area / Joinery Details - Sheet 4	NBRS+PARTNERS	B	07/02/12
298177-C02	Stormwater Plan	Mott McDonald	2	13/09/11
298177-C01	Notes and Details	Mott McDonald	2	13/09/11
BSG237-H01	Hydraulic Services Stormwater Layout Site Plan	Building Services Group	D1	05/09/11
L01	Landscape Master Plan Existing Tree Assessment	Somewhere	B	06/09/11
L02	Landscape Master Plan	Somewhere	B	06/09/11

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Construction Certificate

2. **Provision must be made in the building and on the site for:**
- a) **access to the building for people with disabilities in accordance with the Building Code of Australia;**
 - b) **toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities must be accessible to all persons working in, or using, the building; and**
 - c) **motor vehicle parking spaces on the site for the exclusive use of people with disabilities in accordance with Table D3 of the Building Code of Australia.**

NOTE: The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a Construction Certificate.

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. **Prior to the issue of a Construction Certificate details of all structural concrete and structural steelwork shall be submitted to Council for approval, all such details shall be certified by a practising Structural Engineer.**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

4. **Prior to the release of the Construction Certificate the applicant is to submit two (2) copies of the design details for the floor, frame, truss including frame bracing and tie down report.**

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

5. **Pursuant to s94A of the *Environmental Planning and Assessment Act 1979* and City of Wagga Wagga Section 94A Levy Contributions Plan 2006, prior to the issue of the Construction Certificate, the applicant must pay to Council a levy in the amount of \$49,130.00 towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan. This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006. A copy of the City of Wagga Wagga Section 94A Levy Contributions Plan 2006, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga.**

REASON: Having considered the development in accordance with Section 94 A of the *Environmental Planning and Assessment Act 1979*, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services

within the area. Section 80A(1)(h) of the *Environmental Planning and Assessment Act 1979*, as amended.

6. **Pursuant to s64 of the Local Government Act 1993, and Division 10 of Part 2 of Chapter 6 of the Water Management Act 2000, prior to the issue of the Construction Certificate, a Compliance Certificate must be obtained for water management works (as defined in s283 of the Water Management Act 2000) relating to the development.**

Alternatively, this condition is satisfied by virtue of payment of the figure nominated within this condition. Evidence of payment receipt shall be provided to Council at Construction Certificate application stage.

DSP Sewer contribution:\$24,820.68

DSP Stormwater contribution: Nil

NOTE: The total Section 64 contribution required is 24,820.68

REASON: It is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

7. **Prior to the issue of the Construction Certificate for commercial and industrial development the applicant must supply all associated sewer and or stormwater plans for assessment and approval. The plans must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.**

REASON: It is in the public interest that plumbing and drainage work is carried out in accordance with AS/NZS 3500 and the relevant provisions of the Plumbing Code of Australia . Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

8. **Prior to the issue of Construction Certificate approval under Section 68 of the Local Government Act 1993 must be obtained from Council.**

Trade waste material is not to be discharged into Council's sewer system and/or stormwater system, without first obtaining such written approval.

All conditions of the approval must be complied with.

REASON: To prevent damage to the Council's Sewage Treatment System and subsequent pollution of the Murrumbidgee River and comply with the Local Government (General) Regulation 2005, and Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

9. **Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:**
 - a) **a standard flushing toilet connected to a public sewer, or**

- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: “Vicinity” in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all **WORK COVER NSW** requirements.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

10. **The applicant must obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: **YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE**, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

11. **Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown . The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at Council’s Waste Management Centre.**

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: The applicant must retain weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 12. Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-**

- a) Development Control Plan 2010 (Section 2.8 and Appendix 2)**
- b) Erosion and Sediment Control Guidelines for Building Sites; and**
- c) Soils and Construction Volume 1, Managing Urban Stormwater**

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 13. The existing tree/s to be retained situated within the property of the proposed development shall be protected from all construction works.**

All care must be taken to protect existing trees from damage, including street trees and trees located adjacent to the proposed development. The developer shall identify all trees to be retained prior to commencement of construction works.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained of Australian Standards web site.

Construction of Tree Protection Zone's, shall be completed and inspected by Council's Tree Management Officer, prior to the commencement of any site works. Contact can be made by phoning 1300 292442 during normal business hours.

Removal, relocation or disruption of the Tree Protection Zone fencing will be considered as a breach of this consent. TPZ fences shall remain in place until the end of construction.

If damage of any sort should occur to any protected trees / vegetation within the development, contact shall be made with Council's Tree Management Officer to determine what remedial action should be taken.

An Arboricultural company with membership of a professional association as the National Arborists Association of Australia should be engaged to carry out any works associated with the protected trees in Accordance with Australian Standards - AS 4373-2007, Pruning of Amenity Trees.

Throughout the construction period regular inspections of protected trees shall be carried out to ensure trees retained are of good health and vigour.

REASON: Because it is in the public interest that the subject trees are protected. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

14. **A Section 68 Approval and Plumbing Permit must be obtained by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development.**

REASON: It is in the public interest that plumbing work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

15. **Prior to works commencing, a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**

- a) **stating that unauthorised entry to the site is prohibited, and**
- b) **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours**
- c) **the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.**

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) **building work carried out inside an existing building, or**

- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: It is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

16. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority'.

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

17. The applicant must obtain a Compliance Certificate pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended, from Council or an accredited certifying authority, certifying compliance with the Building Code of Australia for the stages of construction listed in Column 1. For the purposes of obtaining the Compliance Certificate the works must be inspected by the accredited certifying authority at the times specified in Column 2.

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	When the flashing to all wet areas, including the plinth under the bath, the bathroom, laundry, water closet, ensuite and shower recess have been completed.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council or an accredited certifying

authority until all Compliance Certificates required by this condition have been issued by, or registered with Council. The Applicant shall ensure that prior to or at the time of the application for Occupation Certificate that the application for "Occupation Certificate" form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate application form will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

NOTE 2: The above Compliance Certificates are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Compliance Certificates are not issued Council may refuse to issue a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that Compliance Certificates be issued for these components of the development, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

18. If soil conditions require it:

- a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and
- b) adequate provision must be made for drainage.

NOTE 1: Retaining walls in excess of 600mm in height require Council approval under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

NOTE 2: Retaining walls which exceed 1000 mm in height must be designed by a Practising Structural Engineer.

NOTE 3: Any proposed cut and fill of the site must be undertaken in accordance with the terms and conditions of Council's Cut and Fill Policy.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

19. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 20. The applicant must take all reasonable steps to minimise dust and noise generation during the demolition and/or construction process. No offensive noise must be emitted during either process. Such activities must only be undertaken Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays.**

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 21. The construction and finished area used for the manufacture, preparation, storage, packing, carriage or delivery of food for sale shall be constructed and maintained in accordance with the Food Act 2003 and Regulations 2004.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 22. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).**

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended, and Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Occupation Certificate / Prior to Operation

- 23. Prior to operation, the food premises shall be notified to the NSW Food Authority.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 24. Prior to the issue of the Occupation Certificate, outdoor play areas are to be fenced on all sides. The fencing is to be at least 1.8m in height, and shall be equipped with child proof self locking mechanisms. The fence should be designed to prevent children scaling or crawling under.**

REASON: To ensure that the development complies with the requirements of the Wagga Wagga Development Control Plan 2010. Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 25. Prior to the issue of Occupation Certificate, the building must comply with the Fire Safety Schedule, attached.**

NOTE: The Fire Safety Schedule supersedes any earlier Fire Safety Schedule and will cease to have effect when any subsequent Fire Safety Schedule is issued.

REASON: It is in the public interest that the building provides an adequate level of fire protection. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

26. **Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:**

- a) **has been assessed by a properly qualified person; and**
- b) **was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.**

Further, the assessment must be carried out within a period of three (3) months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

NOTE: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

REASON: To ensure the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

27. **Prior to the issue of the Occupation Certificate and two (2) days prior to the premises opening, the Applicant must contact Council's Environmental and Community Services Directorate for a Health Inspection and registration of the premises in accordance with the Food Act 2003 and the NSW Public Health Act 1991.**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

28. **A "Works as Executed Diagram" shall be submitted to and approved by a Council Plumbing Inspector, prior to the issue of a Final Plumbing Certificate.**

The Works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF File in accordance with Council Requirements.

REASON: It is in the public interest that plumbing and drainage work is carried out in accordance with AS/NZS 3500 and the relevant provisions of the Plumbing Code of Australia. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

29. **Prior to the issue of Occupation Certificate a Water Plumbing Certificate from Riverina Water County Council shall be submitted to Council.**

NOTE 1: The applicant is to obtain a Plumbing Permit from Riverina Water County Council before any water supply / plumbing works commence and a Compliance Certificate upon completion of works. Contact Riverina Water's Plumbing Inspector Rodney Price on 6922 0634. Please be prepared to quote your Construction Certificate number.

REASON: To ensure that the water servicing requirements of the development have been approved by the relevant authority. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

30. **Lot 167 DP 46875 and Lot 4 DP 878214 shall be consolidated into a single allotment. Prior to the issue of an Occupation Certificate evidence of consolidation must be provided to Council**

REASON: To ensure the the site has access to a public road. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

General

31. **The installation and operation of all cooling towers and warm water systems are to comply with the Public Health (Microbial Control) Regulations and Australian Standard 3666. The applicant is required to register with Council's Environment and Community Services Directorate any and all water cooled cooling towers and/or warm water mixing systems which are installed on the land.**

REASON: To comply with the Public Health (Microbial Control) Regulations and Australian Standard 3666.1. Section 79C (1) (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

32. **The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement (copy attached).**

REASON: It is in the public interest that the development provides an Annual Fire Safety Statement. Section 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

33. **The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004 AS2890.2 2002 and AS/NZS2890.6.2009.**

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

34. **Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.**

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*.

General Terms of Approval

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. **At the commencement of building works and in perpetuity the property around the building to a distance of 40 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. **The proposal is to be developed in accordance with the plans prepared by NBRS + Partners, numbered 09098, dated December 2011.**

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. **Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.**

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

4. **Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.**

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

5. **Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.**

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

6. **New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.**
7. **Structure and shade materials in the inner protection area shall be non-combustible or have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials'.**
8. **All new fencing shall be non-combustible.**

Landscaping

9. **Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.**