

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH -442
DA Number	DA24/0374
LGA	Wagga Wagga
Proposed Development	Centre based childcare facility with new access to Farrer Road and two lot subdivision
Street Address	Part Lot 6 DP 1218378 & Part Lot 153 DP 751407 - 250 Boorooma St CHARLES STURT UNIVERSITY NSW 2678
Applicant/Owner	Applicant: Colliers International Project Management Pty Ltd, Level 8, 68 Northbourne Avenue Canberra ACT 2600 Owner: Charles Sturt University
Date of DA lodgement	Select Date
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • 2 • 2
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021	5 <i>Private infrastructure and community facilities over \$5 million Development that has an estimated development cost of more than \$5 million for any of the following purposes—(b)... child care centres, The estimated development cost is \$ \$6,799,773.</i>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport & Infrastructure) 2021 • Wagga Wagga Local Environmental Plan 2010 • Wagga Wagga Development Control Plan 2010
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plan Set and Landscape plans • Civil Engineering plans • Statement of Environmental Effects • Traffic Impact Assessment • Noise impact assessment • Biodiversity Assessment Report • Bushfire Hazard Assessment Report • Preliminary Site Investigation
Clause 4.6 requests	Not applicable
Summary of key submissions	<ul style="list-style-type: none"> • Safety of new driveway location and associated road safety concerns, increased traffic volumes causing delays to residents • Pedestrian accessibility • Increased run-off during storm event
Report prepared by	Amanda Gray, Development Assessment Coordinator
Report date	14 October 2025

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

No

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

No

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

Reason for consideration by Southern Regional Planning Panel

The proposal has been referred to the Southern Regional Planning Panel as it is for a community facility with an estimated development cost of more than \$5 million.

Proposal

The proposal is for a new pre-school with associated car-parking and landscaping.

Permissibility

In accordance with clause 3.46 of SEPP (Transport and Infrastructure) Development for the purposes of a centre-based childcare facility may be carried out with development consent on land within the boundaries of an existing university.

Consultation

The development application was notified in accordance with Council's DCP. Two submissions were received during the exhibition period.

The application was referred to NSW Rural Fire Service, Essential Energy and Riverina Water who raised no objections subject to the inclusion of conditions.

Key assessment issues

- The preschool will be operated independently of Charles Sturt University but will maintain linkages via the land lease arrangement and training opportunities being made available for university students.
- The siting and the design of the new building whilst presenting as a new form of development in the streetscape is sympathetic to the surrounding character and complies with the applicable provisions of the NSW Childcare Planning Guidelines.
- The preschool includes significant areas of open space for learning and play opportunities and allows for extensive landscaping to occur throughout the site.
- The development has frontage to Farrer Road and proposes an individual driveway access. The driveway design and road treatments have been amended during the assessment of the application to address concerns raised by Council. The revised plans limit vehicle movements to left in and left out only with a central median to prohibit any right turn movements.
- There is native vegetation clearing proposed, the clearing is of existing poor-quality grassland and there are no threatened species or habitats identified that will be significantly impacted by the clearing. A biodiversity assessment prepared in support of the application demonstrated that there is a need for 11 offset ecosystem credits.
- There are minimal noise impacts associated with the development due to the location within the university campus and setback from the street and nearby residential receptors.
- The site is mapped as bushfire prone and has incorporated bushfire protection measures including asset protection zones.
- The proposal is in the public interest as it will assist in meeting the demands for preschool places in Wagga and replaces a facility that is on land regularly impacted by flooding.

Recommendation

The application is recommended for approval subject to conditions of consent. The conditions have been provided to the applicant.

REPORT

Description of Development

This application is for a new centre based child-care facility with places for 90 children between the ages of 3-5 years. The development proposes one new single storey, purpose designed building with new access driveway, car-parking and associated landscaping. The pre-school is proposed to operate from 8.30am to 4pm Monday to Friday during school terms. Up to twenty-five staff will be at the centre at any one time.

The proposed preschool is sited within the south-eastern corner of the Charles Sturt University (CSU) campus. Whilst the development is proposed on university land which is Crown land the applicant is not the Crown, and the development is not made on behalf of the University (the Crown). Accordingly, the development is not assessed as a Crown DA under the provisions of Division 4.6 of the *Environmental Planning and Assessment Act, 1979*.

The proposed building will be set back approximately 60m from the road with parking, on-site detention and landscaping included within the front setback. The preschool will include three defined classroom spaces each with a capacity for 30 children. The rooms are arranged around a central covered courtyard space and these will all open up towards rear outdoor play spaces that are well landscaped. The front of the building includes administrative and functional spaces such as offices, meeting rooms, toilets, laundry and staff room. A sensory room is included within the layout and is located away from each of the classrooms. A training room is proposed for staff training purposes.

The proposed development will facilitate the relocation of the existing St Mary's Rainbow preschool from North Wagga Wagga to the site and increase the number of preschool places from 60 at the current facility to 90 at the proposed facility. The existing facility is located within the North Wagga Wagga floodplain which has resulted in the preschool being temporarily relocated for significant periods of time due to past flooding events. The new location will also allow for linked learning opportunities for CSU early childhood education studies students. The preschool will provide an onsite facility for completion of practical components of these courses as well as providing other associated practical learning opportunities within the facility throughout the year.

Access to and from the site is via a new driveway from Farrer Road. The driveway will operate as a left in and left out only arrangement to minimise conflict with other vehicles using Farrer Road during peak drop off and pick up times at both nearby schools and the pre-school. The driveway leads to a car-park at the front of the building with twenty three parking spaces. The site layout includes an all-weather access track that circulates the building, this is included for emergency vehicle access and is a requirement for bushfire mitigation purposes. Access onto this area is via secure solid gates on each side of the building, staff and parents will not utilise this in any way. A new footpath into the site is proposed from the west of the site that links to existing paths within the university campus.

The proposed development will involve major ground disturbance that results in the loss of all native vegetation(grassland) and the majority of the planted and naturalised Hakea Wattle within the proposed development area; five Hakea Wattle in the central southern section of the property will be retained. Extensive new landscaping and plantings are proposed at the rear of the proposed centre to both soften the development and provide natural shade to play spaces.

Signage is proposed within the front setback of the site to the east of the access driveway, the proposed sign is a freestanding brick structure which would measure approximately 5 m wide by 1.8 metres high. Fencing is proposed to both delineate the site and provide secure, safe outdoor play areas for the children. Open style fencing is to be installed to a height of 2.1 metres other than where solid acoustic fencing is recommended.

Upgrades to sewer servicing are proposed within the eastern portion of Lot 6 DP1218378 located to the west of the preschool site. A new sewer pump station is to be located south of the proposed carpark and connected to the existing CSU sewer system located on the campus. An on-site detention basin is proposed at the front of the site to manage the increased run-off from the development and upgrades to the existing open drain at the front of the site are proposed including a new box culvert at the driveway crossing.

The application includes the subdivision of a portion of the site to create a lot that will be leased to the Anglican Church Property Trust, who are the operators of the pre-school, for a minimum period of 21 years. The proposed preschool lot will have an area of approximately 0.96ha and the remaining area will be approximately 20ha. Although subdivision is proposed for the delineation of the facility and leasing purposes, both new lots will remain part of the overall property within the wider Charles Sturt University campus.

The subject site is mapped as bush fire prone land. The proposed development being a pre-school is defined within 'Planning for Bushfire Protection' as a special fire protection purpose and requires a bushfire safety authority. The application seeks integrated approval from Rural Fire Service.

The Site and Locality

The subject site is legally identified as lot 153 in DP 751407 and part Lot 6 in DP1218378 and is known as 250 Boorooma Street. The land parcel is on the northern side of Farrer Road approximately 200m to the east of the junction with Boorooma Street. The land parcel subject to the development application extends to an area of 21.17ha, the specific area of land on which the pre-school is proposed is approximately 1ha of the parent lot. The land known as 250 Boorooma Street incorporates a number of lots and extends across the whole of the university campus towards the north and west of the subject site.

The site is vacant, rural land consisting of open paddocks adjacent to existing university campus buildings. Vehicle access to the site is via internal roads within the campus, namely Mambarra Drive and Maybal Lane. The main entrance into the university is approximately 200m to the west at the roundabout junction of Farrer Road and Boorooma Street.

To the south of the site on the opposite side of Farrer Road there are residential properties that predominantly have a rear boundary to the road. One larger historical property retains an access driveway onto Farrer Road. To the south-east is The Riverina Anglican College, an establishment providing education from K-12. Farrer Road includes turning lanes and medians to manage traffic and vehicle movements associated with this school.

The frontage of the site is within the marked school zone associated with the nearby school; Farrer Road is a single lane heading east but widens to two lanes beyond the subject site.

Easements and Covenants

There is a 20 metres wide easement for overhead powerlines that runs parallel to the eastern boundary of the subject site. The proposed subdivision of land for the pre-school will result in the easement being retained within the residue parcel and not within the preschool site.

There are additional easements for overhead and underground powerlines, but these are located within parts of the site not impacted by the preschool development.

Previous Development Consents

There are numerous DAs that relate to development within the University. None of the applications are of relevance to the subject site or application.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

Section 4.15(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010

Part 2 Permitted or prohibited development Land Use

Under the provisions of the WWLEP 2010 the land is zoned SP2 Infrastructure.

The objectives of the 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.*

A childcare centre has both social and cultural benefits and is an appropriate form of infrastructure within a university campus and within proximity to residential areas.

In accordance with the LEP, development that is permitted with consent within this zone must be for *“the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.”* The purpose shown on the land zoning map is “Education Establishment”.

The development specifically proposes a pre-school which is defined within the WWLEP2010 as a **centre based child-care facility** as follows:

(a) *a building or place used for the education and care of children that provides any one or more of the following:*

- (i) *long day care,*
- (ii) *occasional child care,*
- (iii) *out-of-school-hours care (including vacation care),*
- (iv) *preschool care, or*

(b) *an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW))*

Note: *An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.*

but does not include:

- (c) *a building or place used for home-based child care or school-based child care, or*
- (d) *an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)) or*
- (e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*

- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Centre-based child care facilities are a type of early education and care facility, they are not defined as an education establishment.

The development is not considered ordinarily incidental or ancillary to an education establishment as it is a separately defined land use. The proposed development is therefore not permitted under the LEP. However, there are provisions within SEPP Transport and Infrastructure that permit the use. See discussion under the relevant SEPP below.

Part 3 Exempt & Complying Development

The proposed development is not exempt or complying development. The application is seeking consent.

Part 4 Principal development standards

There are no principal development standards applicable to the development.

Part 5 Miscellaneous provisions

5.10 Heritage Conservation

The site is not within the conservation area but is identified as a listed heritage item within schedule 5 of the Wagga Wagga LEP. The heritage listing applies to buildings within the university campus that are more than 1km from the development site. The proposed preschool will have negligible impact upon the heritage significance of this site.

Part 6 Urban Release Areas

The subject site is not within an Urban Release Area.

Part 7 Additional Local Provisions

7.1A Earthworks

Earthworks are required to facilitate the development and include the removal of topsoil, fill and unsuitable material including silt-based material, if any. There will be a requirement for cut and fill across the site, the maximum site cut depth is anticipated to be approximately 1.2 m and is associated with the excavation of the detention basin, the anticipated maximum fill is anticipated to be approximately 1.6 m and is generally associated with the slab for the new building. Conditions of consent are proposed that require all fill material to be clean material and for any waste material to be appropriately disposed at a waste management centre. In accordance with this section of the LEP there are no anticipated detrimental impacts upon environmental functions or landform as a result of any earthworks.

7.3 Biodiversity

Parts of the subject site, including the area to be subdivided for a preschool are covered by the biodiversity layer and as such this clause is applicable. Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered any potential adverse impact of the proposed development on a native vegetation community, the habitat of any threatened species, population or ecological community, a regionally significant species of plant, animal or habitat, a habitat corridor or a wetland, together with any proposed measures to be undertaken to ameliorate any such potential adverse impact.

The application proposes the removal of native vegetation and as such the application is supported by a Biodiversity assessment report. Based on mapped Plant Community Types (PCT) in the immediate locality and site survey work the proposed development area is identified as PCT 277 - *Blakelys Red Gum - Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion*. The site is described as a cleared and highly modified derived native grassland of this PCT. The proposed development area is classed as one vegetation zone of 0.791 ha of low diversity derived native grassland that also sustains an abundant seasonal exotic cover; this zone is a poor habitat quality representation of the PCT.

The biodiversity report includes an assessment of fauna and notes a number of constraints that limit the likelihood of many fauna species such as lack of presence of waterbodies or hollow bearing trees. A further assessment of three identified species, the regent honeyeater, the swift parrot and the large-eared pied bat, were found to lack suitable habitat and have limited connectivity through the subject site and surrounding locality.

The large-eared pied bat was also concluded as not being adversely impacted due to existing habitat constraint. Additional information regarding the likelihood of large-eared pied bats within the vicinity of the site has been provided. The rocky outcrops within the CSU campus were examined in detail but do not include appropriately sized hollows or caves which are the preferred habitat of this species. The closest recording is 85km to the northwest, no other records have been identified within the region and it is concluded that the presence of the bat within 2km of the subject site is highly unlikely.

In accordance with this section of the LEP, the loss of native vegetation has been considered and specific recommendations regarding the need for offset ecosystem credits are examined later in this report under the Biodiversity Conservation Act requirements. There was no identified need for any offset species credits.

7.9 - Primacy of Zone E2

Clause 7.9 states that development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone E2 Commercial Centre as the principal business, office and retail hub of Wagga Wagga. The development is for a pre-school that could be accommodated within the CBD. However, as it is not a core commercial land use it is not anticipated that it will detract from the primacy of the E2 zone and therefore the control is satisfied.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Transport and Infrastructure) 2021

Development likely to affect an electricity transmission or distribution network

2.48 Determination of development applications-other development

Under this section, certain development that has the potential to affect an electricity transmission or distribution network must be referred to Essential Energy and any comments received within 21 days must be taken into consideration. The proposed preschool is on land that contains existing electricity infrastructure and was therefore referred to Essential Energy.

Essential Energy replied indicating that there were no objections to the development subject to the imposition of standard conditions of consent that generally relate to works within proximity to electrical infrastructure. Standard conditions are proposed. This part of the SEPP is satisfied.

Chapter 3 Educational Establishments and Child Centre Facilities

Subject to Clause 3.6 (1), if there is an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

Part 3.3 Early Education and Care Facilities - Specific Development Controls

Clause 3.22 applies to developments which do not comply with the floor area or outdoor space requirements specified in the Education and Care Services National Regulations. The proposed centre provides the minimum floor areas and outdoor space and therefore this clause does not apply.

Clause 3.23 requires the consent authority to consider any applicable provisions of the Child Care Planning Guideline before determining a development application. An assessment against the “Guideline” is included below:

3.1 Site selection and location

Objective: To ensure that appropriate zone considerations are assessed when selecting a site.

C1 The guidelines state that for proposed developments on school, TAFE or university sites in Special Purpose zones it is relevant to consider:

- the compatibility of the proposal with the operation of the institution and its users
- the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling
- proximity to sources of noise, such as places of entertainment or mechanical workshops
- proximity to odours, particularly at agricultural institutions
- previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like.

The site is remote from the bulk of university activities and not in proximity to any of the listed uses. The ability for early education students from the university to gain experience and training at the pre-school makes the use one that is compatible with the operation of the university. The adjacent buildings to the west of the preschool site are in use for a local special needs school (Aspect Riverina) and for Faculty of Arts (studio and sound) students. There are clear boundaries proposed between the university buildings and the subject site and the zone selection is appropriate.

Equally the site is adjacent to a residential zone and as detailed throughout the report acoustic, visual and traffic impacts have been considered.

Objective: To ensure that the site selected for a proposed child-care facility is suitable for the use.

C2 The site forms part of a university campus and is adjacent to residential suburbs and a school, both to the south, the surrounding uses are compatible with a pre-school. The development consists of a purpose built new centre that is set back from the road and that has negligible impact upon the heritage listing of the university site. Bushfire risks have been considered and found to be acceptable subject to conditions. A preliminary site investigation has found no contamination on site and declared the site suitable for the development.

There are no incompatible social activities or uses within proximity to the subject site and access to and from the site has been assessed as suitable for the proposed use, subject to limitations.

Objective: To ensure that sites for child-care facilities are appropriately located.

C3 The site is located within proximity to residential neighbourhoods and within a university campus providing a linked training location for early childcare students. The university is served by public transport that links to the CBD. The centre is opposite a school (The Riverina Anglican College) that provides education from K-12 and linked trips between the two facilities are anticipated for some families from the surrounding suburbs.

Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards

C4 The site is not near any heavy or hazardous industry, service stations or extractive or intensive agriculture activities that would present a risk to children.

3.2 Local character, streetscape and the public domain interface

Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.

C5 There are no predominant characteristics to the streetscape other than the existing detached university buildings to the west. The proposed centre will present as a single detached building with an increased setback and a car-park at the front of the site. The development is compatible with the existing streetscape within this area.

Objective: To ensure clear delineation between the child care facility and public spaces.

C6 The development includes secure gated entry in and out of the building ensuring the safety of children. The front landscaping provides a clear delineation between the facility and the street and new fencing will define the site boundaries within the wider university campus. The centre includes windows facing the car park to provide passive surveillance and connection with the site users.

C7 Not applicable as there is only one building on the site with one entry.

C8 Not applicable as the site does not adjoin public open space.

Objective: 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.

C9 The front of the site is defined by vegetation, and the access driveway. There is no solid fencing to the streetscape allowing the building to be clearly visible from the street.

C10 The site is not on a classified road therefore this control is not applicable.

3.3 Building orientation, envelope and design

Objective: To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade

C11 The orientation of the lot allows for direct solar access to the outdoor play spaces at the rear of the building. The centre faces onto the street and does not result in any overlooking or overshadowing of neighbouring properties.

Objective: To ensure that the scale of the childcare facility is compatible with adjoining development and the impact on adjoining buildings is minimised.

C12 The scale of the building, being a detached single storey building, is comparable to large, detached dwellings opposite the site and detached university buildings within the same campus.

The design of the building and the surrounding setbacks are suitable and allow for adequate privacy to be maintained both to and from the site.

Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.

C13 The childcare centre will be set back approximately 60m from the road, this is a greater setback than the adjacent building to the west that is set back approximately 30 metres and raises no concern.

C14 The setbacks are greater than those required for a dwelling house.

Objective: To ensure that buildings are designed to create safe environments for all users.

C15 There is one clearly defined entrance that is visible from the car-park and the street. The entry is easily monitored from the reception area and includes safety gates. The main entry is not accessible via the outdoor play area.

Objective: To ensure that child care facilities are designed to be accessible by all potential users.

C16 The centre has been designed as accessible for all users as a single storey, level building with accessible bathrooms and accessible carparking. There is a ramped pathway provided into the building that is slightly elevated from the car park level.

3.4 Landscaping

Objective: To provide landscape design that contributes to the streetscape and amenity.

C17 A detailed landscape plan has been provided in support of the application. The landscaping contributes to the overall amenity of the site by providing new trees, shrubs and ground cover throughout as well as maintaining some existing vegetation on site. General Terms of approval are included that require landscaping on site to comply with applicable bushfire protection measures.

C18 Shade trees are included within the car parking areas.

3.5 Visual and acoustic privacy

Objective: To protect the privacy and security of children attending the facility.

C19 Not relevant as there is no overlooking of the play areas from a mixed-use development.

C20 Indoor rooms and outdoor play areas are protected from overlooking by the proposed site layout that includes a significant setback from the street and boundary fences with landscaping to all sides. Furthermore, none of the windows that face the street are to the classrooms ensuring greater privacy for the children.

Objective: To minimise impacts on privacy of adjoining properties

C21 There is no overlooking of adjacent properties.

Objective: To minimise the impact of childcare facilities on the acoustic privacy of neighbouring residential developments

C22 The development application is supported by a noise assessment. The report concludes that the development meets the EPA noise requirements subject to recommendations including acoustic fencing in certain locations and management controls. The mitigation measures recommended will be secured by condition.

C23 An acoustic report was submitted with the application as stated above. The report was prepared by a suitably qualified acoustic professional.

3.6 Noise and air pollution

Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.

C24 The building is oriented to the north and play areas are to the rear away from the road. The acoustic report includes recommended construction measures that will be secured by condition to minimise noise impacts both to and from the preschool. Noise levels from the existing school facility within the university campus are assessed as compliant. There are no other identified noise sources within proximity to the site.

C25 Not applicable as the site is not impacted by substantial external noise such as industrial land or railway corridor.

Objective: 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.

C26 - C27 The subject site is not subject to external sources of air pollution and these controls are not applicable.

3.7 Hours of operation

Objective: To minimise the impact of the child-care facility on the amenity of neighbouring residential developments.

C28 The Guideline recommends core hours of operation in residential areas of 7am - 7pm weekdays. The proposed development is for a preschool with opening hours of 8.30am to 4pm Monday to Friday during school terms. The proposed hours are consistent with the existing St. Mary's preschool and less than long day care child centres. Impacts upon the amenity of residential properties from the use are considered to be minimal and acceptable.

C29 is not applicable as the site is not within a mixed-use development.

3.8 Traffic, parking and pedestrian circulation

Objective: To provide parking that satisfies the needs of users and demand generated by the centre and to minimise conflicts between pedestrians and vehicles.

C30 Car parking is consistent with the DCP and will be assessed in section 2.2 of this report.

C31 Not applicable as the site is not within an industrial or commercial area.

C32 A Traffic impact assessment was prepared by the applicant. The report concludes that there will not be a significant impact on the performance of the surrounding road network.

Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.

C33 One new driveway is proposed into the site providing access to the car-park at the front of the building. The driveway will be a left in and left out only arrangement to minimise conflict with existing vehicle movements along Farrer Road, especially during peak hours.

C34 Not relevant. The subject site is not located within a cul-de-sac or narrow street.

Objective: To provide a safe and connected environment for pedestrians both on and around the site.

C35 The plans show a defined pedestrian footpath to the west of the site that will link with existing pathways. The pathway will connect with the centre and avoid conflict between vehicles and pedestrians entering the site. Clearly marked footpaths for pedestrians within the carpark area will be secured by condition.

C36 is not relevant as the proposal is not a mixed-use development.

C37 A safety gate is provided between the entrance and the car park area. Accessible parking has been provided at the front of the building with easy access to the entrance of the centre and play areas are located to the rear of the building.

Part 4. Applying the National Regulations to development proposals

Only those regulations with statutory implications are addressed in this report. Other regulations will be assessed by other regulatory authorities during the required accreditation process for the centre.

4.1 Indoor space requirements

Regulation 107- every child must have a minimum of 3.25m² of unencumbered indoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.

The centre provides 294m² of unencumbered indoor space that equates to an average of 3.26m² per child. The specific breakdown for each room is included in the table below showing compliance with this control across all spaces.

Description of Indoor area	Unencumbered area (sq.m)	No. of children in this area	Unencumbered area per child (sq.m)
Playroom 1	98	30	3.26
Playroom 2	98	30	3.26
Playroom 3	98	30	3.26

4.9 Outdoor space requirements

Regulation 108 - every child must have a minimum of 7.0m² of unencumbered outdoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.

The centre provides over 4000m² of unencumbered outdoor space that significantly exceeds the minimum requirements outlined in the SEPP. The outdoor space includes nature play areas, sand pits, play equipment spaces and a courtyard with shade sails.

The application has been assessed against the relevant guideline and all matters for consideration have been considered in the assessment. Based on the foregoing assessment it is determined that the proposal is compliant with the requirements of the Child Care Planning Guidelines prepared by NSW Department of Planning, Industry & Environment.

3.26 Centre-based child care facility - non discretionary development standards

The SEPP identifies a number of non-discretionary development standards for particular matters that, if complied with, prevent the consent authority from requiring more onerous standards for those matters. These matters are:

a) location- the development may be located at any distance from an existing or proposed early education and care facility.

The demand for childcare facilities across the city is high and there are no regulations that prevent or prohibit such centres within proximity to another.

b) indoor or outdoor space

i. for development to which regulation 107 or 108 of the Education and Care Services National Regulations applies-the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or
ii. for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies-the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause.

As outlined above the development satisfies the minimum indoor and outdoor floor space requirements.

c) site area and site dimensions - the development may be located on a site of any size and have any length of street frontage or any allotment depth,

There are no minimum sizes or dimensions for a childcare centre and Council has not applied any standards in this regard.

d) colour of building materials or shade structures- the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

The subject site is identified as a heritage listed item. The lot extends to 21ha and includes land to the north west in the wider university campus. The heritage listing applies to buildings that are more than 1km from the development site fronting Farrer Road. The building is proposed to be constructed in materials that are sympathetic to the surrounding environment including brick facades, steel pergolas and metal roofs. Painted brick panels are proposed to the front elevation around the entrance to break up the main façade of the building. This area is set back from the road by approximately 60 metres, a roof projects across the entry area and it will be softened by vegetation. The use of bright colours around the entry to a pre-school is not unusual and will have negligible impact upon the heritage significance of this site.

To remove doubt, this clause does not prevent a consent authority from refusing a development application in relation to a matter not specified above or granting development consent even though any standard specified above is not complied with.

The application is recommended for approval as it has demonstrated compliance with relevant standards.

3.27 Centre-based child care facility-development control plans.

A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre based child care facility:

- (a) operational or management plans or arrangements (including hours of operation),*
- (b) demonstrated need or demand for child care services,*
- (c) proximity of facility to other early education and care facilities,*

(d) any matter relating to development for the purpose of a centre-based child care facility contained in:

- (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or*
- (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).*

The WWDCP does not contain any requirements regarding the demonstrated need for childcare services or proximity to existing services. The WWDCP contains requirements for car parking and the Guideline defers to the DCP requirements in this instance.

Part 3.5 Universities - Specific Development Controls

Clause 3.46 - Universities-development permitted with consent

In accordance with part (6) of this clause, the development of a centre-based child care facility may be carried out with development consent on land within the boundaries of an existing university.

The site is within the boundaries of Charles Sturt University and therefore subject to development consent the use is one that is permitted under the SEPP.

SEPP (Resilience and Hazards) 2021

Clause 4.6 of the SEPP requires that:

- (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*
 - (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*
 - (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.*

The site has historically been in use for agricultural and horticultural purposes which are defined as potentially contaminating land uses. The application is supported by a site investigation report that is required to assess the suitability of the site for the proposed use.

The potential contamination sources were assessed to be agricultural/horticultural chemicals that may have been used across the site and potential copper chrome arsenate (CCA) treated timber posts. Sampling across the site returned chemical results that were below the criteria for residential land use (including childcare centres/preschools). The report concludes that the site is assessed to be suitable for the proposed development subject to a specific recommendation regarding any unexpected finds on site. The recommendation will be incorporated into a proposed condition of consent.

All matters have been satisfied, and the site is suitable for the intended use in accordance with the SEPP.

State Environmental Planning Policy (Planning Systems) 2021

Under Section 4.5(b) of the Act a regional planning panel is identified as the consent authority for development of a kind that is declared by an environmental planning instrument as regionally significant development.

Development specified in Schedule 6 of the SEPP is declared to be regionally significant development for the purposes of the Act and includes (of relevance to this application):-

5 Private infrastructure and community facilities over \$5 million

Development that has an estimated development cost of more than \$5 million for any of the following purposes-

(b) ... child care centres,

The estimated development cost is \$ \$6,799,773.

SEPP Sustainable Buildings 2022

The development is for a new building with a value of more than \$5million and therefore the requirements of this SEPP apply.

In accordance with the specified considerations listed within section 3.2(1) the applicants have provided an Embodied Emissions Form and committed to the following initiatives being included within relevant tender documents for construction.

(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,

The Head Contract is to achieve Best Practice Construction waste targets, specifically, diversion of construction and demolition waste sent to landfill, to have a minimum diversion rate target of 80%.

(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,

The project utilises LED lighting, high-efficiency heating, ventilation and air-conditioning (HVAC), and smart systems for optimal energy use. A solar system is currently in review and the exact sizing is to be specified based on expected energy loads as to be environmentally and financial beneficial to the school.

(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,

The school's design integrates passive principles, featuring natural ventilation and is expected to achieve approximately 40% natural lighting coverage in its current layout through the incorporation of a central outdoor play area providing daylight into the interior elements of the pre-school.

(d) the generation and storage of renewable energy,

The installation of a solar power system will enhance the school's self-sufficiency and reduce its dependency on the electrical grid. Exact sizing will be covered in detailed design stages.

(e) the metering and monitoring of energy consumption,

Advanced metering infrastructure will be installed to continuously monitor and manage energy consumption, allowing for real-time adjustments and long-term efficiency improvements.

(f) the minimisation of the consumption of potable water.

The design includes water-saving fixtures, rainwater harvesting systems, and efficient irrigation techniques. Recycled water will be used for non-potable purposes, significantly reducing the consumption of potable water.

The applicable parts of the SEPP have been addressed.

Section 4.15(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

Nil.

Section 4.15(1)(a)(iii) - The provisions of any development control plan
Wagga Wagga Development Control Plan 2010

The proposed development has been assessed against the applicable objectives and controls of the Wagga Wagga Development Control Plan 2010 as follows:

Section 1 - General

1.10 Notification of a Development Application

The application was advertised and notified to adjoining neighbours from 17 October - 7 November 2024 in accordance with the provisions of the DCP. There were two submissions received in response to the notification. The details are discussed under section (d) of this report.

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

One new driveway is proposed into the site as described earlier in the report. The driveway provides direct access into the car-park and allows for all vehicles to enter and exit in a forward direction. The proposed new driveway onto Farrer Road has been examined in detail by Council's traffic engineer and the applicant's traffic consultants.

The subject site is within the university campus and the pre-school is promoted as a centre at which university students will be able to gain practical training. For these reasons the option of an alternate access through the university grounds utilising and upgrading existing roads has been explored. The applicant's engineers provided plans that demonstrated the work that would be required to achieve a safe two-way access through the campus however the university did not agree to such an arrangement and there were additional cost implications. From the CSU perspective, the creation of the driveway linkage would adversely impact the existing lease conditions regarding the adjacent carparking and the road network.

There are no other driveways that lead directly onto Farrer Road on the northern side of the road. Future plans to potentially rezone and/or redevelop land in this area is at a very early stage but it is anticipated that a new road network that minimises new driveways onto Farrer Road will be developed in a similar manner to the Boorooma subdivision on the southern side of Farrer Road. Whilst such future plans are desirable, there are no master plans or policies in place that can be relied upon to restrict a new driveway onto Farrer Road. The existing vehicle numbers and predicted vehicle movements through this area have been modelled and all of the results conclude that volumes along the road would reasonably be expected to remain well below or within the specified thresholds for a Collector Road.

Council's traffic engineer has raised concerns regarding the safety of the new driveway particularly with the initial proposed treatments to Farrer Road that would have allowed vehicles to enter and exit from both the east and the west. The preschool is in proximity to the Riverina Anglican College on the southern side of Farrer Road and the peak times of drop off and pick up at both the school and preschool will be the same. The high number of vehicles using Farrer Road increases the risk of conflict with vehicles turning right into and right out of

the site and subsequently the layout has been amended to limit vehicle movements to left in and left out only. A central median island is identified on the amended civil plans to achieve this arrangement.

A review of all vehicle movements into the carpark via a left turn only has concluded that the proposed car park access would form a Category 1 access facility in accordance with AS2890.1. This can be described as a combined entry/exit driveway providing access to a car-park of less than 25 spaces. The traffic assessment concluded that such a driveway can be suitably provided along Farrer Road without any formal requirement to include a dedicated left turn lane. The amended design will be subject to detailed design and approval, and this is secured by condition.

A large proportion of the vehicles forced to turn left out of the site under the proposed left-in left-out access arrangement would be expected to continue to Coolamon Road to access the Olympic Highway. However, it is acknowledged that there may be some demand for eastbound u-turns to head west along Farrer Road, which can be safely and legally undertaken at the Sturrock Drive intersection.

The overall findings of the traffic impact report taking into account the modified access arrangements are summarised as follows:

- Overall, the increase in traffic generated by the proposal is expected to have minimal impact on the surrounding road network which is anticipated to continue to operate with a good level of service. The surrounding road network is able to accommodate the increase in vehicle traffic which is not expected to create any notable adverse impacts on the road environment.
- Traffic modelling shows that limiting access from the site to left turns only results in similar performance to full access, with reduced delays for departing motorists. The implementation of a left turn only would also be expected to reduce conflict and risk at the site access.
- The implementation of the restriction may result in downstream impacts by way of u-turns on Farrer Road by the use of nearby local streets that could increase risks elsewhere. However, given the access to the surrounding road network to both the east and west and connection to the Olympic Highway, these risks would be expected to be low.
- The implementation of the modified access arrangements are considered suitable and likely to align with the longer term operation of Farrer Road.

There is no dedicated loading area provided on site, but the proposed use would not be anticipated to receive a significant number of deliveries. It is critical that the car-park spaces are available for parents and staff and not blocked or utilised by delivery vehicles, therefore the centre would be expected to have a management plan that controls delivery times to not conflict with peak user times. A condition of consent has secured the provision of a management plan prior to the centre being operational.

2.2 Off-street parking

Childcare centres require 1 parking space for every four children in the centre. With a capacity of 90 children, this results in a requirement of 23 spaces. The layout plan for the site shows 23 new car parking spaces for the childcare centre including one accessible space. Trees are proposed within the car-park in accordance with the controls in this section.

2.3 Landscaping

The proposed pre-school is set within a large site that proposes significant landscaping including the retention of established trees to the west of the new driveway.

A detailed landscape plan has been provided with the application. The plan includes a mix of trees, shrubs and grasses within the front and side setbacks that assist with softening and screening the development. Approximately 50 new trees are to be planted, the majority will be within 75L pots to assist with establishment and will each be of a suitable species for the local environment and climate. Equally the wide selection of shrubs and ground covers selected are suitable for both the location and within a childcare setting.

The outdoor play areas are varied to provide a mix of play and learning experiences. Timber play equipment, sand pits, bike tracks, vegetable gardens and natural nature play areas are all proposed within the extensively landscaped outdoor area.

The landscaping details are suitable for the site.

2.4 Signage

One free standing, non-illuminated, sign is proposed at the front of the building. The proposed sign will be within the front setback area and present as a low brick wall incorporating the name of the centre. The wall extends to 1.8metres in height and is approximately 5 metres in length.

The proposed sign complies with the general signs for signage and structures contained in this section of the DCP. Any additional business identification signs on the building will be required to comply with the applicable exempt provisions.

2.5 Safety and security

The entrance to the childcare centre is clearly visible and faces towards both the car-park and the street. The gated entry into the building provides a secure, safe space between the cars and the entry/exit for all users of the facility. The outdoor play area is located at the rear of the building and provides a safe and secure activity space.

There are no blank walls to any of the elevations allowing for passive surveillance around the building. The reception area is at the front of the building and provides the only public entry for all site users. Secure fencing will be provided to all site boundaries.

The proposed development is considered to comply with the objectives and controls within this section.

2.6 Erosion and Sediment Control Principles

Standard conditions of consent will be included.

2.7 Development adjoining open space

The development does not adjoin open space.

Section 3 - Heritage Conservation

The site is not within the conservation area but is identified as a listed heritage item. The heritage listing applies to buildings within the university campus that are more than 1km from the development site. The proposed preschool will have negligible impact upon the heritage significance of this site.

A Due Diligence assessment was undertaken in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW. The site is disturbed land and has been subject to agricultural activity and clearing. A local search found recorded Aboriginal objects within a 1km buffer but none on the subject site. There are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity. A condition of consent will be included to cover any unexpected finds on site.

Section 4 - Environmental Hazards and Management

4.1 Bushfire

The subject site is mapped as bush fire prone. The application is supported by a bushfire assessment report and has been referred to NSW Rural Fire Service as integrated development.

The findings of the report recommend construction to BAL19 and in accordance with NCC specifications. Given the surrounding grassland hazard to the north and east Asset Protection Zones (APZs) are to be established and maintained. A vegetation management plan prepared by a BPAD practitioner has been prepared to assist with the establishment and ongoing maintenance of the APZs to ensure compliance with relevant bush fire protection measures.

The required APZs will extend beyond the proposed boundaries of the land to be leased and subdivided. The APZ to the north projects 13.6m into the larger residue lot (proposed lot 2) and the APZ to the east projects 12.2m into the same lot. This requirement for an APZ can be incorporated into the lease agreement between Charles Sturt University and St. Mary's Preschool but is also recommended as an 88b restriction across the lot. This will be secured by condition.

The report includes recommendations regarding evacuation plans, Plans of Management, access for fire-fighting vehicles and water supply. Requirements in accordance with Planning for Bushfire Protection have been issued as General Terms of Approval (GTAs) by the RFS.

Section 5 - Natural Resource and Landscape Management

5.4 Environmentally sensitive land

This issue has been addressed under Clause 7.3 of the LEP above and raises no concerns.

Section 7- Subdivision

The application includes the subdivision of land as described earlier in this report.

The controls in this section are predominantly of relevance to residential subdivision. Key principles, however, have been examined such as access, servicing and solar access and the subdivision is generally compliant and consistent with the objectives of this section.

The subdivision will create a land parcel for lease to the preschool but remain part of the overall university campus.

Standard conditions for subdivision and any specific 88b restrictions that are required are to be included as conditions of consent.

There are no applicable controls within Sections 8-16 of the WWDCP2010.

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

There is no draft or current planning agreement applicable to this application under Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

Section 4.15(1)(a)(iv) - any matters prescribed by the regulations

There are no applicable matters prescribed by the regulations.

Section 4.15(1)(b) - likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Context and setting

The subject site is set at the edge of an established university campus and within proximity to residential suburbs. The development site is vacant and adjoining land to the east and north is also undeveloped, vacant land.

The pre-school will be viewed within the context of existing detached university buildings to the west and single detached dwellings and school to the south. The centre offers a service and resource to families within the surrounding area and a training resource for university students and is consistent within the existing setting of the site.

Streetscape

The proposed childcare centre will face toward Farrer Road and includes one new driveway. Individual driveways onto Farrer Road are not common in the streetscape but as explained earlier in the report there are no adopted masterplans for this area to date that restrict or prohibit the proposed arrangement.

The building will be constructed of brick with metal roof and the front elevation includes a number of windows. There is car-parking within the front setback with a mix of landscaping that softens the building and enhances the presentation to the street. The impact to the streetscape is acceptable.

Access, transport and traffic

The vehicle access and parking arrangements have been described earlier in the report. The application is supported by a traffic impact assessment that has concluded that there will be no significant impacts upon the surrounding road network. A modified access layout has been agreed that limits vehicle movements to left in and left out only. The revised layout results in a clearly defined entry to the pre-school with minimal impact upon the free flow of vehicles along Farrer Road.

The car-parking provided on site complies with the DCP requirements. The layout of the driveway allows for vehicles to queue within the site whilst waiting to exit without hindering other vehicles that are entering. A footpath link is proposed to facilitate pedestrian access to and from the site by staff, parents and university students.

Noise and vibration

An acoustic report was submitted with the application that reviewed existing ambient noise levels and modelled the predicted noise levels and associated impacts of the development.

There will be noise and disturbance during site clearance, construction and road works. The hours of construction will be controlled by standard conditions of consent, and this will be a short-term impact that can be reasonably anticipated for all development sites. The report recommends following best practice measures, but no specific mitigation is required during construction.

The childcare centre has the potential to generate noise from within the centre, from the outdoor play areas, mechanical plant and the car park. Noise will be generated from the vehicle movements to and from the site each day although this is anticipated to occur during the existing peak vehicle movements to and from the nearby school and therefore may not have a significant impact.

The report reviews the impacts of external noise upon the preschool particularly upon the classrooms. To the west of the site is a car-park and a school both of which generate noise, from vehicle movements and outdoor play respectively. The predicted noise modelled from this area upon the preschool indoor and outdoor areas is acceptable and compliant and no mitigation is required.

The report makes reference to future uses of the CSU buildings to the west and includes differing recommendations for acoustic barriers depending on whether the uses are educational or commercial. The buildings form part of the university campus and are located on land that is zoned as SP2 Infrastructure. The uses are limited to those that are permitted within the zone and will either be university or ancillary uses to the university. Currently the future use of the buildings is unknown and therefore it is not appropriate to require any acoustic barriers to the western boundary as the existing modelled noise impacts are acceptable. The impacts associated with noise from a pre-school within the university campus that is permitted only due to its location within the university cannot reasonably be expected to apply mitigation measures that protect other ongoing and changing uses within the same university campus.

Noise from the outdoor play area has the potential to impact upon privately owned residential properties on the southern side of Farrer Road. The acoustic report recommends an acoustic barrier to the eastern side of the centre and this will be secured by condition. Subject to conditions the impacts of noise from the proposed preschool are assessed as acceptable.

Privacy

There will be minimal overlooking either to or from the preschool. The centre is set back from the road with administrative windows facing toward the car-park. The external play areas are largely screened by the building and fencing and as vegetation matures this will further minimise any loss of privacy.

Hours of Operation

The proposed hours of operation are Monday to Friday between 8.30am and 4pm during school terms. The proposed hours during the week are consistent with the operation of a preschool and the same as those at the existing St. Mary's preschool in North Wagga Wagga.

Services

All utilities are connected and available to the site. Any additional works will be subject to a s68 approval and secured by condition.

Works are proposed to upgrade sewer and stormwater to the site as described earlier in the report. Conditions of consent are proposed to secure the detailed design of the detention basin and stormwater management works. Sewer upgrades are proposed on adjoining university land to the west and will connect into the existing university sewer system.

Pollution and off-site environmental effects

It is considered that conditions of consent can manage potential offsite pollution impacts such as sediment and erosion impacts.

Heritage

A search of the Aboriginal Heritage database (AHIMS) identified 10 Aboriginal sites within a 1km radius of the subject site but none on the site. It is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed development. A condition to manage any unexpected finds during works is included.

The site is not within the conservation area but is identified as a listed heritage item. The heritage listing applies to buildings within the university campus that are more than 1km from the development site. The proposed preschool will have negligible impact upon the heritage significance of this site.

Natural Hazards

Section 733 of the Local Government Act 1993 provides that Councils will not incur liability for decisions or omissions concerning flood liable land or land subject to the risk of bushfire have been considered. A risk assessment has been completed, and Council will be able to demonstrate that it has acted appropriately in its decision making when defending claims in liability or in circumstances where administrative decisions are challenged.

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. The subject site is not within the flood planning area and no further assessment is required.

The development has been considered against the relevant provisions of the WWLEP2010 and DCP. The application is supported by a bushfire assessment report as the site is mapped as bush fire prone. The details of the development have been referred to NSW Rural Fire Service and a Bushfire Safety Authority has been issued together with General Terms of Approval.

Man-Made Hazards

The site is not subject to any known man-made hazards.

Socio- Economic Impact in the Locality

The construction phase of the development will result in the employment of trades people for a set period. The development includes site works and the construction and fit-out of a new purposely designed building providing a positive economic impact for these industries. The preschool would also be an employment generating use providing new jobs for staff at the centre as well as ancillary staff such as cleaners and maintenance personnel.

Childcare centres are a valuable resource for families of young children providing not only secure care for young children but a place of social interaction for wider families where friendships and new relationships are formed. The proximity of the centre to an expanding residential neighbourhood provides positive social impacts.

Site Design and internal design

The overall site design is influenced by the orientation and elevation of the lot. The internal design of the childcare building is guided by legislation and registration requirements and all minimum sizes and facilities are satisfied and provided. The preschool includes a centrally located covered courtyard that is accessible from a communal corridor area that connects each of the classrooms. This space together with the extensive outdoor play areas results in a well-designed, highly amenable and functional learning centre that will be of great value to local families. The access driveway provided around the building satisfies bushfire requirements without limiting accessibility to outdoor play and learning spaces.

Waste

There is adequate room on site for suitable bin storage associated with the development, a bin store is located at the side of the building and is accessible from the car park area. The management of on-site waste will be included within a plan of management for the site that will be secured by condition.

The Principles of Ecologically Sustainable Development

The proposal is consistent with the precautionary principle to the extent that all potential threats to the environment have been identified and assessed and there is not considered to be any significant impact on biological diversity or ecological integrity. Accordingly, the principles of ESD are considered to have been followed.

Section 4.15(c) - The Suitability of the site for the development

The proposed childcare facility will assist in serving the needs of the local community with minimal impacts upon neighbouring properties. The development is consistent with relevant standards and complies with the provisions of the relevant SEPPs, WWLEP and WWDCP. The land is suitable for the proposed development.

Section 4.15(d) - any submissions made in accordance with the Act or the regulation

Referrals

The application was referred to relevant internal referral groups. Recommended conditions of consent have been included.

NSW Rural Fire Service

General Terms of Approval and a bush fire safety authority have been issued.

Essential Energy

No comments to make regarding any safety risks arising from the proposed development. General safety conditions have been recommended and will be included within the final determination notice.

Riverina Water

No comments, standard conditions have been recommended and will be included within the final determination notice.

Advertising

The application was advertised from 17 October – 7 November 2024 in accordance with the provisions of the DCP.

Notification

The application was notified to adjoining neighbours from 17 October – 7 November 2024 in accordance with the provisions of the DCP.

In response to the notification and advertising, two submissions were received in objection to the development. The grounds of the submissions are summarised below:-

1. *Oppose the access onto Farrer Road as it will increase the risk of safety to pedestrians, drivers, students and young children who would be attending the new facility.*

Comment: There has been significant discussion between the applicant and the Council regarding the proposed access and alternative solutions have been sought. Whilst an alternate access through the university was unable to be secured the access arrangements have been modified to allow only left turn in and left turn out minimising conflict with vehicles travelling in the opposite direction during peak times.

2. *There are many questions associated with the findings of the Traffic Impact Assessment.*

Comment: Additional traffic counts have been requested and completed, and the modelling has also been updated to include future traffic increases through the suburb. The overarching analysis and conclusions remain the same as detailed within this report. Concerns raised during the assessment have been addressed with an amended access arrangement.

3. *The existing high pressure gas pipeline on the north side of the Farrer Rd- does it have to be moved?*

Comment: The gas pipeline is of a suitable depth that there is no requirement for it to be relocated.

4. *The length of time and disruption of local traffic with the construction for roadworks*

Comment: All development is anticipated to include a limited period of disruption during construction works. Best practice measures will ensure that any impacts associated with the construction are limited as far as possible. Roadworks will be for a short term period and will ensure a safe access to and from the development site.

5. *No safe pedestrian access to the childcare facility from Farrer Road*

Comment: A new footpath connection has been included as part of the amended access arrangements.

6. *High risk of increased traffic volume with access from Farrer Road backing up due to entry and exit from the childcare facility.*

Comment: There is sufficient room within the site to allow for vehicles to safely wait to park if entering from Farrer Road and to wait to safely exit. The building is set back approximately 60 metres and the two-way driveway is approximately 35 metres in length.

7. *High traffic volume in both directions on Farrer Rd during peak times that will cause delays and high traffic risks with residents trying to exit out of Lindrum Drive.*

Comment: The increase in vehicle numbers associated with the pre-school that will impact upon the Lindrum Drive intersection is negligible as the entry and exit arrangements are left in and left out only on the opposite side of the road.

8. *This existing drain is unable to cope with the run-off from CSU when heavy storms occur and drain overflows and crosses Farrer Road and floods our property. With the proposed extra buildings and car parks the increased runoff will cause more problems.*

Comment: There is a new on-site detention basin proposed to manage increased runoff within the site. Stormwater management will be improved as a result of the development.

Section 4.15(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 application has been the subject of minimal local objection from neighbouring property owners. The overarching character of the area is not adversely impacted, and a new facility is provided for the benefit of residents. The relocation of the existing centre from flood affected land allows for uninterrupted care and a decrease in insurance costs to the public from a result of flooding at the existing premise.

The provision of additional early childcare facilities in proximity to both residential neighbourhoods and the university is considered to have a positive public interest.

Other Legislative Requirements

Section 1.7 of the EPA Act 1979 and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

In accordance with the above listed legislation there are a number of tests to determine whether the proposed development results in the need for offsets.

Firstly, the test to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats (7.3). There is vegetation being removed and the impacts of removal are required to be determined.

Secondly whether the proposed removal of native vegetation exceeds the biodiversity offsets scheme threshold (7.4). The amount of vegetation that is proposed to be removed will exceed the threshold outlined in the Act. The Act allows for 0.5ha to be removed whereas it is proposed to remove 0.79ha.

Thirdly whether the development is within a declared area of outstanding biodiversity value. The site does not contain any land declared as an Area of Outstanding Biodiversity Value declared under Part 3 of the BC Act 2017.

As the threshold of clearing exceeds the nominated area the proposal requires entry into the Biodiversity Offsets Scheme. A biodiversity assessment report has been prepared in accordance with the legislation.

As noted earlier in the report under the LEP section the native vegetation to be cleared across the property is a derived native grassland which is a cleared and modified PCT 277 - Blakelys Red Gum - Yellow Box grassy tall woodland. PCT 277 is associated with a threatened ecological community (TEC) under the Biodiversity Conservation Act 2016, but the native vegetation on the subject site is not representative of the associated ecological community listed under the Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act) due to previous clearing that has occurred on site.

The Biodiversity Assessment notes that the avoidance and minimisation of native vegetation clearing is not possible without compromising the proposed layout and function of the preschool. There are no serious and irreversible impacts of the vegetation clearing identified. The report calculates that 11 ecosystem offset credits will be required and identifies mitigation measures to be implemented during construction. Conditions of consent are recommended with regard to the need for offsets and the mitigation measures.

Council Policies

There are no council policies applicable to the assessment of this application.

Development Contributions - Section 7.11/7.12 Environmental Planning and Assessment Act 1979 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.11/7.12 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Local Infrastructure Contributions Plan 2019-2034 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. The proposed development will cost \$7,479,750 and Section 7.12 contributions are required at a rate of 1% as follows:

$$\$7,479,750 \times 1\% = \$74,798.$$

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

Sewer

The proposed development is for a childcare centre with 90 places and 25 staff. Section 64 sewer contributions are based on staff numbers and place numbers and the rate included in the Water Directorate Guidelines is 0.1ET per person.

The calculation of Section 64 Sewer contributions is as follows:

$$\begin{aligned} \text{Section 64 Sewer (base)} &= ((90+25) \times 0.1 \times \$3,538) \\ &= \$40,687 \end{aligned}$$

$$\begin{aligned} \text{S64 Sewer CPI} &= \$40,687 \times 139.7/100.5 \\ &= \$56,557 \end{aligned}$$

Stormwater

Section 64 Stormwater calculations are charged in accordance with section 2.12 of the Implementation Guide Development Servicing Plan Stormwater May 2022. The Section 64 Stormwater infrastructure contribution is based on the increased area of hardstand and uses the following formula: additional hardstand x 1ET/480.

$$\begin{aligned}\text{Section 64 Stormwater (base)} &= 763 \times \$1721/480 \\ &= \$2736\end{aligned}$$

$$\begin{aligned}\text{Section 64 Stormwater CPI} &= \$2736 \times 139.7/87.9 \\ &= \$4348\end{aligned}$$

Other Approvals

A Bush Fire Safety authority has been issued by NSW Rural Fire Service in accordance with s100b of the Rural Fires Act. General Terms of Approval are included on the notice of determination.

Conclusion

The proposed development has been assessed against the applicable SEPPs, the Wagga Wagga LEP2010 and the Wagga Wagga DCP2010. The use is one that is permitted with consent and the impacts of the development have been considered as acceptable.

The siting and the design of the new building whilst presenting as a new form of development in the streetscape are sympathetic to the surrounding character. The existing and proposed vegetation and landscaping will soften the development and provide a suitable setting for the preschool.

The development provides a purpose-built facility that will assist in meeting the demands for preschool places in Wagga and replaces one that is on land regularly impacted by flooding.

The application is recommended for approval subject to the listed conditions of consent.

RECOMMENDATION

It is recommended that application number DA24/0374 for Centre based childcare facility with new access to Farrer Road and two lot subdivision be approved, subject to the following conditions:-

CONDITIONS OF CONSENT FOR APPLICATION NO. DA24/0374

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.

- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

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

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
DA01.01	Location Plan	Gray Puksand	6	25.6.2024
DA01.01	Site Plan	Gray Puksand	9	26.7.2024
DA01.04	Floor Plan	Gray Puksand	6	25.6.2024
DA01.05	Roof Plan	Gray Puksand	6	25.6.2024
DA01.07	Elevations & External finishes	Gray Puksand	6	25.6.2024
DA01.08	Sections	Gray Puksand	6	25.6.2024
A0002	Overall Site Plan	Xeros Piccolo	P17	8.5.2025
B1001	Layout Plan 1/3	Xeros Piccolo	P17	8.5.2025
B1002	Layout Plan 2/3	Xeros Piccolo	P17	8.5.2025
B1003	Layout Plan 3/3	Xeros Piccolo	P17	8.5.2025
B1101	Site Access Layout	Xeros Piccolo	P17	8.5.2025
SUB01	Overall Proposed Subdivision Layout	Xeros Piccolo	P17	8.5.2025
SUB02	Subdivision Layout - Detailed Lot 1	Xeros Piccolo	P17	8.5.2025
201	Tree Retention/removal plan	Harris Hobbs Landscape	G	29.7.2024
301	General Arrangement Plan	Harris Hobbs Landscape	I	17.6.2024
302	Planting Plan 1/2	Harris Hobbs Landscape	G	29.7.2024
303	Planting Plan 2/2	Harris Hobbs Landscape	G	29.7.2024
401	Plant Schedule	Harris Hobbs Landscape	E	25.6.2024

501	Fencing Plan	Harris Hobbs Landscape	G	29.7.2024
230380	Statement of Environmental Effects	MJM Consulting Engineers	J	25.3.2025
	Traffic Impact Assessment	Amber Traffic & Transportation	E	28.3.2025
	Additional Traffic Analysis	Amber Traffic & Transportation		18.9.2025
20231201	Acoustic DA Report	Building Services Engineers	5	1.8.2024
	Streamlined Biodiversity Assessment Report	Steve Hamilton	4	21.8.2024
9956	Preliminary Site Investigation	McMahon Earth Science	0	16.4.2024
6603BF	Bushfire Hazard Assessment Report	Harris Environmental Consulting	1.4	30.7.2024
6603BF	Vegetation Management Plan	Harris Environmental Consulting		30.7.2024

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 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before a Construction Certificate can be issued

C.2 Prior to the issue of the Construction Certificate, written confirmation, on letter head, from the Council approved concreter installing the driveway is to be provided to Council or the Certifying authority. A list of Council approved concreters who hold a 138 permit can be found on Council's website.

C.3 Prior to the issue of Construction Certificate the applicant must lodge a bond with Council of:-
\$2000 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee as per Council's Fees and Charges.

NOTE 1: Applicants will be required to complete the Kerb Guttering and Footpath bond form and return to Council to arrange a bond (BKG) number. This must be done PRIOR to making payment at Council's Customer Service desk. The form can be found at <https://wagga.nsw.gov.au/__data/assets/pdf_file/0011/84188/Kerb-Guttering-and-Footpath-Bond-Form-Interactive.pdf>.

NOTE 2: In lieu of payment, the applicant can with written authorisation from their builder, utilise an ongoing bond should their builder hold an ongoing bond.

NOTE 3: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 4: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 5: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 6: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant.

C.4 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$74,798 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The applicable rate of CPI at the time of consent is 140.9.

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

C.5 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must

be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 5: The Section 64 Sewer base figure is \$40,687. The Section 64 Sewer contribution (updated by the CPI of 139.7/100.5) required to be paid is \$56,557.

NOTE 6: The Section 64 Stormwater base figure is \$2,736. The Section 64 Stormwater contribution (updated by the CPI of 139.7/87.9) required to be paid is \$4,348.

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

C.6 Prior to the issue of a Construction Certificate additional information must be provided to the satisfaction of the General Manager or delegate as follows:

- i) stormwater drainage shall be designed to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations shall be provided.
- ii) details of a child proof pool type fencing to be provided around any proposed above ground detention basins and warning signage.
- iii) management of upstream stormwater runoff through the site at the open drain adjacent to Farrer Road and along the northern boundary of the development.

C.7 Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to Council, to the satisfaction of the General Manager or delegate. The plan shall address, as a minimum, access, parking, wheel-wash facility (to comply with requirements of BDAR), goods storage, delivery arrangements, the management of mud and dust, site fencing, public safety and security and emergency contact details of a project manager.

NOTE: This plan must be adhered to at all times during works.

C.8 Prior to the issue of Construction Certificate amended plans shall be submitted to the satisfaction of the General Manager or delegate that identify a defined pedestrian route through the car-park.

C.9 Prior to the issue of a Construction Certificate plans shall be submitted to Council to the satisfaction of the General Manager or delegate that details the design of the left-in, left-out access and median island in Farrer Road to prevent right turns into the development to AUSTROADS standards.

C.10 Prior to the issue of a Construction Certificate an assessment of all mechanical plant by a suitably qualified acoustical engineer must be submitted to Council for approval by the General Manager or their delegate as recommended in the Acoustic DA Report prepared by Building Services Engineers dated 1 August 2024. Any additional mitigation measures must be identified on the construction certificate plans to the satisfaction of an acoustical engineer.

C.11 Prior to the issue of a Construction Certificate, the plans must be updated to the satisfaction of the General Manager or delegate to identify an acoustic barrier to the east of the preschool as identified in Figure 9 the “Acoustic DA Report” prepared by Building Services Engineers, dated 1 August 2024. The acoustic barrier design requirements apply to both the fence and gates proposed to this elevation.

C.12 Prior to the issue of a Construction Certificate detail of the construction access arrangement over the existing open drain from Farrer Road shall be provided to the satisfaction of the General Manager or delegate that demonstrate:

- i) how safe access is to be provided without hindering flow in the open drain
- ii) sediment and erosion control measures to be applied to minimise deposit of sediment into the open drain from the construction access
- iii) the process and timing for reinstating the open drain once the construction access is decommissioned

C.13 Prior to the issue of a Construction Certificate, a dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and approved by Council.

Requirements before the commencement of any works

C.14 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.

C.15 Prior to the commencement of works, a Construction Certificate must be obtained, pursuant to Section 6.7 of the Environmental Planning and Assessment Act 1979, as amended, from Council or an Accredited Certifier.

C.16 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 a licenced 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: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. 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.

C.17 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 2.6 and Appendix 2)

b) Erosion and Sediment Control Guidelines for Building Sites; and

c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

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

C.18 Prior to commencement of any works on site, the 11 Ecosystem credits for 'Blakely's Red Gum - Yellow Box - grassy tall woodland of the NSW South Western Slopes Bioregion' must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may also be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the 11 Ecosystem credits for 'Blakely's Red Gum - Yellow Box - grassy tall woodland of the NSW South Western Slopes Bioregion' as calculated by the BAM Credit Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Council to the satisfaction of the General Manager or delegate.

C.19 Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

C.20 Prior to any site clearance works all native vegetation to be retained in proximity to the development site must be clearly identified by marker tape in accordance with the recommendations of the Biodiversity Assessment Report. Evidence of this requirement must be submitted to Council to the satisfaction of the General Manager or delegate.

C.21 No trees shall be removed from the site unless they have been clearly identified and marked on the approved plans for removal, or approval has otherwise been granted by Council.

C.22 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.

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

Tree Protection Zone fencing shall not be relocated or disrupted once established. TPZ fences shall remain in place until the end of construction.

C.23 A Section 68 Approval must be obtained by a Licensed Plumber and Drainer prior to any sewer or stormwater work being carried out on the site. Plans must be supplied for assessment and approval as part of the s68 application and must indicate that pipe and pit sizing meets the requirements of AS3500 and the Plumbing Code of Australia.

Further, a final inspection must be carried out upon completion of plumbing and drainage work prior to occupation of the development.

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE: A copy of the Notice of Works form can be found on Council's website.

C.24 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

C.25 No works are to take place to any services without prior written approval from the relevant authority.

NOTE 1: Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au <<http://www.1100.com.au>> or telephone on 1100 before excavating or erecting structures.

NOTE 2: A high pressure gas main exists in the Farrer Road frontage.

Requirements during construction or site works

C.26 Any proposed site fill must only be virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil.

All works are to comply with AS 3798 and Wagga Wagga City Council's Guideline for Subdivision and Developments.

A validation certificate shall be provided to Council verifying that the material to be used is free of contaminants and fit for purpose and re-use in residential, commercial or industrial use, prepared by a qualified Geotechnical Engineer.

Any material removed from the site shall be taken to a premises approved to receive such material.

NOTE: Soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, will be required, prior to the issue of an Occupation Certificate.

C.27 No construction materials, plant or equipment relating to work authorised by this consent are to be placed or stored within the road reserve during the period in which work authorised by this consent will be carried out without the prior written approval of the Council.

C.28 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.

C.29 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

C.30 All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

C.31 The recommendations of the Preliminary Site Investigation, as approved under this consent, shall be carried out and implemented at all times.

C.32 Upon detection of any unexpected findings during site works, work is to stop and the area of potential concern is to be controlled in accordance with the unexpected finds protocol outlined in section 12 of the Preliminary Site Investigation referenced in condition C1.

C.33 The following requirements of Essential Energy must be complied with at all times:

- Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as 'ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure'.
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the 'Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets'.

C.34 Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council's Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.

C.35 A temporary security fence shall be provided to the perimeter of the site to prevent public access during the construction phase. The temporary security fence shall not be erected in the Council road reserve without an approved Section 138 Permit.

C.36 Where works involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where excessive dust generation is occurring due to high winds and/or dry conditions it may be necessary to temporarily cease operations.

C.37 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

C.38 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. The Office of Environment and Heritage shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by Office of Environment and Heritage.

Requirements before a Subdivision Certificate can be issued

C.39 A Subdivision Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended must be obtained from Council, prior to its lodgement with the Lands Titles Office.

The Final Survey Plan (two paper copies and an electronic copy) must be submitted to Council along with the application for Subdivision Certificate and associated checklist.

NOTE: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent relating to the subdivision have been complied with and the appropriate fee paid.

C.40 Submission of a signed instrument under Section 88B of the Conveyancing Act 1919 for the creation of easements and/or restrictions as to user intended to be created is required prior to the release of the Subdivision Certificate.

- i) Covenants shall be created over proposed lot 2 with Council empowered to uplift, to ensure that an Asset Protection Zone (APZ) for a minimum distance of 36 metres measured from the northern elevation of the childcare centre, and an APZ for a minimum distance of 40 metres measured from the eastern and western elevations of the childcare centre. The APZ must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.
- ii) An easement for drainage of stormwater shall be created over the open drain along the southern frontage of proposed Lots 1 & 2. The easement shall be supported by an 88B instrument benefitting the upstream lot/s and burdening proposed Lots 1 and Lot 2.
- iii) An easement for sewer shall be created over the constructed sewer line serving the development. The easement shall be supported by an 88B instrument burdening the downstream lots and benefitting proposed Lot 1.
- iv) Easements for any other utility services burdening Lots 1 & 2 shall be created with concurrence of the relevant utility provider.

C.41 Prior to the issue of the Subdivision Certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:-

- i) Essential Energy: Notice of Arrangement (to be made to the Contestable Works Section at Essential Energy);
- ii) APA Gas: Certificate of Acceptance;
- iii) Riverina Water: Certificate of Compliance;
- iv) Certification from an approved telecommunications provider.

Requirements prior to issue of an Occupation Certificate or prior to operation

C.42 Prior to the issue of Occupation Certificate, the paving of all internal vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or concrete pavement designed by a Civil/Structural Engineer to AUSTROADS standards or another appropriate standard.

C.43 Prior to issue of an occupation certificate the building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.

C.44 Prior to the issue of an Occupation Certificate, Works-As-Executed (WAE) plans of the constructed On-Site Detention system shall be submitted to Council. The WAE plans shall confirm the volume of constructed storage areas, installation of orifice plates, pipe and pit levels and surface levels of overland flow paths. Certification shall be provided by a practising Civil Engineer that the constructed On-Site Detention system will function as intended in accordance with the approved plans.

C.45 Prior to the issue of an Occupation Certificate all median works in Farrer Road and works associated with the left-in, left-out access shall be completed in accordance with the approved plans and to the satisfaction of Council.

C.46 Prior to the issue of an Occupation Certificate, Council's delegate for the Local Transport Forum shall be notified of the completed left-in, left-out access and median island in Farrer Road by way of a plan detailing the completed works including all linemarking and installed signage. Plans and any supporting documentation to be forwarded to Council's Director City Engineering.

C.47 Prior to the issue of an Occupation Certificate all works associated with the completion of the pedestrian footpath connecting to the site and defined pedestrian walkway through the carpark shall be completed in accordance with the approved plans and to the satisfaction of Council.

C.48 Prior to the issue of the Occupation Certificate an inspection of the Farrer Road frontage shall be carried out by Council's Development Engineer with reference to the pre-construction Dilapidation Report to confirm no damage has occurred to Council assets as a result of the development.

C.49 Prior to the issue of an Occupation Certificate, an Operational Management Plan must be submitted to and approved by the General Manager or delegate. The plan shall include:

- A carpark management plan that sets out how and if any car parking spaces are to be maintained for staff use only to ensure that their usage is maximised.
- Delivery management plan.
- Waste management plan including the location and security of bins on site and details of bin collection.
- Complaints management plan including out of hours contact details.
- Maintenance plan for the site including landscaped buffers, access to emergency vehicle track through the site and compliance with ongoing bushfire management measures.

Once approved, this plan may be amended from time to time with the concurrence and satisfaction of the General Manager or delegate.

C.50 Prior to the issue of an Occupation Certificate acoustic barriers and other noise mitigation measures recommended within the "Acoustic DA Report" prepared by Building Services Engineers, dated 1 August 2024 must be included to the satisfaction of an acoustical engineer.

C.51 Prior to the issue of an Occupation Certificate any temporary construction access from Farrer Road shall be decommissioned and the affected area fully reinstated to the satisfaction of Council.

C.52 In accordance with the requirements of Condition C26 soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, must be provided to the satisfaction of the General Manager or delegate prior to the issue of an Occupation Certificate.

C.53 An Occupation Certificate must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the “Final Occupation Certificate” form 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: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

C.54 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

C.55 Prior to the issue of an 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 the works. Contact Riverina Water County Council’s Plumbing Inspector on 6922 0618. Please be prepared to quote your Construction Certificate number.

General requirements

C.56 No more than 90 Children may be in attendance at the preschool at any one time.

C.57 The approved use must only be conducted on Mondays to Fridays, inclusive between the hours of 8.30 am and 4.00 pm during NSW school terms.

C.58 Waste collection, deliveries and all loading and unloading of goods at the site must occur outside of peak drop-off and pick-up hours at the preschool.

C.59 One free standing sign is approved as part of the application, no additional signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.

C.60 A minimum of 23 car parking spaces must be made available on site at all times. The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004, AS2890.2 2018 and AS/NZS2890.6.2022.

C.61 Illumination of the car park must be in accordance with AS 1158.3.1.2020, as amended, lighting for roads and public spaces.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

N/A

E. SCHEDULE E – Prescribed Conditions

E.1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 69 EP&A Reg 2021)

- (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.
- (4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.
- (5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- (6) This section does not apply-
 - (a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
 - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- (7) In this section -
relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.

E.2 Erection of signs (clause 70 EP&A Reg 2021)

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out-
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

- (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be-
 - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - (b) removed when the work has been completed.
- (4) This section does not apply in relation to-
 - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - (b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

F1. NSW Rural Fire Service - s100b Bush Fire Safety Authority

General Conditions

1. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of this bush fire safety authority below.

- The plans prepared by Gray Puksand (dated: 25/06/2024, job ref: 423039, revision: 6).
- The Bush Fire Assessment Report prepared by Harris Environmental (dated: 30/7/24, ref: 6603BF).

Council is advised that where a minor amendment to the above-noted documents is proposed, Council may use its discretion to determine whether the minor amendment warrants further assessment by the RFS.

Asset Protection Zones

The intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following conditions apply:

2. At the issue of a subdivision certificate or the commencement of building works, whichever comes first, the entirety of proposed Lot 1 must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

3. At the issue of a subdivision certificate or prior to the commencement of building works, whichever comes first, a suitably worded instrument pursuant to section 88B under the Conveyancing Act 1919 must be created over proposed Lot 2 which creates an Asset Protection Zone (APZ) for a minimum distance of 36 metres measured from the northern elevation of the childcare centre, and an APZ for a minimum distance of 40 metres measured from the eastern and western elevations of the childcare centre. The APZ must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. The instrument may be lifted upon commencement of any future proposed development on Lot 2, but only if the bush fire hazard is removed as part of the proposal. The name of authority empowered to release, vary or modify the instrument must be Wagga Wagga City Council.

When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;

- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

Construction Standards

The intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following conditions apply:

4. New construction must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

Access - Internal Roads

The intent of measure 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 apply:

5. Access roads for Special Fire Protection Purpose (SFPP) developments must comply with the general requirements of Table 6.8b of Planning for Bush Fire Protection 2019, Table 3 of the November 2022 addendum to Planning for Bush Fire Protection 2019 and the following:

- are two-wheel drive, all-weather roads;
- provide access to all structures;
- provide suitable turning areas in accordance with Appendix 3 of Planning for Bush Fire Protection 2019;
- be capable of providing continuous access for emergency vehicles to enable travel in a forward direction from a public road around the entire building;
- have a minimum unobstructed width of 6m with no part of its furthest boundary more than 18m from the building and in no part of the 6m width be built upon or used for any purpose other than vehicular or pedestrian movement;
- provide reasonable pedestrian access from the vehicular access to the building;
- have a load bearing capacity and unobstructed height to permit the operation and passage of fire fighting vehicles;
- be wholly within the allotment except that a public road complying with above may serve as the vehicular access or part thereof;
- hydrants are located clear of parking areas;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided;
- traffic management devices are constructed to not prohibit access by emergency services vehicles; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

Water and Utility Services

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 apply:

6. The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer sheathed flexible gas supply lines are not -used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

The intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following conditions apply:

7. Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);

- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do no touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Emergency and Evacuation Planning Assessment

The intent of measure is to provide suitable emergency and evacuation arrangements for occupants of SFPP developments. To achieve this, the following conditions apply:

8. A Bush Fire Emergency Management and Evacuation Plan is to be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:

- the RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
- include planning for the early relocation of occupants;
- detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed, and an annually emergency evacuation is conducted.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.
