



DATE OF DETERMINATION	5 November 2025
DATE OF PANEL DECISION	3 November 2025
DATE OF PANEL BRIEFING	28 October 2025
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins, Jenny McKinnon
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 13 October 2025.

MATTER DETERMINED

PPSSTH-442 – WAGGA WAGGA – DA24/0374 - 250 Boorooma Street CHARLES STURT UNIVERSITY NSW 2678 (Part Lot 6 DP 1218378 & Part Lot 153 DP 751407) – Development of a Centre-based childcare facility with new access from Farrer Road and a two-lot subdivision (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report. The Panel was satisfied that:

- The development application had been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
- A thorough assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* had been undertaken.
- The preconditions to the grant of consent had been satisfied.
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent as amended.
- The proposal is considered appropriate, having regard to the zoning of the site, the provisions of the Wagga Wagga LEP, and other applicable environmental planning instruments.
- The development will facilitate the development of a new centre-based childcare facility to replace an existing flood-prone facility in North Wagga, but with an additional 30 places, providing safe and much-needed childcare places in Wagga Wagga.
- The development will also support innovation in early childhood education (in collaboration with Charles Sturt University) through the integration of early childhood education streams with the operation of the facility.

Given the above, the Panel was satisfied that the development was in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following minor amendments.

- Condition C.26 was amended to require the soil density tests as operational requirements of the Condition, not as a note.
- Condition C.49 a) was amended to include the need for traffic management advice relating to safe vehicular egress from the site.
- Condition C.49 e) was amended to include the words 'in perpetuity in the first line.'
- Condition C.57 was amended to change the times of operation to 8:00 am to 5:00 pm Monday to Friday. In addition, the words 'during NSW school terms' were deleted.
- Condition 58 was amended to replace the existing wording with the following:
"Notwithstanding the requirements of Condition C.57 above, waste collection, deliveries, and the loading and unloading of goods should, where practicable, occur outside operational hours.

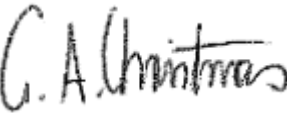
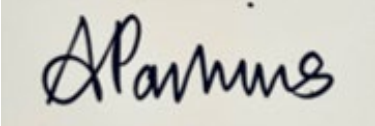
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the two (2) written submissions made during public exhibition.

The Panel notes that issues of concern included:

- Safety risk to pedestrians, drivers, students and young children who would be attending the new facility.
- Questions in relation to the findings of the TIA.
- The need to move the high-pressure gas pipeline.
- The length of time and disruption of local traffic during construction
- No safe pedestrian access to the childcare facility from Farrer Road
- High risk of increased traffic volume with access from Farrer Road backing up due to entry and exit from the childcare facility.
- High traffic volume in both directions on Farrer Rd during peak times will cause delays and increase risks for residents trying to exit Lindrum Drive.
- Increased runoff and stormwater overflows.

The Panel considers that the concerns raised by the community have been adequately addressed in the Assessment Report and the conditions of consent imposed.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Grant Christmas	 Amelia Parkins
 Jenny McKinnon	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-442 – WAGGA WAGGA – DA24/0374
2	PROPOSED DEVELOPMENT	Centre-based childcare facility with new access to Farrer Road and a two-lot subdivision
3	STREET ADDRESS	250 Boorooma Street, CHARLES STURT UNIVERSITY, NSW 2678 (Part Lot 6 DP 1218378 & Part Lot 153 DP 751407)
4	APPLICANT/OWNER	Applicant: Colliers International Project Management Pty Ltd Owner: Charles Sturt University
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Transport & Infrastructure) 2021 - Wagga Wagga Local Environmental Plan 2010 - Draft environmental planning instruments: Nil - Development control plans: - Wagga Wagga Development Control Plan 2010 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 13 October 2025 - Written submissions during public exhibition: 2 - Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Site Inspection: 15 January 2025 <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins, Jenny McKinnon <u>Council assessment staff</u>: Amanda Gray - Briefing: 15 January 2025 <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins, Jenny McKinnon <u>Council assessment staff</u>: Amanda Gray, Alyssa Cronk, Cameron Collins <u>Applicant representatives</u>: Iain Davidson (Colliers), Chris McLaughlan (Colliers), Alex Burden (Grey Puksand), Jenna Amos (MMJ) <u>DPHI</u>: Amanda Moylan, Nikita Lange - Final briefing to discuss council's recommendation: 28 October 2025 <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Amelia Parkins, Jenny McKinnon <u>Council assessment staff</u>: Amanda Gray, Alyssa Cronk, Sarah Blackmore <u>Applicant representatives</u>: Michael Stramandinoli (Colliers, Project Manager), Iain Davidson (Colliers, State Chief Executive), Trent Whitehead (MMJ Consulting Engineers, Town Planner), Oliver Mihaila

		(Amber, Traffic Engineer), Saxon Xeros (Xeros Piccolo, Civil Engineer, Amanda Fyfe, Ian Hollen ○ <u>DPHI</u> : Tracey Gillett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

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/Doc No.	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.

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. A traffic and carpark management plan that encourages safe egress from the site and sets out how and if any car parking spaces are to be maintained for staff use only to ensure that their usage is maximised.
 - b. Delivery management plan.
 - c. Waste management plan including the location and security of bins on site and details of bin collection.
 - d. Complaints management plan including out-of-hours contact details.
 - e. A maintenance plan for the site that is to be implemented in perpetuity, and includes the landscaped buffers, clear access to emergency vehicle tracks 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 8.00 am and 5.00 pm.
- C.58 Notwithstanding the requirements of Condition C.57 above, waste collection, deliveries, and the loading and unloading of goods should, where practicable, occur outside operational hours.
- 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 not 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.
